



# GRIEVANCE POLICY AND PROCEDURE

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## **1.0 PURPOSE**

- 1.1 This policy sets out the approach to the handling of individuals' grievances.
- 1.2 The organisation is committed to providing a fair and consistent approach to the handling of issues of grievance or disputes which may arise within the organisation.
- 1.3 The term grievance relates to concerns, problems or complaints that an individual(s) employee(s) may raise with their employer
- 1.4 This policy seeks to secure satisfactory resolution of problems, issues and concerns and aims to encourage both employees and managers to resolve issues at the earliest possible opportunity and at the lowest level available, through open and honest discussion.
- 1.5 Where a grievance has been raised all parties will be expected to maintain the status quo wherever possible until such time as all stages of the procedures have been completed.

## **2.0 SCOPE**

- 2.1 This policy applies to all individual employees irrespective of age, sex, gender reassignment, sexual orientation, race, religion or belief, disability, marriage and civil partnership or pregnancy and maternity, provided that the matter at issue is within the control of the organisation. This will include those employed on temporary, bank, honorary and fixed term contracts.
- 2.2 Individuals employed by agencies and other contractors will be expected to adhere to the standards required in this policy. Any grievance related issues which arise in respect of such individuals will be referred to the appropriate employer if this is deemed necessary.
- 2.3 This policy relates to individual grievances raised by one or more members of staff or collective organisational grievances.
- 2.4 The policy will cover circumstances where individual employees are dissatisfied or have concerns about one or more of the following:
  - a) an issue relating to their employment, job or work duties
  - b) the application of the terms and conditions of their employment
  - c) working conditions
  - d) working procedures
  - e) working practices
  - f) unfair or inequitable treatment
  - g) failure to follow policy
- 2.5 This policy may also be used in circumstances where a matter remains unresolved following the application of another policy and that policy makes provision for the unresolved matter to be taken forward into the Grievance Policy.
- 2.6 The policy should not be used to pursue the following:
  - a) matters which would more appropriately be dealt with under another policy e.g. bullying and harassment

- b) matters which fall within the remit of the raising concerns at work or whistle blowing policy as these matters should be dealt with under the whistle blowing policy
- c) suspension from work or dissatisfaction with the outcome of a disciplinary procedure
- d) matters relating to National Insurance, Income Tax or Pension Scheme rules
- e) matters which fall within the scope of local negotiation with staff and their representatives, e.g. TUPE, Management of Change arrangements
- f) matters which are properly within the scope of national formal negotiations
- g) matters which fall outside of the competence of the organisation to resolve
- h) matters of strategic policy which have to be decided at Board level

### **3.0 GENERAL PRINCIPLES**

- 3.1** All managers and staff will be made aware of the Grievance Policy, through induction and relevant on-going training.
- 3.2** The organisation will seek to reduce the possibilities of concerns and grievances arising through clear and open communication with staff and clear line management arrangements for all staff.
- 3.3** Line managers will be given training at the earliest possible opportunity after their appointment, both to support them in identifying and resolving possibly contentious issues before they escalate and in the operation of the grievance policy, should issues move to a further stage.
- 3.4** Advice and support is available from the HR Department and from Staff-side representatives to both managers and staff, whenever required.
- 3.5** Managers and staff will be expected to make full use of the informal processes available within this policy before moving on to the formal provisions of the procedure.
- 3.6** To assist managers and staff to resolve issues, support through third party mediation will be offered during the operation of this procedure, ideally from the beginning of the issue raised in order to minimise formal procedures and seek quicker resolutions.
- 3.7** Mediators and individuals hearing a formal grievance or appeal will be persons who have not previously been involved in the issues under consideration. This may require support from a neighbouring CCG to ensure a level of independence.
- 3.8** The aim of the policy will be to resolve issues within an appropriate time limit and, therefore, where time limits are contained in the procedures these should be adhered to. However, where circumstances dictate, extensions to these time limits may apply, subject to the agreement of all parties involved.
- 3.9** Employees have the statutory right to be represented by a colleague or Trade Union/Professional Organisation representative at any meetings taking place under this policy.

**3.10** Where an individual/s raises a grievance during a disciplinary process the disciplinary process may, if appropriate, be temporarily suspended to deal with the grievance. However, where the grievance and disciplinary cases are related it may be more appropriate to deal with both issues concurrently.

#### **4.0 RESPONSIBILITIES**

**4.1** The Board has a responsibility to oversee the implementation of this policy and to ensure that managers take action to meet the organisation's obligations to ensure equity and consistency.

**4.2** Managers have a responsibility to follow this policy and to act on concerns or issues raised in a sympathetic, sensitive and supportive manner.

**4.3** The HR Department are responsible for the provision of advice and/or support to managers and employees in relation to the application of this policy.

**4.4** Employees have a responsibility to familiarise themselves and act in accordance with this policy.

**4.5** Staff side colleagues have the responsibility to support individuals through the process.

#### **5.0 INFORMAL RESOLUTION**

**5.1** When an individual/s is dissatisfied or aggrieved because of some action or event that has affected them, their first step should be to speak to the person who was responsible for that action or event at the earliest possible opportunity. In some circumstances, the Staff-Side representative may approach the Manager on that individual's behalf.

**5.2** Both parties should then meet informally to discuss the matter and to identify what needs to be done to resolve the situation. If the individual wishes they can be represented by a staff-side representative, colleague or friend at this meeting. Similarly, the manager may also be accompanied by another manager or a Human Resources Manager if they feel that this would be helpful.

**5.3** The purpose of the meeting is to have an open and honest discussion so that both parties have a clear understanding of why the individual is feeling dissatisfied or aggrieved and how matters can be resolved to the satisfaction of all parties. It is particularly important that the individual is clear on what outcome they are seeking to remedy the situation and also equally important that the manager is able to explain what remedies are possible in the particular circumstances. All parties should approach this meeting in a positive way with the key aim of being able to resolve the issue to everyone's satisfaction.

**5.4** Where it does not prove possible to reach a resolution to the issues at the first meeting, the parties should consider approaching a third party (or third parties) from within the organisation who can mediate at a further meeting with a view to reaching a resolution. The third party(s) must not have been previously involved in the issues being considered and will be individuals such as managers and members of the HR team who have received training in mediation.

- 5.5** Mediation in this context is a voluntary process whereby an independent and impartial third party helps two or more people i.e. the individual and the manager to reach an agreement about issues which have been raised. The mediator can suggest resolutions but cannot impose these and final decisions relating to the resolution of the issues must be made by the employee and manager concerned.
- 5.6** Where the issue requires it, specialist advice or guidance can also be sought to help clear misunderstandings and suggest a way forward. For example this might apply to issues relating to the application of nationally negotiated terms and conditions of employment.
- 5.7** Every effort should be made to resolve the situation through the above informal steps, with additional meetings being held if this would help the parties to reach a resolution. However, when these informal steps have been exhausted, if the individual still feels that the issues have not been resolved to their satisfaction they should then consider moving forward to the formal processes within the procedure which are detailed below.
- 5.8** Appropriate written records and copies of any relevant documents, relating to the informal resolution stage of the procedures should be kept by both parties, and should be regarded as confidential by those parties.

## **6.0 FORMAL PROCEDURE**

- 6.1** The formal processes, outlined below, should only be used where it has not been possible to resolve issues informally. The use of these formal processes should not be seen as a means of criticism or complaint against an employee or manager but rather as a further opportunity to reach a satisfactory resolution to matters which remain unresolved.

### **6.2 Stage 1 – Formal Grievance Meeting**

- 6.2.1** The individual who remains aggrieved should write to the appropriate manager (normally the line-manager of the manager who was responsible for the action or event which has caused their dissatisfaction) indicating that they wish to register their grievance for consideration through the formal stages of the grievance procedure. If they wish, they may seek the help and advice of a staff-side representative, friend or colleague in doing this.
- 6.2.2** It is important at this stage that the employee clearly states the nature of the grievance and explains why he/she is dissatisfied and identifies the remedy that he/she is seeking. In other words he/she must be able to explain what action they would like to be taken to resolve the grievance.
- 6.2.3** On receipt of the letter, the manager (to whom the letter has been addressed) should make arrangements for a formal meeting to be held so that the matter can be discussed with the employee and the manager whose actions they have expressed dissatisfaction with. Ideally this meeting should take place within 5 working days of receipt of the letter, but where circumstances do not allow for this, the meeting should be arranged for the earliest convenient date for all parties.
- 6.2.4** Both the individual and manager may be represented by a staff-side representative, friend or colleague.

- 6.2.5** At the meeting, both the individual and the manager concerned will be given a full opportunity to explain their side of the issue and to outline the actions that they have already been taken to try to resolve the issue and why those actions have not proved successful. The complainant should present their case first, followed by the manager. Witnesses may be called by either party. Both parties should be given the opportunity to respond to or raise questions on any matters raised by the other party during the presentation of their case.

The manager 'hearing' the issue should be accompanied by another manager, which could be an HR Manager, to support the process and ensure that the policy is being applied appropriately and provide impartial advice. These persons should not have been previously involved in the grievance issues.

- 6.2.6** Where appropriate and with agreement from both parties, the person who has previously acted as mediator during the informal discussions to resolve the issue and/or any relevant specialist advisors may be asked to attend the meeting to advise the manager 'hearing' the issue of any information that may be helpful to the resolution of the case. Additionally, consideration may be given to adjourning the meeting if it is felt that the gathering of further information or an appropriate investigation may assist in the resolution of the grievance.

- 6.2.7** Following the meeting, the manager who has heard the grievance, should advise the individual and the manager concerned, both verbally and in writing of the decision that they have reached as a result of the meeting and of any recommendations he/she may have for the satisfactory resolution of the issue. He/she should also keep a confidential written record of the discussions which took place at the Stage 1 formal meeting. This recommendation could include using a third party mediator if this approach has not already been used.

- 6.2.8** The written notification should also give details of the person to whom the individual should write if he/she feels that the matter has not been resolved and they wish to appeal against the outcome at Stage 1 and move to Stage 2 of the procedure. This person will be a senior manager at a level above the manager who has been involved with the grievance at Stage 1. Such an appeal should normally be submitted within 7 working days of receipt of the Stage 1 outcome. Where this timescale presents a problem the individual must seek agreement for an extension, stating the reasons for this.

### **6.3 Stage 2 - The Appeal**

- 6.3.1** If the individual/s decides to progress to Stage 2, he/she must write to the person identified in the Stage 1 written notification indicating that they wish to appeal and giving brief details of why they remain dissatisfied and what remedy they are seeking to resolve the issue(s) that remain outstanding.

- 6.3.2** Within 7 working days of receiving the request for an appeal the manager at this level (who will not previously have been involved in the matter) should arrange for a meeting to take place for the issue(s) to be further considered and should notify all relevant parties of the date, time and place when the appeal meeting will take place. Both parties will then be given the choice to submit a written statement of case which if submitted will be considered at the appeal hearing and will be advised of who they should submit this to and within what time scale. These statements will be exchanged between parties in advance of the appeal meeting.

- 6.3.3** As this meeting is an appeal against the decision taken by the manager who 'heard' the issue at Stage 1, both the individual and that manager will be given the opportunity to fully explain their case and the discussions/meetings that have taken place in an attempt to resolve the issues(s). The individual will present their case first, followed by the manager. Witnesses may be called by either party. Both parties should be given the opportunity to respond to or ask questions on any matters raised by the other party or their witnesses during the presentation of their case.
- 6.3.4** Appeals within the Grievance Procedure should be heard by a panel of at least three people, including the senior manager who has been designated to hear the appeal, an appropriate level manager within the organisation from the HR Department and one other person. The composition of the panel will vary depending on the nature of the particular matter to be considered. Where it is felt appropriate the third panel member may be a non-executive or lay member of the Board. No member of the panel will have previously been involved in the issue. Any correspondence or documentation relating to previous stages should be made available to the panel hearing the appeal, if this has not already been included in the statements of case.
- 6.3.5** Appropriate confidential written records should be kept of the appeal meeting.
- 6.3.6** As in Stage 1, the manager who has called the meeting should write to both the individual and the original manager advising them of the outcome of the Stage 2 meeting, and the reasons for the decisions taken and recommendations for resolution. This should be done within 7 days of the meeting.
- 6.3.7** Stage 2 is the final stage within this policy and there will be no further level of appeal within the organisation.

### **REVIEW AND REVISION**

- 7.0** This policy will remain in force until superseded by a replacement agreement or until either side seeks the opportunity to jointly amend or renegotiate the agreement.
- 7.1** This policy will be jointly reviewed with Staff Side bi annually and any issues raised by the review will be discussed.
- 7.2** Minor amendments to the policy to take account of changes in organisational arrangements or legislation/codes of practice can be made where required.

**Equality Analysis Initial Assessment**

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

Grievance

**Brief description of the proposal:**

To ensure that the policy meets the needs of a small employer, is legally compliant, complies with Agenda for Change and takes account of best practice

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

Katie Kidd, HR Business Partner, Staffordshire and Lancashire CSU

**Date of assessment: 23<sup>rd</sup> May 2013**

**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 CCG 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:**

From an assessment of this policy and consideration of employees with protected characteristics under the Equality Act 2010 there is no anticipated detrimental impact on any equality group. The policy makes all reasonable provision to ensure equity of access for all staff. There are no statements or conditions within this policy or requirements of this policy that disadvantage any particular group of people with a protected characteristic.