

## BNSSG Integrated Care System (ICS) People Committee Meeting

Minutes of the meeting held on 31<sup>st</sup> January at 14:00 virtually via Microsoft Teams

### Minutes

<b>Present</b>		
Jaya Chakrabarti	Non-Executive Member – People, BNSSG ICB (Chair)	JC
Jo Hicks	Chief People Officer, BNSSG ICB	JH
Kelvin Blake	Non-Executive Director, NBT	KB
Joanne Medhurst	Chief Medical Officer, BNSSG ICB (part)	JM
<b>In attendance</b>		
Jeff Farrar	Chair of BNSSG ICB	JF
Alex Nestor	Director of HR, UHBW	AN
Corry Hartman	Senior Workforce Analyst, BNSSG ICB	CH
Evonne Artman	Programme Administrator, BNSSG ICB (Minute Taker)	EA
Jean Scrase	Associate Director of Education, BNSSG Learning Academy SRO, UHBW	JS
Louise Carthy	Programme Officer, BNSSG ICB	LC
Nicole Saunders	Head of System Planning, BNSSG ICB	NS
Sarah Margetts	Deputy Chief People Officer, NBT	SM
Mark Hubbard	VCSE Lead, BNSSG ICB	MH
Mandy Gardner	CEO, Voluntary Action North Somerset (VANS)	MG
Toria Wrangham	ICS Workforce Redesign Facilitator, BNSSG ICB	TW
Melanie Murrell	Associate Director, Nursing Workforce Recovery, NBT	MM
Kate Houston	Head of Workforce Services, AWP	KH
Quentin Lillis	Interim People Project Lead, Sirona	QL
Helen Dabbs	Temporary Staffing Clinical Manager, Sirona	HD
Malcolm Fiske	Associate Director of Strategic Workforce Planning and Resourcing, NBT	MF
Nicola North	ICS Learning & Development Business Partner	NN
Guy Dickson	Associate Director HR Operations, UHBW	GD
Mark Goninon	Deputy Chief Nurse, UHBW	MG
Alexandra Rossiter	Head of Temporary Staffing, UHBW	AR
<b>Apologies</b>		
Bernard Galton	Non-Executive Director, UHBW	BG
Emma Wood	Chief People Officer, UHBW	EW
Cllr Helen Holland	Chair of Bristol Health and Wellbeing Board	HH
Jacqui Marshall	Chief People Officer, NBT	JM

Kate Barnes	Adult Social Care Programme Manager, South Gloucestershire Council	KB
Monira Chowdhury	Head of Equality, Diversity, and Inclusion, NBT: SRO for EDI workstream	MC
Rosi Shepherd	Chief Nursing Officer, BNSSG ICB	RS
Sam Chapman	Assistant Director Learning and Development, UHBW	SC
Sarah Truelove	Chief Finance Officer, BNSSG ICB	ST
Holly Hardy	Clinical Lead and GP Fellows Lead, BNSSG Primary Care Training Hub	HH
Anil Patil	Non-Executive Director, Sirona	AP

	Item	Action
1	<b>Welcome and Apologies</b> The above apologies were noted.	
1.1	<b>Declarations of Interest</b> Kelvin Blake Dol to be added to the register.  No Dols pertaining to this agenda.	<b>EA</b>
2	<b>Minutes of the last meeting</b> The minutes of the meeting on 29 <sup>th</sup> November were approved as a correct record.	
3	<b>Action log</b> The action log was reviewed and updated.	
4	<b>Temporary Staffing - Deep Dive – AWP Sirona, UHW, UHBW and NBT</b>  TW presented a pan-regional update on temporary staffing. Key points were: <ul style="list-style-type: none"> <li>• A position paper is being prepared to include clinical risks and issues as identified through provider risk assessments.</li> <li>• Question raised on potential impact of Wales and if agency workers will migrate? Feeling from framework is more likely for medical locums, less likely for Nursing as intelligence suggests a 35-mile travel distance. Conversations being started with Midlands as could be a risk of movement here for some systems not necessarily BNSSG.</li> <li>• Operational planning guidance - next FY reduction of 5% agency to bring ceiling to 3.2% of pay bill. Supplementary guidance will highlight an off framework "ban" effective 30th June 2024 being driven from NHSE National team and will have CEO only authoriser.</li> <li>• Bank focus - NHSE will start to track spend, no plan to change any metrics / KPI at this stage but may evolve. Focus likely to be on where payments are above substantive pay rates and further focus on growing and optimising internal Banks.</li> <li>• All Trusts in region paying significantly higher than cap. Average between 123% and 180% across SW. Some Trusts as high as +200%.</li> <li>• Industrial action rates remaining as individual Trust agreed for now.</li> </ul>	

Item	Action
	<ul style="list-style-type: none"> <li>• Implementation of pan-regional Agency Nurse Rate card cap for general nurses to be staged (1st April 50% reduction) and fully achieved by July 2024.</li> <li>• Implementation of Specialist Agency nurse cap rate over 10-month period.</li> <li>• All Trusts to get together on achieving rate cap.</li> <li>• MH partners agreed to comply with general nursing plan for price cap compliance - 50% by March and full compliance by July 1<sup>st</sup>. Potential for longer glide path for specialisms – 1<sup>st</sup> October. Agreed to share psychiatry data to commence rate card work.</li> </ul> <p>Next Steps were outlined as follows:</p> <ul style="list-style-type: none"> <li>• Prepare position paper.</li> <li>• Frameworks and agencies to be informed at the end of January 2024 of planned reduction to rate cap. Regional communication to be drafted and used.</li> <li>• Commence internal planning with staff.</li> <li>• Each Trust to undertake quality impact assessment of specialist areas to identify which specialities would be included.</li> <li>• Identify specialisms - CAMHS/CPNs. Explore opportunities for joint working on MH HCSW supply/bank.</li> </ul> <p><b>Sirona</b> updated on their agency reduction challenges for 2024. The following points were noted:</p> <ul style="list-style-type: none"> <li>• Agency reduction is 30%. Implementing a stop to agency use after 6pm has resulted in savings of £250K in one month. This was achieved by routine service reviews and procurement strategies.</li> <li>• Have kept usage of Framework to less than 12 shifts per week every week.</li> <li>• Activities include: <ul style="list-style-type: none"> <li>- Growing bank staff and stepping up bank recruitment days.</li> <li>- Reviewing operating models across each service.</li> <li>- Ensuring the utilisation of the contracted workforce as fully as possible.</li> <li>- Ongoing caseload reviews.</li> </ul> </li> </ul> <p><b>NBT</b> updated on their agency reduction challenges for 2024. The following points were noted:</p> <ul style="list-style-type: none"> <li>• Compared to last year NBT will have reduced nursing agency spend by 30%.</li> <li>• There is a focus on moving agency to bank staff, increasing bank fill staff and improving the bank working experience.</li> <li>• Fortnightly working groups taking place with Directors of Nursing.</li> <li>• Activities include looking at: <ul style="list-style-type: none"> <li>- Allocate on arrival and Break Glass enhanced rates in operation, and reducing agency spend across all Tiers.</li> <li>- Long term Locum use – Consultant (medical) and Radiographers (AHP).</li> <li>- Reducing agency rates to cap (particularly specialist rates).</li> </ul> </li> </ul>

Item	Action
	<ul style="list-style-type: none"> <li>- Hot spots particularly around children’s theatres, and the children’s recruitment pipelines.</li> <li>• NBT are working collaboratively with AWP to put together a business case looking at a data driven approach to pull away from RMN, as this was driving some of the medical agency spend.</li> <li>• There is a plan to reduce agency rates by 50% cap in April 2024, then to fully cap by July 2024.</li> </ul> <p><b>UHBW</b> updated on their agency reduction challenges for 2024. The following points were noted:</p> <ul style="list-style-type: none"> <li>• Hotspot areas = registered nurse agency use, particularly children’s and registered Mental Health nurses. This is due to increasing demand. Also medical agency spend, particularly in Weston and consultant level.</li> <li>• Activities include: <ul style="list-style-type: none"> <li>- Reducing agency rates to cap (especially specialist rates). Plan is to reduce agency rates by 50% to cap in April 2024, then to full cap rates in July 2024, notifying agencies of plan at end January 2024.</li> <li>- Recruitment pipeline.</li> <li>- Deep dive into children’s agency usage.</li> <li>- Appointment 21 new Band 3 Mental Health Support Workers.</li> <li>- New working group established to focus on medical agency reduction.</li> <li>- Engagement with regional group work.</li> <li>- Temporary staffing oversight board to focus on agency and all temporary staff groups.</li> <li>- Deep dive to review the risk of reducing specialist rates in different areas.</li> </ul> </li> </ul> <p><b>AWP</b> updated on their agency reduction challenges for 2024. The following points were noted:</p> <ul style="list-style-type: none"> <li>• Agency use has decreased overall by 7%.</li> <li>• Removal of all ad hoc off framework usage at 1% of all agencies with exit plan in place.</li> <li>• Bank staff fills in tier 1 of 31% to 51% of all nursing shifts.</li> <li>• Activities include: <ul style="list-style-type: none"> <li>- Weekly rapid improvement board</li> <li>- New AWP rate card issued on 1<sup>st</sup> January 2024. Notice given to T3 agencies to bring the cap down to 50% of cap compliance.</li> <li>- Management focus on additional and working days unavailability, and increased controls of owed hours.</li> <li>- Bank experience surveys and focus groups.</li> <li>- Improving recruitment process and increasing access to shifts by reviewing training offer.</li> </ul> </li> <li>• Confirmed that 120 agency staff were converted to bank in the last year.</li> <li>• Key challenge is around recruitment and the top demand for Registered Mental Health Nurses / Community Psychiatric Nurses.</li> <li>• Quality will continue to be measured and tracked via quality indicators as programmes of work to reduce agency spend roll out.</li> </ul> <p>Comments and feedback from the group then noted as follows:</p>

	Item	Action
	<ul style="list-style-type: none"> <li>• JF highlighted that a significant amount of effort and activity has gone into reducing agency spend. To close the gap even further, organisations need to work more collectively rather than individually, identifying and sharing good practices to avoid duplication across the system.</li> <li>• JH advised that we are taking a system approach to identifying the priority areas for recruitment.</li> <li>• JH highlighted that the People Programme is working on the medium to long term activities; this is joined up with the temporary staffing group.</li> <li>• JH confirmed that the Recruitment Group is active in moving our trainees through the system. As we know where the hotspots are, they have been able to tackle nursing specifically. We are starting to see a decrease in agency usage, and this will continue to be monitored.</li> <li>• JH advised that a Strategic Oversight Group will be established to enable CPOs and senior colleagues to work collectively as a system to remove some of the barriers.</li> <li>• GD highlighted that NBT and UHBW are actively working towards a collaborative bank.</li> <li>• CH advised that a number of events will be taking place this year to focus on the difficult to recruit to roles. This will involve representatives from social care partners as well.</li> <li>• Thanks were extended to presenters and to colleagues who are working very hard to create a collaborative culture to drive these system changes, as well as supporting each other locally.</li> </ul>	
5	<p><b>Volunteering for Health - CEO of voluntary action North Somerset VANS)</b></p> <p>MH and MG presented to the group. The following points were noted:</p> <ul style="list-style-type: none"> <li>• VANS have offered to coordinate a bid to NHSE for funding to establish a Volunteering for Health approach.</li> <li>• The approach aims to <ul style="list-style-type: none"> <li>- Increase the number of volunteers / volunteer experience.</li> <li>- Improve the reach to disadvantaged groups.</li> <li>- Enable volunteering as a route to employment.</li> <li>- Standardise processes and procedures so that there is one single front door for volunteers.</li> <li>- Introduce a passporting system to ensure that volunteers receive the right training.</li> <li>- Raise the profile of volunteers and their work.</li> <li>- Achieve better integration of volunteers into decision making at all levels.</li> <li>- Achieve collaborative working across the VCSE in our system.</li> </ul> </li> <li>• The bid is competitive and if VANS is successful, it will take a year to pull together. The bid is for 3 years.</li> <li>• The bid is being pulled together in small working group with reps from VCSE partners, ICB and Trusts.</li> </ul> <p>The committee expressed support to the approach and to for VANS for coordinating the bid. It was agreed to receive future updates on the progress of the bid.</p>	

	Item	Action
	<b>ACTION: JH and JF to liaise with Tracy Jolliff regarding paid and unpaid volunteering work.</b>	JH
6	<p><b>Workforce Plan Monitoring Report December 2023</b></p> <p>CH presented to the group. The following points were noted:</p> <ul style="list-style-type: none"> <li>• We are now coming into the last quarter of the operating plan. The number of staff in post is above what was initially planned.</li> <li>• Turnover rate is continuing to improve in addition to sickness levels.</li> <li>• Achievements around temporary staffing are positive.</li> <li>• Vacancy and turnover rates are steadily coming down.</li> <li>• Successful international recruitment campaign noted, leading to recruitment of 680 international nurses.</li> </ul> <p>The chair mentioned a weight per organisation of the average of vacancy rate would like to be added to the workforce monitoring report.</p> <p><b>ACTION: CH to add weighting per organisation to vacancy rates for future workforce monitoring reports.</b></p> <p>The committee expressed their thanks to CH and the team, and acknowledged the system collaboration that is demonstrated in the report.</p>	CH
7	<p><b>Workforce Planning Preparation Approach 24/25</b></p> <p>NS provided an update as follows:</p> <ul style="list-style-type: none"> <li>• We will be retaining a focus on robust workforce planning and want to ensure that plans this year are triangulated by design.</li> <li>• There has been engagement and support contributed across providers with workforce and workforce planning teams.</li> <li>• A template has been released by the national team; we will also be setting out our own system objectives.</li> <li>• The planning day on 20<sup>th</sup> February will be focusing on a common baseline across the system, and an update to the system 5-year Joint Forward Plan.</li> </ul> <p>The following comments were made:</p> <ul style="list-style-type: none"> <li>• JH noted that the triangulation of data is starting to demonstrate impact with regard to recruitment and retention and reduction of agency and bank.</li> <li>• In terms of development of the plan and its future delivery, JC highlighted that colleagues are engaged. It is planned that delivery will be monitored via a Strategic Oversight Group, to be re-formed from April.</li> </ul>	
8	<p><b>System Wide Productivity Report - Deep Dive Activities across BNSSG looking at input vs outcomes</b></p> <p>NN presented to the committee. The following points were noted:</p>	

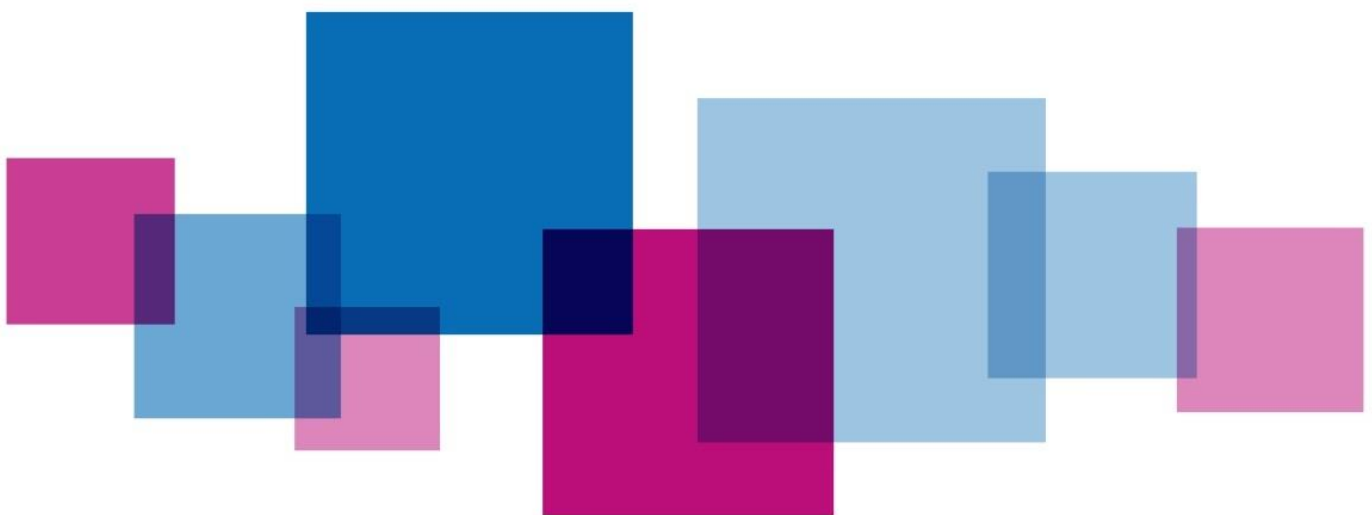
	Item	Action
	<ul style="list-style-type: none"> <li>• During 2023/24 the focus of the People Programme within BNSSG has been recruitment, retention, and productivity, with a priority focus on nursing in the first instance. Each strand of work has a number of interdependencies and cross cutting activities.</li> <li>• Measuring productivity across the People Programme includes collaborative efforts that provide benefits as a System.</li> <li>• Developing our People and Culture Plan and the creation of a System People Academy will bring this work together.</li> <li>• Regional workforce productivity actions include: <ul style="list-style-type: none"> <li>- Elimination of Tier 4 agency usage</li> <li>- Treating our workforce as a System workforce</li> <li>- Undergraduate training review.</li> </ul> </li> <li>• Updates on productivity in relation to the following areas of work were highlighted: <ul style="list-style-type: none"> <li>- <b>Levy Sharing and Apprenticeships</b> – across the system we are working with 53 providers with some offering multiple pathways.</li> <li>- <b>Widening engagement</b> – through the formation of an ICS-wide Careers Hub, we have fulfilled 73% of engagement requests from BNSSG schools and colleges. We now have 88 staff on the Ambassador programme who are linked into engagement events, including from acute trusts and social care.</li> <li>- <b>Skills passporting</b> – since passporting of Statutory and Mandatory Training commenced in July 2020 with five participating BNSSG partner organisations, this has saved 2524 staff approx. 17,559 training hours and £274,515.57,</li> <li>- <b>Urgent and Emergency Care (UEC)</b> – proposal in place to develop the UEC Workforce within the system via a multifaceted approach.</li> <li>- <b>System practice education and placement expansion roles</b> – previous HEE Clinical Placement Expansion funding has hosted a number of system roles. 152 placements were achieved overall, exceeding the placement expansion target of 116.</li> <li>- <b>Preceptorship</b> – we currently have 340 preceptees on the programme and are expecting to see retention benefits within the system at both an employer and system level.</li> <li>- <b>Collaborative recruitment</b> – a number of collaborative recruitment and careers events held.</li> <li>- <b>International recruitment</b> – the acute provider collaborative is leading this work. Work is also ongoing with the South West ADASS social care international recruitment.</li> <li>- <b>Retention</b> – work ongoing across many areas. System legacy mentors now in post across primary care, Sirona, NBT and UHBW.</li> <li>- <b>Temporary staffing</b> – work includes the social care collaborative bank pilot. The primary care collaborative and the acute provider collaborative bank.</li> </ul> <p>Future developments were also highlighted.</p> </li> </ul>	
9	<b>Hot Topics / Risks or matters for escalation</b>	

	Item	Action
	<p>JH provided a brief update on the first meeting of the refreshed People Programme Board (PPB), which took place on 18<sup>th</sup> January. The following points were noted:</p> <ul style="list-style-type: none"> <li>• The PPB has a new Chair and refreshed, broader membership including enhanced trade union representation.</li> <li>• The PPB key priorities are: <ul style="list-style-type: none"> <li>- Creation of the People Academy</li> <li>- Creation of a People and Culture Plan</li> <li>- Consideration of big business cases from a workforce perspective.</li> </ul> </li> </ul> <p>Two system-wide Task &amp; Finish groups will be established to deliver on the People Academy and the People &amp; Culture Plan.</p> <ul style="list-style-type: none"> <li>• Revised Terms of Reference have been agreed.</li> <li>• Further PPB updates will come through to the ICS People Committee as per the governance reporting structure.</li> </ul> <p>JC highlighted the need to look at the membership of the ICS People Committee and consider the links / join up in terms of our actions and assurance going forward – ensuring that we are refocused and have good attendance at the next meeting.</p>	
10	<p><b>Any Other Business</b> None.</p>	
11	<p><b>For Information</b></p> <ul style="list-style-type: none"> <li>• <b>SRO programme updates</b></li> <li>• <b>BNSSG Training Hub 2023-24 update</b></li> </ul> <p>Papers were sent out for information before the meeting.</p>	
	<p><b>Date of Next Meeting</b> Wednesday 27<sup>th</sup> March 2024.</p>	

**Evonne Artman**  
**Administrative Officer**  
**31<sup>st</sup> January 2024**



# Grievance Policy and Procedure



**Please complete the table below:**

*To be added by corporate team once policy approved and before placing on website.*

<b>Policy ref no:</b>	To be filled in by Corporate Services
<b>Responsible Executive Director:</b>	
<b>Author and Job Title:</b>	
<b>Date Approved:</b>	To be filled in by Corporate Services
<b>Approved by:</b>	To be filled in by Corporate Services
<b>Date of next review:</b>	

### Policy Review Checklist

	Yes/ No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	Shown at point 23
Has the review taken account of latest Guidance/Legislation?	Yes	ACAS Code of Conduct
Has legal advice been sought?	No	Not required
Has HR been consulted?	Yes	HR policy
Have training issues been addressed?	yes	Refer to point 17
Are there other HR related issues that need to be considered?	No	None identified
Has the policy been reviewed by Staff Partnership Forum?	Yes	See implementation plan

	<b>Yes/ No/NA</b>	<b>Supporting information</b>
Are there financial issues and have they been addressed?	No	None identified
What engagement has there been with patients/members of the public in preparing this policy?	None	Internal Staff only
Are there linked policies and procedures?	Yes	Outlined in the policy at point 21
Has the lead Executive Director approved the policy?	Yes	See table above
Which Committees have assured the policy?	Yes	People Committee Corporate Policy Review Group. Staff Partnership Forum
Has an implementation plan been provided?	Yes	See point 24
How will the policy be shared with	Yes	Via the BNSSG internet site – The Hub and dedicated communication to ICB employees
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	Yes	Available to all staff via The Hub. Part of Induction process.
Has a DPIA been considered in regard to this policy?		Yes - SCW IG Consultant agreed policy
Have Data Protection implications have been considered?		As part of CPG

<b>Version Control <i>please remove this box once approved and finalised.</i></b>		
<b>Version</b>	<b>Date</b>	<b>Consultation</b>
V1	7 <sup>th</sup> June 2023	CPRG

V2	12 <sup>th</sup> June 2023	CPRG

## Table of Contents

<b>Grievance Policy and Procedure .....</b>	<b>1</b>
Policy Review Checklist .....	2
Table of Contents .....	4
<b>Grievance Policy and Procedure .....</b>	<b>6</b>
1 Introduction .....	6
1.1 BNSSG ICB Values .....	6
2 Purpose and scope .....	6
3 Duties – legal framework for this policy .....	7
4 Responsibilities and Accountabilities .....	7
5 Definitions/explanations of terms used .....	8
6 Mediation .....	9
7 Time Limits .....	9
8 Rights to Accompaniment .....	9
9 What is a Grievance? .....	10
10 What matters are covered by this policy? .....	10
11 What matters are not covered by this Procedure? .....	10
12 Status Quo .....	10
13 How do I Raise a Grievance? .....	10

14	Raising a Formal Grievance .....	11
14.1	Step 1 .....	11
14.2	Step 2 .....	11
14.3	Step 3 .....	12
15	Raising a Grievance after leaving the Organisation .....	12
16	Overlapping Grievance and Disciplinary Cases .....	13
17	Training requirements .....	13
18	Equality Impact Assessment .....	13
19	Implementation and Monitoring Compliance and Effectiveness .....	13
20	Countering Fraud, Bribery and Corruption .....	13
21	References, acknowledgements and associated documents .....	14
22	Appendices .....	14
22.2	Grievance Meetings and Hearings - General Guidelines .....	14
22.3	Standard Procedure Flowchart .....	16
22.4	Modified Procedure Flowchart .....	17
22.5	GRIEVANCE NOTIFICATION FORM .....	18
	GRIEVANCE APPEAL FORM .....	19
22.6	Equality Impact Assessment .....	20
22.7	Implementation Plan .....	22

# Grievance Policy and Procedure

## 1 Introduction

BNSSG is committed to resolving your problems, difficulties or dissatisfactions in a sensitive, fair and speedy manner. It is your right to seek an appropriate resolution to your problems at work.

This policy has been drawn up in accordance with The Employment Act 2002 (Dispute Resolution) Regulations 2004 and the ACAS Code of Practice on Disciplinary and Grievance Procedures. This now includes the right of recent ex-employees to raise a grievance once they have left the organisation using the Modified Grievance Procedure.

### 1.1 BNSSG ICB Values

The values of the ICB are reflected in this policy as the arrangements described support fair and equitable practice regarding raising appeals in the ICB and thus uphold that: We act with integrity, we work better together, we embrace diversity, we strive for excellence, and we do the right thing. The policy focuses on employees' appeals being heard in a compassionate and supportive, consistent, and fair manner.

## 2 Purpose and scope

The policy applies equally to all employees and ex-employees who have left the organisation within three months of the incident taking place. It cannot be used where NHS national agreements are in place e.g., pay awards.

Wherever possible, managers and staff should make every effort to resolve a grievance or potential grievance informally at a local level before invoking the grievance procedure.

For those employees whose first language is not English or who have a disability, expressing themselves formally can be difficult. In these circumstances, managers and Human Resources representatives should encourage individuals to seek help from a trade union representative or work colleague. Under the Equality Act 2010, reasonable adjustments to Grievance Procedures must be made which may include assisting employees to formulate written evidence if they are unable to do so because of their disability. In such circumstances advice should be sought from a Human Resources representative.

Where a complaint is maliciously raised, the manager must discuss the case with a Human Resources representative. It may be appropriate in these circumstances to invoke the Disciplinary Procedure.

In cases where two or more employees raise a grievance on the same issue, this will be known as a "Collective Grievance". In such cases, an appropriate representative may set out details of the

grievance in writing on behalf of the employees. An appropriate representative shall be defined as Trade Union Representative or a nominated member of the group.

A grievance raised by an employee whilst subject to disciplinary proceedings and the grievance has a bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of the proceedings and, if appropriate, disciplinary proceedings may be suspended. In instances where an initial investigation into the grievance finds that the grievance and disciplinary cases are related it may be appropriate to deal with both matters concurrently.

If the grievance complaint is found to have no bearing on the matters being investigated the disciplinary proceedings will continue and the grievance meeting will be heard at the conclusion of the disciplinary process.

All information shared and discussed during the grievance processes shall be dealt with in strict confidence by all parties.

All parties agree that a status quo should be maintained wherever possible, pending resolution of the grievance.

### **3 Duties – legal framework for this policy**

Employers must set out a grievance procedure as part of employment legislation and share it in writing with all employees. Employers must follow a full and fair procedure in line with the Acas Code.

### **4 Responsibilities and Accountabilities**

The responsibility for the provision of the Grievance Policy rests with the ICB's Board. It is the responsibility of the ICB's Executive Team to ensure that the policy is implemented through the organisation's line management structure and to allocate resources to support the timely investigation and response to any grievance.

#### **What are the Responsibilities of the Human Resources Department?**

It is the responsibility of the Human Resources Department:

- To provide training for all managers and on-going support in the application of the policy in individual cases. This will include production of supporting documents.
- To ensure the policy is continually reviewed and updated as appropriate.
- To clarify any procedural queries for the manager and/or the employee

#### **What are the Responsibilities of Managers?**

It is the responsibility of managers:

- To ensure the employees are made aware of the Grievance Policy and Procedure and their responsibilities under the policy.

- To take timely, appropriate action to deal with grievances, balancing the needs of the individual with the needs of the service.
- To offer reasonable adjustments, where required, to enable the grievance to be resolved.
- To put thought into resolving grievances, remembering that a grievance is not the same as a disciplinary matter and is an occasion when discussion and dialogue may lead to an amicable solution.
- To endeavour to resolve grievances raised at the lowest level of the procedure as possible.
- To keep written records during the grievance process
- To ensure that a resolution deals effectively with the grievance and any relevant outcome is monitored and reviewed as appropriate.
- To consider the confidentiality of information before sharing, providing or discussing it and act in the manner that will ensure the individual is given a fair hearing.
- To inform their Human Resources representative when a formal grievance has been raised, and to act in a timely manner when managing all aspects of grievance.
- To contact the Human Resources Team to discuss the Modified Grievance Procedure for ex-employees if this is to be implemented.

### **What are the Responsibilities of the Employee?**

It is the responsibility of employees:

- To attempt to resolve the grievance as soon as possible by raising an issue normally with their line manager or an alternative manager, where appropriate
- Where an issue is with their line manager and it is inappropriate to raise the grievance directly, they should raise the grievance with the next level of management.
- To detail the nature of their grievance in writing to the appropriate manager and complete the necessary forms attached (Appendix C)

### **What is the Role of Staff Side?**

It is the role of staff side to negotiate, raise concern, or provide support on the member's behalf as necessary in relation to this policy.

## **5 Definitions/explanations of terms used**

**ACAS** - Advisory, Conciliation and Arbitration Service. An independent public body that receives funding from the government.

**Appropriate Representative** – a person who is authorised by the group or individual to set out their concerns on their behalf. This can be a member of the group or trade union.

**Grievance** - an employment related problem which cannot be resolved informally.



**Malicious Grievance** – made with the intention of causing harm

**Mediation** - a way to mend relationships when there is a disagreement at work which is less formal.

**Modified Grievance procedure** – used when a grievance is raised after a person leaves employment.

**Staff Side** – The person or people raising the grievance. Those representing the person or group such as Trade Union representatives or work colleagues are included in this term.

**Status Quo** – the current situation that prevails at the time the grievance is formally lodged.

## 6 Mediation

Mediation may be considered at any stage of the procedure to secure an effective resolution. When considering mediation as a tool for resolution advice should be sought from the HR department. Mediation will be used only where all parties involved in the grievance agree.

## 7 Time Limits

To assist the speedy resolution of grievances, time limits are identified at each stage of the procedure. However, there may be circumstances, either procedural or personal, where it is **not** possible to comply with these time limits, in which case all reasonably practicable steps will be taken to ensure that the relevant stage is completed as soon as is possible after the expiry of the appropriate time limit. Completion of each stage of the procedure must be taken without unreasonable delay.

In this policy where time limits referred to are in days these are regarded as calendar days. In the interests of employee relations every effort should be made to complete the relevant part of the procedure without delay. The time limits can be extended, for example to take annual leave into account.

## 8 Rights to Accompaniment

At informal stages it is not usually necessary for employees to be accompanied. However, should an individual ask to be accompanied this should not be unreasonably refused. In such cases managers should seek advice from a HR representative.

At formal stages of the procedure, employees have the right to be accompanied by their staff side representative or work colleague not acting in a legal capacity. They must be informed of their right and then choose whether or not to exercise it. It is the employee's responsibility to make arrangements to be accompanied.

Please note, in order to minimise any potential distress for all parties, we can only accept representation from staff side representatives or work colleagues and not relatives or friends who are not employed by the organisation.

Should you have specific requirements in relation to being accompanied, please contact HR who will be happy to discuss these with you.

Further information on the right to be accompanied can be found in Appendix A.

## **9 What is a Grievance?**

A grievance is an employment related problem which you individually or as part of a group cannot resolve informally.

Where appropriate, employees are encouraged to use mediation to resolve problems.

## **10 What matters are covered by this policy?**

In scope of this policy are: Any employment related concerns. Examples would be:

Terms and conditions of employment, health and safety issues, relationships at work, new working practices, organisational change, or equal opportunities

If you are dissatisfied with an action your manager has taken or proposes to take.

## **11 What matters are not covered by this Procedure?**

Out of scope of this policy are:

- Any outcome of a disciplinary meeting which has its own appeals process.
- Issues relating to a banding outcome, redeployment, termination of contract or redundancy – all of the above have their own appeals process.
- An issue outside of the organisation's sphere of responsibility
- If you feel you are being harassed, victimised or the subject of discrimination please see the Bullying and Harassment policy for advice and action.

This policy does not link to the Appeals Policy – there are three stages to this grievance policy and no further right to appeal.

## **12 Status Quo**

Once a grievance has been lodged the “status quo” (original position) where practicable will operate until the procedure is exhausted. However, where there is a risk to service delivery “status quo” is unlikely to be maintained and this decision will always rest with the appropriate manager.

## **13 How do I Raise a Grievance?**

You should aim to resolve your grievance(s) informally with your line manager and as soon as is reasonably practical. It is in everyone's best interest that grievances are resolved at this stage in a timely manner and every effort should be made to do so.

In some cases, depending on the situation, this may need to involve a third party.

If you cannot resolve your grievance informally, then you should raise it formally, using the procedure below.

It is important that you set out clearly the nature of the grievance, whether it is on the basis of the individual or a collective and indicate the outcome that you are seeking. If your grievance form is unclear, further clarification will be sought.

## **14 Raising a Formal Grievance**

### **14.1 Step 1**

Inform your manager of your grievance in writing and send a copy to your Human Resources department. (Please see form in the Appendix point 22.5). If your grievance relates to your line manager, you may raise your grievance with your manager's line manager or another appropriate manager in the organisation. If you are unsure of whom to address your grievance to, HR will allocate an appropriate manager to hear your grievance.

If your grievance is in relation to the Chief Executive, this should be directed to the Chair.

If you need assistance in setting out your grievance(s), you are encouraged to seek help from your trade union representative or a work colleague.

### **14.2 Step 2**

Your manager will then invite you to a meeting with them to discuss your grievance as soon as practically possible. You have a right to be accompanied at this meeting by either a trade union representative or a work colleague not acting in a legal capacity (see Appendix A on who may accompany you). A member of the HR department will also attend. You must take all reasonable steps to attend the meeting. The meeting will usually be face to face but there is provision for suitable alternatives to this to be made as appropriate.

All employees involved in any grievance investigation will be expected to fully cooperate with the process. This includes making themselves available for any investigatory meetings within 5 working days of a request being issued by the investigatory team. Failure to attend an investigatory interview within this timeframe will result in the matter being escalated to the employee's line manager unless there is a substantial reason as to the lack of availability for the meeting. Please note other work commitments will not be seen as a reasonable reason for delaying an investigatory meeting.

All investigations must be seen as a priority due to the stress and upset that investigations cause individuals.

If you or your companion cannot attend on the proposed date, you may suggest another date, provided it is reasonable and not more than 5 working days after the date originally

proposed. This limit may be extended by mutual agreement. Alternatively, in the case of a representative not being available for the meeting, staff may wish to seek a suitable alternative, including other staff side representatives, or a work colleague not acting in a legal capacity, who can accompany them but not represent them.

At the meeting you will need to explain your grievance and give an indication of how you think it might be settled.

If your manager feels your grievance requires investigation, the meeting will be adjourned in order for that to take place.

Following the meeting, your manager will respond in writing to your grievance within a reasonable time period (as a guide this will normally be 5 working days). If this is not possible this should be discussed with you. As part of the response, your manager will inform you of your right to appeal. This must be done within 5 working days of the date of the outcome letter.

### **14.3 Step 3**

If you feel that your grievance has not been satisfactorily resolved, you have the right to an appeal meeting. You will need to raise the appeal in writing to the Chief Executive or the Chair if your grievance is with the Chief Executive. This should be received within 5 working days of the written outcome at step 2. (Please see form in the Appendix point 22.5).

A Director will be appointed to hear your case, they will be accompanied by a Senior Manager and a Senior Human Resources representative may also be present in an advisory capacity. The Director will invite you to a meeting within 10 days of receiving your appeal. You have the right to be accompanied at the meeting by a Trade Union representative or work colleague. The meeting will usually be face to face but there is provision for suitable alternatives to this to be made as appropriate.

It may be necessary to adjourn the meeting should an investigation need to take place before an outcome can be reached. You will be advised in writing of the reasons for the adjournment and the date the meeting is to be reconvened.

Following the appeal meeting, the decision will be confirmed in writing. You will be informed that this is the final stage and that you will have no further right to appeal.

## **15 Raising a Grievance after leaving the Organisation**

Wherever possible, a grievance should be dealt with before you leave. If you leave and raise a grievance or if the above 3 step procedure has either not started or been completed before you leave, the 'Modified Grievance Procedure' will apply. All grievances should be received within 1

month of an employee's leaving date and must be within 3 months of the incident for it to be considered.

## **16 Overlapping Grievance and Disciplinary Cases**

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

## **17 Training requirements**

Training and support will be available to all line managers in the implementation and application of this policy.

## **18 Equality Impact Assessment**

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

## **19 Implementation and Monitoring Compliance and Effectiveness**

See the implementation plan at appendix 22.7.

## **20 Countering Fraud, Bribery and Corruption**

The ICB is committed to reducing and preventing fraud, bribery and corruption in the NHS and ensuring that funds stolen by these means are put back into patient care. During the development of this policy document, we have given consideration to how fraud, bribery or corruption may occur in this area. We have ensured that our processes will assist in preventing, detecting and deterring fraud, bribery and corruption and considered what our responses to allegation of incidents of any such acts would be.

In the event that fraud, bribery or corruption is reasonably suspected, and in accordance with the Local Counter Fraud, Bribery and Corruption Policy, the Team will refer the matter to the ICB's Local Counter Fraud Specialist for investigation and reserve the right to prosecute where fraud, bribery or corruption is suspected to have taken place. In cases involving any type of loss

(financial or other), the ICB will take action to recover those losses by working with law enforcement agencies and investigators in both criminal and/or civil courts.

## 21 References, acknowledgements and associated documents

Disciplinary Policy

Guidance on Investigating Complaints and Allegations Relating to Employment

[Acas Code of Practice on disciplinary and grievance procedures | Acas](#)

Individual Rights Policy

Confidentiality and Security of Information Policy

Records Management Policy

## 22 Appendices

### 22.1 Right to be Accompanied

**The right to be accompanied (adapted from ACAS Code of Practice).**

- Any outcome of a disciplinary meeting which has its own appeals process.
- All workers/employees have the right to be accompanied at a grievance meeting.
- The companion can be a work colleague or a trade union representative not acting in a legal capacity.
- You should tell your line manager/manager facilitating the grievance meeting who your chosen companion is.
- Your companion can have a say at the meeting but cannot answer questions on your behalf.
- When choosing a companion, you should be aware that it would not be reasonable to insist on being accompanied by a colleague whose presence would prejudice the meeting or who might have a conflict of interest.
- Nobody has to accept an invitation to act as a companion and should not be pressurised to do so.
- Work colleagues acting as companions can have reasonable paid time off to prepare for and attend a grievance meeting.

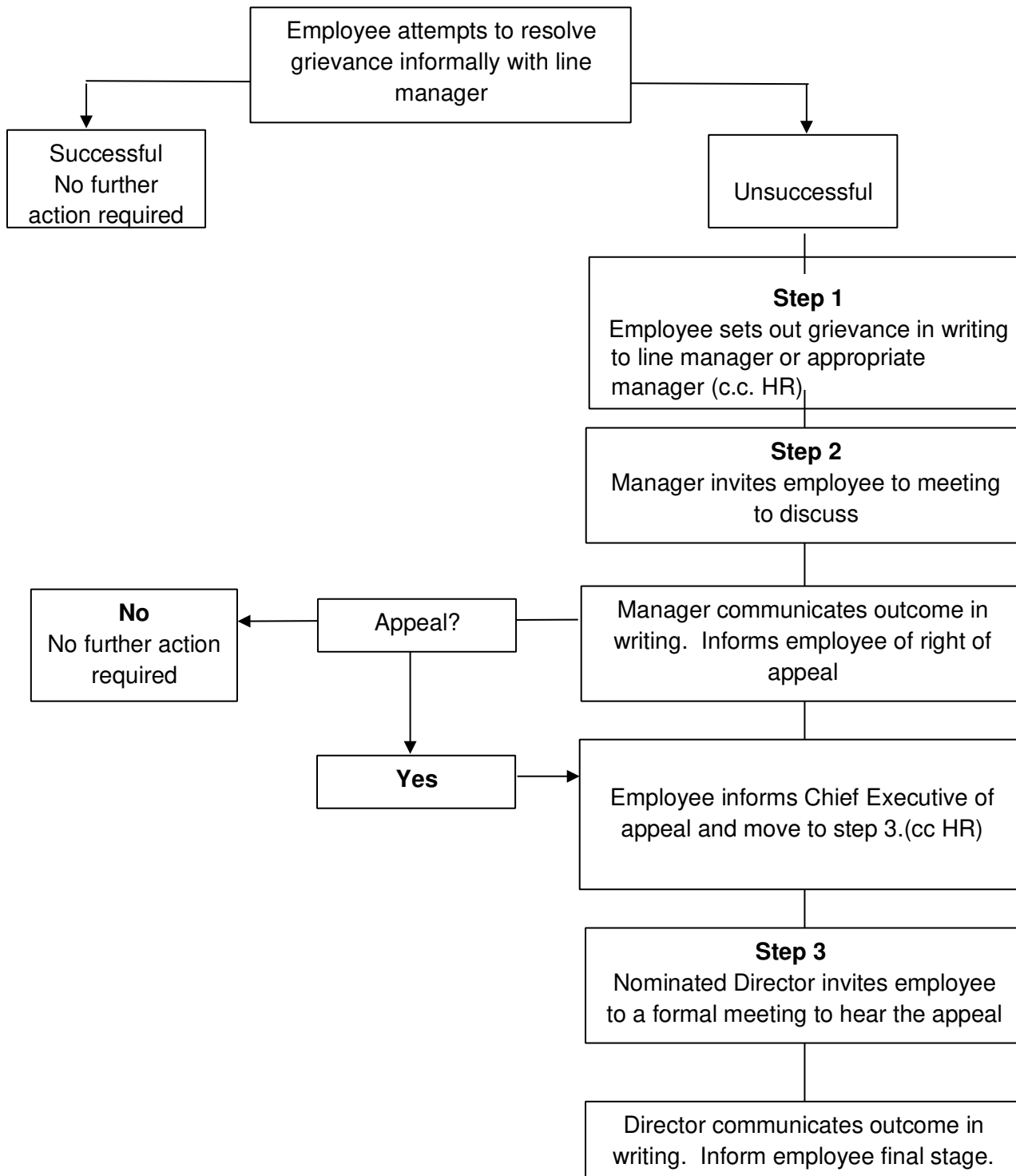
### 22.2 Grievance Meetings and Hearings - General Guidelines

- The aim of the meeting is to fully explore and discuss your grievance and to seek a mutually acceptable resolution.
- Managers will be responsible for carrying out any investigation, including interviewing any witnesses and collating any relevant information.
- Each party must submit and exchange a statement of case together with any supporting information to the panel at least 7 days prior to the hearing taking place.



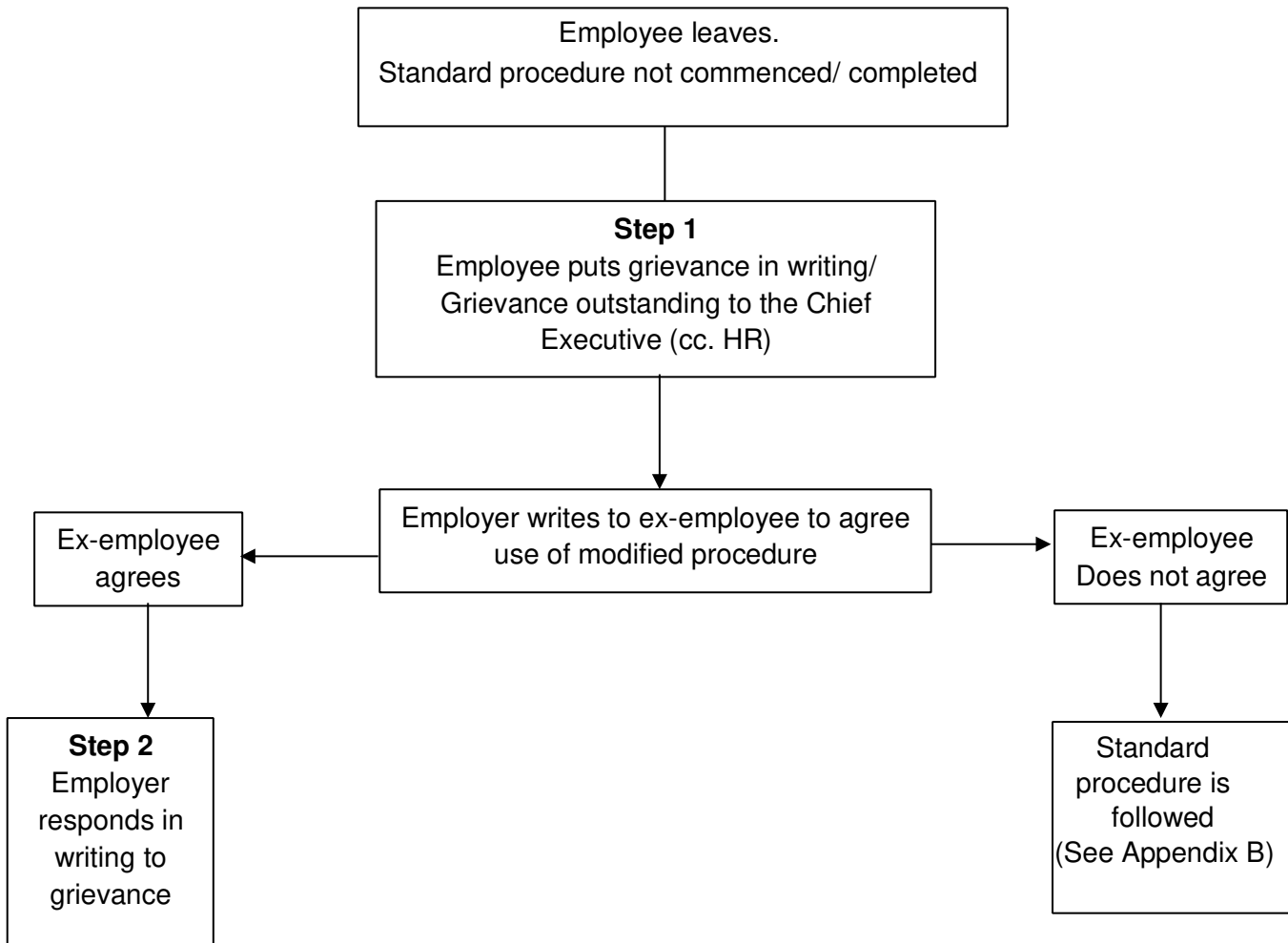
- The arrangements for the meeting will depend upon the nature of your grievance. Managers responding to your grievance are expected to be sensitive to the needs of those involved.
- You and any other party involved in the grievance have the right to be accompanied by a trade union representative or work colleague not acting in a legal capacity.
- Employees will need to be available for any investigatory meetings within 5 working days of a request being issued by the investigatory team. Failure to attend an investigatory interview within this timeframe will result in the matter being escalated to the employee's line manager unless there is a substantial reason as to the lack of availability for the meeting. Please note other work commitments will not be seen as a reasonable reason for delaying an investigatory meeting.
- If you or your representative cannot make the meeting date, you can suggest another date so long as it is reasonable and not more than five working days after the date originally proposed by the manager. This five-day limit may be extended by mutual agreement. Alternatively, in the case of a representative not being available for the meeting, staff may wish to seek a suitable alternative, including other staff side representatives, or work colleague not acting in a legal capacity, who can accompany them but not represent them.
- Both parties are able to call witnesses to the hearing
- A member of the Human Resources department will be present at the meeting to assist in any matters of procedure.
- A note taker may be present at the meeting. A summary of the main issues under discussion will be recorded.
- The manager considering your grievance may adjourn the meeting at any time in order, for example, that further evidence may be produced or for any other reason mutually agreed by you and others involved.
- The manager may need to speak to you again for points of clarification or for further questions.
- A companion or work colleague must not be part of the grievance or witness to any incident relating to the grievance.

### 22.3 Standard Procedure Flowchart





## 22.4 Modified Procedure Flowchart



## 22.5 GRIEVANCE NOTIFICATION FORM

For completion by an employee or group, to register a formal grievance and their preferred outcome. (A copy should be kept by the employee)

Full Name(s)	Directorate
Job Title(s)	Department
Name of Trade Union Representative or Workplace Colleague <i>(if applicable)</i>	

Have you raised your grievance informally? YES NO <i>(Please indicate)</i>	If yes state with whom and when Name: Job Title: Date:
---	---

What was the outcome of this discussion?

Your Grievance – Please give details of your grievance including dates if possible

(continue on a separate sheet if necessary)

What is the resolution you are seeking?

(This section must be completed for the matter to be progressed)

Signed	
Date	<a href="#">Click here to enter a date.</a>

Once completed, please pass this form on to your immediate manager, or another manager if you think that they are more appropriate.

## GRIEVANCE APPEAL FORM

For completion by an employee to register an appeal against a formal decision

Name:	Job Title:
Please set out the grounds for your appeal including the reasons why you are not satisfied with the decision.	
Signature:	Date:
Please attach a copy of the original grievance form submitted and any additional documentation and send to the Chief Executive or The Chair	

## 22.6 Equality Impact Assessment

Equality Impact Assessment Screening		
Query	Response	
What is the aim of the document?	To set out the ICB responsibilities in relation to	
Who is the target audience of the document (which staff groups)?	All staff	
Who is it likely to impact on and how?	Staff	Yes - All Grievances will be handled and processed in a fair and transparent way and to avoid any subjective bias. No anticipated detrimental impact on any equality group. The policy adheres to AFC Terms and Conditions, is legally compliant and takes account of best practice. Makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.
	Patients	No – employment policy
	Visitors	No – employment policy
	Carers	Yes – There may be members of staff who may also be Carers.
	Visitors	No – employment policy
	Other – governors, volunteers etc	Yes – in the capacity of their role in the ICB

<p><b>Does the document affect one group more or less favourably than another based on the 'protected characteristics' in the Equality Act</b></p>	Age (younger and older people)	No - The policy provides a fair and consistent approach to management of appeals regardless of any employee's age.
	Disability (includes physical and sensory impairments, learning disabilities, mental health)	No - the policy provides a fair and consistent approach but there may be occasions where staff with disabilities may be impacted differently when managing grievances and due consideration will need to be taken of particular individual circumstances. The ICB is a Disability Confident Employer and has a range of HR Policies and supporting services to ensure staff are supported throughout the process to include reasonable adjustments to attend meetings is included in the invitation letters. Staff support and wellbeing is highlighted throughout the process.
	Gender (men or women)	No –the policy is consistent in its approach regardless of gender identity. The policy provides a fair and consistent and does not tolerate discrimination
	Pregnancy and maternity	No –the policy is consistent in its approach regardless of whether an employee is pregnant or on maternity leave. The policy provides a fair and consistent approach and does not tolerate discrimination.
	Race (includes ethnicity as well as gypsy travellers)	No -The policy is consistent in its approach regardless of race. The policy provides a fair and consistent approach.
	Sexual Orientation (lesbian, gay and bisexual people)	No– the policy is consistent in its approach to sex and

		does not tolerate gender specific discrimination
	Transgender people	No - the policy provides a fair and consistent approach and does not tolerate discrimination.
	Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)	No - the policy provides a fair and consistent approach and does not tolerate discrimination.
	Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)	No - the policy provides a fair and consistent approach to the management of grievances.

## 22.7 Implementation Plan

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
All Staff	Publish revised and updated version of Appeals Policy	SPF, The Hub, Consult HR, Policy updates via line managers briefing and the Voice	Jill Cooksley	June 2023	July 2023	None

# Appeals Policy



**Please complete the table below:**

*To be added by corporate team once policy approved and before placing on website.*

<b>Policy ref no:</b>	To be filled in by Corporate Services
<b>Responsible Executive Director:</b>	
<b>Author and Job Title:</b>	
<b>Date Approved:</b>	To be filled in by Corporate Services
<b>Approved by:</b>	To be filled in by Corporate Services
<b>Date of next review:</b>	

### Policy Review Checklist

	<b>Yes/ No/NA</b>	<b>Supporting information</b>
Has an Equality Impact Assessment Screening been completed?	Yes	Please see Appendix 19.3
Has the review taken account of latest Guidance/Legislation?	Yes	<a href="#">Code of Practice on disciplinary and grievance procedures   Acas</a>
Has legal advice been sought?	No	Not required
Has HR been consulted?	Yes	HR Policy
Have training issues been addressed?	Yes	Dissemination of information within Directorates
Are there other HR related issues that need to be considered?	Yes	Associated HR Policies, see point 15
Has the policy been reviewed by Staff Partnership Forum?	Yes	24 <sup>th</sup> May 2023



	<b>Yes/ No/NA</b>	<b>Supporting information</b>
Are there financial issues and have they been addressed?	No	Not applicable
What engagement has there been with patients/members of the public in preparing this policy?	N/A	Internal Staff only
Are there linked policies and procedures?	Yes	Grievance Policy Disciplinary Policy Flexible Working Re-Banding
Has the lead Executive Director approved the policy?	Yes	See table above
Which Committees have assured the policy?	Yes	Corporate Policy Group Staff Partnership Forum People Committee ICB Board
Has an implementation plan been provided?	Yes	See Appendix 19.4
How will the policy be shared?		Intranet – The Hub and internal communications. Directorate cascade
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?		Available to all staff via The Hub. Part of Induction process.
Has a DPIA been considered in regard to this policy?	N/A	Yes - SCW IG Consultant agreed policy
Have Data Protection implications have been considered?	Yes	As part of CPG

<b>Version Control</b> <i>please remove this box once approved and finalised.</i>		
<b>Version</b>	<b>Date</b>	<b>Consultation</b>

V1	17 <sup>th</sup> May 2023	CPRG – changes to original CCG policy highlighted and put into new format with amended terminology
V2	24 <sup>th</sup> May	SPF - discussion

## Table of Contents

<b>Appeals Policy</b> .....	<b>1</b>
Policy Review Checklist .....	2
Table of Contents .....	4
<b>Appeals Policy</b> .....	<b>5</b>
1 Introduction .....	5
1.1 BNSSG ICB Values .....	5
2 Purpose and scope .....	6
3 Duties – legal framework for this policy.....	6
4 Responsibilities and Accountabilities .....	6
5 Definitions/explanations of terms used .....	8
6 What is an Appeal? .....	8
7 Who can Appeal and what can they lodge an Appeal about? .....	8
8 Who can help me with my Appeal? .....	9
9 How do I register a formal Appeal? .....	9
10 What happens after I have registered my Appeal?.....	9

11	What happens at an Appeals Hearing? .....	10
12	The Appeal .....	10
13.	Preparing a Statement of Case .....	11
14	Training requirements .....	14
15	Equality Impact Assessment .....	14
16	Implementation and Monitoring Compliance and Effectiveness .....	14
17	Countering Fraud, Bribery and Corruption .....	14
18	References, acknowledgements, and associated documents .....	14
19	Appendices .....	15
19.1	The Right to Be Accompanied .....	15
19.2	Appeals Process Flowchart .....	17
19.3	Equality Impact Assessment .....	18
19.4	Implementation Plan .....	20

# Appeals Policy

## 1 Introduction

Bristol North Somerset and South Gloucestershire Integrated Care Board (BNSSG ICB) recognises that employees may not always agree with decisions made that affect them directly and that there is a right to appeal.

This policy sets out the right of appeal and the process for appeal. This will be applied fairly, equally, and consistently.

### 1.1 BNSSG ICB Values

The values of the ICB are reflected in this policy as the arrangements described support fair and equitable practise regarding raising appeals in the ICB and thus uphold that: We act with integrity, we work better together, we embrace diversity, we strive for excellence, and we do the right thing. The Policy focuses on employee appeals being heard in a compassionate, supportive, consistent, and fair manner.

## **2 Purpose and scope**

This policy can be used by all permanent and fixed term employees within the ICB (this policy does not apply to agency workers or interims). The fair and equitable implementation of this policy will be monitored locally by the ICB and will be regularly checked against legislative requirements and best practice.

The ICB will review and resolve all appeals in a timely manner and ensure that the individual who has raised the appeal is kept up to date throughout the process.

## **3 Duties – legal framework for this policy**

This policy and procedure complies with provisions of the Acas Code of Practise on disciplinary and grievance procedures. Regular reviews are carried out in a timely manner as part of the ICBs policy review process, however if there are any changes in the regulations or legislation prior to a review date, a review will be instigated.

## **4 Responsibilities and Accountabilities**

### **Employee Responsibilities**

Employees should familiarise themselves with all aspects of this policy and adhere to the process fully when making an appeal. Employees must abide by ICB standards of confidentiality.

### **Appellant**

An appeal can only be lodged if the Appellant can provide sufficient evidence that a wrong or unfair decision has been made. (See sections 6 and 7 for information).

Appellants are responsible for co-operating during the appeals procedure. Appellants are responsible for arranging their own trade union representation or support throughout the appeals procedure.

### **Manager responsibilities**

Managers must apply this policy fairly, equally, and consistently to create a balanced approach and abide with ICB standards of confidentiality.

### **Responding Manager(s)**

The Responding Manager must inform the Appellant of their right to appeal both verbally at the original hearing or meeting and in the letter confirming any outcome.

Appeal cases should be dealt with without any undue delay on the part of the responding manager. Where it is decided that a case is to be referred to an appeal hearing the responding manager must prepare a thorough management case for consideration by the Appeals panel.

### Appeal Panel Members

Panel members must consider the management case and the appellant's case fairly during the hearing and come to a fair and justifiable outcome.

It is the responsibility of all panel members to consider their impartiality when asked to participate in an appeal hearing. Each panel member should consider the following before agreeing to participate in an appeal hearing:

- **Independence** – An appeal panel member needs to be sufficiently independent from the original decision-making process so that there can be no suggestion of bias.
- **Previous involvement/influence on the case** – An appeal panel member should not have had any previous involvement or influence over a case. It is acceptable for appeal panel members to have been aware of the case at earlier stages (as will often be the case within line management chains) but this awareness should extend to the facts of the situation only.
- **Conflict of Interest** – No panel member should have any conflict of interest in the outcome of an appeal and should not be personally affected by the decision made (for example in the case of a collective grievance).

Should any of the above apply then panel members should remove themselves from their role on the appeal panel and an alternative member found.

The appeal hearing manager must write to confirm the outcome of the hearing to the appellant within 5 days of the date of the hearing.

### Human Resources Responsibilities

To provide advice and guidance to their members employees and managers and where appropriate, training.

Support in the appointment and undertaking of an Appeals Panel (ensuring that they have the capacity to hear the appeal)

To maintain records of appeal cases within the ICB in line with best practice for information governance.

To support, where necessary, responding managers through the formal Appeal procedure.

To review and maintenance of the Appeals policy through agreed forums within BNSSG ICB

### Trade Unions

To provide advice and support to their members in formal meetings, hearings and appeals.

To ensure they have attended mandatory grievance and disciplinary training with their relevant trade union or professional body before representing a member.

To make every reasonable attempt to attend meetings at the scheduled time to support employees.

## 5 Definitions/explanations of terms used

Appeal – to apply to a higher authority to request a review of a decision.

Appellant – an Individual wishing to appeal a formal decision or outcome given under a relevant ICB policy.

Statement of case – what you are appealing and why.

Responding Manager - The Manager responsible making the original decision which is being appealed.

Chair – Chair of the Appeal hearing and person responsible for co-ordinating the appeal hearing, the panel and corresponding with the appellant.

## 6 What is an Appeal?

An Appeal is your opportunity to question decisions reached using the organisation's other ICB people policies. (These can be found on Consult HR [A-Z Policies & User Guides \(bnssgccq.nhs.uk\)](https://bnssgccq.nhs.uk)). Appeals allow all sides to put their case in front of an independent panel and for that Panel to then make a decision based upon the facts that have been presented.

An appeal is not a re-hearing of the case previously presented under the relevant staff policy, or procedure. It is solely a review of that process, or procedure, which is intended to establish whether the conduct of the process under the relevant policy, or procedure, prior to the appeal was fair and had been conducted properly, and that the decisions made were not the result of perversity of judgement in the face of the evidence presented.

No new evidence may be given at an appeal hearing, save for where it can be shown that there were justifiable reasons why it had not been presented previously and, if it had been presented previously, would have been likely to have been material to the decision(s) made. Such justification is to be provided as part of the application to appeal.

## 7 Who can Appeal and what can they lodge an Appeal about?

This policy represents the final right of appeal within the organisation for formal sanctions or decisions made through a number of the ICB's other people policies and procedures, including where that formal sanction has taken the form of termination of contract (dismissal).

As a member of staff, you have the right of appeal against:

- Disciplinary sanctions
- Termination of employment, including redundancy
- Policy related decisions - for example, turning down a flexible working request

The policy does not:

- Affect the arrangements for dealing with issues concerning the professional conduct or competence of medical and dental staff, which are set out in separate procedures.
- Apply to grievance issues (refer to Grievance Policy)
- Apply to banding issues (refer to Job Evaluation (Banding) Policy).

### 8 Who can help me with my Appeal?

You can ask your Trade Union Representative for advice throughout any part of the appeal process. You have the right to be accompanied at an appeal hearing by a Trade Union representative or work colleague (see Appendix 1 for more information).

You can also seek advice regarding the appeals process and the policy from the Human Resources department or your Staff Partnership Forum (SPF) Representative.

### 9 How do I register a formal Appeal?

The stage at which you enter the appeals procedure will depend upon the reason for your appeal. You should have been advised by HR of the appropriate stage and person to whom you should initially register your appeal; however, the normal stages and methods of registering your appeal are detailed below.

The written grounds of appeal should clearly outline which of the three grounds of appeal the employee wishes the panel to consider:

- whether the procedure was followed correctly
- whether the decision to take action was fair and reasonable, i.e., in the case of disciplinary action being taken against an individual.
- whether the action taken, or outcome reached was within the band of reasonable responses.

In order to register your appeal, you should write to the next line manager above the level at which the contested decision was made within **10 working days**. The letter should indicate the reasons why you are appealing and should be copied to the HR Department. You should also provide the name of your representative, if applicable.

### 10 What happens after I have registered my Appeal?

You will be invited to attend an appeal hearing and will be given at least **7 working days'** notice of the hearing.

You and your named representative will have the appeal hearing date and arrangements confirmed in writing as soon as practically possible.

You will be given at least **7** working days' notice of the date of the appeal meeting or hearing.

Appeals against termination of employment will take precedence over all other appeals.

Arrangements for the different appeals stages are provided below.

### **11 What happens at an Appeals Hearing?**

The purpose of an appeal is to decide whether a management decision that was made was reasonable, based on the information available at the time. It is not a re-hearing to reach a decision.

The Panel Chair may decide to vary the procedure adopted at an appeal in the light of the particular circumstances of the case, or at the request of either party. However, this will only happen with the full agreement of everyone involved in the Appeal.

Consideration will be given to the availability of the employee's representative however it is expected that the employee and their representative make every effort to attend the hearing.

If any party has specific requirements (e.g., hearing loop, interpreter etc.) these should be notified to the Panel Chair prior to the appeal hearing and suitable adjustments will be made to accommodate these requirements wherever possible.

### **12 The Appeal**

You will be invited to attend an appeal hearing and asked for a statement of case, which should be submitted to the People Directorate **5** working days before the appeal hearing. The management side will prepare their statement of case.

Guidance about how to prepare a statement of case is provided below. Failure to submit a statement of case will result in a delay in the appeal hearing. Both parties must also notify the panel in advance of the hearing whether they wish to bring witnesses.

A recognised Trade Union Representative or work colleague can advise you and accompany you at the hearing.

Your appeal will be heard by an appeals panel. The appeals panel will listen to both sides of the case, ask questions of both sides and will then reach a balanced decision based upon the evidence that has been presented.



The appeals panel will normally consist of at least 2 people, usually more senior than the person who made the original decision that is being appealed.

No member of an appeals panel will have been involved in the decision that gave rise to the appeal.

The appeal panel chair will have the discretion to co-opt external professional advisers in appropriate circumstances, after prior consultation and agreement with the parties to the appeal.

The decision of the appeals panel, and the reasons for reaching that decision, will normally be announced at the end of the appeal hearing and confirmed in writing within 5 working days.

If due to reasons such as the amount of information given, time constraints, or complexity etc., the panel may decide to adjourn to consider their decision and inform you of the outcome in writing.

Decisions and rationale will be confirmed in writing within 5 working days. The Decision given by the Appeals panel will be final and there will be no further right of appeal.

### 13. Preparing a Statement of Case

#### What is a Statement of Case?

A Statement of Case is a written account of the matter for appeal. It must be factual and must be backed up by objective evidence. You may use some subjective detail to set the scene of the case. You must **not** however use 'new' information at the appeal stage, you can only use information available at the time the **decision** you are contesting was taken.

#### Why do I need to prepare a statement of case?

Statements of case are required for all formal stages of the procedure. A hearing will not go ahead unless written Statements of Case have been received from both parties to the appeal.

Statements of Case:

- Allow the members of the appeal panel to study all written material in advance of the hearing.
- Help to keep the time taken up by the hearing to the minimum necessary.
- Allows each of the parties to gain a full understanding of each other's case.

### **What will happen with my statement of case?**

Prior to the hearing all parties will be sent identical information packs containing the statement of case as provided by each party. This pack will also be sent to the panel prior to the hearing.

### **What should be included in a statement of case?**

- A simple chronology [list in order] of events.
- Copies of all relevant correspondence and written evidence.
- The person who is appealing should include a statement, which gives the reason(s) for the appeal.
- The manager should include the reason(s) why the action was taken.
- Any supporting statements or documents should be attached if appropriate.
- Give each document a page number and include a contents page so that it is easy for everyone to follow at the appeal.
- Guidance is available from your Human Resources Department or Trade Union representative.

### **How will the Appeals Hearing be carried out?**

#### **Introduction by the Chair:**

The Chair will:

- Introduce those present.
- Clarify why everyone is there, i.e., to hear the appeal against X decision on the grounds of Y.
- Outline the procedure for hearing

The Chair of the Appeal has the discretion to seek clarification and review evidence, to recall witnesses and to adjourn the hearing for any reason (such as to allow further evidence to be produced) at any stage in the proceedings.

#### **Appellant Case**

- The appellant will present their grounds for appeal.
- The appellant will call any witnesses to support their case, as appropriate.
- All parties will have the opportunity to question the witnesses.
- The Responding Manager will have the opportunity to question the appellant about their case.
- The Appeal Panel members will have the opportunity to question the appellant.

#### **Management Case**

- The responding manager will present the case to support the decision taken.
- The responding manager will call any witnesses to support their case, as

- appropriate
- All parties will have the opportunity to question the witnesses
  - The appellant will have the opportunity to question the responding manager's case.
  - The Appeal Panel members will have the opportunity to question the responding manager.

### Summary

- The appellant will be asked to summarise their case.
- The responding manager will be asked to summarise their case.

At the suggestion of the Chair or any party to the appeal, the panel may meet privately with representatives of the parties to consider any matter that may help in clarifying or resolving the appeal. Such meetings should only take place with the approval of the appellant.

The appeals panel may, at its discretion, adjourn the appeal either in order that either party to the appeal may produce further evidence or for any other substantial reason.

The appeals panel, and, where appropriate, the adviser, shall deliberate in private only recalling both parties to clear points of uncertainty on the evidence already given. If recall is necessary, both parties shall return, notwithstanding only one is concerned with the point that has given rise to doubt.

Witnesses will normally be asked to leave the hearing at the conclusion of their evidence and the appeals panel chair will indicate whether they should remain available for the duration of the hearing in case it is necessary to recall them.

### The Outcome

The potential outcomes of an Appeal Panel are:

- To fully overturn the initial management decision.
- To uphold aspects of the management decision and overturn others.
- To recommend an alternative solution or outcome where all or part of a decision is overturned.
- To 'downgrade' the sanction in place, e.g., dismissal to final written warning.
- To recommend additional investigation and reconsideration of the initial decision.
- To recommend a new, full, investigation to take the place of the first investigation which led to the decision under appeal.
- To fully uphold the initial management decision or sanction.

The decision of the Appeal Panel is final. The appeal decision will be communicated, and a letter will be sent to the employee with the outcome of the meeting. Once this has been done, no further communication will be entered into on this matter as this completes the internal procedure.

## **14 Training requirements**

Training and support will be available to all line managers in the implementation and application of this policy.

## **15 Equality Impact Assessment**

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010.

The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex, or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

## **16 Implementation and Monitoring Compliance and Effectiveness**

This policy will be reviewed every 3 years but can be reviewed at any time if the ICB deems it necessary to do so or a review is requested by management or staff.

## **17 Countering Fraud, Bribery and Corruption**

The ICB is committed to reducing and preventing fraud, bribery and corruption in the NHS and ensuring that funds stolen by these means are put back into patient care. During the development of this policy document, we have given consideration to how fraud, bribery or corruption may occur in this area. We have ensured that our processes will assist in preventing, detecting, and deterring fraud, bribery and corruption and considered what our responses to allegation of incidents of any such acts would be.

In the event that fraud, bribery, or corruption is reasonably suspected, and in accordance with the Local Counter Fraud, Bribery and Corruption Policy, the People Team will refer the matter to the ICB's Local Counter Fraud Specialist for investigation and reserve the right to prosecute where fraud, bribery or corruption is suspected to have taken place. In cases involving any type of loss (financial or other), the ICB will take action to recover those losses by working with law enforcement agencies and investigators in both criminal and/or civil courts.

## **18 References, acknowledgements, and associated documents**

Grievance Policy  
Disciplinary Policy  
Flexible Working Policy

Job Evaluation (Banding) Policy

Confidentiality and Security of Information Governance Policy

<https://www.acas.org.uk/appealing-a-disciplinary-or-grievance-outcome/getting-ready-for-an-appeal-hearing>

## 19 Appendices

### 19.1 The Right to Be Accompanied

#### (Taken from the ACAS Code of Practice on Disciplinary and Grievance Procedures)

13. Workers have a statutory right to be accompanied by a companion where the disciplinary meeting could result in:

- a formal warning being issued; or
- the taking of some other disciplinary action
- the confirmation of a warning or some other disciplinary action (appeal hearings)

14. The statutory right is to be accompanied by a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker. Employers must agree to a worker's request to be accompanied by any companion from one of these categories. Workers may also alter their choice of companion if they wish. As a matter of good practice, in making their choice workers should bear in mind the practicalities of the arrangements. For instance, a worker may choose to be accompanied by a companion who is suitable, willing, and available on site rather than someone from a geographically remote location.

15. To exercise the statutory right to be accompanied workers must make a reasonable request. What is reasonable will depend on the circumstances of each individual case. A request to be accompanied does not have to be in writing or within a certain timeframe. However, a worker should provide enough time for the employer to deal with the companion's attendance at the meeting. Workers should also consider how they make their request so that it is clearly understood, for instance by letting the employer know in advance the name of the companion where possible and whether they are a fellow worker or trade union official or representative.

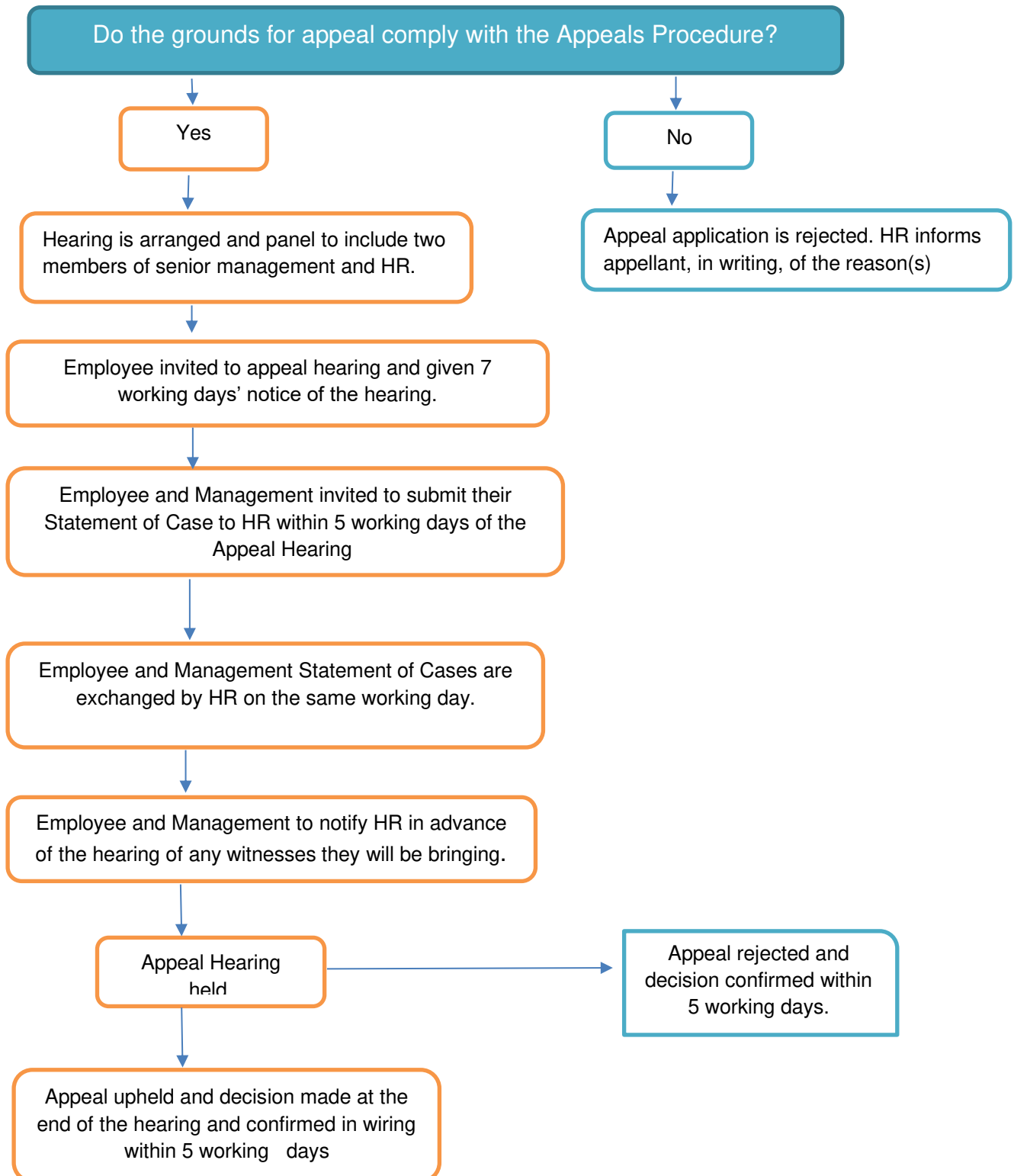
16. If a worker's chosen companion will not be available at the time proposed for the hearing by the employer, the employer must postpone the hearing to a time proposed by the worker provided that the alternative time is both reasonable and not more than five working days after the date originally proposed.

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

## 19.2 Appeals Process Flowchart

### PROCESS BEGINS

Employee initiates the procedure by completing an appeal (advice and assistance available) and submitting it to nominated person within the timescale allowed.



### 19.3 Equality Impact Assessment

Equality Impact Assessment Screening		
Query	Response	
<b>What is the aim of the document?</b>	To set out the ICB responsibilities in relation to appeals, and for the establishment of a fair policy that will be applied equally to all.	
<b>Who is the target audience of the document (which staff groups)?</b>	All staff	
<b>Who is it likely to impact on and how?</b>	Staff	Yes – process to be used when not satisfied with decisions made within identified processes
	Patients	No
	Visitors	No
	Carers	Yes – There may be members of staff who may also be Carers.
	Visitors	No
	Other – governors, volunteers etc	No
<b>Does the document affect one group more or less favourably than another based on the ‘protected characteristics’ in the Equality Act</b>	Age (younger and older people)	No - The policy provides a fair and consistent approach to management of appeals regardless of any employee’s age.
	Disability (includes physical and sensory impairments, learning disabilities, mental health)	No - the policy provides a fair and consistent approach to management of appeals but there may be occasions where staff with disabilities may be impacted differently when managing appeals and due



		consideration will need to be taken of particular individual circumstances. The ICB is a Disability Confident Employer and has a range of HR Policies and supporting services to ensure staff are supported throughout the process to include reasonable adjustments to attend meetings is included in the invitation letters. Staff support and wellbeing is highlighted throughout the process.
	Gender (men or women)	No –the policy is consistent in its approach regardless of gender identity. The policy provides a fair and consistent approach to the management of appeals and does not tolerate discrimination
	Pregnancy and maternity	No –the policy is consistent in its approach regardless of whether an employee is pregnant or on maternity leave. The policy provides a fair and consistent approach to the management of appeals and does not tolerate discrimination.
	Race (includes ethnicity as well as gypsy travellers)	No -The policy is consistent in its approach regardless of race. The policy provides a fair and consistent approach to the management of appeals
	Sexual Orientation (lesbian, gay and bisexual people)	No– the policy is consistent in its approach to sex and does not tolerate gender specific discrimination
	Transgender people	No - the policy provides a fair and consistent approach to the management of appeals and does not tolerate discrimination.
	Groups at risk of stigma or social exclusion (e.g., offenders, homeless people)	No - the policy provides a fair and consistent approach to the management of appeals and does not tolerate

		discrimination.
	Human Rights (particularly rights to privacy, dignity, liberty, and non-degrading treatment)	No - the policy provides a fair and consistent approach to the management of appeals.

## 19.4 Implementation Plan

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
All Staff	Publish revised and updated version of Appeals Policy	SPF, The Hub, Consult HR, Policy updates via line managers briefing and the Voice	Jill Cooksley	May 2023	July 2023	None