
Policy Statement

The GDC recognises that effective working relationships must be based on mutual respect and confidence. Most matters of concern or complaint to employees arise from misunderstandings usually resolvable by clearly communicating decisions and their rationale. However, it is necessary to have procedures to enable more serious grievances to be addressed quickly and fairly.

Scope and Purpose

The scope and purpose of the policy is:-

All employees of the GDC have the right to seek redress of any grievance relating to their colleagues, conditions of work or any other aspect of their working life or environment. A grievance is a problem or concern about work, working conditions or relationships with colleagues or with the organisation in general.

Grievances may be caused, for example, by:

- Terms and conditions of employment
- Health & Safety
- Work relations
- Bullying, harassment or victimisation
- Organisational change
- Discrimination

Responsibility for Implementation

The responsibility for Implementation of the Policy lies with:

- Human Resources for implementation throughout the GDC;
- Line Managers for implementation within their teams;
- Individual employees in respect of compliance with the procedures described.

Policy

The following principles should be adhered to throughout the course of employment:

- staff have the right to be treated with respect, dignity and, in relation to their personal affairs, confidentiality;
- staff are to be treated fairly at all times and in all circumstances;
- procedures and other arrangements relating to employment are to be equitably and properly applied.

It should be noted that where an employee submits allegations which are found to be vexatious, scandalous or malicious, disciplinary action against the employee may be taken.

Where an allegation relates to bullying or harassment this policy and procedure does not apply and the employee is advised to consult the GDC Bullying and Harassment policy which contains specific procedures in relation to the informal resolution of such complaints.

The GDC recognises three separate stages in the grievance process:

- Informal complaint
- Formal grievance
- Appeals process

A flowchart is provided at Annex 1 showing the process in summary form.

At any stage in the process, mediation should be considered. If voluntary mediation is agreed, the normal grievance process can be suspended meantime.

Procedure

Informal Grievance Procedure

Employees are encouraged to attempt resolution of grievances informally where possible and to discuss their concerns as soon as they arise with their line manager or in exceptional circumstances with a more senior manager. In many cases discussion can resolve a grievance swiftly and without recourse to a formal grievance process. However, some grievances may be too serious for informal resolution and in such cases the employee should immediately raise the matter as a formal grievance. Consideration of the grievance at the informal stage is not a pre-requisite for a formal complaint.

Where the grievance concerns the employee's line manager, every effort should be made first to resolve it with the individual concerned. If this has failed to achieve a resolution the matter should be raised with a more senior manager.

In an informal process the manager with whom the grievance is raised should arrange a meeting at the earliest possible time where the grievance can be discussed fully and confidentially with the aim of reaching amicable resolution.

In the majority of cases individuals will feel confident enough to discuss their concerns on a one-to-one basis with the manager. There may, however, be some situations where the employee may wish to be accompanied by a relevant trade union official or representative or a work colleague. Whilst there is no strict entitlement to accompaniment at an informal meeting the GDC will give serious consideration to this upon request.

The following general principles apply to the meeting:

- The employee will be given the opportunity to fully discuss their concerns and set out how they feel they may be resolved;
- The manager will give full and serious consideration to the concerns raised;
- Where possible the employee and the manager should agree how to resolve any differences, but no agreement may be reached that breaches GDC policy.

The manager should make a note of the meeting and provide a copy to the employee and the Human Resources department. It should include:

- Details of the employee's grievance;
- The manager's response to these concerns;
- Where the grievance is upheld, any action necessary to redress the situation ;
- Any further concerns that the employee may have.

Formal Grievance Procedure

The formal process should be adopted where:

- the grievance cannot be resolved at the informal meeting; or
- the employee wishes the grievance to be considered through the formal process, or;
- the manager considers the grievance too complex or serious for an informal approach, or;
- actions agreed to remedy a grievance at the informal stage have not been taken, or;
- there are unresolved issues following an informal grievance meeting

The employee should record the grievance in writing, using the GDC 'Grievance Form', (see Annex 2) and send this to Human Resources. Supplementary or more detailed information can be included with the form if necessary.

The Human Resources department will acknowledge the grievance, normally within five working days of receipt and arrange a grievance hearing as provided below.

The Grievance Hearing

The meeting will be chaired, where appropriate, by the employee's line manager, or by another manager nominated by the Human Resources department. A member of the Human Resources department will keep minutes of the hearing. A copy of the minutes will be provided to the employee as soon as possible after the hearing.

The employee will be invited in writing, by letter or email, to attend the grievance hearing. This will:

- a) confirm that the purpose of the hearing is to consider the employee's grievance;
- b) give the employee a minimum of five working days' notice of the hearing;
- c) specify the time date and place of the hearing;
- d) specify who will attend and who will chair the hearing;
- e) explain the employee's right to be accompanied at the hearing (see Role of Companion below)
- f) identify any reasonable adjustments that may be helpful at the hearing and whether any interpreter is needed.

Where the employee or companion is unable to attend a grievance hearing it will be rescheduled to a suitable date, normally within five days of the original date. Where the employee fails to attend the hearing without good reason it may be conducted in the employee's absence.

The hearing will normally proceed as follows:

- The Chair of the hearing shall confirm the purpose of the meeting, explain how it will proceed and identify all those present;
- The employee will be invited to explain the grievance, elaborate on the information provided in the Grievance Form and to put forward any proposals for how the matter should be resolved;
- Relevant documentation will be introduced;
- If witnesses are called they shall only be present whilst giving their evidence;
- Witnesses may be questioned by the employee, employee's companion or the Chair;

- The Chair will summarise each key point relating to the grievance lodged, and test the allegations made by questioning the employee;
- The hearing will be adjourned whilst the Chair, assisted by Human Resources reaches a decision. If time is required in order to reach a decision the employee will be notified accordingly. If a hearing is adjourned to allow for an investigation, then the results of the investigation will be disclosed to the employee and the employee will be given the opportunity to respond to them with, if necessary, supporting documentation and witnesses once the hearing is resumed.
- The decision will be given verbally to both parties when the hearing is reconvened.
- If it seems likely that time will be needed to carefully consider the matter before a decision is reached, the hearing should be suspended and the employee informed. This should then be confirmed in writing within four working days of the end of the hearing;
- Whether or not the decision is advised verbally at the end of the hearing it must be confirmed in writing, normally within five working days of the decision being reached.

The hearing may be adjourned if necessary for the purpose of further investigation as set out below. The results of the investigation will be disclosed to the employee prior to the hearing reconvening so as to allow opportunity for studying the findings. It is the Chair's responsibility to ensure that hearings are fairly conducted. It is also essential that matters are considered with precision and that time is not wasted. The Chair has a critical role in creating an appropriate environment.

Once all the relevant information has been collected the hearing will be adjourned while a decision is reached. A decision will be made as quickly as reasonably practicable and communicated in writing to the employee. A decision on the grievance should normally also set out the action intended to be taken if the grievance is upheld in whole or in part (including any general steps by the GDC e.g. reviewing part of a Policy or Procedure). It should also notify the employee of the right of appeal and the right to be accompanied at an appeal.

Investigation

Where prior to or during the course of a grievance hearing it is considered that further information is required to give proper consideration to the matter, an investigation will be arranged.

Where possible the investigation should be conducted by someone other than the manager who is hearing the grievance in order to ensure independence. The investigation may take the form of a review of relevant documents and records and/or interviews with other managers and potential witnesses. It should be noted that the investigator is not required to "prove" the case but merely to gather and record all evidence relating to the matter.

Where the grievance relates to the actions, conduct, performance or decisions of other employees these employees will be notified of the allegations concerning them and they will be interviewed by the investigator. Where an investigation indicates that there may be a case for disciplinary action the investigating officer should report those indications to a member of the Human Resources team who will consider what action to take. Consideration of the grievance will be made separately from any disciplinary action.

Appeal

An employee who is unhappy with the findings after the grievance hearing or the proposed remedy may submit an appeal. Notice of appeal must be submitted:

- within 5 working days of the receipt of the grievance decision,
- to the person indicated in the decision letter.

When lodging an appeal, the employee should:

- state the grounds of appeal
- identify any alleged procedural failings
- identify any new substantial evidence which has come to light since the hearing

The appeal may comprise a review of the decision made or involve a re-hearing depending on the grounds of the appeal.

There will be an appeal hearing which will normally take place within 14 days of receipt of the employee's written notice of appeal. The employee will be notified in advance of the time and place of the hearing. The employee must attend the meeting if reasonably possible. As at the grievance hearing, the employee has the right to be accompanied (see Annex 3) and to have the hearing postponed.

Wherever reasonably practicable the appeal meeting will be conducted by someone senior to the person who made the decision appealed against.

In attendance at the Appeal will be:-

- A Manager considering it (Chair)
- A representative from the Human Resources team
- The employee together with a companion (see Role of Companion below)

The outcome of the appeal should be notified to the individual concerned and the employee told that there are no further stages in the process.

Potential outcomes from a grievance claim

The grievance is upheld

In the event that the grievance is upheld it is up to the manager conducting the hearing or appeal to decide upon the action to be taken to remedy the grievance.

Inconclusive Outcome

Evidence in grievance complaints can sometimes rely purely on one person's word against another's. In these circumstances, it is imperative that all parties are clear about the standards of behaviour expected by the GDC, and where appropriate, action will be taken to ensure that the professional relationship of the parties is addressed.

In some instances, it may be appropriate for the parties to undergo training to help restore sound professional relationships. Such action should not be considered a detriment or sanction against either party, but a proactive step to prevent a recurrence of difficulties.

An inconclusive outcome is possible which may include a finding that there was some fault on the part of both the complainant and those against whom the complaint was made. In this context, any proposed remedies can reflect that finding.

Vexatious or malicious allegations

Evidence may be uncovered that suggests that a complaint has been made maliciously. In circumstances, where there is evidence of any false allegation against another employee, disciplinary action will be considered.

Disciplinary proceedings

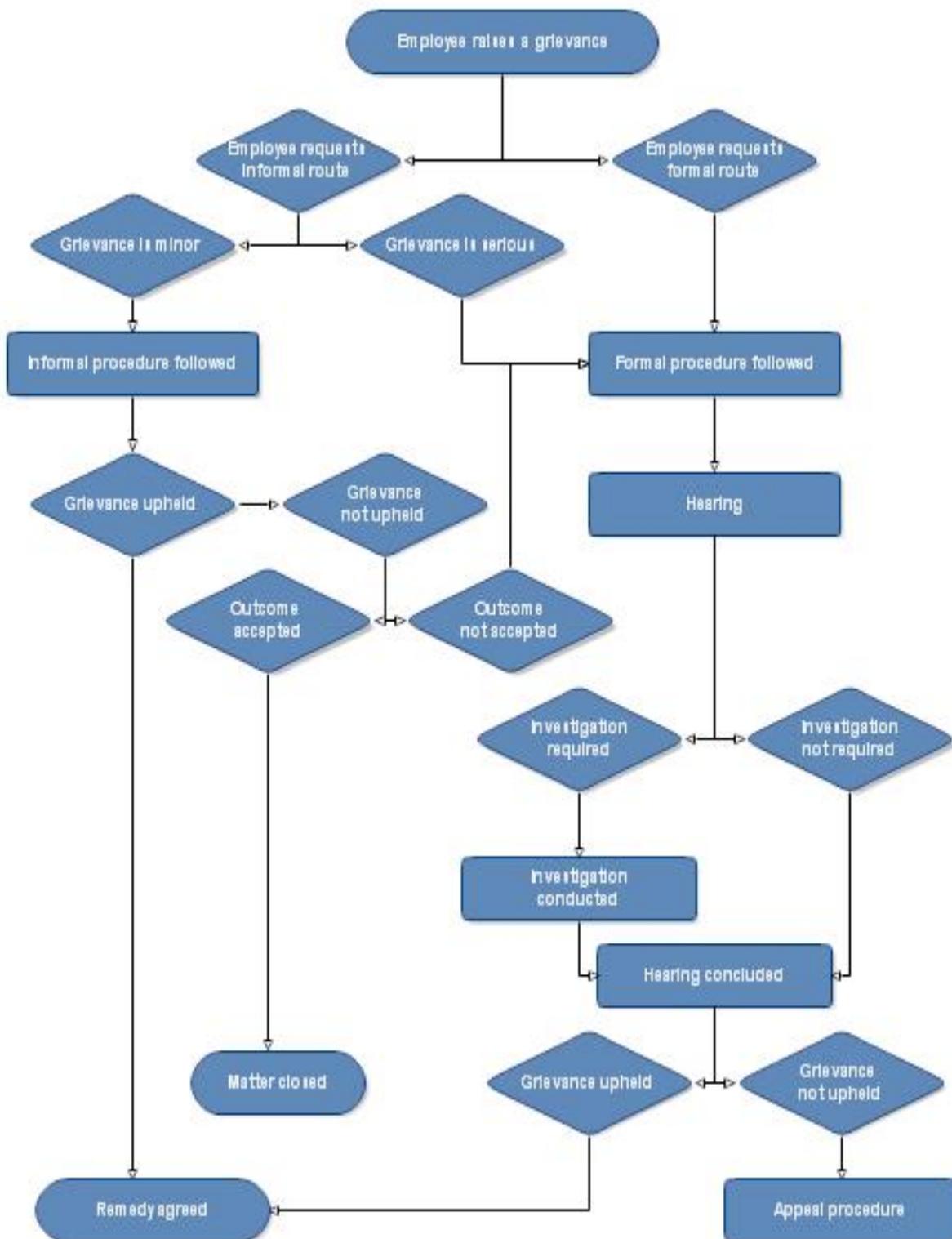
Disciplinary Proceedings under the Disciplinary Procedures are to be kept separate from any proceedings implemented under the Grievance Procedures.

Confidentiality

To preserve confidentiality and ensure that there is a totally independent approach to proceedings, the employee involved in any Grievance implemented under these Procedures should not discuss the proceedings or any issues relating thereto with any other employee or Committee member unless they are directly involved in the case.

Annex 1 Grievance Procedure Flowchart

Grievance procedure flowchart



Grievance Form

This form is designed to help GDC clearly understand the nature of your complaint. This form should be used in conjunction with either the GDC's '**Grievance Procedure.**' You should complete and return the form to the Human Resources. All cases will be dealt with sympathetically and in confidence.

Name:	Department:	Date:

Details of complaint:			
Name of individual(s) complained about:	Date(s) of incident:	Witnesses (if relevant):	Name of Representative (can be a Trade Union Representative or Work Colleague):

Have you attempted to deal with this issue informally?	If yes please provide brief details of who you spoke to and what happened?
Yes / No (please circle)	

Statement:

Please explain clearly the nature of your complaint, stating when the problem first began and continuing up to the present date. Where possible give specific details of dates and incidents. Please sign and date the end of your statement. (you may continue on a separate sheet if necessary)

Signature:

Date:

Role of companion

The employee has the right to be accompanied at a hearing by a fellow worker, Staff Forum representative or trade union official or trade union representative certified as being trained to perform this role (the “companion”). The employee's companion has the right to address the hearing; to put the employee's case; to sum up the case and to respond on the employee's behalf to any view expressed at the hearing. The companion may also confer with the employee during the hearing. However, there is no requirement for the employer to permit the companion to answer questions on behalf of the employee, or to address the hearing where the employee indicates that he/she does not wish this.

If the chosen companion cannot attend on a proposed date the employee can offer an alternative time and date so long as it is reasonable.

The chosen companion has a statutory right to speak at a hearing, **but not to answer questions for the employee**. The companion will be permitted reasonable time to speak privately with the employee.

The employee's right to be accompanied also depends upon the employee making a reasonable request (e.g. not for a companion who has been abusive or threatening to others involved).