

GRIEVANCE POLICY

April 2018

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Target Audience :	This policy applies to all employees of the CCG in all locations, employed on Agenda for Change terms and conditions.
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The on-line version is the only version that is maintained. Any printed copies should, therefore, be viewed as 'uncontrolled' and as such may not necessarily contain the latest updates and amendments.

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POLICY AMENDMENTS

Amendments to the policy will be issued from time to time. A new amendment history will be issued with each change.

New Version Number	Issued by	Nature of Amendment	Approved by and Date	Date on Internet
0.1	CSU	First draft		
0.2	VOYCCG	CCG Formatting Addition of CCG Constitution Employer responsibilities Equality Impact Assessment Sustainability Impact Assessment		
1.3	VOYCCG	GDPR Review	Social Partnership Forum – 10 January 2018 CCG Executive - 04 April 2018	18 May 2018

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CONTENTS

1.	INTRODUCTION	5
2.	ENGAGEMENT	5
3.	POLICY STATEMENT.....	5
4.	IMPACT ANALYSES.....	5
5.	SCOPE	6
6.	POLICY PURPOSE / AIMS AND FAILURE TO COMPLY	6
7.	DEFINITIONS.....	6
8.	PRINCIPLE LEGISLATION AND COMPLIANCE WITH STANDARDS	7
9.	ROLES / RESPONSIBILITIES / DUTIES	7
10.	PROCEDURE.....	8
11.	STAGE 1 – INFORMAL PROCEDURE	8
12.	STAGE 2 – FORMAL PROCEDURE	9
13.	STAGE 3 – FORMAL PROCEDURE	9
14.	UNRESOLVED COLLECTIVE GRIEVANCE.....	10
15.	INVESTIGATION	10
16.	HEARINGS / APPEALS	10
17.	REPRESENTATION.....	11
18.	WORKFORCE SERVICES.....	11
19.	STATUS QUO WORKING	11
20.	TIMING	12
21.	RECORDS	12
22.	CONFIDENTIALITY.....	12
23.	POLICY IMPLEMENTATION	12
24.	TRAINING AND AWARENESS	13
25.	MONITORING AND AUDIT	13
26.	POLICY REVIEW.....	13
27.	ASSOCIATED POLICIES	13
28.	CONTACT DETAILS	13
29.	APPENDIX 1: EQUALITY IMPACT ANALYSIS FORM	14
30.	APPENDIX 2 : SUSTAINABILITY IMPACT ASSESSMENT	18
31.	APPENDIX 3 : NOTIFICATION OF GRIEVANCE.....	22
32.	APPENDIX 4 : PROCEDURE FOR HANDLING A GRIEVANCE HEARING OR APPEAL AT STAGES 2 AND 3.....	23
33.	APPENDIX 5 : FLOW CHART OF STANDARD GRIEVANCE PROCEDURE.....	25
34.	APPENDIX 6 : STANDARD LETTERS	26

35. APPENDIX 7: STATEMENT OF CASE – STANDARD FORM 30

36. APPENDIX 8: GRIEVANCE TRACKING FORM 31

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. Organisations should, however, 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 cannot 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. ENGAGEMENT

In developing this policy the following groups were consulted :

- Joint Trade Union Partnership Forum/ Policy Development Group;
- Senior Management Team; and
- Vale of York CCG staff via the CCG newsletter and publishing the draft policy on the intranet for feedback/comment.

3. POLICY STATEMENT

- 3.1 It is the duty of each Line Manager to acquaint him/herself with the procedure, and to ensure that each member of staff is aware of the steps taken in airing a grievance.

4. IMPACT ANALYSES

Equality

- 4.1 In applying this policy, the CCG will have due regard to 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 addition to offending background, trade union membership, or any other personal characteristic.
- 4.2 An Equality Impact Assessment is attached at Appendix 7. As a result of performing the analysis, the policy does not appear to have any adverse effects on people who share Protected Characteristics and no further actions are recommended at this stage. Monitoring the use of the policy will, however, be essential in order to ensure it is implemented equitably.

Sustainability

- 4.3 A Sustainability Impact Assessment has been completed for this policy and is attached in Appendix 8.

5. SCOPE

- 5.1 This policy applies to all employees of the CCG 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.

6. POLICY PURPOSE / AIMS AND FAILURE TO COMPLY

- 6.1 It is the Vale of York Clinical Commissioning Group's (Vale of York 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.
- 6.2 Staff are advised to raise issues informally with their line manager in the first place, however where this does not resolve the matter staff are encouraged to use the grievance procedure to deal with issues promptly.
- 6.3 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 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 service can be found by contacting the CSU Workforce Department.
- 6.4 It is recognised that the procedure itself cannot guarantee the resolution of any particular grievance as this 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 point of origin.
- 6.5 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.

7. DEFINITIONS

- 7.1 A grievance is defined in the 2009 ACAS Code of Practice for Disciplinary and Grievance Procedures as 'Concerns, problems or complaints that employees raise with their employers'.
- 7.2 An individual grievance is defined as a complaint from an individual employee that is specific to that employee and related to their terms and conditions of service and any other issue related to employment.
- 7.3 A collective grievance is defined as a complaint from a number of employees which is common to the employees concerned and related to their terms and conditions of service. It may be more appropriate for the problem to be resolved through collective agreements between the trade union(s) and the employer.

8. PRINCIPLE LEGISLATION AND COMPLIANCE WITH STANDARDS

Bribery Act 2010

8.1 The Bribery Act is particularly relevant to this policy. Under the Bribery Act it is a criminal offence to :

- Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and
- Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.

8.2.2 These offences can be committed directly or by and through a third person and other related policies and documentation (as detailed on the CCG intranet) when considering whether to offer or accept gifts and hospitality and/or other incentives.

8.2.3 Anyone with concerns or reasonably held suspicions about potentially fraudulent activity or practice should refer to the Local Anti-Fraud and Corruption Policy and contact the Local Counter Fraud Specialist.

Other links with legislation and guidance are as follows :

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

9. ROLES / RESPONSIBILITIES / DUTIES

9.1. The CCG Constitution

The CCG Constitution, section 9, refers to the duties and responsibilities of the CCG as an employer that may be summarised as follows :

- The CCG recognises that its most valuable asset is its people and will seek to enhance their skills and experience ;
- The CCG will seek to set an example of best practice as an employer and will ensure that employment practices are designed to promote diversity and to treat all individuals equally;
- The CCG will ensure that it employs suitably qualified and experienced staff who will discharge their responsibilities in accordance with the high standards expected of staff employed by the CCG;
- All staff will be made aware of the constitution and the relevant internal management and control systems which relate to their field of work;
- The CCG will maintain and publish policies and procedures on all aspects of human resources management, including grievance and disciplinary matters;

- The CCG will ensure that its rules for recruitment and management of staff provide for the appointment and advancement on merit on the basis of equal opportunity for all applicants and staff;
- The CCG will ensure that employees' behaviour reflects the values, aims and principles set out in the Constitution;
- The CCG will ensure that it complies with all aspects of employment law;
- The CCG will ensure that its employees have access to such expert advice and training opportunities as the Governing Body consider reasonable in order to exercise their responsibilities effectively and
- The CCG will adopt a Code of Conduct for staff and will maintain and promote effective 'whistleblowing' procedures to ensure that concerned staff have means through which their concerns can be voiced.

9.2. Chief Officer Responsibilities

The Chief Officer of the CCG is responsible for :

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

9.3. Senior Officers and Line Managers

Senior Officers and line managers at all levels are responsible for :

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

9.4. All individuals

- It is the responsibility of everyone covered by the scope of this policy to ensure they comply with this policy.
- Ensuring principles set out within the General Data Protection Regulation

10. PROCEDURE

10.1 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.

11. STAGE 1 – INFORMAL PROCEDURE

11.1 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 in an attempt to resolve the issue by informal discussion(s).

- 11.2 If the matter is not resolved through informal discussion(s) with their immediate supervisor/line 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. 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.
- 11.3 The CCG 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 CCG will do this to protect the health and safety of the staff and to fulfil its obligations as an employer.

12. STAGE 2 – FORMAL PROCEDURE

- 12.1 The relevant manager and a Workforce Representative will meet with the employee or representative of the group as soon as possible, to discuss the issues and to seek a resolution. See section 21 for rights to representation. Following the meeting the manager will write to the employee or representative confirming the outcome.
- 12.2 If the employee remains dissatisfied after Stage 2, the employee has the option to appeal at Stage 3.
- 12.3 The procedure for handling a grievance hearing is outlined at Appendix 2.

13. STAGE 3 – FORMAL PROCEDURE

- 13.1 If the employee still remains dissatisfied after Stage 2, they can submit an appeal to the Chief Officer within 14 days of receipt of the letter confirming the outcome.

An Appeal Panel will consist of three members including at least one Lay/GP Member of the CCG, who will act as chair to the panel. Other members will be drawn from the Senior Management Team or Governing Body plus a workforce 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 certainly no later than 6 weeks from receipt of the appeal, unless otherwise agreed.

Appeal hearings will be conducted in accordance with the Appeals procedure as outlined in the CCG Disciplinary Policy (appendix x).

- 13.2 Dependant on the nature of the grievance a professional advisor may be available to offer advice to the panel on technical points, if required. The professional advisor would not be a decision making member of the panel.

- 13.3 This is the final stage in the grievance procedure. The decision of the panel will be binding. The panel will write to the employee or representative confirming the outcome of the meeting.

14. UNRESOLVED COLLECTIVE GRIEVANCE

- 14.1 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.

15. INVESTIGATION

- 15.1 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 CSU Workforce 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 Workforce representative supporting the Investigating Officer.
- 15.2 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.
- 15.3 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.

16. HEARINGS / APPEALS

- 16.1 The outcome of grievances hearings at Stage 2 and 3 will be confirmed in writing to the employee or representative within 7 calendar days following the meeting.
- 16.2 Where there has been a failure to agree at previous stages of the procedure, an appeal should be made in writing to the next level of management within 7 calendar 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.
- 16.3 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.

16.4 Adequate time should 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. This should be at least 7 calendar 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.

16.5 The procedure for handling a grievance hearing or appeal is outlined at Appendix 2.

17. REPRESENTATION

17.1 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.

17.2 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.

The purpose of representation is to assist or represent the employee in stating their grievance and to provide support and guidance.

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

18. WORKFORCE SERVICES

18.1 At any stage of the procedure the complainant/manager can approach a CSU Workforce 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)

18.2 Workforce advice should be obtained at every stage of the procedure and a CSU Workforce representative must attend meetings from stage 2 onwards.

19. STATUS QUO WORKING

19.1 It is agreed that 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.

- 19.2 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 CSU Head of Workforce. It is recognised these are likely to be isolated or exceptional cases.

20. TIMING

- 20.1 Every effort will be made by both sides to resolve the grievance at the lowest level and with the minimum delay.

21. RECORDS

- 21.1 Records will be kept detailing the nature of the grievance raised, the CCG'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.
- 21.2 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.
- 21.3 The CSU Workforce department will retain all other papers relating to a grievance, e.g. investigation/meeting notes.
- 21.4 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).

22. CONFIDENTIALITY

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

23. POLICY IMPLEMENTATION

This policy will be communicated to staff via team meetings/team brief and will be available for staff on the intranet.

Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCGs disciplinary procedure.

24. TRAINING AND AWARENESS

A copy of the policy will be available on the CCG intranet. Training needs will be identified via the appraisal process and training needs analysis.

25. MONITORING AND AUDIT

The implementation of this policy will be audited on an annual basis by the CCG and reported to CCG Governing Body.

26. POLICY REVIEW

The policy and procedure will be reviewed after three years by the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

27. ASSOCIATED POLICIES

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

28. CONTACT DETAILS

Job Title

Manager : Policy and Assurance Manager

Telephone : 01904 555778

Email : valeofyork.contactus@nhs.net

Address : NHS Vale of York Clinical Commissioning Group,
West Offices, Station Rise, York. Y01 6GA

29. APPENDIX 1: EQUALITY IMPACT ANALYSIS FORM

1.	Title of policy/ programme/ service being analysed
	Grievance Policy
2.	Please state the aims and objectives of this work.
	<p>This policy supports staff of the CCG if they at some time experience problems or concerns with their work, working conditions or relationships with colleagues that they wish to raise with management.</p> <p>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.</p>
3.	Who is likely to be affected? (e.g. staff, patients, service users)
	All CCG Staff
4.	What sources of equality information have you used to inform your piece of work?
	The CCG encourages staff to complete an annual staff survey to share views and issues relating to all aspects of their work.
5.	What steps have been taken ensure that the organisation has paid <u>due regard</u> to the need to eliminate discrimination, advance equal opportunities and foster good relations between people with protected characteristics
	The analysis of equalities is embedded within the CCG's Committee Terms of Reference and project management framework.
6.	Who have you involved in the development of this piece of work?
	<p>Internal involvement: Senior Management team</p> <p>Stakeholder involvement: Consultation with Senior Managers</p> <p>Patient / carer / public involvement: This is an Internal policy aimed at staff employed by the CCG and contractors working for the CCG. The focus is on compliance with statutory duties and NHS mandated principles and practice. There are no particular equality implications.</p>

<p>7. What evidence do you have of any potential adverse or positive impact on groups with protected characteristics? Do you have any gaps in information? Include any supporting evidence e.g. research, data or feedback from engagement activities</p> <p>(Refer to Error! Reference source not found. if your piece of work relates to commissioning activity to gather the evidence during all stages of the commissioning cycle)</p>	
<p>Disability People who are learning disabled, physically disabled, people with mental illness, sensory loss and long term chronic conditions such as diabetes, HIV)</p>	<p>Consider building access, communication requirements, making reasonable adjustments for individuals etc.</p>
<p>As long as this policy is applied fairly there should be no implications relevant to protected characteristics</p>	
<p>Sex Men and Women</p>	<p>Consider gender preference in key worker, single sex accommodation etc.</p>
<p>As long as this policy is applied fairly there should be no implications relevant to protected characteristics</p>	
<p>Race or nationality People of different ethnic backgrounds, including Roma Gypsies and Travellers</p>	<p>Consider cultural traditions, food requirements, communication styles, language needs etc.</p>
<p>As long as this policy is applied fairly there should be no implications relevant to protected characteristics</p>	
<p>Age This applies to all age groups. This can include safeguarding, consent and child welfare</p>	<p>Consider access to services or employment based on need/merit not age, effective communication strategies etc.</p>
<p>As long as this policy is applied fairly there should be no implications relevant to protected characteristics</p>	
<p>Trans People who have undergone gender reassignment (sex change) and those who identify as trans</p>	<p>Consider privacy of data, harassment, access to unisex toilets & bathing areas etc.</p>
<p>As long as this policy is applied fairly there should be no implications relevant to protected characteristics</p>	

Sexual orientation This will include lesbian, gay and bi-sexual people as well as heterosexual people.	Consider whether the service acknowledges same sex partners as next of kin, harassment, inclusive language etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	
Religion or belief Includes religions, beliefs or no religion or belief	Consider holiday scheduling, appointment timing, dietary considerations, prayer space etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	
Marriage and Civil Partnership Refers to legally recognised partnerships (employment policies only)	Consider whether civil partners are included in benefit and leave policies etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	
Pregnancy and maternity Refers to the pregnancy period and the first year after birth	Consider impact on working arrangements, part-time working, infant caring responsibilities etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	
Carers This relates to general caring responsibilities for someone of any age.	Consider impact on part-time working, shift-patterns, options for flexi working etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	
Other disadvantaged groups This relates to groups experiencing health inequalities such as people living in deprived areas, new migrants, people who are homeless, ex-offenders, people with HIV.	Consider ease of access, location of service, historic take-up of service etc.
As long as this policy is applied fairly there should be no implications relevant to protected characteristics	

8.	<p>Action planning for improvement</p> <p>Please outline what mitigating actions have been considered to eliminate any adverse impact?</p> <p>Please state if there are any opportunities to advance equality of opportunity and/ foster good relationships between different groups of people?</p> <p>An Equality Action Plan template is appended to assist in meeting the requirements of the general duty</p>
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Sign off
Name and signature of person / team who carried out this analysis <i>Mary Skelton, Business Support Manager</i>
Date analysis completed
Name and signature of responsible Director
Date analysis was approved by responsible Director

30. APPENDIX 2 : SUSTAINABILITY IMPACT ASSESSMENT

Staff preparing a policy, Governing Body (or Sub-Committee) report, service development plan or project are required to complete a Sustainability Impact Assessment (SIA). The purpose of this SIA is to record any positive or negative impacts that this is likely to have on sustainability.

Title of the document	Policy Name
What is the main purpose of the document	
Date completed	
Completed by	

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Travel	Will it provide / improve / promote alternatives to car based transport?			
	Will it support more efficient use of cars (car sharing, low emission vehicles, environmentally friendly fuels and technologies)?			
	Will it reduce 'care miles' (telecare, care closer) to home?			
	Will it promote active travel (cycling, walking)?			
	Will it improve access to opportunities and facilities for all groups?			

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Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
	Will it specify social, economic and environmental outcomes to be accounted for in procurement and delivery?			
Procurement	Will it stimulate innovation among providers of services related to the delivery of the organisations' social, economic and environmental objectives?			
	Will it promote ethical purchasing of goods or services?			
Procurement	Will it promote greater efficiency of resource use?			
	Will it obtain maximum value from pharmaceuticals and technologies (medicines management, prescribing, and supply chain)?			
	Will it support local or regional supply chains?			
	Will it promote access to local services (care closer to home)?			
	Will it make current activities more efficient or alter service delivery models			
Facilities Management	Will it reduce the amount of waste produced or increase the amount of waste recycled?			
	Will it reduce water consumption?			
Workforce	Will it provide employment opportunities for local people?			

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
	Will it promote or support equal employment opportunities?			
	Will it promote healthy working lives (including health and safety at work, work-life/home-life balance and family friendly policies)?			
	Will it offer employment opportunities to disadvantaged groups?			
Community Engagement	Will it promote health and sustainable development?	0		
	Have you sought the views of our communities in relation to the impact on sustainable development for this activity?	N/A		
Buildings	Will it improve the resource efficiency of new or refurbished buildings (water, energy, density, use of existing buildings, designing for a longer lifespan)?			
	Will it increase safety and security in new buildings and developments?			
	Will it reduce greenhouse gas emissions from transport (choice of mode of transport, reducing need to travel)?			
	Will it provide sympathetic and appropriate landscaping around new development?			
	Will it improve access to the built environment?			

Domain	Objectives	Impact of activity Negative = -1 Neutral = 0 Positive = 1 Unknown = ? Not applicable = N/A	Brief description of impact	If negative, how can it be mitigated? If positive, how can it be enhanced?
Adaptation to Climate Change	Will it support the plan for the likely effects of climate change (e.g. identifying vulnerable groups; contingency planning for flood, heat wave and other weather extremes)?			
Models of Care	Will it minimise 'care miles' making better use of new technologies such as telecare and telehealth, delivering care in settings closer to people's homes?			
	Will it promote prevention and self-management?			
	Will it provide evidence-based, personalised care that achieves the best possible outcomes with the resources available?			
	Will it deliver integrated care, that co-ordinate different elements of care more effectively and remove duplication and redundancy from care pathways?			

31. APPENDIX 3 : NOTIFICATION OF GRIEVANCE

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

Employee name(s):

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: Dated:

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

Date received by Manager:

32. APPENDIX 4 : 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 Workforce Representative.

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

- A minimum notice period of 14 calendar 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 calendar 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, workforce 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 Workforce Representative from inviting the representative of either party to elucidate or amplify 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 Workforce 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.

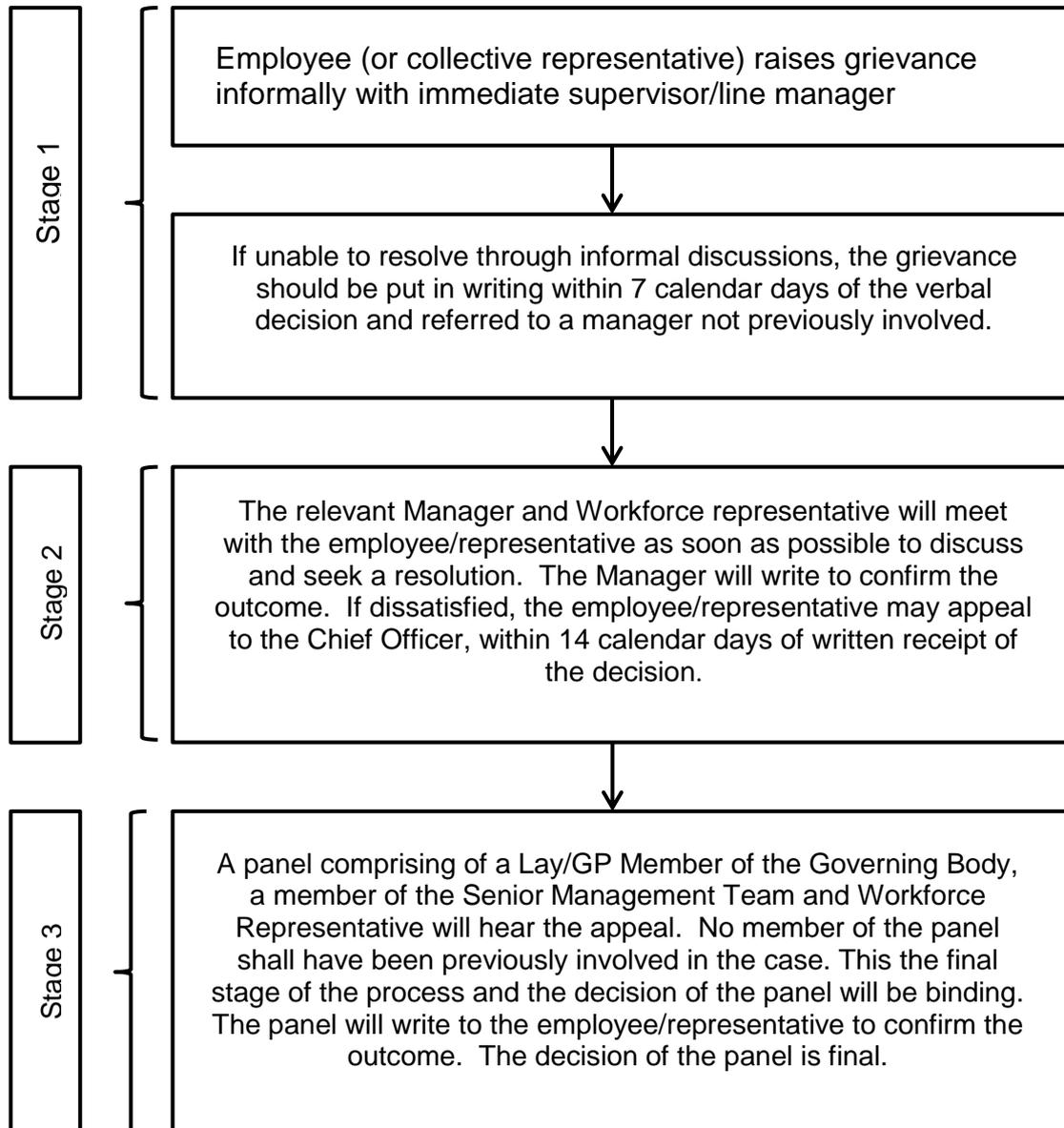
If possible the Officer/Chair conducting the meeting will give his/her decision at the time. Both parties will be informed of:

- The decision
- The reason for the decision
- What action will be taken (where applicable / if any)
- The decision will be communicated in writing within 7 calendar days
- The employee's right to appeal the matter to the next stage of the formal procedure (other than at Stage 3)

Note:

The eMBED Workforce 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.

33. APPENDIX 5 : FLOW CHART OF STANDARD GRIEVANCE PROCEDURE



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

34. APPENDIX 6 : STANDARD LETTERS

Private and Confidential

Date

Dear [Mr/Mrs/Ms]

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 Vale of York CCG's Grievance Policy on **date** at **time** in **location**. The Grievance will be heard by **name** and supported by **name**, CSU Workforce 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

Private and Confidential

Dear [Mr/Mrs/Ms]

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 NHS Vale of York CCG Grievance Policy. This Stage 3 grievance should be done in writing within 14 calendar 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 CCG 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

Private and Confidential

Dear [Mr/Mrs/Ms/]

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 Vale of York CCG Grievance Policy on date at time in location. The Grievance will be heard by names (CCG PANEL) and supported by name, Workforce 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 CCG Grievance process and the decision of the panel is binding and there is no further right of appeal.

Yours sincerely

Name
Job Title

Private and Confidential

Date

Dear [Mr/Mrs/Ms/]

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

35. APPENDIX 7: 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 Workforce representative involved. The statement of case is required to be sent out at least 5 calendar days before the hearing, therefore to allow for administration of this, the statement should be received at least 2 working days prior to this. 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 PCT 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

36. APPENDIX 8: 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				