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GRIEVANCE

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GRIEVANCE POLICY

This policy details the process that Nursing Direct Healthcare Limited (herein after referred to as "Nursing Direct") adopts to deal with the Grievances of their Staff including Agency Workers how to adopt the processes fairly, reasonably, and consistently ensuring every individual is treated equally in similar circumstances complying with current Law.

It further clarifies when such difficulties arise at various points within the employment relationship, how Staff including Agency Workers can raise grievances and what procedures to follow so that Nursing Direct can maintain its quality standards and continual improvement, reflecting its good governance standards with safe and well-led statuses under the regulatory regime.

POLICY AIM

The aim of this policy is to ensure that Nursing Direct maintains fairness and reasonableness as an employer in addressing any disputes or complaints that may be raised, particularly those that qualify as grievances within the working relationship between Nursing Direct and its Staff including Agency Workers. In such instances, Nursing Direct will handle the matter either informally or formally, depending on the nature and severity of the issue.

In view of the above aims, Nursing Direct will focus on:

- Outlining a formal process that Nursing Direct and Staff including Agency Workers should follow, should the Staff including Agency Worker raise that their concerns cannot be dealt with informally.
- Adopting own procedures for dealing with grievances based on the laws Regulations and best practice guidance relating to Grievances especially the ACAS guidance and ACAS Code of Practice, CIPD guidance and Employment legislations.

1. PURPOSE

1.1 This policy is a framework to provide a recognised channel through which a grievance can be brought to the attention of management by providing the right for Staff including Agency Worker to have their grievance heard, investigated, and resolved.

1.2 To meet the regulatory aspects of safe and well-led status as outlined by the Care Quality Commission (CQC), Nursing Direct aims to ensure that it gives attention to the Key Lines of Enquiry (KLOE) and Quality Statements of safeguarding, learning culture, Governance, and management and sustainability when dealing with Grievances ensuring:

- The systems, processes and practices keep people safe and safeguarded from abuse.
- There are systems in place for lessons to be learned and improvements to be made when things go wrong.
- The governance framework ensure that responsibilities are clear, and that quality performance, risks and regulatory requirements are understood and managed.

1.3 **Relevant Legislations, Laws, Rules, and Regulations:**

To meet the legal requirements of the regulated activities that Nursing Direct undertake, it has taken into consideration the following legislations when complying with its role and duties as an employer towards the company's Grievance policy and procedure:

- Employment Rights Act 1996
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Health and Social Care Act 2008 (Registration and Regulated Activities) (Amendment) Regulations 2015
- Data Protection Act 2018
- UK GDPR

2. SCOPE

2.1 The following roles may be affected by this policy:

- All Staff including Agency Workers

2.2 The following Service Users may be affected by this policy:

- Service Users
- Next of kin/Families of service user
- Power of Attorney holders and advocates as duly authorised

2.3 The following stakeholders may be affected by this policy:

- Family
- Representatives
- Commissioners
- Local Authorities
- NHS/ICB/CCG

3. OBJECTIVES

- 3.1 To recognise that, from time to time, issues may arise which may cause Staff including Agency Workers some distress.
- 3.2 To ensure there are clear, informal, and formal processes for Staff including Agency Workers to raise grievances.
- 3.3 The policy ensures to meet following objectives:
 - Nursing Direct understand the fundamentals of Grievance in workplace
 - It gets support from appropriate resources
 - It implements fair and consistent processes to deal with grievance
 - It explains how to handle a grievance in best possible way, both informally and formally
 - It sets out a comprehensive procedure that Nursing Direct should follow.

4. POLICY

- 4.1 Nursing Direct encourages free communication between their Staff including Agency Workers and their managers who wish to use this policy, to do so promptly so that it supports in resolving any issues within workplace. This is to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned.
- 4.2 **General Principles relating to Grievances**
 - 4.2.1 Management must make clear to the Staff including Agency Workers the rules, regulations, and standards of conduct and work performance which they are objected to observe.
 - 4.2.2 This policy facilitates the resolution of grievances through informal means primarily. Should informal resolution fail, the formal grievance procedure will be implemented. However, individuals who initially address their complaint informally retain the option to subsequently initiate the formal grievance procedure. They may do so by submitting a written grievance to their relevant line manager, detailing the issue. In instances where the grievance pertains to the conduct of the line manager and either party opts not to address it directly with the manager or informal discussions are unproductive, the Staff including Agency Worker may escalate the grievance to a higher-ranking manager.
 - 4.2.3 It is important that the written grievance outlines the nature of the grievance and the Staff including Agency Workers desired outcome. Further clarification may be sought by Nursing Direct where the written grievance is not sufficiently clear. All formal grievances must be made in writing. Issues should be raised and dealt promptly and there should not be unreasonable delays. Managers and staff including Agency Workers should act consistently.
 - 4.2.4 This policy and procedure should be used primarily to help and encourage improvement rather than just as a way of imposing a punishment action.
 - 4.2.5 Staff including Agency Workers have a right to know the grievance against them and must have the opportunity to explain/ state their issue and the basis for it, as appropriate to the circumstances before any decisions are reached.
 - 4.2.6 If it is discovered that staff including Agency Workers have used the grievance procedure for any improper reason, for example maliciously, for personal gain, or by raising allegations which are manifestly untrue, they may be subject to disciplinary action.
 - 4.2.7 Staff including Agency Workers have the right to be accompanied by a colleague or a Trade Union Representative at any of the meetings relating to Grievances.
 - 4.2.8 Sometimes when a serious grievance/ complaint made, it is necessary to remove the alleged Staff including Agency Workers from the place of work immediately.
- 4.3 Nursing Direct has a separate Harassment Policy and Procedure and Anti-Bullying Policy and Procedure that may be useful if Staff including Agency Worker has been the victim of bullying or harassment or wishes to report an incident of bullying or harassment involving other people.
- 4.4 Nursing Direct operates a separate Raising Concerns, Freedom to Speak Up and Whistleblowing Policy and Procedure to enable Staff including Agency Workers to report illegal activities, wrongdoing, or malpractice. However, where Staff including Agency Worker is directly affected by the matter in question, or where they feel they have been victimised for an act of whistleblowing, they may raise the matter under this grievance procedure.
- 4.5 If Staff including Agency Worker has difficulty at any stage of the grievance procedure because of a disability or language barriers, they must discuss the situation with the grievance officer as soon as possible.
- 4.6 This policy does not form part of Staff including Agency Workers contract of employment and may be amended at any time.
- 4.7 Any data collected as part of this policy will be processed in accordance with current Data Protection legislation, the Privacy Notice issued to Staff including Agency Workers and the Data Security and Data Retention Policy and Procedure.

5. PROCEDURE

- 5.1 **Informal Process**

Nursing Direct expects that most grievances can be resolved informally through discussions between the individuals and their manager or, if the grievance relates to the individual's manager, with a more senior manager.

Through this process, Nursing Direct would look to discuss all the issues with the individual, and work towards a satisfactory resolution without the need for a formal process. Where it is not possible to resolve the grievance informally, the formal procedure will be invoked.
- 5.2 **Informal Procedure**

Cases/complaints on minor grievances such as issues on conduct or under performance or unsatisfactory performance are usually best dealt with informally.

5.3 Formal Process

If the grievance cannot be resolved informally the individual must detail their grievance in writing, including facts, times, dates, names, and any other details. Again, if the grievance relates to the individual's manager, then the grievance must be addressed to a more senior manager.

5.3.1 Investigation

On receipt of the formal complaint and dependent on the content, it may be necessary for Nursing Direct to carry out an investigation into the grievance. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case.

It may involve interviewing and taking statements from the individual and any witnesses, and/or reviewing relevant documents. The individual who raised the grievance will be expected to co-operate fully with this investigation.

Where considered appropriate, Nursing Direct may initiate an investigation before holding a grievance meeting. In other cases, Nursing Direct may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases, Nursing Direct will hold a further grievance meeting with the individual after the investigation and before Nursing Direct reaches a decision.

In circumstances where a grievance is raised which relates to care and/or treatment of a Service User, Nursing Direct will follow all appropriate guidance in line with regulatory requirements in addition to following this process. Evidence may be sought from the Service User and their families to assist in any investigation.

5.3.2 Right to be Accompanied

Nursing Direct will arrange a grievance meeting to be held usually within 7 days of the formal grievance being received. The individual who raised the grievance is entitled to be accompanied to this grievance meeting by a colleague or Trade Union Representative. The individual must, within reasonable time prior to the grievance meeting taking place, notify the manager with conduct of the grievance meeting whom their intended companion is. If the individual or their companion are unable to attend the meeting, the individual must inform the manager who has conduct of the grievance meeting, and a suitable alternative date for the meeting will be arranged.

Acting as a companion is voluntary and colleagues are under no obligation to do so.

If the individual's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, they may be asked to choose someone else.

At the meeting, the companion may make representations and ask questions, but should not answer questions on the individual's behalf. The individual and the companion may talk privately at any time during the meeting.

5.3.3 Grievance Meeting

The purpose of the grievance meeting is to allow the individual the opportunity to explain their grievance, along with their views on how they would like it to be resolved.

Subject to any preliminary investigations, the Staff including Agency Worker will be invited to attend a meeting to discuss the grievance as soon as is reasonably possible. The Staff including Agency Worker must take all reasonable steps to attend the meeting.

At the meeting, the Staff including Agency Worker will be asked to explain the nature of their grievance and their desired resolution of the matter. Where appropriate, dependent on the issues raised at the grievance meeting, the meeting may be adjourned to allow further investigations to take place.

If the Staff including Agency Worker is unable to attend due to any circumstances outside of their control, the meeting may be rescheduled and reconvened, normally within 5 working days. More than one meeting may be required depending on the circumstances.

Once the meetings and investigations are complete, the manager may then make a decision, taking into account what has been said and the outcome of any investigation that has taken place.

5.3.4 Grievance Outcome

Once the decision has been made, the grievance manager will write to the individual Staff including Agency Worker as soon as reasonably possible, usually within 7 days of the conclusion of the grievance meeting, with the outcome of the grievance and details of any action they intend to take.

It will set out any action that Nursing Direct intends to take to resolve the grievance, and also the Staff including Agency Worker will be advised appropriately of their right to appeal against the decision and who will hear the appeal should the Staff including Agency Worker decide to appeal.

5.4 Appeal

If the Staff including Agency Worker is not satisfied with the outcome, they have the right to appeal the decision. The appeal must be:

- In writing
- Detail the full grounds of appeal; and
- Be provided within 7 days of the grievance outcome being communicated to the Staff including Agency Worker.

Nursing Direct will then hold a grievance appeal meeting, usually within 7 days of receiving the notification of appeal and will appoint a manager who has not been previously involved in the grievance process to hear the appeal. Again, the Staff including Agency Worker has a right to be accompanied by a colleague or Trade Union Representative. The appeal outcome will be provided to the Staff including Agency Worker in writing, usually within 7 days of the appeal hearing.

At this point there is no further right of appeal, and it will be the last stage of this appeal process.

5.5 Where Staff including Agency Worker raises a grievance during a disciplinary process then, depending on the circumstances, the disciplinary process may be temporarily suspended in order to deal with the grievance, although Nursing Direct is not required to do so. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

5.6 In circumstances where a grievance is raised which relates to care and/or treatment of a Service User, Nursing Direct will follow all appropriate guidance in line with regulatory requirements in addition to following this process. Evidence may be sought from Service Users and their families to assist in any investigation.

5.7 **Collective Grievances**

When a formal Grievance is raised on behalf of two or more Staff including Agency Workers, it is regarded as a collective grievance. To be regarded as a collective grievance, then the letter must be signed by every Staff including Agency Worker who is raising the grievance. The letter must also specify who is representing the collective interests of the Staff including Agency Workers.

A formal collective grievance will follow the same procedure as any other formal grievance, with the representative attending the grievance meeting and any subsequent appeal on behalf of the group of Staff including Agency Workers.

5.8 **Confidentiality**

The fact that Staff including Agency Worker has raised a grievance is confidential and should only be disclosed to the individuals who need to know about it. The management has a legitimate need to know the detail of formal grievances; however, depending upon the circumstances others may also need to know (in full or in part).

5.9 **Nursing Direct and the Professionals involved in the Grievance procedure should be aware of the following:**

- What would amount a grievance?
- Issues that may cause grievance include: Terms and conditions of employment, Health and safety, work relations, new working practices, working environment; a change within organisation, equal opportunities, and discrimination
- This procedure should ideally be used to help resolve disagreements in the work place leading to solutions that are acceptable to both the Staff including Agency Worker and the management of Nursing Direct
- To ensure that, at each stage of the process, a manager with sufficient seniority, who is entirely independent of any of the facts arising out of the grievance and/or any of the process of the grievance, is appointed to hear the grievance or any appeal
- Every effort should be made to resolve the grievance informally before proceeding with a formal grievance, as most grievances may be resolved without the need for a formal process
- Managers who have been appointed to the roles of Grievance Manager or Grievance Appeals Manager should ensure that there is no unreasonable delay in scheduling grievance meetings and providing the outcomes following the meeting
- An individual who wishes to raise a formal grievance should ensure they do so in writing, and set out all details of their grievance in a clear and precise way

5.10 **Staff including Agency Workers affected by Grievance procedure should be aware of the following:**

- Nursing Direct may seek evidence from you and/or your family (if applicable) as part of a grievance investigation if it is necessary to do so. Where required this will be done in a sensitive way
- Nursing Direct takes its obligations towards you and other Service Users very seriously. These obligations are of the utmost importance.

5.11 There will be a separate disciplinary procedure in place for Nursing Direct. This policy is designed to help Nursing Direct to achieve and maintain acceptable standards of conduct and performance at work. When Staff including Agency Workers fail to meet the required standards, it aims to provide a fair and consistent method of dealing with those failures without undue delay.

6. **DEFINITIONS**

6.1 **Staff including Agency Workers**

6.1.1 **Staff**

Denotes the employees of Nursing Direct Healthcare Limited.

6.1.2 **Agency Workers**

Refers to individuals who are contracted with Nursdoc Limited or another employment business as an Agency Worker (temporary worker) provided to Nursing Direct Healthcare Limited to perform care services under the direction of Nursing Direct.

6.2 **Nursing Direct**

Nursing Direct, also known as Nursing Direct Healthcare Limited, is the entity regulated by the CQC (Care Quality Commission) and responsible for the care service provision, contracted to provide homecare services to service users in their homes, in placements, essential healthcare facilities and in the community.

6.3 **Nursdoc Limited**

As the sister company to Nursing Direct Healthcare Limited, Nursdoc Limited acts as an employment business, specialising in providing staffing solutions to the healthcare sector.

6.4 **CQC (Care Quality Commission)**

CQC throughout this policy, the term "CQC" refers to the Care Quality Commission (CQC) which is the independent regulator of health and social care in England.

6.5 **Grievance**

Any problem, issue, concern or complaint that Staff including Agency Worker may have relating to their employment or engagement with Nursing Direct or else about any action (or inaction) which Nursing Direct has taken, failed to take, or contemplating taking in relation to the Staff including Agency Worker. A grievance can also include the action of a colleague, if that colleague is acting in the course of their employment.

6.6 **Grievance Manager**

The manager appointed by Nursing Direct to investigate and hear the grievance at the initial grievance meeting.

The grievance manager will be independent from any of the issues raised in the grievance and will make a decision on the outcome of the grievance once the grievance meeting has taken place, taking into account all facts and representations.

6.7 Grievance Appeal Manager


The Grievance Appeal Manager will hear any appeal following the outcome of the grievance provided by the Grievance Manager

The Grievance Appeal Manager will be impartial and will have had no previous involvement in the grievance procedure up to that point.

OUTSTANDING PRACTICE

To be 'outstanding' in this policy area Nursing Direct aims to provide evidence that:

- Nursing Direct deals with grievances and appeals swiftly within the 7-day guidelines.
- Nursing Direct Healthcare Limited considers whether to allow the individual to be accompanied by someone other than a fellow colleague or Trade Union Representative if the circumstances mean it would be more appropriate.
- Nursing Direct ensures that all grievances are treated sensitively and carefully with the understanding that, although sometimes an issue may appear minimal, it is sufficiently serious for the individual to have raised it under this process.

COMPLETED DATE:	
SIGN OFF DATE:	
REVIEW DATE:	
SIGNED:	 Marc Stiff – Group Managing Director