

DEPARTMENT OF HEALTH

GRIEVANCE PROCEDURE

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1. Introduction

1.1 The following procedures apply to all staff employed in the Department of Health with the exception of the following:

- staff employed under terms & conditions set out by the Whitley Council for the Isle of Man Public Service (Manual Workers)
- Civil Servants

who have separate arrangements.

1.2 The Department recognises that circumstances may arise in which an individual feels aggrieved with some aspect of his/her employment and that an effective procedure should exist for resolving such grievances fairly and as quickly as possible.

1.3 Formal procedures should not exclude an initial informal approach to try to resolve the matter at issue and Managers and staff should be encouraged to pursue this approach in the first instance. However, it is accepted that in exceptional circumstances there may be a need to move straight into the formal procedure. Once the formal Grievance Procedure is invoked the first part of the Grievance Record form **must** be completed at this stage - Appendix 1.

1.4 It is the duty of those implementing the procedure to acquaint themselves with the procedure and to ensure that each member of staff is aware of the steps to be taken in airing a grievance.

2. General Principles

2.1 Grievances should be resolved as near to the point of origin as possible, normally by the immediate line manager. It should be noted that the Grievance Record is the only paperwork which will be produced at each stage of the grievance process and it should therefore be fully completed at each stage. All parties should be given copies of all documentation.

2.2 The Grievance Procedure is intended as a safety valve, for use by an individual when all other means have failed. It is not intended to be a means of criticism or complaint against another employee or group of staff.

2.3 The Grievance procedure provides a framework for handling issues arising from the work situation. Employees should not feel victimised or be treated detrimentally for raising grievances.

2.4 Grievances should be resolved as quickly as possible and in a structured user-friendly manner. The grievance should wherever possible be resolved within 21 days of submission.

- 2.5** If an employee feels that they cannot raise the grievance directly with his/her immediate Manager, then he/she should consult a Senior Manager, The Human Resource Directorate or a trade union representative.
- 2.6** Advice to Managers and employees is available from the H.R. Directorate at any stage of the procedure.
- 2.7** Employees have the right to be accompanied by a fellow employee of their own choice which may be a recognised trade union or staff association when raising a grievance or appealing against a decision.

3. General Conditions

- 3.1** According to the nature of the issue, the initial stage(s) of the procedure may be inappropriate. With the agreement of both parties the procedure may be implemented, either formally or informally, whichever is most appropriate.
- 3.2** Similarly, with the agreement of both parties, an issue may be referred back to any previous stage of the procedure if there is a reasonable expectation of a more expedient or acceptable solution. In both cases, due regard will be given to the principles described earlier.
- 3.3** Where it is inappropriate for the employee's line manager to deal with the grievance at the first formal stage the procedure should be flexible enough to allow for a member of management of equivalent status to that of the employee's line Manager to hear the grievance at that stage. Otherwise genuine grievances which might have surfaced may be suppressed, thereby damaging employee relations and defeating the purpose for which the procedure was introduced.
- 3.4** Where a particular group of staff has a short chain of command, or where a Manager has a grievance, or where there are any other problems relating to the interpretation of this procedure, the advice of the H.R. Directorate should be sought.
- 3.5** In the interests of good employee relations, every effort should be made to reduce the time limits within the procedure wherever possible. If possible the grievance should be resolved within 21 days.
- 3.6** The responsibility for progressing a grievance through the procedure lies with the employee or their recognised trade union representative in conjunction with manager/management. The employee or their recognised trade union representative should indicate the intention to proceed to the next stage on the grievance form, together with the reasons for continued dissatisfaction.
- 3.7** An employee who wishes to pursue a complaint or grievance should be allowed reasonable time off work to seek the advice of their trade union representative subject to obtaining permission of their line manager and subject to the operational needs of the service.

If timescales are unable to be adhered to all parties should be kept informed throughout

4. Grievance Procedure

A table outlining brief details of each stage of the procedure can be found in Appendix 2.

- 4.1** In the first instance an employee should try to resolve the matter informally by raising it with his/her line Manager. This informal approach should be on a one-to-one basis but if desired the employee can be accompanied by trade union representative or colleague. It is only when this approach does not achieve a satisfactory settlement of his/her grievance that the formal grievance procedure should be invoked. At the informal stage it may be appropriate to involve a mediator in an attempt to resolve the issue. In some cases, the member of staff may feel that an informal approach is not possible or appropriate and may opt to proceed immediately to Stage 1.

Stage 1

N.B. This stage of the procedure should be completed within 10 working days of receipt of the grievance by the line manager.

- 4.2** Where the grievance has not been resolved informally, the employee or trade union representative must define and record the grievance using the Grievance Record and submit it to the employee's line Manager. In the case of a grievance against a Senior Manager please refer to 4.5.
- 4.3** The line manager should arrange to meet with the employee who may be accompanied if he/she wishes, by a trade union representative or colleague. After discussion an adjournment may take place by mutual agreement. Dependent upon the nature and complexity of the grievance at this point, or at any subsequent stage, the Manager may decide to undertake an investigation.
- 4.4** The main points of the discussion and the outcome of the meeting should be communicated in writing to the employee and their representative. The Manager should complete the outcome/action section of the Grievance Record and return this to the employee.
- 4.5** Where the grievance is against a Senior Manager, a copy of the written grievance will be forwarded to the appropriate Senior Manager or the Human Resource Management Advisor in order that arrangements can be made for the appropriate Manager to hear the grievance.

Stage 2

N.B. This stage of the procedure should be completed within 10 working days of receipt of the grievance by the Senior Manager.

- 4.6** Where the grievance has not been resolved at Stage 1, the employee or staff representative must complete section 2 of the Grievance Record and submit it to the appropriate Manager at the next senior level within the Department.

- 4.7** The Senior Manager will arrange to meet with the immediate Manager who may be accompanied by a Human Resource representative and the employee who may be accompanied/represented if he/she wishes by a trade union representative or colleague. Where there is mutual agreement, the timescale may be extended if 10 working days is not practical.
- 4.8** The decision reached at Stage 2 should be communicated in writing to the employee and their representative. The Senior Manager should also complete the outcome/action section of the Grievance Record and return this to the employee.

Stage 3

N.B. This stage of the procedure should be completed within 10 working days of receipt of the grievance by the Senior Manager.

- 4.9** Where the grievance has not been resolved at Stage 2, the employee or staff representative must complete section 3 of the Grievance and submit it to the Senior Manager.
- 4.10** The Senior Manager should convene a grievance hearing within 3 weeks of receipt of the appeal, at which the following persons should be present:
- the employee, accompanied by trade union representative or colleague
 - the Senior Manager from Stage 2, accompanied by the Human Resource representative who provided support at the previous stage
 - the line manager as a witness
- 4.11** The decision reached at Stage 3 will be communicated in writing to the employee/representative within 5 working days of the hearing taking place. The Senior Manager should complete the outcome/action section of the Grievance Record and return this to the employee. The decision at this stage is final.

5. Record Keeping

- 5.1** The Human Resource Directorate should keep a copy of the Grievance Record and any supplementary written information. The employee concerned is entitled access to the written records, and should he/she not agree with the contents, is entitled to indicate this, with reasons, on the record.
- 5.2** All written records will be kept for a minimum of 12 months and then destroyed.

6. Status Quo

- 6.1** Until all stages in the procedure have been exhausted, the 'status quo' is defined as the working conditions accepted by custom and practice prior to the raising of the grievance. The only exception to this will be where maintenance of the status quo would be detrimental to service provision. In these circumstances, alternative

arrangements agreed between management and the appropriate level of trade union representation will be put in place without prejudice.

7. Monitoring and Reviewing

- 7.1** This procedure will be subject to joint monitoring and shall be reviewed through the Human Resource Directorate, Management and Trade Unions will contribute to the process.

IN CONFIDENCE

DEPARTMENT OF HEALTH
GRIEVANCE RECORD

Section 1

Description of Grievance

Please give a clear description of the grievance explaining why it has not been possible to resolve the issue informally. (Any relevant documentation should be attached to this record.)

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Raised by

Signed

Date

Represented by

Signed

Date

Outcome/Action at Stage 1

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Signed

Manager at Stage 1

Date

Section 2

Has the grievance been resolved? Yes No
Please circle

If no, please explain why not?

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Signed

Date

To proceed to Stage 2 of the Grievance Procedure, this record should be submitted to the appropriate manager at the next senior level within 10 working days.

Outcome/Action at Stage 2

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Signed

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Manager at Stage 2

Date

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Section 3

Has the grievance been resolved? Yes No
Please circle

If no, please explain why not?

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Signed

Date

To proceed to Stage 3 of the Grievance Procedure this record should be submitted to the next senior level within 10 working days.

Outcome/Action at Stage 3

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Signed
Senior Manager Stage 3
Date

Stages of the Individual Grievance Procedure

STAGE	MANAGEMENT LEVEL	PROCESS	PARTIES INVOLVED	TIMESCALE WITHIN WHICH TO RESPOND
Informal Stage Aggrieved employee discusses matter with immediate manager as soon as the grievance has been identified.	Immediate manager of department in which employee is working e.g. Supervisor/Department Manager.	Grievance on a one-to-one basis.	Immediate manager Aggrieved employee If required a mediator to attempt to resolve issue	As soon as practicable not longer than 5 working days
Stage 1 If grievance not satisfactorily resolved informally, then the aggrieved employee raises the matter with their immediate manager using the Grievance Record	Immediate manager of department in which employee is working e.g. Supervisor/Department Manager.	Grievance discussed and the outcome of the meeting should be communicated in writing. The manager should complete the outcome/action section of the Grievance Record and return it to the employee.	Immediate manager Aggrieved employee Staff representative or colleague HR Representative	The immediate manager must provide a final response, in writing, to the aggrieved employee within 10 working days, unless an extended timescale is mutually agreed.
Stage 2 If grievance not satisfactorily resolved at Stage 1, then the aggrieved employee completes section 2 of the Grievance Record and submits it to the appropriate manager at the next senior level.	Appropriate Manager at the next senior level within the Department.		Appropriate Senior Manager HR Representative Aggrieved employee Staff representative or colleague Immediate manager HR Representative in support if required	The senior manager must provide a final response, in writing, to the aggrieved employee within 10 working days, unless an extended timescale is mutually agreed.
Stage 3 If grievance not satisfactorily resolved at Stage 2, then the aggrieved employee completes section 3 of the Grievance Record and submits to the next Senior Manager.	Appropriate Manager at the next senior level within the Department		Appropriate Senior Manager Others involved are: Aggrieved employee Staff representative or colleague Senior Manager from previous stage HR Representative	Grievance Appeal Hearing to be convened within 3 weeks of receipt of the appeal, unless an extended timescale is mutually agreed. Decision to be given within 5 working days of hearing. Senior manager should complete the outcome/action section of the Grievance Record and return it to the employee.