

**BARNSELY CLINICAL COMMISSIONING
GROUP**

GRIEVANCE POLICY

Version:	1.3
Approved By:	Governing Body (approve) Equality and Engagement Committee (review)
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Name of originator / author:	Head of Human Resources
Name of responsible committee/ individual:	Equality and Engagement Committee
Name of executive lead:	Chief Officer
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Target Audience:	Employees

THIS POLICY HAS BEEN SUBJECT TO A FULL EQUALITY IMPACT ASSESSMENT

GRIEVANCE POLICY

DOCUMENT CONTROL

Version No	Type of Change	Date	Description of change
V.1		February 2014	Consultation completed, and additional comments and amendments included. To be submitted for ratification at Governing Body 13 February 2014.
1.1	Approved	March 2014	Approved at the Governing Body meeting on 13 March 2014.
1.2	Approved	July 2015	Minor changes following planned review at ESG
1.3	1 st Review	July 2017	Minor changes following planned review at Equality and Engagement Committee

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PART 1 – POLICY

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 policy relating to Equality and Diversity.
- 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.
- 2.3 The manager will be supported by a Human Resources representative at every stage of the procedure.
- 2.4 Wherever possible, normal working will continue throughout the grievance process until resolution has been reached. Where this is considered not possible, or there is disagreement, the matter should be referred to a Human Resources Representative.
- 2.5 Complaints about any disciplinary action should be dealt with as an appeal under the disciplinary procedure.
- 2.6 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.

- 2.7 Data is held and destroyed in accordance with provisions of the Data Protection Act 1998 and any CCG policy which derives from that Act.
- 2.8 The CCG will ensure that all managers who may be involved in grievance matters are suitably trained and have the necessary knowledge and skills required.
- 2.9 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

The CCG encourages informal resolution of grievances, wherever possible, and as such there are other informal interventions available, for example mediation. At any point either before raising a grievance or at any stage in this procedure an employee may wish to be supported by a Trade Union or work colleague who will be able to provide help and advice and accompany the employee at formal meetings.

5. SCHEME OF DELEGATION

The table below outlines the Scheme of Delegation in support of Grievance Procedure within the organisation.

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 with support from a Human Resources representative.

Appeal following Stage 2 – Formal Resolution	Line manager's manager or equivalent that has not previously been involved or implicated with support from a Human Resources representative.
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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 the Equality and Engagement Committee, a maximum of 2 years from the date of approval by the Governing Body and in conjunction with Trade Union representatives and the CCG's Anti Crime Specialist. Where review is necessary due to legislative change, this will happen immediately.
- 7.2 The implementation of this policy will be monitored on an on-going basis by the CCG's Equality and Engagement Committee.

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. Informal grievances should be handled promptly to prevent further issues arising.
- 1.2 Employees are encouraged to address issues informally wherever possible and are invited to consider alternative interventions. Dependent upon the nature of the grievance, examples of alternative interventions may include: Mediation, Coaching, and Mentoring. To understand more about what interventions may be beneficial, the employee should discuss this with a manager within the organisation.

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 within the organisation.
- 2.2 Any manager receiving a formal grievance must act upon the matter promptly and must also notify Human Resources.
- 2.3 A formal Grievance Hearing will be arranged where the manager or employee believe that:
 - Attempts at informal resolution have failed; or
 - The grievance is of a serious nature.

Dependant on the nature of the grievance it may be necessary to instigate an investigation into the matter before the hearing can take place.

- 2.4 Where the grievance requires investigation the Manager will nominate an appropriate, independent investigating officer to establish the facts of the case. This may include:
 - Reviewing relevant documentation.
 - Interviewing witnesses.
 - Checking policies and procedures.
 - Accessing the employee's file.

The investigating officer will receive support from a HR representative. For reference to interviewing witnesses please refer to the Disciplinary Policy.

2.5 The formal Grievance Hearing should be held without undue delay, 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 The Grievance Hearing panel will consist of an appropriate manager supported by a HR representative who has not previously been involved in the process or investigation. In cases where professional issues are involved an independent senior member of a relevant profession may be invited to join the panel. The employee will be given notice in writing of the Grievance Hearing.

Should the panel believe at any point that further evidence/information or investigation is required to clarify points raised or reach a conclusion, an adjournment may be called to enable this to take place before the hearing is concluded.

2.7 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 outcome of the Grievance Hearing may be verbally communicated to the employee at the Hearing wherever possible. This will consist of:

- A summary of findings
- What action has been taken
- The reason for the action taken

A detailed outcome will then be confirmed in writing within a further 10 working days of the Hearing.

The employee should be informed of a right to appeal in this outcome letter.

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 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 it should be discussed with a Human Resources representative 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. GRIEVANCE APPEAL PROCEDURE

4.1 If the employee considers that the grievance has not been satisfactorily resolved, then they must inform the employer that they wish to appeal against the Grievance panel's decision. An appeal must be made in writing, stating the grounds on which the appeal is being made and received by the employer within 5 working days of the employee receiving the outcome letter. The appeal should be sent to the next level of senior manager within the organisation up to and including the Chief Officer.

4.2 Should the appeals procedure be invoked, the employee will be invited to an Appeal Hearing without undue delay. The Appeal Hearing will be chaired by an appropriate senior manager who has not previously been involved in the procedure and in line with the scheme of delegation (see Appendix A). This Appeal Hearing 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. The employee will be given notice in writing of the date of the Grievance Appeal Hearing.

4.3 The chair of the original Grievance panel will present the management case supported by the HR representative. The management side should produce a statement of case which will include:

- A new summary of case.
- The outcome letter from the Grievance Hearing.
- The notes of the Hearing.
- All other documents used in support of the Grievance Hearing.

- 4.4 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.
- 4.5 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.

5. GRIEVANCE APPEAL ORDER OF PROCESS

Appeals will normally be heard by the next level of manager to the manager(s) who were involved in the original investigation and Hearing. All Appeal Hearing panels will include a HR representative.

The steps in process for an appeal hearing is are 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 appellant 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 Impact Assessment

Title of policy or service:	Grievance Policy	
Name and role of officer/s completing the assessment:	Head of HR	
Date of assessment:	May 2015, Reviewed July 2017	
Type of EIA completed:	Initial EIA 'Screening' <input checked="" type="checkbox"/> or 'Full' EIA process <input type="checkbox"/>	<i>(select one option - see page 4 for guidance)</i>

1. Outline	
<p>Give a brief summary of your policy or service</p> <ul style="list-style-type: none"> • Aims • Objectives • Links to other policies, including partners, national or regional 	<p>The Grievance Policy is in place within the organisation to ensure that when issues cannot be resolved informally through normal line management routes that there is a process in place for concerns to be raised and resolved through a formal process. Related policies include the Whistleblowing Policy, the NHS Agenda for Change Terms and Conditions of Employment, Disciplinary Policy, Managing Concerns with Poor Performance at Work Policy, Managing Sickness Absence Policy, Organisational Change Policy, Flexible Working Policy, Acceptable Standards of Behaviour Policy, Annual and Special Leave Policy.</p>

Identifying impact:

- **Positive Impact:** will actively promote or improve equality of opportunity;
- **Neutral Impact:** where there are no notable consequences for any group;
- **Negative Impact:** negative or adverse impact causes disadvantage or exclusion. If such an impact is identified, the EIA should ensure, that as far as possible, it is either justified, eliminated, minimised or counter balanced by other measures. This may result in a ‘full’ EIA process.

2. Gathering of Information					
This is the core of the analysis; what information do you have that might <i>impact on protected groups, with consideration of the General Equality Duty.</i>					
(Please complete each area)	What key impact have you identified?			For impact identified (either positive or negative) give details below:	
	Positive Impact	Neutral impact	Negative impact	How does this impact and what action, if any, do you need to take to address these issues?	What difference will this make?
Human rights	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Carers	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed	Promotes equality in the workplace.

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				process in place for issues to be raised.	
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Marriage and civil partnership (only eliminating discrimination)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.
Other relevant	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed	Promotes equality in the workplace.

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groups				process in place for issues to be raised.	
HR Policies only: Part or Fixed term staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Neutral impact, there is an agreed process in place for issues to be raised.	Promotes equality in the workplace.

IMPORTANT NOTE: *If any of the above results in 'negative' impact, a 'full' EIA which covers a more in depth analysis on areas/groups impacted must be considered and may need to be carried out.*

Having detailed the actions you need to take please transfer them to onto the action plan below.

3. Action plan				
Issues/impact identified	Actions required	How will you measure impact/progress	Timescale	Officer responsible
None				

4. Monitoring, Review and Publication				
When will the proposal be reviewed and by whom?	Lead / Reviewing Officer:	Chief Nurse/Head of HR	Date of next Review:	July 2019

Once completed, this form **must** be emailed to the Equality Lead for sign off:

<p>Equality Lead signature:</p> <p>17/08/2017</p>	
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