



# **RESOLUTION POLICY (FORMALLY GRIEVANCE POLICY)**

## DOCUMENT INFORMATION

**Author:** Human Resources

**Consultation & Approval:** April 2013 Review via HR PRG  
May 2013 Circulate to HRMs  
June 2013 Final to PRG for information  
August 2013 Approval JNCC  
May 2013 Reviewed

**This document replaces:** Former Grievance Procedure dated 2009  
Grievance Policy 2017

**Notification of Policy Release:** 09.09.12 Intranet  
09.09.13 Website

**Date of New Issue:** January 2021

**Reviewed:** January 2021

**Next Review:** January 2024

**Version:** HR/B01 Final

## Resolution Policy Statement and Procedure

### Contents

DOCUMENT INFORMATION .....	2
1. POLICY STATEMENT .....	4
2. PRINCIPLES .....	4
3. SCOPE .....	5
4. RELATIONSHIP WITH OTHER POLICIES AND PROCEDURES.....	5
5. EQUALITY STATEMENT .....	6
6. RESPONSIBILITIES .....	6
7. RIGHT TO BE ACCOMPANIED .....	9
8. MEDIATION.....	10
9. INFORMAL DISCUSSION .....	11
10. RAISING A FORMAL GRIEVANCE.....	12
11. ASSISTANCE FOR EMPLOYEES IN SUBMITTING FORMAL WRITTEN GRIEVANCES .....	12
12. TIMESCALES .....	13
13. FORMAL DISPUTE RESOLUTION MEETING – STAGE 1.....	13
14. FINAL MEETING – APPEAL.....	14
15. SPECIAL CIRCUMSTANCES.....	14
16. MONITORING.....	15
17. RECORD KEEPING .....	15
18. OTHER RELATED POLICIES.....	15
Appendix A - RAISING AN INFORMAL OR FORMAL CONCERN/COMPLAINT .....	17
Appendix B - RAISING A FORMAL CONCERN/COMPLAINT APPEAL.....	19
Appendix C - GUIDANCE TO ACHIEVE A RESOLUTION .....	20
Equality Impact Assessment Form Section One – Screening.....	21
Equality Impact Assessment Form Section Two – Full Assessment .....	21

## **1. POLICY STATEMENT**

- 1.1 South Central Ambulance Service NHS Foundation Trust (SCAS/the Trust) is committed to giving all employees a fair and reasonable method for raising and resolving issues, concerns and grievances.
- 1.2 The Trust values of Teamwork, Caring, Professional and Innovation underpin everything we do to support our vision of saving lives and enabling patients to get the care they need. SCAS aims to nurture a healthy culture, based on all staff demonstrating their role-relevant values-based behaviours within their working lives. All staff are expected to model their behaviours to support SCAS with its strategic aims to become an Employer, Partner and Provider of Choice.
- 1.3 The aim of the procedure is to resolve grievances fairly, as near as possible to the point of origin and in an unbiased way. The procedure should be simple and easy to deploy in a timely manner and for the use by an individual or for collective issues.
- 1.4 Should an employee initiate this procedure the matter will be addressed as confidentially as possible. Similarly, individuals are asked to keep any concern being raised, related information/correspondence and outcomes confidential.
- 1.5 The Trust recognises that a positive working environment and good working relationships have a positive impact on employee well-being and employee engagement. There is no real substitute for a good day-to-day manager/employee relationship for the solution of work related problems, and a positive working environment can also lead to better performance, improved employee retention and reduced stress-related sickness absence. Focusing on resolution is good for the organisation, our employees and ultimately good for patient care.
- 1.6 Nevertheless, if this relationship fails to resolve an issue on an informal basis, this procedure outlines a more formal process by which the problem can be aired and resolved quickly by an appropriate level of management.
- 1.7 This procedure is designed in accordance with the ACAS Code of Practice in relation to workplace disputes. Any clarification required or dispute thereof in relation to application of this framework should be considered in accordance with the ACAS Code of Practice and associated guidance in force at that time.

## **2. PRINCIPLES**

- 2.1 The Trust's Resolution procedure seeks to provide a framework for the consistent, timely and effective resolution of individual grievances, whether informal or formal, in line with best practice and employment legislation.
- 2.2 Employees should aim to settle most concerns and grievances informally with their line manager during the normal course of working life where possible. Open and timely communication and discussion allows for problems to be settled quickly without recourse for more formal processes. Dispute resolution links directly with and supports the Trust's values of teamwork, innovation, professionalism and caring.

- 2.3 To achieve one of the principle aims of the policy, which is to resolve issues raised fairly, as near as possible to the point of origin and in an unbiased way, it is extremely important that managers and employees should deal with issues promptly and not unreasonably delay the process. Delay by either party causes unnecessary stress which should be avoided.
- 2.4 Employees will be allowed to be accompanied at all formal stages of this procedure.
- 2.5 Managers and HR Representatives should ensure the procedures within this policy are managed fairly and consistently and that decisions and actions are reasonable, proportionate and justified given the circumstances of the particular situation.
- 2.6 This procedure may be amended from time to time in accordance with employment legislation and good practice.
- 2.7 This policy may also be varied in certain parts of the procedure where it is agreed that to do so is in the best interests of bringing the case to a timely and appropriate resolution. This should only be done in consultation with a member of the HR team and the TU representative.

### **3. SCOPE**

- 3.1 This policy applies to all Trust employees, irrespective of their contract type, grade or status, who may raise a concern about their employment either by themselves or with the support of a Trade Union representative or work companion employed by the Trust. It does not apply to an individual who is no longer employed by the Trust, where the Freedom to Speak Up Policy may be appropriate. However, if a grievance process has commenced prior to leaving the Trust this may be concluded.
- 3.2 It is a condition of their employment contract to abide by and co-operate with the policies and procedures of the Trust and/or their regulatory body.
- 3.3 Should a collective grievance arise, where a group of staff can raise a complaint about the same issue, this will be dealt with under this policy, with nominated representatives for the group.

### **4. RELATIONSHIP WITH OTHER POLICIES AND PROCEDURES**

- a. In normal circumstances the resolution procedure will not apply to the following situations: Issues and/or complaints involving harassment or bullying, these should be considered in accordance with the Dignity at Work policy;
- b. Issues or genuine concerns in relation to ethical malpractice of someone within the Trust, they should refer to the Freedom to Speak Up policy/procedure.
- c. Issues or genuine concerns that fraud and corruption within the NHS is taking place should be referred to the Trust's local counter-fraud specialist;

- d. Issues entirely outside of the control of the Trust, for example personal pension, income tax issues;
  - e. Matters that should be dealt with under another appropriate Trust policy or procedure which have an existing appeals mechanism, for example pay and grading decisions related to job evaluation/matching, redundancy or related organisational change decisions. Only issues that are within the remit of the Trust to resolve or where they have the power to settle can be considered.
- 4.2 Any appeal against an employment break decision raised under this policy will only have one stage of appeal.

## **5. EQUALITY STATEMENT**

- 5.1 The Trust is committed to promoting positive measures that eliminate all forms of unlawful or unfair discrimination on the grounds of age, marriage and civil partnership, disability, race, gender, religion/belief, sexual orientation, gender reassignment and pregnancy/maternity or any other basis not justified by law or relevant to the requirements of the post. The Trust will therefore take every possible step to ensure that this procedure is applied fairly to all employees regardless of the aforementioned protected characteristics or any other basis not justified by law, length of service, whether full or part time or employed under a permanent or a fixed term contract or any other irrelevant factor.
- 5.2 By committing to a policy encouraging equality of opportunity and diversity, the Trust values differences between members of the community and within its existing workforce, and actively seeks to benefit from their differing skills, knowledge, and experiences in order to provide an exemplary healthcare service. The Trust is committed to promoting equality and diversity best practice both within the workforce and in any other area where it has influence.
- 5.3 Where there are barriers to understanding; eg, an employee has difficulty in reading or writing or where English is not their first language additional support will be put in place wherever necessary to ensure that the process to be followed is understood and that the employee is not disadvantaged at any stage in the procedure. Further information on the support available can be sought from the Human Resource Department.

## **6. RESPONSIBILITIES**

The Trust is committed to fostering mutual respect and understanding with all our employees, between colleagues, between colleagues and their managers and within teams.

The Trust recognises that from time to time conflict in the workplace will arise and managers, employees, unions and human resources are expected to work collaboratively and achieve constructive resolutions to disputes and conflicts

People should be encouraged to come forward at the earliest opportunity so they can be supported and the Trust can look to improve the situation. Focussing on resolution is good for the organisation, employees and ultimately for patient care.

## **6.1 Role of all employees:**

- 6.1.1 It is essential that employees maintain good working relationships with their managers so that if they do not agree with a matter relating to their employment they have a foundation on which to approach their manager to discuss their concerns at an informal level.
- 6.1.2 The Trust recognises that to raise an issue or concern, albeit informally, for many employees can be daunting and even stressful; we acknowledge having taken this step an employee may wish further support which can be obtained from a union representative, Health & Wellbeing or Optum.
- 6.1.3 So that managers can improve staff's working lives they need to be aware of issues that are of concern to them. Employees should always try and resolve their grievance using the informal process first where possible; this is to give their manager the opportunity to address the problem in an informal manner.
- 6.1.4 If attempts to resolve the grievance informally are unsuccessful or the matter is considered too serious to discuss informally, the employee should raise the issue formally in writing to their line manager.
- 6.1.5 If at any time the employee is unsure of the process for raising issues/grievances or of their responsibilities they should contact their manager, trade union representative or the HR team for advice and support.
- 6.1.6 If the issue concerns their line manager, the employee should approach the next level line manager/Head of Department or their local HR team.
- 6.1.7 Employees will receive feedback on their concerns. This feedback will have to strike the appropriate balance between confidentiality of the person raising the concern *and* the person or department the concern is against. Employees may have to accept that they are not privy to confidential information regarding other people, but this feedback should provide assurance that the manager/organisation have listened and looked into the concern

## **6.2 Role of Managers**

- 6.2.3 As employees, managers should also observe the responsibilities as set out above.
- 6.2.4 It is important for managers to maintain good, open working relationships with their employees so that if an issue causing concern occurs an employee will feel comfortable and willing to speak to their line manager to resolve the issue on an informal basis.
- 6.2.5 When staff raise an issue, concern or grievance on an informal basis it is important that managers take the matter seriously and consider all factors. It is worth considering that for a member of staff to raise an issue causing a concern, albeit informally, they are likely to be genuinely concerned about the matter and for many employees, taking out a grievance can be daunting and often stressful; acknowledge this with them and note that the employee may need further help or support

- 6.2.4 Failure to give due and timely consideration to an issue or concern that is raised, is likely to lead to further distress and possibly escalate very quickly. This means additional stress for all concerned and potentially become a much more complex situation that should have been resolved at the earliest possible opportunity.
- 6.2.5 If a manager receives a grievance they must follow this procedure and any associated good practice guidance fairly, consistently and without unreasonable delay. The ACAS Code of Conduct and associated guide provide comprehensive guidance on handling grievances.
- 6.2.6 If managers require assistance in managing informal grievances, they are encouraged to seek the advice of the HR team.
- 6.2.7 It is essential that managers advise HR as soon as a grievance is received and involve them as and when required throughout the process.
- 6.2.8 All copies of documentation, including emails, related to the grievance (whether formal and informal) should be securely retained and upon completion of the case the entire file should be forwarded to the HR team for retention.
- 6.2.9 Managers are responsible for ensuring that any action or decisions taken under the Resolution Policy are fair, reasonable; proportionate and justified given the specific circumstances of the situation. Additionally, decisions should be taken in accordance with NHS policy, Trust policies and procedures, good practice guidance and employment legislation.
- 6.2.10 Managers must ensure that feedback is given to the person raising the concern. This will have to strike the balance between confidentiality of the person raising the issue and the person or department it is raised against. The person taking this step will be looking for assurance that the manager/organisation have listened and looked into their concern, whilst they should accept that they will not be privy to confidential information.
- 6.2.11 In order to achieve closure on the issue and to facilitate working relationships going forward, the manager should ensure the person the grievance or issue was raised against also receives feedback and understands the rationale behind the outcome. In cases where there is no case to answer, they should also be assured that they maintain an unblemished record.
- 6.2.12 If 'no case to answer' is the outcome, the manager making that decision will further consider if the concern or grievance was raised maliciously. Any situation where this is considered to be the case, would not be consistent with the Trust's values of Teamwork, Caring, Professionalism and Innovation and will be managed under the Trust's Discipline and Conduct Policy ***Role of Human Resources***
- 6.2.13 HR team members will provide coaching, guidance and where appropriate support to managers throughout the use of this procedure, ensuring that they have the skills and competencies to resolve work place issues effectively.



- 6.2.14 The HR team will ensure that professional, relevant and accurate advice is given to managers when managing concerns raised under this policy. Guidance (Appendix C) can help to identify the appropriate way of dealing with an issue, depending on the circumstances
- 6.2.15 A HR representative will be present at all formal stages.
- 6.2.16 Monitoring the number of formal grievances taking place within the Trust and monitor their progression.

### **6.3 Role of the TU representative or work companion**

- 6.3.1 Ensuring that employees are supported throughout the process and properly accompanied and/or represented during formal stages.
- 6.3.2 To ensure the employee understands the process and provide support to them in preparing for an informal meeting as the first stage in the process.
- 6.3.3 Enable the smooth progression of the procedure, acting as a liaison with all relevant parties if/when appropriate.
- 6.3.4 Support early resolution of any workplace issues, wherever possible or appropriate.
- 6.3.5 TU representatives and work companions, when authorised by the employee, will be allowed to address meetings, summarise the employee's case and confer with the employee during meetings. However, they will not be allowed to respond to or answer questions on the employee's behalf.

## **7. RIGHT TO BE ACCOMPANIED**

- 7.1 SCAS recognises the right of staff to be accompanied during all formal aspects of this procedure and encourages staff to exercise this right.
- 7.2 Employees may be accompanied by a recognised trade union representative or work companion employed by SCAS during formal aspect of this procedure, not acting in a legal capacity.
- 7.3 Equally, employees may be accompanied by an appropriate official trade union representative regardless of whether the union is formally recognised under the Trust's Recognition Agreement. Such an official will be required to provide evidence of their status and should be appropriate to the work role/profession of the employee.
- 7.4 When exercising their right to be accompanied such requests should be reasonable, for example it would not be considered reasonable for an employee to insist on being accompanied by a work companion whose presence would prejudice the meeting or where a conflict of interests may be apparent. Equally, it might not be deemed reasonable for an employee to insist on being accompanied by a TU representative or work companion from a remote geographical location, or a specific/named individual, if such a request would unreasonably delay proceedings.

- 7.5 Employees are responsible for organising their own representation at the earliest possible opportunity and for ensuring their representative is briefed on the situation and kept informed (in a timely way) of meeting dates and times.
- 7.6 TU representatives or work companions do not have to accept a request to accompany an employee.
- 7.7 Work colleagues acting as a companion will be afforded reasonable paid time off their usual duties to fulfil their role as companion, this may include reasonable paid time to familiarise themselves with the case and attend relevant meetings.
- 7.8 TU representatives and work companions must notify their line manager of their responsibility and requirements for 'reasonable time off' to undertake such duties without unreasonable delay and with due regard for the organisation to facilitate their release and arrange for cover for their substantive duties.

## **8. MEDIATION**

- 8.1 Mediation provides an informal alternative dispute resolution mechanism for employees. Mediation supports employee relations and can be used to resolve conflict at any time during the resolution process and can at times identify any root cause. It offers early assistance before problems escalate into major issues for all concerned and helps consider options to resolve situation. Both parties need to agree to mediation.
- 8.2 Mediation will be carried out by neutral trained mediators. Mediation is most effective if it is used at the informal stage of the process, however mediation can be used before, during, after or even outside of formal processes. It complements the Trust's formal arrangements for dealing with workplace issues such as harassment, discrimination, victimisation and bullying, covered under the Trust's Dignity at Work Policy. The role of the mediator is to facilitate a process that will lead to a resolution, which both parties are able to agree on, creating mutually desirable and workable outcomes.
- 8.3 The opportunity of mediation is available at each stage and should always be offered, even if the issue has escalated to formal action. It gives greater control and offers great flexibility for all parties. The procedure can be suspended if mediation is deemed to be an appropriate method of resolving the issue that has been raised.
- 8.4 Mediation therefore aims to help in the following circumstances:
- Disagreements between colleagues
  - Disagreements within or between teams
  - Disagreements between managers and members of their team
  - Disagreements or disputes between student and tutors
  - Perceptions of discrimination
  - Repairing working relationships
  - Communication difficulties
- 8.5 Mediation aims to:

- Promote mutual understanding through constructive, effective and structured discussions which focus predominantly on the parties' needs and interests and which broaden the search for options and alternative solutions
- encourage individuals to take charge of their own decisions and to accept responsibility for the consequences of their decisions
- resolve conflict at an early stage and reduce tension, anxiety, fear, etc
- Supports a smooth return to normal working following resolution of an issue.

8.6 Mediation is also confidential. The mediator will agree with both sides which information can be shared outside the mediation and how. If you do not reach an agreement, anything that's been said during the mediation must be kept confidential and cannot be used in future procedures. If the problem cannot be resolved informally, you can use mediation. Mediation can be used at any stage in a dispute, but it's best to start it as soon as possible. The earlier the dispute is dealt with, the less chance there is of things getting worse.

8.7 Mediation may not be suitable if:

- used as a first resort as people should be encouraged to speak to each other and talk to their manager before a solution is sought via mediation
- it is used by a manager to avoid their managerial responsibilities
- a decision about right or wrong is needed, for example where there is a possible criminal activity.

## **THE RESOLUTION PROCEDURE**

### **9. INFORMAL DISCUSSION**

9.1 It is important that when an employee has a concern or grievance, attempts are made to resolve the matter on an informal basis where possible before instigating the formal procedure. It is important that the employee makes it clear they are raising their concern informally at this stage in line with the policy and this should be confirmed by completing the appropriate form (Appendix A).

9.2 The manager must apply the same level of importance when an issue is raised informally as to a formal grievance.

9.3 The informal process is essentially a meeting between the member of staff and their manager to discuss the area of concern and hopefully reach an agreed solution. The meeting should take place as soon as possible once an issue has been raised. It is important at this early stage, the manager establishes from all parties involved, *all* the facts around the issue.

9.4 At this stage it is not necessary that a TU representative, work companion or a member of the HR team attend the meeting. This meeting is solely to allow the manager and the employee to attempt to resolve the issue between themselves and come to an agreed solution.

- 9.5 If the issue is resolved at this stage then no further action need be taken using this procedure. The manager should write to the member of staff to confirm their discussions and the agreed outcome no later than 7 calendar days of their informal meeting/discussion. This is to ensure both parties are aware of the expectations placed upon them and that there is no repetition of the circumstances leading to the initial informal grievance.
- 9.6 All outcomes of informal grievances, along with copies of documentation related to the grievance or the issue of concern should be copied to the HR Team for recording, monitoring and retention.

## **10. RAISING A FORMAL GRIEVANCE**

- 10.1 If the employee has raised and attempted to resolve the issue of concern informally, without success they should raise it formally, with the next level management, in writing, no later than 7 calendar days of receipt of the informal outcome letter. Consideration may be given to extending this period as outlined in 12.1.
- 10.2 Equally, where the grievance is serious and an informal approach would not be appropriate, the matter should be raised formally, with their manager, in writing without unreasonable delay. Please refer to Appendix C
- 10.3 Where the issue being raised involves their line manager, the employee may approach the appropriate next level manager/Head of Department or their local HR team.
- 10.4 Formal grievances should be in writing, a template is provided as appendix A, equally a written letter/email will suffice.
- 10.5 The grievance should clearly set out the nature of the issue and why the matter has been made formal.
- 10.6 Other relevant and helpful information might include:
- details and outcomes of informal discussions,
  - any dates, times, conversations that are relevant to the grievance,
  - any previous action taken either by the aggrieved, line manager or other members of staff,
  - the resolution sought by the individual must be included.

## **11. ASSISTANCE FOR EMPLOYEES IN SUBMITTING FORMAL WRITTEN GRIEVANCES**

- 11.1 Employees who need assistance in raising their concern formally, can seek advice either from their manager, TU representative or work colleague.
- 11.2 If the inability to write a formal grievance is due to an individual's capability and/or an identified disability the Trust will support that individual in making their concern known by arranging for appropriate support and/or arranging

reasonable adjustments to the process so as to enable the matter to be fully considered.

- 11.3 When identified, this assistance will be offered throughout the entire process.

## **12. TIMESCALES**

- 12.1 The timescales outlined within this procedure are given as good practice and should be adhered to wherever reasonably practicable. However it is recognised that timescales might need to be adjusted (without incurring unreasonable delay) when accommodating shift working and/or periods of absence.

- 12.2 When organising meetings and/or hearings consideration should be given to availability and location of all parties involved, so as not to unreasonably delay proceedings.

## **13. FORMAL DISPUTE RESOLUTION MEETING – STAGE 1**

- 13.1 Upon receipt of a formal grievance a Stage 1 meeting will be *arranged* within 10 calendar days of receipt of the written complaint/grievance. Confirmation of the meeting date will be sent to the employee within this time. Meetings may take place face to face or via Teams, although it is recognised that there may be circumstances where a face to face meeting would be more appropriate but this would depend on logistics/circumstances.

- 13.2 The purpose of the meeting is to discuss the issue causing concern in detail, clarify the exact nature of the concern and the resolution sought by the employee and any other relevant factors.

- 13.3 The next level of management should hear the formal stage 1 to the manager who dealt with the informal stage.

- 13.4 The employee is expected to take all reasonable steps to attend the meeting. If the employee is unable to attend due to their TU representative or work companion not being able to attend, the Trust should arrange another date which should be as soon as reasonably possible to avoid any further delay.

- 13.5 The manager will confirm in writing the main points of the meeting and the outcome of the meeting. The manager should write to the member of staff to confirm their discussions and the outcome no later than 10 calendar days. If the agreement at this stage is that the is resolved, this will close the case.

- 13.6 If, however, the manager considers that further information is required before making a decision, the manager may adjourn the meeting in order to gather/seek further information.

- 13.7 Alternatively, in more complex cases it may be appropriate to appoint a trained/experienced Officer/Manager to undertake a more detailed and impartial investigation into the case/situation. In such cases, the investigation officer/manager will be provided with all the necessary information and paperwork along with terms of reference. At this point the employee cannot proceed to the final stage until the investigation has been completed and the

manager has given their decision. Further details of the formal investigation process can be found within the Trusts 'Best Practice Guidance on Formal Investigations'. The person appointed to undertake the investigation must keep the employee informed of the timescales and any delays that occur.

- 13.8 If the employee considers the decision taken at Stage 1 does not resolve their concern or complaint, they may give notice of appeal to the line manager of the manager making the stage 1 decision.
- 13.9 Employees wishing to appeal against a decision at stage 1 should give notice of appeal within 14 calendar days of the date of the letter. The appeal should clearly outline the employee's grounds and reasons for appealing.
- 13.10 All outcomes of formal stage 1 meetings should be copied to the HR team for recording and monitoring purposes.

#### **14. FINAL MEETING – APPEAL**

- 14.1 Following receipt of an Appeal against stage 1, an Appeal meeting will be arranged as soon as possible and in line with the Best Practice Guidance for formal hearings and appeals. The next level of management who has not been involved at the previous stages will hear the appeal. The grounds of the appeal must be clearly stated and the appropriate form used (Appendix B).
- 14.2 The purpose of this meeting is to discuss the decision taken at the previous stage and the resolution sought by the employee, along with any other relevant factors.
- 14.3 The meeting will run as at Stage 1 however the manager taking the decision at Stage 1 will provide a written response and also attend the meeting to outline their decisions and respond to the employee's point of appeal.
- 14.4 The decision of the Final Stage Appeal panel is the final stage and concludes the resolution process.

#### **15. SPECIAL CIRCUMSTANCES**

##### ***15.1 If a grievance is raised during a capability or disciplinary case***

- 15.1.1 If during the course of a capability/disciplinary or other formal process the employee whom the process is about, raises a concern or issue that is related to the case, it *may* be appropriate to suspend the procedure whilst the grievance is being dealt with, particularly if the outcome of the grievance relates directly to the ongoing capability/disciplinary procedure. However, depending on the circumstances, it may be more appropriate to deal with both issues concurrently. This is in line with the ACAS code which allows for both the suspension of the disciplinary process and the ability to deal with both issues concurrently.
- 15.1.2 The Resolution procedure should *only* be used for complaints not currently arising from or being dealt with under another Trust Policy. Any complaint

received will be considered on a case by case basis to ensure that the issues contained within the complaint do not relate to or will not be investigated under the process and policy already being followed. Should there be a complaint raised which is not considered and investigated as part of the ongoing process, the matter may be considered under the Resolution Policy.

- 15.1.3 This procedure cannot be applied against capability, disciplinary or other formal penalties/decisions. If an individual considers that the capability/disciplinary/other formal process was unfair then the appropriate appeals procedure should be instigated under the relevant policy.

## **16. MONITORING**

- 16.1 The effectiveness of this policy will be monitored regularly by HR who will provide data on the use of the policy as and when required. Annual report will be provided to the Trust board at the end of each financial year. The results of the annual staff survey will also provide a valuable indicator of any problems.
- 16.2 In advance of the review date, the HR team will review and produce recommendations which will be shared via the recognised policy approval process (HR Policy Review Group) in time for the policy review date. An early review can be triggered by the Trust Board, HR or joint staff side if they have serious concerns about the policy or its implementation.

## **17. RECORD KEEPING**

- 17.1 Records will be retained in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679), NHS Records Management guidance and Information Commissioner guidance. Such records will include:
- Nature of the concerns or complaints raised
  - Actions taken
  - Details of appeals
  - Written correspondence pertaining to cases.
- 17.2 Records will be treated as confidential, employees raising concerns will be issued with outcome letters of all meetings and case file/information pertaining to their concern or complaint.
- 17.3 The Trust, in certain circumstances (eg to protect a witness) may withhold information in accordance with the General Data Protection Regulation (GDPR) (Regulation (EU) 2016/679).

## **18. OTHER RELATED POLICIES**

Please read this policy in conjunction with the following:

Dignity at Work Policy  
Freedom to Speak up Policy  
Trade Union Recognition Agreement (for collective disputes)  
Equal Opportunities and Diversity Policy  
Disciplinary & Conduct Policy  
Sickness Management Policy

## ACAS Guidance



**Appendix A - RAISING AN INFORMAL OR FORMAL CONCERN/COMPLAINT**  
(Form available on intranet)

**NOTIFICATION FORM**

**Name** *(please print)*: .....

**Job Title:** ..... **Location:** .....

**Email:** ..... **Phone No:** .....

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

Employees should advise their line manager of their concerns, issues, or the nature of their issue promptly. When raising a concern, please set out all the details relating to the issue clearly and concisely.

Please tick:    Informal    or    Formal

What date was the issue first raised .....

**1. whether it's an individual or collective disputes** (please delete which is not applicable)

Individual                      Collective

**2. Nature of the concern being raised:**

**3. Why the matter should be dealt with informally or formally**

**4. Any dates, times or conversations that are relevant to the concern or complaint:**

**5. Any previous action taken either by yourself, line manager or other members of staff:**(please attach any documented evidence)

**6. What resolution you seek:**

7. Do you have welfare support?    Yes            No            Do not require any

*If you need to use a separate sheet, please securely attach it to this form):*

**Date Received:** .....

**Received By** (*Name and Job Title*):.....

.....

Please note that, for statistical purposes only and in order to comply with the Single Equality Scheme, all grievances are monitored and recorded by the HR Team.

## Appendix B - RAISING A FORMAL CONCERN/COMPLAINT APPEAL

### APPEAL NOTIFICATION FORM

(Form available on the intranet)

**Name** *(please print)*: .....

**Job Title:** ..... **Location:** .....

**Email:** ..... **Phone No:** .....

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

For use by an employee wishing to escalate a concern, once the informal and formal part of the procedure has been exhausted. Please read the dispute resolution procedure before completing this form and the Best Practice Guide to Hearings and Appeals. If you require any advice in completing this form, please contact your manager, trade union representative, or work colleague. If you consider you will require any adjustments to enable you to attend a meeting under this procedure, please specify.

You should set down the grounds for the appeal and provide details of why you feel the outcome of the hearing was not acceptable at the previous stage or why you feel your issue has not been appropriately, fairly and reasonably addressed. You should also state your desired outcome from the formal procedure.

*(If you need to use a separate sheet, please securely attach it to this form):*

**Date Received:** .....

**Received By** *(Name and Job Title)*: .....

.....

Please note that, for statistical purposes only and in order to comply with the Single Equality Scheme, all grievances are monitored and recorded by the HR Team.

## Appendix C - GUIDANCE TO ACHIEVE A RESOLUTION

Below outlines potential routes to achieve a settlement in a dispute that has arisen in a workplace relationship to be considered by a line manager and / or HR to establish the most effective route to resolution. For each criterion, a possible resolution intervention is identified.

Resolution assessment:

<b>Criteria</b>	<b>Resolution Option</b>
A This the first time that the issue has been raised.	Informal meeting with employee to secure a resolution or assess the options.
B The dispute is between more than two parties.	Possible team mediation using internal mediators who are neutral and not previously involved in the situation.
C The issue is a relationship breakdown between two or more colleagues.	Consider appropriate mediation.
D The dispute involves you as a line manager.	Informal meeting with employee to secure a resolution and/or assess the options <i>Or</i> Refer to your line manager for mediation or coaching <i>Or</i> Refer to HR for mediation or coaching.
E The issue contains allegations of bullying, harrassment or misconduct.	Establish the facts and then identify the appropriate policy to apply. Also consider mediation to see if a resolution can be found if appropriate
F The matter has been subject to previous resolution attempts.	Review the situation and ascertain appropriate process i.e. further mediation, coaching, further investigation.

## **Equality Impact Assessment Form Section One – Screening**

Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

The Screening element of the 'Equality Impact Assessment' is available on request.

## **Equality Impact Assessment Form Section Two – Full Assessment**

Employees exercising their rights and entitlements under the regulations will suffer no detriment as a result.

A full 'Equality Impact Assessment' is available on request.