

NHS Lewisham CCG

Grievance Policy & Procedure

CCG Policy Reference:

This policy replaces or supersedes Policy Ref:

Target Audience	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
Brief Description (max 50 words)	This policy sets out the principles by which the CCG will achieve a just and speedy resolution of any individual concern of an employee in which it has not been possible to settle the difference with the immediate Manager.
Action Required	Communication to CCG Employees

Document Information:

Title /Version Number/(Date)	Grievance Procedure
Document Status (for information/action etc.) and timescale	For implementation May 2016
Accountable Executive	Chief Officer
Responsible Post holder/Policy Owner	Deputy Director (Strategy & OD) Lewisham CCG
Date Approved	May 2016
Approved By	CCG Management Team
Publication Date	May 2016
Review Date	May 2018
Author	Tim Widdowson, HR Business Partner – SECSU
Stakeholders engaged in development or review	Staff Engagement Group CCG Management Team
Equality Analysis	<p>Equality Analysis</p> <p>This Policy is applicable to the Governing Body, every member of staff within the CCG and those who work on behalf of the CCG. This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Lewisham CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners.</p> <p>The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
Contact details for further information	

Glossary

Term	Definition
Accountable Executive	CCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Appropriate Manager	The officer who is assigned responsibility to respond to & conclude a formal grievance; they may have a joint role of investigating officer
Investigating Officer	The officer who conducts an impartial and thorough investigation into the background facts or into any allegations made by the employee

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1.0 Introduction

- 1.1 The CCG is committed to promoting effective working relationships and an environment in which employees feel able to raise work-related issues with their managers. This policy outlines the principles to help deal with grievances fairly, promptly and at the point of origin.

2.0 Definition

- 2.1 Grievance procedures enable individuals to raise issues with management about their work, or about their employers 'or their colleagues' actions that affect them. It is impossible to provide a comprehensive list of all the issues that might give rise to a grievance, but some of the more common include:

- terms and conditions of employment:
- health and safety
- relationships at work
- new working practices
- equal opportunities

3.0 Equality Statement and Monitoring

3.1 Equality Statement

We are committed to a policy of equality in all our employment practices in accordance with the Equality Act and strive to eliminate unfair discrimination, harassment, bullying and victimisation. NHS Lewisham CCG will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

3.2 Equality Monitoring

The outcomes of this procedure will be recorded by HR and monitored to ensure it is operated fairly and consistently. Monitoring data and analysis will be reported to the joint staff consultative committee and the board; confidentiality will be maintained and no individual cases will be examined.

4.0 Scope

- 4.1 This Grievance Policy and Procedure is designed to address individual or a group of employees who share the same grievance. It should be noted that there is no opportunity to raise the same grievance twice. Included within its scope are all permanent and fixed term contract staff (whether full or part-time), Governing Body members, any apprentices or trainees, and agency staff and third party staff working under contract.
- 4.2 A complaint relating to bullying or harassment on the part of a colleague will be dealt with under the bullying and harassment policy and procedure.
- 4.3 Whistle blowing issues will be dealt with using the Whistleblowing Policy.
- 4.4 Organisational change issues will be dealt with under the Organisational Change Policy.

5.0 Status Quo

- 5.1 Where it is practical to do so and where both parties agree, the circumstances that applied prior to the grievance being raised will continue to apply. Where this is not possible the status quo will not apply and the reasons for this will be clearly described to staff affected.

6.0 General Principles

- 6.1 Wherever possible grievances should be resolved informally without recourse to formal procedures. The grievance procedure should not be used as a substitute for resolving conflict which might be better resolved through normal day to day discussions.
- 6.2 It is recognised that there may be occasions when it is not possible for a grievance to be resolved informally. It is expected that individuals will enter into any formal grievance, with the aim of resolving a particular issue. In such cases the procedure below at Stage 1 (ref 7.1) should be followed. All parties should be absolutely clear whether any meeting is being held under the informal or formal stage of the procedure.
- 6.3 Any steps taken under this procedure should be taken promptly, unless there is a good reason for delay.
- 6.4 At any stage in the procedure, subject to the agreement of all parties concerned, there may be a suspension in proceedings to facilitate mediation, fact-finding or other non-adversarial discussions with the aim of promoting resolution of the case.
- 6.5 At any stage in the procedure, the manager dealing with the grievance may, at his/her discretion, defer consideration of the grievance if other activities which are relevant to the substance of the grievance are pending or in progress. In such cases the parties to the grievance will be advised in writing of the reason for deferring consideration.
- 6.6 If, on investigation, it is found that the grievance was raised in a malicious or vexatious manner, disciplinary action may be considered.
- 6.7 The CCG may, with the agreement of the employee, vary this procedure as appropriate to a particular case. In the event that it becomes impracticable to continue with the procedure, it may be discontinued. In such cases the CCG will advise the aggrieved parties of the outcome of their grievance in writing.
- 6.8 **Right to be accompanied** - All employees who are the subject of this procedure will have the right to be accompanied at any formal meetings held under this procedure by a trade union representative or fellow worker
- 6.9 **Equality and Diversity** - To ensure fair treatment and, where appropriate, provision of support by the CCG in the application of this procedure, employees should be invited to provide information about any equality or diversity issues which may be relevant.
- 6.10 **Confidentiality** - All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the CCG.
- 6.11 **Timescales** - Whilst every endeavour will be made to comply with timescales, due to the complexity and or specific circumstances of a case, timescales may be extended. In such circumstances the individuals concerned will be advised of the reasons for any delay.
- 6.12 **Human Resources** – The CCG’s human resources representative should be consulted at any time and prior to beginning of the formal process.

7.0 Mediation

- 7.1 At any stage in this procedure, the parties to the grievance may request that the matter be referred for mediation. Mediation is likely to be most appropriate in cases involving

interpersonal relationships. There may, however, be circumstances in which alternative non-adversarial discussions may be undertaken with the aim of promoting a speedy resolution.

- 7.2 Mediation is voluntary and will take place only if all parties agree. It is, however, hoped that employees will recognise the benefits of seeking to resolve issues via mediation and will be amenable to and cooperate with this approach.

8.0 Informal Procedure

- 8.1 Grievances can often be resolved quickly and informally; there is an expectation that every effort will be made to resolve matters informally. Employees are therefore encouraged and expected to raise any concerns or issues informally with their immediate manager/head of department manager.
- 8.2 Managers will discuss an employee's concerns in confidence with him/her, make discreet investigations, as appropriate, and attempt to address his/her concerns fairly and promptly. Managers are expected to document any discussions and agreed outcome which was shared with all parties and to evidence their efforts in this regard.
- 8.3 It is the manager's responsibility to seek to resolve the grievance informally and to notify the individual of the outcome. This would normally take the form of a summary note of the discussion and its outcome.
- 8.4 It is expected that an employee will seek to resolve his/her grievance informally in the first instance and will only progress to a formal grievance if the issue cannot be resolved by informal means. Where this has been unsuccessful, or circumstances make this route inappropriate, the matter should be raised formally through the grievance procedure.
- 8.5 If the grievance is against the employee's manager it should be raised with that person's manager who will seek to resolve the matter informally as appropriate.

9.0 Formal Procedure

9.1 Stage One - Formal Resolution

- 9.1.1 If it is not possible to resolve a grievance informally, the employee should raise the matter formally, without unreasonable delay, using the grievance registration form (Appendix 1).
- 9.1.2 The line manager will write to the employee acknowledging receipt of the grievance, normally within five working days.
- 9.1.3 The appropriate manager will invite the employee to attend a formal grievance meeting in order to discuss the grievance. This meeting will normally take place within ten working days of the written acknowledgement.
- 9.1.4 As a result of the initial grievance meeting, the appropriate manager may determine that it is necessary to make further enquiries and/or may appoint an investigating officer to conduct an impartial and thorough investigation into the background facts or into any allegations made by the employee.

9.2 Investigation

- 9.2.1 If an investigation is deemed appropriate, the line manager will appoint an investigating officer. Where the grievance relates to other employees, the individuals involved will be informed in writing of the nature of the complaint and will be given the opportunity to submit a written response.

9.2.2 The results of the investigation will be provided to the appropriate manager in the form of an investigation report. This report will also be made available to the employee raising the grievance and any employee(s) named in the grievance. Following the investigation, the line manager may deem it appropriate to hold a further meeting with the employee raising the grievance. The purpose of this meeting is to seek clarification on any further issues that might have arisen and to allow the employee to comment on the findings of the investigation.

9.3 **Outcome**

9.3.1 The appropriate manager will determine the outcome of the grievance. S/he may reject the grievance, or may uphold the complaint and indicate what steps have been/should be taken to resolve it.

9.3.2 In some cases it might be appropriate to hold a grievance meeting with the aggrieved individual and the person(s) against whom the grievance lies to share the outcome.

9.3.3 The appropriate manager will inform the individual, in writing, of the decision and the right of appeal normally within ten working days of receiving the investigation report or of the final grievance meeting/hearing. The employee will be given an explanation if this is not possible and will be advised when a response can be expected.

9.3.4 Any employee(s) named in the grievance will also be advised, in writing, of the decision.

9.4 **Stage Two - Appeal**

9.4.1 If an employee remains aggrieved, s/he may write to the CCG HR Lead within ten working days of the date of the decision under Stage 1, exercising his/her right of appeal.

9.4.2 Appeals will be considered by a more senior manager (Appeal Officer) in accordance with the table at Appendix A. The Appeal Officer will have had no prior involvement in the case (through prior knowledge or direct line management) and will be supported by a member of the HR.

9.4.3 Where the appeal involves other employees, the person(s) named in the grievance will be informed of the appeal and the outcome.

9.4.4 This procedure may, in the interest of natural justice, and following consultation with relevant parties, be varied and altered by the Appeal Officer who will detail the reasons for the variation.

9.4.5 The decision may be given verbally at the appeal hearing and will in any event be conveyed or confirmed in writing within ten working days of the hearing. Any recommendations for further action will be clearly stated in the letter.

9.4.6 The decision following the appeal is final and there will be no further internal right of appeal.

Appendix 1 – Grievance Registration Form

Name	
Job Title	
Directorate/Dept.	
Workplace Address	
Telephone No.	
Email address	

Line Manager	
Job Title	
Directorate/Dept.	
Workplace Address	
Telephone No.	
Email Address	

TU Representative/Fellow worker

If you are being accompanied by a TU representative or fellow worker please complete the section below so that they can be included in any correspondence.

Name	
Directorate/Dept.	
Workplace Address	
Telephone No.	
Email Address	

Grievance Details

Please explain grievance in detail below.

Please provide details of any action already taken in relation to the issue.

[do you want chronology?]

Please indicate how you would like to see the matter resolved.

Signed:

Print name:

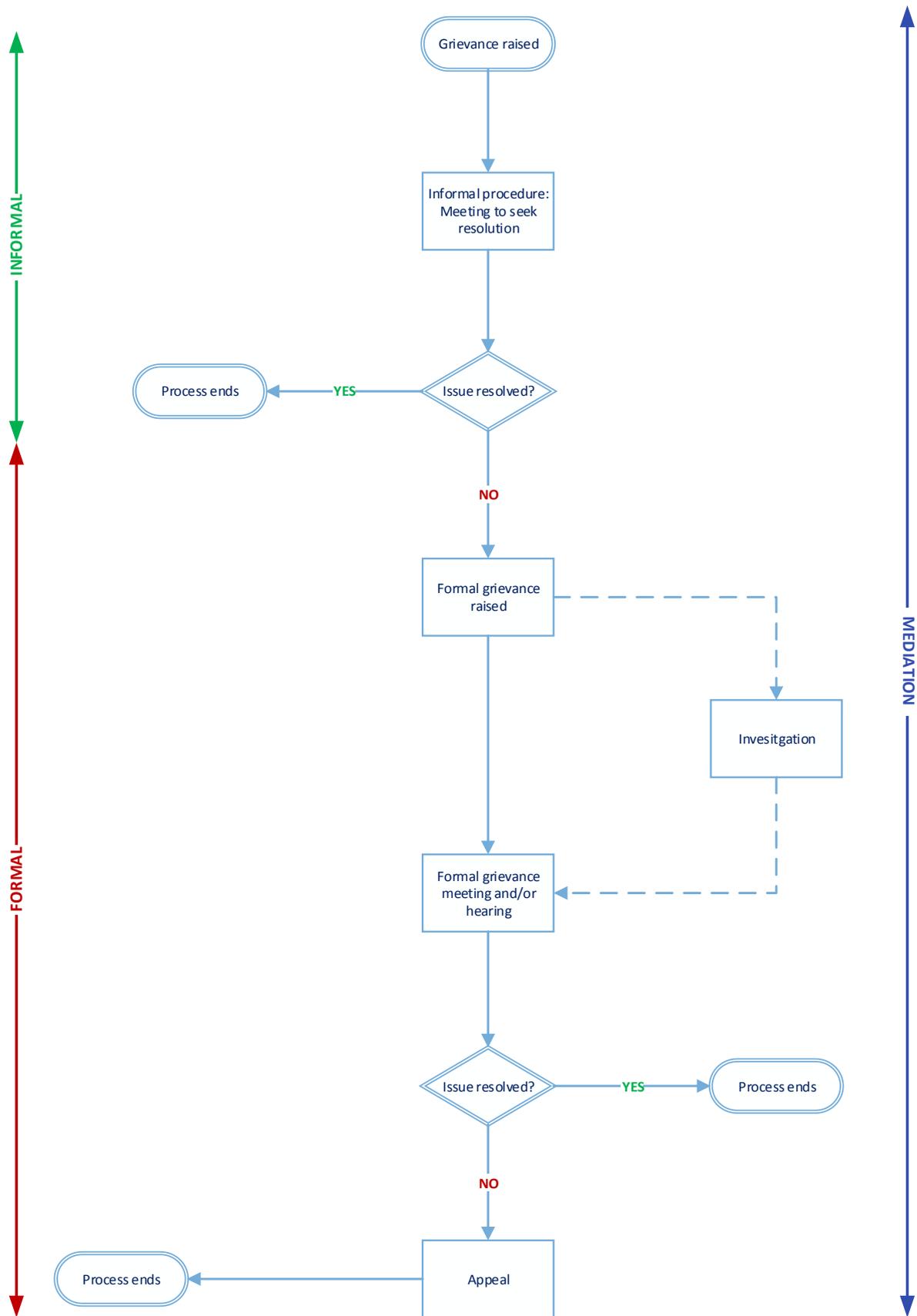
Date:

This form should be given to your immediate line manager. If your grievance involves your line manager please forward to the next in line manager.

Please attach any supporting information, if appropriate.

**Date received by
Appropriate Manager:**

Appendix 2: Grievance Procedure Overview



Appendix 3: Equality & Equity Impact Assessment (EEIA)

This is a checklist to ensure relevant equality and equity aspects of proposals have been addressed either in the main body of the document or in a separate equality & equity impact assessment. The checklist is to enable the policy lead and the relevant committee to see whether an EEIA is required and to give assurance that the proposals will be legal, fair and equitable.

The word proposal is a generic term for any policy, procedure or strategy that requires assessment.

	Challenge questions	Yes/No	What positive or negative impact do you assess there may be?
1.	Does the proposal affect one group more or less favourably than another on the basis of:		
	<input type="checkbox"/> Race	No	
	<input type="checkbox"/> Pregnancy and Maternity	No	
	<input type="checkbox"/> Sex	No	
	<input type="checkbox"/> Gender and Gender Re-Assignment	No	
	<input type="checkbox"/> Marriage or Civil Partnership	No	
	<input type="checkbox"/> Religion or belief	No	
	<input type="checkbox"/> Sexual orientation (including lesbian, gay bisexual and transgender people)	No	
	<input type="checkbox"/> Age	No	
	<input type="checkbox"/> Disability (including learning disabilities, physical disability, sensory impairment and mental health problems)	No	
2.	Will the proposal have an impact on lifestyle? (e.g. diet and nutrition, exercise, physical activity, substance use, risk taking behaviour, education and learning)	No	
3.	Will the proposal have an impact on social environment? (e.g. social status, employment (whether paid or not), social/family support, stress, income)	No	

4.	Will the proposal have an impact on physical environment? (e.g. living conditions, working conditions, pollution or climate change, accidental injury, public safety, transmission of infectious disease)	No	
5.	Will the proposal affect access to or experience of services? (e.g. Health Care, Transport, Social Services, Housing Services, Education)	No	

By using evidence and insight to assess and grade our equality performance, NHS Lewisham CCG can generate much of the information we will require to demonstrate compliance with the Public Sector Equality Duty.