

## HUMAN RESOURCES POLICY

### GRIEVANCE

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1.0	April 2013	n/a
2.0	May 2016	n/a

<b>Equality Impact Assessment</b>	
<b>Date</b>	<b>Issues</b>
12.12.12	None

<b>Policy Validity Statement</b>
This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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## **1. POLICY STATEMENT**

- 1.1 The CCG recognises that an agreed and practical procedure for the settling of grievances can contribute significantly to promoting and maintaining good employment relations.
- 1.2 This policy applies to all employees and is in accordance with the CCG's Equality and Diversity Policy.
- 1.3 The purpose of this policy is to ensure that all grievances are resolved as quickly as possible and also, wherever practicable, at the level at which they arise without the fear of recrimination.
- 1.4 For clarity, the term grievance means a source of dissatisfaction to an individual regarding their employment or the application and/or interpretation of their terms and conditions of employment, including any policies. As an example, an employee may raise a grievance on any reasonable grounds relating to his/her employment, for example redundancy payments, unauthorised deductions from pay, new working practices.
- 1.5 Any employee, or group of employees, who wishes to raise a grievance directly relating to their employment has the right to express that grievance. This policy and the supporting procedure provide the machinery for resolving a grievance as speedily as possible.

## **2. PRINCIPLES**

- 2.1. Any matter raised under this policy will be dealt with promptly and confidentially.
- 2.2. An employee has the right to be accompanied by their Trade Union representative or a work colleague at all formal stages of the procedure.
- 2.2 The manager will be supported by a Human Resources representative at every stage of the procedure.
- 2.3 Wherever possible, normal working will continue throughout the grievance process until resolution has been reached.
- 2.4 Complaints about any disciplinary action should be dealt with as an appeal under the disciplinary procedure.
- 2.5 Grievances raised by an employee whilst subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. In instances where the grievance has bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of the proceedings and disciplinary proceedings may be suspended. Where an initial investigation into the complaint finds that the grievance and disciplinary cases are related it may be appropriate to deal with both matters concurrently. If the grievance complaint is found to have no bearing on the matters being investigated under the disciplinary process the disciplinary proceedings will continue.
- 2.6 Data is held and destroyed in accordance with provisions of the Data Protection Act 1998 and any organisational policy which derives from that Act.
- 2.7 The CCG will ensure that all managers who may be involved in grievance matters are suitably trained and have the necessary knowledge and skills.

2.8 The status quo (i.e. the working and management arrangements which applied before the grievance or dispute) should operate until this procedure has been exhausted. If the time limits for exhausting the procedure are exceeded, the status quo position will be jointly reviewed by the management and staff sides.

### 3. PROCEDURE

The procedure is detailed in PART 2.

### 4. SUPPORT AND ADVICE

At any point either before raising a grievance or at any stage in this procedure, an employee may wish to involve a Trade Union or Professional Association Representative who will be able to provide help and advice.

### 5. SCHEME OF DELEGATION

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Stage 2 - Formal Resolution	Line manager or equivalent level manager from elsewhere within the organisation or the line manager's direct manager if the line manager has been previously involved or implicated
Appeal following Stage 2 – Formal Resolution	Line Manager's manager or equivalent who has not previously been involved or implicated

### 6. EQUALITY STATEMENT

In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

### 7. MONITORING AND REVIEW

7.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## **PART 2 – PROCEDURE**

### **1. Stage 1 – Informal Resolution**

- 1.1 Any employee who wishes to express a grievance should first discuss the issue with their immediate line manager. This provides an opportunity for issues to be resolved without recourse to the formal procedure. If the individual feels unable to raise the issue with their line manager, they should speak to another manager within the department.

### **2. Stage 2 – Formal Resolution**

- 2.1 Should the matter not be resolved informally at Stage 1, or where the issue is felt to be more serious, then the employee has the right to raise the matter formally. To do this, the employee should set out the details of the grievance and desired outcome in writing and send the written complaint to their line manager. Should they feel unable to do this, the grievance should be submitted to another manager in their department. It should be noted that any questionnaires used to gather/obtain information, as provided by discrimination legislation, do not constitute a grievance under the formal procedure.
- 2.2 Any manager receiving a formal grievance must act upon the matter promptly.
- 2.3 Attempts must be made to resolve the matter informally, depending on the nature of the employee's complaint. However if the employee remains dissatisfied with the outcome they may insist on the matter proceeding to a full grievance hearing.
- 2.4 The manager dealing with the grievance must invite the employee to a formal meeting, to allow the employee to discuss their grievance. The employee must inform the employer of the basis for the grievance.
- 2.5 This meeting should be held as soon as possible, ideally within 5 working days of, but no later than 10 working days after receipt of the grievance. All parties must take all reasonable steps to attend this meeting. If this cannot be achieved, the reasons for delay are to be recorded. The timing and location of the meetings must be reasonable to all parties.
- 2.6 Wherever possible it is expected that resolutions will be presented at the meeting by the manager hearing the grievance. However it may be necessary to adjourn the meeting to further investigate the issues.
- 2.7 Where it is not possible to meet this timescale because further investigation is required, any extension to the deadlines set out in this procedure should, if possible, be agreed with the complainant. Reasons for the extensions must be recorded and an estimation of the revised timescale given.
- 2.8 The grievance will be fully investigated and the employee informed of any decision in writing within a further 10 working days of the meeting.
- 2.9 Parties to the grievance are required to take all reasonable steps to meet the timescales outlined. Where this is not possible, the parties must keep each other informed and proceed without delay.
- 2.10 All meetings will be conducted in a manner which enables both sides to put forward their cases. Where necessary, managers should seek advice from a member of Human Resources who will attend the meeting if required.

2.11 In cases where two or more employees raise a grievance on the same issue, this will be known as a “Collective Grievance”. In such cases, an appropriate representative may set out details of the grievance in writing on behalf of the employees. An appropriate representative shall be defined as Trade Union Representative or a nominated employee representative.

### **3. Mediation**

3.1 Mediation is a voluntary process and may be considered at any stage of this procedure to help resolve issues between individuals. It may be used in situations such as:

- dealing with conflict between colleagues or between a line manager and staff;
- rebuilding relationships after a formal dispute has been resolved;
- addressing a range of issues including relationship breakdown, personality clashes, communication problems etc.

3.2 It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to go ahead.

3.3 Should mediation be considered an option, please discuss with an HR adviser who may suggest an independent mediator to take the matter forward.

3.4 The mediator is in charge of the process of seeking to resolve the issue but not the outcome, which will be agreed by the individuals.

### **4. Appeal**

4.1 If the employee remains dissatisfied by the resolution of the grievance, they are entitled to appeal against the grievance panel’s decision. An appeal must be made in writing, stating the grounds on which the appeal is made and received by the employer within 5 working days of the employee being informed of the decision.

4.2 Should the appeals procedure be invoked, the employee will be invited to an appeal meeting. The appeal meeting will be chaired by an appropriate manager in line with the scheme of delegation (see \Part 1, Section 5). This meeting should take place as soon as possible but no later than 10 working days following receipt of the application to appeal. Where this is not possible, reasons for the delay are to be recorded and agreed.

4.3 The employee should be informed of the outcome of the appeal in writing within 5 working days of the appeal meeting taking place. There is no further right of appeal.

4.4 In the case of a collective grievance which has not been resolved at Appeal level and where the group of staff remains aggrieved, a referral to ACAS may be made. In the interests of resolving the issue(s) all parties will co-operate in any such conciliation process and any outcome will be mutually acceptable. Either party may seek arbitration as a final means of resolving any grievance but arbitration will only be instigated by the agreement of all parties, with written terms of reference.

## **GRIEVANCE APPEAL PROCEDURE**

Appeals will normally be heard by the line manager of, or a more senior manager to, the person(s) involved in the original investigation. All appeals will include a representative of Human Resources wherever possible.

The procedure for an appeal hearing is as follows:

1. The employee(s) will present their case first, explaining the outstanding issues that are unresolved from their perspective and call any witnesses.
2. The management side will then be able to ask any questions about the case the employee(s) have presented.
3. The appeal panel members will also have an opportunity to ask any questions.
4. The management side will then be asked to present their case to the panel, explaining the reasons for the action they have taken, including calling of any witnesses.
5. The employee side may then wish to ask the management side any questions about their case.
6. The appeal panel members will also have the opportunity to ask any questions.
7. Both parties may call an adjournment with the agreement of the panel members.
8. Both parties will have the chance to sum up their case.
9. There will then be an adjournment when both sides will be asked to leave the room while the appeal panel consider the information they have heard and reach their decision.
10. The decision of the panel will be communicated to both parties verbally, following the adjournment wherever possible, and in any case will be confirmed later in writing (again to both parties), no later than 5 working days after the Appeal Hearing.

### **Equality Analysis Initial Assessment**

**Title of the change proposal or policy:**

Grievance

**Brief description of the proposal:**

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHS LA Standards and takes account of best practice.

**Name(s) and role(s) of staff completing this assessment:**

Theresa Gavin – HR Management Trainee

**Date of assessment:** 12<sup>th</sup> December 2012

**Please answer the following questions in relation to the proposed change:**

**Will it affect employees, customers, and/or the public? Please state which.**

Yes it will affect all employees.

**Is it a major change affecting how a service or policy is delivered or accessed?**

No

**Will it have an effect on how other organisations operate in terms of equality?**

No

**If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:**

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards and best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.

**Please return a copy of the completed form to the Equality & Diversity Manager**