

# Grievance Policy W8

Additionally refer to:

Whistleblowing Policy  
Disciplinary policy  
Performance Management policy  
Probationary policy  
Managing Attendance Policies  
Employee Investigations Policy W37.  
Resolving Bullying and Harassment policy W4

Version:	V3.12
Approved by	JNCC, Policy Assurance Group, Workforce Committee
Date Approved	February 2021
Ratified by:	Trust Board
Date ratified:	March 2021
Document Lead	HR Business Partner for Employee Relations
Lead Director	Workforce Director
Date issued:	March 2021
Review date:	March 2024
Target audience:	Trust Employees

## Version Control Sheet

<b>Document Lead/Contact:</b>	HR Business Partner for Employee Relations
Document ID	W8 (previously HR16)
Version	3.12
Status	Final
Date Equality Impact Assessment completed	July 2020
Original Issue Date	November 2005
Review Date	March 2024 (unless required at an earlier date)
Distribution	Please refer to the intranet version for the latest version of this policy. <b>Any printed copies may not necessarily be the most up to date</b>
Key Words	Grievance, facilitated discussion, outcome, informal, formal, appeal
Dissemination	Staff Quarterly Newsletter, HR pages on the Intranet, Team Brief and specific training

### Version history

Version	Date	Author	Status	Comment
2.1	May 2014	Anna Martin	Draft	Draft Policy to TNCC Policy Group 9 <sup>th</sup> June 2014. Full redraft of original policy. Suggested amendments received.
2.2	June 2014	Anna Martin	Draft	Updated Draft Policy after discussion at TNCC Policy Group 9 <sup>th</sup> June <ul style="list-style-type: none"> <li>• Reworded paragraph 2.3</li> <li>• Updated flow chart</li> <li>• Reworded paragraph 7</li> <li>• Amended paragraph 8.3</li> </ul>
2.3	July 2014	Anna Martin	Final	Updated Draft Policy after discussion with TNCC representatives
2.3	December 2018	Nick Dowd	Final	Added reference to W37 Employee Investigations Policy
3.1	January 2019	Kate Youlden	Draft	Policy Review
3.2	February 2019	Kate Youlden	Draft	Policy Meeting February 2019
3.3	November 2019	Kate Youlden	Draft	Policy Refresh – People First Agenda – encouraging resolution by ‘normal working practice’ and informal approach. Mirroring new Resolving Bullying and Harassment Policy
3.4	January 2020	Kate Youlden	Draft	Feedback from circulation to Policy Group
3.5	February 2020	Kate Youlden	Draft	Update following February Policy Group discussion
3.6	March 2020	Kate Youlden	Draft	Updated following March Policy Group Discussion
3.7	May 2020	Kate Youlden	Draft	Updated from comments from Staff side
3.8	June 2020	Kate Youlden	Draft	Changes to Status Quo based on staff side feedback
3.9 and 3.10	June 2020	Kate Youlden	Draft	Changes based on staff side feedback
3.11	Sept 2021	Kate Youlden	Draft	Changes and updates from work with external consultant accepted. Formatting updates made.
3.12	Sept 2023	Diana Martin	Draft	Staff Psychological Service Information added

<b>Contents</b>		<b>Page</b>
1.	Policy on a page	4
2.	Document Statement	5
3.	Overview	5
4.	Duties	7
5.	Rights to be accompanied	8
6.	Status Quo	8
7.	Links with the Disciplinary/Performance Management / Probationary/Managing Attendance Policies	8
8.	Grievance Stages	9
	Stage 1 – Discuss it – Informal Resolution	10
	Stage 2 – Raise it – Formal Resolution	11
9.	Stage 3 – Appeal it – Appeal against Formal Resolution	12
9.	Records	12
10.	Training needs	12
11.	Review process	12
12.	Equality Impact Assessment	12
13.	Process for monitoring compliance	13
14.	References	13
15.	Associated Documents	13
Appendix A	Record of Grievance Stage 2 (Raise it – Formal Resolution)	14
Appendix B	Record of Grievance Stage 3 (Appeal it – Appeal against Formal Resolution)	16
Appendix C	Flow Chart – Outline of grievance process	18

## 1. Policy on a Page

- 1.1 The Shrewsbury and Telford Hospital NHS Trust is committed to ensuring employees are managed in a supportive, consistent, fair and effective manner, promoting a positive working environment with an appropriate means through which grievances can be discussed with management and resolved.
- 1.2 This policy outlines the process that staff can follow to raise a grievance in situations where an individual employee or where a group of employees has a grievance against a management decision or action is proposed or has failed to have been taken in relation to their employment. It is designed to bring these matters to a speedy and fair conclusion. If the manager fails to act then the employee may raise a grievance regarding the failure to act.
- 1.3 Grievances cannot be taken out “against” any individual employee or employees of the Trust; with the exception when a manager fails to take action to resolve an employee’s grievance (see 1,2). If an employee has a complaint/concern against another employee then they should pursue their complaint/concern through the Resolving Bullying and Harassment policy or other relevant policies such as Whistleblowing. Employees can also contact the Freedom to speak up Guardian to discuss their concerns seeking advice as to the appropriate route to pursue their grievance.
- 1.4 Informal resolution should be sought in the first instance.
- 1.5 This policy mirrors our approach to Resolving Bullying and Harassment and Freedom to Speak Up in that the Trust believes that early resolution of concerns is best for all involved ideally through conversations and discussions that take place as part of ‘normal working practice’: (Stage 1 – Discuss it – Informal Resolution).
- 1.6 Where these approaches have failed to resolve the concerns this policy provides an individual with the opportunity to raise concerns through:-
  - Stage 2 – Raise it – Formal Resolution
  - Stage 3 – Appeal it - Appeal against Decision at Formal Resolution (Stage 2)
- 1.7 It is expected that in many situations staff will undertake facilitated conversations to support the resolution of their concerns at the informal and formal stages of this policy.
- 1.8 A flow chart outlining the stages of this policy is set out in appendix C.

## 2. Document Statement

2.1 This policy is for the resolution of:

- Individual grievances
- Collective grievances

2.2 The Trust recognise the impact of unresolved grievances on affected employees, other colleagues, managers, patient care and service provision. It is therefore in the interests of all parties to resolve grievances as quickly as possible. This policy provides a framework to ensure a fair, effective, consistent and timely method of dealing with grievances.

2.3 Where timescales are set out in this policy every effort will be made to meet them, however there will be occasions where it is appropriate to vary these (wherever possible by mutual agreement). This will be recorded in writing to all parties.

2.4 This policy expects managers and employee(s) to actively work together to resolve any grievance(s).

2.5 It is expected that all grievances will be raised as soon as is reasonably possible ideally within 3 months. Exceptional circumstances leading to a delay in raising concerns beyond 3 months, where the individuals involved in the grievance for example are on long term sick leave or suffering from mental health issues or subject to an Organisational Change process and are potentially at risk etc, Consideration will be given to these and other factors and a discussion leading to a decision will be taken by the manager to whom the grievance has been referred to, whether to proceed either informally or formally dependent on the case.

## 3. Overview

3.1 This policy applies to all staff employed by the Trust and those staff engaged through the Trust Temporary Staffing Department (bank).

3.2 This policy is to be used in situations where an individual employee or group of employees has a grievance against a management decision or action proposed or has failed to have been taken in relation to their- employment. It is designed to bring these matters to a speedy and fair conclusion.

3.3 This policy is intended to apply to resolving concerns relating to matters such as:-

- The application or interpretation of agreements, policies and procedures
- Health and Safety
- Working arrangements
- Working environment
- A breach of statutory employment rights
- Any other issue affecting an individual's employment (excluding those set out below)

3.4 This policy is **not** intended to apply to resolving concerns relating to:

- Dismissal or other disciplinary matters, including probationary or performance management ( Section 7.1 clarifies when grievances are raised during the formal stage of these and other related policies)
- Individual sanctions that result from disciplinary action
- Suspension from work
- Harassment or Bullying/ Dignity at work
- Freedom to Speak Up (whistleblowing)
- Matters concerning nationally agreed terms and conditions of employment or matters within the scope of formal negotiations at a national level

- Matters of strategic policy which have been decided by the Trust (i.e. service redesign decisions – TUPE in or Out, Service transformation)
  - Matters related to national insurance, income tax and rules of pension schemes
  - Any policy with its own review or appeal mechanism.
- 3.5 Grievances cannot be taken out “against” individuals of the Trust – the grievance must be in relation to specific decisions, actions taken by the relevant manager. If the manager fails to act then the employee may raise a grievance directly against the manager.
- 3.6 Concerns or complaints against another employee should follow the specific policy relating to the nature of the grievance. The examples below are not an exhaustive list:
- any member of staff who feels they are being discriminated against in relation to a protected characteristic under equality legislation,
  - feels they are the subject of bullying and harassment or
  - wishes to raise a concern under Freedom to Speak Up (whistleblowing)
- 3.7 Where a concern is raised under the Grievance policy that is in part or whole about bullying and harassment, equality or freedom to speak up the elements of the concern relating only to grievance will be addressed through this policy. Other elements will be addressed through another relevant policy.
- Staff covered by the Agenda for Change Agreement who have a grievance concerning their job banding must raise the matter under the Job Evaluation Policy W60.
  - If an employee(s) wishes to report possible malpractice, wrongdoing or illegal activities they must do this in accordance with Trust Freedom to Speak Up Policy and Anti-Bribery and Fraud Policy.
- 3.8 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Equality, Diversity and Inclusion Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, preferably during staff induction.
- 3.9 The Trust recognises that having a grievance raised about a manager’s actions is difficult and line managers should consider how best to support those who have a grievance raised against them. It is important that no judgement is made until the process set out in this policy has been followed and all relevant information has been collated, considered and an outcome reached.
- 3.10 If this policy is utilised as a means of appeal from another Trust policy, the appeal will be heard under stage 3 of this Policy – Appeal It. Where another policy contains an appeal stage, that process will be followed for appeal.
- 3.11 If the grievance is proven to be knowingly malicious or vexatious, the individual raising it will be subject to disciplinary action in line with the Trust Disciplinary Policy.
- 3.12 In the interest of good staff relations, each stage of the policy should be undertaken without unreasonable delay. Whilst any delay should be kept to a minimum, it is also acknowledged that each case will be specific to that individual employee. Throughout this procedure, managers should promptly communicate the timeframe within which they will respond to the grievance with the individual(s) in writing, this timeframe must be reasonable. For example, if a manager receives a notification from a member of staff raising a grievance it would be reasonable that within 5 working days the manager will have confirmed (verbally or in writing) when they will be back in contact with the staff member.

## **4. Duties**

### **4.1 Trust Board**

The Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place to ensure employees are treated in a fair and consistent manner.

### **4.2 Directors and Heads of Department**

Directors and Heads of Department are responsible for ensuring appropriate systems and processes are in place across their Care Groups and Departments to monitor grievance matters, disseminate shared learning from any matters arising from the cases and ensuring that grievance matters are dealt with in a timely manner and in accordance with this policy.

### **4.3 Line Manager**

Line Managers are responsible for ensuring employees are aware of this policy and its contents. Any manager who is undertaking any formal stage of the policy would be expected to contact the Workforce Directorate in the first instance for advice and support on the implementation of the policy.

### **4.4 Commissioning manager**

The role of Commissioning manager is referred to at Stage 2 – the formal stage of the policy. When the manager overseeing the employee's grievance considers it necessary to undertake an investigation a Commissioning manager is appointed who is impartial and has had no dealings with the grievance to that point.

### **4.5 HR Director & Workforce Directorate**

The Trust's HR Director is responsible for this policy. The Workforce Directorate will provide support and guidance to ensure a fair and consistent process is followed and can be involved particularly at the formal stages of the policy i.e. stage 2 & 3.

### **4.6 All Staff**

All staff are responsible for taking reasonable steps to resolve their concerns as part of normal working practice at stage 1 of this policy. It is anticipated that, where it is appropriate, all staff will enter into facilitated conversations or using other OD interventions as appropriate as a route to resolution, unless specific reasons are identified to prevent this.

4.7 Where an employee wishes to be accompanied or represented during at any stage of the policy by either their trade union representative or Trust employed work colleague, they will be responsible for arranging this.

### **4.8 Trade Unions/Work Colleague**

Trade union representatives and work colleagues are expected to promote the benefits of early and informal resolution in the best interests of the individuals concerned and the Trust. Representatives will work with their members to support the individual to identify the best course of action.

4.9 The role of the trade union representative or Trust employed work colleague is to act as an advocate and representative and to provide the employee with advice and support on matters relating to any grievance (s) when requested by the individual.

### **4.10 Staff Psychological Service**

The Staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue. Individuals wanting to access their support can refer themselves by emailing: [sath.staffpsychology@nhs.net](mailto:sath.staffpsychology@nhs.net) or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet - Staff Psychology Service](#)

## **5. Right to be Represented and accompanied**

- 5.1 Employees can be accompanied at all stages of the grievance policy in line with the ACAS code, by an accredited representative of a Trade Union / Professional Organisation (TUPO) or by a work colleague employed by the Trust. Family members or partners who are also employed by the Trust are not allowed to accompany an individual unless they are required to assist with disabilities or language difficulties or any other extenuating circumstances.
- 5.2 The companion (whether TUPO or work colleague) may actively participate at meetings and on behalf of the employee. This also includes conferring with the employee during the meeting and responding on their behalf.
- 5.3 If there is a conflict of interest in the involvement of a manager, HR representative, or companion, the HR Representative and Employee's Representative will together agree the necessary course of action to be taken which might include replacing the manager, HR representative, or companion.

## **6. Status Quo**

- 6.1 "Status quo" refers to the maintenance of the existing arrangements in operation immediately prior to the grievance being lodged. It will be normal practice to suspend any planned changes that caused the grievance to be lodged until it has been heard and therefore to maintain the status quo. Should the employee wish to invoke the status quo this should be done as soon as possible. It can be requested at any stage as part of the grievance submission (see appendix A & B), but in most cases should be done immediately when the grievance is first raised.
- 6.2 Status quo will generally apply whilst the grievance is being heard, unless the manager has evidence that implementing the proposal or failing to implement the proposal which has led to the grievance being lodged would place the Trust in:
  - breach of its legal obligations.
  - a position which would compromise patient care; or
  - a position which could compromise the wellbeing or safety of other staff.
- 6.3 The manager receiving the grievance will respond in writing to any request within **5 working days** unless exceptional circumstances apply. In these circumstances they will confirm in writing why they are unable to respond within this timeframe.

## **7. Links with the Disciplinary/Performance Management/Probationary/Managing Attendance Policies**

- 7.1 Where a grievance is raised during disciplinary/ performance management/ probationary/ managing attendance proceedings:
  - proceedings may be temporarily suspended in order to deal with the grievance. (see section 3.4 – re matters not intended to be resolved via this policy)
  - otherwise proceedings will be run concurrently to any grievance process where a concern is raised by an employee being managed under one of these policies.



## **8. The Grievance Stages**

### **8.1 Stage 1 – Discuss It - Informal Resolution**

- 8.1.1 Dealing with grievances informally can often lead to speedy resolution of problems. In most circumstances concerns should be discussed and resolved as 'normal working practice' in an informal and supportive way through discussion between the employee and the manager who has taken a decision or action affecting the employee(s). Where an individual wishes to raise a concern at Stage 1 of the grievance policy, they should make it clear to the relevant manager that they are raising a grievance at Stage 1 – Discuss It - Informal Resolution and clarify the outcome they are seeking. Managers and individuals are encouraged, wherever possible, to be open minded when trying to identify ways of resolving differences in order to maintain good employee relations.
- 8.1.2 In the first instance a facilitated discussion is the recommended process to resolve disputes in the workplace. It is an informal process where colleagues can discuss concerns in a voluntary, safe, confidential meeting with the other party, in the presence of a trained or experienced facilitator (at any stage of this policy, it may be recommended that a facilitated conversation is sought as a means to gain resolution). The facilitator must be someone who has not previously been involved in the issue, whose involvement is mutually agreed as being beneficial by both parties and the relevant manager must contact the workforce team to make the necessary arrangements.
- 8.1.3 Many of these conversations will take place without an employee companion or HR colleague present. A member of staff may request that representative companion (see section 5) or member of the HR team is present as this policy enables representation at all stages (see section 5). If the manager is considering refusing this request they must discuss this with HR in the first instance.
- 8.1.4 It would be reasonable to expect that matters will be significantly progressed, if not concluded, within 2 weeks. If the issue is resolved through facilitated discussion, the informal grievance will be closed.
- 8.1.5 If facilitated discussion is explored and it is not successful, it is relevant for this to be raised and noted at the formal stages of the grievance policy.
- 8.1.6 Recording the outcome of stage 1 as a file note for the individual's personal file (a copy must be provided to the individual) or a short letter/email to confirm discussions and/or agreements reached. The file note should be signed by the individual to evidence that they agreed with the outcome of their grievance or if an e mail they should reply saying that they agree with the outcome. This will either close the grievance or if unresolved be used as evidence at the formal stages of this policy.
- 8.1.7 Matters may not be considered at the formal stages of this policy if there is no evidence that the employee has attempted to seek resolution through facilitated conversation and discussion with the relevant manager or the individual's line manager. Only in exceptional circumstances due to the seriousness of the grievance being raised, can a case be referred to the formal stages of this policy.

## 8.2 Stage 2 – Raise It - Formal Resolution

- 8.2.1 If the grievance has not been resolved through normal working practices at stage 1 (Discuss It) the individual can request formal resolution at stage 2 (Raise It). To raise a concern at stage 2 the individual must put the complaint in writing by completing the Record of Grievance Form (Appendix A). The form must be submitted to the line manager of the manager involved in Stage 1 (Discuss It) discussions. The purpose of any meeting at Stage 2 (Raise It) will be to consider all the points raised and seek the agreement of the individual to any steps or actions to try and resolve the grievance. The Record of Grievance Form should explain the basis of the grievance. It is helpful to include any relevant dates, facts and any thoughts the individual may have on the outcome they are seeking. The individual should outline actions taken to date to resolve the concerns through Stage 1 (Discuss It). It would be expected that matters will be significantly progressed, if not concluded, within 2 weeks.
- 8.2.2 Raising a concern via this route does not automatically mean that the manager to whom the concerns have been raised will not attempt to resolve the matter through meaningful conversation similar to Stage 1 (Discuss It) or support a resolution through facilitated conversations.
- 8.2.3 The relevant manager will acknowledge receipt of the stage 2 grievance Record of Grievance Form **within 5 working days**. This will also include a copy of the Grievance Procedure, for their information. The manager will arrange a meeting with the employee concerned. A member of the HR team may support the meeting. The employee may be accompanied (see section 5). Whilst attempting to resolve the matter, the manager should ensure that the employee and representative are kept fully informed at all stages.
- 8.2.4 The relevant manager has the discretion to commission a full investigation in line with the Trust's Policy and Guidelines for Managing Investigations and advice can be sought from Human Resources. Should an investigation be commissioned a different manager will be appointed as the Commissioning manager, who is impartial and has not been previously involved in this case. The employee will receive written confirmation that an Investigation will take place, the name of the Commissioning manager and receive all other relevant information.
- 8.2.5 On conclusion of any investigation, the Commissioning Manager will invite the employee to a feedback and outcome meeting which will be supported by Human Resources. The employee may be accompanied (see section 5). The Commissioning manager will make a record of the outcome meeting and produce a written response indicating the reasons for upholding or rejecting the grievance, recording any agreement reached and include the right of the employee to appeal the outcome by escalating their grievance to Stage 3, should they feel that their issue is still unresolved. The formal response should normally be provided in writing within **10 Working days** of the Stage 2 Meeting. Although if there is a need to extend this timeline the individual will be contacted by the Commissioning manager and a revised timeline agreed.
- 8.2.6 There are several outcomes that may occur as a result of the Stage 2 Grievance outcome meeting:
- a) Reach a mutually agreeable outcome with the individual that resolves the grievance in full.
  - b) Reach a decision on some but not all of the individual's concerns. This may mean that the other elements are not upheld or that there are other ways in which these issues can be addressed which will be set out in writing.
  - c) Adjourn to gather other relevant information to support their decision making in relation to the concerns raised. (Fact find).
  - d) Adjourn to commission an investigation into the concerns that have been raised.
    - Any investigation would be undertaken under the Trust's Employee Investigations Policy W37.

- The Commissioning Manager is responsible for keeping the individual informed of the details and progress of the investigation.
- The investigation report will normally be shared with the employee; however it may be redacted or in some circumstances it may not be appropriate to share. The decision to share this report rests with the commissioning manager with advice from HR.
- The Commissioning Manager will review the investigation report's findings to decide next steps which may either bring the matter to a close or due to the serious nature of the findings recommend that the matter should be dealt with under the disciplinary policy.

Note: - The above list of options (a – d) are examples for reaching a conclusion to an employee's grievance.

8.2.7 Where the meeting has been adjourned under options (c) or (d) above, a further meeting will be arranged with the individual when the manager is able to confirm their decision or is able to continue discussions to reach a mutually agreed resolution based on the findings. The decision or resolution reached at this follow up meeting will be confirmed in writing within 5 working days.

8.2.8 The individual has the right of appeal against the decision reached during Stage 2 (Raise It). The appeal should be sent to the person named in the outcome letter within 10 working days of receipt of the letter.

### 8.3 Stage 3 – Appeal It - Appeal against Formal Resolution

8.3.1 If the employee is not satisfied with the outcome at Stage 2 (Raise It), they may appeal. To do this, they must appeal in writing using the Grievance Appeal Form (Appendix B). The Form must be completed clearly and fully, setting out the grounds of the appeal in line with the criteria set out below. Additional documents can be included with the form to support the appeal. The appeal must be submitted within **10 working days** of receipt of the Outcome of the Stage 2 meeting.

8.3.2 Appeals can be made in relation to the following circumstances:

- that their grievance was not upheld where the evidence does not support this outcome.
- the correct policy or process was not followed.
- new evidence related to the grievance has come to light that would change the outcome.
- the outcome is inconsistent with how others have been treated

8.3.3 The manager who hears the appeal must be impartial, not previously involved in this case and normally this will be escalated to the line manager's manager or delegated to another manager in the Care group or service structure. They will be supported by an additional panel member who is also impartial and be advised by an HR Advisor. All parties must be informed of the names of the panel members including the HR Advisor. The manager will acknowledge receipt and arrange to meet with the individual within **10 working days** of the receipt of the Stage 3 Grievance confirming arrangements for the meeting in writing.

8.3.4 The purpose of the appeal meeting is not to re-visit the elements of the individual's grievance, but to consider and discuss the points of appeal stated in the Grievance Appeal Form (and review any new evidence if any has been submitted). The intention of this meeting is to enable a meaningful and supportive discussion regarding the points of the individual's appeal.

8.3.5 The individual has the right to be accompanied (see section 5).

8.3.6 The manager who considered the concerns at Stage 2 (Raise It) will be present at the Stage 3 (Appeal It) Meeting. The Grievance Appeal form and paperwork will be shared with that manager and they or the Commissioning manager (if there was an investigation) will be required to provide a formal written response to the points raised by the employee if they are

unable to attend the appeal meeting in person. The response will be shared with the employee in advance of the appeal meeting (timescales will be dependant upon the complexity of the concerns

8.3.7 The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The appeal outcome will be confirmed in writing within 10 working days of the appeal meeting. In exceptional circumstances the manager considering the appeal may require a longer period of time to consider their decision or gain clarification on certain matters and this must be communicated to the individual and a revised timeline agreed.

8.3.8 There is no further right of appeal.

## **9. Records**

9.1 A copy of all documentation relevant to the management of individuals concerns will be retained on the individual's personal file. Employees should receive a copy of any documents placed on their personal file. Where there are learning points or feedback for the manager against whom the grievance was raised, the appropriate decision maker will ensure these are communicated to that manager in writing, with a copy being placed on their personal file where appropriate.

## **10. Training Needs**

10.1 It is expected that any manager involved in the grievance process would receive training and where necessary be supported by a Workforce representative for guidance on the process.

10.2 Any manager who is undertaking any of the formal stages of the policy would be expected to contact the Workforce Department in the first instance for the advice and support on the implementation of the policy.

## **11. Review Process**

11.1 This policy will be reviewed if there are legislative changes, within 5 years or where other significant reason arises.

11.2 In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

## **12. Equality Impact Assessment (EQIA)**

12.1 This policy applies to all employees equally and has no positive or negative impact on the protective characteristics within the Equality Act (2010).

### 13. Process for Monitoring Compliance

13.1 The monitoring of this policy includes an annual audit of the points set out in the table below. Where non-compliance is identified an action plan will be drawn up and monitored at the Workforce Committee. Where remedial action can be taken immediately, the action must be recorded appropriately.

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
The policy is fairly applied to staff in a transparent manner	Use of workforce database	HR Business Partner for ER	Yearly	Workforce committee
Number of cases being referred to HR Advisors/Managers for support	Use of workforce database	HR Business Partner for ER	Yearly	Workforce committee
Number of appeals against decisions taken under this policy.	Use of workforce database	HR Business Partner ER	Yearly	Workforce committee
Ongoing discussions with JNCC representatives	Deputy Director of Workforce	Ongoing	JNCC Yearly	JNCC

### 14. References

- Legislation
  - Employment Act 2008
  - Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008
  - Employment Rights Act 1996 as amended
  - Employment Rights Dispute Resolution Act 1998
  - Employment Relations Act 1999
  - Employment Rights Act 2004
- CIPD – Good Practice Guidelines for Disciplinary and Grievance Procedures (Members only section of website)
- ACAS – Code of Practice for Disciplinary and Grievance Procedures

### 15. Associated Documents

Equality, Diversity and Inclusion Policy  
 Policy for Handling Concerns about Doctors and Dentists  
 Alcohol and Substance Misuse  
 Managing Attendance & Employee Wellbeing  
 Employee Investigations Policy  
 Disciplinary Policy  
 Managing Employee Performance Policy  
 Probationary Period Policy  
 Annual appraisal and pay progression policy.  
 Resolving Bullying and Harassment policy

## RECORD OF GRIEVANCE AT STAGE 2 - (Raise It – Formal Resolution)

### To be completed by the employee (or representative) raising a Grievance.

This form should be submitted if you wish to raise a grievance formally at Stage 2 of the Grievance Policy where your grievance was not resolved at Stage 1 (Discuss It – Informal Resolution)

You are required to complete this form and submit it to the next level of management within 10 working days of the confirmation outcome of the Stage 1 – ‘Discuss It’ – Informal Resolution (verbal or written).

Please read the Grievance Policy before completing this form. If you require assistance completing this form, please contact your Trade Union Representative, HR or your manager (an electronic version of this form is available from the HR Team). If you consider you will require any adjustments to enable you to attend any meetings to discuss your grievance, please specify below: -

<b>Name:</b>		<b>Date:</b>	
<b>Job Title:</b>		<b>Ward/ Department:</b>	
<b>Home Address:</b>			
<b>Contact Number:</b>			
<b>Email Address:</b>			
<b>Preferred method of written communication (delete as appropriate)</b>	<b>Email</b>	<b>Postal</b>	
<b>Adjustments required:</b>			
<b>Name of Companion (see section 5)</b>			
<b>Contact email address for Companion</b>			
<b>Do you consent to information be shared directly with your representative? (TU rep only)</b>	<b>Yes</b>	<b>No</b>	

*For collective grievances please list the names, job titles, department and contact details for each individual on a separate sheet of paper. The individual listed above will be used as the main point of contact and spokesperson for the group.*

<b>Have you attempted to ‘Discuss It’ previously?</b>	<b>Yes/No</b>	<b>If yes, with whom?</b>
<b>Outcome:</b>		
<i>Please include the name of the individual you have approached at Stage 1 ‘Discuss it.’</i>		
<b>If no, why is this not appropriate?</b>		

**Please note:** - Concerns will not be considered at stage 2 unless all reasonable steps have been taken to resolve matters at Stage 1 (Discuss It – Informal Resolution).

**NATURE OF GRIEVANCE**

<p><i>What management decision, action or omission that has been taken, is proposed or has failed to have been taken is your grievance against?</i></p> <p><i>Please include who communicated this decision, action or omission to you?</i></p>	
<p><i>Are you requesting that 'status quo' is invoked?</i></p> <p><i>Please note status quo will normally apply unless it can be demonstrated that this would prevent change necessary for the effective operation of the Trust.</i></p>	
<p><i>Please describe the nature of your Formal Grievance.</i></p> <p><i>Please provided a description of your concerns including precise information such as dates of events, meetings or correspondences, whether this is one off or part of a sequence of events, names or those involved and any reference documents or policies.</i></p> <p><i>Please attach any supporting information to the Form.</i></p> <p><i>(continue another sheet if required)</i></p>	
<p><i>Please state your desired outcome and why and how you believe this will resolve the issue?</i></p> <p><i>(continue on another sheet if required)</i></p>	

Signed:..... Date:.....

### GRIEVANCE APPEAL FORM (Stage 3 – Appeal It)

**To be completed by the employee (or representative) appealing against a Grievance Decision at Stage 2 (Raise it – Formal Resolution).**

This form should be submitted if you wish to appeal against the decision reached at Stage 2 ('Raise It – Formal Resolution) in relation to your grievance.

You are required to complete this form and submit it to the manager detailed in your Stage 2 outcome correspondence within 10 working days of the receiving written confirmation of outcome at Stage 2.

Late appeals or appeals on any other grounds to those set out in the policy will only be considered in exceptional circumstances.

Please read the Grievance Policy before completing this form. If you require assistance completing this form please contact your Trade Union Representative, HR or your manager (an electronic version of this form is available from the HR Team). If you consider you will require any adjustments to enable you to attend any meetings to discuss your grievance please specify below:-

<b>Name:</b>		<b>Date:</b>	
<b>Job Title:</b>		<b>Ward/ Department:</b>	
<b>Home Address:</b>			
<b>Contact Number:</b>			
<b>Email Address:</b>			
<b>Preferred method of written communication (delete as appropriate)</b>	<b>Email</b>	<b>Postal</b>	
<b>Adjustments required:</b>			
<b>Name of Companion (see section 5)</b>			
<b>Contact email address for Representative or Companion</b>			
<b>Do you consent to information be shared directly with your representative? (TU rep only)</b>	<b>Yes</b>	<b>No</b>	

*For collective grievances please list the names, job titles, department and contact details for everyone who is part of this appeal on a separate sheet of paper. The individual listed above will be used as the main point of contact and spokesperson for the group.*

#### **Stage 2 (Raise It – Formal Resolution) Grievance**

Date of Stage 2 meeting	
Manager reaching decision at stage 2	



**Reason for Appeal – Stage 3 ‘Appeal it’**

<p><b>What is the reason for your appeal?</b>                  My grievance was not upheld  <i>NB if your appeal is based on new evidence – you must explain why this previously undisclosed information was not presented/available at stage 2.</i></p>	See section 9.3.2	<b>Please Tick all that apply</b>
	the evidence did not support the outcome of my grievance	
	the correct policy or process was not followed	
	new evidence has come to light that would change the outcome	
	the outcome is inconsistent with how others have been treated	
<p><b>Are you requesting that ‘status quo’ is invoked?</b>                  Please note there is no automatic right for status quo to apply. It would normally apply unless it can be demonstrated that this would prevent change necessary for the effective operation of the Trust.</p>		
<p><b>Please detail the grounds for your appeal and why an Appeal is being requested?</b></p> <p><i>(Please attach any supporting information to the Form)</i></p> <p><i>(continue another sheet if required)</i></p>		
<p><b>What outcome do you seek?</b></p>		

**THIS GRIEVANCE HAS PREVIOUSLY BEEN CONSIDERED AT EITHER STAGE 1 OR 2, please summarise the outcome or attach the relevant outcome letter or other documentation from stage 1 and stage 2 of this grievance..**

**Signed:..... Date:.....**

# GRIEVANCE PROCESS

# Appendix C

