It is recognised that some CCGs may wish to alter timings within the process or alter the panel members. Minor amendments are acceptable as long as the main structure of the process is robust as set out below. If you have any queries or would like further clarification then please contact BMA Law.

DISPUTE RESOLUTION PROCESS

"Where a member of the CCG or a member or officer of the Governing Board or any of its committees wishes to raise a complaint or dispute in respect of any issue arising out of the obligations under the constitution or any relevant or subsidiary matter, then that individual or person raising such dispute or complaint shall write to the Governing Board setting out the nature of the dispute/complaint, together with any supporting evidence within 30 days of the dispute having arisen, or within 30 days from such time as that individual or person could reasonably have been aware of the facts giving rise to the dispute.

Stage 1

The Governing Board, shall convene an informal meeting between the parties, with the LMC present to attempt to facilitate an informal dialogue between the parties in an attempt to resolve the matter. Such meeting shall be facilitated within 30 days of the complaint/dispute having been received or such other time as agreed between the parties.

In the event that no informal resolution is achieved, the matter may be escalated to stage 2, formal internal dispute resolution."

Stage 2 - Internal Dispute Resolution

the informal process, request that the matter be dealt with via the formal dispute resolution procedure. This request shall be made in writing to any member of the Governing Board.

The Board shall, within 30 days, of receipt of the request or engage a suitably qualified mediator, to hear the dispute and shall, as soon as practicable, but in any event before 21 days of the hearing inform all parties of the date of the hearing.

As an alternative to mediation, the Board may convene a panel hearing to determine the dispute. If a panel is convened, then the panel shall consist of 3 individuals, namely, a member of the LMC, a member of the Governing Board and a third member to be agreed between the parties.

Either party may if they wish, obtain at their own cost legal assistance to represent them at a mediation or before a panel. The decision of the mediator or the panel shall be final and legally binding.

The panel shall make such recommendations and decisions as it thinks fit and shall after
a reasonable time for deliberation inform the parties of their findings and decision. The panel shall have the power to make such recommendations as necessary and as the panel thinks fit."

Stage 3

“Save for where a mediator is engaged, where any decision shall be made binding, in the event that the either party fails to adhere to the decision and/or recommendations of the panel, or the matter giving rise to the original dispute persists, then the matter shall be referred to the NHS Commissioning Board.”