

# **GRIEVANCE POLICY**

<b>UNIQUE REFERENCE NUMBER:</b>	<b>RC/XX/033/V2</b>
<b>DOCUMENT STATUS:</b>	<b>Approved by Committee 3 August 2016</b>
<b>DATE ISSUED:</b>	<b>August 2016</b>
<b>DATE TO BE REVIEWED:</b>	<b>August 2019</b>

## AMENDMENT HISTORY

VERSION	DATE	AMENDMENT HISTORY
RC/XX/072/V1		
RC/XX/072/V2	July 16	Reviewed through Staff Development Session
RC/XX/072/V2	August 16	Reviewed through Committee & approved

## REVIEWERS

This document has been reviewed by:

NAME	DATE	TITLE/RESPONSIBILITY	VERSION
Alice McGee	May 16	HR Lead	V2
Sue Johnson	Aug 16	Deputy CFO & Governance Lead	V2

## APPROVALS

This document has been approved by:

VERSION	NAME	DATE
V1	Remuneration Committee	1 Jan 16
V2	Remuneration & HR Committee	3 Aug 16

N.B: the version of this policy posted on the intranet must be a PDF copy of the approved version.

## DOCUMENT STATUS

This is a controlled document. Whilst this document may be printed, the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.

## RELATED DOCUMENTS

These documents will provide additional information.

## Contents

<b>1.0</b>	<b>POLICY OVERVIEW</b> .....	4
1.1	Purpose .....	4
1.2	Who this policy applies to .....	4
1.3	Key principles .....	4
1.4	Legal considerations.....	5
<b>2.0</b>	<b>THE POLICY</b> .....	6
2.1	Issues that may cause grievances .....	6
2.2	Informal Procedure .....	6
2.3	Being Accompanied .....	6
2.3.1	Formal Procedure .....	6
2.3.2	Hold a meeting with the employee to discuss the grievance.....	6
2.3.3	Decide on appropriate action.....	7
2.4	Appeal .....	7
2.5	Overlapping grievance and disciplinary cases .....	7
2.6	Equality Statement.....	7

## **1.0 POLICY OVERVIEW**

### **1.1 Purpose**

From time to time misunderstandings or grievances may arise. It is hoped that in most cases these can be resolved through informal discussions with the Manager. If however, employees feel strongly about any issue or problem and cannot resolve the grievance by informal means, they should use the procedure outlined below. This policy is designed to resolve issues and aims to ensure that all grievances are dealt with seriously and sensitively. Employees should not fear victimisation for making or being involved in a grievance and will be given the opportunity to put their case forward.

### **1.2 Who this policy applies to**

The policy applies to all staff that are employees of the organisation in either a permanent, fixed term or temporary post, excluding agency staff. The policy may also apply to groups of the above, where collective grievances may be raised.

Whilst agency workers do not have access to the CCG Grievance procedure they can raise concerns about the engagement within the CCG with their agency. Alternatively agency workers should consider other policies that would be applicable such as Whistle Blowing Policy and Bullying and Harassment Policy.

### **1.3 Key principles**

- Grievances are concerns, problems or complaints raised by a staff member. Any worker may at some time have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management.
- Employees should let the employer know the nature of the grievance and issues promptly and try to resolve any grievance informally in the first instance.
- The organisation should arrange any formal meeting without unreasonable delay and should carry out any necessary investigations to establish the facts of the case.
- The organisation should allow the employee to be accompanied at any formal meeting and should allow the employee the right to appeal against any formal decision made.
- Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- The organisation and employees should act consistently.
- The organisation will carry out any necessary investigations, to establish the facts of the case.
- Employees will be provided with the right to be accompanied by a staff member or trade union representative at any informal/formal grievance meeting.
- Employers should allow an employee to appeal against any formal decision made.

- Where the grievance cannot be resolved informally or it is inappropriate to do so the formal grievance procedure may be used.
- The employee should be asked at an early stage what it is they want from the grievance process.
- Wherever possible, all grievance proceedings and records shall remain confidential. If investigation is required, it should be recognised that there may be a need to disclose the source and detail of the grievance and therefore a promise of confidentiality or anonymity should not be given, as it could hamper investigations.
- Where employees feel that they are being bullied or harassed they should raise such matters via the Bullying and Harassment Policy.
- Where employees wish to raise concerns about possible malpractice at work (e.g. fraud) they should refer to the Whistleblowing Policy.

#### **1.4 Legal considerations**

The ACAS Code of Practice on disciplinary and grievance procedures sets out principles for handling disciplinary and grievance situations in the workplace. Employment tribunals are legally required to take the Code into account when considering relevant cases.

## **2.0 THE POLICY**

### **2.1 Issues that may cause grievances**

- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices/organisational changes
- discrimination

### **2.2 Informal Procedure**

Wherever possible, an initial discussion should be held between the employee and their Line Manager. It is in everyone's best interest for an issue to be dealt with quickly and fairly at the earliest opportunity and we hope that the majority of concerns will be resolved at this stage. The employee and the manager should keep a note of the discussion.

### **2.3 Being Accompanied**

This policy gives employees the right to be accompanied by a companion at each formal stage of the process. The chosen companion may be a CCG employee or a recognised trade union representative not acting in a legal capacity.

Employees must make a reasonable request to be accompanied and what is reasonable will depend on the circumstances of each individual case. However, it would not normally be reasonable for workers to insist on being accompanied by a companion whose presence would prejudice the hearing. Nor would it be reasonable for the worker to delay proceedings because their chosen companion was not available within a reasonable time scale (usually within 5 days of the original meeting).

The companion should be allowed to address the hearing to put and sum up the employees case, respond on behalf of the employee to any views expressed at the hearing and confer with the employee during the hearing. The companion does not, however, have the right to answer questions on the employee's behalf, address the hearing if the worker does not wish it or prevent the employer from explaining their case.

#### **2.3.1 Formal Procedure**

If it is not possible to resolve a grievance informally, employees should raise the matter formally within 10 working days with a manager who is not the subject of the grievance. This should be done in writing and should set out the nature of the grievance.

#### **2.3.2 Hold a meeting with the employee to discuss the grievance**

Employers should arrange for a formal meeting to be held within 10 working days after a grievance is formally received.

Employers, employees and their companions should make every effort to attend the meeting. Employees shall be provided the opportunity to present their grievance and what action can be taken to resolve the matter. Consideration

should be given to adjourning the meeting for any investigation that may be necessary.

### **2.3.3 Decide on appropriate action**

Following the meeting a decision should be made on what action to take, if any. Decisions and outcomes should be communicated to the employee, in writing, within 10 working days of the formal meeting and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken.

Should a case to consider require further action, consideration may be given to whether another policy should be applied to the concerns raised, this may include the Disciplinary Policy, the Capability and Performance Policy or the Bullying and Harassment Policy.

## **2.4 Appeal**

Where an employee feels that their grievance has not been satisfactorily resolved they should appeal. They should let their employer know the grounds for their appeal, in writing within 10 working days of the formal meeting, or 5 working days from receipt of the outcome letter (whichever is greater). Appeals should be heard of receiving the appeal and at a time and place which should be notified to the employee in advance.

The appeal must be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. Workers have a statutory right to be accompanied at any such appeal hearing.

Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. The final decision will be confirmed in writing within 15 working days of the appeal meeting. There is no further right of appeal.

## **2.5 Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently. The course of action shall be decided on a case by case basis and on the merit of their own individual circumstance.

## **2.6 Equality Statement**

In applying this policy, the organisation will have a 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, sexual orientation, in addition to offending background, trade union membership or any other personal characteristic.