# NIGALA Staff Grievance Policy

## Summary of Contents:

The purpose of this policy is to provide further clarification of the grievance arrangements in place for all staff. This policy has been aligned with the National HSC Agreed Policy on Grievance released in 2009.

## Enquiries:

Any enquiries about the contents of this document should be addressed to:

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<th>For Information/Action:</th>
<th>Related documents:</th>
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<td>NIGALA Board</td>
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<td>Approved</td>
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GRIEVANCE POLICY

1. INTRODUCTION

a) The following procedure has been devised for dealing with issues that constitute, or are liable to constitute, a source of grievance to an individual employee or group of employees working in the Agency.

b) Any grievance should always, in the first instance, be shared with the relevant line manager who will endeavour to deal with the matter raised as quickly and informally as possible. However, this procedure should be used to provide a formal mechanism when efforts are unsuccessful in settling the matter to the satisfaction of the employee.

2. GUIDANCE AND DEFINITIONS

i) Employee - is anyone employed (this does not include those individuals who are self employed) by the Northern Ireland Guardian ad Litem Agency (NIGALA)

ii) Employee Representative - is any employee of the NIGALA who is an accredited representative of a trade union, professional organisation or staff organisation, a full time official of any of the above organisations or a fellow NIGALA employee. Legal Representation, that is solicitors and/or professional legal counsel, will not be permitted at any stage of this Grievance Procedure.

iii) Grievance Panel – the persons with the appropriate authority to resolve the grievance

3. PRINCIPLES

a) The employee has the right to a personal hearing

b) Relevant witnesses may be called by the employee or the NIGALA

c) Issues which may give rise to a grievance under this procedure may include:

i) Differences between the Agency and an individual employee on matters which affect the employee’s terms and conditions of service (excepting issues regarding the outcome of a job evaluation/grading);
ii) General grievances, excluding grievances arising out of disciplinary action (except where Statutory Grievance Procedure applies);

iii) Where employees believe they have been unfairly affected by:

   (1) Organizational change
   (2) New working practices
   (3) Health and Safety arrangements/environment
   (4) Working environment
   (5) Workplace relationships;

iv) Grievances arising out of an alleged breach of the Agency’s Equal Opportunities Policy;

v) Harassment and/or bullying. (Please refer to the Agency’s policy on Harassment and Bullying for further details).

4. IMPLEMENTATION OF THE PROCEDURE

a) It is essential that the procedure be operated in a timely and efficient manner. To that end, an initial grievance hearing will normally be convened within 15 working days of receipt of a Notice of Reference (Grievance) form (see Appendix 1).

b) The decision of the Grievance Panel will normally be conveyed in writing to the employee within seven working days from the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. This letter will also provide details of how to appeal this decision, should the employee believe the matter has not been resolved.

c) Management should seek to ensure that all grievances raised under this Procedure are addressed as quickly as practicable

d) It is expected that when an employee has a grievance, that this will be raised as close to the issue / event as soon as is practically possible. This should not normally be later than four months after the issue / event other than in exceptional circumstances.

e) All parties have the responsibility to respond to issues pertaining to this grievance process in a timely manner.

f) Managers have a duty to make every effort to resolve issues at the earliest opportunity. They are accountable for maintaining good employee relations and must therefore ensure that unacceptable delays do not occur in responding to grievances.

g) At all stages during the grievance procedure the employee will have the right to be accompanied and/or represented by an employee representative as defined in Section 2 (ii).
h) At all stages, the grievance procedure will be completed as quickly as possible within the defined timelines unless by mutual agreement.

i) An employee who has a grievance must exhaust each stage before proceeding to the next. The matter will not normally be progressed until the previous procedural stages have been concluded.

j) In the event that the manager or grievance panel fails to meet the above deadlines, without prior notice and explanation given to the employee or their representative, the employee shall have the right to progress the grievance to the next stage.

k) Managers should retain written records of all grievance hearings and meetings.

l) All parties are expected to take all reasonable steps to participate fully with the grievance procedure.

5. MEETINGS / HEARINGS

a) Employees are expected to participate fully with the grievance process. If a NIGALA employee cannot attend a meeting/hearing through circumstances outside her/his control and unforeseeable at the time the meeting/hearing was arranged they must notify the NIGALA and provide reasons. NIGALA will arrange one further meeting/hearing. Failure to attend this rearranged meeting/hearing may result in the grievance process continuing in their absence based on the information available. Meetings will normally be scheduled once periods of certified sickness absence have ended.

6. REPRESENTATION

a) At all stages of this grievance procedure, including at grievance and appeal hearings, the employee will have the right to be accompanied by either a Trade Union representative or a work colleague (hereafter referred to as an “employee representative”) as outlined at section 2.1 of this policy. There is no right at any stage of the procedure to be accompanied by a legal representative, spouse, partner or relative.

b) A support person may be made available as determined by the Agency for a disabled member of staff if requested. Also, an interpreter may be made available if requested by an employee whose first language is not English.
7. STAGES OF PROCEDURE

INFORMAL PROCEDURE

a) In the event of an employee being aggrieved, the matter should be informally discussed in the first instance with their line manager. If the line manager is directly involved in the grievance, the grievance can be discussed with another member of the management team. The line manager should facilitate this meeting within ten days of receipt of the request. There should be an open and frank discussion of the grievance and the management response should be explicit and timely. It may be appropriate to record the response in writing. If the employee should choose to be accompanied by an employee representative, the manager should facilitate this.

b) Only where it has not been possible to resolve the grievance through informal discussion and/or communication, should the formal procedure, as detailed below, be initiated.

FORMAL PROCEDURE

STAGE 1

Raising a Grievance

c) A Notice of Reference (See Appendix 1) should be submitted to your line manager on the Management Team, outlining the nature of the grievance and attaching any supporting documentation or information. Where the grievance relates to an employee’s line manager they should submit their Notice of Reference form to an alternative member of the Management Team.

Grievance Hearing

d) Upon receipt of a Notice of Reference an initial grievance hearing will normally be convened between the Grievance Panel and complainant to establish the details of the complaint, within 15 working days. The composition of the Grievance Panel will be:

(1) Two members of the management team neither of which was involved at the informal stage.

e) Where possible the panel will represent a mix of gender and community background.

f) The grievance panel should invite a management representative and/or other employees associated with the grievance to be present at the hearing, if considered necessary to clarify any points raised. The Grievance Panel may also seek additional information/clarification in the pursuit of resolution of the grievance.
g) If the decision of the Grievance Panel cannot be given within seven working days, the chair of the grievance panel should provide the employee with an explanation for the delay.

STAGE 2 – APPEAL STAGE

Lodging an Appeal

h) Where the complainant is not satisfied with the decision of the Grievance Panel, a Notice of Appeal (See Appendix 2) may be lodged with the Chief Executive (NIGALA). This appeal should be made within 7 working days of receipt of the letter containing the decision. The employee must include grounds for the appeal, the original Notice of Reference, the stage 1 grievance decision and any other documents relevant to the appeal.

i) The Chief Executive will acknowledge receipt of the appeal letter in writing and will arrange for a Grievance Appeal Panel to hear the grievance within fifteen working days or as soon as reasonably practicable.

Appeal Hearing

j) The Appeal Panel shall comprise of the following:

i) Chief Executive (NIGALA)
ii) Representative from the Human Resources Directorate, Business Services Organisation

k) If the grievance is against the Chief Executive then the Agency’s Chair will determine who is to be in attendance at Stage 1 and/or Stage 2 hearing(s).

l) Where appropriate, the appeal panel may invite a suitably qualified and experienced senior officer in the same profession as the aggrieved employee(s) from the NIGALA or outside the NIGALA to attend the hearing as an assessor. The assessor is there to provide professional advice to the panel as required and has no decision-making role.

m) The Grievance Appeal panel should invite a management representative and/or other employees associated with the grievance to be present at the hearing, if considered necessary to clarify any points raised. The Grievance Appeal Panel may also seek additional information/clarification in the pursuit of resolution of the grievance.

n) The decision of the Appeal Panel will be notified to the employee and the Chief Executive in writing normally within 7 working days of the date of the hearing, stating clearly the reasons for the acceptance or rejection of the case. The decision of the Grievance Appeal Panel is final.

o) If a response is not made within the timescales identified above, the chair of the grievance Appeal Panel should provide the employee with an explanation for the delay.
8. FORMER EMPLOYEES OF THE NIGALA/MODIFIED 2 STEP PROCEDURE

a) The modified procedure applies where an employee has left employment. It applies where the employer was unaware of the grievance before the employee left, or was aware, but the standard grievance procedure had not been commenced or been completed before the employee left and both parties agree in writing that the modified procedure could be used.

i) Step One of the modified procedure requires that the former employee must set out in writing the grievance and the basis for it. The grievance should be sent to the Assistant Director who acted as their line manager.

ii) Step Two requires the NIGALA to set out a response in writing and send it to the former employee. This process should be as transparent as possible and any relevant information should be made available to the former employee. A written response will normally be made available within twenty-eight days of receipt of the written grievance.

9. RECORD KEEPING

a) A note of all meetings including discussions at a grievance panel will be kept. This will not be a verbatim script. Drafts will be made available to all parties with changes considered by return. A final copy will be made available to all parties and changes not agreed by the author will be noted.

b) Managers should forward copies of all documentation and correspondence relating to the grievance to the BSO HR department for retention on the employee’s record.

10. REVIEW OF PROCEDURE

a) This procedure will be regularly reviewed to ensure continued effectiveness, and proposed revisions will be addressed and ratified through the Joint Consultative Committee forum.

Signed on Behalf of Staff Side:  
____________________________ 
Date ________________________

Signed on behalf of NIGALA:  
____________________________ 
Date ________________________

Approved 31st January 2013
EQUALITY SECTION 75 – SCREENING OF POLICIES

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1990. Equality Commission guidance states that the purpose of screening is to identify those policies, which are likely to have a significant impact on equality of opportunity so that the greatest resources can be devoted to these. Using the Equality Commission’s screening criteria, no significant equality implications have been identified.

HUMAN RIGHTS

This policy has been reviewed under the terms of the Human Rights Act. The Act makes it unlawful for public authorities to act in a way that is incompatible with a right contained in the European Convention on Human Rights. The outcome of the review is that the proposed policy does not identify any incompatibility in relation to the Convention Rights contained in the Act.
APPENDIX 1

NORTHERN IRELAND GUARDIAN AD LITEM AGENCY

NOTICE OF REFERENCE (GRIEVANCE)

Employee Details:

Name ___________________________   Band ______________________

Address for correspondence ______________________________________
________________________________________________________________
________________________________________________________________

Telephone No. _________________   Extension No. _________________

Staff Organization/Union (if applicable)

________________________________________________________________

Name of Employee Representative _________________________________

Grievance Details:

Please indicate below which type of grievance is involved.

A.   □ Issues involving differences between the employing authority and an individual employee on a matter which affects an employee’s conditions of service

B.   □ General grievances, other than those arising out of issues referred to at A.

C.   □ Harassment and/or Bullying

Where a general grievance involves more than one employee, details of all employees should be attached.

Date issue arose ________________________________
Details of grievance

Please continue on a separate page if necessary.

If you are intending to use any other documentation or information in the Grievance Hearing, you must include it with this notice. Please list this documentation or information if applicable.

Please list the name(s) of any witness you are intending to call.

SIGNED: ____________________________________________

DATE: ________________

Please forward this form, together with supporting documentation to your line manager on the Management Team. (See Stage 1 – Raising a Grievance).
TO:  Chief Executive, Northern Ireland Guardian Ad Litem Agency

FROM:  

I wish to appeal the decision of the Stage 1 hearing under the Grievance Procedure for the following reason(s):

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

I also attach the following information/documents (if applicable) in support of this appeal:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

SIGNED: __________________________________________________________________

DATE:  _________________

Please forward this form, together with supporting documentation to: The Chief Executive, NIGALA, Centre House, 79 Chichester Street, Belfast, BT1 4JE
APPENDIX 3

THE GRIEVANCE PROCEDURE

INFORMAL PROCESS
Issues resolved by talking things through informally with the employees line manager

FORMAL PROCESS
Employee informs Line Manager of grievance by submitting a Notice of Reference form

GRIEVANCE HEARING
Will be convened within 15 working days of receipt of the Notice of Reference form
Grievance Panel will be comprised of two management team members

DECISION
Advised in writing to employee within 7 working days of the final meeting of the Grievance Panel
Employee advised of right to appeal

RIGHT OF APPEAL
An appeal may be lodged with the Chief Executive, NIGALA, within 7 working days of receipt of the letter conveying decision of the Grievance Panel

APPEAL HEARING
Appeal hearing will be convened within 15 working days or as soon as reasonably practical of receipt of Notice of Appeal
The Panel to be comprised of the Chief Executive and a Senior Human Resources Representative from the Business Services Organisation. This will be notified to employee normally within 10 days of appeal hearing

The decision of the Appeal Panel is final