



Human Fertilisation & Embryology Authority

Grievance Policy

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Handling grievances – Procedure

1. Introduction

- 1.1. All employees should be treated fairly and with respect. Should an employee be unhappy with any treatment which they have received at work, they should first discuss this matter with their line manager or HR in an attempt to resolve the issue informally. Should this not be possible, or appropriate, the employee may choose to raise a formal grievance.
- 1.2. A grievance may be raised in relation to a wide range of issues including the working environment or conditions, working relationships, allocation of work, opportunities that you have been given for career development or the way in which you have been managed. Any complaints relating to a formal sanction given under the disciplinary or capability procedure should be dealt with as an appeal under that procedure.
- 1.3. The confidentiality of all parties will be maintained at all times, wherever possible.
- 1.4. The scope of this policy extends to all HFEA (“the Organisation”) employees, both permanent and fixed term. Staff who are on secondment should refer to their terms of secondment to establish whether this policy applies.

2. Informal Procedure/Mediation

- 2.1. Matters which have been raised informally via the line manager or HR may be resolved by informal discussion with the employees concerned, without the need for a formal grievance. Depending on the nature of the complaint this may require a third party to mediate between the two parties and to help facilitate a resolution. Mediation will be used only where all parties involved in the grievance agree. However, where it is not possible to resolve the issue informally then the formal grievance procedure will be initiated.

3. Conducting the grievance procedure

- 3.1. The HFEA recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. The HFEA will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

4. Formal Grievance Procedure

► Raising the complaint

- 4.1. The employee should set out the grievance in writing and send the statement to their line manager (or the next manager in line if the grievance relates to him or her). This written statement will form the basis of the subsequent hearing and investigations, so must be set out clearly and indicate the outcome required. The statement/letter should be headed “formal grievance”.
- 4.2. Further attempts may be made to resolve the matter informally, depending on the nature of the complaint, however, the employee can insist on the matter proceeding to a full grievance hearing.
- 4.3. Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made by the employee, the confidentiality of the grievance process will be respected. If any evidence is gathered in the course of these investigations, the employee will be given a copy long enough in advance of the hearing to be able to consider a response.
- 4.4. In exceptional circumstances, the evidence given by individuals may have to remain confidential. Where confidentiality is necessary, this will be explained to the employee and an appropriate summary of the evidence gathered will be given.

“The employee should set out the grievance in writing...”

“The choice of companion is a matter for the employee...”

► The right to be accompanied

- 4.5. The employee has the right to be accompanied by a fellow worker or trade union official at any grievance meeting or subsequent appeal. The trade union official need not be an employee of the organisation, but if he/she is not a fellow worker or an employee of his/her union, the organisation may insist on him/her being certified by the union as being experienced or trained in accompanying employees at grievance hearings.
- 4.6. The choice of companion is a matter for the employee, however, the organisation reserves the right to refuse to accept a companion whose presence would undermine the grievance process. Individual workers are not obliged to agree to accompany a colleague. Companions will be given appropriate paid time off to allow them to accompany colleagues at a grievance hearing or appeal hearing.
- 4.7. At any hearing or appeal hearing, the chosen companion will be allowed to address the meeting, respond on the employees behalf to any view expressed in the hearing, and sum up the case. However, both the hearing and appeal hearing are essentially meetings between the employer and employee, so any questions put directly to the employee should be dealt with by them and not the companion.
- 4.8. Where the chosen companion is unavailable on the day scheduled for the meeting or appeal, the meeting will be rescheduled, provided that the employee can propose an alternative time within five working days of the scheduled date.
- 4.9. The employee will not be permitted to bring a legal representative.

► The grievance hearing

- 4.10. The hearing should be held as soon as is reasonably practicable and, subject to any need to carry out prior investigations, within ten working days of the receipt of the written complaint. It will be conducted by the line manager and attended by an HR representative. At the meeting, the employee will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

“At the meeting, the employee will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter.”

- 4.11. The employee will be given every opportunity to explain their case fully, however, the line manager should ensure that any discussions are directly relevant to the complaint. Focusing on irrelevant issues or incidents that took place long before the matters in hand is not helpful and can hinder the effective handling of complaints. The manager conducting the hearing will intervene if he/she thinks that the discussion is straying too far from the key issue. The manager may also intervene to ensure that the meeting can be completed within a reasonable timeframe, depending on the nature and complexity of the complaint.

► Possible outcomes

- 4.12. Following the meeting, the employee will be informed in writing of the outcome within seven working days and told of any action that the HFEA proposes to take as a result of the complaint. The outcome may be discussed informally with either the line manager or the designated HR Representative.
- 4.13. Complaints which amount to an allegation of misconduct on the part of another employee will be investigated under the disciplinary procedure. The employee who has raised the grievance will be informed that the matter will be dealt with under the disciplinary procedure but will not have the right to be informed of the results of any formal action taken against the other employee.
- 4.14. If the employee is dissatisfied with the outcome, they may decide to make a formal appeal.

5. Appeals

- 5.1. If the employee wishes to appeal the decision regarding the grievance, this should be made in writing to the manager who conducted the initial grievance hearing/HR representative, within five working days of the written notification of the outcome of the grievance. This appeal will be dealt with impartially.

- 5.2. This should clearly state the grounds of the appeal, ie the basis on which the result of the grievance is wrong or that the action taken as a result was inappropriate. An appeal meeting will be arranged to take place within ten working days of the submission of the formal appeal.
- 5.3. The appeal hearing should be conducted by the head of department/director, who will consider the grounds that have been put forward and assess whether or not the conclusion reached in the original grievance hearing was appropriate.
- 5.4. The appeal is not a rehearing of the original grievance, but rather a consideration of the specific areas with which the employee is dissatisfied in relation to the original grievance.
- 5.5. The manager conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.
- 5.6. Following the appeal meeting, the employee will be informed of the outcome within seven working days. The outcome of this meeting will be final.

6. Records

- 6.1. Confidential records may be kept of:
 - the nature of the grievance, including all written statements
 - what was decided and the action taken
 - reasons for action taken
 - whether there was an appeal and, if so, the outcome
 - any subsequent developments
- 6.2. Meeting notes and letters will be placed on the personnel files of the employees concerned.

Handling grievances – Procedure

Grievance received in writing to Line-manager

Line-manager to acknowledge and discuss grievance with employee
(where possible, within 5 working days)

Attempts made to resolve the matter informally

Matter not resolved

Matter resolved – end of process

Proceed to full grievance. Line-manager to begin investigations

Hearing to be held as reasonably practicable
(normally, within 10 working days)

Employee to be informed, in writing, of outcome
(normally, within 7 working days of hearing)

Employee accepts decision

Employee appeals against decision,
in writing to line-manager

Appeal to be heard by Head of Department/Director
(within 10 working days)

Employee to be informed, in writing, of outcome (normally, within 7 working days). The outcome of this meeting is final

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