

Grievance Policy

HWHR04

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Author:	Human Resources Team
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1. Introduction

- 1.1. Herefordshire and Worcestershire CCG (hereon in known as the Organisation) value their staff and recognise the need to be clear, fair, and consistent in its dealings with all employees.
- 1.2. To promote a working environment that is harmonious with the best possible relations between management and staff, employees need an opportunity of airing complaints and for these complaints to be resolved promptly.
- 1.3. This policy and procedure aim to:
 - Provide an agreed means for employees to resolve grievances arising from the course of their employment.
 - Facilitate the settling of grievances fairly, at the appropriate level (see Section 7) and with minimum delay.
 - Prevent the disruption to services, and consequent effect on patients, staff, and the organisation as a whole.
- 1.4. This policy provides for the consideration and discussion of matters which are raised by **one or more** employees as a grievance. A group of employees e.g. from the same Department whose grievance relates to the same matter, may raise a collective grievance using this procedure (See Section 9).
- 1.5. This policy is set against the legal framework of Employment Act 2008. It also takes into account the ACAS Code of Practice on Discipline and Grievance and the ACAS Guide.

2. Equality Statement

- 2.1 The Herefordshire and Worcestershire CCG aims to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2 In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review, and implementation.

3 Scope

- 3.1 This policy applies to all employees regardless of length of service. It does not apply to agency workers or self-employed contractors.
- 3.2 Matters raised by former employees which are formally lodged after an employee has left the Organisation fall outside the scope of this policy and therefore cannot bring a grievance once they have left the organisation.
- 3.3 A grievance is a concern, complaint or issue that is raised by an employee of the Organisation in relation to their work, rights, or entitlements, during their employment. Issues that may cause grievances include:
- terms and conditions of employment
 - health and safety
 - work relations
 - new working practices/organisational changes
 - discrimination.
- 3.4 This procedure covers all grievances relating to an employee's work and conditions of service but **excluding**:
- Matters which cannot be directly resolved by the Organisation e.g. nationally negotiated terms and conditions of service, National Insurance, Income Tax etc.
 - Matters which already have an existing appeals mechanism.
 - Matters that relate to bullying and/or harassment – which are dealt with under the Organisations Dignity at Work Policy.
 - Matters that relate to discrimination or any other disciplinary matter which are dealt with under the Organisations Disciplinary Policy.
 - Matters relating to Public Interest Disclosure Act and whistleblowing which are dealt with in line with the Organisations Whistleblowing Policy.
 - Related matters which have already been considered under the Grievance Procedure within the last 12 months, where no new evidence or further incidences have occurred.
- 3.5 Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 3.6 Grievances should be raised promptly in the spirit of seeking resolution, and there will be no obligation on the Organisation to consider any Grievance raised if it is more than 3 months old, unless they are part of an ongoing, escalating situation.

4 Responsibilities

- 4.1 **The Organisation** - The Executive Management Team will oversee the implementation of this policy and will actively support and promote the principles of this policy. In addition, the Executive Management Team will ensure through the management structure that managers receive the appropriate training to implement the principles of this policy and ensure that the principles of this policy are communicated effectively to managers and staff.
- 4.2 **Line Managers** - It is the responsibility of all managers employed within the Organisation to make sure they are aware of the Grievance Policy and how to begin to resolve employee's grievances, both informally and through a formal procedure. Managers should ensure that they follow the guidelines of this policy, paying specific attention to the timescales set out under each stage. Managers should ensure that a copy of the Grievance is sent to Human Resources, when the grievance is first raised and again when it has been resolved.
- 4.3 **Employees** - It is the responsibility of each employee to familiarise themselves with this policy and make their Line Manager (or Senior Manager if the Line Manager is the subject of the grievance) aware of their grievance as soon as possible and within a reasonable timeframe. The Organisation does not believe that it is in anyone's interest to delay the grievance process when an individual believes that there is an issue that requires resolution. Employees should seek to resolve grievances informally in the first instance, and if these have not been satisfactorily resolved, outline the nature of the grievance, and expected outcome on the Grievance Report Form (Appendix 1) as part of the Formal Procedure.
- 4.4 **Human Resources** - To provide initial training and on-going support in the application of this policy and provide advice and support to managers when an employee or group of employees raises a grievance. Human Resources should also ensure that the Grievance Procedure is applied fairly, equitably, and consistently throughout the Organisation and provide advice and support at all stages of the formal grievance process, encouraging resolution of grievances via informal routes where possible.

5 Informal Resolution

- 5.1 Grievances should be resolved informally wherever possible, through discussion between the employee and their Line Manager (or Senior Manager if the Line Manager is the subject of the grievance). Managers and employees will be expected to make full use of the informal process before moving onto the Formal Procedure (Section 6).
- 5.2 If the Grievance is in relation to a process or practice or other as detailed in Section 3.3, the Line Manager should gather all the relevant information, and discuss their findings with the employee who raised the Grievance. A written note should be kept of the meeting, noting the next stage of the process should the employee remain aggrieved.
- 5.3 The Line Manager (or Senior Manager, if appropriate) should arrange for both parties to meet informally to discuss the matter and to identify what needs to be done to resolve the situation. If the individual wishes, they can be represented by a staff-side representative, colleague, or friend at this meeting. Similarly, the manager may also be accompanied by another manager or an HR Representative if they feel that this would be helpful.

- 5.4 The purpose of the meeting is to have an open and honest discussion so that both parties have a clear understanding of why the individual is feeling dissatisfied or aggrieved and how matters can be resolved to the satisfaction of all parties. It is particularly important that the individual is clear on what outcome they are seeking to remedy the situation and also equally important that the manager is able to explain what remedies are possible in the particular circumstances. All parties should approach this meeting in a positive way with the key aim of being able to resolve the issue to everyone's satisfaction.
- 5.5 To assist the resolution of issues, support through third party mediation may be offered, if appropriate, during the informal stage to minimise formal procedures and seek quicker resolutions. Any third-party mediation will be carried out by an individual who has not been previously involved with the issues under consideration. Advice and guidance regarding options for mediation should be sought from HR.
- 5.6 The working and management arrangements which applied before the grievance will operate until agreement has been reached or the procedure has been exhausted. This is commonly termed the "status quo". This will not apply where the continuation of the working and management arrangements would constitute an illegal act or a health and safety risk. In such circumstances, alternative arrangements would be put in place.
- 5.7 Both manager and employee(s) should keep an agreed written note of the informal meeting, including details of any action to be taken in resolving the grievance. If the grievance is not resolved at the informal stage, the employee has the right to follow the formal procedure as outlined below.
- 5.8 Informal resolutions to Grievances relating to the Accountable Officer will be discussed with a Lay Member of the Board.

6 Formal Procedure

- 6.1 The formal processes, outlined below, should only be used where it has not been possible to resolve issues first within the informal stages of the Grievance Policy. The use of these formal processes should not be seen as a means of criticism or complaint against an employee or manager but rather as a further opportunity to reach a satisfactory resolution to matters which remain unresolved.
- 6.2 It is expected that all grievances will be dealt with promptly, in line with this Section. However, if there are exceptional reasons why this cannot be achieved, then these should be presented to the employee(s) as soon as possible and a revised timescale agreed.
- 6.3 **Stage 1 – Formal Grievance Hearing**
- 6.3.1 All stages of the formal grievance procedure shall commence with the presentation of a completed Grievance Report Form (Appendix 1) by the employee(s) to an appropriate Manager. Where the Line Manager is the subject of the grievance, or has dealt with the informal Grievance, the Grievance Report Form should be submitted to the manager of the Line Manager (The manager of the Line Manager or another manager may then hear the Grievance). See Section 7 (Scheme of Delegation) if the grievance involves the Accountable Officer. The employee must ensure that they fully explain the nature of the grievance and the reasons they are dissatisfied as well as how they think the grievance can be resolved.

- 6.3.2 The intended timescale for resolution at this stage is **10** working days from receipt of the Grievance Report Form.
- 6.3.3 To support the resolution of grievances within **10** working days of receipt of the Grievance Report Form, the following actions should be taken:
- Receipt of the Grievance Report Form (Appendix 1) should be acknowledged in writing (Appendix 2) within **2** working days by the manager whom the form has been submitted to. The manager should seek HR advice as soon as the form has been received.
 - The manager hearing the Grievance should arrange the hearing with the employee(s) and manager to hear the grievance within **7** working days of receiving the Grievance Report Form, supported by HR as appropriate. This should be confirmed in writing (Appendix 2) and should notify the employee of his/her right to be accompanied at the hearing. The manager and HR support hearing the grievance will be referred to as the Grievance Hearing Panel.
 - Both the employee(s) who submitted the Grievance, and the manager who dealt with the informal Grievance, will then be given the opportunity to submit a written statement of case to be considered at the Grievance Hearing and will be advised of who they should submit this to and within what time scale. These statements will be exchanged between parties in advance of the hearing.
 - The manager who was involved at the informal stage should include the following in their statement of case:
 - The nature of the grievance
 - What was decided, and actions taken as a result of informal action
 - The reason for the actions
 - Any subsequent developments
- 6.3.4 Wherever possible it is expected that resolutions will be presented by the manager at this hearing, however, where further investigation is required, this will be conducted as quickly as practicable, and another meeting arranged.
- 6.3.5 The procedure of the Stage 1 - Formal Grievance Hearing is detailed in Appendix 3.
- 6.3.6 Witnesses may be called by the employee or the management to support their case. Witness statements or other information may also be submitted to be considered by the manager hearing the Grievance. A list of the names and details of these people and any information must be submitted to the manager hearing the Grievance at least 2 working days prior to the hearing. If this information is not submitted to the manager hearing the Grievance at least 2 working days prior to the hearing, then it may not be possible for those people to appear or for this evidence to be considered.
- 6.3.7 If the manager hearing the case finds that the conduct or behaviour of the person the Grievance is raised against is not acceptable, the findings may be dealt with under the Organisations Disciplinary or Performance Policy.

- 6.3.8 An accurate written record of the hearing will be kept, and a copy given to the employee(s) within **3** working days of the hearing (Appendix 4). A note taker will be present at the hearing.
- 6.3.9 If the employee(s) finds the outcome of this hearing unacceptable, they have **7** working days from the receipt of the written record to refer the matter to Stage 2 - Appeal. If the Stage 2 appeal is not lodged within 7 working days, it will be assumed that the employee(s) does not wish to appeal against the Stage 1 decision and that the matter is closed.

6.4 Stage 2 – Appeal

- 6.4.1 If an employee(s) remains dissatisfied by the action taken at Stage 1, they should present a copy of their original grievance form, the outcome letter of the Stage 1 hearing and their reasons, in writing, for considering the matter unresolved. Following receipt of these documents a Stage 2 Appeal Hearing should take place within **10** working days.
- 6.4.2 The procedure of the Stage 2 - Appeal Hearing is detailed in Appendix 3.
- 6.4.3 A Stage 2 Appeal will be heard by either the Accountable Officer or a member of the Executive Team, and a representative from HR. Where it is felt appropriate, a third person may also be panel member, who may be another manager, a non-executive or lay member of the Board. No members of the panel will have been previously involved in the issue. See Section 7 (Scheme of Delegation) if the grievance involves the Accountable Officer.
- 6.4.4 The Stage 2 appeal will be acknowledged in writing within **2** working days. A Hearing will be arranged with the employee(s) within **10** working days of receipt of the Stage 2 appeal, supported by HR as appropriate. The employee should be notified of this meeting in writing and should notify the employee(s) of their right to be accompanied at the meeting.
- 6.4.5 Both the employee(s) who submitted the Grievance, and the manager who 'heard' the Grievance at the Stage 1, will then be given the opportunity to submit a written statement of case to be considered at the appeal hearing and will be advised of who they should submit this to and within what time scale. These statements will be exchanged between parties in advance of the appeal meeting.
- 6.4.6 If the manager hearing the case finds that the conduct or behaviour of the person the Grievance is raised against is not acceptable, the findings may be dealt with under the Organisations Disciplinary or Performance Policy.
- 6.4.7 The Chair of the panel will then respond verbally with his/her decision at the hearing and confirm this in writing within **3** working days of the hearing.
- 6.4.8 At this point the Organisations internal processes have been exhausted. It is recognised that for certain matters where an employee remains dissatisfied, they may refer the matter to an Employment Tribunal. Their employment arrangements will not be changed, nor will they be disadvantaged if they wish to do so.

7 Scheme of Delegation

7.1 The Scheme of Delegation as outlined in the table below will be applied during the formal stages of the grievance procedure:

Grievance	Stage One – Formal Grievance Hearing	Stage Two - Appeal
Hearing Panel	<ul style="list-style-type: none"> - Appropriate Manager (not the Line Manager if they are subject of the Grievance or they dealt with the Informal Grievance) - HR 	<ul style="list-style-type: none"> - The Accountable Officer, or a member of the Executive Team - HR - a third person may also be on the panel, who may be another manager or a Lay Member of the Board
Hearing Panel (if the Grievance relates to the Accountable Officer)	<ul style="list-style-type: none"> - Lay Member of the Board - HR 	<ul style="list-style-type: none"> - CCG Chair - HR - a third person may also be on the panel, who may be another Lay Member of the Board or external to the organisation

8 Right to be accompanied by a Trade Union Representative or CCG Work Colleague

- 8.1 Employees can be accompanied and represented at any stage of procedure by a Trade Union Representative or CCG work colleague, or otherwise involved in the matter. Employees may not be accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.
- 8.2 A representative may address the hearing to present the employee's case, confer with them during the hearing and offer any additional relevant information if agreed by the employee. They do not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it, or prevent the employee from explaining their case.
- 8.3 If an employee's companion is unavailable, it is the responsibility of the employee, so long as it is deemed reasonable to suggest another date which is no more than 5 working days after the original date of the hearing.
- 8.4 Employees have no right under this procedure to be accompanied by anyone else (e.g. a spouse, partner, other family member, or legal representative) other than those persons previously referred to.

9 Collective Grievances

- 9.1 At each formal stage of the procedure, the group of employees may nominate two of their group to represent them in the appropriate meeting (i.e. in addition to their accredited Staff Representative if appropriate).
- 9.2 Where several Trade Unions are involved in the same Collective Grievance within the

Organisation, they will be expected to co-ordinate their views, and nominate one representative per trade union, in addition to two employees involved, to present the case. Other representatives may attend a hearing as witnesses, if desired.

- 9.3 The Organisation will attempt to resolve Collective Grievances within a maximum of two months of the date when it was first brought to the attention of the immediate line manager, and will inform the employee of the intended timescales, which may fall outside of the Sections 6.3 and 6.4.

10 General Conduct of Meetings

- 10.1 Meetings convened under the Formal Procedure should be conducted in accordance with the following guidelines:

- **Introductions.** The panel hearing the grievance should introduce all present, explain the purpose of the meeting (i.e. to consider whether the grievance can be resolved) and explain how the meeting will be conducted.
- **Statement of The Grievance (Stage 1 – Formal Grievance Hearing).** The panel hearing the case should establish precisely what the grievance is and invite the employee(s) and/or their representative to present their case, any relevant supporting information and call any witnesses.
- **Manager’s Reply (Stage 2 - Appeal).** Where the grievance has previously been heard by a Manager at an earlier stage in the procedure, then that manager should be given the opportunity to present her/his case and any relevant supporting information.
- **Civility.** The meeting should be conducted courteously and fairly, with the emphasis being to establish the facts. To this end, all parties should be free to ask questions politely and comment appropriately.
- **Summing Up.** After general questioning and discussion, both parties should be given the opportunity to summarise their main points, with the employee having the right to go last.
- **Adjournment.** The panel hearing the case should consider their decision in private. If it is necessary to recall one of the parties to clear any points of uncertainty on evidence already given, then both parties should be invited to return notwithstanding only one is concerned with the point giving rise to doubt.
- **The Decision.** All appropriate parties should be recalled and the panel hearing the case should inform them of their decision.

11 Due Regard

- 11.1 This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

- 11.2 This can be evidenced in Sections 1.1, 2, 3.1, 3.3, 4.4 and Appendix 3.

12 Implementation and Dissemination of the Document

- 12.1 This document has been fully ratified by the Finance, Performance and Resources Committee (Herefordshire CCG) and the Clinical Executive Team (Worcestershire CCGs) and will be published and made available to all employees via the Organisations intranet / the Corporate Team.

13 Monitoring and Review

- 13.1 The policy will be reviewed as and when required and in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

APPENDIX 1

Grievance Report Form

The individual raising the Formal grievance should complete this form.

You may wish to seek assistance from your Trade Union Representative when completing this form. Once completed, the form should be passed to your Line Manager who will arrange to hear your grievance within 7 working days.

Personal Details			
Name		Line Manager	
Job Title		Location	
Contact Number		Email Address	
Address for Correspondence:			

Description of Grievance	
I wish to raise a grievance for the following reasons: -	
I seek the following solution to the grievance: -	
Trade Union Rep name (is applicable):	
Employee Signature:	
Date:	

Stage 1 - Formal Grievance Hearing (for Management Completion)	
Grievance Heard by:	
Date Grievance heard:	
The relationship with the aggrieved?	
Was the Grievance resolved?	Yes / No
If no, please state the reason below and attach a copy of any correspondence	
Signature:	Date:

Stage 2 - Appeal (for HR Completion)	
Grievance Heard by:	
Date Grievance heard:	
The relationship with the aggrieved?	
Was the Grievance resolved?	Yes / No
If no, please state the reason below and attach a copy of any correspondence	
Signature:	Date:

APPENDIX 2

Acknowledgement and Invite Letter to Formal Grievance / Appeal Hearing

Private and Confidential

«Title» «FirstName» «LastName»

«Address1»

«Address2»

«City»

«State»

«PostalCode»

Date

Dear «Title» «LastName»;

Re: Formal Grievance Hearing / Appeal Hearing – dd Month Year

I am in receipt of your Grievance Report Form / Grievance Appeal. As you are aware the Grievance policy states that your Grievance / Grievance Appeal should be heard within 7/10* working days. I have therefore arranged for the hearing to take place as follows:

Date: ...

Time: ...

Venue: ... address (include map if appropriate)

Stage 1 (Delete if Stage 2 Appeal) - At the hearing, I would like you to state your grievance, outline the actions already taken to attempt to resolve the issue and explain why it remains unresolved. You should also indicate how you feel the issue can be resolved. I will consider what you have said and inform you of my decision. I will confirm this decision in writing within 3 working days of the hearing.

Stage 2 – (Delete if Stage 1 Grievance Hearing) - At the Appeal hearing, you should state your reasons for submitting the grievance, outline the actions already taken to attempt to resolve the issue, state how you think it can be resolved, and why you are not satisfied with the decision at Stage 1. The manager who heard the grievance at Stage 1 will respond with their views, why they made their decision, and how they feel the matter can be best resolved. I will confirm this decision in writing within 3 working days of the hearing.

You should submit a written Statement of Case to be considered at the hearing to By The Manager who dealt with the informal Grievance / Stage 1 Formal Grievance Hearing will also be asked to submit a Statement of Case. These statements will be exchanged between parties in advance of the hearing.

If you wish to call any witnesses to support your Grievance / Grievance Appeal, submit any witness statements or other information then please ensure that a list of the names and details of these

people and any information is submitted to (the manager leading the meeting) at least 2 working days prior to the hearing. Please note that if you fail to inform (the manager leading the meeting) of your intended witnesses and any additional statements or information at least 2 working days prior to the hearing, then it may not be possible for those people to appear on your behalf or for this evidence to be considered.

Please confirm your attendance at the hearing to on (number) or ... (Email) by ... (3 days before hearing). If you have or anticipate any problems with the arrangements detailed above or you require any assistance in order to facilitate your attendance at this hearing, then please contact me as soon as possible so that arrangements can be made.

You have the right to be accompanied by your Trade Union Representative or a CCG Work colleague at this hearing. I will be supported by (insert name and job title of HR representative).

Yours sincerely,

Name
Job Title

* delete as appropriate – Stage 1 is 7 working days
Stage 2 is 10 working days

APPENDIX 3

Procedure of Stage 1 – Formal Grievance Hearing and Stage 2 – Appeal Hearing

In order to ensure consistency throughout the Organisation, the following procedure should be followed for every formal Grievance Hearing and Appeal.

It should be noted that Hearings may be digitally recorded.

If anyone attending has a disability and requires special arrangements to be put in place, the HR Department should be notified prior to the hearing.

It should be noted that, in exceptional circumstances, a Hearing, which has been arranged, and a date agreed, may be re-arranged at the request of either side, on one occasion only.

The following applies to hearings at Stage 1 (Formal Grievance Hearing) and Stage 2 (Appeal Hearing):

- a. It is essential that each party is allocated a separate room.
- b. The designated Chairperson for the hearing will introduce all parties and briefly outline the issue under discussion.
- c. The employee or employee's staff side representative/work colleague will then be invited to present their case, including their reasons for lodging the grievance, outlining the actions already taken to attempt to resolve the issue and how they think it can be resolved. The employee may call any witnesses.
- d. The management representative and the panel will then have the opportunity to ask any questions relating to the employees' case.
- e. The management representative will then be invited to present the management case. Management may call any witnesses.
- f. The employee or employee's staff side representative/work colleague will then have the opportunity to ask any questions relating to the management case.
- g. The panel will then ask any final questions ensuring they have elicited all relevant information. An adjournment of the meeting should be considered if it is necessary to investigate any new facts which arise.
- h. The employee or staff side representative/work colleague shall then be asked to sum up, followed by the management side.
- i. If any points requiring clarification arise, **both** sides must be recalled together, even if only one side is concerned. This adjournment can also allow for any further checking of any matters raised, particularly if there is any dispute over facts.
- j. The panel will adjourn to make a decision.

- k. The Chair of the panel will then respond verbally with his/her decision at the hearing, including any recommendations for resolution and confirm this in writing within **3** working days of the hearing. The letter should include a full explanation of how the decision was reached.

APPENDIX 4

Confirmation of Outcome of Formal Grievance / Appeal Hearing

CCG Logo

Private and Confidential

«Title» «FirstName» «LastName»
«Address1»
«Address2»
«City»
«State»
«PostalCode»

Date

Dear «Title» «LastName»;

RE: Formal Grievance / Appeal Hearing – Date Month Year

Further to the Formal Grievance / Appeal Hearing, I am writing to confirm my decision.

I have read your Grievance Report Form and listened to your statements regarding your grievance and how you felt it should be resolved. It is my opinion that your grievance concerns *outline basis of grievance*.

At the close of the hearing I stated that my decision was *state decision*.

Stage 1 (Delete for Stage 2 hearing) - You have the right to appeal against my decision. If you intend to appeal, you should write to *Name, post, and contact address*. If you have not lodged your appeal within 7 working days, it will be assumed that you do not wish to take the Grievance any further and that the matter is closed.

Stage 2 (Delete for Stage 1 hearing) – I hope that you are satisfied with the outcome of the Appeal. You have no further the right to appeal against my decision.

Yours sincerely

Name
Job Title