

Grievance Policy

Document Change History (changes from previous issues of policy (if appropriate)) :

Version number	Page	Changes made with rationale and impact on practice	Date
10	5	Addition of Just and Learning Culture Guiding Principles	July 2021
11	All	Full review of policy	June 2023

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1. Purpose

The purpose of this policy is to set out the Trust's position and procedures on workplace grievances.

The Trust believes that this policy will help to ensure that all grievances are dealt with in a fair and consistent manner throughout the Trust and will contribute to the maintenance of good management and staff relations. The procedure also aims to provide for the quick resolution of a grievance and conflict as close as possible to its point of origin.

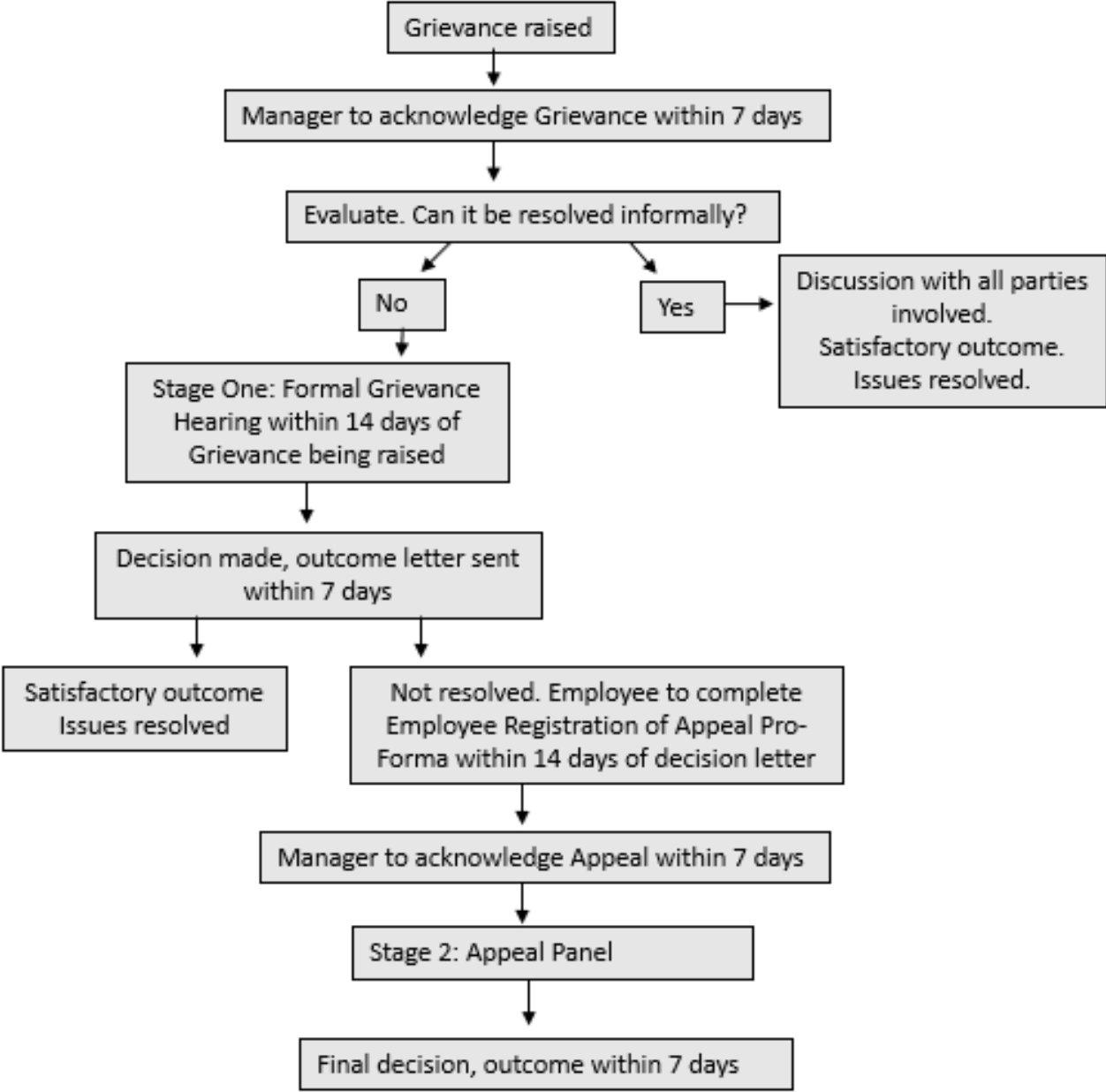
The Grievance Policy and Procedure has been written in accordance with the ACAS Code of Practice. It is designed to help managers, employees and their representative's deal with grievance situations in the workplace.

The purpose of the Grievance Policy and Procedure is to provide a mechanism for individual employees and collective groups, to raise a grievance arising from their employment; and for it to be dealt with promptly, fairly and at a local level.

Scope

The policy applies to all staff employed by the Trust, including those who are seconded out to another organisation and to those on fixed term contracts. It does not apply to staff employed elsewhere and seconded into the Trust (those staff are the responsibility of their substantive employer) or to agency/bank staff.

2. Flow Chart



3. Just and Learning Culture – Guiding Principles

1. Everyone should be encouraged to live the values of compassion and kindness with colleagues, every day
2. Colleagues should be able to work in an environment where they feel supported and empowered to learn when things don't go as expected, through restorative practice
3. Colleagues should be encouraged to speak up about something which didn't go to plan, without fear of punitive individual repercussions
4. In the case of an adverse event, employers should not instinctively ask 'who' was to blame but 'what' led the event to occur
5. Formal investigation processes and suspensions should be avoided wherever possible, in favour of explorative conversations, to include discussions about all personal responsibility processes, which are informal and fair, adhering to just and learning principles
6. It is never too late to reconsider the correct approach to an employment relations issue, and consider alternative resolution outside of formal disciplinary and grievance processes
7. When there is a need for formal processes, they should be undertaken compassionately, begin with an investigation of the facts around what went wrong and be undertaken in a timely manner
8. Just and learning culture should not be mistaken for an uncritical culture where 'anything goes' – which can be as harmful and inexcusable as a 'blame culture'
9. Whilst the concept of just and learning culture pre-dates the pandemic, COVID-19 has only further emphasised the importance of treating people as human beings, and a just culture naturally aligns with this mindset
10. In addition to creating the culture we aspire to for the good of our colleagues; employers should recognise the potential to save time and money that can be reinvested, as a result of reduced disciplinaries, suspensions and workforce turnover
11. The natural links and alignment should be drawn between the development of just and learning restorative culture locally, and the national expectations around culture as directed by NHS Chief People Officer.

4. Policy Content

4.1 Principles

Grievances are concerns, problems or complaints raised by an employee (or a group of employees) and are capable of being resolved at the appropriate level of management. Any employee(s) may at some time have problems or concerns with their working conditions or relationships with colleagues that they wish to raise.

A collective grievance exists where one or more employees are concerned about the same action that has been taken or is being considered in relation to their employment or their working arrangements or environments.

The aim of this policy is to provide staff with a supportive framework to assist them in resolving their concerns.

This procedure should not be confused with the Disciplinary Policy or Capability Policy which are always initiated by management.

4.2 Key Points

Grievances must be progressed as quickly as possible. If a grievance is identified as requiring longer at a particular stage, the time limit may be extended by mutual agreement. A reasonable delay may occur if, for example, one party to the grievance is on annual leave or due to sickness absence. Where delays are caused by the absence of a manager involved in hearing or investigating the grievance, then another manager should be appointed to avoid unnecessary delay in agreement with the aggrieved staff member.

- The employee and line manager (or appropriate other) should try to resolve any grievance informally in the first instance.
- Where this is not possible, a formal meeting should be arranged within 14 days of the date the grievance is received to establish the facts of the case.
- Employees can be accompanied at any formal meeting by a workplace colleague or trade union representative and have the right to appeal against any formal decision made. A Business HR representative will also be in attendance at any formal meetings.
- Where appropriate, the Trust will endeavour to support staff to resolve their grievances informally. This should be done in discussion with the employee's immediate line manager. There will be a record of all informal grievances and employees who attend an informal grievance meeting should receive an outcome letter.
- Advice, guidance and support can be given to any and all parties throughout the grievance procedure.

Issues that may cause grievances can include, but not limited to:

- Terms and conditions of employment.
- Health and safety.
- Work relations.
- New working practices/organisational changes.

- Discrimination (bullying & harassment is covered by a separate policy. However, there may be occasions when it is appropriate to raise concerns via the Grievance Policy if an amicable solution can be reached).

4.3 Exceptions

The Grievance Policy does not cover matters relating to:

- Other employment procedures, which have their own appeals process, such as: Disciplinary etc.
- Disputes - A dispute exists where concerns are raised by a recognised trade union on behalf of all or a group of employees about any decision or matter within the Trust's control. In these instances, employees should refer to the Staff Partnership Agreement.

4.4 The Grievance Procedure

Informal Resolution

- 4.4.1 Many problems can be best resolved through discussions between the parties involved. It is in everyone's best interest to resolve individual grievances at the earliest opportunity through constructive and open discussions between the parties involved. Employees should aim to resolve most grievances informally by approaching their line manager themselves. This has the best advantage for all, as the immediate line manager should know the employee well; any potential related issues and can therefore solve problems quickly. Where a grievance concerns the line manager or supervisor, the employee should approach that person's manager.
- 4.4.2 Members of staff and line managers are therefore encouraged to make every effort to resolve differences through informal discussion prior to the matter progressing to formal Grievance Procedure Stages. This may involve mediation, which provides a means whereby two or more parties can be helped to reach a mutually acceptable solution to their conflict by an agreed third party trained mediator.
- 4.4.3 Mediation is facilitated by the Organisational Development team. Managers requesting Mediation should contact the OD team to make the referral which will be triaged by an OD representative with the referring manager so that a trained mediator can be identified.
- 4.4.4 The role of the mediator is to offer unbiased and impartial advice and guidance to all parties. It is a voluntary process aimed at helping two or more people who are 'in conflict' in an attempt to reach a solution which resolves the conflict and restores working relationships. Mediation can only take place when all parties agree to participate, and no party is forced to do anything they do not want to do.
- 4.4.5 A facilitated discussion may also be considered as an option. A facilitated discussion is to offer unbiased and impartial advice to all parties with the aim to reach a solution to differences or conflict. The facilitated discussion is arranged by the employees' line manager and led by an impartial, independent manager.

- 4.4.6 The meeting facilitator is in charge of facilitating the flow of the meeting, to make sure it runs smoothly and covers the main agenda items. A good facilitator will make sure everyone listens, stays on topic with the agenda, knows their roles, and feels included in the process. If the situation that gave rise to the grievance cannot be resolved informally then the grievance should be considered under the formal procedure. The employee must raise it formally within 14 days of the conclusion of the informal stage.
- 4.4.7 If mediation or facilitated meetings are being considered as an option, managers dealing with the grievance may wish to seek advice from Business HR / Organisational Development Team.

Formal Grievance Procedure

- 4.4.8 Employees who wish to refer an unresolved grievance to the formal procedure can complete the Employee Grievance Pro-forma (Appendix 4), and submit it along with any supporting documentation, to their immediate line manager or supervisor, requesting that the matter be dealt with under this procedure.
- 4.4.9 Alternatively, if an employee does not wish to submit an Employee Grievance Pro-forma they can submit a letter or email requesting that the matter be dealt with under this procedure. This must include the following information:
- the name(s) of those involved in raising this grievance
 - state the name and contact details of the person nominated as the point of contact for further communication (e.g. yourself, or your trade union representative)
 - the nature of the grievance in as much detail as necessary to assist the manager(s) concerned to reach a resolution
 - Outcome or Remedy Sought
- 4.4.10 Where a grievance concerns the line manager or supervisor, the employee should approach that person's manager.
- 4.4.11 An employee who wishes to raise a grievance is advised to seek advice or guidance from Business HR, a trade union representative or work colleague.
- 4.4.12 At any stage in the formal process, managers must seek advice from a Business HR Representative regarding proposed action.
- 4.4.13 It is recognised that there will be occasions when staff encounter issues that cause them concern however, it may not be suitable or appropriate to deal with these matters in line with the Grievance Policy. Any issues raised must be matters of concern and substance for a grievance to be heard; trivial matters, hypothetical concerns and issues that can be factually explained will not be heard under the grievance procedure. The grievance should be submitted within 3 months of the issue occurring or within 3 months of the last occasion of a series of events.
- 4.4.14 Grievances involving unacceptable behaviour will be taken seriously and may result in disciplinary action being taken. Managers should seek advice from Business HR in these instances.

Stage One: Formal Meeting

The Manager must:

- Write to the employee within 7 days from receipt of the grievance to acknowledge receipt of the grievance and explain the process to be followed and related timescales (Appendix 8). The acknowledgement letter should include details of support that is available within the Trust and the manager must signpost staff to these tools/resources/services.
- Meet with the employee to discuss the grievance within 14 days from the receipt of the completed Employee Grievance Pro-forma/Letter (Appendix 9).
- Look into the background of the grievance prior to the meeting.
- The meeting should be held allowing at least 7 days' notice, at a reasonable and mutually agreeable place and time, and every effort should be made by all parties to ensure that they are in attendance.
- The employee has a right to be accompanied by a work colleague or recognised Trade Union representative during this meeting.
- A representative from the Business HR team will also be in attendance to advise the manager regarding the process and managements role as chair to the panel.
- If an employee's grievance is about a colleague or direct line manager, it may be appropriate for those parties to be in attendance at the grievance hearing. The aim of this is to support resolving the grievance amicably where appropriate. This will only happen provided all parties are comfortable with this course of action.
- At the hearing, the employee will be asked to explain their grievance and how they think it should be resolved. The employee will be given every opportunity to explain their case fully; however, they should confine the explanation to matters that are directly relevant to their complaint.
- If the hearing manager does not need any further information, the decision should be communicated by the Manager during the hearing and in writing within 7 days of the meeting, with a copy provided to the Business HR representative.
- There may be occasions where it is not possible for a decision to be made on the day of the hearing due to the hearing manager wanting to obtain further information, request an investigation (in exceptional cases) or simply take more time to deliberate the information presented. In these instances, the manager will determine whether it is appropriate to meet with the employee again to detail their findings and conclusion, or whether a written response is sufficient which will be given within 7 days of the hearing detailing the managers decision and the reasons behind this (Appendix 10).
- If the matter needs further investigation, the manager should make the employee aware of this and indicate likely timescales by when a decision is to be made. The manager should take steps to ensure that a decision is made within a reasonably practicable timescale and there should not be any undue delays.
- In exceptional cases an investigating officer may be appointed if it is identified that an investigation is required to support them further with their decision making.
- Where a grievance is raised against another employee, that employee will be advised of the grievance by their line manager. The hearing manager will not share a copy of the grievance which has been raised against them, however the manager will arrange to meet with them and provide a summary of the grievance to obtain further information. They will be advised of the issues in a sensitive manner and at the earliest opportunity, so that they can respond to the grievance raised.

- Consideration must be given to any steps that should be implemented to support all individuals involved in a grievance and recognition should be given of the effect the grievance has on all parties. It is therefore important to consider how to support those involved and how to work together during and after the grievance, this might be way of an informal conversation, a facilitated conversation or formal mediation. Staff Support Services will also be offered throughout the process to all individuals involved.
- Once a decision has been reached, this will not be shared with the employee who the grievance has been raised against, however any feedback, action points or lessons learnt pertaining to the individual will be provided. Care must be taken not to breach confidentiality in relation to any other person involved in the grievance process.
- The hearing manager may decide to uphold the grievance, in full or part. They may also decide to not uphold the grievance.
- Where a grievance is upheld, the hearing manager may have identified information which suggests disciplinary action is appropriate. In such situations, the hearing manager should contact Business HR to discuss further.
- The employee who submitted the grievance will be informed of the outcome, but this will be limited to whether the grievance was upheld, partly upheld or not upheld.

Stage Two: Appeal

- 4.4.15 Should the employee wish to appeal against the decision of the grievance meeting at Stage 2, they must complete the Employee Registration of Appeal Pro-forma (Appendix 5) and submit it along with any supporting documentation, to the nominated next tier manager within 14 days from the date of the decision letter.
- 4.4.16 The employee must state clearly **the grounds for appeal**:
- Why they are not happy with the outcome
 - Their suggested remedies for the grievance
- 4.4.17 The manager must write to acknowledge receipt of the appeal within 7 days from receipt of the Employee Appeal Pro-forma.
- 4.4.18 Business HR will arrange a Grievance Appeal Panel consisting of two independent managers (one of whom will act as Chair). One Business HR representative will be in attendance to advise the panel on process. Also present will be the employee, their Trade Union representative or work colleague if they choose the chair for the stage 1 grievance and Secretary to the Panel (if not one of panel).
- 4.4.19 The hearing should be held at a reasonable and mutually agreeable (where possible) place and time, and the employee has a responsibility to attend unless it has been agreed that a written submission can be submitted. The appeal panel will consider **the grounds of appeal** that have been presented by the employee and assess whether or not the

conclusion reached at stage 1 was appropriate. Please note the appeal panel will not re-hear the grievance.

- 4.4.20 Any Grievance Appeal Panel will follow the procedure outlined in Appendix 7. The decision of the appeal panel is final and will be confirmed in writing to the employee by the Panel Chair within 7 days of the hearing.

4.5 Grievance and Disciplinary Cases

- 4.5.1 Where an employee raises a grievance during a disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the grievance however where the grievance and the disciplinary case are related it may be appropriate to deal with both issues concurrently. If the grievance and disciplinary are unrelated there will be no reason to postpone the disciplinary hearing to address the grievance.
- 4.5.2 Any procedural issues with the disciplinary action should be raised by the employee as part of their case at the disciplinary hearing and not by way of a grievance.
- 4.5.3 Where an employee raises a grievance that is related to a matter being dealt with under any other Trust Policy and Procedure which incorporates a Right of Appeal (for example during a disciplinary process) the issue(s) will be considered within that process and the grievance will cease. As points of clarity for example: a complaint about the disciplinary process will be handled best by the employee raising the matter in the disciplinary hearing or an appeal. In addition, in cases where the complaint amounts to the rebuttal of allegation of misconduct, or a defence of mitigating factors, the most appropriate forum to consider this will be the disciplinary hearing.
- 4.5.4 If a grievance is raised during the course of a disciplinary procedure and conclusions reached, the Trust may refuse to allow the matter to be considered under the formal grievance procedure where the employee continues to be dissatisfied with the conclusion reached. It is not possible to raise grievances about outcome of a process e.g. disciplinary outcome.

4.6 Employees Leaving the Trust Prior to Resolving a Grievance

- 4.6.1 In general, the standard grievance procedure will apply even when an employee has left the Trust, providing they have let the employer know the nature of the grievance before the date of termination.
- 4.6.2 Although there are no legal provisions relating to a grievance which is raised after an employee has left the Trust, the Trust will endeavour to deal with such grievances as above.
- 4.6.3 This procedure will not apply if the ex-employee raises a concern as a 'protected disclosure' in compliance with the public interest disclosure provisions of the 1998 Act. Such matters will be considered under the Trust's policy regarding Raising Concerns/ Whistleblowing/ Speaking Out Safely.
- 4.6.4 Investigating the grievance does not necessarily mean that the ex-employee needs to be further involved in the process. The ability to complete an internal investigation may be possible without the need for further dialogue with the former employee.

4.7 Collective Grievances

- 4.7.1 Collective grievances will apply when a grievance is raised by a number of staff. All the employees involved in raising the collective grievance must willingly agree to do this and

should sign the grievance. To aid a dignified and timely resolution of the grievance, the group in question should be represented at meetings and hearings by no more than three people from the group (agreed amongst them and including a union representative if one is assisting the group).

- 4.7.2 If all employees wishing to raise a collective grievance are all members of the same trade union, the trade union representative can, in agreement with all employees, raise the grievance on behalf of the employees. In cases where there are multiple union representatives, they will be in attendance to represent their members. Alternatively, the staff can agree to nominate one person to act on the behalf of all.

Resolutions to collective grievances will need to be agreed by a majority decision within the group.

4.8 Mediation

- 4.8.1 It may be appropriate for the employee's grievance to be dealt with by way of mediation (detailed above), depending on the nature of the grievance at both informal and formal stages of the policy. This involves the appointment of an independent, impartial mediator, who will discuss the issues raised within the grievance with all of those involved and seek to facilitate a resolution. Mediation is an informal process and will be used only where all parties involved in the grievance agree.

4.9 Handling Issues Relating to 'Other Workers'

- 4.9.1 A worker not covered by the scope of this policy, should in the first instance, raise any concerns within their own organisation.

4.10 Temporary Staffing

- 4.10.1 A worker working for the Trust via temporary staffing will need to raise any concerns in line with the Temporary Staffing Policy.

4.11 Status Quo Working

- 4.11.1 The "status quo" (i.e. the working and management arrangements which were in force prior to the grievance) will apply until the formal processes have been completed, or the dispute resolved. Any decision favourable to the employee will take effect from the time the complaint was made (where reasonably practicable).

- 4.11.2 In exceptional circumstances the status quo may need to be set aside by agreement of both parties where:

- To maintain it would have a detrimental effect on patient care.
- A continuation of the status quo will result in a breach of statutory or other mandatory regulations.
- The grievance is about a change or action already agreed by management and trade unions

- 4.11.3 In the case of dispute, consideration should also be given to interim measures.

4.12 Health and Well-Being

- 4.12.1 The Trust recognises that any member of staff involved in the grievance procedure can find themselves feeling anxious or stressed. Therefore, throughout this procedure managers and employees should give consideration to utilising the Trust’s occupational health and staff counselling service from both a personal perspective and to help support where appropriate with the grievance itself.
- 4.12.2 Support can also be accessed through the Freedom to Speak Up route and managers play a key role in ensuring all parties are kept informed of progress in relation to the process, as and where appropriate.
- 4.12.3 The Trust understands that working relationships may be affected by a grievance however, expects all parties to conduct themselves in a professional manner at all times, during and after the conclusion of a grievance.

4.13 Records & Confidentiality

4.13.1 Written records of the grievance process will include formal meeting notes, the complaint made, statements, investigation report(s) and outcome letters. Outcome letters will be provided to the relevant employee(s) at the appropriate times. In certain circumstances (for example to protect a witness) the employer may withhold some information. Records/notes should be treated as confidential by all those with whom the information is held and shared and kept in accordance with the General Data Protection Regulations 2018.

4.14 Vexatious Grievances

4.14.1 Any grievance found to be malicious or vexatious in intent will be treated in line with the Trust’s disciplinary procedure.

5 Exceptions

No exceptions

6 Training

The Business HR Team can provide advice and guidance to all staff and managers across the Trust in relation to the application this policy.

7 Monitoring of Compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan

8 Relevant Regulations, Standards and References

8.1 Associated Policies and Guidance Documents

To support effective implementation and understanding the following Policies and Documents are signposted for additional guidance.

- Equality and Diversity in Employment
- Bullying and Harassment Policy
- Disciplinary Policy
- Fast-Track Disciplinary Policy
- ACAS Code of Practice: Discipline and Grievances at work

8.2 References

- ACAS Code of Practice – Disciplinary and Grievance Procedures March 2015
- Employment Act 2008 (as amended)
- General Data Protection Regulations 2018 (EU – GDPR)

9 Equality, Diversity and Human Right Statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality, diversity and human rights principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation. The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business Human Resources in the first instance.

The Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements.

10 Legal Requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

11. Appendices

Appendix 1: Control Front Sheet

Author with contact details	Business HR		
Lead Executive/ Senior Manager			
Original Issue date	AUH & RLBUHT previous dates applies		
Issue Date:	January 2020	Review Date	December 2023
Approval Group	Staff Partnership Forum		
Consultation	Policy Group		
Location of Staff applicable to	Applies to all permanently employed staff and those on fixed term contracts across the Trust. Staff Bank workers, please refer to the Temporary Staffing Policy.	Staff groups applicable to	All Staff
Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
To be read In conjunction with / Associated Documents:	Equality & Diversity Policy Agenda For Change Terms & Conditions of Employment	Information Classification Label	<input type="checkbox"/> NHS Confidential <input type="checkbox"/> NHS Protect <input type="checkbox"/> Unclassified
Access to Information	To access this document in another language or format please contact the Business HR Team		

Appendix 2: Equality Impact Assessment

Title	Grievance Policy
Strategy/Policy/Standard Operating Procedure	Policy
Service change (Inc. organisational change/QEP/ Business case/Project	
Completed by	
Date Completed	

Description <i>(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)</i>
The purpose of this policy is to set out the Trust's position and procedures on workplace grievances

Who will be affected <i>(Staff, patients, visitors, wider community including numbers?)</i>
All Staff (Non-Medical)

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
 - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
 - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
 - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
Age <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>	Neutral	
Disability <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>	Neutral	
Gender Reassignment <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>	Neutral	
Marriage & Civil Partnership <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>	Neutral	
Pregnancy & Maternity <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>	Neutral	
Race <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>	Neutral	

Religion or belief <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>	Neutral	
Sex <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women e.g.: same sex accommodation)</i>	Neutral	
Sexual Orientation <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i>	Neutral	

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

Is what you are proposing subject to the requirements of the Code of Practice on Consultation?	Y/N
Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?	Y/N
Who and how have you engaged to gather evidence to complete your full analysis? (List)	
What are the main outcomes of your engagement activity?	
What is your overall analysis based on your engagement activity?	

Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 3: Roles and Responsibility

Role	Responsibility
The Chief People Officer	The Chief People Officer is responsible for the implementation of this policy.
Human Resources Department	Business HR will be responsible for reviewing the application of this policy and proposing any policy amendments. The designated HR Business Partners and/ or HR Managers will provide support, professional advice and specialist guidance to managers on the application and implementation of the policy.
Professional Bodies / Trade Unions	Trade Unions and professional bodies will support members through the procedure. They will be invited to relevant meetings as appropriate
Line Managers	Line managers are responsible for ensuring that this policy is applied appropriately and that staff are aware of and understand the policy, including any changes. In addition to their responsibilities under the Code of Conduct for NHS Managers, line managers will give serious consideration and due required time to all grievances raised. Managers will commit to follow the Grievance Policy accordingly and seek advice from Business HR regarding process. Managers will aim to resolve grievances in a fair and timely manner and listen to concerns raised by employees fully.
Employees	Employees are responsible for adhering to the requirements of this policy and associated processes.

Appendix 4: Employee Grievance Pro-Forma

Strictly Private & Confidential

This form must be used by individual employees or a group of employees and/or their staff representatives for raising a grievance under the formal Grievance Procedure.

On completion it must be signed and forwarded to the employee’s line manager or, in cases where the grievance is against the Line Manager, to that person’s line manager

Additional sheets may be attached if required.

Parties to the Grievance

Please state the name(s) of those involved in raising this grievance and also of any representative(s)

.....
.....
.....
.....
.....

NB: in the event of a collective grievance the Trust will ask for information on the numbers of staff and staff groups involved.

Communication

Please state the name and contact details of the person nominated as the point of contact for further communication (e.g. yourself, or your trade union representative)

.....
.....
.....
.....

Please identify any dates when you or your representative are not available to meet to discuss the grievance.

.....
.....
.....
.....

The Grievance

Please describe the nature of the grievance in as much detail as necessary to assist the manager(s) concerned to reach a resolution, continuing on a separate sheet if necessary.

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Outcome or Remedy Sought

.....
.....
.....
.....
.....

Originator's Details (this will normally be the employee unless in the event of a collective grievance, a nominated spokesperson)

Print Name: Post Title:

Dept : Tel No:

Signature: Date:

Email Address:.....

Manager Grievance Submitted to:.....

Appendix 5: Employee Registration of Appeal Pro-Forma

Strictly Private & Confidential

Please complete as much of the below form as you can with the information available to you. **Important Note;** Please ensure that you complete all sections marked * as these are mandatory fields.

FAO: _____

Please insert **appropriate manager's name and Job Title** or Chief People Officer in cases of dismissal related outcomes (including downgrading and redundancy) only.

Section 1	
Personal Details (to be completed by the person submitting an appeal)	
Surname*	
Forename(s)*	
Employee Number	
Address for Correspondence* *All correspondence will be sent to the advised address so please ensure that you notify us promptly of any change	
Email Address (if available)	
Department*	
Division/Section/Ward	
Job Title*	
Manager*	
Name of Manager who heard stage 1	

Section 2 – Grounds for Appeal*
Please set out your grounds for appeal*:-

Section 3 – Further Explanation of Grounds of Appeal

Please use a separate piece of paper if necessary but ensure all pages are numbered and clearly referenced when making reference to any Appendices attached to this document.

Please provide further explanation of your grounds for appeal (if required). This should contain specific examples of events which support your grounds of appeal highlighted in section 2: -

Please provide reasons why you feel the panel's decision was unreasonable: -

Section 4 – Outcome Sought*

Please provide your ideal outcome*: -

Section 5 – Right to Representation

Please tick and complete which of the following is applicable to yourself:-

- I wish to be accompanied by (Name) who is a representative of (Name of Trade Union/Professional Organisation).
- I wish to be accompanied by (Name), a fellow Trust employee of my choice
- I have chosen not to be represented at the hearing of my appeal

Section 6 - Witnesses

Please provide the names and contact details of any witnesses that you would wish to call upon during the appeal hearing: -

1)

2)

3)

4)

**your witnesses will be contacted direct unless you advise otherwise*

Section 7 - Dates for Hearing

Please provide any dates when you, your representative and/or witnesses are unavailable over the following 8 weeks: -

****Please note - once dates are booked it is difficult to re-arrange hearings and once booked, hearings will only be postponed in exceptional circumstances***

Section 8 – Appendices

I attach the following Appendices (if any) to this statement: -

A1)

A2)

A3)

A4)

A5)

Section 9 – Declaration*

I declare that to the best of my knowledge that all of the information I have supplied or attached with this form is true, accurate and complete.

I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of hearing my appeal.

Signature of Appellant*..... Date:.....

For office use only:

Date received by Department:

Appendix 6: Management Statement Pro-Forma

Strictly Private & Confidential

FAO: _____
 (INSERT NAME OF MANAGER REQUIRED TO COMPLETE FORM)

The following details are in relation to an appeal that has been submitted to (insert name of manager) in which you are required to submit a response that you will be required to present at a future appeal hearing:-

- A) Name of Appellant
-
- C) Date Stage 1 Decision Issued.....

Please can you complete this document which gives you the opportunity to explain your reasons for issuing the decision that is being appealed against and to make any relevant comments on the appellants statement?

A copy of the appellants Registration of Appeal Pro-forma (RAP) has been attached for your perusal and comments.

Section 1 – Background Information
Please use a separate piece of paper if necessary but ensure all pages are clearly numbered and referenced when making reference to any Appendices attached to this document.
Please provide a brief narrative of events leading up to and including the meeting in which the decision was issued.

Please state which (if any) policy/policies you used throughout the process and which your decisions were based upon.

Please give your reasons for issuing the decision.

Please make any relevant comments in consideration of the Employees Registration of Appeal Pro-forma.

Section 2 – Witnesses

Please provide the names and contact details of any witnesses that you wish to call upon during the appeal hearing:-

- 1)
- 2)
- 3)

Section 7 - Dates for Hearing

Please provide any dates when you or your witnesses are unavailable over the following 8 weeks:-

****Please note - once dates are booked it is difficult to re-arrange hearings and once booked, hearings will only be postponed in exceptional circumstances***

Section 8 – Appendices

I attach the following Appendices to this statement:-

- A1)
- A2)
- A3)

Section 9 – Declaration

I declare that to the best of my knowledge all of the information I have supplied or attached with this form is true, accurate and complete.

I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of this appeal.

Signature of Manager: Date:.....

For office use only:- Date returned/received by Department:-

Appendix 7: Grievance Appeals Process

At the hearing of an appeal the following procedure shall be observed:

1. Introductions

The Chair will:-

- Introduce those present and their role.
 - Explain the purpose of the Appeal Panel – to consider whether the decision made at the informal and formal stage of the policy was correct
 - Explain how the hearing will be conducted.
2. The appellant and/or their companion will state their case in the presence of the Trust's representative and may call witnesses.
 3. The management representative will have the opportunity to ask questions of the appellant, companion, and any witnesses (immediately following their individual statements).
 4. The manager/panel hearing the appeal/panel will have the opportunity to ask questions of the appellant, companion, and any witnesses.
 5. The appellant and/or their companion will have the opportunity to re-examine their witnesses on any matter referred to in their examination by the hearing manager/panel or the management representative.
 6. The management representative will state the Trust's case, normally in the presence of the appellant and their companion, and may call witnesses.
 7. The appellant and/or their companion will have the opportunity to ask questions of the management representative and may call witnesses (immediately following their individual statements).
 8. The manager/panel hearing the appeal will have the opportunity to ask questions of the management representative and witnesses.
 9. The management representative will have the opportunity to re-examine their witnesses on any matters referred to in their examination by the hearing manager/panel, the appellant or companion.
 10. The management representative and the appellant or their companion will have the opportunity to sum up their case if they so wish. The appellant or their companion will have the right to speak first. In their summing-up neither party may introduce any new matter.
 11. The manager hearing the appeal/panel may, at their discretion, adjourn the appeal in order that further evidence may be produced by either party.
 12. The management representative, the appellant and their companion, and all witnesses will withdraw.
 13. The manager hearing the appeal/panel will consider the information in private only recalling both parties to clear point of uncertainty on evidence already given. If recall is necessary both parties will return, notwithstanding only one is concerned with the point giving rise to doubt.

14. The manager will give their decision either verbally or in writing. Verbal decision will be confirmed in writing. The decision, when confirmed to the employee within 7 days of the hearing is final and marks the end of the Grievance Procedure.

Appendix 8: Acknowledgement Letter

Private & Confidential

<Name>
<Address line 1>
<Address line 2>
<City>
<Postcode>

<Date>

Dear <Name>

Re: Formal Grievance Acknowledgment

I write to acknowledge receipt of your completed employee Grievance <pro-forma/letter> dated <date> which I received on <insert date> setting out your grievance in relation to <give details>. I / <name> will contact you in due course to explore the opportunity to discuss the informal route before arranging a formal hearing.

Or

In accordance with the Trust's Grievance Policy, I have enclosed a copy for your reference, a formal meeting will now be arranged in order to hear your grievance. Confirmation of the arrangements for this will be sent to you in due course.

If you have any queries regarding this process, please do not hesitate to contact me.

Yours sincerely

<Name>
<Job title>
<contact number>

Enc. Trust's Grievance Policy

Appendix 9: Invite to Grievance Hearing

Private & Confidential

<Name>
<Address line 1>
<Address line 2>
<City>
<Postcode>

<Date>

Dear <Name>

Re: Grievance Hearing

I write to confirm receipt of your completed employee Grievance <pro-forma/letter> dated <date> setting out your grievance in relation to <give details>.

I have arranged to meet with you to discuss this on <date> at <time> in <venue>. This hearing will be held in accordance with the Trust's Grievance Policy, a copy has been <enclosed for your reference/issued to you previously>. <name, HR Representative> will also be in attendance at the meeting. You are entitled to be accompanied by a trade union representative or a workplace colleague.

Please can you confirm your attendance by contacting me on <details> by <date – 48 hours before meeting>.

Please do not hesitate to contact me if you have any queries.

Yours sincerely

<Name>
<Job title>
<contact number>

Enc. Trust's Grievance Policy

Appendix 10: Outcome of Grievance Hearing

Private & Confidential

<Name>
<Address line 1>
<Address line 2>
<City>
<Postcode>

<Date>

Dear <Name>

Re: Formal Grievance Outcome

Thank you for attending the Stage One Formal Grievance Hearing held on <date> which was held in line with the Trust's Grievance Policy. I chaired the meeting and <name, HR representative> was also in attendance. You were accompanied by <name, union representative/workplace colleague OR You were informed of your right to be represented at the meeting, but you chose to attend unaccompanied>.

The meeting was held to gather more detail in respect of your grievance in relation to <reason for grievance>.

I explained that the process would be for me to gather more information in relation to your grievance and that I would, once I had had a chance to review this additional information along with the documents already provided to me, present my decision in person/in writing to you no later than <date>.

I began the meeting by explaining my role at this meeting was to give you the opportunity to provide me with more detail to understand your grievance dated <date> and I would use this additional information to help me reach a decision as to how I proceed and if I required anything further from yourself or third parties. I had already received several documents to support your grievance. You were happy to proceed and began to tell me that...<detail conversation of meeting>

I asked what outcome you hoped to achieve and you said that you wanted <sought outcome>.

At this point we concluded our meeting.

On further investigation, I have <details of investigation, information received, etc>.

I believe the evidence shows that <details of what you have found>

Based on all the evidence I have available to me my decision is that I am <unable to uphold your grievance/partially upholding your grievance/upholding your grievance>.

<Insert any further details giving reason to the decision which has been made and any next steps/actions which will be implemented>.

Should you wish, you have the right to appeal against my decision. You will be required to complete the Registration of Appeal pro-forma, a copy of which can be forwarded to you on request, and submit this, to <**name of next in line manager, job title**>, within 14 days of the date of this letter.

Yours sincerely

<**Name**>
<Job title>
<contact number>