

Grievance Policy

2019-2023

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CONTROL RECORD			
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			Sponsor Executive Director of Transition
			Team Human Resources
Title	Grievance Policy		
Amendments	V1.3 to include updated Review Date		
Purpose	The purpose of this Policy is to provide a mechanism for individual employees to raise a grievance arising from their employment. The Policy will also ensure that such grievances are dealt with promptly, fairly and in accordance with other related Policies of the organisation.		
Superseded Documents	Grievance Policy		
Audience	All staff within the Nottingham and Nottinghamshire CCG		
Consulted with	Staff Engagement Group and Trade Unions		
Equality Impact Assessment	July 2019		
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1. Introduction

- 1.1 NHS Nottingham and Nottinghamshire CCG (hereafter referred to as 'the CCG') places great importance on ensuring our employees are provided with a safe and productive working environment. The CCG recognises that it has a duty to provide a policy that gives employees a clear, simple and fair method of resolving grievances as quickly as possible.
- 1.2. Issues that could cause grievances may include:
 - (a) Terms and conditions of employment;
 - (b) Health and safety;
 - (c) Work relations;
 - (d) New working practices;
 - (e) Working environment.
- 1.3 We have a separate Acceptable Behaviours Policy that may be useful if an employee feels they have been the victim of bullying or harassment or wish to report an incident of bullying or harassment involving other people.
- 1.4 We also operate a separate Raising Concerns (Whistleblowing) Policy to enable employees to report illegal activities, wrongdoing or malpractice. However, if the employee feels they are directly affected by the matter in question, or feel they have been victimised for an act of whistleblowing, they may raise the matter under this Grievance Policy.
- 1.5 This policy should not be used in situations where the employee simply disagrees with a reasonable management instruction from a manager.
- 1.6 Any employee or group of employees wishing to express a grievance in relation to their employment has the right to do so. This policy outlines the procedure to follow to resolve any grievances in a swift and confidential manner.
- 1.7 Grievances should be raised promptly following the employee's concern(s) arising. Where grievances raised relate to historic issues, the CCG will assess whether it is reasonably practicable and in the interests of fairness to consider the employee's grievance.
- 1.8 Grievances raised by employees who have left the organisation will not be considered unless the CCG consider it necessary to do so.

2. Purpose and Scope

- 2.1 This policy applies to all staff regardless of length of service that are directly employed by the CCG. It does not apply to agency workers or self-employed contractors working for the organisation under a contract for service.
- 2.2 This policy meets the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- 2.3 It is expected that most issues arising in the workplace will be able to be dealt with informally between the individual and their line manager. This has advantages to everyone concerned, and helps to promote and maintain effective working relationships.
- 2.4 It is management's responsibility to ensure that grievances are dealt with promptly to avoid unnecessary escalation of issues.
- 2.5 Data that is held in relation to any grievance process will be retained and destroyed in accordance with the provisions of the General Data Protection Regulations 2018.

3. Roles and Responsibilities

- 3.1 Good working relationships are essential for the running and successful delivery of the CCG's objectives. There is a joint responsibility for employees, managers and trade union partnerships to operate and work together in good faith and with the shared intention of working collaboratively.

3.2 Employees

Employees have a responsibility to:

- Familiarise themselves with this policy and procedure.
- Be able to clearly and concisely explain the detail of their grievance.
- Be clear on what they want to achieve from raising the grievance.

3.3 Line Managers

Line Managers have a responsibility to:

- To familiarise themselves with this policy and procedure.

- Approach any grievance raised directly with them or upon request to investigate by a superior with an open mind and maintaining confidentiality at all times.

3.4 Human Resources

The HR team will provide fair and impartial advice to employees and line managers.

4. Procedure

- 4.1 All matters raised under this policy will be dealt with swiftly, fairly and confidentially.
- 4.2 All employees have the right to be represented at all formal stages of this policy. Employees can be accompanied to formal meetings by a Trade Union representative or colleague. At the meeting, the employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee and their companion may talk privately at any time during the meeting. Acting as a companion is voluntary and colleagues are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay. If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, the CCG may ask you to choose someone else.
- 4.3 Normal working arrangements will continue throughout the grievance process. Where this is not considered possible by the employee or the line manager, advice should be sought from the HR team.
- 4.4 If a grievance is raised during a disciplinary process, ordinarily the grievance will not be heard until the conclusion of the disciplinary processes. However, if the grievance could have a bearing on the outcome of the disciplinary case then the disciplinary process may be suspended to allow the grievance to be appropriately investigated. If the two cases are related, it may be more appropriate to run the two processes concurrently. The Grievance Policy should not be used to complain about dismissal or disciplinary action. This should be dealt with by an appeal under the appropriate procedure.
- 4.5 Where more than one employee in a department or work area wishes to raise the same complaint they may do so as a collective grievance. It must be clear who is submitting the grievance by the employees printing and signing their names on the written grievance letter. If there are more than two people submitting a

collective grievance, one or two of the group should be nominated to attend any formal meeting and speak on behalf of the group. It is the responsibility of the employees submitting the grievance to nominate peers to speak on behalf of the group.

- 4.6 The CCG will ensure that all managers who form the Scheme of Delegation (**Appendix A**) and will be involved in the investigation and hearing of any grievance case will receive the appropriate training.
- 4.7 Potential outcomes of both the informal and formal stages are provided in **Appendix B**.

5. Informal Procedure

- 5.1 In the first instance employees and managers should attempt to resolve any issues as they arise informally.
- 5.2 Where an employee feels that they cannot raise their concerns with their direct Line Manager they should speak with their Line Manager's Manager to resolve any issues.
- 5.3 Employees are encouraged to raise and resolve, where possible, any concerns or complaints via the informal grievance stage.
- 5.4 There is no requirement for representation at the informal stage of this process.
- 5.5 Any agreed outcomes at the informal stage should be recorded and shared by both parties.

6. Formal Procedure

- 6.1 If a grievance has been unable to be resolved at the informal stage or is considered of sufficient seriousness, employees may use the formal stages of the procedure to seek resolution through the next level of management.
- 6.2 The employee is expected to outline the detail of their grievance and desired outcome in writing to the appropriate manager within the Scheme of Delegation (**Appendix A**). If employees do not feel that they can raise the grievance within the management structure they should seek further advice from the HR team.
- 6.3 A manager who receives a written grievance should look to act upon the grievance swiftly and confidentially. The manager should inform the HR team of the grievance. The HR team will then work with the manager to source an appropriate investigating manager.

- 6.4 The manager will acknowledge receipt of the grievance in writing, on the same day where possible but no later than three working days and outline the next stages of the process i.e. the appointment of the investigative manager.
- 6.5 Once identified, the Investigating Manager may initiate an investigation before holding a formal grievance meeting where it is considered appropriate. In other cases the Investigating Manager may hold a grievance meeting before deciding what investigation (if any) to carry out. In those cases the Investigating Manager will hold a further grievance meeting after the investigation and before he/she reaches a decision.
- 6.6 Once identified, the Investigating Manager should aim to formally meet with the employee in order to discuss the grievance in detail. This meeting should take place ideally within five working days of receipt of the formal grievance but if this is not practically possible the meeting should take place no later than ten working days after receipt of the formal grievance.
- 6.7 If these timescales cannot be met either by the Investigating Manager or the employee these reasons should be recorded and communicated as appropriate.
- 6.8 The employee should attend the formal grievance meeting prepared to discuss the grievance in detail, providing examples where practical. The employee should also prepare to present and discuss possible resolutions to the grievance that has been raised. Similarly the Investigating Manager should also prepare to present possible resolutions to the grievance.
- 6.9 It may be necessary to adjourn the formal grievance meeting to further investigate any issues that are raised. The amount of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The employee raising the grievance must co-operate fully and promptly in any investigation. This may include informing the Investigating Manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation. Any further investigation should aim to be concluded within ten working days of the adjournment of the formal meeting.
- 6.10 The Investigating Managers should aim to conclude the grievance within ten working days of the formal meeting, writing to the employee with the outcome and proposed resolutions. The employee will be notified in writing of the delay and of any extension(s) beyond these timescales, and provided the reasons for the delay. Agreeing to extensions may lead to the stalling of the process as the employee may not agree to the delay or keep delaying the process.

7. Collective Grievance

- 7.1 Where a grievance involves more than one employee, a single written grievance should be raised, and this should include the names of all those involved and the detailed reason(s) for their grievance. In the event of a grievance involving a large number of staff, a list of all job role(s) and department(s) must be given. The group must identify a nominee amongst those aggrieved who will be the single point of contact for all communications. The group must also identify one or two individuals to attend all meetings on behalf of the group.
- 7.2 Employees who are trade union members should identify a single trade union representative to represent them. Where there are members from a number of trade unions as party to the collective grievance there should be representation from each union.
- 7.3 Employees who are not trade union members may identify a colleague (not acting in a legal capacity) to represent this group.

8. Appeals

- 8.1 If the grievance has not been resolved to the employee's satisfaction, there is a right of appeal. Appeals will be heard in line with the details provided in the Scheme of Delegation (**Appendix A**).
- 8.2 The employee may refer the matter to the appeal stage by writing to the relevant senior manager (see **Appendix A**), within ten working days of the date on the outcome/decision letter. The appeal letter must state the grounds for appeal, setting out their original grievance and providing explanation why they are not satisfied with the decision at Stage 1.
- 8.3 The manager will acknowledge the appeal letter within five working days of the date of the appeal letter.
- 8.4 The manager will arrange a meeting to hear the appeal. This meeting will usually take place within ten working days of receipt of the grievance, but where this is not practical the manager will inform the individual of the reason why and will mutually agree the earliest possible date for the meeting. The manager should write to the employee and confirm the date, time and location of the meeting.
- 8.5 Under normal circumstances this is the final stage in the appeal process and the employee will have no further right to appeal.

9. Equality and Diversity Statement

- 9.1 The Nottingham and Nottinghamshire CCG pays due regard to the requirements of the Public Sector Equality Duty (PSED) of the Equality Act 2010 in policy development and implementation, both as a commissioner and as an employer.
- 9.2 As a commissioning organisation, we are committed to ensuring our activities do not unlawfully discriminate on the grounds of any of the protected characteristics defined by the Equality Act, which are age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 9.3 We are committed to ensuring that our commissioning activities also consider the disadvantages that some people in our diverse population experience when accessing health services. Such disadvantaged groups include people experiencing economic and social deprivation, carers, refugees and asylum seekers, people who are homeless, workers in stigmatised occupations, people who are geographically isolated, gypsies, roma and travellers.
- 9.4 As an employer, we are committed to promoting equality of opportunity in recruitment, training and career progression and to valuing and increasing diversity within our workforce.
- 9.5 To help ensure that these commitments are embedded in our day-to-day working practices, an Equality Impact Assessment has been completed for, and is attached to, this policy.

10. Communication, Monitoring and Review

- 10.1 The application of this policy and the effectiveness of the provision of awareness training will be monitored by the HR Team as and when required and in line with the requirements within the NHS Resolution Risk Management Standards, Equality statutory duties and Care Quality Commission. These require the CCG to record, analyse and publish employee relations activity to ensure the CCG is eliminating discrimination and promoting equality of opportunity. In accordance with this requirement, summary reports will be submitted to the CCG's Governing Body. Any suspected discriminatory trend will be investigated.
- 10.2 To ensure compliance of this policy, reviews will be carried out on a regular basis by the most suitable lead individual. Any outcomes of reviews will be reported to the relevant committees appropriate to the CCG who will review the results and delegate actions/planning for any issues/outcomes that have been identified to the most appropriate lead individual.

- 10.3 This policy will be reviewed every three years or sooner in light of new legislation.
- 10.4 Any individual who has queries regarding the content of this policy, or has difficulty understanding how this policy relates to their role, should contact the HR Team on email – ncccg.hr.greaternottingham@nhs.net

APPENDIX A:

Scheme of Delegation

The Scheme of Delegation has been developed to manage any disciplinary or grievance processes within the CCG. The table provides detail of the lowest grade officer that can take specified action.

Staff Group	Informal	Formal	Appeals
Chief Officer	Clinical Chair in consultation with NHS England and support from the HR team if required.	Clinical Chair in consultation with NHS England and support from the HR team.	Clinical Chair from another footprint in consultation with NHS England and support from the HR team.
Directors	Chief Officer with support from the HR team if required.	Chief Officer with support from the HR team.	Clinical Chair in consultation with NHS England and support from the HR team.
Employees who report directly to a Director	Director with the support from the HR team if required.	Director with support from the HR team.	Chief Officer in consultation with the HR team.
All other employees	Line Manager (Band 4 and above) with the support from the HR team if required.	Director with support from the HR team.	Director from a different directorate with the HR team.

APPENDIX B:

Possible Outcomes

Mediation

Mediation is a voluntary process that may be considered at any stage of this process.

Mediation is a mechanism to help to resolve issues between individuals or groups following dispute. Mediation can be used to help resolve issues and repair relationships in the following circumstances; however the list is not exhaustive:

- Dealing with conflict between employees or line managers and their teams.
- Repair and rebuild relationships following a formal employee relations process.
- Addressing a range of issues relating to communication breakdowns, personality clashes or relationship issues.

Should mediation be considered a possible option for resolution, investigating managers should discuss this with the Human Resources Team.

A trained mediator is engaged to conduct the mediation process. The mediator will facilitate the discussions between individuals or groups but it is not their role to agree the outcome. The responsibility of the outcome of the mediation process sits with the individuals or groups involved.

Coaching

Coaching targets improvement at work and usually focuses on specific skills and goals, although it may also have an impact on an individual's personal attributes (such as social interaction or confidence).

The process typically lasts for a relatively short defined period of time, or forms the basis of an on-going management style.

Mentoring

Mentoring in the workplace is described as a relationship in which a more experienced colleague uses his or her greater knowledge and understanding of the work or workplace to support the development of a more junior or inexperienced member of staff.

Mentoring relationships tend to be longer term than coaching arrangements.

Mentoring can help employees developing specific professional skills and to develop a sound understanding of the organisation as a whole in a supportive environment.

Appendix C:

Equality Impact Assessment

Date of assessment:	July 2019			
For the policy, and its implementation, please answer the questions against each of the protected characteristic and inclusion health groups:	Has the risk of any potential adverse impact on people in this protected characteristic group been identified, such as barriers to access or inequality of opportunity?	If yes, are there any mechanisms already in place to mitigate the adverse impacts identified?	Are there any remaining adverse impacts that need to be addressed? If so, please state any mitigating actions planned.	Are there any positive impacts identified for people within this protected characteristic group? If yes, please briefly describe.
Age¹	No	N/A	N/A	N/A
Disability²	Yes	Mechanisms are in place via the Communications and Engagement Team to receive the policy in a range of languages, large print, Braille, audio, electronic and other accessible formats.	N/A	
Gender reassignment³	No	N/A	N/A	N/A
Marriage and civil partnership⁴	No	N/A	N/A	N/A

¹ A person belonging to a particular age (for example 32 year olds) or range of ages (for example 18 to 30 year olds).

² A person has a disability if she or he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

³ The process of transitioning from one gender to another.

⁴ Marriage is a union between a man and a woman or between a same-sex couple.

Same-sex couples can also have their relationships legally recognised as 'civil partnerships'.

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Race⁵	No	N/A	N/A	N/A
Religion or belief⁶	No	N/A	N/A	N/A
Sex⁷	No	N/A	N/A	N/A
Sexual orientation⁸	No	N/A	N/A	N/A
Carers⁹	No	N/A	N/A	N/A

⁵ Refers to the protected characteristic of race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

⁶ Religion refers to any religion, including a lack of religion. Belief refers to any religious or philosophical belief and includes a lack of belief. Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

⁷ A man or a woman.

⁸ Whether a person's sexual attraction is towards their own sex, the opposite sex, to both sexes or none. <https://www.equalityhumanrights.com/en/equality-act/protected-characteristics>

⁹ Individuals within the CCG which may have carer responsibilities.