GRIEVANCE POLICY

INSERT COVER PAGE AND BRANDING – Dr A Gill’s signature and front cover to be placed on policy when received from Communications. (Policy fully ratified)

<table>
<thead>
<tr>
<th>Consultation</th>
<th>Staff Forum May 2014</th>
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<tr>
<td>Union Agreement</td>
<td>Alan Turrell, Head of Contracting &amp; Procurement</td>
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<tr>
<td>Organisational Development Committee Ratification</td>
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<td>Date</td>
<td>9 June 2014</td>
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Grievance Policy

The Organisational Development Committee approved this document on:

Date: June 2014

Signed: Chair of the committee
Signed: Designated Senior Officer

Please note that the Intranet version of this document is the only version that is maintained. Any printed versions should therefore be viewed as ‘uncontrolled’ and may not be the most up-to-date.

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<th>Version:</th>
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<td>Status</td>
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<td>CCG Lead</td>
<td>Yvette Sheward Strategic Lead for Integrated Governance and Organisational Development</td>
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<td>Senior Officer responsible</td>
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<td>Ratified by:</td>
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<td>June 2014</td>
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<td>Date Policy is Effective From</td>
<td>Date of ratification</td>
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<td>Review date:</td>
<td>June 2017</td>
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<td>Expiry date:</td>
<td>September 2017</td>
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<td>Date of Equality and Diversity Impact Assessment</td>
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<td>Date of Health Inequalities Impact Assessment</td>
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<td>Target audience:</td>
<td>CCG staff and staff working for the CCG</td>
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National Documents

CCG linked documents

Distribution of the document | Intranet
Implementation of the document

Document Control and Archiving | Obsolete or superseded documents will be removed from the intranet and where relevant replaced with an updated version. Previous versions will be archived in the safeguard system in accordance with the Records Management NHS Code of Practice; disposal and retention schedule.

Monitoring Compliance and Effectiveness

References
CONTRIBUTION LIST
Key individuals involved in developing the document

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Comments received from consultation

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Version Control Summary

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Walsall CCG Grievance Policy

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POLICY OVERVIEW
Grievance Policy

Purpose
From time to time misunderstandings or grievances may arise. It is hoped that in most cases these can be resolved through informal discussions with the Manager. If however, employees feel strongly about any issue or problem and cannot resolve the grievance by informal means they should use the procedure outlined below. The policy aims to ensure that all grievances are dealt with seriously and sensitively. Employees should not fear victimisation for making or being involved in a grievance and will be given the opportunity to put their case forward.

Who this Policy applies to
The policy applies to all staff that are employees of the organisation in either a permanent, fixed term or temporary post. The policy may also apply to groups of the above, where collective grievances may be raised.

Key Principles
Grievances are concerns, problems or complaints raised by a staff member. Any worker may at some time have problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management.

Employees should let the employer know the nature of the grievance and issues promptly and try to resolve any grievance informally in the first instance to try to nip it in the bud.

Employers should arrange any formal meeting without unreasonable delay and should carry out any necessary investigations to establish the facts of the case.

Employers should allow the employee to be accompanied at any formal meeting and should allow the employee the right to appeal against any formal decision made.

Legal Considerations
The ACAS Code of Practice on disciplinary and grievance procedures sets out principles for handling disciplinary and grievance situations in the workplace. Employment tribunals are legally required to take the Code into account when considering relevant cases.
SUPPORTING PRINCIPLES

Grievance Policy

- Employers and employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions. This will include working within the defined timescales within the policy.
- Employers and employees should act consistently.
- Employers should carry out any necessary investigations, to establish the facts of the case.
- Employers should allow employees to be accompanied at any formal grievance meeting.
- Employers should allow an employee to appeal against any formal decision made.
- Wherever possible, grievances should be resolved informally with the employee’s immediate manager.
- Where the grievance cannot be resolved informally or it is inappropriate to do so the formal grievance procedure may be used.
- The employee should be asked at an early stage what it is they want from the grievance process.
- Wherever possible, all grievance proceedings and records shall remain confidential. If investigation is required, it should be recognised that there may be a need to disclose the source and detail of the grievance and therefore a promise of confidentiality or anonymity should not be given, as it could hamper investigations.
- Where employees feel that they are being bullied or harassed they should raise such matters via the Bullying and Harassment Policy.
- Where employees wish to raise concerns about possible malpractice at work (e.g. fraud) they should refer to the Whistleblowing Policy.
- The CCG takes all grievances very seriously. However, in the event that the CCG considers that a grievance is made in bad faith, maliciously or vexatious, the CCG may take disciplinary action against the person that raised the grievance. The CCG may also take appropriate action, which may include taking appropriate action against the person that raised the grievance, if the circumstances result in a serious breakdown in working relationships. The CCG may decide not to hear a grievance where it considers that the same grievance has already been raised by the same individual in a separate complaint and the individual has already been provided with an outcome.
THE POLICY

Grievance Policy

Issues that may cause grievances
- terms and conditions of employment
- health and safety
- work relations
- bullying and harassment
- new working practices/organisational changes
- discrimination

Informal Discussions
Wherever possible, an initial discussion should be held between the employee and their manager. It is in everyone's best interest for an issue to be dealt with quickly and fairly at the lowest possible level and we hope that the majority of concerns will be resolved at this stage. The employee and the manager should keep a note of the discussion.

Let the employer know the nature of the grievance
If it is not possible to resolve a grievance informally employees should raise the matter formally within 10 calendar days of being advised of the outcome of the informal stage using the following steps:
- Complete the Notification of Grievance Form (available within the User Guide) setting out a clear and detailed statement of the issues and the desired outcome
- Submit the completed form to the appropriate manager or HR if the grievance is related to the line manager.

The appropriate manager would normally be the line manager. However, should your line manager be the person that the grievance is against or the person who tried to resolve the grievance informally the formal grievance should be sent to the line manager's manager, who will allocate the appropriate manager to hear the grievance formally.

Hold a meeting with the employee to discuss the grievance
Employers should arrange for a formal meeting to be held without unreasonable delay after a grievance is received. The appropriate manager will acknowledge receipt of the grievance within 5 calendar days, and log the case with HR (see User Guide). The manager should aim to meet to discuss the Grievance within 14 calendar days of receipt of the form but earlier if possible.

Employers, employees and their companions should make every effort to attend the meeting. Employees should be allowed to explain their grievance and how they think it should be resolved. Consideration should be given to adjourning the meeting for any investigation that may be necessary.

Allow the employee to be accompanied at the meeting
Under this policy employees have the right to be accompanied by a companion at a grievance meeting involved with any stage of this policy.

The chosen companion may be a fellow worker, a trade union representative or an official employed by a trade union.

The companion should be allowed to address the meeting to present and sum up the employees case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however, have the right to answer questions on the employee’s behalf, address the meeting if the employee does not wish it or prevent the employer from explaining their case.

**Decide on appropriate action**

Following the meeting decide on what action, if any, to take. Decisions will be communicated to the employee, in writing, within 14 calendar days of the meeting and, where appropriate, should set out what action the employer intends to take to resolve the grievance. The employee should be informed that they can appeal if they are not content with the action taken. Where further investigation is required following the initial meeting the manager will keep the employee updated of progress and likely timescales for completion.

**Allow the employee to take the grievance further if not resolved**

Where an employee feels that their grievance has not been satisfactorily resolved they have the right to appeal. If an employee wishes to appeal they must write to the Head of Service or equivalent within 14 calendar days of receiving the response to the first level outcome. This should include where possible the original grievance form and any additional information relevant to the grievance and the grounds for appeal.

The appeal should be dealt with impartially and wherever possible by a manager who has not previously been involved in the case. Employees have a statutory right to be accompanied at any such appeal hearing. The outcome of the appeal will be communicated to the employee in writing within 7 calendar days of the hearing, or as agreed at the hearing. The outcome will include the reasons that the panel came to their decision.

Following an appeal the original decision may be confirmed, revoked or replaced with a different decision. There will be no further right of appeal.

**Mediation**

If deemed appropriate, mediation may be offered as a resolution to a grievance and may be recommended as an outcome of a grievance investigation.

**Collective Grievances**

If a group of you have the same grievance, we may mutually agree to deal with issues collectively. If some or all of you are members of a recognised trade union they can, with
your consent, approach the CCG on your behalf. If you are not a member of a trade union you need to confirm if any of your colleagues can approach the CCG on your behalf.

**Overlapping grievance and disciplinary cases**

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.