



Grievance Policy

CPRCCG HR11

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Ratified by:	Remuneration Committee
Date ratified:	
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Name of originator/author:	Kathryn Perry, HR Consultant, NEL CSU
Name of responsible committee/individual:	Remuneration Committee
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Target audience:	All Castle Point & Rochford CCG employees and other users including contractors, agency and temporary workers etc.

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1.0 Introduction

Castle Point and Rochford CCG encourages open communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and, where possible, resolved quickly and to the satisfaction of all concerned. The aim of this policy is to settle grievances as near to the point of origin as possible. It is also preferable that both employees and managers should try to resolve issues informally first, and to use the formal route where the informal route has been explored, but has been unsuccessful.

1.1 Key Principles

This policy is based upon the following key principles:

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Following an investigation, employers should inform employees of the basis of the problem and give them an opportunity to put their case in response before any decisions are made.
- Employers should allow employees to be accompanied at any formal grievance meeting by either a Trade Union representative or work colleague. Legal representation is not permitted at any stage. The employee is responsible for making their own arrangements for any representation required.
- Employers should allow an employee to appeal against any formal decision made.

2.0 Policy

2.1 Definition

The definition of a 'Grievance' can be given as: 'complaint, criticism, or objection'. Grievances can be collective or individual.

Grievances apply to complaints connected with employment where the concerns raised are not covered by any other organisational policy and the problem cannot be resolved through alternative means (i.e. informal discussion, mediation).

2.3 Inclusions

Grievances may be raised about:

- The nature of duties

- Conditions of service
- Working relationships
- Bias or unfair discrimination on employment decisions

2.4 Exclusions

This policy will not apply to complaints which should be dealt with under other organisational policies. These include:

- Complaints about patient care
- Dismissal - it would be expected that this is dealt with under appropriate appeal process dependant on reason for dismissal
- Discipline – it would be expected that this is dealt with under the appeal process associated with the disciplinary policy
- Performance (Capability) issues– it would be expected that this is dealt with under the appeal process associated with the Performance policy
- Redundancy– it would be expected that this is dealt with under the appeals section of the Organisational Change policy
- Statutory matters over which the organisation has no control e.g. income tax or national insurance
- Any issue being investigated by the Counter Fraud Service. Please refer to the Fraud & Corruption Policy

2.5 Process Guidance

The procedure should be made readily available to all employees.

Managers should treat the procedure seriously and should deal with all grievances promptly. Unnecessary delay may cause complaints to become magnified and distorted, and at worst, could lead to industrial disputes.

Employees should raise their grievance as soon after the event(s) as possible. It is not usually appropriate to investigate grievances which are more than three months old. It is recognised however that it may be appropriate to investigate incidents that have taken place over a period of time or are on-going.

The various stages of the procedure should be held within a reasonable time scales.

The relevant manager will need to balance the aim of providing a speedy response against the need to reach a fair decision.

It is intended that employees should be able to raise grievances without any fear of victimisation or discrimination. Alleged victimisation of aggrieved employees may constitute a disciplinary offence.

In normal circumstances, where an employee has registered a grievance but then leaves the employment of the organisation, the grievance proceedings will be concluded as soon as possible, and will not automatically cease upon the employee

leaving the employment of the organisation.

Where an employee registers a grievance in response to a decision, action or proposed action by management, the status quo will normally continue until the grievance process is concluded, except in exceptional circumstances, for example, where health and safety is a risk.

If part way through a grievance investigation it becomes apparent that the matter may be one where disciplinary action is appropriate, then a recommendation to this effect should be made to the CCG HR Business Manager. The point at which the disciplinary process commences will depend on how far through the grievance investigation is.

If an employee withdraws a grievance at any stage, the manager dealing with the grievance should ensure that full reasons for the withdrawal are recorded and that the ceasing of the grievance process is confirmed to the employee in writing.

However it may be decided that further action/investigation is required under an alternative policy e.g. Disciplinary.

All staff involved/included in any stage of this process are reminded to maintain confidentiality at all times. Failure to do so may result in disciplinary action being taken.

Both parties should attend all meetings in the spirit of dispute resolution. Every effort should be made to discuss the issues in an open and constructive manner to enable a solution to be found which is acceptable to both parties. This may mean compromises on both sides.

3.0 Stage 1 – Informal Resolution

Employees must aim wherever possible to resolve grievances informally with their line manager and any other relevant parties. If an employee has a complaint or a grievance that they wish to discuss with their manager, they should raise this during any informal meetings with their manager, such as their supervision or 1:1.

At the informal stage further meetings between the manager, other relevant parties, trade unions and Human Resources can take place if this is considered to be helpful. Further meetings at the informal stage would be used to facilitate a resolution, without resulting in a formal process being invoked.

Employees and managers should be able to clearly demonstrate that every effort has been made to resolve their issue(s) informally, before the formal process is commenced. HR can provide managers and employees with help or guidance in informal resolution and mediation.

As a result of informal discussions, it may be appropriate for the line manager in conjunction with the employee to draw up an action plan, outline objectives, timescales for completion and any follow-up action and a copy kept on the personal

files of those parties involved.

Whilst it is preferred that employees use the organisation grievance form to lodge a grievance, managers should be aware that grievances can be lodged in any other written format, and should still be treated as per this policy. Where any written complaint is unclear in any part, the individual may be asked to complete the organisation's grievance form in order to ensure that all issues are understood and the redress sought is clear.

If the complaint is concerning the line manager the form should be sent to the next line of management (the line manager's manager).

If it is not possible to resolve the issues informally, or if it is agreed that the issues are of significant seriousness and it is not felt that the informal route is appropriate, the matter should proceed to the formal stage of the policy.

4.0 Stage 2 - Formal Resolution

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 (using the grievance form within this policy or any other appropriate written format) and send the written complaint to their line manager. Should they feel unable to do this, the grievance should be submitted to the next line of management.

Any manager receiving a formal grievance must act upon the matter promptly and must also notify the CCG HR Business Manager.

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 manager of the basis for the grievance. Depending on the nature of the grievance, it may be appropriate to include a senior specialist (i.e. Nursing or Finance specialist) at the meeting to provide clarity around any issues raised. This meeting should be held as soon as possible, and no later than 10 working days after receipt of the grievance. All parties must take all reasonable steps to attend this meeting. The employee has the right to be accompanied to this meeting by a work colleague or union representative. 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.

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.

If having received the grievance the manager believes formal investigation is required prior to the meeting to resolve the dispute, they will inform the employee and include a timetable to complete the investigation. Any investigation will meet the process given within the Managing Investigations Guidance.

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.

The outcome of any grievance meeting will be confirmed in writing within 5 working days, and will include a right of appeal.

The presence of a representative from HR may be appropriate at the Grievance meeting. Where required, this will be arranged.

A pro-forma for the raising of a grievance is included at Appendix A; however other forms of written communication may also suffice for the raising of a grievance.

4.1 Counter-Grievances

In the event of a counter grievance being submitted the grievance should be presented to the employee's line manager, or appropriate recipient and the usual process followed i.e. from informal to formal. If, having considered the allegations, it is the manager's decision to commission an investigation, serious consideration should be given to the most appropriate investigator to complete this. If it is decided that the investigating officer commissioned to complete the original investigation is also instructed to investigate the counter claim, the rationale and decision for this should be shared with both complainants i.e. extend the scope of the investigation.

5.0 Appeals

If an employee is dissatisfied or remains aggrieved after the grievance meeting has taken place they have the right to make a formal appeal.

The appeal should:

- Be in writing (Part 1C of the Grievance Form or other written correspondence)
- Enclose a copy of the original Grievance
- Specify which aspects they remain aggrieved about and the redress being sought
- Be submitted within 5 (five) working days of the receipt of the outcome from the Grievance Meeting.

The appeal should be acknowledged within 5 (five) working days of receipt.

The appeal should be made to the next line of management (i.e. the manager of the person who held the original grievance), or where this is not possible, to the Accountable Officer, with a copy to the CCG HR Business Manager.

An appeal meeting should be arranged within 20 (twenty) working days of receipt of the appeal.

The employee must be given at least 5 working days' notice of the date of the appeal hearing.

The employee will have the right to be accompanied at the Appeal Hearing by either a Trade Union representative or workplace colleague.

The next line manager will review the findings of the original hearing (including any formal investigation that may have taken place) and consider whether the conclusion reached in the grievance hearing was appropriate. The appeal panel will be required to consider whether due process was correctly followed.

Depending on the nature of the grievance it may be appropriate to include a senior specialist (i.e. Nursing specialist, Finance specialist) at the appeal meeting to provide clarity around any issues raised and to ensure a full understanding of the issues raised.

The appeal hearing will include the CCG HR Business Manager on the hearing panel.

The appeal hearing is not a rehearing of the original grievance but an opportunity for consideration of specific areas where the employee remains aggrieved or is dissatisfied with from the original hearing.

Where the appeal panel feels that any elements of the original grievance have been missed/omitted, and the employee submits clear evidence which proves this, the areas of concern will be addressed at this meeting (with any necessary information submitted by the employee ratified, as required).

The outcome of the Appeal Hearing will be confirmed in writing within 5 (five) working days of the Appeal Hearing.

The decision of the Appeal panel is final. There is no further internal redress following the appeal outcome.

6.0 Equality Impact Assessment

Castle Point & Rochford CCG is committed to carrying out a systematic review of all its existing and proposed policies to determine whether there are any equality implications.

This policy has been assessed using Castle Point & Rochford CCG's Equality Impact Assessment and identified as having the following impact upon equality and diversity issues.

Age	Disability	Gender	Race	Sexuality	Religion	Human Rights	Total Points	Impact
0	0	0	0	0	0	0	0	Low

7.0 Version Control

Policy Title:

Version	Date issue/review	Author Name and title	Comment
3.0	November 2017	Kathryn Perry, HR Consultant	No material changes to policy.
2.0	November 2016	Kathryn Perry, HR Consultant	Policy due for review and updating to ensure they cover current legislation and changes within the CCG
1.0	November 2014	Lucy Moss, HR Consultant	

8.0 Stakeholder involvement

Name	Designation
NEL CSU	HR Consultant

Appendix A – Confidential Grievance Form

NAME:											
PAYROLL NUMBER:											
JOB TITLE:											
LOCATION:											
DIRECTORATE:											
PAY BAND:											
1.A NATURE OF GRIEVANCE											
<p>Please continue on a separate sheet if necessary and attach any relevant papers. Please include as much detailed information as possible, for example:</p> <ul style="list-style-type: none"> • Date(s) when incident(s) occurred • Who was involved • Who was the perpetrator • Why you feel aggrieved • What action has already been taken to resolve the grievance 											

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NAME:											
PAYROLL NUMBER:											
JOB TITLE:											
LOCATION:											
DIRECTORATE:											
PAY BAND:											

1.B REDRESS SOUGHT

Please set out how you would like to see your complaint dealt with and why and how you believe this will resolve the issue.

this form, and submit this with all other relevant documentation. Please continue on a separate sheet if necessary.

I have raised a Grievance as detailed in Part 1A of this form, and I have been advised that the outcome is:

I remain aggrieved because:

The redress I am seeking is:

Please set out how you would like to see your complaint dealt with and why and how you believe this will resolve the issue.

SIGNED:

NAME:

DATE:

