

# **Grievance Procedure**

**Ref HR-0002-v8.1**

**Status: Approved**

**Document type: Procedure**

## Contents

---

<b>1</b>	<b>Purpose .....</b>	<b>3</b>
<b>2</b>	<b>Scope.....</b>	<b>3</b>
2.1	Who this procedure applies to.....	3
2.2	Who/What this procedure does not apply to.....	3
<b>3</b>	<b>Related documents.....</b>	<b>3</b>
<b>4</b>	<b>Principles .....</b>	<b>4</b>
4.1	Confidentiality .....	4
4.2	Trust Values and Compact .....	4
4.3	Support for staff .....	4
4.4	Equality and Diversity .....	4
<b>5</b>	<b>What is a grievance? .....</b>	<b>5</b>
5.1	Raising Concerns Informally .....	5
5.2	Raising Concerns Formally (Formal Grievance).....	6
5.3	Formal Grievance Hearing Flowchart.....	8
5.4	Raising an appeal .....	9
5.5	Grievance Appeal hearing .....	9
<b>6</b>	<b>Records .....</b>	<b>10</b>
<b>7</b>	<b>Definitions .....</b>	<b>10</b>
<b>8</b>	<b>How this procedure will be implemented.....</b>	<b>12</b>
8.1	Training needs analysis .....	12
<b>9</b>	<b>How the implementation of this procedure will be monitored.....</b>	<b>12</b>
<b>10</b>	<b>References .....</b>	<b>12</b>
<b>11</b>	<b>Document control .....</b>	<b>13</b>

## 1 Purpose

---

This document sets out the procedure when an employee wishes to raise a grievance during their employment with the Trust.

## 2 Scope

---

### 2.1 Who this procedure applies to

---

- All Trust staff on a substantive contract, this excludes Bank Staff.
- For Doctors in Training who are raising a grievance in relation to an “Exception Report” please follow the separate flow chart at **Appendix 4**.

### 2.2 Who/What this procedure does not apply to

---

This procedure does not apply to concerns about bullying and harassment, the Trust’s Bullying and Harassment Reporting and Resolution Procedure must be followed.

This procedure does not apply to grievances about the disciplinary process. Such concerns should be raised with the Commissioning Manager and/or addressed at the Disciplinary Hearing or Appeal, and follow the Disciplinary Procedure. Staff in the Medical Staffing Directorate should refer to the Medical Remediation and Disciplinary Policy.

## 3 Related documents

---

This procedure describes what you need to do to implement the Grievance section of the Human Resources, During Employment Policy.

This procedure also refers to:-

- [Bullying and Harassment Reporting and Resolution Procedure](#)
- [Whistle Blowing \(Freedom to speak up: raising concerns for the NHS\) Policy](#)
- [Disciplinary Procedure](#)
- [Staff Development Policy - Appendix 1](#)
- [Trust Values](#) and [Staff Compact](#)
- Mediation leaflet

## 4 Principles

---

The Trust encourages informal discussions and resolutions of problems as soon as possible; the grievance procedure allows staff to raise concerns in relation to their employment. Where possible attempts at an informal resolution should be made. This does not stop an employee raising a formal grievance where there is no satisfactory resolution at the informal stage.

### 4.1 Confidentiality

---

Information about a grievance will be treated in confidence by everyone involved in the process. Grievances must not be made public by the Trust or by an employee. Any contact with the media must follow Trust processes.

### 4.2 Trust Values and Compact

---

All employees will be treated fairly whether or not a grievance is lodged. The Trust's Values and Staff Compact underpin all stages of the grievance process.

### 4.3 Support for staff

---

Raising a grievance can be an extremely stressful situation and the Trust will ensure that appropriate support mechanisms are made available to all parties.

Additional support is available from the Trust Employee Support Services, Dignity at Work Champions or your Staffside Representatives.

### 4.4 Equality and Diversity

---

All staff must attend Equality and Diversity training in line with the Trust's Staff Development Policy.



If you are concerned about risk, malpractice or wrongdoing you think is harming the service we deliver, please refer to the Trust's Whistleblowing (Freedom to speak up: raising concerns for the NHS) Policy or contact the Trust Freedom to Speak up Guardian: [tewv.freedomtospeakup@nhs.net](mailto:tewv.freedomtospeakup@nhs.net) or one of the Trust's Dignity at Work Champions.

## 5 What is a grievance?

- Grievances typically cover the following areas:
  - pay and working conditions;
  - terms of employment and workplace rules;
  - disagreements



For concerns about harassment or bullying, the Grievance Procedure **does not apply**. The Trust's Bullying and Harassment Reporting and Resolution Procedure must be followed.



For Doctors in Training who are raising a grievance in relation to work schedules, please use the Exception Report form at **Appendix 3** and follow the procedure detailed at **Appendix 4**

- Grievances/concerns should be raised within a reasonable timeframe (usually within 12 months), in order to allow resolution attempts to be made at the earliest opportunity. Consideration will be given to the acceptance of historical grievances on a case by case basis. Exploring whether there are any exceptional circumstances or difficulties faced in relation to the timing of the grievance being raised.
- If the grievance is against the Chief Executive of the Trust, it must be made directly to the Director of Human Resources or the Chair of the Trust. The Chair or nominated deputy will consider the matter and Director of HR or nominated deputy will act in an advisory capacity. If the grievance is against the Chair for the Trust, it must be made directly to the Senior Independent Director, details of which can be obtained from the Trust HR Department.

### 5.1 Raising Concerns Informally

In the first instance, you should speak to your line manager or the individual that you have concerns with, this can be done via a 1:1 resolution meeting as outlined in appendix 5 . If you do not feel it appropriate to raise your concerns with your immediate line manager or the individual you have concerns with, you should consider whether speaking to another manager/supervisor would be more appropriate.

Advice and guidance on informal resolution options can be provided by The Trust's Dignity at Work Champions, Human Resources Department, Staffside representatives and Employee Support Services.

- You and the manager/individual who you have raised your concerns with, must make every effort to resolve your concerns at the informal stage.
- You must be clear about the resolution/outcome you are seeking.
- You must also be clear if you feel your concerns to be bullying and harassment in nature, if so you must raise these concerns in line with the with the Trust Bullying and Harassment resolution procedure.

- **Managers:**
  - May need to seek advice in relation to your concerns, for example if your concerns are in relation to terms and conditions or pay related issues, advice may be sought from the Trust HR and Finance Department.
  - Must be clear about why they are unable to provide the resolution requested if they are unable to do so;
  - Do not have the right to award ex-gratia payments or any other non-contractual payment as resolution to a grievance.

- For potential conflict/disagreement issues (**that are not felt to be bullying and harassment in nature**), these may be resolved by one of the following options:
  - 1:1 resolution meeting – you would be encouraged to discuss your concerns directly with the individual as an attempt to resolve them.
  - Facilitated resolution meeting – this would be a meeting held between yourself and the individual, facilitated by your line manager or another manager if appropriate.
  - Formal mediation
  - Both parties would be required to be in agreement to enter into either a facilitated resolution meeting or formal mediation.

For additional guidance on the above please refer to **appendix 5**.

If informal resolution attempts have been made and you are unsatisfied with the outcome, you can raise a grievance formally.

## 5.2 Raising Concerns Formally (Formal Grievance)

All formal grievances must be lodged in writing, by completing **appendix 1**.

A formal grievance should clearly outline the cause of concern, what steps have been taken to address the grievance informally, who has been involved in any attempts to resolve the grievance informally and a clear indication of what you require as a resolution to the grievance.

If informal attempts have not been made, you may be asked if you wish to try to resolve the grievance informally prior to progressing to the formal process.

It is acknowledged that some staff may feel that they are unable to attempt an informal resolution. This does not prevent you raising a grievance formally in the first instance

- **All Formal Grievances must be forwarded to the HR Department who will:**
  - Write to you (the complainant) and acknowledge receipt of the Formal Grievance, ideally within 7 days.
  - Send a copy of the Grievance to the appropriate Manager (i.e. Head of Service/Department), with a copy provided to the relevant HR Representative.
  - Make arrangements for a Formal Grievance Hearing to take place – this should ideally

be within 21 days of receipt of the formal grievance.

- **The appropriate Manager (i.e Head of Service/Department) will:**
  - Appoint a determining manager to chair the Grievance Hearing, who has the level of authority to agree a resolution.
  - If the grievance is specifically about an individual(s), they will be afforded the right to respond (respondent), the appropriate manager must provide the respondent(s) with a copy of the grievance (in a timely and sensitive manner). The respondents should also be advised that they will be invited to the Formal Grievance Hearing, affording them full opportunity to respond to the concerns and any evidence presented against them.
  - Must ensure that both the individual (complainant) and the respondent is provided with information on appropriate support available to them during the process.
- On behalf of the Determining Manager the HR Department will:
  - Invite the complainant to a Formal Grievance Hearing advising them of their right to be accompanied throughout the process by a companion.
  - Invite any respondents to the formal Grievance Hearing, advising them of their right to be accompanied throughout the process by a companion.
  - Invite any other individuals (participants) who may have been involved in any previous informal attempts to resolve the grievance or who may be required to provide relevant information i.e. Payroll, HR, IT, Nursing and Governance.

## 5.3 Formal Grievance Hearing Flowchart

**The Formal Grievance Hearing panel will include:**

- The Determining Manager
- A HR Representative
- A Professional Advisor (if required)



**During the Formal Grievance Hearing:**

- You (the complainant) will explain your grievance and how you think it could possibly be resolved
- Any individuals involved in any informal attempts to resolve the grievance may be required to participate in the grievance hearing to explain how they have tried to resolve the grievance; (participants)
- The Determining Manager may request other individuals (participants) to attend and provide relevant information e.g. payroll, HR, IT, Nursing and Governance;
- In an attempt to resolve the grievance, the respondent(s) will be called to the Formal Grievance Hearing to provide a response to the written concerns. These will have been shared with them prior to the hearing.
- Full Format of the Formal Grievance Hearing is at **Appendix 2**

**Potential Outcomes of the Formal Grievance Hearing**



**Decision Made** - Based on the information presented, the Determining Manager may be in a position to come to a decision. Attempts will be made to provide you with this the same day as the Formal Grievance Hearing. If this is not possible then you will be notified of the decision within 7 days.



If you are satisfied with the outcome of the Formal Grievance Hearing – no further action is required.



If you are unsatisfied with the outcome of the Formal Grievance Hearing – You have the right to raise an appeal, See **Section 5.6**

**Adjourn** – Before making a decision the Determining Manager may need more information and therefore suspend the Formal Grievance Hearing so information can be obtained.

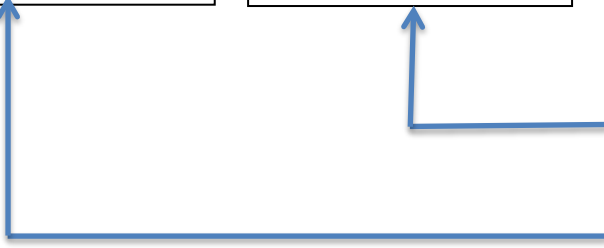


**The Determining Manager will:**

- Adjourn the Formal Grievance Hearing
- Identify who will gather the additional information
- Identify likely timescales and agree them with the individual appointed to gather the information (this should be no longer than 6 weeks)
- All documentation to be used at the reconvened Formal Grievance Hearing must be received by the complainant at least 7 days before the Reconvened Grievance Hearing.



**Decision Made** - Based on all of the information presented during the course of the original and reconvened Formal Grievance Hearing a decision will be made. Attempts will be made to provide you with this the same day as the reconvened Formal Grievance Hearing, if this is not possible then you will be notified of the decision within 7 days.







On the conclusion of the Formal Grievance Hearing, the complainant will receive feedback from the Determining Manager.

Respondents will also receive a copy of the outcome letter. Outcome letters may need to be redacted if they contain information pertinent to other parties.

## 5.4 Raising an appeal

If you are unsatisfied with the outcome of the Formal Grievance Hearing, you must submit your appeal to the Human Resources Department within 7 days of receiving your outcome letter from the Formal Grievance Hearing.

When	Who	What
<b>Within 7 days</b> from Receipt of the Formal Grievance Hearing outcome letter	Individual (complainant)	<ul style="list-style-type: none"> <li>You will be advised in your Formal Grievance Outcome letter who, within the HR Department an appeal should be addressed to.</li> <li>Use form in <b>Appendix 1</b> to submit a written appeal, clearly stating the reasons for your appeal.</li> </ul>

## 5.5 Grievance Appeal hearing

When	Who	What
On receipt of a grievance appeal	The HR Department	<ul style="list-style-type: none"> <li>Acknowledge receipt of the appeal in writing, ideally within 7 days.</li> <li>Provide a copy to the Formal Grievance Hearing Determining Manager and HR representative.</li> <li>Invite the complainant to a Grievance Appeal Hearing.</li> <li>Invite the Determining Manager from the Formal Grievance Hearing to a Grievance Appeal Hearing.</li> <li>Invite any respondents or participants involved in the Formal Grievance hearing to the Grievance Appeal Hearing.</li> </ul>
At least 2 weeks before the Grievance Appeal Hearing	Determining Manager from the Grievance Hearing.	<ul style="list-style-type: none"> <li>Submits their Grievance Hearing statement of case to the HR department</li> </ul>
At least 7 days before the appeal hearing	HR	<ul style="list-style-type: none"> <li>Sends all documents to be presented at the appeal hearing to all parties. Including any additional documents (gathered as additional information).</li> </ul>

- Full format of the Grievance Appeal hearing can be found at appendix 2

## 6 Records

- An electronic record detailing the nature of the grievance raised, the Trust's response, action taken and reason will be held within the HR Department.
- A copy of the relevant background information and the outcome correspondence will be kept on the individual (aggrieved) personal file.
- The complainant and any respondents will receive a copy of both outcome letters from the Formal Grievance Hearing and Grievance Appeal Hearing. Information will be redacted if it is pertinent to other parties involved.
- The HR Department will retain all other papers relating to the grievance.



All records will be kept in a confidential environment and retained in accordance with the Data Protection Act 2018 (GDPR) and Records Management NHS Code of Practice for Health and Social Care 2016.

## 7 Definitions

Term	Definition
The "right to be accompanied"	Workers have a statutory right to be accompanied by a companion at a grievance meeting which deals with a complaint about a duty owed by the employer to the worker. So this would apply where the complaint is, for example, that the employer is not honouring the worker's contract, or is in breach of legislation
Employee's Companion:	<p>"The Chosen Companion may be a fellow worker, a trade union representative, or an official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker" (ACAS Code of Practice). A fellow worker is an employee of the Trust.</p> <p>The companion may address the hearing in order to present the employee's case, question witnesses, sum up the employee's case and respond on behalf of the employee to any view expressed at the hearing. The companion may not answer questions on behalf of the employee</p>
Grievance	<p>Grievances typically cover the following areas</p> <ul style="list-style-type: none"> <li>○ pay and working conditions;</li> <li>○ terms of employment and workplace rules;</li> <li>○ disagreements</li> </ul>
The Complainant	The individual who has raised the Grievance.
The "Respondent(s)"	Individuals who have been identified specially by the complainant, i.e. who the grievance is against.
Participants	Individuals who may be required to attend either the Formal Grievance Hearing or Appeal Hearing who have either been involved in any

	informal attempt to resolve the grievance or who may be required to provide any relevant information.
Collective Grievance	May be raised when more than one employee has exactly the same grievance. A collective grievance is dealt with in the same way as an individual grievance, following the same process. A nominated spokesperson and Trade Union Representative are to act on behalf of the collective group of employees during the grievance process i.e. when dealing with communications related to the grievance or attending a grievance hearing.
Disputes	A grievance that is raised by a number of Trade Unions or Professional Organisations against the Trust.
Mediation	"A way of sorting out disagreements or disputes when a neutral third person works with those in the disagreement or dispute to help them reach an agreement that will resolve their problems" (ACAS).

## 8 How this procedure will be implemented

<ul style="list-style-type: none"> <li>This procedure will be published on the Trust's intranet and external website.</li> </ul>
<ul style="list-style-type: none"> <li>Line managers will disseminate this procedure to all Trust employees through a line management briefing.</li> </ul>
<ul style="list-style-type: none"> <li>Human Resources Department will produce a communication brief for Intouch, E Bulletin</li> </ul>

### 8.1 Training needs analysis

Staff/Professional Group	Type of Training	Duration	Frequency of Training
All Staff	Awareness of new procedure		

## 9 How the implementation of this procedure will be monitored

Auditable Standard/Key Performance Indicators		Frequency/Method/Person Responsible	Where results and any Associate Action Plan will be reported to, implemented and monitored; (this will usually be via the relevant Governance Group).
1	Procedure Review	12 months from date of publication	Human Resources Policy Group
2			
3			

## 10 References

- ACAS Code of Conduct
- Trust Mediation Service
- Data Protection Act 2018 (GDPR)
- Records Management NHS Code of Practice for Health and Social Care 2016

## 11 Document control

Date of approval:	05 November 2019	
Next review date:	30 April 2024	
This document replaces:	HR-0002-v8 Grievance Procedure	
Lead:	Name	Title
	Nicola Rutherford	Senior HR Team Manager
Members of working party:	Name	Title
	Policy Working Group Nicola Rutherford Ann Marshall Bryan O'Leary Neil McAdam Viki Price Jane Keenan Gordon Lees Tim Grace Stephen Devanney Peter Kanuchi	
This document has been agreed and accepted by: (Director)	Name	Title
	David Levy	
This document was approved by:	Name of committee/group	Date
	JCC	05 November 2019
This document was ratified by:	Name of committee/group	Date
	HR Policy Working Group	11 October 2019
	Joint Consultative Committee	05 November 2019
An equality analysis was completed on this document on:	May 2019	

### Change record

Version	Date	Amendment details	Status
8	Nov 2019	Full Review and re write following introduction of Bullying and Harassment Resolution procedure.	Published
8	May 2021	Review date extended to 05/10/2023	Published
8	Feb 2024	Review date extended to 31/03/2024	Published

8.1	08 Mar 2024	<p>Extension of review date to 30 April 2024.</p> <p>Correction of email address on page 15 from <a href="mailto:TEWVNT.HROperations@nhs.net">TEWVNT.HROperations@nhs.net</a> to the correct <a href="mailto:TEAWVNT.HROperations@nhs.net">TEAWVNT.HROperations@nhs.net</a>.</p>	Published
-----	-------------	--	-----------

**APPENDIX 1**

**TEES, ESK AND WEAR VALLEYS NHS FOUNDATION TRUST**

**Notification of Grievance\* / Appeal against a Grievance outcome\***  
(\*delete as appropriate)

**NAME(S):** (of individual(s) raising grievance or appeal) (the Complainant)

.....  
.....

**JOB TITLE(S):** .....

**DEPARTMENT(S):** .....

**BASE(S):** .....

**HOME ADDRESS/ADDRESSES FOR CORRESPONDENCE:** (If more than one individual, please give the address/addresses of the nominated spokesperson(s) acting on behalf of and attending the Formal Grievance hearing on behalf of the collective group)

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

**NAME OF COMPANION:** .....

**NATURE OF GRIEVANCE OR REASONS FOR APPEAL:** (please continue on a separate sheet if required)

**DISCUSSIONS HELD TO DATE TO RESOLVE THE MATTER:**

**OUTCOME OF DISCUSSIONS HELD TO RESOLVE THE MATTER:**

**DESIRED RESOLUTION TO/OUTCOME OF THE FORMAL GRIEVANCE:**

**SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_**

**ONCE COMPLETE PLEASE ADDRESS AND PROVIDE A SIGNED COPY  
OF THIS FORM TO YOUR HEAD OF SERVICE**

*Please also provide a copy of this form to the Human Resources Department:*

[TEAWVNT.HROperations@nhs.net](mailto:TEAWVNT.HROperations@nhs.net)

**Meeting Date:**

.....

**Who was present:**

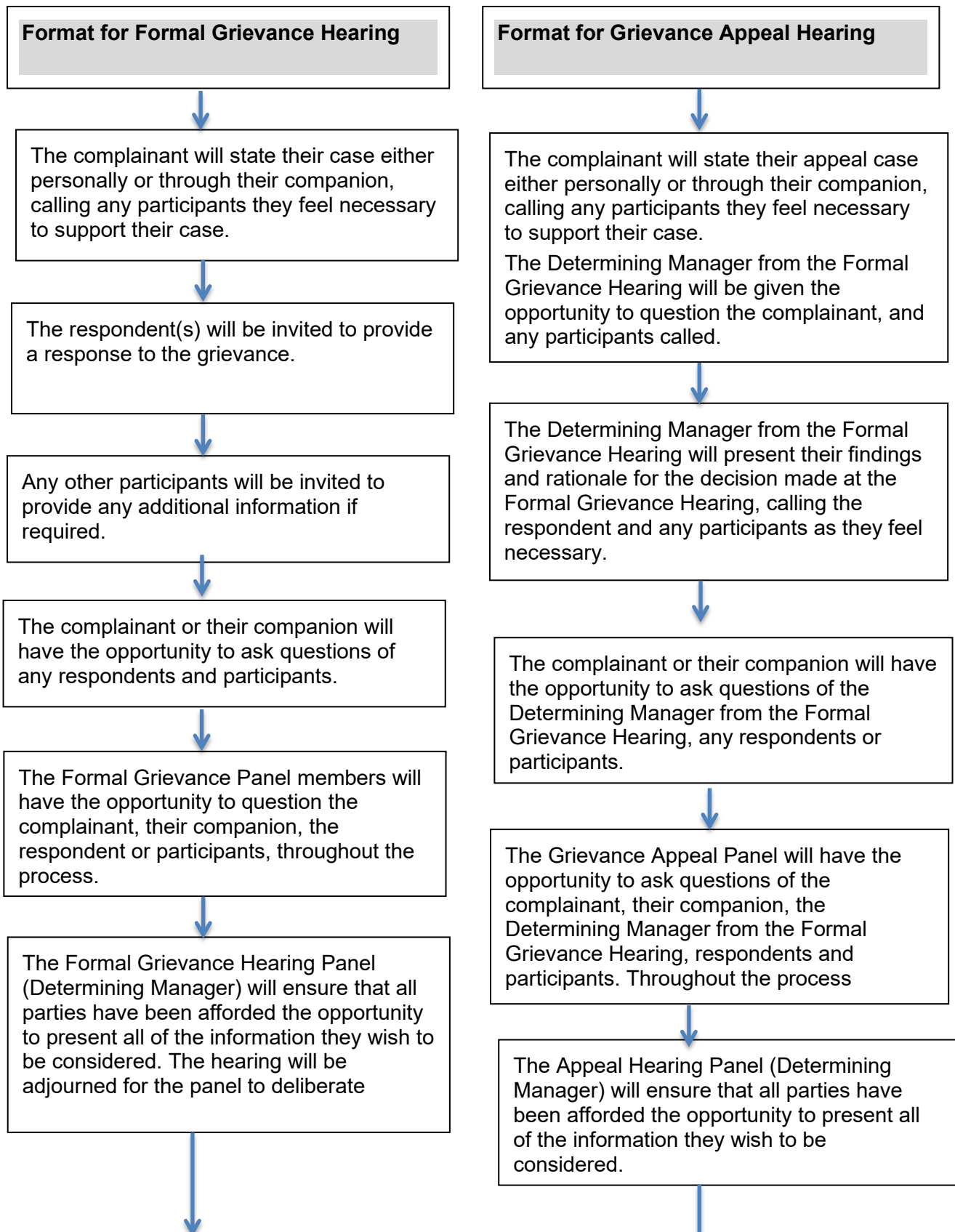
.....

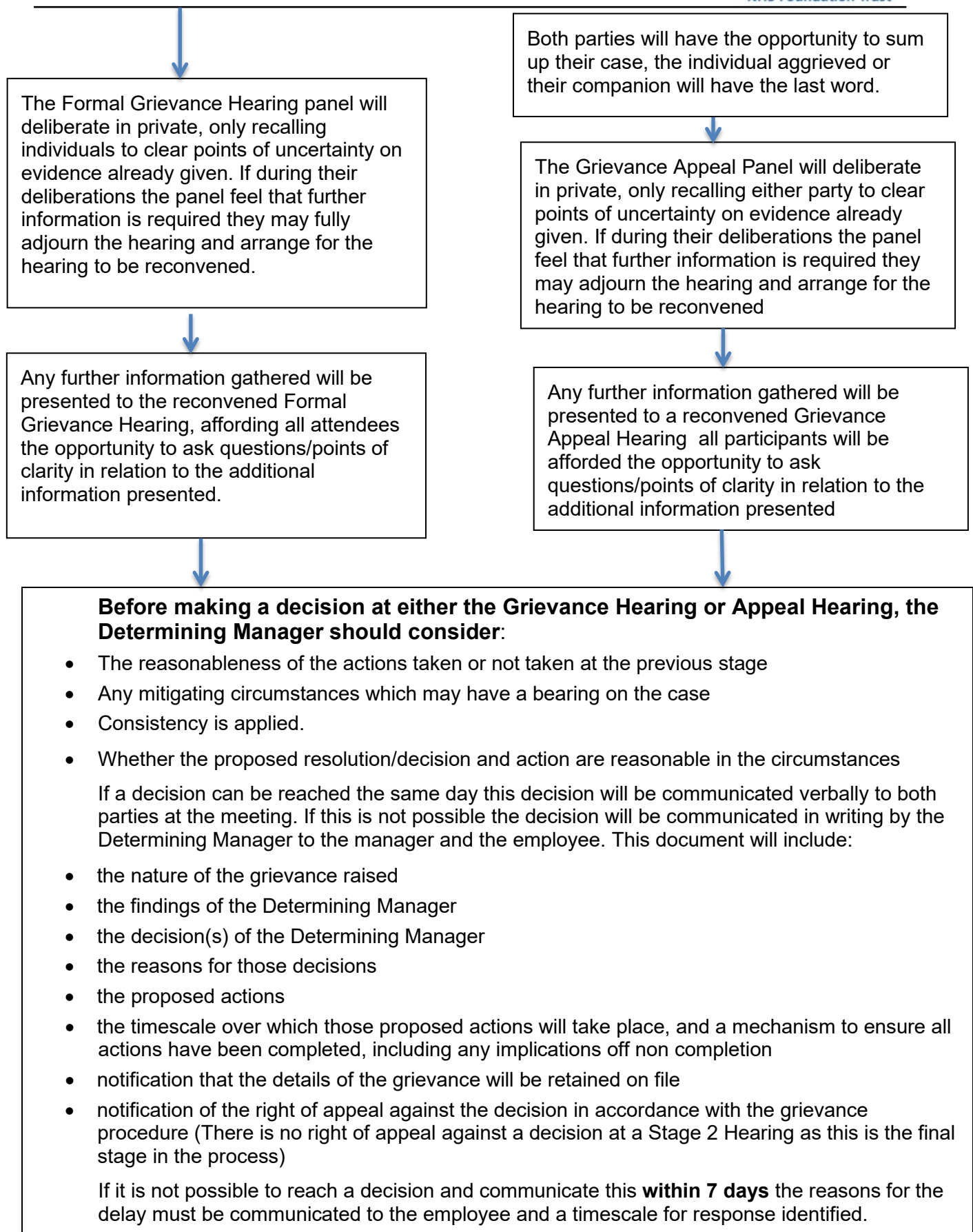
**Outcomes of Grievance:**

.....



## APPENDIX 2





## APPENDIX 3

**TEES, ESK AND WEAR VALLEYS NHS FOUNDATION TRUST**

**JUNIOR DOCTOR 'EXCEPTION REPORTS' ONLY**

**Notification of Grievance\*/Appeal against a Grievance Outcome\* (delete as appropriate)**

**DOCTOR'S NAME** raising grievance or appeal:

.....

**GRADE OF DOCTOR:**

.....

**SPECIALITY:**

.....

**LOCALITY:**

.....

**HOME ADDRESS FOR CORRESPONDENCE:**

.....

.....

.....

**NAME OF COMPANION** (If applicable)

.....

**NAME OF CLINICAL SUPERVISOR:**

.....

**NATURE OF GRIEVANCE OR REASON FOR APPEAL** (please continue on a separate sheet if required)

**PLEASE DETAIL THE OUTCOME YOU ARE SEEKING**

**OUTCOME OF PREVIOUS ATTEMPTS TO RESOLVE THE GRIEVANCE:**

**Meeting Date:**

.....

**Who Present:**

.....

**Outcome(s) of Grievance:**

.....

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

Please send this form to Medical Staffing Manager for actioning: [TEAWVNT.medicalstaffing@nhs.net](mailto:TEAWVNT.medicalstaffing@nhs.net)

## Appendix 4

### FOR JUNIOR DOCTORS IN RELATION TO 'EXCEPTION REPORTS' ONLY

*'Exception Reporting' – where a doctor in training feels their workload or pattern of working is deviating significantly or routinely from their intended work schedule or they cannot access training as specified in their work schedule.*

*The following process should be followed for doctors in training only in relation to 'Exception Reporting'. Any grievances other than 'Exception Reporting' should be dealt with using the Trust's general grievance procedure at the front of this document.*

#### **Level 1 Process:**

This is the informal stage where you will have discussed your issues or concerns detailed in your 'Exception Reports' with your Clinical Supervisor and only if you are dissatisfied with the outcome of that discussion would you proceed to Level 2 below (which is the formal Grievance process).

#### **Level 2 Process:**

- If doctor dissatisfied with outcome from Level 1 process, the doctor can request a Level 2 work review within 14 days of receiving notification of the outcome.
- A written request (complete appendix 1a of the Trust Grievance procedure), detailing the areas of your disagreement to the work schedule outcome and details of the outcome you are seeking. This should then be forwarded to the Medical Staffing Manager and copying in your Clinical Supervisor.
- A Level 2 review discussion should take place, no later than 21 days after receipt of the doctor's formal written request.
- A Level 2 review panel will be arranged and will consist of the following members;
  - Clinical Supervisor (for reference purposes only)
  - Doctor requesting review
  - Medical Education Manager or Medical Staffing Manager
  - Associate DME
  - Academic Supervisor (only doctors on integrated academic training pathway)
- Panel will consider the outcome from the Level 1 conversation and the outcome will be one of the following;
  - The Level 1 outcome upheld
  - Compensation of time off in lieu is required
  - No change to the work schedule is required
  - Prospective documented changes are made to the work schedule
  - Organisational changes such as review of the timings of ward rounds, handovers and clinics are needed.
- The panel will communicate their decision in writing.

If doctor is dissatisfied with the outcome from the Level 2 meeting, they may request a 'Final Stage Work Review' within 14 days of receiving notification of the decision.

**Final Stage: (For LET employed doctors they need to follow their own Grievance Procedure at this point).**

- The doctor must set out the areas of disagreement about the work schedule and detail the outcome they are seeking.
- The final stage for a work review is a 'Formal Hearing' under the Grievance procedure.
- The final stage review hearing will be arranged and will consist of the following members;
  - Clinical Supervisor (for reference purposes only)
  - Doctor requesting review
  - Associate Director of Medical Development
  - Director of Medical Education (if a training issue) or Guardian (if working hours issue) or both if applicable.
  - Academic Supervisor (only doctors on integrated academic training pathway)
- Panel will consider the outcome from the Level 2 meeting and the outcome will be one of the following;
  - The Level 2 outcome upheld
  - Compensation of time off in lieu is required
  - No change to the work schedule is required
  - Prospective documented changes are made to the work schedule
  - Organisational changes such as review of the timings of ward rounds, handovers and clinics are needed.
- The panel will communicate their decision in writing.
- The decision of the panel will be final.

## **Informal Resolution Options**

### **1:1 Resolution Meeting**

Some people are not aware that their behaviour is unwelcome or the impact this may be having on you and an informal discussion can lead to a greater understanding and an agreement that the behaviour will cease.

If you feel able to raise your issues/concerns with the employee concerned directly in a confidential setting face-to face then a 1:1 meeting would be an appropriate way forward in an attempt at an informal local resolution.

### **Facilitated Informal Conversation**

If you do not feel comfortable addressing the concerns directly with the individual concerned or would prefer the issues/concerns to be addressed via a facilitated informal conversation, you will be supported to do this. Ideally the conversation should be facilitated by your line manager/supervisor.

The following is a guide to use when conducting an informal facilitated conversation:

- Introductions given / reasons for the meeting explained. Ground rules for the way the meeting will be conducted will be agreed which may include:-
  - treating each other with respect,
  - actively listening to each other,
  - a commitment by both parties to proactively work together to identify and agree how the situation may be resolved.
  - the focus being on identifying a solution to resolve the problem and restore the relationship.
- Gain an understanding of what has happened from the complainant asking for clear, specific examples such as dates, what was said/done, how it made them feel. Explore what it is they have found to be unacceptable.
- A focus on how the actions have made the complainant feel should be established.
- The subject of the complaint should be given the opportunity to respond. This may help them to understand the effects of his/her behaviour with the agreement to change it, as the alleged perpetrator may not know that their behaviour is unwelcome or upsetting.
- Alternative appropriate behaviours should be agreed.
- Both parties should actively listen and attempt to understand how their behaviour may have impacted on how the other person felt.
- It is hoped that an agreement can be reached on how the matter may be resolved to the satisfaction of the complainant. This may include specific actions/behavioural changes agreed by both parties by the end of the meeting.

- From this informal discussion it should be possible for the employee to assess if they feel the subject of the complaint has understood the effect their behaviour has had and whether they are prepared to change this.
- The facilitator should take responsibility for arranging an informal review meeting to assess how things are progressing and to ensure the concerns remain resolved.

### **Formal Mediation**

It is advised that formal mediation is tried before resorting to a formal process. Mediation is a confidential and voluntary process which brings together employees who are experiencing problems in a work relationship. Mediation is offered as a service by employee volunteers who are accredited trained mediators.

If you want to explore the option of formal mediation in more detail please contact Michelle Brown Head of Organisational OD on 01642 451676 [michellebrown1@nhs.net](mailto:michellebrown1@nhs.net).

## **Appendix 6 - Equality Analysis Screening Form**

**Please note; The Equality Analysis Policy and Equality Analysis Guidance can be found on InTouch on the policies page**

Name of Service area, Directorate/Department i.e. substance misuse, corporate, finance etc.	Human Resources Department				
Name of responsible person and job title	Nicola Rutherford – Senior HR Team Manager				
Name of working party, to include any other individuals, agencies or groups involved in this analysis	Policy Working Group JCC				
Policy (document/service) name	Grievance Procedure				
Is the area being assessed a...	Policy/Strategy	<input type="checkbox"/>	Service/Business plan	<input type="checkbox"/>	Project
	Procedure/Guidance	<input checked="" type="checkbox"/>		Code of practice	<input type="checkbox"/>
	Other – Please state				<input type="checkbox"/>
Geographical area covered	Trustwide				
Aims and objectives	The aim of the procedure is for the Trust to encourage informal discussion and resolution of problems at an early stage however, this does not preclude an employee raising a formal grievance whilst attempts to seek a resolution are ongoing				
Start date of Equality Analysis Screening (This is the date you are asked to write or review the document/service etc.)	2nd May 2019				
End date of Equality Analysis Screening (This is when you have completed the equality analysis and it is ready to go to EMT to be approved)	<b>7<sup>th</sup> May 2019</b>				



**You must contact the EDHR team if you identify a negative impact. Please ring Sarah Jay or Julie Barfoot on 0191 3336267/3046**

1. Who does the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan benefit?

The procedure's aim is to benefit all Trust Staff to support them to raise concerns at the earliest opportunity on either an informal or formal basis. To support staff with options in relation to informal resolution to their concerns. To support managers when dealing with concerns raised either informally or formally..

2. Will the Policy, Service, Function, Strategy, Code of practice, Guidance, Project or Business plan impact negatively on any of the protected characteristic groups below?

<b>Race</b> (including Gypsy and Traveller)	Yes/No	<b>Disability</b> (includes physical, learning, mental health, sensory and medical disabilities)	Yes/No	<b>Gender</b> (Men, women and gender neutral etc.)	Yes/No
<b>Gender reassignment</b> (Transgender and gender identity)	Yes/No	<b>Sexual Orientation</b> (Lesbian, Gay, Bisexual and Heterosexual etc.)	Yes/No	<b>Age</b> (includes, young people, older people – people of all ages)	Yes/No
<b>Religion or Belief</b> (includes faith groups, atheism and philosophical belief's)	Yes/No	<b>Pregnancy and Maternity</b> (includes pregnancy, women who are breastfeeding and women on maternity leave)	Yes/No	<b>Marriage and Civil Partnership</b> (includes opposite and same sex couples who are married or civil partners)	Yes/No

**Yes** – Please describe anticipated negative impact/s

**No** – Please describe any positive impacts. The procedure encourages all staff to raise concerns at the earliest opportunity, focussing on attempts to resolve their concerns informally. This does not prevent staff from raising their concerns on a formal basis. The procedure provides means for anyone with a protected characteristic to raise concerns of unfair treatment. There has been no known reported cases whereby a staff member with a protected characteristic has felt the Grievance procedure negatively impacts upon them. The HR Department would continue to monitor this and make any recommendations if a case of this nature should arise.

<b>3. Have you considered other sources of information such as; legislation, codes of practice, best practice, nice guidelines, CQC reports or feedback etc.? If 'No', why not?</b>	<b>Yes</b>  x		<b>No</b>	
<b>Sources of Information may include:</b> <ul style="list-style-type: none"> <li>Feedback from equality bodies, Care Quality Commission, Equality and Human Rights Commission, etc.</li> <li>Investigation findings</li> <li>Trust Strategic Direction</li> <li>Data collection/analysis</li> <li>National Guidance/Reports</li> </ul>	<ul style="list-style-type: none"> <li>Staff grievances</li> <li>Media</li> <li>Community Consultation/Consultation Groups</li> <li>Internal Consultation</li> <li>Research</li> <li>Other (Please state below)</li> </ul>			
<b>4. Have you engaged or consulted with service users, carers, staff and other stakeholders including people from the following protected groups?: Race, Disability, Gender, Gender reassignment (Trans), Sexual Orientation (LGB), Religion or Belief, Age, Pregnancy and Maternity or Marriage and Civil Partnership</b>				
<b>Yes – Please describe the engagement and involvement that has taken place</b>				
Policy Working Group The Policy Working group now has representation from the Trust's Peer Support and Expert By Recovery Lead				
<b>No – Please describe future plans that you may have to engage and involve people from different groups</b>				

5. As part of this equality analysis have any training needs/service needs been identified?					
<b>Yes/No</b>	Please describe the identified training needs/service needs below				
<b>No</b>	No formal training needs have been identified. Communication on the new procedure will be carried out by the Trust's Operational HR team.				
A training need has been identified for;					
Trust staff	Yes/No <b>No</b>	Service users	Yes/No <b>No</b>	Contractors or other outside agencies	Yes/No <b>No</b>
<b>Make sure that you have checked the information and that you are comfortable that additional evidence can be provided if you are required to do so</b>					
The completed EA has been signed off by: You the Policy owner/manager: Type name: Nicola Rutherford					Date: 05/11/2019
Your reporting (line) manager: Type name: Beverley Vardon-Odonkor					Date: 05/11/2019
If you need further advice or information on equality analysis, the EDHR team host surgeries to support you in this process, to book on and find out more please call: 0191 3336267/3046					

