



Bury Clinical Commissioning Group

Grievance Policy and Procedures

Version:	1.0
Ratified by:	SMT
Date ratified:	April 2017
Name of originator /author (s):	People Services
Responsible Committee / individual:	SMT
Date issued:	May 2017
Review date:	May 2020
Target audience:	NHS Bury Clinical Commissioning Group Members and Staff
Impact Assessed:	March 2017

Further information regarding this document

Document name	Grievance Policy and Procedures CCG.HRM.007.1.0
Category of Document in The Policy Schedule	HR
Author(s) Contact(s) for further information about this document	People Services
This document should be read in conjunction with	
Supersedes	Grievance Policy 01.11.2007
This document has been developed in consultation with	Local Partnership Forum NHS Bury CCG Staff SMT
Published by	NHS Bury Clinical Commissioning Group 21 Silver Street Bury BL9 0EN
Copies of this document are available from	The Corporate Office

Version Control

Version History:		
Version Number	Reviewing Committee / Officer	Date
0.1	People Services and Local Partnership Forum	2013
0.1	SMT	6 th February 2017
0.2	Staff Consultation Bury CCG	23rd February 2017
1.0	SMT Approval	3 rd April 2017

Grievance Policy and Procedures

Contents

Section	Contents	Page
Part		
1	Policy Statement	4
2	Principles	4
3	Responsibilities	5
4	Procedure	5
5	Support and Advice	6
6	Scheme of Delegation	6
7	Equality Statement	6
8	Monitoring and Review	6
Part Two		
PROCEDURE		
1.0	Stage 1 – Informal Resolution	7
2.0	Stage 2 – Formal Resolution	7
3.0	Mediation	8
4.0	Appeal	8
5.0	Grievance Appeal Process	9
Appendix 1	Informal Grievance Pro forma (1)	10
Appendix 2	Formal Grievance Pro forma (2)	12
Appendix 3	Guidance on the Conduct of the Hearing	14
Appendix 4	Grievance Flow Chart	15
Appendix 5	Model letters	16

Terminology

Acronym Full Name

Insert any acronyms used here

1. PART ONE - POLICY STATEMENT

- 1.1** The CCG recognises that an agreed procedure for the settling of grievances can contribute to promoting and maintaining good employment relations.
- 1.2** The purpose of this policy is to ensure that all grievances are resolved as quickly as possible, ideally at the level at which they arise, and without fear of recrimination.
- 1.3** A grievance means a source of dissatisfaction to an individual or group regarding their employment or the application and/or interpretation of their terms and conditions of employment, including policies. For example, an employee may raise a grievance on any reasonable grounds relating to their employment such as redundancy payments, unauthorised deductions from pay, new working practices.
- 1.4** This policy applies to all employees.
- 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 this procedure. The manager may request support from the HR Service Provider at every stage of the procedure.
- 2.3** 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 the appropriate Line Manager.
- 2.4** Complaints about any disciplinary action should be dealt with as an appeal under the disciplinary procedure.
- 2.5** Grievances raised by an employee whilst subject to disciplinary proceedings will usually only be heard when the disciplinary process has been completed. In instances where the grievance has a bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of the proceedings and the 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.
- 2.6** Data is held and destroyed in accordance with provisions of the Data Protection Act 1998 and any CCG policy which derives from that Act.
- 2.7** The CCG will ensure that all managers who may be involved in grievance matters are suitably trained and have the necessary knowledge and skills.

2.8 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 jointly be reviewed by the management and staff sides.

3. RESPONSIBILITIES

3.1 Responsibilities of CCG:

3.2 The CCG will ensure this policy is applied fairly and equitably and that all employees are aware of their rights.

3.3 The CCG will promote a culture in which employees are able to raise issues of concern without fear of victimisation and without the need to go straight to a formal grievance.

3.4 The CCG will oversee the introduction, operation and monitoring of this policy and will report to Chief Executive on the application of the policy.

3.5 Responsibilities of the HR Service Provider:

3.6 The HR Service Provider will provide advice and guidance on this policy and notify the CCG of any changes required to the policy to ensure that it is compliant with current employment legislation.

3.7 The HR Service Provider will provide advice and guidance on the provision of training and support to line managers and other staff on the operation of this policy.

3.8 Responsibilities of the Line Managers:

3.9 Line managers are responsible for ensuring that this policy is applied fairly and consistently within their own area.

3.10 Line managers must ensure that all employees within their area are aware of and understand the grievance procedure.

3.11 Line managers must ensure that all grievances are properly and sensitively addressed as a matter of urgency.

3.12 It is the responsibility of the line manager to develop a culture in their team where everyone feels able to raise issues of concern without fear of victimisation and before resorting to a formal grievance.

3.13 Responsibilities of the individual:

3.14 It is the responsibility of individuals to raise grievances at the earliest opportunity, to participate in the procedures and co-operate at all stages.

3.15 It is the responsibility of all individuals to embrace a culture in which employees feel able to raise concerns with their management before resorting to a formal grievance.

4.0 PROCEDURE

4.1 The procedure is detailed in PART 2

5.0 SUPPORT AND ADVICE

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

6.0 SCHEME OF DELEGATION

Stage 1 Informal Procedure	Line Manager or equivalent level manager from elsewhere within CCG.
Stage 2 Formal Resolution	Line Manager or equivalent level manager from elsewhere within the organisation or the Line Manager's direct line manager if the line manager has been previously involved or implicated.
Stage 3 Appeal	Line Manager's manager or equivalent who has not been previously involved or implicated.

7.0 EQUALITY STATEMENT

7.1 In applying this procedure, 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.

7.2 An Equality Analysis has been carried out on this policy and can be requested from Human Resources.

8.0 MONITORING AND REVIEW

8.1 The policy and procedure will be reviewed every 3 years by the CCG in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

8.2 The implementation of this policy will be audited annually by the CCG Leadership Team.

PART 2 – PROCEDURE

1.0 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.

2.0 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 from their department, or to the Human Resources Service Provider. It should be noted that any questionnaires used to gather/obtain information, as provided by discrimination legislation, do not constitute a grievance under the formal procedure.

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

2.3 Attempts must be made to resolve the matter informally, depending on the nature of the employee's complaint. However if the employee remains dissatisfied with the outcome they may insist on the matter proceeding to a full grievance hearing.

2.4 The manager dealing with the grievance must invite the employee to a formal meeting, to allow the employee to discuss their grievance. The employee must inform the employer of the basis for the grievance.

2.5 This meeting should be held as soon as possible, and, ideally, within five working days of receipt of the grievance in writing. 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 Wherever possible it is expected that resolutions will be presented at the meeting by the manager hearing the grievance. However it may be necessary to adjourn the meeting to further investigate the issues.

2.7 Where it is not possible to meet this timescale because further investigation is required, 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 grievance will be fully investigated and the line manager should tell the employee when they can expect a decision in writing,

- 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** All meetings will be conducted in a manner which enables both sides to put forward their cases. Where necessary, managers should seek advice from the Human Resources Service Provider who will attend the meeting if required.
- 2.11** 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, please discuss with HR Service Provider 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. APPEAL

- 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 within five working days of receiving the meeting’s decision. The appeal should be sent to the HR Service Provider.
- 4.2** 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 (see Appendix A). 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 agreed.

- 4.3** The employee should be informed of the outcome of the appeal in writing without unreasonable delay - normally within 24 hours and no later than 5 working days of the appeal meeting taking place. There is no further right of appeal.
- 4.4** 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

5.0 GRIEVANCE APPEAL PROCEDURE

5.1 Appeals will normally be heard by the line manager of or a more senior manager to, the person(s) who were involved in the original investigation. All appeals will include a representative of HR Service Provider wherever possible.

5.2 The procedure for an appeal hearing is as follows:

- The employee(s) will present their case first, explaining the outstanding issues that are unresolved from their perspective and call any witnesses.
- The management side will then be able to ask any questions about the case the employee(s) have presented.
- The appeal panel members will also have an opportunity to ask any questions.
- 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.
- The employee side may then wish to ask the appellant any questions about their case.
- The appeal panel members will also have the opportunity to ask any questions.
- Both parties may call an adjournment with the agreement of the panel members.
- Both parties will have the chance to sum up their case.
- 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.
- 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), without unreasonable delay - normally within 24 hours and no later than 5 working days of the appeal meeting taking place .

Bury Clinical Commissioning Group

INFORMAL GRIEVANCE FORM (informal stage)

Name:	Department:
Job Title:	Contact Tel No:
Line Manager:	
2. I wish to raise a Formal Grievance against:	
Name:	
Job Title:	
3i. Have you raised this grievance with the individual involved? Yes <input type="checkbox"/> No <input type="checkbox"/>	
ii. Is this individual your line manager? Yes <input type="checkbox"/> No <input type="checkbox"/>	
iii. If the grievance involves your line manager please explain why the matter has not been discussed with that person.	
iv: What is your preferred resolution?	
Please complete i and ii and iii and iv as appropriate	

If you are being represented please give details below

Name of Representative.....

Trade Union\Professional Organisation\Other.....

Contact details.....

Include address and tel no:.....

4. Outline of the grievance.

If you have documents that support your grievance please attach and list below

Signed..... Date.....

Please send this completed form to your line manager and to HR Service Provider.

A meeting will be arranged within 5- working days of receipt of this form. If there are any difficulties in arranged this meeting within 5 working days you will be contacted.

(For Line Manager/HR Service Provider to complete)

Date Stage 1 grievance raised:

Date Stage 1 grievance hearing:

Date Stage 1 response letter sent:

Reasons for any delays to the process:

Bury Clinical Commissioning Group

FORMAL GRIEVANCE FORM (Stage 2)

Name:	Department:
Job Title:	Contact Tel No:
Line Manager:	

1. Have you raised this grievance at Stage 1 (of the formal procedures)? Yes No

(Please attach a copy of the response letter outlining the outcome of Stage 1)

2. Outline of why you feel your grievance has not been resolved at Stage 1.
(please continue on a separate sheet if necessary & attach to this document)

Signed..... Date.....

Please send this completed form to your line manager and to representative of HR Service Provider.

A meeting will be arranged within 5 working days of receipt of this form. If there are any difficulties in arranged this meeting within 5 working days you will be contacted.

3. If you have additional documents that support your grievance please attach and list below:

5. If you are being represented please give details below

Name of Representative.....

Trade Union\Professional Organisation\Other.....

Contact details.....

Include address and tel. no:.....

(For Chair of Panel/HR Service Provider to complete)

Date raised at Stage 2:

Date set for Stage 2 grievance hearing:

Date Stage 2 response letter sent:

Reasons for any delays to the process:

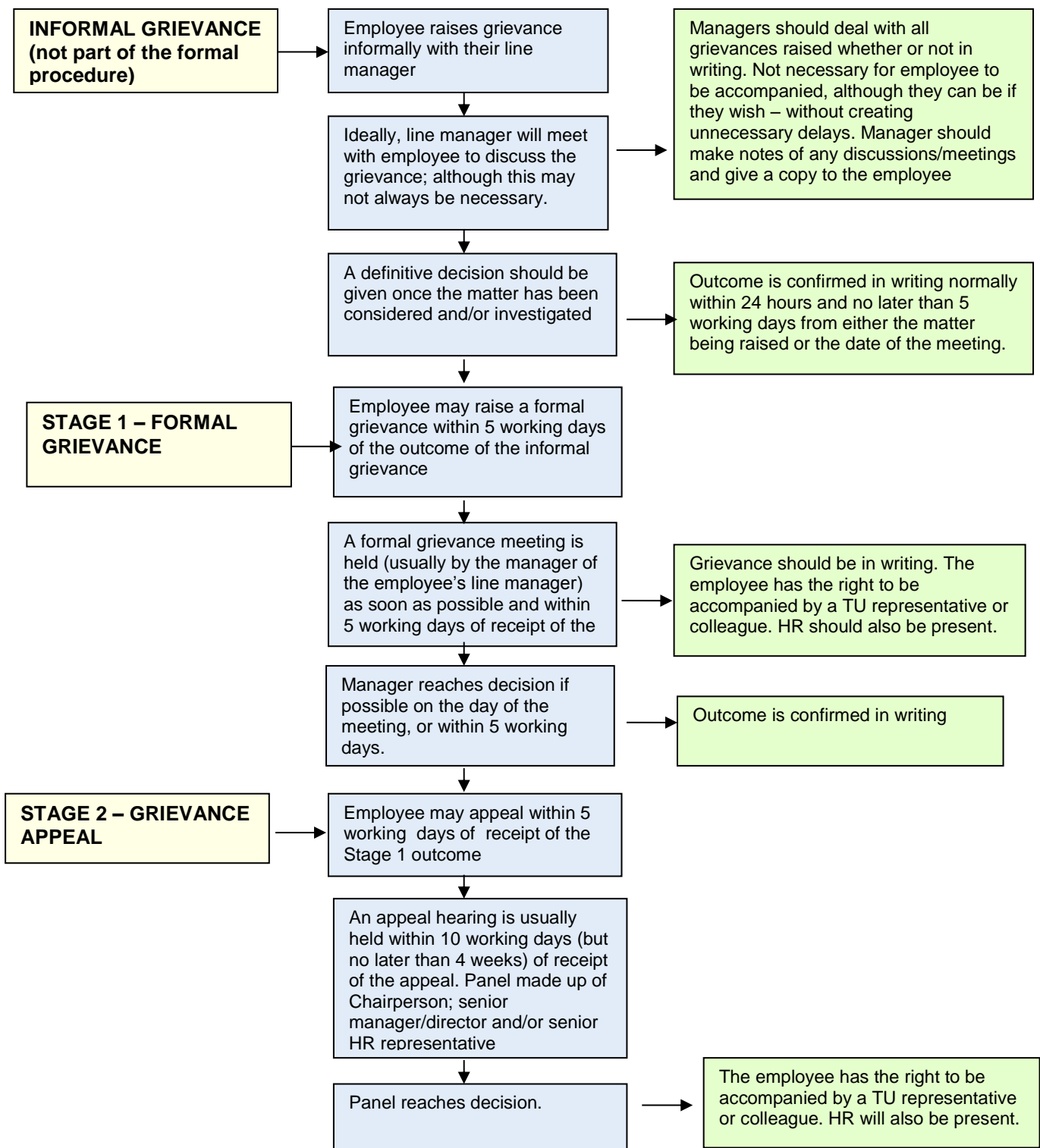
Appendix 3

Guidance on the Conducting of Appeal Meetings

The following procedure should be followed at each meeting with all the parties present. Witnesses will only be present when giving their evidence. Panel members can intervene at any stage in the meeting in order to seek clarification on any points raised by the parties or witnesses.

1. The employee or their representative should present their case and may be questioned by the manager involved in the grievance. Members of the panel will also question the employee or their representative.
2. The employee may then call any witnesses, who can be questioned by the employee or their representative, followed by the manager and the members of the panel. All parties may re-examine a witness for further information or clarification.
3. Once the employee has presented their case, the line manager will be asked to present their case. This will follow the same process outlined in 1 and 2 above.
4. Once all the evidence has been presented, the manager will have the opportunity to sum up their case, if they wish, followed by the employee or their representative.
5. Neither party is permitted to present any further new evidence during summing up.
6. After summing up the panel will adjourn to consider the case in private. They may call the parties back in order to clear any points of uncertainty.
7. The panel may give their decision after the adjournment or, in more complex cases, where more time is needed to come to a decision, may write to the parties involved with the outcome. All decisions must be confirmed in writing normally within 24 hours and no later than 5 working days of the hearing.
8. The panel has the discretion to adjourn the hearing in order for further evidence to be gathered by either party or for any other reason for example to consider the evidence from both sides produced at the meeting.

Appendix 4 - Grievance policy and procedure - flowchart



Appendix 5 template letters

GRIEVANCE INVITE TO MEETING – Letter 1

Our ref:

Date:

PERSONAL AND CONFIDENTIAL

[Name]

[Home Address]

Dear Mr/Mrs/Miss/Ms/Dr [Surname]

Further to your recent submission of a grievance relating to [insert what grievance is], I am writing to advise you that a meeting has been arranged to discuss your grievance in accordance with the CCG's Grievance Procedure.

You are required to make every effort to attend the meeting, which will take place on **[full date]** at **[time]** in **[location]**. In addition to myself, **[HR representative name]**, [job title] will be present in accordance with the Grievance Procedure and [insert name, job title] will also attend to assist in our discussions.

You have the right to be accompanied at the meeting by a trade union representative or work colleague. Representation does not extend to anyone acting in a legal capacity.

The issues to be discussed at the grievance meeting are as follows:

[insert points raised by grievance]

Written confirmation of the outcome of your grievance will be sent to you within 5 working days of the grievance meeting.

Please confirm your attendance at the hearing with [name, telephone number].

Yours sincerely

LETTER TO CONFIRM OUTCOME OF GRIEVANCE MEETING – Letter 2

Our ref:

Date:

PERSONAL AND CONFIDENTIAL

[Name]

[Home Address]

Dear Mr/Mrs/Miss/Ms/Dr [Surname]

Further to our recent meeting to discuss your grievance, I am writing to advise you of My/our decision. I/we have **[upheld / rejected * delete as appropriate]** your grievance and would like to outline the reasons for this decision.

[Insert Reasons]

Should you believe that your grievance has not been satisfactorily resolved, you have the right to appeal in writing, to [insert name and title of person], within 5 working days of the receipt of this letter, detailing the reasons for your appeal.

Yours sincerely

Enclosed:

Copy of original grievance submission

CC: [Human Resources Representative present at grievance meeting]