



Wandsworth Clinical Commissioning Group

## INDIVIDUAL GRIEVANCE PROCEDURE

V2.0

## Individual Grievance Procedure

**THIS POLICY WILL BE APPROVED BY WANDSWORTH CCG, AND WILL HAVE EFFECT AS OF 10<sup>th</sup> December 2014**

<b>Target Audience</b>	Governing Body members, committee members and all staff working for, or on behalf of, the CCG
<b>Brief Description (max 50 words)</b>	This policy sets out the principles by which the CCG will achieve a just and speedy resolution of any individual concern of an employee in which it has not been possible to settle the difference outside of this Procedure.
<b>Action Required</b>	<p>Following approval at the CCG Governing Body, The Chief Officer will ensure that the requirements of this policy will be raised at all team meetings, and confirm the requirements with the chairs of each committee, and with CCG executives.</p> <p>Chairs of committees will identify the programme of review with the Accountable Executive for each policy within their committee remit.</p> <p>Accountable Executives will identify policy owners for each policy within their remit.</p> <p>The Corporate Business Manager will establish and maintain a corporate register of all policies and their status, and will ensure that these are appropriately reflected on the website.</p>

Approved: December 2014  
Review date: December 2017

<b>Document Control</b>	
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2.0	10/12/2014	WCCG Governing Body	Policy approved

**Document Information:**

<b>Title /Version Number/(Date)</b>	Grievance Policy
<b>Document Status (for information/ action etc.) and timescale</b>	For implementation
<b>Accountable Executive</b>	Chief Officer
<b>Responsible Post holder/Policy Owner</b>	Director of Corporate Affairs, Performance and Quality
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<b>Author</b>	
<b>Stakeholders engaged in development or review</b>	Workforce Committee
<b>Equality Analysis</b>	<p><b>Equality Analysis</b>  This document has been assessed for equality impact on the protected groups, as set out in the Equality Act 2010. This document demonstrates Wandsworth CCG's commitment to create a positive culture of respect for all individuals, including staff, patients, their families and carers as well as community partners.</p> <p>The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to use the Human Rights Act 1998 and to promote positive practice and value the diversity of all individuals and communities.</p>
<b>Contact details for further information</b>	

**This policy progresses the following Authorisation Domains and Equality Delivery System (tick all relevant boxes).**

Clear and Credible Plan		Commissioning processes	
Collaborative Arrangements		Leadership Capacity and Capability	
Clinical Focus and Added Value		Equality Delivery System	
Engagement with Patients/Communities		NHS Constitution Ref:	

**Associated Policy Documents**

Reference	Title
	CCG Constitution V*.*

**Glossary**

Term	Definition
Accountable Executive	CCG Executive accountable for development, implementation and review of the policy
Policy Owner	Post holder responsible for the development, implementation and review of the policy
Document definitions	These are provided in Section 1

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## **1. INTRODUCTION**

- 1.1 The aim of this procedure is to provide employees of Wandsworth CCG, with a defined set of stages that meet statutory requirements, for resolving any grievances about work or conditions of service.
- 1.2 The intention is that, as far as possible, grievances will be settled at the workplace (or wherever the problem arose) fairly and quickly and as easily as possible.
- 1.3 It is a fundamental requirement that at each of the formal stages of this procedure, the person(s) actually hearing the grievance will have had no involvement at any previous stage.
- 1.4 A Grievance can be an issue, complaint, concern or problem. An employee may have a grievance on a variety of factors that affect their well-being and ability to do their job effectively. If an employee feels that they have a grievance regarding a protected characteristic or a combination of protected characteristics as defined in the Equality Act 2010, they will need to ensure that they are clear about which protected characteristic(s) they are basing their grievance on, should they decide to take the grievance forward. At the point where the employee feels they have grounds to take their issue further, they will initiate discussion of the grievance and may take each of the agreed stages until it is resolved at the appropriate level of management. Some matters cannot be dealt with under the Grievance Procedure (see Section 2.2 below).
- 1.5 It should be noted that all employees have the right to be represented at all stages by a recognised Trade Union representative or work colleague. You are responsible for arranging your own representation for meetings.
- 1.6 Meetings will be conducted in accordance with Appendix 2 'Procedure at Hearing / Appeal'
- 1.7 Individual grievances of a similar nature may be consolidated into a single process, subject to the agreement of the parties concerned.

## **2. SCOPE**

- 2.1. Issues about which a grievance may be raised include:
  - Interpretation and application of pay, terms and conditions of employment
  - Physical working environment
  - Change to working practices and procedures (including grading issues)
- 2.2. Issues that cannot be covered by this procedure include:
  - Those managed through other procedures (e.g. grievances regarding disciplinary matters, which may be appealed through that procedure – please refer to the Disciplinary Policy section 2.6)
  - Matters over which Wandsworth CCG has no control (e.g. statutory deductions from pay)

- National agreements. Where the grievance relates to the application of a national agreement, the parties should jointly seek clarification as to the intended interpretation of the agreement from the appropriate body.

2.3. Management have discretion to disallow grievances which are considered to be repetitious, frivolous or vexatious, however a file note of the reasons must be made.

### **3. PREVENTION IS BETTER THAN CURE**

3.1 Although it is important to deal with grievance issues fairly and effectively it is more important to prevent problems arising in the first place.

3.2 The first step is to understand the relationship between grievance issues and wider issues like communication, induction and training.

3.3 For example, if managers and staff are in the habit of talking to each other openly about what's happening at work then specific problems can be resolved before any action becomes necessary. It is important to ensure regular 1:1 meetings, team meetings, and other forums for communication take place and expectations are clear.

3.4 Equally, if staff are given employment information when they start work – including rules for absence, timekeeping and discipline, as well as details of pay, holidays etc. – then there will be less opportunity for ambiguity if problems arise in the future.

3.5 The use of the formal grievance procedures should be considered a 'last resort' rather than the first option. Many problems can be sorted out through informal dialogue between managers / staff / colleagues – a 'quiet word' is often all that's needed.

### **4. STATUS QUO**

4.1 Where the grievance is against a change of conditions of employment, working conditions or practices, the arrangements which applied directly before the grievance was registered will apply until the procedure has been exhausted or the matter resolved, whichever is the earlier.

4.2 In the situations where statutory obligations apply, or there is a threat to patient/staff safety, the application of the status quo will be reviewed in discussion with the staff side.

### **5. EXTERNAL CONCILIATION**

5.1 The grievance may be referred to ACAS by mutual agreement for conciliation at any stage or by mutual agreement of the parties for arbitration if the matter is not resolved after stage 3. ACAS involvement is subject to ACAS rules and procedures.

### **6. INFORMAL PROCEDURE**

6.1 Efforts should be made to try to resolve issues informally by discussion between the employee and the person they are bringing their grievance against eg work colleague or line manager. It might not be possible to resolve issues immediately and it is necessary to have more than one meeting for further advice to be obtained.

- 6.2 If it is difficult for an employee to approach their immediate Line Manager because of the nature of the grievance, they may seek advice and further assistance from their Trade Union representative or work colleague or you may ask a member of HR for guidance on this procedure.

## **7. FORMAL PROCEDURE**

### **7.1 Stage 1 – Meeting with the employee’s line manager (or another appropriate manager)**

Steps for making a Grievance:

- Employees should set out their grievance in writing (letter or email) to the appropriate manager (see below), stating that they wish to raise the matter under the 1<sup>st</sup> Stage of the procedure. This may be done by letter, email, or completion of the Notification of Grievance form (Appendix 1). If the employee needs help setting out the details of their grievance they should talk to their trade union representative or work colleague
- The appropriate manager will normally be the employee’s line manager. However, if the subject of the grievance involves the line manager, or they are not empowered to resolve the issues raised, then the grievance should be submitted to an alternative appropriate manager. This may be the line manager’s manager or head of department. Wherever possible the grievance should be raised to the lowest level of manager empowered to deal with the issues raised.

The manager will follow the Stage 1 Meeting process as follows:

Steps for a Stage 1 Meeting:

- A meeting to discuss the grievance will be held within 10 working days of the manager receiving the grievance documentation from the employee. The employee should be given a minimum of 5 working days’ notice of the meeting
- Human Resources must be informed that a grievance has been lodged and a member of Human Resources will attend the meeting
- The employee has the right to be accompanied to the meeting by a Trade Union representative or work colleague
- The manager will write to the employee within 5 working days of the meeting to confirm the outcome and their right to appeal.

### **7.2 Stage 2 – Appeal**

Should the employee be dissatisfied with the outcome of the stage 1 meeting because they consider the process as laid out above was not followed and/or the decision based on the evidence presented was wrong, they may proceed to Stage 2 of the Procedure.

- Within 10 working days of receiving the stage 1 outcome letter, the employee should notify the next senior manager (or equivalent), in writing, of their wish to raise the issue at stage 2 of the procedure



- The letter/email should set out the grounds for why they do not consider the issue resolved and any supporting information (please note that new information cannot be presented at this stage. If new information has become available then this should be presented to the manager at stage 1 of the procedure)
- A meeting to discuss the grievance at stage 2 will be held within 10 working days of the senior manager receiving the grievance documentation from the employee. The employee should be given a minimum of 5 working days' notice of the meeting.
- The Manager at stage 1 will be required to provide the Senior Manager (or equivalent) with a copy of the management decision reached at Stage 1 and will be required to attend the meeting to explain their decision
- Human Resources must be informed that the grievance has progressed to Stage 2 and a member of Human Resources will attend the meeting.
- The employee has the right to be accompanied to the meeting by a Trade Union representative or work colleague
- The senior manager will write to the employee within 5 working days of the stage 2 meeting to confirm the outcome
- This is the final stage of this procedure. The senior manager (or equivalent) must inform the employee of this when writing with the outcome

## **8. RAISING A GRIEVANCE AFTER EMPLOYMENT HAS ENDED**

- 8.1 This grievance process is applicable to current Wandsworth CCG employees only. Ex-employees who wish to raise an issue should do so in writing to the appropriate manager and their letter will be treated as a complaint.
- 8.2 If an employee leaves the Wandsworth CCG part way through a grievance process, they may continue with that grievance until its conclusion.

## **9. TIME LIMITS**

- 9.1 Any reference to working days shall exclude Saturdays, Sundays, Bank and Statutory Holidays.
- 9.2 At each stage the procedure sets out maximum time limits. Because it is important that there is a minimum of delay in pursuing grievances, these limits should be adhered to unless they are extended by mutual agreement. Where either the employee or management exceeds a time limit because of genuine difficulty, this should not be regarded as invalidating the grievance procedure.

## **10. REPRESENTATION**

- 10.1 At each meeting that is held, employees may be advised and/or accompanied by a representative of a recognised Trade Union or professional association, or by a work colleague.
- 10.2 A member of HR will support the Manager at all stages and during meetings with both parties.

## **11. ADDITIONAL MEETINGS**

- 11.1 At any stage of the procedure it may be necessary for more than one meeting to be held so that further advice may be sought or other enquiries made by the Manager. The intervals between such meetings are for mutual agreement but will not normally be more than two weeks apart.

## **12. REVIEW**

This Policy will be reviewed every three years.

**Appendix 1**

**Grievance Notification Form**

<p>Raised by :</p> <p>Employee(s) Name(s):</p> <p>.....</p> <p>Representative Name :</p> <p>.....</p>	<p>Department :</p> <p>.....</p> <p>Work Base :</p> <p>.....</p>
<p><b>Subject of Grievance</b></p> <p>Please state clearly the nature of your grievance and issue that needs to be addressed:-</p>	
<p><b>Actions/desired outcomes</b></p> <p>Please state what action/desired outcomes you are seeking to resolve the grievance</p> <p>Please attach any relevant documents and detail below:</p> <ol style="list-style-type: none"><li>1.</li><li>2.</li><li>3.</li><li>4.</li></ol> <p>Date:</p>	
<b>ACTION</b>	
<b>Stage 1 – Meeting with manager</b>	

Please indicate decision /proposed action:

Grievance has/has not been upheld (delete as appropriate)

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

Print name .....

(Manager's name)

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**Stage 2 – Meeting with senior manager**

Please indicate decision/proposed action:

Grievance has/has not been upheld (delete as appropriate)

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

Print name

(Senior Manager's name)

## **Appendix 2**

## **Grievance Hearing Procedure**

### **1. Introduction**

The Manager / Panel Chair hearing the case will

- Introduce those present
- Confirm the purpose of the hearing is to consider a grievance under Wandsworth CCG's Individual Grievance Procedure
- Outline the procedure for the hearing
- Explain that the Panel may ask questions at any time

### **2. Staff Side Case**

- The member of staff and/or representative will present the details of the grievance and may call witnesses if desired
- Management will have the opportunity to question the member of staff / witnesses about their case

### **3. Management Case**

- Management will present the case to support the action taken, and may call witnesses if desired
- The member of staff and/or representative will be given the opportunity to question the Management representative / witnesses.

### **4. Summing Up**

- The member of staff and/or representative will summarise their case (no new information may be brought up at this stage)
- Management will summarise their case.

### **5. Adjournment for Manager / Panel to consider case**

### **6. Reconvene for decision (if to be given verbally)**

### **7. Completion of Grievance form to record Decision, copied to parties**