

RESPONSE HEALTHCARE SOLUTIONS LTD

Employee Grievance Procedure

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1. INTRODUCTION AND PURPOSE

This grievance procedure establishes a fair, transparent and comprehensive framework for managing employee grievances at Response Healthcare Solutions Ltd (hereafter referred to as "the Company").

The purpose of this procedure is to:

- Provide all employees with a clearly defined process to raise workplace concerns and grievances
- Ensure grievances are investigated thoroughly, impartially and promptly
- Comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures
- Fulfil obligations under the Employment Rights Act 1996 and employment tribunal standards
- Align with Health and Social Care Compliance Framework requirements
- Meet Care Inspectorate (Scotland) Standards for service providers
- Uphold UK GDPR and data protection requirements
- Maintain confidentiality and professional standards throughout all proceedings
- Provide employees with the right to be accompanied and represented
- Protect both employees and the organisation from potential unfair claims or allegations
- Establish clear safeguards against unauthorised recording or disclosure of information

This procedure applies equally to all employees regardless of employment status, including permanent staff, fixed-term contract workers, agency workers, and secondees.

2. SCOPE AND APPLICATION

2.1 Who This Procedure Applies To

This grievance procedure applies to:

- All employees employed by Response Healthcare Solutions Ltd
- Full-time and part-time employees
- Fixed-term contract employees
- Agency workers and secondees (with appropriate modifications where necessary)
- Employees at all levels of the organisation, from entry-level to senior management
- The procedure does not apply to individuals who are not engaged in an employment relationship with the Company

2.2 Types of Grievances Covered

This procedure addresses grievances concerning:

- Pay, terms and conditions of employment
- Working hours and flexible working arrangements
- Work allocation, workload and working practices
- Bullying, harassment or discrimination
- Health and safety concerns in the workplace
- Management decisions affecting employment
- Breach of employment contract
- Disciplinary action (where the employee disputes the action taken)
- Any other workplace concern affecting the employee's terms and conditions or wellbeing

2.3 Matters Outside This Procedure

The following matters are not addressed through this grievance procedure:

- Complaints about the Company made by service users or external parties (these follow the Company's Complaints Policy)
- Appeals against statutory redundancy (these follow the redundancy and dismissal procedures)
- Appeals against capability or performance management (these follow the capability procedure)
- Matters solely within the scope of disciplinary investigation (although a grievance raised during disciplinary proceedings will be addressed)

2.4 Related Grievances

Where the Company receives two or more related grievances from different employees regarding the same matter, the Company may:

- Handle them through the formal procedure for all grievances involved
 - Consider consolidating hearings if the employees agree
 - Ensure each employee retains the right to their own separate grievance meeting where others involved in the grievance are not present
 - Maintain strict confidentiality between grievance records of different employees
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3. STATUTORY FRAMEWORK AND REGULATORY COMPLIANCE

3.1 Legal Basis

This procedure is established in accordance with the following statutory requirements and regulatory frameworks:

Employment Law (UK)

- Employment Rights Act 1996
- Employment Relations Act 1999
- Equality Act 2010
- Data Protection Act 2018 and UK GDPR
- Whistleblowing provisions under the Public Interest Disclosure Act 1998

Scottish Employment Law

- Employment standards set by the Scottish Public Services Ombudsman (SPSO)
- Care Inspectorate statutory guidance on complaints handling and service standards
- Scottish legal precedent on natural justice and procedural fairness

Health and Social Care Standards

- Health and Social Care (Regulated Activities) Regulations 2014
- Care Quality Commission Regulations (where applicable)
- Care Inspectorate Standards for service providers in Scotland
- NHS Employers policy on grievance procedures (where applicable)

Home Office and Immigration Compliance

- Employment law requirements applicable to all workers in the UK
- Compliance with Sponsor Licence obligations where applicable

- Right to work verification procedures

ACAS Code of Practice

The ACAS Code of Practice on Disciplinary and Grievance Procedures (2015) provides the minimum standard of good practice. Non-compliance with the ACAS Code may result in Employment Tribunal awards being increased by up to 25%. This procedure meets and exceeds the ACAS Code minimum standards.

Care Inspectorate Standards (Scotland)

Response Healthcare Solutions Ltd, as a provider of health and social care services in Scotland, is subject to Care Inspectorate inspection and regulation. This grievance procedure aligns with Care Inspectorate expectations for:

- Transparent and fair handling of complaints and grievances
 - Proportionate and prompt responses to concerns raised
 - Consistency in procedure application
 - Learning from complaints and grievances
 - Maintenance of records and confidentiality
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4. GENERAL PRINCIPLES

4.1 Fairness and Natural Justice

All grievance proceedings shall be conducted on the basis of:

- **Impartiality:** Grievances shall be investigated and decided by individuals with no prior involvement in or bias towards the matter
- **Right to be Heard:** The employee has the right to explain their case fully and present evidence
- **Transparency:** The employee shall be informed of allegations against them and given opportunity to respond
- **Consistency:** Decisions shall be consistent with how similar grievances have been handled previously
- **Proportionality:** The investigation and hearing shall be proportionate to the seriousness of the grievance

4.2 Confidentiality and Data Protection

- All grievance information shall be treated as confidential and restricted to those with a legitimate need to know
- Information shall be stored securely and handled in compliance with UK GDPR requirements
- Employees shall be informed of what personal data will be processed and for what purpose

- Employees have rights of access to their personal data under Data Protection legislation
- Information shall not be disclosed to unauthorised third parties
- Information may be disclosed where required by law (for example, to employment tribunals or enforcement authorities)

4.3 Protection from Retaliation and Victimisation

The Company will not subject any employee to detriment or retaliation for:

- Raising a grievance in good faith
- Participating in a grievance investigation
- Supporting a colleague in raising a grievance
- Making protected disclosures (whistleblowing) in accordance with the Public Interest Disclosure Act 1998

Any employee who believes they have suffered retaliation for raising a grievance may raise this as a separate grievance under this procedure.

4.4 Support and Representation

- Employees have the right to be accompanied by a colleague or trade union representative at all formal meetings
- The companion may be present to provide support, take notes, and contribute to discussions
- If an employee's chosen companion is unavailable, a reasonable alternative date for the meeting shall be offered (within reasonable timescales)
- Employees may seek advice from trade unions, professional bodies, or legal representatives

4.5 Timescales

All timescales specified in this procedure are indicative. However:

- The Company shall aim to meet all specified timescales
- Where timescales cannot be met, the employee shall be informed in writing of the reason for the delay and a revised timescale provided
- Reasonable extensions may be granted where necessary, for example due to complexity, witness availability, or other operational circumstances

5. INFORMAL RESOLUTION STAGE

5.1 First Point of Contact

Employees are encouraged to address workplace concerns informally and as soon as possible to prevent escalation and facilitate early resolution.

The first step for an employee experiencing a workplace concern is to:

- Raise the matter with their immediate line manager or supervisor
- If the concern relates to the immediate manager, approach an alternative manager, HR representative, or another supervisor the employee feels comfortable with
- If the employee feels unable to raise the matter directly, seek advice from HR, a trade union representative, or a trusted colleague

5.2 Informal Meeting

When a manager becomes aware of a potential grievance, they should:

- Acknowledge the concern and offer to discuss it
- Listen carefully and without interruption
- Take notes of the discussion (with the employee's knowledge)
- Ask clarifying questions to understand the employee's position
- Explain the Company's perspective or the context that may not be apparent to the employee
- Aim to identify potential solutions or compromises
- Record the outcome of the informal discussion

5.3 Informal Resolution

Many workplace concerns can be resolved informally through:

- Clarification and better communication
- Adjustment of working arrangements
- Mediation between parties
- Management action to address the concern
- Explanation of Company decisions or policies

If the matter is successfully resolved informally, no formal grievance record need be created, though the manager may keep notes for their own reference.

5.4 Escalation to Formal Procedure

If after a reasonable attempt at informal resolution:

- The employee remains dissatisfied
- The concern is serious in nature (such as allegations of harassment, discrimination, or breach of contract)
- The employee requests to proceed to formal grievance

- The manager has been unable to resolve the issue

Then the employee should be informed of their right to raise a formal grievance under this procedure.

6. FORMAL GRIEVANCE STAGE

6.1 Raising a Formal Grievance

An employee may raise a formal grievance by submitting a written complaint to:

Primary Contact:

Human Resources Manager

Response Healthcare Solutions Ltd

Sean Carter and Falaknaz Khan

HR@responsehealthcare.co.uk

Alternative Contact (if HR not suitable):

Mazher Khan

MAZ.MANAGER@RESPONSEHEALTHCARE.CO.UK

Response Healthcare Solutions Ltd

Office 2.6, 1 Barrack Street, Hamilton, ML3 0DG

6.2 Content of Formal Grievance

The employee should provide a written statement containing:

- A clear description of the grievance (what has occurred)
- The date or dates when the events occurred
- Names of any individuals involved or who witnessed the events
- Details of any steps already taken to resolve the matter informally
- Relevant facts and circumstances
- Any evidence or supporting documentation (payslips, emails, notes of meetings, etc.)
- What outcome or remedy the employee is seeking
- The employee's contact details and preferred method of contact

6.3 Submission of Grievance

The grievance should be submitted:

- In writing (email, letter, or completed grievance form)
- Within a reasonable timeframe of the events giving rise to the grievance (noting that grievances relating to ongoing situations may be raised at any time)
- To the contact specified in section 6.1
- With supporting documents enclosed or attached

Template Grievance Form shall be made available to employees through:

- HR department
- Employee handbook
- Company intranet
- Physical notice boards

6.4 Acknowledgement of Grievance

Upon receipt of a formal grievance, HR shall:

- Acknowledge receipt in writing within 3 working days
- Provide the acknowledgement to the employee by email, letter, or other agreed method
- Include in the acknowledgement:
 - Confirmation that the grievance has been received
 - The name and contact details of the person handling the grievance
 - An outline of the next steps and timescales
 - Information about the employee's right to be accompanied at meetings
 - Confirmation of confidentiality obligations

6.5 Initial Assessment

HR shall conduct an initial assessment of the grievance to determine:

- Whether the grievance falls within the scope of this procedure
 - The nature and seriousness of the allegations
 - Whether any immediate action is required (for example, if health and safety or safeguarding concerns are raised)
 - Whether the grievance is related to any ongoing disciplinary or capability procedures
 - Whether any conflict of interest exists that would prevent current personnel from handling the grievance
 - Whether the grievance requires formal investigation or can be resolved through discussion
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7. INVESTIGATION STAGE

7.1 Appointment of Investigator

Where formal investigation is required, the Company shall appoint an investigator who:

- Is independent of the grievance (not directly involved in the events giving rise to the grievance)
- Has received appropriate training in grievance investigation
- Has no material interest in the outcome
- Is at an appropriate level of seniority (typically at or above the level of the employee's manager)
- Is not subject to a conflict of interest

If no suitable investigator can be identified within the Company, an external investigator may be appointed.

7.2 Investigation Process

The investigator shall:

- Review all written evidence and documentation provided by the employee
- Review any additional relevant documents held by the Company
- Conduct interviews with:
 - The employee who raised the grievance
 - Any individuals against whom allegations have been made
 - Relevant witnesses
 - Any managers or supervisors with relevant knowledge
- Take detailed notes of all interviews
- Maintain confidentiality throughout
- Keep the employee informed of progress where appropriate
- Allow reasonable time for the employee to prepare responses and gather evidence
- Conduct interviews in a professional and impartial manner
- Consider all information with an open mind

7.3 Procedural Rights During Investigation

The employee (and any other employees involved) shall have the right to:

- Know the nature of the allegations or concerns being investigated
- Know the timescale for investigation
- Be informed of key findings before the formal hearing (where practicable)

- Provide a written response to any allegations
- Suggest witnesses or additional evidence
- Receive a fair hearing before any final decisions are made

7.4 Investigation Timescales

The investigation shall be completed within a reasonable timeframe, typically:

- **Straightforward matters:** 5-10 working days
- **More complex matters:** 10-20 working days
- **Complex or sensitive matters:** Up to 30 working days

The employee shall be kept informed if the investigation requires longer than anticipated, with an explanation of the reasons and a revised timescale provided.

7.5 Investigation Report

The investigator shall prepare a confidential written report containing:

- Summary of the grievance
- Facts investigated
- Findings on each allegation or issue
- Evidence considered (without necessarily disclosing all confidential evidence)
- Conclusions and recommendations
- Any actions recommended

The investigation report shall be provided to the Grievance Manager (typically HR or a senior manager) who will make the final decision.

8. FORMAL GRIEVANCE HEARING

8.1 Scheduling the Hearing

Following investigation, a formal grievance hearing shall be arranged with the employee. The Company shall:

- Provide a minimum of 5 working days' notice (more where possible)
- Offer a specific date and time
- Confirm the location and format (in-person, video conference, or telephone)
- Provide information about the right to bring a companion
- Inform the employee of who will be present at the hearing
- Provide a copy of the investigation findings (or a summary where certain evidence must remain confidential)

- Ask the employee to confirm attendance and whether they wish to bring a companion

8.2 Composition of Hearing Panel

The formal grievance hearing shall be conducted by:

- **Single Hearing:** A manager or HR representative with appropriate authority
- **Panel Hearing (in serious cases):** A panel of two or three individuals with no prior involvement in the grievance

The manager chairing the hearing should be:

- At an appropriate level of seniority
- Trained in handling grievance hearings
- Independent of the grievance
- Not the investigator (to preserve impartiality)

8.3 Employee's Right to Companionship

The employee has the right to bring a companion to the hearing who:

- May be a work colleague or friend
- May be a trade union representative
- May be a legal representative (in complex cases or at the Company's discretion)
- May contribute to discussions (offer support, clarify points, take notes)
- May ask questions of witnesses or management representatives
- Shall maintain confidentiality of the proceedings

If the employee's chosen companion cannot attend on the scheduled date, the Company shall offer a reasonable alternative date within a maximum of 5 working days.

8.4 Hearing Procedure

Opening

The hearing chair shall:

- Welcome the attendees
- Explain the purpose and process of the hearing
- Set ground rules for respectful conduct
- Confirm the confidential nature of the proceedings

Critical Warning Regarding Recording

At the start of the hearing, the hearing chair shall make a **clear and explicit statement**:

"I must make clear at the outset that covert recording of this meeting or any conversations relating to this grievance on any device, including mobile phones,

recording devices, or any other recording technology, is strictly prohibited. This prohibition applies to all participants. Any breach of this prohibition will be treated as a serious disciplinary matter and may result in disciplinary action up to and including dismissal. This prohibition is essential to maintain the integrity of this process, protect the confidentiality of all parties, and ensure fairness. You are permitted to take written notes for your own reference, but you are not permitted to record audio or video without the explicit written consent of all parties to this meeting, which will not normally be provided. Do you understand this instruction?"

The hearing chair shall ask the employee and their companion to acknowledge and confirm their understanding of this prohibition.

Presentation of Grievance

- The employee (or their companion) presents their grievance and explains their concerns
- The employee presents any evidence or documentation they wish to rely upon
- The hearing panel asks clarifying questions
- The employee has opportunity to respond fully

Presentation of Company's Position

- The Company representative presents the Company's position on the matters raised
- The Company presents any evidence or documentation
- The Company may call witnesses (with opportunity for the employee to question them)
- The employee has opportunity to question or challenge the Company's evidence

Witness Evidence (if applicable)

- Any witnesses are called to give evidence
- Witnesses are asked questions by the Company, the employee, and the hearing panel
- Confidential witnesses may give evidence in writing or behind a screen (in appropriate circumstances)
- The employee shall normally have the opportunity to hear evidence against them and respond

Closing Statements

- The Company makes a closing statement summarising its position
- The employee (or companion) makes a closing statement
- The hearing chair summarises the key issues and confirms next steps

Recording of Hearing

- Detailed notes shall be taken by the hearing chair or a designated note-taker
- Notes shall record the main points discussed, evidence presented, and questions raised
- Notes shall be confirmed as accurate and provided to the employee

- **No audio or video recording shall be permitted** (as per the explicit prohibition set out above)

8.5 Confidentiality Undertaking

All participants in the hearing shall be required to maintain confidentiality regarding:

- The substance of the grievance
- Evidence presented
- Discussions held
- Identities of witnesses (where applicable)
- The outcome

Participants may disclose information to:

- Their trade union representative (for the employee)
- Their legal representative (for confidential advice)
- Their spouse or immediate family (in general terms)
- Where required by law

Non-disclosure undertaking: All participants shall be required to confirm they understand confidentiality obligations and will not disclose information to unauthorised third parties.

9. DECISION AND OUTCOME

9.1 Deliberation and Decision-Making

Following the hearing, the hearing panel shall:

- Withdraw to consider the evidence and information in private
- Consider all facts presented without bias or predetermined conclusions
- Apply the balance of probabilities (on the evidence presented)
- Document the reasoning for their decision
- Prepare a written decision

9.2 Decision Options

The hearing panel may reach one of the following conclusions:

Grievance Upheld

The grievance is found to be justified, and the employee's concerns are substantiated. Remedial action shall be taken.

Grievance Partially Upheld

Some of the employee's concerns are substantiated, and some are not. Partial remedial action shall be taken.

Grievance Not Upheld

The grievance is not substantiated on the evidence. The Company's position is upheld and no remedial action is required.

9.3 Decision Letter

The Company shall provide a written decision letter to the employee within 10 working days of the hearing (or as soon as reasonably practicable). The decision letter shall contain:

- The date and attendees of the hearing
- Summary of the grievance raised
- Key findings of fact
- Application of Company policy to those facts
- Decision (upheld, partially upheld, or not upheld)
- Clear reasoning for the decision
- Any remedial action to be taken (including timescales)
- The employee's right of appeal
- How and to whom the appeal should be submitted
- The appeal timescale (10 working days from receipt)

The decision letter shall be provided to the employee in writing by email, letter, or other agreed method.

9.4 Remedial Action

Where the grievance is upheld or partially upheld, the Company shall take appropriate remedial action, which may include:

- Apology or acknowledgement of the issue
- Reversal of a decision (for example, regarding pay or work allocation)
- Compensation or back payment of salary
- Change to working arrangements or practices
- Training or development for relevant staff members
- Mediation between parties
- Monitoring of the situation to prevent recurrence
- Disciplinary action against individuals found to have breached policy or acted improperly
- Referral to safeguarding or regulatory bodies (where required by policy or law)

Timescales for remedial action shall be confirmed in the decision letter and reviewed to ensure implementation.

9.5 Discipline Resulting from Grievance

Where investigation reveals conduct by the Company or its staff that warrants disciplinary action, the matter shall be referred to the Disciplinary Procedure. The employee who raised the grievance shall be:

- Informed that a disciplinary matter has arisen
- **Not** informed of the detail of the disciplinary process or outcome (which is confidential to the employee subject to discipline)
- Not involved in the disciplinary proceedings (unless called as a witness)

This maintains fairness to the employee subject to discipline whilst acknowledging the concerns of the grievance raiser.

10. RIGHT OF APPEAL

10.1 Appeal Right

An employee who is dissatisfied with the decision on their grievance has the right to appeal.

An appeal may be based on:

- Procedural grounds (the procedure was not followed correctly)
- Substantive grounds (the decision is wrong on the facts or in law)
- New evidence has come to light that was not available at the time of the hearing
- Concern that there was bias or conflict of interest in the decision-making

10.2 Submitting an Appeal

To appeal, the employee shall:

- Submit a written appeal within 10 working days of receiving the decision letter
- Address the appeal to a senior manager not involved in the original grievance (typically a Director or senior HR personnel)
- Clearly set out the grounds of appeal and the reasons why the decision should be reconsidered
- Provide any new evidence to be considered
- Indicate whether they wish to attend an appeal hearing or prefer the appeal to be dealt with on paper

Appeals shall be submitted to:

[Insert senior manager name, address, and email]

10.3 Appeal Investigation and Hearing

The appeal shall be handled by:

- A manager or decision-maker not involved in the original grievance
- At a senior level within the organisation
- Following a fair process with opportunity for the employee to present their case
- Usually within 10 working days of receipt of the appeal

The appeal process shall:

- Review the original grievance decision
- Consider the grounds of appeal
- Consider any new evidence provided
- Allow the employee to make representations (by written statement or at a hearing)
- Result in a clear written decision with reasoning

10.4 Appeal Decision

Following the appeal, the Company shall:

- Provide a written decision letter within 10 working days
- Confirm whether the appeal is upheld, partially upheld, or dismissed
- Provide clear reasoning for the decision
- Set out any actions to be taken as a result
- Confirm that this is the final decision and explain the right to refer to an external body if the employee remains dissatisfied

Finality: The decision on appeal is final within the Company's internal procedures.

10.5 External Escalation

Where an employee remains dissatisfied with the Company's internal grievance outcome and appeal, they may:

- Lodge a complaint with the Scottish Public Services Ombudsman (for Scottish-based grievances) at www.spsso.org.uk
 - Bring a claim before an Employment Tribunal (subject to time limits and statutory requirements)
 - Make a protected disclosure (whistleblowing) to relevant regulatory bodies
 - Seek legal advice and representation
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11. PROHIBITION ON COVERT RECORDING AND UNAUTHORISED DISCLOSURE

11.1 Policy on Recording

Covert Recording is Strictly Prohibited

Response Healthcare Solutions Ltd operates a strict prohibition on covert recording. This means:

- Employees are **not permitted to record** any meetings, conversations, or interactions relating to grievance proceedings (or any other workplace matters) without the explicit prior written consent of all parties to the conversation or meeting
- **Covert recording** includes recording without the knowledge or consent of other parties, whether by audio, video, or any other recording technology
- **Recording devices** include mobile phones, smartwatches, dictation devices, hidden cameras, or any other device capable of recording audio or video
- This prohibition applies to all employees, regardless of seniority or role
- This prohibition applies to grievance meetings, informal discussions, and all workplace conversations related to the grievance

11.2 Rationale for Recording Prohibition

The prohibition on covert recording exists to:

- **Protect Confidentiality:** Grievance matters are confidential. Covert recordings may be shared without authorisation, breaching confidentiality
- **Maintain Trust:** Fair grievance procedures depend on participants being willing to communicate openly. Covert recording undermines this trust
- **Ensure Procedural Integrity:** The Company maintains accurate records through official note-taking. Unauthorised recordings create duplicative and potentially inaccurate records
- **Protect Witnesses:** Witnesses may be reluctant to participate if they fear their evidence will be recorded and used elsewhere
- **Comply with Legal Requirements:** Covert recording may breach legal requirements, including Data Protection legislation and common law expectations of privacy
- **Preserve Fairness:** Accurate records maintained by designated note-takers ensure all participants understand what was said and agreed
- **Respect Rights to Privacy:** All participants have a reasonable expectation of privacy in grievance proceedings

11.3 Consequences of Unauthorised Recording

Any employee who:

- Records any grievance meeting or conversation without consent
- Possesses a covert recording of a grievance matter
- Discloses a recording to third parties
- Attempts to record

Shall be subject to immediate disciplinary investigation and action. This may include:

- Suspension pending investigation
- Disciplinary action up to and including summary dismissal
- Removal of the recording and any copies
- Referral to appropriate authorities if the recording is used in potential legal proceedings

The breach of this prohibition is treated as a serious misconduct matter because it strikes at the integrity of the grievance process and confidentiality obligations.

11.4 Permitted Recording Methods

Written Note-Taking

- Employees may take written notes during meetings for their own reference
- Written notes are the personal property of the note-taker and are not confidential Company records
- Written notes should be factual and not amended retrospectively without indicating the change

Official Meeting Records

- The Company shall maintain official written records of all grievance meetings through the hearing chair or designated note-taker
- These records shall be accurate and provided to the employee for verification
- Employees may request copies of official records through HR and Data Protection procedures

Video or Audio Recording with Consent

In exceptional circumstances, recording with the written consent of all parties may be permitted:

- All parties must provide explicit written consent in advance
 - The purpose of the recording must be clearly stated
 - Restrictions on use and distribution must be specified
 - Recording permission will rarely be granted in standard grievance proceedings
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11.5 Data Protection and Confidentiality

Prohibition on Disclosure to Third Parties

Information obtained during grievance proceedings shall not be disclosed to unauthorised third parties. This includes:

- Employees may not share details of the grievance with colleagues, friends, or family members beyond what is necessary
- Employees may share information with their trade union representative or legal advisor for advice purposes only
- Employees may not post information on social media or public forums
- Employees may not disclose information to external media or journalists
- Information disclosed to third parties must not identify others involved without their consent

Permitted Disclosure

Employees may disclose grievance information:

- To their companion at the hearing (who is also bound by confidentiality)
- To their trade union representative (for internal union purposes and advice)
- To their legal representative (for confidential legal advice)
- To their spouse or immediate family (in general terms without identifying others)
- Where required by law or court order
- Where required for regulatory compliance or safeguarding purposes

Consequences of Unauthorised Disclosure

Unauthorised disclosure of confidential grievance information to third parties may result in:

- Disciplinary action
- Breach of employment contract (confidentiality obligations)
- Legal action by the Company or by other individuals whose privacy has been breached
- Liability for damages

12. FAIRNESS SAFEGUARDS

12.1 Procedural Fairness

This procedure incorporates safeguards to ensure procedural fairness and protect against claims of unfair treatment:

Right to Know the Charge



- Employees shall be clearly informed of the nature of the grievance being raised
- Employees shall be informed of allegations against them before formal hearings
- Employees shall have the opportunity to respond to allegations

Right to be Heard

- Employees shall have a fair and full opportunity to present their case
- Employees shall be heard by a neutral decision-maker
- Employees shall have opportunity to ask questions and present evidence

Right to a Fair Hearing

- Decisions shall be made by an impartial decision-maker with no conflict of interest
- The decision-maker shall consider all available evidence
- The decision shall be based on facts, not assumptions or predetermined conclusions
- Decisions shall be proportionate to the circumstances

Right to Representation

- Employees may bring a companion to all formal meetings
- Companions may be colleagues, union representatives, or legal representatives
- The right to representation is not removed or limited

Right of Appeal

- Employees have the right to appeal an adverse decision
- Appeals are decided by a different, senior decision-maker
- Appeal decisions are made following a fair process
- Clear reasoning is provided for all decisions

12.2 Consistency and Precedent

To ensure consistency and fairness:

- Previous decisions on similar grievances shall be reviewed
- The same procedure shall be applied to similar cases
- If a different approach is taken, the reasons shall be documented
- Policies shall be interpreted consistently

12.3 Documentation and Record-Keeping

The Company maintains comprehensive written records of all grievance proceedings:

- Records include the nature of the grievance
- Records document all steps taken during investigation
- Records confirm decisions made and reasons for decisions

- Records note any remedial action taken
- These records are retained for [insert retention period] years in compliance with Data Protection and employment law requirements
- Records are maintained confidentially and securely

12.4 Confidentiality Protections

Confidentiality protections ensure fairness:

- Discussions during grievance proceedings remain confidential
- Information is not disclosed to unauthorised parties
- The employee's complaint is not communicated to the press or public
- Remedial actions are implemented confidentially where possible
- Public proceedings are only permitted where required by law or regulatory requirement

12.5 Witness Protection

Where witnesses are involved in grievance investigations:

- Witness identities may be protected where there is genuine fear of retaliation
- Witness statements may be summarised rather than disclosed in full
- In exceptional circumstances, witnesses may give evidence in written form or behind screens
- The employee's right to challenge evidence is balanced with witness protection
- The interests of justice and fairness are paramount

12.6 Protection from Bias and Conflict

The procedure protects against bias:

- Decision-makers are selected to avoid conflicts of interest
- If a conflict exists, the person shall step aside
- If someone has been involved in an investigation, they do not make the final decision
- External investigators or decision-makers may be appointed where in-house appointments would be biased
- The existence of prior involvement in related matters is documented and considered

12.7 Timescales and Promptness

Procedural fairness requires prompt action:

- Grievances shall be acknowledged within 3 working days

- Investigations shall be completed within a reasonable timeframe (typically 5-30 working days depending on complexity)
 - Hearings shall be arranged within 5 working days of notice (minimum)
 - Decisions shall be communicated within 10 working days of hearing
 - Appeals shall be concluded within 10 working days of receipt
 - Delays shall be communicated and explained
 - Timescales shall not be used to unfairly advantage the Company or disadvantage the employee
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13. SPECIAL CIRCUMSTANCES

13.1 Grievances Involving Managers or Senior Staff

Where a grievance is raised against the employee's immediate manager or a senior member of staff:

- An alternative manager at the same or higher level shall handle the grievance
- Conflict of interest shall be carefully considered
- Independence of the investigator and decision-maker shall be ensured
- The employee may request a specific senior manager to handle the case

13.2 Grievances Involving Allegations of Discrimination

Where a grievance includes allegations of discrimination or harassment on protected grounds (age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief, sex, sexual orientation):

- The matter shall be handled with particular sensitivity
- The Equality Act 2010 shall apply
- The Company's equal opportunities policy shall be considered
- External expertise or investigation may be appropriate
- The employee may wish to involve their union or an external support organisation

13.3 Grievances Involving Safeguarding or Health and Safety

Where a grievance raises safeguarding concerns (child protection or adult protection), health and safety risks, or concerns about service quality:

- Immediate action may be required to protect vulnerable individuals or staff

- The matter may be referred to appropriate regulatory authorities (Care Inspectorate, Health and Safety Executive, police, etc.)
- Disciplinary procedures may run in parallel with the grievance procedure
- The grievance procedure shall not be delayed by parallel proceedings

13.4 Grievances During Disciplinary Proceedings

Where a grievance is raised by an employee whilst they are subject to disciplinary investigation or proceedings:

- The Company may pause the disciplinary investigation to address the grievance first
- If the grievance and disciplinary matters are related, they may be dealt with concurrently
- The employee's rights under both procedures shall be preserved
- Fairness requires that the grievance is addressed before disciplinary proceedings continue (where related)

13.5 Protected Disclosures (Whistleblowing)

Where an employee makes a protected disclosure under the Public Interest Disclosure Act 1998:

- The matter shall be treated as whistleblowing, not simply as a grievance
- The employee shall be informed of whistleblowing protections
- The employee shall not be subjected to detriment for making the disclosure
- The disclosure may be reported to appropriate regulatory authorities
- The confidentiality of the whistleblower shall be protected where possible

13.6 Grievances from Remote or Overseas Employees

For employees working remotely or internationally:

- Grievances shall be accepted and processed regardless of location
 - Video conferencing or telephone hearings shall be arranged
 - Time zone differences shall be accommodated
 - All procedures shall be adapted to ensure fairness and accessibility
 - Legal compliance with the jurisdiction where the employee is based shall be considered
-

14. CONFIDENTIALITY, DATA PROTECTION AND INFORMATION GOVERNANCE

14.1 Data Protection

The Company complies with the Data Protection Act 2018 and UK GDPR in handling grievance information.

Data Subject Rights

Employees have the following rights regarding their personal data:

- **Right to Access:** Employees may request copies of their personal data held in grievance records
- **Right to Rectification:** Employees may request correction of inaccurate information
- **Right to Erasure:** Employees may request deletion of data (subject to legal retention requirements)
- **Right to Restrict Processing:** Employees may restrict how their data is used
- **Right to Data Portability:** Employees may request their data in a transferable format
- **Right to Object:** Employees may object to processing in certain circumstances

Data Protection Impact Assessment

- The Company shall ensure that grievance procedures comply with Data Protection principles
- Personal data shall be processed only for the necessary purpose
- Data shall be accurate and kept up to date
- Data shall be kept no longer than necessary
- Data shall be processed securely and confidentially

14.2 Confidentiality Obligations

All participants in grievance proceedings are bound by confidentiality obligations:

- Participants shall not disclose information to unauthorised third parties
- Information disclosed shall be on a need-to-know basis only
- Confidentiality persists after the conclusion of the grievance
- Breach of confidentiality may result in disciplinary action
- Confidentiality does not apply to disclosure required by law or court order

14.3 Personnel Files and Records

Grievance information shall be maintained as follows:

- Original grievance documents and investigation files shall be stored on the employee's personnel file
- Decision letters and appeal outcomes shall be retained on the file
- Records shall be held securely and accessed only by those with a need to know
- Records shall be retained for [insert period] years after completion
- Upon termination of employment, records relating to grievances may be retained for longer (as may be required for legal proceedings or regulatory compliance)

14.4 References and Grievance History

Disclosure in References

- The fact that an employee has raised a grievance shall **not** normally be disclosed in employment references
- Information about grievances shall only be disclosed if:
 - The grievance related to dishonesty or serious misconduct
 - The new employer specifically requests information about grievances
 - Disclosure is required by law
 - The employee consents

Implications for Future Employment

- Raising a grievance in good faith shall not negatively impact the employee's employment record or future opportunities
- The outcome of a grievance (whether upheld or not) shall not be used against the employee in promotion or opportunity decisions
- If a grievance is not upheld, this shall not be held against the employee in future matters

15. SUPPORT FOR EMPLOYEES

15.1 Support During Grievance

The Company recognises that going through a grievance process can be stressful and difficult. Support available includes:

Wellbeing Support

- Employee Assistance Programme (EAP) [if available – insert details]
- Occupational Health support

- Mental health and counselling services
- Stress management support
- Flexible working arrangements to support wellbeing during the process

Representation and Advice

- Right to be accompanied by a colleague or union representative
- Trade union support and guidance
- Legal advice (at employee's cost, or union funded)
- ACAS advice and support (free and impartial)
- Employee confidential counselling

15.2 Adjustments for Disabilities

The Company shall make reasonable adjustments to support employees with disabilities, including:

- Accessible venues for hearings (wheelchair access, accessible toilets, etc.)
- Support workers or interpreters where needed
- Flexible arrangements for employees with health conditions
- Additional breaks where required
- Technology to assist participation (audio amplification, visual display equipment, etc.)
- Modified procedures (for example, written questions instead of verbal cross-examination)

15.3 Adjustments for Protected Characteristics

The Company shall ensure that grievance procedures do not discriminate and shall make adjustments for:

- Employees for whom English is not a first language (translation/interpretation services where practicable)
- Employees with caring responsibilities (flexible hearing dates/times)
- Employees with religious observance (consideration of dates and times)
- Pregnant employees and employees on maternity leave (appropriate timescales and adjustments)
- Employees returning from long-term sick leave (phased return where appropriate)

16. LEARNING AND CONTINUOUS IMPROVEMENT

16.1 Organisational Learning

The Company is committed to learning from grievances to improve the workplace. The Company shall:

- Review patterns in grievances to identify systemic issues
- Implement changes to policies or practices where grievances reveal problems
- Share learning across the organisation (whilst maintaining confidentiality)
- Provide training to managers based on grievance outcomes
- Consider grievance feedback in performance management of managers

16.2 Review of Grievance Procedure

This procedure shall be reviewed:

- Annually (or more frequently if required by significant changes in law or regulation)
 - Following substantial changes in employment law
 - Following changes in Care Inspectorate guidance
 - Following a significant grievance or series of grievances
 - In consultation with employees and trade union representatives where applicable
-

17. IMPLEMENTATION AND COMMUNICATION

17.1 Communication of Procedure

This grievance procedure shall be communicated to:

- All existing employees at the next opportunity (meeting, payslip, email, etc.)
- All new employees during the induction process
- Trade union representatives (where applicable)
- Managers and supervisors (with specific training on implementation)
- All individuals who may be involved in grievance handling

17.2 Accessibility

This procedure shall be made available:

- In written form in the Employee Handbook
- On the Company intranet (where applicable)
- In large print or alternative formats on request

- In other languages on request (where practicable)
- Verbally explained to employees who request it
- At designated notice boards

17.3 Training

Managers and supervisors shall receive training on:

- This grievance procedure
- ACAS Code of Practice principles
- Fair investigation techniques
- Natural justice and procedural fairness
- Confidentiality and data protection
- Equal opportunities and discrimination law
- Communication skills and empathy in difficult situations
- Health and safety and safeguarding responsibilities

All staff involved in grievance handling shall receive training prior to taking on these responsibilities.

18. POLICY REVIEW AND UPDATES

Document History

Date	Change	Author
02 June 2025	Initial policy	HR Department

Review Schedule

This procedure shall be reviewed annually on 1 December each year, or immediately if:

- Changes in UK employment law or regulation occur
- Changes in Care Inspectorate guidance or standards
- Changes in Scottish employment law
- ACAS Code of Practice is updated
- Significant number of grievances are received
- Employment tribunal judgment affects the Company

Consultation on Changes

Any changes to this procedure shall be made following consultation with:

- Employee representatives
 - Trade unions (where applicable)
 - Management team
 - HR department
-

19. CONTACT AND FURTHER INFORMATION

For Grievance Submissions:

Human Resources Manager

Response Healthcare Solutions Ltd

Office 2.6, 1 Barrack Street, Hamilton, ML3 0DG

Email: hr@responsehealthcare.co.uk

Telephone: 07405 907718

For General Queries:

Falaknaz Khan and Sean Carter

Hr@responsehealthcare.co.uk

External Contacts:

- **ACAS (Advisory, Conciliation and Arbitration Service):** www.acas.org.uk | Tel: 0300 123 1100
 - **Scottish Public Services Ombudsman:** www.spso.org.uk | Tel: 0800 377 7330
 - **Employment Tribunals:** www.employmenttribunals.service.gov.uk
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20. GLOSSARY OF TERMS

Accompanied: Having a support person (colleague, union representative, or legal advisor) present at meetings.

ACAS Code of Practice: The minimum standards of good practice published by ACAS for handling discipline and grievances.

Appeal: A request to reconsider a grievance decision by a more senior decision-maker.

Balancing of probabilities: The standard of proof used in civil cases (and grievance proceedings) where the decision is based on which version of events is more likely than not.

Care Inspectorate: The independent scrutiny body for social care and childcare services in Scotland.

Companion: A person accompanying an employee at a formal meeting (colleague, union representative, or legal advisor).

Confidentiality: The obligation to keep information private and not disclose it to unauthorised parties.

Covert Recording: Recording conversations or meetings without the knowledge or consent of participants.

Data Subject: An individual whose personal data is processed (in this context, the employee).

Disciplinary Procedure: The formal process for investigating and dealing with employee misconduct.

Equal Opportunities: Treating employees fairly regardless of protected characteristics (age, disability, gender, race, religion, sexual orientation, etc.).

Grievance: A complaint raised by an employee about their employment or working conditions.

Hearing: A formal meeting at which an employee has the opportunity to present their grievance and respond to evidence.

Impartial: Treating all parties fairly without bias or favour.

Investigation: The process of gathering facts and evidence relevant to a grievance.

Natural Justice: The principle that everyone is entitled to a fair hearing and to know the case against them.

Procedural Fairness: Following a fair and established process.

Proportionality: Taking action appropriate to the seriousness of the matter.

Remedial Action: Steps taken to address a grievance that has been upheld (for example, reversal of a decision, compensation, or disciplinary action).

Right to Silence: (Note: In UK employment procedures, employees do not have an absolute right to silence; they are expected to participate in fair procedures.)

Trade Union Representative: An official representative appointed by a trade union to represent members' interests.

Transparency: Openness and clarity about procedures and decision-making.

Upheld: A decision that the grievance is justified and proven.

UK GDPR: United Kingdom General Data Protection Regulation – legislation governing data protection and privacy.

21. APPENDICES

Appendix A: Formal Grievance Submission Form

[Template to follow – available separately]

Appendix B: Investigation Checklist

[Guidance document to follow – available separately]

Appendix C: Hearing Checklist

[Guidance document to follow – available separately]

Appendix D: Decision Letter Template

[Template to follow – available separately]

Appendix E: Appeal Form

[Template to follow – available separately]

END OF DOCUMENT

This grievance procedure is effective as of 1 December 2025 and has been approved by [Insert Approving Authority].

For any questions or clarifications, please contact the HR Department.

Document Compliance Statement

This document has been prepared in accordance with:

- Employment Rights Act 1996
- ACAS Code of Practice on Disciplinary and Grievance Procedures (2015)
- Equality Act 2010
- Data Protection Act 2018 and UK GDPR
- Care Inspectorate Standards (Scotland)
- Health and Social Care (Regulated Activities) Regulations 2014
- Public Interest Disclosure Act 1998 (Whistleblowing)

All references to legislation are current as of 1 December 2025.