



Shropshire, Telford
and Wrekin

Grievance and Disputes Policy

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The formally approved version of this document is that held on the NHS Shropshire, Telford and Wrekin ICB website: <https://www.shropshiretelfordandwrekin.nhs.uk/>

Printed copies or those saved electronically must be checked to ensure they match the current online version.

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1. INTRODUCTION

- 1.1 NHS Shropshire, Telford & Wrekin Integrated Care Board (hereafter referred to as the ICB); recognise that an agreed and practical procedure for the settling of grievances and disputes can contribute significantly to promoting and maintaining good employment relations.
- 1.2 The aim of this Policy and Procedure is to promote a working environment that is harmonious with the best possible relations between management and staff by providing an opportunity for the consistent, fair and efficient resolution of grievances as they affect members of staff. This policy will provide a framework which will allow employees, individually or collectively, to raise concerns in an open and fair way, ensuring they can be resolved as quickly as possible and at the lowest possible level.

2. SCOPE

- 2.1 This Policy applies to all members of staff and can be used to raise grievances concerning terms and conditions of employment, health & safety; employee relations; bullying & harassment (although a separate process is followed in most cases); new working practices; working environment; organisational change and equal opportunities of an employee or a group of employees.
- 2.2 This policy will be applied equally to all staff and in accordance with the ICB Equality and Diversity Policy.
- 2.3 This procedure should be instigated at the lowest appropriate stage depending on the circumstances of the grievance and resolved informally where possible.
- 2.4 Although formal grievances from staff should be lodged on the Grievance Report Form (Appendix 1), it is acknowledged that grievances can sometimes be raised via letter or exit interview form, as has been highlighted in case law. Therefore, any comments made via these methods that could in any way be construed as a grievance should be discussed with Human Resources.
- 2.5 This policy excludes the resolution of the following issues:
- Disciplinary Issues for which a separate procedure exists
 - Statutory and Governmental Policy Decisions, for which the ICB has no control (e.g. Income Tax, National Insurance, Pension).
- 2.6 Other policies may need to be referred to in light of the grievance being raised:
- Disciplinary
 - Whistleblowing
 - Equality and Diversity
 - Bullying and Harassment
 - Work-Life Balance

3. POLICY STATEMENT

3.1 The objective of this policy is to provide a fair and equitable process for employees to raise their grievances and have them resolved in a timely manner without the fear of recrimination. The policy applies to all staff employed by the ICB. The principles of this policy include:

- The ICB will listen to, and investigate grievance issues raised by its employees
- It is expected that most grievances will be resolved satisfactorily through informal discussions between the employee(s) and their manager
- In some circumstances it may not be appropriate for the line manager to be involved in dealing with the grievance, and another manager from within the ICB may be required in order to assist resolution
- All grievances will be dealt with as promptly as is reasonably possible and within agreed timescales
- Managers should be fully conversant with the Grievance and Disputes Policy and Procedure and the ICB will provide training as appropriate
- Where a grievance is against another member of staff, the ICB will support both the employee(s) raising the grievance and the employee(s) against which the grievance has been taken
- It is recognised that any action taken against an individual or group of staff because they have brought a complaint under the grievance procedure, may amount to victimisation. Any proven action of this nature will be considered a disciplinary matter
- Similarly, failure to take an individual or collective grievance seriously may in itself amount to discrimination and if proven will be considered a disciplinary matter
- It is recognised that in resolving grievances, it may be necessary for either management or staff side to seek expert advice and provision can be made for this where exceptional circumstances deem it is sensible and reasonable.

3.2 Definitions.

- **Grievances** are concerns, problems or complaints that an employee may raise with the ICB
- **Disputes** are concerns, problems or complaints where more than one employee within a ICB is aggrieved about the same matter.

4. RESPONSIBILITIES

4.1 This policy and related procedures have been written and agreed through a partnership of managers, staff side representatives and Human Resources.

4.2 **Responsibility of the ICB.** The responsibility for the provision of this policy initially rests with the Executive Team of the ICB who have responsibility for the smooth running of the organisation and to ensure that any such disputes are settled in a fair

and consistent manner.

- 4.3 **Responsibility of Human Resources.** To provide advice and support to managers when an employee or group of employees raises a grievance. To ensure that the Grievance Procedures is applied fairly, equitably and consistently throughout the ICB. Human Resources will organise relevant training sessions on the handling of grievance. To provide advice and support at all stages of the formal grievance process and encourage resolution of grievances via informal routes where possible.
- 4.4 **Responsibility of Managers.** It is the responsibility of all managers employed within the ICB to make sure they are aware of the Grievance and Disputes Policy and Procedure and how to begin to resolve employee's grievances, both informally and through a formal procedure. Managers should ensure that they follow the guidelines of this policy, paying specific attention to the timescales set out under each stage. Managers should ensure that a copy of the Grievance Report Form is sent to Human Resources, when the grievance is first raised and again when it has been resolved.
- 4.5 **Responsibility of Employees.** It is the responsibility of each employee to make their manager (or manager above their line manager) aware of their grievance as soon as possible and within a reasonable timeframe. The ICB does not believe that it is in anyone's interest to delay the grievance process when an individual believes that there is an issue that requires resolution. Employees should outline the nature of the grievance and expected outcome. Employees should seek to resolve grievances informally in the first instance.
- 4.6 **Responsibilities of Accredited Trade Union Representatives.** Trade Union representatives have a duty to advise and represent their members, both when they are instigating a grievance or dispute, or when they are the object of one. This might include guidance on procedure, advice on how or whether to proceed with a case.

5. RIGHT TO BE ACCOMPANIED BY A TRADE UNION REPRESENTATIVE OR WORK COLLEAGUE

- 5.1 Employees have the right to be accompanied at any stage of the Formal Procedure by either an accredited Staff Representative or full-time official of a recognised staff organisation, or by a Fellow Worker who must be an employee of the ICB. Where reference is made in the procedure to an "accredited Staff Representative" this should also be taken to mean full-time official as appropriate.
- 5.2 It would not normally be reasonable for an employee to insist on being accompanied by a companion whose presence would prejudice the hearing.
- 5.3 The companion should be allowed to address the hearing to present the employee's case, respond on their behalf to any views expressed at the hearing and confer with them 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 employee from explaining their case.
- 5.4 If an employee's companion is unavailable, it is the responsibility of the employee, so long as it is deemed reasonable to suggest another date which is not more than 5 working days after the original date of the Hearing.
- 5.5 Employees have no right under this procedure to be accompanied by anyone else

(e.g. a spouse, partner, other family member, or legal representative) other than those persons previously referred to.

6. POLICY IN PRACTICE: PROCEDURE

- 6.1 **Informal Resolution of a Grievance (Complaints).** Most routine complaints and grievances are best resolved informally in discussion with the employee(s) concerned and the manager, or another appropriate manager. Dealing with grievances in this way can usually lead to a speedy resolution as it enables the manager to make decisions on those issues they manage. Both manager and employee(s) should keep an agreed written note of the informal meeting, including details of any action to be taken in resolving the grievance. If the grievance is not resolved at the informal stage, the employee has the right to follow the formal procedure as outlined below.
- 6.2 **Formal Procedure.** It is expected that all grievances will be dealt with speedily, and that the timescales stated in this Policy will generally be held as maxima. However, it is recognised that circumstances may arise where both sides agree to extend the timescales as appropriate.
- 6.3 **STAGE 1.** All stages of the formal grievance procedure shall commence with the presentation of a completed Grievance Report Form, (Appendix 1) by the employee(s) to their Manager. Where the Manager is the subject of the grievance, the Grievance Report Form should be submitted to the manager of the line manager. The employee must ensure that they fully explain the nature of the grievance and the reasons they are dissatisfied as well as how they think the grievance can be resolved.
- 6.4 Receipt of this form should be acknowledged in writing within **2** working days by the Manager whom the form has been submitted to, who should seek HR advice as soon as the form has been received.
- 6.5 The Manager should arrange a meeting with the employee(s) to hear the grievance within **5** working days, supported by HR as appropriate. This should be confirmed in writing (Appendix 2) and should notify the employee of his/her right to be accompanied at the meeting. The line manager and HR support hearing the grievance will be referred to as the Grievance Hearing Panel.
- 6.6 Wherever possible it is expected that resolutions will be presented by the Manager at this meeting, however, where further investigation is required, this will be conducted as quickly as practicable, and another meeting arranged.
- 6.6 The hearing should begin with the employee(s) and/or their representative stating their reasons for lodging the grievance and how they think it can be resolved. The Manager will then respond verbally with their decision.
- 6.7 An accurate written record of the meeting will be kept, and a copy given to the employee(s) within **3** working days of the meeting (Appendix 3). Human Resources will facilitate the taking of the notes of the meeting.
- 6.8 The timescale for resolution at this stage is **10** working days commencing with the receipt of the Grievance Report Form. If there are exceptional reasons why this cannot be achieved, then these should be presented to the employee(s) and a

revised timescale agreed.

- 6.9 If the employee(s) finds the outcome of this meeting unacceptable, they have **10** working days from the receipt of the written record to refer the matter to STAGE 2/Appeal. If the appeal (at stage 2) is not lodged within **10** working days, it will be assumed that the employee(s) does not wish to appeal against the STAGE 1 decision and that the matter is closed.
- 6.10 **STAGE 2 – APPEAL.** If an employee(s) remains dissatisfied by the action taken at STAGE 1, they should present a copy of their original grievance form, the record of the STAGE 1 meeting and their reasons, in writing, for considering the matter unresolved. Following which, a STAGE 2 hearing should take place within **5** working days.
- 6.11 As per 6.3 a stage 2 / appeal will be heard by an Executive Director and ICB Board Member and will be referred to as the Appeal Panel. If the grievance involves the Executive Director, then the grievance will be directed to the Chief Executive Officer of the ICB.
- 6.12 The Grievance will be acknowledged receipt in writing within **2** working days. A meeting will be arranged with the employee(s) within **10** working days of receipt of the grievance, supported by HR as appropriate. This should be in writing and should notify the employee(s) of their right to be accompanied at the meeting.
- 6.13 The Manager who dealt with the grievance at STAGE 1 should be invited to attend to give his/her reasons for the outcome.
- 6.14 The hearing should begin with the employee(s) and/or their representative stating their reasons for lodging the grievance and how they think it can be resolved.
- 6.15 The Line Manager will respond with their views of the employee's grievance and why they made their original decision, ending with how they feel the matter can be best resolved.
- 6.16 The Executive Director will then respond verbally with his/her decision and confirm this in writing within **3** working days of the meeting. A written record of the meeting will be made, and a copy will be given to the employee(s), within **5** working days of the meeting.
- 6.17 At this point the ICB internal processes have been exhausted. It is recognised that for certain matters where an employee remains dissatisfied, they may refer the matter to an Employment Tribunal. Their employment arrangements will not be changed, nor will they be disadvantaged if they wish to do so.
- 6.18 **Scheme of Delegation.** The Scheme of Delegation as outlined in the table below will be applied during the formal stages of the grievance procedure:

Grievance	Authorised Manager	Appeal
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Stage One	Line Manager or other appropriate ICB Manager (if Grievance relates to Line Manager)	Director unless the Grievance relates to the Director when appeal should be directed to an Executive Director
Stage Two	Executive Director and ICB Board members unless the Grievance relates to the Executive Director then Grievance will be heard by the Chief Executive Officer and another ICB Board member	N/A

- 6.19 **Disputes (or collective grievances).** At each formal stage of the procedure, the group of employees may nominate two of their group to represent them in the appropriate meeting (i.e. in addition to their accredited Staff Representative if appropriate).
- 6.20 Where several Trade Unions are involved in the same dispute within the ICB, they will be expected to co-ordinate their views, and nominate one representative per trade union plus one full time officer, in addition to two employees involved, to present the case. Other representatives may attend a hearing as witnesses, if desired.
- 6.21 The ICB will attempt to resolve disputes within a maximum of two months of the date when it was first brought to the attention of the immediate line manager.
- 6.22 **Status Quo.** For the purposed of the Grievance and Disputes Policy and Procedure, the term “status quo” shall mean the working arrangements or practices which applied immediately prior to the grievance first being raised under this procedure.
- 6.23 Under normal circumstances, no action shall be taken that will affect the status quo until the issue has either been resolved, or the formal stages of the procedure has been completed, however, there will be occasions when the status quo provisions will not apply. These occasions will include circumstances when the ICB may be in breach of its statutory, mandatory or regulatory obligations.
- 6.24 If the time limits for exhausting the procedure are exceeded, the status quo position will be jointly reviewed by the management and staff sides.

7. EMPLOYEES WHO HAVE LEFT THE ICB

- 7.1 Wherever possible a grievance should be dealt with before an employee leaves the ICB. However, where an employee has left the ICB and if the grievance procedure has not commenced or been completed prior to the employee’s departure, it must be agreed that the grievance be dealt with through following fast track procedure detailed below:
- **Step 1.** The employee should write to Human Resources setting out the grievance as soon as possible after leaving employment.
 - **Step 2.** Human Resources will forward the grievance to the relevant manager who will formally respond to the employee’s grievance setting out their response within 10 working days.

8. GENERAL CONDUCT OF MEETINGS

8.1 Meetings convened under the Formal Procedure should be conducted in accordance with the following guidelines:

- **Introductions.** The Panel hearing the grievance/dispute should introduce all present, explain the purpose of the meeting (i.e. to consider whether the grievance/dispute can be resolved) and explain how the meeting will be conducted.
- **Statement Of The Grievance/Dispute.** The Panel hearing the case should establish precisely what the grievance/dispute is and invite the employee(s) and/or their representative to present their case and any relevant supporting information.
- **Manager's Reply.** Where the grievance/dispute has previously been heard by a Manager at an earlier stage in the procedure, then that Manager should be given the opportunity to present her/his case and any relevant supporting information.
- **Civility.** The meeting should be conducted courteously and fairly, with the emphasis being to establish the facts. To this end, all parties should be free to ask questions politely and comment appropriately.
- **Summing Up.** After general questioning and discussion, both parties should be given the opportunity to summarise their main points, with the employee having the right to go last.
- **Adjournment.** The Panel hearing the case should consider their decision in private. If it is necessary to recall one of the parties to clear any points of uncertainty on evidence already given, then both parties should be invited to return notwithstanding only one is concerned with the point giving rise to doubt.
- **The Decision.** All appropriate parties should be recalled and the Panel hearing the case should inform them of their decision.

9. MONITORING AND REVIEW

9.1 This policy will be monitored by Human Resources using the receipt of the Grievance Report Form as the first trigger to commence the monitoring process.

9.2 Managers are informed that a copy of the form must be sent to Human Resources when the Grievance is first raised and again when it is resolved.

9.3 Human Resources will:

- have responsibility to monitor the effectiveness of this policy on an annual basis.
- make recommendations to the Audit Committee.

9.4 This policy will remain in force until superseded by a replacement agreement or until either side seeks the opportunity to jointly amend or renegotiate the agreement.

9.5 This policy will be jointly reviewed with trade union representatives at least every 3 years or as needed by changes in legislation or good practice.

9.6 Any amendments will be approved by the Audit Committee under delegated decision making.

10. Fraud Bribery and Corruption

- 10.1 Unfortunately fraud, bribery and corruption, as well as theft, does occur throughout the NHS, and as such all NHS employees have a duty to ensure that public funds are protected. The ICB is committed to reducing the level of fraud, bribery and corruption (economic crime) within the NHS to an absolute minimum and keeping it at that level, freeing up public resources for better patient care.
- 10.2 If an employee, manager or volunteer suspects that there has been a potential act of fraud, bribery or corruption against the ICB or the wider NHS, or has seen any suspicious acts or events, they must report the matter to the ICB's Counter Fraud Team (contact details can be found on the ICB's public website) or report the matter to the NHS Fraud and Corruption Reporting Line on 0800 028 4060. Alternatively reports can be made through the online reporting tool at <https://cfa.nhs.uk/reportfraud>. Further advice on counter fraud issues is available from the Executive Director of Finance, Deputy Executive Director of Finance/Fraud Champion and the ICB's Counter Fraud Team.

ICB Counter Fraud Contact details:

Paul Westwood (Heads CW Audit's Counter Fraud Team and is the ICB's nominated Local Counter Fraud Specialist)

Tel: 07545 502400

Email: paul.westwood@cwaudit.org.uk

Email: pwestwood@nhs.net (secure)

11. Counter Fraud

- 11.1 This policy should be read in conjunction with the ICB's policies covering counter fraud, bribery and corruption which can be found on the ICB's website (<https://www.shropshiretelfordandwrekin.nhs.uk/>) or you can contact a member of the Team who will be able to supply a copy.

APPENDIX 1

GRIEVANCE REPORT FORM

The individual raising the grievance should complete this page.

You may wish to seek assistance from your Trade Union Representative when completing this form. Once completed, the form should be passed to your Line Manager who will arrange to hear your grievance within 5 working days.

PERSONAL DETAILS

Name _____ Band _____
Job Title _____ Location _____
Contact Number _____
Address for Correspondence _____

DESCRIPTION OF GRIEVANCE

I wish to raise a grievance for the following reasons: -

I seek the following solution to the grievance: -

My Trade Union Representative is _____ of _____
(union)

Signed _____ Date _____

GRIEVANCE REPORT FORM /continued

STAGE 1

Grievance Heard by _____ on _____.

I am _____'s Line Manager

Grievance Resolved? YES/NO

If no, please state Reason below and attach a copy of the correspondence:

Signature _____ Date _____

STAGE 2

Grievance Heard by _____ on _____.

Job Title _____

Grievance Resolved? YES/NO

If no, please state Reason below and attach a copy of the correspondence:

Signature _____ Date _____

APPENDIX 2

Date:

«Title» «FirstName» «LastName»
«Address1»
«Address2»
«City»
«State»
«PostalCode»

Dear «Title» «LastName»;

Grievance Hearing – dd Month Year

I am in receipt of your Grievance report form. As you are aware the Grievance policy states that your Grievance should be heard within 5/10* working days. I have therefore arranged for the hearing to take place as follows:

Date: dd Month Year

Time: Time a/pm

Venue: Venue address (include map if appropriate)

At this hearing, I would like you to state your grievance and explain why it remains unresolved. You should also indicate how you feel the issue can be resolved. I will consider what you have said and offer you my decision. I will confirm this decision in writing within 3 working days of the hearing.

You have the right to be accompanied by your Trade Union Representative or a workplace colleague at this hearing.

Would you please confirm that you are able to attend the meeting, by telephoning me on *number*.

Yours sincerely,

Name
Job Title

*Delete as appropriate

APPENDIX 3

Contact:
Ref.:
Direct Dial:

Date:

«Title» «FirstName» «LastName»
«Address1»
«Address2»
«City»
«State»
«PostalCode»

Dear «Title» «LastName»;

Grievance Hearing – dd Month Year

Further to our meeting to discuss your grievance I am writing to confirm my decision.

I have read your Grievance Report Form and listened to your statements regarding your grievance and how you felt it should be resolved. It is my opinion that your grievance concerns *outline basis of grievance*.

At the close of the hearing I stated that my decision was *state decision*.

You have the right to appeal against my decision. If you intend to appeal, you should write to *Name, post, and contact address*. If you have not lodged your appeal within 10 working days, it will be assumed that you do not wish to take the Grievance any further and that the matter is closed.

Yours sincerely

Name
Job Title