

Grievance Policy

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Version	Section/Para/Appendix	Version/Description of Amendments	Date	Author/	Version
1.0		Adoption by CCG	Nov 14	HR	

Grievance Policy and Procedure

1. POLICY STATEMENT

- 1.1 The purpose of this policy is to set out the organisation's position and procedures on workplace grievances.
- 1.2 The Grievance Policy and Procedure has been written in accordance with the ACAS Code of Practice. It is designed to help managers, employees and their representatives deal with grievance situations in the workplace.
- 1.3 The purpose of the Grievance Policy and Procedure is to provide a mechanism for individual employees to raise a grievance arising from their employment and for it to be dealt with promptly, fairly and at a local level. This includes concerns from an employee about action that the organisation, as their employer, has taken or is contemplating taking in relation to them.
- 1.4 This policy aims to ensure that no employee receives less favourable treatment on the grounds of gender, sexual orientation, civil partnership/marital status, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership, or is disadvantaged by conditions or requirements which are not justified by the job.

2. SCOPE OF THE POLICY

- 2.1 This policy applies to all staff employed under a contract of employment with the organisation. It does not apply to independent contractors and agency workers working for the organisation under a contract for services.
- 2.2 Grievances are concerns, problems or complaints that employees raise with the organisation as their employer, via their line manager. Grievances may be concerned with a wide range of issues, including:
 - Terms and conditions of employment
 - Health and safety
 - New working practices
 - Working environment
 - Organisational change
- 2.3 The Grievance Policy and Procedure does not cover matters relating to:
 - statutory regulations or requirements including EU law
 - strategic business or policy decisions taken by the organisation
 - issues that are the subject of collective negotiation or consultation at either national or local level, although they may relate to a manager's interpretation or application/non-application of these
 - complaints of bullying, harassment, victimisation or discrimination, which should be dealt with using the Dignity at Work Policy

- collective grievances, although the outcome from an individual grievance may have wider application
- other employment procedures which have their own appeals process
- disciplinary action

2.4 Whilst a grievance is being considered under this procedure, the working and management arrangements which may have given rise to the complaint will not be altered until a resolution has been reached or the procedure exhausted ('status quo'), providing this does not have an adverse or detrimental impact on an individual or the organisation.

3 GENERAL PRINCIPLES

3.1 Whenever the grievance procedure is being followed, it is important that issues are dealt with fairly. This means that:

- Managers and employees should always try to resolve problems in the work place at the earliest possible opportunity and usually with the least possible formality.
- Ideally, matters should be addressed before they reach the stage of becoming a formal grievance issue.
- Managers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Managers and employees should act consistently.

3.2 At all formal stages, the employee will have the right to be represented by a recognised trade union representative or workplace colleague.

4. ROLES AND RESPONSIBILITIES

4.1 Role of the Employee

Employees should aim to settle most grievances informally with their line manager, being clear about the cause of their grievance and the outcome they are seeking to achieve. They should raise issues promptly and should not unreasonably delay meetings.

4.2 Role of Managers

Managers are responsible for ensuring that both informal and formal grievances are dealt with effectively in accordance with the procedures set out in this policy and by:

- taking the grievance seriously, i.e. taking on board why the employee feels aggrieved, unhappy or dissatisfied
- investigating the facts and surrounding circumstances thoroughly and sensitively
- providing feedback to the employee about what can, and/or cannot, be done to resolve the grievance

- taking responsibility for any necessary follow-up action
- ensuring formal grievance meetings and appeals are held without delay
- To maintain accurate factual written records of informal and formal steps in the grievance process.

4.3 Role of Human Resources

The role of HR is to:

- ensure a fair and equitable process in line with the policy
- provide advice at formal grievance meetings and appeals, interpreting policy and advising on employment legislation

4.4 Role of the Representative/Work Colleague

A work colleague, accredited Trade Union/Professional Organisation representative or full time officer may accompany an employee during the grievance meeting or appeal hearing. The organisation reserves the right not to agree to the employee being accompanied by a work colleague, whose presence could prejudice the hearing or who might have a conflict of interest.

The role of the representative/companion will include:-

- Conferring with the employee.
- Supporting and preparing the employee
- Responding on the employee's behalf to any view expressed at the grievance meeting or appeal. They are not permitted to answer questions put directly to the employee neither do they have the authority to question the process.
- Putting the employee's case at a grievance meeting or appeal.
- Summing up the employee's case at a grievance meeting or appeal.

5. GRIEVANCE PROCEDURE

5.1 The procedure to be followed is attached at Appendix 1

GRIEVANCE PROCEDURE

1 Time Limits

- 1.1 This procedure allows both the employee and the manager the flexibility to resolve problems at an early stage in a way that suits both parties best.
- 1.2 Issues should be raised as soon as is reasonably practicable and no later than 3 months after the incident giving rise to the grievance, in order that matters can be dealt with quickly and the grievance progressed without unreasonable delay.
- 1.3 The timescales set out in this procedure are an indication of good practice and should be complied with. However, the timescales can be varied by mutual agreement and dependent upon the circumstances of a particular case.
- 1.4 The timescales provide reasonable time for representation to be arranged.
- 1.5 To ensure there is no undue delay where a designated manager is unavailable within a reasonable period, e.g. due to leave, action may, in exceptional circumstances, be taken by the manager deputising for him/her, or another person allocated to hear the case.

2 Informal Grievance

- 2.1 An employee with a grievance should initially raise the issue with their immediate supervisor or line manager. If the employee feels unable to approach their line manager directly, they should raise the matter with HR who will discuss ways of dealing with the issue.
- 2.2 Managers should deal with all grievances raised, whether or not the grievance is presented in writing. Even if the manager thinks the problem is small or insignificant; it is clearly important to the employee and merits consideration.
- 2.3 The manager will meet with the employee on an informal basis to discuss their grievance and whether this can be addressed through an informal approach in the first instance. The manager should make notes of any discussions/meetings and provide a copy to the employee.
- 2.4 If the manager requires further details, they should undertake a fact finding investigation, which may lead to consulting others who may have been present where it is a situation or whom may have other relevant information. The manager will then consider all of the facts that have been gathered (some managers may wish to discuss their findings and seek advice with their HR representative) before responding to the employee.

- 2.5 Once a decision has been made, this should be communicated verbally to the employee no later than 10 working days from the date of the meeting and followed up in writing within no more than 3 further working days.
- 2.6 It is anticipated that most day to day problems and grievances can be dealt with satisfactorily through this informal stage. In the event of non resolution, or where it warrants a more formal approach the employee reserves the right to proceed to the formal grievance procedure.

3 **Formal Grievance**

- 3.1 Where attempts to resolve the matter informally do not work, or the matter is serious it may be appropriate to raise a formal grievance under this procedure.
- 3.2 The first stage of the formal grievance procedure is for the employee to put their complaint in writing, with any supporting evidence that may be available.
- 3.3 This written statement will form the basis of the formal grievance hearing and any subsequent investigations, so it is important that the employee sets out clearly the nature of their grievance and indicates the outcome they are seeking. If the grievance is unclear, they may be asked to clarify their complaint before any formal process takes place.
- 3.4 The complaint should be headed 'Formal grievance' and sent to the immediate line manager or where appropriate to the manager of the line manager.
- 3.5 The manager will arrange a formal grievance hearing ideally within 10 working days of receipt of the grievance. Acknowledgement of receipt will be sent to the employee
- 3.6 The manager hearing the grievance will be supported by a HR representative and the meeting will be attended by the employee, their representative and the manager who dealt with the grievance informally.
- 3.7 The written grievance statement (and any supporting evidence) and the management statement (and any supporting evidence), including all records relating to the informal stage of the process will be made available to all parties at least 3 working days prior to the hearing.
- 3.8 If any party wishes to call witnesses, the manager hearing the case must be advised in advance so that the necessary arrangements can be made for their release from normal work duties. Such arrangements for staff to be released as witnesses will be co-ordinated by the HR team.
- 3.9 Consideration will be given, if required, to adjourning the meeting for any further investigation that may be necessary.
- 3.10 If possible, the outcome of the meeting will be communicated verbally to all parties on the day of the meeting, or, if this is not possible, no later than 10 working days

from the date of the meeting and followed up in writing within 5 further working days. If this is not possible due to work commitments, then the employee will be notified of any delays experienced, the reason for those delays and when the written outcome is likely to be provided.

4 Formal Grievance Appeal

- 4.1 If the issue is not resolved to the employee's satisfaction, the employee reserves the right to appeal against the outcome of the formal grievance.
- 4.2 The employee must clearly state the grounds on which they are appealing within 10 working days of receiving the outcome of the formal grievance hearing. If it is unclear, then this must be clarified prior to any formal proceedings taking place.
- 4.3 The appeal should be headed 'Formal grievance appeal' and sent to the nominated senior manager which will be indicated within the written outcome of the initial appeal hearing.
- 4.4 The senior manager must convene a formal grievance appeal hearing, ideally within 10 working days but no later than 20 working days from receipt of the grievance appeal.
- 4.5 The grievance appeal hearing will be chaired by the Senior Manager and supported by a HR representative. All documents relating to the initial grievance meeting and letter of appeal will be provided to all attendees 5 days prior to the date of the Appeal Hearing. If necessary, the panel will also include a specialist/expert in the particular work area concerned
- 4.8 If possible, the outcome of the hearing will be communicated verbally to all parties on the day of the hearing, or, if this is not possible, no later than 10 working days from the date of the appeal hearing and followed up in writing within no more than 3 further working days.
- 4.9 The outcome of the Appeal Hearing represents the final stage of the internal South Lincolnshire CCG procedure.