

Grievance Resolution Policy and Procedure (HR-001)

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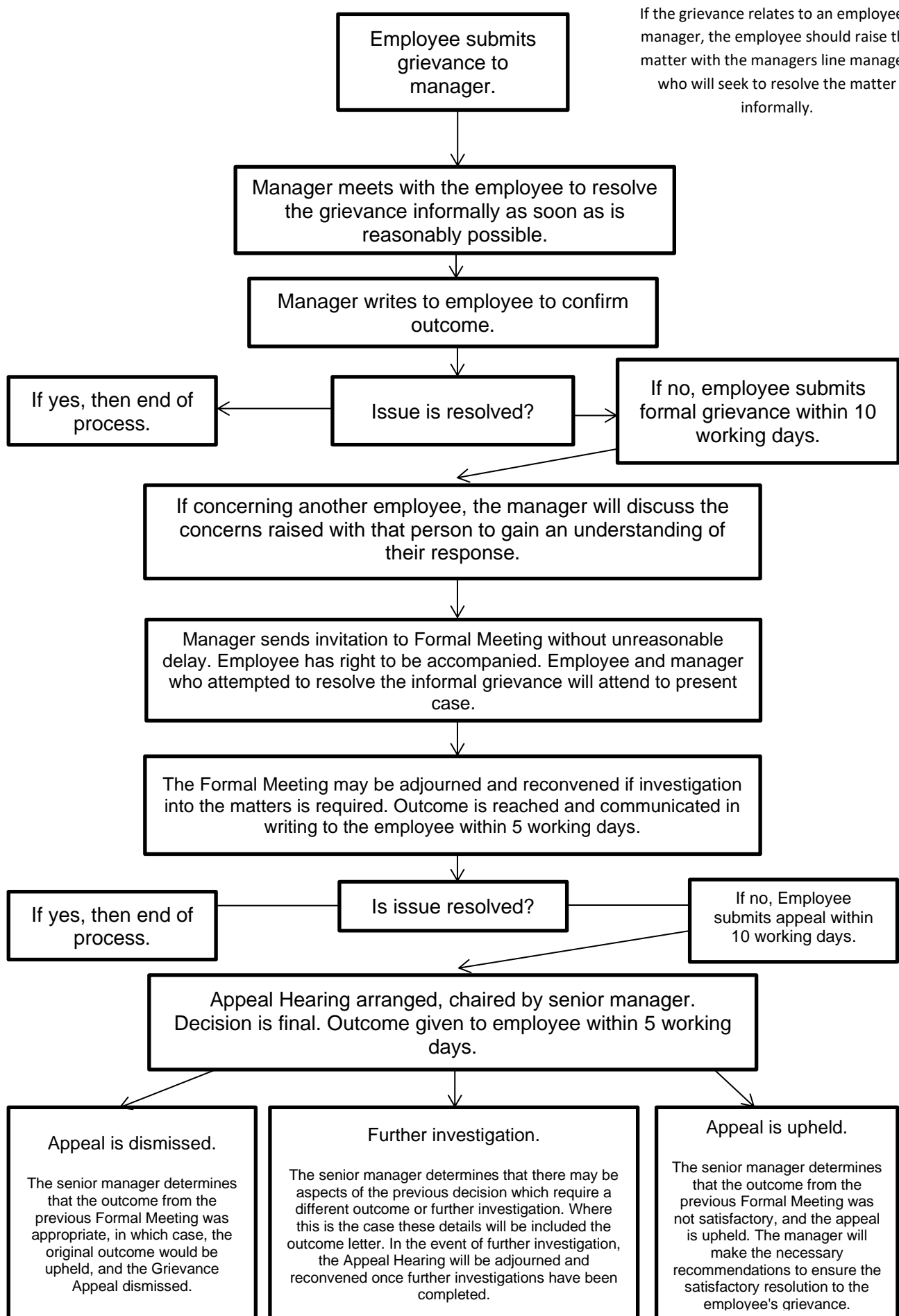
<i>Date approved by Lead Director:</i>	
<i>Date EMT as approving body notified for information:</i>	

Policies should be accessed via the Trust intranet to ensure the current version is used

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1. PROCESS FLOWCHART



2. INTRODUCTION

Humber Teaching NHS Foundation Trust believes that all employees should be treated fairly and with respect. The Grievance Procedure is the process by which an employee can raise employment issues concerned with the way in which they have been treated by the organisation, managers acting on its behalf and third party individuals.

The Trust works in accordance with the principles of Just Culture (NHS Improvement, last updated 14/12/2018) to ensure that staff involved in any deviation to the Trust's standards, policies and/or procedures are treated in a fair and equitable manner.

Just Culture encourages accountability and responsibility. Where staff have made a mistake, error or a misjudgement, truthfulness and admission is fundamental to maximise learning and improvement.

In line with the principles of a Just Culture this policy promotes the fair treatment of staff supporting a culture of fairness, openness and learning by making staff feel confident to speak up when things go wrong, or conduct falls short of the required standards. Click here: [NHS England » A just culture guide](#).

The policy brings the principles of facilitated conversations and mediation to the forefront of grievance resolution.

Mediation may be used where the manager believes that this may help to resolve the issues and maybe used at any stage of the procedure as appropriate.

The aim of this procedure is to settle any grievance an employee or employees may have as fairly and as simply as possible to ensure that minor issues do not escalate into major disputes.

Managers, employees, and staff representatives involved in the resolution of grievances are expected to adhere to the Trust's values, enshrined in the Behavioural Framework.

Affected parties should be offered a referral to Occupational Health and made aware of services which may provide support including the Employee Assistance Programme and any other counselling services available. Where appropriate, the manager addressing the grievance at any stage may contact the Occupational Health Manager to request a priority referral to counselling services.

3. SCOPE

Grievances must be raised within three months of the incident or action giving rise to it unless exceptional circumstances apply. Any grievance raised outside of that time limit may not be considered.

Grievances can only be raised by a current employee or ex-employee (subject to the time limits above). If an ex-employee wishes to raise a grievance, they must indicate in writing that this is the case.

There is no automatic right to a meeting in respect of a grievance raised by an ex-employee and any response to that grievance may be in writing only. The decision on offering a meeting will be at the discretion of the manager.

Comments made on an Exit Questionnaire or in an Exit Interview will not automatically be considered as a grievance for the purposes of this policy.

To provide clarity the below is a list of examples of issues that have been raised as grievances. This list is not exhaustive:

- An employee feels that a process has not been followed fully and as such has suffered detriment.
- An employee feels aggrieved that they are being treated less favourably than another employee.
- An employee feels that the actions/behaviour of another employee/manager is targeted towards them and is causing them distress.
- An employee feels that they are not being paid correctly and are not being listened to when raising the issue.

Some matters relating to employment do not fall within the scope of this policy and are dealt with under separate arrangements. These include:

- Disciplinary outcomes (Disciplinary Policy).
- Flexible working application outcomes.
- Allegations of serious health and safety issues, unethical conduct, conduct that is an offence, fraud, corruption, or financial malpractice (Freedom to Speak Up Policy).
- Applications for grading, re-grading and appeals (Job Evaluation Policy).
- Payroll matters affecting Income Tax, National Insurance, Pension, etc.

This policy applies to all Trust employees. The policy and procedure applies to all, regardless of sexual orientation, gender identity and all other protected characteristics.

If a grievance is raised concerning the Chief Executive Officer, the chairperson will act as the line manager and the senior independent director will act as chair of any appeal panel.

If a grievance is raised concerning any director, this should be submitted to the Chief Executive who will nominate an executive director to act as the manager for the purposes of this policy and procedure. The Chief Executive will chair any subsequent appeal should the need arise.

4. DUTIES AND RESPONSIBILITIES

Chief Executive

The Chief Executive is ultimately responsible for the content of all policies and their implementation.

Executive Directors

To ensure that this policy is acted on through policy dissemination and implementation in collaboration with senior managers.

Senior Managers and Managers

Ensure all staff within their area of responsibility are informed about the contents of this and other associated policies and procedures and apply this policy and procedure in a fair and equitable manner. To comply with this policy and ensure any employment related concern is investigated and resolved as quickly as is reasonably possible.

Where patient safety concerns are raised as part of a grievance, these will be reported via DATIX and investigated as appropriate. If appropriate, an investigation may need to follow the Patient Safety Incident Response Framework (PSIRF). During any Grievance process the HR support for the investigation will seek clarification as to the status of the DATIX and ensure completion if

outstanding. Any outcome arising from the PSIRF investigation may then be fed back to the grievance process, as appropriate.

Ensure the process is conducted in accordance with the principles of NHS England's Just Culture guide.

Staff Members

All staff have a duty to comply with all policies in use at the Trust.

Staff members with a grievance should raise issues promptly.

Staff members involved within the scope of a grievance and/or investigation are required to participate and provide responses to any matters arising from the investigation and provide accurate accounts of their version of events.

People and Organisation Development Team (People and OD)

P&OD (formerly known as Workforce and OD) are the point of contact for employees and managers if they have need for advice or have a concern over the delivery and implementation of this policy.

Occupational Health

Occupational Health are responsible for responding to any referrals and ensuring that staff members feel adequately supported during this process, referring them to any services that may be of use.

5. FURTHER INFORMATION

Employees should note that the electronic, audio or video recording, by any device, of all meetings associated with the grievance process will not be permitted, unless express authorisation has been received from the appropriate senior manager prior to any such recording taking place.

If, at any stage, a grievance claim makes false accusations and is therefore found to be vexatious, the Disciplinary Procedure may be invoked.

All parties should raise and deal with issues promptly and should not unreasonably delay meetings, decisions, or confirmation of those decisions in writing.

Where patient safety concerns are raised as part of a Grievance, these will be reported via DATIX and investigated, and if appropriate using the Patient Safety Incident Response Framework (PSIRF). Any outcome arising from the PSIRF investigation may then be fed back to the Grievance process, as appropriate.

6. PROCEDURE

6.1. INFORMAL STAGE

Where an employee has a complaint or issue arising from their employment, they should raise the matter with their immediate manager using the Appendix 3: Grievance Form. The immediate manager should meet with the employee informally as soon as is reasonably practicable to discuss the matter and seek a resolution and take notes of this conversation. The notes must include the

date the issue was raised, the date of the meeting, the nature of the grievance, any advice given and the outcome.

Managers are expected to engage with employees in a positive and constructive manner to seek to fully understand and resolve the grievance.

Every attempt should be made by both the manager and the employee to resolve the problem in an informal manner where possible through discussion at a local level.

If the grievance relates to an employee's manager, the employee should raise the matter with the manager's line manager, who will seek to resolve the matter informally.

Additional to meeting informally with the employee the manager considering the grievance may need to gather other evidence in a fact-finding capacity to better understand the nature of the grievance and be able to resolve the matter at this stage.

At this informal stage, meetings will be held on a one-to-one basis between the employee and manager, without representation. During the informal stages, the employee can seek support and advice from a trade union representative as applicable. Contact details are available on the Trust intranet site and/or Operational HR team.

In circumstances where it becomes apparent that an investigation into the grievance may need to be commissioned, the manager will inform the employee and arrange for an appropriate independent person to carry out the investigation.

All parties should approach the Informal Stage with a view to finding resolution and the employee in particular needs to consider what action would resolve the grievance for them.

The manager should confirm in writing to the employee the outcome of the Informal Stage using Letter 1 Outcome of the Informal Grievance Meeting.

This letter should also advise the employee that if they feel the matter has not been resolved satisfactorily via the Informal Stage they can progress the matter to the Formal Stage by writing to their manager's manager within ten working days of receiving the letter.

6.2. FORMAL STAGE

Where the Informal Stage has not resolved the grievance, the Formal Stage should be used.

In **exceptional circumstances** only, it may be considered appropriate for the grievance to be handled formally without the requirement to have completed the Informal Stage. These will be treated on a case-by-case basis, the employee raising the grievance will be consulted prior to this decision being made. In all other cases the expectation will be that the grievance has been through the Informal Stage prior to reaching the Formal Stage.

Any grievance must be in writing and Appendix 3: Grievance Form is available for that purpose. However, a letter or email will also be accepted.

The form, letter or email needs to set out the grievance, any actions taken so far to resolve the matter and the outcome(s) required to satisfactorily resolve the grievance. The grievance should be given to the line manager (who dealt with the informal process) who will forward it onto the next level of management.

Consideration should be given regarding the manager's availability when appointing an appropriate manager who can conduct the Formal Stage in a timely manner without unreasonable delay.

Where the grievance is about another employee, the manager meeting with the employee to resolve the grievance should speak to the employee concerned to obtain their response to the

points raised about them. At the end of the process, it is advisable to agree a format of feedback for the individual that the grievance was raised about.

The manager will meet with the employee to try and seek a resolution to the matter. Any meeting arranged must give a minimum of five working days' notice and the employee will have the right to be accompanied by a recognised Trade Union Representative, Trade Union Officer or Trust work colleague. The manager hearing the grievance will be accompanied by a P&OD Representative.

A note taker may also be in attendance and will be provided by the manager. See Letter 2 Inviting the Employee to Attend a Formal Meeting.

The manager who has met with the employee to resolve the matter at the Informal Stage will also attend, with their notes of the previous informal meeting.

As this is a formal meeting, the process to be followed at that meeting can be found at Appendix 4: Guidance on Conducting a Formal Meeting. However, the manager hearing the matter may determine a process that best meets the needs of the circumstances to resolve the matter.

6.3. POSSIBLE OUTCOMES OF FORMAL STAGE

Manager upholds or rejects the grievance

The manager hearing the matter will notify the employee and the manager of the outcome in writing within five working days of the meeting. The manager will keep notes of the meeting and outcome and a template (Letter 3 To Employee on the Outcome of the Meeting) is for the manager's use.

If the employee raising the grievance is dissatisfied with the outcome, they have the option to appeal (See section 9).

Investigation as an outcome of the Formal Stage

If the manager feels that it is necessary to commission an investigation at this stage, they will inform the employee that an investigation into the matter will take place as soon as possible using Letter 4. It will generally not be necessary to undertake a further investigation if one has been completed at the Informal Stage.

In this event, the formal meeting will be adjourned and reconvened once the investigation has been completed. Following receipt of the investigation report, the manager will recall the meeting, using Letter 5.

The manager hearing the grievance will then seek to resolve the matter at this reconvened meeting, notifying both parties at the same time using Letter 6.

Where mediation was not considered appropriate at the Informal Stage, the manager may recommend mediation at the Formal Stage (See section 8: Mediation).

6.4. INVESTIGATIONS

Investigations into grievance matters may be commissioned at any stage of the procedure as appropriate.

The manager will inform the employee of this as soon as possible using Letter 4 and arrange for an appropriate independent person to be the Investigating Officer and carry out an investigation.

A competent Investigating Officer (IO) will be appointed to carry out the investigation in a transparent and professional manner. The Commissioning Manager (CM) will define the scope of the investigation and provide an outline of the related issues as well as an appropriate timeframe as per a Terms of Reference (ToR).

The CM and IO need to ensure that adequate time and resources are available for them to be able to conduct a thorough and timely investigation.

The manager hearing the grievance may investigate the matter themselves without appointing an IO, where the circumstances and adequate time and resources allow.

The IO will investigate the matter and produce a written Investigation Report and provide this to the manager hearing the grievance.

The Investigation Report will look into the facts surrounding the grievance and the IO will interview all relevant parties involved before writing the report. This is a fact gathering exercise only so the IO will not make conclusions or recommendations for action as this is for the manager hearing the matter to decide.

A copy of the Investigation Report will be made available to the employee and manager who heard the matter at the Informal Stage, prior to the meeting. It may be considered necessary to redact parts of the report unrelated to the grievance before this is provided to the employee. It is important where the pack includes information (for example but not limited to comments or statements from colleagues) which could cause distress, it is carefully considered how this is delivered and support is offered prior to this being provided to the employee.

The IO will not normally be present at the subsequent formal meeting but where there is a request from the employee/representative for the IO to attend the manager will decide whether this is appropriate.

6.5. MEDIATION

Mediation may be used where the manager believes that this may help to resolve the issues and may be used at any stage of the procedure as appropriate. Appendix 5 sets out what mediation is.

The decision to proceed to mediation will be on a case-by-case basis and following discussion with the relevant manager and mediator. Mediation is not provided internally by the Trust therefore should be externally sourced by People and OD and funded by the Division.

Where the mediator agrees that mediation is appropriate, the relevant Workforce Advisor within the Trust will commission this service accordingly and communicate this outcome to all employees involved in the mediation using Letters 7 and 8.

Mediation can only take place if all parties are in agreement to it and there should be no coercion by management on any individual to participate.

Where there is a formal agreement, this will be shared with the Commissioning Manager for information only.

If there is no agreement between the employees concerned at mediation, the mediator will confirm this to the manager hearing the grievance.

If still aggrieved the employee raising the grievance can request progression to the next appropriate stage of the procedure.

6.6. APPEAL STAGE

If an employee is dissatisfied with the response to their grievance at the Formal Stage, they have a right of appeal. Any appeal should be in writing and lodged with the deputy director of People&OD within ten working days of receipt of the outcome of the formal meeting.

The grounds of appeal should be set out in the appeal letter and the employee, or their representative will use those grounds to establish their case. The appeal will focus on the parts of the decision the employee is not satisfied with and is not intended for the purpose of re-hearing the

entire grievance or raising any new issues. The employee should also state what action(s) would resolve the matter for them.

If an employee seeks to raise matters which were not part of the grounds of appeal, the manager may determine that these should not be considered as part of the appeal process. If they do agree for them to be considered, this may result in a delay in concluding the appeal process.

A grievance appeal must be heard by a senior manager of at least Agenda for Change Grade 8B (or consultant) level who has not previously been involved in the matter. The senior manager hearing the appeal does not need to be from the same division/service area as the employee raising the grievance.

The employee will have the right to be accompanied by a recognised trade union representative, trade union officer or Trust work colleague of their choice.

In attendance at the Appeal Hearing will normally be the manager hearing the appeal, a P&OD representative acting in an advisory capacity to the manager hearing the appeal, the employee, their representative and the manager who heard the matter at the Formal Stage. All of the manager's notes of the previous meeting, reports and outcome letters will be provided to the manager hearing the appeal prior to the meeting.

6.7. POSSIBLE OUTCOMES OF APPEAL STAGE

The appeal is dismissed

The senior manager determines that the outcome from the previous formal meeting was appropriate, in which case, the original outcome would be upheld, and the grievance appeal dismissed.

Further investigation

The senior manager determines that there may be aspects of the previous decision which require a different outcome or further investigation. Where this is the case, these details will be included in the outcome letter. In the event of further investigation, the appeal hearing will be adjourned and reconvened once further investigations have been completed.

The appeal is upheld

The senior manager determines that the outcome from the previous formal meeting was not satisfactory, and the appeal is upheld. The manager will make the necessary recommendations to ensure the satisfactory resolution to the employee's grievance.

The decision of the senior manager hearing the appeal is final and the outcome will be notified to the employee and manager within five working days of the meeting. This marks the end of the grievance process.

7. RECORD KEEPING

Managers will retain their own notes of the outcome and discussions of any informal discussions. These will be kept securely and not on an employee's personal file.

P&OD will retain papers on any formal grievance or appeal for a period of six months.

8. REFERENCES

ACAS Code of Conduct
NHS Employers Guidance

APPENDIX 1: DOCUMENT CONTROL SHEET

Document Type and Title:	Policy		
Document Purpose:	The policy brings the principles of facilitated conversations and mediation to the forefront of grievance resolution.		
Consultation/ Peer Review	Date	Group / Individual	
<i>list in right hand columns consultation groups and dates</i>	09.02.23	TCNC	
	11.04.24	TCNC – 2024 routine review version 5.3.	
	24.06.24	ODG	
	05.07.24	EMT	
Approving Body:	EMT	Date of Approval:	05.07.24
NB All new policies and policies subject to significant amendments require approval at EMT and Board ratification.		<i>(see document change history below for minor amendments and dates)</i>	
Ratified at:	Trust Board	Date of Ratification:	31.07.24
Training Needs Analysis: <i>(please indicate training required and the timescale for providing assurance to EMT as the approving body that this has been delivered)</i>		Financial Resource Impact:	
Equality Impact Assessment undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
	If N/A, state rationale:		
Publication and Dissemination	Intranet <input checked="" type="checkbox"/>	Internet <input type="checkbox"/>	Staff Email <input checked="" type="checkbox"/>
Master version held by:	Policy Management Team <input checked="" type="checkbox"/>	Author to send final document to HNF-TR.PolicyManagement@nhs.net	
Implementation:	<i>Describe implementation plans below - to be delivered by the author:</i> Implementation will consist of: <ul style="list-style-type: none"> ▪ Intranet ▪ Managers' newsletter 		
Monitoring and Compliance:			

Document Change History:

Version Number / Name of procedural document this supersedes	Type of Change i.e. Review / Legislation	Date	Details of Change and approving group or Executive Lead (if done outside of the formal revision process)
2.01	Review	03.09.12	Reviewed and updated by HR Policy Group Paragraph regarding confidentiality added to the Policy Statement – page 4 Definition of Mediation added – page 5 Length of time to respond changed from 5 to 10 working days – page 5 (5.1.2)
2.02	Review	03.03.17	Renaming Grievance processes. Formal process identified as a meeting or an investigation. 5.8 Modified Process
3.0	Review	20.07.17	Review of process and update of policy to support this
4.0	Review	01.09.19	Full review of the process with major changes made.
5.0	Review	22.01.20 26.02.20	Reviewed and updated. Approved at Workforce and OD Committee Ratified by Trust Board 26 February 2020
5.1	Review	28.03.23	Review with non fundamental changes made Page 3: Flowchart

			<p>(a) Changed the time a manager should meet with employee from within two weeks to 'as soon as is reasonably practicable'.</p> <p>(b) added if complaint relates to line manager, raise with line managers line manager. Not new, already in the body of the policy.</p> <p>(c) added 5 working day time scale to provide outcome in writing following formal meeting. Timescale not new, pre-existing in policy.</p> <p>(d) Added appeal should be received 10 working days of formal outcome. Timescale not new, pre-existing in policy.</p> <p>Page 5: Duties and responsibilities section added to bring in line with standard policies</p> <p>Page 5: reminder all parties to raise and deal with complaints promptly without delay</p> <p>Page 6: Added manager should meet employee informally as soon as is reasonably practicable.</p> <p>Page 6: added comment employee can seek advice from trade union during informal step. Informal step remains between manager and employee only, without representation.</p> <p>Page 7: Corrected an appendix number.</p> <p>Page 9: Equality Impact Assessment, Review and Revision, Dissemination and Implementaiton; standard sections added to bring in line with standard policies.</p> <p>Approved by director sign-off (Steve McGowan – 28 March 2023).</p>
5.2	Revert	08/06/2023	Document content fully reverted back to version 5.0 with a policy expiry date of 29 February 2024 set. Approved by director sign-off (Steve McGowan – 8 June 2023).
5.3	Full Review	July 2024	<p>(a) Re-applied minor changes described in version 5.1 following discussion with TCNC.</p> <p>(b) Section 2: Added reference to Occupational Health to support affected staff.</p> <p>(c) Section 2: Reiterated mediation as a potential step to consider at any stage – to make this more prominent higher up the policy</p> <p>(d) Section 7: added wording that an employee raising a grievance will be consulted before going straight to formal stage (if this was not at their request)</p> <p>(e) Section 7: added wording to ensure consideration given to a managers availability when assigning a manager to hear formal stage without causing delays</p> <p>(f) Section 9: added wording to mirror other workforce policies that involve commissioning investigations, purpose is to ensure a timescale is considered and included in same way as other workforce processes do.</p> <p>(g) Section 9: Adding wording to reflect current custom and practice i.e. the manager hearing the grievance may investigate the matter themselves without appointing an IO</p> <p>(h) Appendix 4: added wording to stress the importance of any grievance meeting being held in a supportive manner</p> <p>(i) Equality Impact Assessment updated: Some consideration may be required on occasion to help any employee recruited from overseas to understand and navigate the informal stages. It can be a fact those recruited from overseas may not be accustom to typical employment related processes.</p> <p>(j) Section 9: Added wording: <i>It is important where the pack includes information (for example but not limited to comments or statements from colleagues) which could cause distress, it is carefully considered how this is delivered and support is offered prior to this being provided to the employee.</i></p> <p>(k) Managers directed to NHS England Just Culture at various points.</p> <p>Approved at EMT (5 July 2024) and ratified at Board (31 July 2024).</p>

APPENDIX 2: EQUALITY IMPACT ASSESSMENT (EIA)

For strategies, policies, procedures, processes, guidelines, protocols, tenders, services

1. Document or Process or Service Name: Grievance Policy and Procedure
2. EIA Reviewer (name, job title, base and contact details) Justin Marjoram, Employee Experience Projects Lead / Interim Employee Relations and Workforce Manager
3. It is a policy and procedure

<p>Main Aims of the Document, Process or Service</p> <p>Humber Teaching NHS Foundation Trust believes that all employees should be treated fairly and with respect and in accordance with the principles of Just Culture. The grievance procedure is the process by which an employee can raise employment issues concerned with the way in which they have been treated by the organisation, managers acting on its behalf and third party individuals.</p> <p>Please indicate in the table that follows whether the document or process has the potential to impact adversely, intentionally or unwittingly on the equality target groups contained in the pro forma</p>

<p>Equality Target Group</p> <ol style="list-style-type: none"> 1. Age 2. Disability 3. Sex 4. Marriage/Civil Partnership 5. Pregnancy/Maternity 6. Race 7. Religion/Belief 8. Sexual Orientation 9. Gender Reassignment 	<p>Is the document or process likely to have a potential or actual differential impact with regards to the equality target groups listed?</p> <p>Equality Impact Score Low = Little or No evidence or concern (Green) Medium = some evidence or concern (Amber) High = significant evidence or concern (Red)</p>	<p>How have you arrived at the equality impact score?</p> <ol style="list-style-type: none"> a) who have you consulted with b) what have they said c) what information or data have you used d) where are the gaps in your analysis e) how will your document/process or service promote equality and diversity good practice
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Equality Target Group	Definitions	Equality Impact Score	Evidence to support Equality Impact Score
Age	<p>Including specific ages and age groups:</p> <p>Older people Young people Children Early years</p>	Low	There is no evidence that this equality group is negatively affected by the policy
Disability	<p>Where the impairment has a substantial and long term adverse effect on the ability of the person to carry out their day to day activities:</p> <p>Sensory Physical Learning Mental health</p> <p>(including cancer, HIV, multiple sclerosis)</p>	Low	<p>There is no evidence that this equality group are negatively affected by the policy</p> <p>Any reasonable adjustments required to avoid a disadvantage created by a disability and is required to allow individuals to participate fully should be considered with occupational health advice in the same manner as any other PCP in the workplace.</p>
Sex	<p>Men/Male Women/Female</p>	Low	There is no evidence that this equality group are negatively affected by the policy
Marriage/Civil Partnership		Low	There is no evidence that this equality group is negatively affected by the policy

Pregnancy/ Maternity		Low	There is no evidence that this equality group is negatively affected by the policy
Race	Colour Nationality Ethnic/national origins	Low	There is no evidence that this equality group is negatively affected by the policy. Some consideration may be required on occasion to help any employee recruited from overseas to understand and navigate the informal stages. Additional support can be provided by HR or a suitable person.
Religion or Belief	All religions Including lack of religion or belief and where belief includes any religious or philosophical belief	Low	There is no evidence that this equality group is negatively affected by the policy
Sexual Orientation	Lesbian Gay men Bisexual	Low	There is no evidence that this equality group is negatively affected by the policy
Gender Reassignment	Where people are proposing to undergo, or have undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attribute of sex	Low	There is no evidence that this equality group is negatively affected by the policy
Summary			
<i>Please describe the main points/actions arising from your assessment that supports your decision above</i>			
There is no evidence to suggest that any of the protected characteristic groups are negatively impacted.			
EIA Reviewer: Justin Marjoram, Employee Experience Projects Lead / Interim Employee Relations and Workforce Manager			
Date completed: 28.04.24		Signature: J Marjoram	

APPENDIX 3: GRIEVANCE RESOLUTION FORM

GRIEVANCE RESOLUTION FORM

Full Name:

Department:

Job Title:

**Name of
line
manager:**

Please explain your employment grievance in full below:

Please explain, what action has been taken so far, who has considered it and what was the result?

Please consider, what is the outcome that you require to resolve your grievance?

Signed:

Date:

Please retain a copy and forward this onto your line manager.

APPENDIX 4: GUIDANCE ON CONDUCTING A FORMAL GRIEVANCE MEETING

The manager hearing the matter arranges for the parties to enter and take designated seats.

Manager conducts introductions if this is necessary.

N.B. If the employee is unaccompanied, the manager checks that they are happy to proceed without representation and makes a note to that effect.

If the matter has been the subject of an investigation, the manager hearing the matter will ensure that all parties have received and read the appropriate documentation prior to the meeting.

When directed by the manager hearing the matter:

- The employee states the nature of the grievance and what has been done to resolve the matter.
- The manager hearing the matter may ask questions to clarify details.
- The P&OD representative may ask questions to clarify details.
- The manager who has dealt with the matter up to now is asked to respond.
- The manager hearing the matter may ask questions to clarify details.
- The P&OD representative may ask questions to clarify details.
- The manager will ask both parties to withdraw and notify the employee and manager of his/her decision, in writing within five working days of the meeting.

Remember that a grievance hearing is not the same as a disciplinary hearing, the manager should take steps to ensure the employee feels it is their meeting, is supportive, is intended to resolve an employee's concerns and/or provide any necessary reassurances, and is an occasion when discussion and dialogue may lead to an amicable solution:

- Remain impartial and objective at all times.
- Invite the employee to re-state their grievance and how they would like to see it resolved.
- Put care and thought into resolving grievances. They are not normally issues calling for snap decisions, and the employee may have been holding the grievance for a long time.
- Make allowances for any reasonable 'letting off steam' if the employee is under stress.
- Consider adjourning the meeting if it is necessary to investigate any statements made or new facts which arise.
- Sum up the main points.

The decision is that of the manager hearing the matter and the Workforce Advisor / P&OD Representative acts in an advisory capacity only.

The process at the Appeal Hearing is the same except that the manager who dealt with the complaint at the formal meeting will attend instead of the manager who dealt with it at the Informal Stage.

APPENDIX 5: WHAT IS MEDIATION?

THE MEDIATION PROCESS EXPLAINED

What is Workplace Mediation?

Workplace Mediation is a confidential and informal way to resolve disagreements or disputes between people who work together. The process is assisted by a trained Mediator who acts as a facilitator. The process works by encouraging the parties to speak to each other and reach a mutually acceptable agreement that will sort out their problems. It gives the parties a chance to talk about the situation, express their concerns to each other and come up with some practical ideas about how things could change for the better. The dispute could be between two or more people.

Mediation is:

Voluntary – it cannot work unless all parties agree to mediation. It is therefore essential that the parties are not put under pressure to attend mediation or feel that it will count against them if they decide not to participate.

A means for reaching agreement – the parties will be asked to identify their issues and concerns and from this an agenda will be set to help them jointly work towards an acceptable agreement. The mediator will encourage open communication and will help the parties to generate options and ideas that will improve the situation. The aim of mediation is to achieve a win/win outcome with the party's taking responsibility for making changes and agreeing a more positive way of working for the future.

Confidential – the process is carried out on the basis of agreed confidentiality between the parties and the mediator. The exception to this would be if a party raised issues of harm to self or others or issues of serious misconduct. The content of mediation is not fed back to P&OD staff or managers, nor is it recorded on the employee's personnel file. However, the parties may find it helpful to share some or all of details of their agreement with people outside of the process.

Quick – the aim of mediation is to resolve issues at the earliest opportunity. Mediation can be arranged promptly, and the process can usually be completed in one or two days.

What types of disputes can be resolved through Workplace Mediation?

Mediation can be an effective method of resolving all types of workplace disputes. These could include:

- Communication issues.
- Personality clashes.
- Unresolved or ongoing grievance issues.
- Perceived discrimination, harassment or bullying.
- Differences of working style or approach.
- Inappropriate use of power, status or position.

What is the Mediator's role?

The Mediator's role is to act as an independent and impartial facilitator. They will not take sides or judge what is right or wrong. They will coordinate the process by making sure that each party has an equal voice, is heard and is able to respond.

There will be an agreement of willingness to undergo mediation from each party before the process begins.

The Mediator will establish the ground rules and ensure that all parties comply with these. They will also encourage the parties to discuss their issues of concern and help them look for realistic solutions. Where appropriate, the Mediator will assist the parties to draw up a mutually acceptable agreement that can be signed by all parties.

The parties can talk to the mediator openly because he or she will not pass on anything said without the agreement of the person who said it.

How does Mediation work?

Stage One: Separate meetings with the parties

The Mediator will meet with the parties individually to:

- Explain the mediation process, including confidentiality, and the role of the Mediator.
- Explore the core issues and identify the ideal outcome for both parties.

The Mediator may need to meet with either of both parties on more than one occasion to clarify any further issues arising from Stage One.

Stage Two: Face-to-face Mediation

The mediator will ensure that a suitable venue has been arranged where there will be no interruptions and confidentiality can be maintained. The Mediator will:

- Set the scene.
- Establish the ground rules for the meeting (e.g., the need to respect and listen to each other's views, confidentiality, etc.).
- Provide uninterrupted time for each party to set out the issues as they see them.
- Agree an agenda of issues to be explored and discussed further.

Explore the issues

- Explore the issues with both parties.
- Encourage open communication.
- Identify people's concerns about the issues.
- Encourage a mutual understanding of the issues.
- Encourage a change of focus from the past to the future.
- Summarise areas of consensus and disagreement.

Build an agreement

Mediation will work towards:

- Generating and assessing options.
- Encouraging problem solving.
- An acceptance or acknowledgement of conciliatory gestures.
- Constructing a mutually acceptable agreement for a more positive way of working for the future and create fall back arrangements.
- Identifying what happens next if no agreement can be reached.

Closure and follow-up

The session will conclude when both parties agree that they have dealt with the dispute and have reached a mutually acceptable agreement, with a clear understanding of what has been agreed.

If an agreement is reached, it will be written down in clear, unambiguous language and both parties will be asked to sign it.

Reach an agreement about who retains copies of the agreement (e.g., just the parties or do the parties agree to others, such as their manager, having a copy).

Reminder of the confidential nature of the process.