

1	Policy Name	Grievance Policy and Procedure			
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Grievance Policy and Procedure

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1. Introduction

The CCG recognises that an agreed and practical procedure for the settling of grievances can contribute significantly to promoting and maintaining good employment relations. The CCG is committed to a fair, clear and consistent procedure for dealing with employee grievances.

The CCG recognises that management, employees and their representatives share a common interest in the quick settlement of issues causing dissatisfaction, either to an individual or to a group of employees. The purpose of this policy is to ensure that all grievances are resolved as quickly as possible without the fear of recrimination.

2. Scope

This policy applies to all employees of the CCG.

3. Principles

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 their employment, for example, unauthorised deductions from pay, new working practices.

All matters raised under this policy will be managed promptly and confidentially.

An employee has the right to be accompanied by their Trade Union representative or a CCG work colleague at all formal stages of the procedure.

The manager may be supported by HR at every stage of the procedure

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

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 discussed with HR.

Wherever possible, the CCG encourages and expects that grievances will be raised and resolved informally and as locally as possible. The CCG is mindful nonetheless, that informal resolution may not always be achievable or in some cases may not be appropriate. In such circumstances it expects the formal stages of this procedure to be followed.

This policy sets out various timescales and any steps under this policy will be taken promptly. However, the time limits in this policy may be extended if it is reasonable to do so. Where this is necessary, the employee will be informed of the delay and the reasons for it.

If an employee has difficulty at any stage of the grievance procedure because of a disability, they should approach the manager dealing with the grievance for assistance.

4. Representation

During the formal stages involved in dealing with the grievance, the aggrieved employee has the right to be accompanied by a trade union representative or a CCG work colleague to meetings held as a part of this stage of the process. The employee's companion may make representations and ask questions for the employee but they should not answer questions on the employee's behalf.

If the employee wishes to be accompanied to a meeting under this procedure, they should notify the manager holding the meeting in advance, giving the name of the employee's chosen companion within the deadlines specified in the letter of invitation to the meeting, if they are able to do so.

The aggrieved employee must take all reasonable steps to attend any meetings arranged under the grievance policy and procedure.

In the event that a meeting relating to one of the formal stages is arranged and the trade union representative/CCG work colleague is unable to attend the meeting, the employee must immediately notify the manager holding the meeting and suggest an alternative time and date that is not more than 5 working days after the initial meeting date.

Legal representatives, whether solicitors, barristers or otherwise, are not permitted to take part in the proceedings in any capacity at any stage of this policy.

An individual may seek advice from their Trade Union Representative as and when required during the informal and formal stages.

5. Scope of Policy

The procedure does not apply to the following issues or concerns.

- Misconduct or Capability matters will be managed in accordance with the CCG's Disciplinary Policy/Capability Policy, respectively. If, in the course of a disciplinary/capability process, a grievance is raised that relates to the case, management consideration will be given to either suspending the disciplinary/capability process for a short time whilst the grievance is dealt with under this policy. Alternatively, the matters may be managed at the appropriate disciplinary/capability stage. Where the matter is addressed and responded to via the disciplinary/capability process, the outcome will act as the organisational response to the grievance matter/process.
Alternatively, if it is considered that the grievance matters are not related to the disciplinary/capability process, the CCG may appoint an alternative, neutral manager (or take the view that the already appointed manager is sufficiently neutral) to consider the grievance concurrently to the disciplinary/capability process.
- Any terms and conditions of employment that are either set nationally or by local collective bargaining procedures.
- Matters relating to discrimination, harassment and victimisation or bullying will be managed under the CCG's Policy and Procedure for Dealing with Discrimination, Harassment, Victimisation and Bullying.

- Reports of illegal activities, wrongdoing and/or malpractice within the CCG, which will be dealt with under the Raising Concerns at Work (Whistleblowing) Policy and Procedure. However, where the employee is aggrieved about their personal position and would like the matter dealt with as a grievance, the employee should use this grievance procedure or the CCG's Policy and Procedure for Dealing with Discrimination, Harassment, Victimisation and Bullying.
- Appeals against redundancy will be managed in accordance with the Change Management Policy.
- Appeals relating to end of fixed term contracts will be managed in accordance with the Management of Fixed Term Contracts Policy.
- Any other matter for which a separate local procedure exists.

6. Scheme of Delegation

Informal procedure	Line Manager or equivalent level manager from elsewhere within the CCG
Stage 2 - Formal Resolution	Line manager or equivalent level manager from elsewhere within the CCG or the line managers direct manager if the line manager has been previously involved or implicated
Stage 3 - Appeal following outcome of stage 2	Line Managers manager or equivalent who has not previously been involved or implicated

7. 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.

The Equality Impact Assessment for this policy has been carried out, and is available on request from HR.

8. Data Protection / GDPR

In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Personal Confidential Data of data subjects will be processed fairly and lawfully and in accordance with the six data protection principles. Data Subject's Rights and freedoms will be respected and measures will be in place to enable employees (data subjects) to exercise those rights. Appropriate

technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal confidential data. Employees will have access to the CCG's Data Protection Officer for advice in relation to the processing of their personal confidential data and data protection issues.

9. Monitoring & Review

The guidance will be reviewed every three years by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change this will happen immediately.

10. Associated Policies

Please refer to the following policies for further information:

- Raising a concern at work (Whistleblowing)
- Prevention of Bullying and Harassment policy

11. Breach of Policy

Unauthorised absence and/or the misuse of this policy & procedure will be managed under the Disciplinary Policy

12. Grievance Procedure

13. Informal Resolution

Most grievance matters can be resolved quickly and informally through discussion between the individual and their manager. 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 the line manager's line manager within the Team/Directorate.

The employee can seek advice from their union representative to help with having this conversation. However, the main emphasis of this stage is for a direct and open conversation to occur between the employee and the manager with the aim of finding a fair, informal and amicable resolution.

If the employee remains dissatisfied, they should follow the formal procedure set out below.

14. Formal Resolution

15. Formal Stage 1

Should the matter not be resolved informally during the informal stage, or where the issue is felt to be more serious, the employee has the right to raise the matter formally. To do this, the employee should set out the details of the grievance in writing, providing as much information and details as possible so there can be sufficient understanding of the grievance. The employee should also state their 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 their line manager's manager or to the HR team.

Any manager receiving a formal grievance must act upon the matter promptly and must also notify Human Resources.

Attempts must be made to resolve the matter informally, depending on the nature of the employee's complaint. However, should the employee wish to proceed with the formal stage of the procedure a formal grievance meeting will be arranged.

The manager dealing with the grievance will invite the employee to a formal meeting, to allow the employee to discuss their grievance. A minimum of 5 days' notice of the meeting should be given to the employee. A HR representative may be present at the meeting.

The purpose of the meeting will be for the member of staff to state their grievance, for those present to understand the full nature of the grievance, discuss the grievance and explore potential solutions.

The member of staff must take all reasonable steps to attend the meeting, and they may be supported and accompanied at the meeting by a trade union representative or CCG work colleague. If the member of staff's representative is unable to attend on a proposed date, then the member of staff may suggest an alternative date provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement.

If the member of staff does not attend either the original or the re-arranged meeting, a decision may be made in their absence and the outcome confirmed in writing.

The individual(s) that the grievance has been raised against should be notified that a grievance has been submitted and relevant information provided. The individual will be given an opportunity to respond to the grievance.

15.1 Grievance Investigation

In cases where an investigation is required, the manager will either be the investigation manager or nominate an alternative neutral manager to undertake the investigation. On occasions, it may be necessary to commission an investigation by an external provider.

In cases where the CCG manager becomes the investigation commissioning manager, the investigating manager will provide the investigation report to the Commissioning Manager.

The timetable for any further investigations will be made available to both the member of staff who raised the grievance, and the individual against whom the grievance has been raised. The investigating manager will endeavour to address the issue promptly.

The investigation manager will arrange to meet:

- The member of staff that raised the complaint
- The member of staff who is the subject of the complaint
- Any witnesses relevant to any of the matters being investigated
- Give a minimum of 5 days' notice of the investigation meeting

Relevant information relating to the investigation will be shared with those partaking in the investigation process to support the fact-finding investigation.

HR may also be present at the investigation meeting. All staff members invited to an investigation meeting will be entitled to be accompanied by a trade union representative or CCG work colleague.

The purpose of the investigation meetings will be for the relevant parties to provide information on the specific matters under investigation. It may be necessary to undertake further investigations of their response, in which case the meeting may be adjourned in order to

enable this to take place, and reconvened within a reasonable period of time agreed with both parties.

If the member of staff who is the subject of the complaint, or their representative, is unable to attend on a proposed date, then they may suggest an alternative date, provided it is within 5 working days of the original date. This 5-day time limit may be extended by mutual agreement between both parties.

15.2 Grievance Outcome

The manager/commissioning managing will ultimately have the responsibility to make a final decision with regard to the grievance.

The manager will invite the employee to a meeting to advise them of the outcome. Present at the meeting will be the commissioning manager, HR and the investigation manager may also be present to answer any questions.

The manager will inform the employee of the outcome of the Stage 1 meeting in writing within 10 working days of the meeting or as soon as soon as the investigation has been completed. The letter/ report will generally summarise:

- the nature of the grievance;
- the investigation that was conducted [if applicable];
- the decision;
- the reason for the decision; and
- Recommendations (if applicable)

The employee will also be notified of their right to appeal against the grievance decision.

The outcome will also be shared with the individual, against whom the grievance was raised and the relevant line manager(s)(if applicable). If it is found that there is a case to answer, the allegations may be referred to be managed during the appropriate stage of the Disciplinary Policy

16. Counter-Grievances

If the member of staff against whom the grievance has been raised makes allegations that are relevant to the original grievance or complainant, consideration will be given to the most appropriate way to manage the allegations raised.

17. Collective Grievances

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.

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.

18. Mediation

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.

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.

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

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.

19. Vexatious Grievances

The CCG is confident that the majority of grievances raised by staff are not vexatious and would not deter any individuals from raising a grievance that is genuine and made in good faith.

In the event that a grievance is found to be vexatious, consideration will be given to taking disciplinary action in accordance with the CCG's Disciplinary Policy.

20. Formal Stage 2 (Appeal)

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 10 working days of the employee being informed of the decision.

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 the employee notified.

The hearing of a grievance at Stage 2 shall take place as soon as possible and, wherever possible, within 4 weeks of receipt of the appeal submission. This time frame may be extended in exceptional circumstances or by agreement between the parties.

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. All appeal meetings will include a representative of Human Resources wherever possible. If relevant, one member of the panel should have knowledge of the field of work of the staff concerned.

The members of the grievance panel shall not include anyone who has been involved in the circumstances leading to the grievance.

Anyone that has been involved at an earlier stage of the grievance will not be present at the grievance hearing in any capacity, other than as a witness or as the management side or staff side representative.

The grounds of appeal will be shared with the relevant CCG management representative who will submit a written statement setting out their response to the employee's grievance and the referral to Stage 2.

All written evidence/statements produced by either party should be exchanged before the Stage 2 hearing. This should take place a minimum of 5 working days before the hearing.

Only evidence heard/presented during previous stages is admissible at Stage 2 unless new information or evidence has come to light since the previous stage. In these circumstances the appeal panel will decide whether to pursue the new evidence.

Appendix 1 sets out the procedure of a Stage 2 appeal meeting. The Panel may exercise discretion in determining the most appropriate procedure for the circumstances.

A member of the appeal panel will inform the employee of the outcome of the Stage 2 meeting in writing within 10 working days of the appeal meeting or as soon as possible thereafter. There is no further right of appeal.

21. Witnesses

If either party proposes to call witnesses to formal meetings, they shall only remain in the hearing whilst giving evidence or being questioned.

Only one witness should be present at a time. If desired, witnesses may be represented by their appropriate trade union/professional organisation.

Other conditions that apply to the calling of witnesses shall be as outlined in the CCG's disciplinary procedures.

22. Status Quo

Where management seeks to change a term or condition of employment that is either agreed or is customarily applicable to employees or an individual employee's conditions, the existing conditions shall be maintained until agreement has been reached or the above procedure exhausted.

23. Vexatious Grievances

A vexatious grievance is one that is based on deliberate misrepresentations or malicious; lacks a serious value or purpose; is not made in good faith, for example, it is designed to cause annoyance and disruptions; can otherwise fairly be characterised as manifestly unreasonable. For example, where an individual continues to raise the same issues that have previously been the subject of formal management and appeal processes.

In the event that a grievance is found to be vexatious, consideration will be given to taking disciplinary action.

Appendix 1: Grievance Appeal Meeting Procedure

1. The aggrieved employee or their representative shall put his or her case in the presence of the CCG management representative and may call witnesses.
2. The CCG management representative shall have the opportunity to ask questions of the aggrieved employee and their representative.
3. The members of the panel shall have the opportunity to ask questions of the aggrieved employee, and their representative.
4. The CCG management representative shall state the CCG's case in the presence of the aggrieved employee and their representative.
5. The aggrieved employee or their representative shall have the opportunity to ask questions of the CCG management representative.
6. The members of the panel shall have the opportunity to ask questions of the CCG management representative.
7. The aggrieved employee or their representative and the CCG management representative shall have the opportunity to sum up their cases if they so wish. The CCG management representative shall have the right to speak last. In summing up, neither party may introduce any new material.
9. Nothing in the foregoing procedure shall prevent the panel from questioning management side and staff side as appropriate to clarify issues or seek supplementary information.
10. The panel may, at its discretion, adjourn the hearing in order that further evidence may be produced by either party or for any other reason.
11. Once the evidence has been heard, the aggrieved employee, their representative and the CCG management representative shall withdraw.
12. The panel shall deliberate in private, only recalling both parties to clear points of uncertainty on any evidence already given. If recall is necessary, both parties shall return.
13. The final decision will be notified to the aggrieved employee, their representative and the CCG management representative by the Chair within 10 working days of the meeting.

The decision of the Chair of the panel on questions of order, relevancy, regularity and his/her interpretation of the procedure shall be final.