

Grievance Policy

June 2020

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| Policy Title: | Grievance Policy |
|---------------|------------------|

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1. INTRODUCTION

- 1.1 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.
- 1.2 Grievances are best dealt with at an early stage, informally with the immediate line manager or another senior manager if it isn't possible to raise with the immediate line manager. However, organisations are required to have formal procedures in place to handle cases left unresolved. Having formal grievance procedures in place allows employers to give reasonable consideration to any issues which can't be resolved informally and to deal with them fairly and consistently. Pursuing the formal route should be a last resort rather than the first option.

2. SCOPE

- 2.1 It is the duty of each Manager to acquaint him/herself with the procedure, and to ensure that each member of staff is aware of the steps taken in raising a grievance.
- 2.2 This policy applies to all employees of NHS Humber and North Yorkshire ICB (The ICB) in all locations, employed on Agenda for Change terms and conditions. This policy does not apply to the settling of differences where separately agreed appeals procedures are in place for specific policies

3. POLICY PURPOSE AND AIMS

- 3.1 It is the ICB policy that all employees have access to a publicised and well defined grievance procedure. This procedure also covers both collective and individual grievances concerning terms and conditions of employment.
- 3.2 Staff are advised to raise issues informally with their line manager or another senior manager in the first instance, however where this does not resolve the matter staff are encouraged to use the grievance procedure to deal with issues promptly.
- 3.3 In some instances where a dispute occurs between employees it may be of use to consider a mediation service which aims to find mutually agreeable outcomes where conflict has occurred. It is important to note that the the mediation service is informal, 'non-binding' and does not impact on the individual's right to instigate formal procedures if the mediation is unsuccessful. Further details of the mediation service can be found by contacting the Human Resources Team - HR Humber.
- 3.4 It is recognised that the policy and procedure itself cannot guarantee the resolution of any particular grievance as resolution depends on all concerned adopting a reasonable attitude to the matter, and taking positive action to resolve the problem. The fundamental principle is that staff grievances should be dealt with fairly, quickly and as close as possible to the time of the event..

3.5 Staff using the grievance procedure will be treated in a fair and equitable manner and care will be taken to ensure that confidentiality is maintained.

4. GENERAL DATA PROTECTION REGULATION (GDPR)

The ICB is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the ICB's Data Protection and Confidentiality and related policies and procedures.

5. IMPACT ANALYSIS

5.1 Equality

The ICB is committed to eliminating discrimination and promoting equality and diversity in its Policies, Procedures and Guidelines.

In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

In developing this policy, an Equality Impact Analysis has been undertaken and is attached as an appendix. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage. However, monitoring the use of the policy will be essential in order to ensure it is implemented equitably.

5.2 Bribery Act 2010

The ICB has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from The Bribery Act 2010.

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

For further information see <http://www.justice.gov.uk/guidance/docs/bribery-act-2010-quick-start-guide.pdf>.

If you require assistance in determining the implications of the Bribery Act please contact the Local Counter Fraud Specialist on telephone number 07872 988939 or email at nikki.cooper1@nhs.net.

Due consideration has been given to the Bribery Act 2010 in the development of this policy document and no specific risks were identified.

6. NHS CONSTITUTION

6.1 The ICB is committed to:

Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged.

6.2 This Policy supports the NHS Constitution as follows:

The NHS aspires to the highest standards of excellence and professionalism in the provision of high-quality care that is safe, effective and focused on patient experience; in the planning and delivery of the clinical and other services it provides; in the people it employs and the education, training and development they receive; in the leadership and management of its organisations; and through its commitment to innovation and to the promotion and conduct of research to improve the current and future health and care of the population.

7. ROLES / RESPONSIBILITIES / DUTIES

7.1 **Chief Officer**

- Promoting a fair and equitable working environment
- Ensuring this policy is followed by all senior and line managers

7.2 **Employees**

- It is the responsibility of everyone covered by the scope of this policy to ensure they comply with this policy.

7.3 **Line Manager**

- Acquainting themselves with the procedure
- Ensuring this policy is followed, and that each member of staff is aware of the steps taken in raising a grievance and at each stage of the process.

8. IMPLEMENTATION

This policy will be communicated to staff via email and will be available on the website.

Any deliberate breaches in the application of this policy and procedure may be investigated and may result in the matter being treated as a disciplinary offence under the NHS Hull CCG's disciplinary procedure.

9. TRAINING AND AWARENESS

Guidance and support will be provided to all Line Managers, by the HR Team, in the implementation and application of this policy upon request.

Training needs will be identified via the appraisal process and training needs analysis.

10. MONITORING AND EFFECTIVENESS

The implementation of this policy will be monitored on an annual basis by the ICB and reported to the Senior Leadership Team

11. PROCEDURE

11.1 The grievance procedure is a staged process that consists of 2 distinct elements: Initial informal procedure (Stage 1); followed by Formal procedure (Stages 2 and 3)

Stage 2 should not normally be initiated until after the informal procedure (Stage 1) has been followed and no resolution has been found at that stage.

See Appendix 3: Flowchart of Standard Grievance Procedure.

12. STAGE 1 – INFORMAL PROCEDURE

12.1 Before an employee or, in a collective grievance, a representative of the group takes up a formal grievance under this procedure they are advised to raise the matter informally with their immediate supervisor/line manager or a senior manager in an attempt to resolve the issue by informal discussion(s).

12.2 If the matter is not resolved through informal discussion(s) with their immediate supervisor/line manager or senior manager, the grievance should be put in writing and escalated to a manager at the next level within the management structure, or as appropriate, not previously involved in the issue. This would then be Stage 2, the formal procedure. Employees should use the form at Appendix 1, Notification of Grievance. However, any form of written communication indicating a grievance or concern(s) from an employee may be considered a formal grievance.

12.3 Escalation to the formal procedure must be within 14 calendar days of the informal meeting / verbal outcome from the line manager, unless extenuating circumstances and otherwise agreed. Where no appeal is raised within this timescale the grievance will be deemed to have been resolved.

12.4 The ICB may, where necessary, investigate a grievance raised informally even when the complainant does not want to place the grievance in writing. It is recognised that this may restrict the ability to properly investigate the complaint.

The ICB will do this to protect the health and safety of the staff and to fulfil its obligations as an employer.

13. STAGE 2 – FORMAL PROCEDURE

- 13.1 Where a formal grievance has been put in writing an appropriate manager will be identified to work with the individual or representative of the group to seek a solution. This will be an impartial manager who has not previously been involved or implicated and will also be supported by an impartial HR representative. The manager and HR representative will meet with the employee or representative of the group as soon as possible, and within 14 calendar days of receipt of the formal grievance, to discuss the issues and to seek a resolution. See section 15 for rights to representation. Every effort should be made by all parties to avoid delays in managing this process and exceptions should be by mutual consent.
- 13.2 A formal investigation will not be required in all Grievances raised. However, where the manager deems an investigation to be required, they will act as Investigating Officer, supported by the HR Representative.
- 13.3 The Investigating Officer will investigate the matter promptly and adequately supported by a HR Representative. The Investigating Officer may propose a timeframe within which the investigation could reasonably be expected to be completed. Although it can be difficult to attach time limits to the process, all parties will be kept informed of any changes (and the reasons) to the proposed timeframe and every effort will be made by both sides to resolve the grievance at the lowest level and with minimum delay.
- 13.4 The procedure for handling a grievance hearing is outlined at Appendix 2.
- 13.5 Following the meeting / investigation the manager will write to the employee or group representative confirming the outcome including any actions or recommendations to take forward. This should be within 7 calendar days of the final meeting / hearing.
- 13.6 If the employee remains dissatisfied after Stage 2, the employee has the option to appeal at Stage 3.

14. STAGE 3 – FORMAL PROCEDURE APPEAL

- 14.1 If the employee still remains dissatisfied after Stage 2, they can submit an appeal to the Chief Officer within 10 working days of receipt of the outcome letter.

An Appeal Panel will be arranged consisting of three members including at least one Lay/GP Member of the ICB, who will act as chair to the panel. Other members will be drawn from the Senior Management Team or Governing Body plus a HR

representative. No member of the panel will have had any previous involvement in the case.

A hearing will be held as quickly as possible, and no later than 4 weeks from receipt of the appeal, unless otherwise agreed by all parties.

Appeal hearings will be conducted in accordance with the Appeals procedure outlined in appendix 2 of this policy.

- 14.2 Dependant on the nature of the grievance an independent professional advisor such as an Information Governance Lead may be attend the meeting to offer advice to the panel on technical points, if required. The independent professional advisor would not be a decision making member of the panel.
- 14.3 This is the final stage in the grievance procedure. The decision of the panel will be final. The panel will write to the employee or representative confirming the outcome of the meeting within 7 calendar days of the meeting.

15. UNRESOLVED COLLECTIVE GRIEVANCE

- 15.1 Where a collective grievance remains unresolved following exhaustion of the procedure, both parties – subject to joint agreement, may be referred to the Advisory, Conciliation and Arbitration Service (ACAS) for conciliatory and/or mediation. This is on the basis that ACAS is empowered to provide advice on procedures for avoiding and settling disputes and workers grievances. Such intervention must be agreed by all parties involved.

16. INVESTIGATION

- 16.1 A formal investigation will not be required in all Grievances raised. However, there will be occasions where an investigation is appropriate. In this instance a member of management will investigate the matter promptly and adequately supported by a HR representative. A suitable Investigating Officer, who had not previously been involved in the procedure, will be appointed to undertake the investigation. The employee(s) will be informed in writing of the name of the Investigating Officer and any HR representative supporting the Investigating Officer.
- 16.2 The Investigating Officer may propose a timeframe within which the investigation could reasonably be expected to be completed. However, it is difficult to attach time limits to the process and all parties will be kept informed of any changes (and the reasons) to the proposed timeframe.
- 16.3 When the investigation is concluded, the employee(s) and their representative (if any) will be informed in writing of the outcome of the investigation. The Investigating Officer will write to the manager with their recommendation as a result of the investigation.

17. HEARINGS/APPEALS

- 17.1 The outcome of grievances hearings at Stage 2 and 3 will be confirmed in writing to the employee or representative within 5 working days following the meeting.
- 17.2 Where there has been a failure to agree at previous stages of the procedure, an appeal is to be made in writing to the next level of management within 10 working days of written receipt of the decision at the previous stage. *Note:* At Stage 1, this will be on receipt of the verbal decision at the informal discussion. Appendix 1, Notification of Grievance Form, can be used for this purpose.
- 17.3 Where no appeal is raised within this timescale the grievance will be deemed to have been resolved. Every effort will be made to hold grievance hearings in a timely manner.
- 17.4 Adequate time is to be allowed for the preparation of the Appeal paperwork at Stage 2 & 3, which must be submitted prior to the Hearing. Mutual exchange of papers prior to the hearing will take place by agreement on the same date and will be at least 5 working days before the hearing unless agreed otherwise between the parties. The complainant or representative will be kept informed if there is to be a delay in arranging the Appeal hearing.
- 17.5 The procedure for handling a grievance hearing or appeal is outlined at Appendix 2.

18. REPRESENTATION

- 18.1 Employees have the right to be accompanied by a companion to grievance hearings, at all stages who can be either:
- A trade union official who has been certified by the trade union as having had experience or having received training in acting as a worker's companion in such circumstances e.g. an accredited staff representative; or
 - Another fellow worker employed by the CCG

This right does not include the right to be accompanied by a person acting in a legal capacity or any other person.

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

18.2 In the case of a collective grievance, the employee(s) involved must appoint a single representative to act as a spokesperson during a grievance hearing or appeal.

18.3 Where the grievance involves accredited trade union staff representatives no investigation or action will be taken until the case has been discussed with a full-time official of the organisation concerned.

19. HR HUMBER

19.1 At any stage of the procedure the complainant/manager can approach a HR representative for guidance on the process or attendance at meetings to consider the matter and seek a resolution. (This may not always be appropriate at Stage 1)

19.2 HR advice is to be obtained by management at every stage of the procedure and an HR representative must attend meetings from Stage 2 onwards.

20. STATUS QUO WORKING

20.1 In the event of a Grievance being lodged which cannot immediately be resolved, then whatever practice or agreement existed prior to the difference shall continue to operate pending a settlement or until the agreed procedure has been exhausted.

20.2 Except where there is a manifest emergency situation in relation to services provided and /or health and safety matters and in such circumstances it may be difficult to operate the 'status quo'. In these circumstances a decision regarding the 'status quo working' will be made following discussions with the Head of HR, these are likely to be isolated or exceptional cases.

21. TIMING

21.1 Every effort will be made by both sides to resolve the grievance at the lowest stage and with the minimum delay.

22. RECORDS

22.1 Records will be kept detailing the nature of the grievance raised, the ICB's response, any action taken and the reason for it. Managers are expected to maintain a written record on the appropriate Grievance Tracking Form (Appendix 6) at all stages of the process in accordance with the Grievance Policy.

22.2 A copy of the Grievance Tracking form will be retained on the employee's personal file for the duration of the process and for 12 months following the resolution or completion of the process. A copy of relevant background papers and the outcome correspondence will be kept on the file.

22.3 The HR department will retain all other papers relating to a grievance, e.g. investigation/meeting notes.

22.4 All records will be kept in a confidential environment and retained in accordance with the General Data Protection Regulation NHS Code of Practice on Records Management (Department of Health 2006).

23. CONFIDENTIALITY

23.1 Grievance issues will be considered confidential. Only those persons who need to know will be given access to relevant information and they in turn, will treat that information as confidential in line with the General Data Protection Regulation. All those involved will be made aware that any breach of confidentiality (including informal discussions with colleagues) may prejudice a fair outcome and may also constitute a disciplinary offence.

24. POLICY REVIEW

The policy (and procedure) will be reviewed every 4 years following implementation by the Human Resources Team – HR Humber in conjunction with operational managers and trade union representatives. Where review is necessary due to legislative change, or changes to the NHS national terms and conditions of employment, this will happen immediately.

25. REFERENCES

- Employment Rights Act 1996
- General Data Protection Regulation 2018
- Equality Act 2010
- NHS Code of Practice on Records Management (Department of Health 2006).
- ACAS Code of Practice on Discipline and Grievance

26. ASSOCIATED DOCUMENTATION

- Disciplinary Policy
- Equality and Diversity
- Whistleblowing
- General Data Protection Regulation and Records Management Policies

APPENDICES

- Appendix 1 Notification of Grievance
- Appendix 2 Procedure for Handling a Grievance Hearing or Appeal at Stages 2 and 3
- Appendix 3 Flow Chart of Standard Grievance Procedure
- Appendix 4 Standard Letters
- Appendix 5 Statement of Case – standard format

Appendix 6 Grievance Tracking Form
Appendix 7 Equality Impact Assessment

APPENDIX1: NOTIFICATION OF GRIEVANCE

NOTIFICATION OF GRIEVANCE

To be completed following a failure to agree at Stage 1.

Employee Name: _____

Post(s): _____

Department _____

Base(s): _____

Representative(s): _____

To (manager): _____

I / we have discussed my / our grievance with my / our immediate supervisor / line manager named below on date:

Name: _____ **Date:** _____

And I / we remain aggrieved. In accordance with the Grievance Procedure, I / we now have to inform you of the following matter and wish to proceed to Stage 2 of the Procedure.

(Please give as much information as you can, as this will enable your grievance to be settled as quickly as possible. It would be helpful at this stage to state your preferred resolution).

Signed: _____ **Date:** _____

Name: _____

When completed this form should be sent to the Manager or appropriate level of management.

Date received by Manager: _____

APPENDIX 2: PROCEDURE FOR HANDLING A GRIEVANCE HEARING OR APPEAL AT STAGES 2 AND 3

Procedure for Handling a Grievance Hearing or Appeal at Stages 2 and 3

Administration

Hearings at Stage 2 of the Grievance Procedure will be heard by the appropriate level of management (Officer) and supported by a HR Representative.

Stage 3 will be heard by a ICB panel chaired by a Lay Member/GP Governing Body Member as detailed in section 17.1 and supported by a HR Representative.

- A minimum notice period of 10 working days will be given before a hearing or appeal (unless a mutually agreed shorter timescale is agreed between the parties).
- Mutual exchange of papers prior to the hearing will take place by agreement on the same date. This should be at least 5 working days before the Grievance hearing unless agreed otherwise between the parties.
- Copies of all papers to be considered at the hearing must be provided for each panel member, HR representatives, management side representative, the employee and the employee's representative if applicable.

Procedure for Hearing:

At the outset of the hearing the Officer/Chair of panel hearing the grievance will:

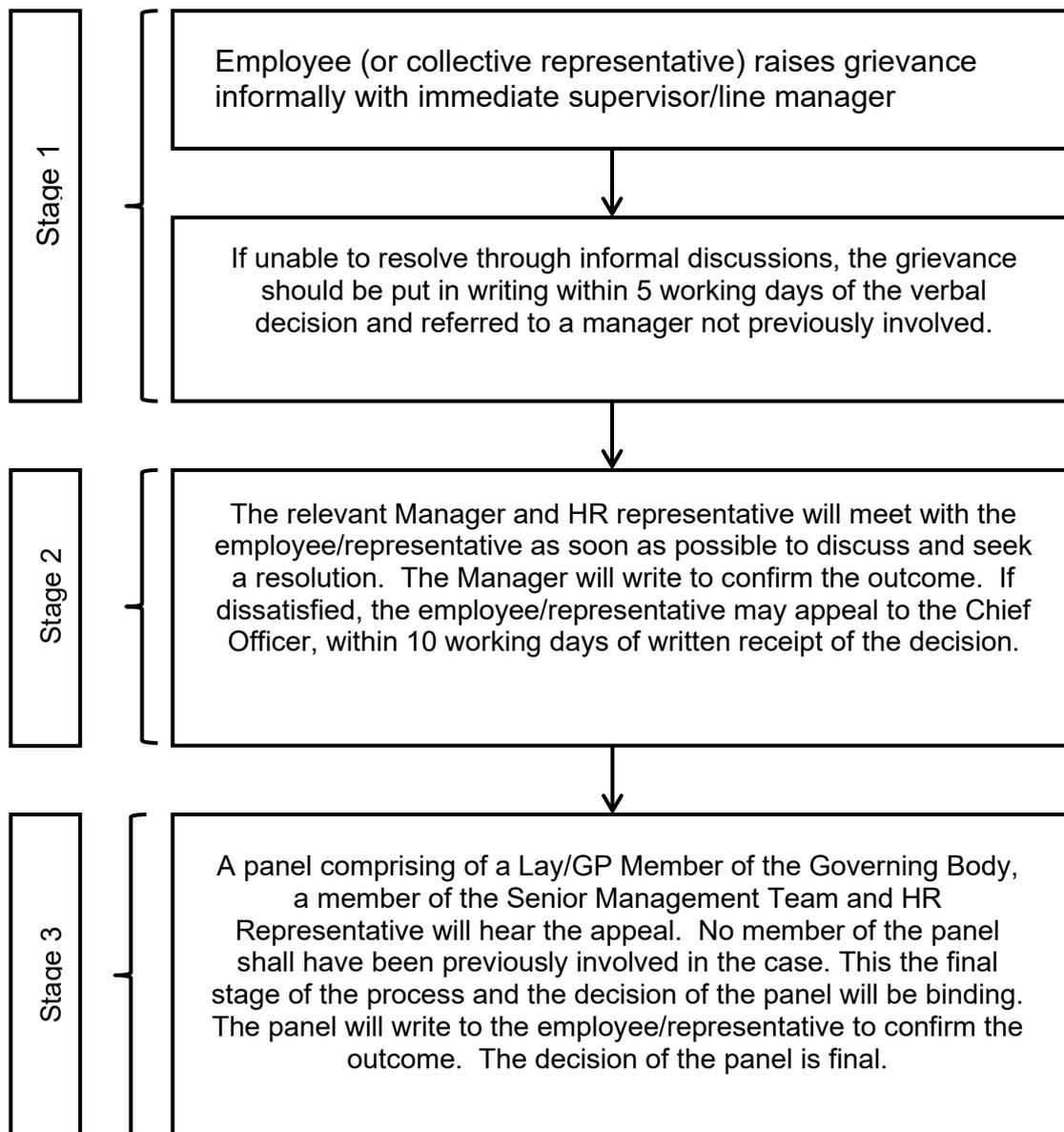
- Outline the purpose of the hearing
- Confirm to the employee and all present, that the hearing will be conducted in line with the grievance procedure
- Introduce all present and state the capacity in which they are there
- If the employee is not represented / accompanied, the Officer / Chair hearing the grievance will check that he/she is aware of his/her right to be represented/accompanied and whether or not he/she is happy to proceed without representation/accompaniment.
- The employee or their representative is asked to present their case and may call witnesses.
- The management side representative may ask questions of the employee, their representative and witnesses, in order to clarify the issue.
- The Officer/panel members hearing the Grievance may ask questions of the employee, their representative and witnesses, in order to gain a comprehensive understanding of the issue.
- The employee or their representative may re-examine their witnesses on any points raised by the Officer or management side representative.
- The management side representative shall present its case and may also call witnesses.
- The employee or their representative may question the management side representative and witnesses.
- The Officer/panel members hearing the Grievance may then question the management side representative and witnesses.

- The management side representative may re-examine its witness on any points raised by the employee or representative and the Officer.
- Nothing in the foregoing procedure shall prevent the Officer/Chair, panel members or HR Representative from inviting the representative of either party to clarify or elaborate on any statement they may have made or from asking them questions as may be necessary.
- Management side representative makes a final statement without introducing new evidence.
- The employee or their representative makes a final statement without introducing new evidence.
- At the completion of the hearing of the evidence, the employee, their representative, and the management side shall withdraw.
- The Officer/Chair, panel members hearing the Grievance together with the HR Representative shall adjourn and consider the evidence in private, only recalling both parties and the representative to clear points of uncertainty on evidence already given.
- If possible the Officer/Chair conducting the meeting will give his/her decision at the time. Both parties will be informed of:
 - The decision
 - The reason for the decision
 - What action will be taken (where applicable / if any)
 - The decision will be communicated in writing within 5 working days
 - The employee's right to appeal the matter to the next stage of the formal procedure (other than at Stage 3)

Note:

The HR Representative appointed to support the Officer/Chair, panel members shall be in attendance throughout the hearing/appeal, recording the proceedings and shall remain with the Officer/Chair, panel members whilst they consider their decision. He/she shall advise the Officer/Chair, panel members on points of procedure and may ask questions for clarification. He/she shall not have been involved in the case previously.

APPENDIX 3: FLOW CHART OF STANDARD GRIEVANCE PROCEDURE



All stages of the process will be undertaken in as timely a manner as possible

APPENDIX 4: STANDARD LETTERS

Date

Private and Confidential

Name
Address

2nd Floor
Wilberforce Court
Alfred Gelder Street
Hull
HU1 1UY

Tel: 01482 344700
Email: name.surname@nhs.net

Dear

RE: Grievance Hearing – Stage 2

I am writing to acknowledge receipt of your Notification of Grievance form **dated** and to confirm that arrangements have been made to hear your Grievance at Stage 2 in accordance with NHS Humber and North Yorkshire ICB Grievance Policy on **date** at **time** in **location**. The Grievance will be heard by **name** and supported by **name**, HR Representative.

Should you wish to submit any additional information relating to your Grievance please forward to **name** no later than **date**. It is anticipated that mutual exchange of papers will take place on **date**.

I have to advise you that you have the right to be represented at this hearing by a single companion who can be either a Trade Union Representative or work colleague not appearing in a legal capacity.

I should be grateful if you would confirm your attendance, the name of your representative and if you intend to call any witnesses by contacting **name** by **date**.

Yours sincerely

Name
Job Title

Date

Private and Confidential

Name
Address

2nd Floor
Wilberforce Court
Alfred Gelder Street
Hull
HU1 1UY

Tel: 01482 344700
Email: name.surname@nhs.net

Dear

RE: Outcome of Grievance Hearing – Stage 2

Following your Grievance hearing on **date** held in the presence of **names**, I am writing to confirm the outcome.

SPECIFY BRIEF DETAILS OF GRIEVANCE

THE DECISION REACHED

REASON FOR THE DECISION

WHAT ACTION WILL BE TAKEN (WHERE APPLICABLE / IF ANY)

You do have the right to appeal against this decision and proceed to Stage 3 as part of ICB Grievance Policy. This Stage 3 grievance should be done in writing within 10 working days of receiving this letter outlining the reasons for your grievance, to **name** who will arrange for a hearing to be held under Stage 3 of Grievance policy. Stage 3 is the final stage of the ICB grievance process and the decision of the panel will be binding.

If you do not appeal within this timescale the grievance will be deemed to have been resolved.

Yours sincerely

Name
Job Title

Date

Private and Confidential

Name
Address

2nd Floor
Wilberforce Court
Alfred Gelder Street
Hull
HU1 1UY

Tel: 01482 344700
Email: name.surname@nhs.net

Dear

RE: Grievance Hearing – Stage 3

I am writing to acknowledge receipt of your letter of appeal dated date and to confirm that arrangements have been made to hear your Grievance at Stage 3 in accordance with the NHS Hull ICB Grievance Policy on date at time in location. The Grievance will be heard by names (ICB PANEL) and supported by name, HR Representative.

Please forward your Statement of Case outlining your Grievance to name by date. It is anticipated that mutual exchange of papers will take place on date.

I have to advise you that you have the right to be represented at this hearing by a single companion who can be either a Trade Union Representative or work colleague not appearing in a legal capacity.

I should be grateful if you would confirm your attendance, the name of your companion and if you intend to call any witnesses by contacting name by date.

Please note that Stage 3 is the final stage in the ICB Grievance process and the decision of the panel is binding and there is no further right of appeal.

Yours sincerely

Name
Job Title

Date

Private and Confidential

Name
Address

2nd Floor
Wilberforce Court
Alfred Gelder Street
Hull
HU1 1UY

Tel: 01482 344700
Email: name.surname@nhs.net

Dear

RE: Outcome of Grievance Hearing – Stage 3

Following your Grievance hearing on date held in the presence of names, I am writing to confirm the outcome.

SPECIFY BRIEF DETAILS OF GRIEVANCE

THE DECISION REACHED

REASON FOR THE DECISION

WHAT ACTION WILL BE TAKEN (WHERE APPLICABLE / IF ANY)

This is the final stage in the process and the decision of the Panel is binding and there is no further right of appeal.

Yours sincerely

Name
Job Title

APPENDIX 5: STATEMENT OF CASE – STANDARD FORM

The management statement of case is produced by the manager who heard the grievance at the previous stage, with support from the HR representative involved. The statement of case is required to be sent out at least 5 working days before the hearing. The following is a guideline on what could be included.

.....

STAGE (2/3) GRIEVANCE HEARING – (name of employee)

(Hearing date)

MANAGEMENT STATEMENT OF CASE BY (Name), (Title)

Introduction

The background information

- When the grievance was received (attach copy of letter/Form/e-mail)
- A summary of the grievance.

This may also include information on the employee, their role, how long they have been working in the area etc and anything relevant to the case.

Response to Grievance/Investigation

What information you sought and what investigations you did and attach your letter of response or letter to confirm outcome of previous meeting/hearing and notes of any meetings relevant to the case.

Summary of your reasons for not upholding the grievance. This will be taken mainly from your letter to the individual. Include any additional information in response to the appeal letter from the individual.

Summary/Conclusion

Summarise your reasons for not upholding the grievance.

Add your views about the reasonableness of the actions taken and what steps the ICB have taken and what you have done to try and address this grievance.

Anything you think the panel need to consider.

Ask the panel to uphold your decision.

APPENDIX 6: GRIEVANCE TRACKING FORM

Employee Name: _____ Post: _____

Directorate: _____ Base: _____

Representative: _____

Collective/Individual*Grievance (*Delete as appropriate)

| STAGE | Date Complaint Raised at Each stage | Date Complaint Discussed/Heard | Date Response/ Decision given | Comments - summarise the subject of the Grievance. Record any time extensions and the outcome/response of any meetings |
|------------------|-------------------------------------|--------------------------------|-------------------------------|--|
| Informal Stage 1 | | | | |
| Formal Stage 2 | | | | |
| Formal Stage 3 | | | | |

Appendix 7 – Equality Impact Assessment

| HR / Corporate Policy Equality Impact Analysis: | | | | | | | | | |
|---|--|-----------|-------------------------------------|---------------|--------------------------|-----------------------|--------------------------|--------------------|--------------------------|
| Policy / Project / Function: | Grievance Policy | | | | | | | | |
| Date of Analysis: | September 2019 | | | | | | | | |
| Completed by: (Name and Department) | HR Humber | | | | | | | | |
| What are the aims and intended effects of this policy, project or function? | It is the Hull Clinical Commissioning Groups (Hull CCG) policy that all employees have recourse to a publicised and well defined grievance procedure. This procedure also covers both collective and individual grievances concerning terms and conditions of service. | | | | | | | | |
| Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups? | No | | | | | | | | |
| Please list any other policies that are related to or referred to as part of this analysis | <ul style="list-style-type: none"> •Disciplinary Policy •Equality and Diversity Policy •Whistleblowing Policy •General Data Protection Regulation and Records Management Policies | | | | | | | | |
| Who will the policy, project or function affect? | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Employees</td> <td style="text-align: right; padding: 2px;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Service Users</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Members of the Public</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> <tr> <td style="padding: 2px;">Other (List Below)</td> <td style="text-align: right; padding: 2px;"><input type="checkbox"/></td> </tr> </table> | Employees | <input checked="" type="checkbox"/> | Service Users | <input type="checkbox"/> | Members of the Public | <input type="checkbox"/> | Other (List Below) | <input type="checkbox"/> |
| Employees | <input checked="" type="checkbox"/> | | | | | | | | |
| Service Users | <input type="checkbox"/> | | | | | | | | |
| Members of the Public | <input type="checkbox"/> | | | | | | | | |
| Other (List Below) | <input type="checkbox"/> | | | | | | | | |
| What engagement / consultation has been done, or is planned for this policy and the equality impact assessment? | Internal consultation Partnership working with Trade Union Representatives | | | | | | | | |
| Promoting Inclusivity and Hull CCG's Equality Objectives. How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation? | This policy promotes objective 3 by supporting the equitable treatment of staff and empowers staff to raise concerns or issues in the knowledge that they will be treated in a fair and transparent manner. | | | | | | | | |

How does the policy promote our equality objectives:

1. Ensure patients and public have improved access to information and minimise communications barriers
2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job
3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve
4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs
5. To demonstrate leadership on equality and inclusion and be an active champion of equalities in partnership programmes or arrangements

| Equality Data | |
|--|--|
| <p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <p>1: Recruitment data, e.g. applications compared to the population profile, application success rates</p> <p>2: Complaints by groups who share / represent protected characteristics</p> <p>4: Grievances or decisions upheld and</p> | <p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p> |

dismissed by protected characteristic group
5: Insight gained through engagement

Employee Equality Data

| | |
|--------------------------------|--|
| General | Total number of employees in the ICB is 118 |
| Age | 10.2% of staff are under 30 68.6% of staff aged 30 - 55 20.3 of staff are over 55 0.9% of staff are unspecified |
| Gender | 69.5% of staff employed are female 30.5% of staff employed are male |
| Race / Nationality | 78% of staff employed in the ICB declared themselves as White British 17.8% of staff have not stated/undefined. Fewer than 5% of staff declared themselves as White Other Fewer than 5% of staff declared themselves as Asian |
| Disability | 64.4% of staff employed declared themselves as having no disability 32.2% of staff did not declare /undefined Fewer than 5% of staff declared a disability |
| Sexual Orientation | 59.3% of staff described themselves as heterosexual Fewer than 5% described themselves as gay/lesbian/bisexual 39% did not wish to respond /undefined |
| Gender Reassignment | No information available |
| Religion / Belief | 39.8% of staff declared themselves as Christian. 45.7% were undefined or did not wish to declare 12.7% of staff declared themselves as Atheist Fewer than 5% of staff declared themselves as Islamic |
| Pregnancy and Maternity | No information available |

Marriage and civil partnership

58.5% of employees are married.
 21.2% of employees are single
 5.9% of employees are divorced or legally separated
 11.9% of employees were undefined or did not wish to declare
 Fewer than 5% of employees are widowed.
 Fewer than 5% of employees are in a civil partnership

Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
 (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

| Protected Characteristic: | Neutral impact: | Positive Impact: | Negative Impact: | Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case) |
|--|-----------------|------------------|------------------|---|
| <p>It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.</p> <p>General: This policy is applicable to all employees and adheres to NHS standards, statutory requirements and best practice, including the CCG's Equality & Diversity Policy. The Grievance Policy makes all reasonable provision to ensure equity of access to all employees. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic. However, it is recognised that various equality groups are often found to be subject to bullying and harassment at work in the NHS, this is often the reason behind grievance processes.</p> <p>The policy suggests that employees should receive effective support to go through a grievance process. This would need to take account of individual equality needs.</p> | | | | |
| Gender | ✓ | | | Whilst the policy will be applied consistently to employees regardless of gender, the ICB employs a significant majority of women. Therefore there may be expected to be more women raising issues and this will be monitored for proportionality. |
| Age | ✓ | | | We recognise that younger people may be less aware/ confident about raising grievances. Advice and assistance will be available from HR to help mitigate any negative impact. |
| Race / ethnicity / nationality | ✓ | | | Considered and no evidence of impact. |
| Disability | ✓ | | | We recognise that grievance procedures may exacerbate mental health issues. People with existing mental health issues may already have difficulties with personal resilience and this may add to anxieties around raising a grievance. Mitigation measures including Occupational Health and support from the ICB is offered to alleviate additional stress arising |

¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

| | | | | |
|--|---|--|--|--|
| | | | | from the grievance process for those raising the grievance and those subject to the grievance. |
| Religion or Belief | ✓ | | | Considered and no evidence of impact. |
| Sexual Orientation | ✓ | | | LGB people are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures including Occupational Health and support from the ICB is offered to support those raising the grievance and those subject to the grievance |
| Pregnancy and Maternity | ✓ | | | There could potentially be issues around raising concerns for women who are pregnant or on maternity leave. This could be due to personal stress and vulnerabilities caused by the pregnancy or because of the time away from the workplace. Mitigation measures including Occupational Health and support from the ICB is offered to alleviate additional stress arising from the grievance process for those raising the grievance and those subject to the grievance. |
| Transgender / Gender reassignment | ✓ | | | People from this group are more susceptible to victimisation from other staff and therefore feel less able to raise a grievance. Mitigation measures such as occupational health and support from the ICB is offered to support those raising the grievance and those subject to the grievance. |
| Marriage or civil partnership | ✓ | | | Considered and no evidence of impact. |

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

| Identified Risk: | Recommended Actions: | Responsible Lead: | Completion Date: | Review Date: |
|---|--|--------------------------|-------------------------|---------------------|
| | As part of developing a fair and effective culture, promotion of the grievance policy is recommended. | | On-going | |
| Risks identified above for increased impact with respect to age, gender, disability, gender reassignment and sexual orientation | The HR team will monitor queries coming into the HR Humber inbox around scopegrievances and will flag up any potential equalities issues to the Head of People | | On-going | |

Sign-off

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:



Signed:

Date: 15.01.20