



Grievance and Resolution Policy (Grievance and Disputes at Work)

This procedural document supersedes: CORP/EMP 3 v.7 – Grievance and Dispute Procedure



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Amendment Form

Version	Date Issued	Brief Summary of Changes	Author
Version 7	June 2023	<ul style="list-style-type: none"> • Name change to reflect best practice and culture change • Split of individual/collective Grievances and collective disputes into separate processes • Added flow chart 	Jayne Lang
Version 6	17 August 2015	<ul style="list-style-type: none"> • Minor amendments for factual accuracy 	Ruth Cooper
Version 5	February 2022	<ul style="list-style-type: none"> • The process has been amended and shortened, timeframes within the formal element of the process have been added. • Monitoring Effective Compliance added at section 9. • Appendix 3 on process to follow at formal hearing has been removed and Appendix 4 and 5 have been re-numbered accordingly. • Appendix - Grievance Procedure Summary flow chart has been updated. 	Keeley Cromwell
Version 4	August 2009	<ul style="list-style-type: none"> • Section 2 - Delete 'Whitley Council negotiations or any other' • Staff copy – amended paragraph numbering – is now Appendix 5 • Amended to reflect Employment Act 2008 and ACAS Statutory Code of Practice 2009 • Section 5 – 'role of the HR department' added • Section 8 – updated to include mediation and clarification on timescales for meetings. • Appendix 4 – Grievance Procedure Flowchart • Employee Representation clarified 	Michelle Victor
Version 3	January 2005	<p>Page 2 – paragraph 3.9 removed</p> <p>Staff copy – no revisions made (remains version 2)</p>	Jayne Lang

Contents

	Page No.
1 INTRODUCTION	5
2 PURPOSE	5
3 DUTIES AND RESPONSIBILITIES.....	6
3.1 Chief Executive.....	6
3.2 Chief People Officer	6
3.3 Divisional and Directorate Leadership teams	6
3.4 Line Managers.....	6
3.5 People & OD – People Team	6
3.6 Trade Unions/Professional Organisations	6
4 DEFINITIONS	7
5 GENERAL PRINCIPLES	7
5.1 Representation	9
5.2 Time Limits	9
5.3 Mediation.....	10
5.4 Malicious/Frivolous/Vexatious Grievances.....	10
5.5 Raising a Grievance during a Disciplinary Process	11
5.6 Grievance Raised by Former Employees.....	11
5.7 Witnesses	11
5.8 Disputes	11
6 GRIEVANCE RESOLUTION PROCESS	12
6.1 Stage 1 – Informal Resolution	12
6.2 Stage 2 – Formal Resolution	13
6.3 Stage 3 – Appeal.....	14
7 GROUP DISPUTES RESOLUTION PROCESS	15
7.1 Stage 1 – Informal Dispute.....	15
7.2 Stage 2 – Formal Dispute	15
7.3 Stage 3 – Dispute Appeal	16
8 TRAINING/SUPPORT	17
9 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT	17

10 EQUALITY IMPACT ASSESSMENT 18

11 ASSOCIATED TRUST PROCEDURAL DOCUMENTS..... 18

12 REFERENCES 19

13 DATA PROTECTION 19

APPENDIX 1 20

APPENDIX 2 21

APPENDIX 3 22

APPENDIX 4 23

APPENDIX 5 – EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING 25

1 INTRODUCTION

The Trust recognises that from time-to-time employees may wish to raise matters which are causing them concern, or to seek resolution for grievances related to their employment on an individual or group basis. The Grievance and Resolution Policy sets out an approach that provides a structured framework to allow employees' grievances and disputes to be handled fairly, speedily, and consistently and at the point closest to where the grievance/dispute was originally raised.

This procedure covers all colleagues employed under a contract of employment by the Trust and all questions which may become a source of grievance, excluding decisions arising from action under other Trust Policies, which incorporate an Appeals process e.g. Disciplinary policy, Job Planning. This procedure includes any grievance concerned with an employee's job, conditions of service, or circumstances which are considered to be grounds for claiming constructive dismissal, together with such other matters for which statutory provision is made for applications to be heard by an employment tribunal (except applications alleging unfair dismissal) or other outside agency.

This procedure shall not apply to matters pertaining to national insurance, income tax, rules of pension schemes, or matters concerning future joint negotiating of national terms and conditions. Concerns about harassment or inappropriate behaviour towards others will be dealt with in line with the CORP/EMP 58 – Civility, Respect and Resolution Policy (Anti-Bullying & Harassment)

Grievances concerning Agenda for Change banding outcomes may only be raised via this procedure if it is felt the matching or evaluation process has not been followed correctly; or where a manager and colleague disagree on whether changes or developments to a role are significant and warrant a re-band. These grievances should be directed to the People and OD – People Business Partner teams. If the grievance relates solely to the dissatisfaction with the banding outcome, the Pay Band Policy CORP/EMP 22 should be consulted.

This policy outlines the separate processes for dealing with an individual or collective grievance and collective dispute.

Once a grievance or dispute has been concluded through this process, if an employee(s) raises a further grievance/dispute about the same or similar matters, the Trust reserves the right to decline their grievance/dispute, unless new evidence has become available which was not reasonably available in the previous process.

2 PURPOSE

The objectives of the procedure are:

- To provide a mechanism for employees individually or collectively to resolve grievances or disputes which affect the terms and conditions of service under which they work.
- To also ensure that all employees are aware of the agreed procedure.
- To facilitate grievances or disputes being settled fairly with a minimum delay and as near as possible to the point of origin.

- To integrate the means of handling both individual and collective grievances.
- To help create a constructive and positive employee relations climate.

3 DUTIES AND RESPONSIBILITIES

3.1 Chief Executive

Formal overall responsibility for ensuring that the management of all grievances and disputes within the Trust are consistent with policies, procedures, and legislation.

3.2 Chief People Officer

Responsible for ensuring that there are robust processes and procedures in place to allow for effective resolution of all grievances and disputes and that they remain up to date and in line with current legislation.

3.3 Divisional and Directorate Leadership teams

To ensure all local grievances and disputes are managed in line with this procedure and for effective delegation of responsibilities to manage resolutions. Responsible for discussing potential problems/issues with their People Business Partner Team.

3.4 Line Managers

Responsible for ensuring all stages of the process are followed and considered, including informal resolution of any issues.

To ensure cases are recorded and documented accurately using Trust recording systems.

3.5 People & OD – People Team

To provide professional HR advice on the grievance procedure, as well as providing support and guidance for managers to enable effective and timely resolution of grievances/disputes within the Trust.

To support Managers to record and document cases accurately using the appropriate Trust system(s).

To monitor the resolution process, using key performance indicators and by monitoring the nature of grievances and disputes raised. This monitoring process will inform policy review, ensure resolutions are achieved in a timely manner and allow development of appropriate training for managers.

3.6 Trade Unions/Professional Organisations

To advise members of their rights and responsibilities under the policy and to be available to represent their members individually or collectively at appropriate meetings.

To support their members in dealing with concerns in accordance with the principles of the policy.

Where appropriate, to work in partnership with Managers and People Business Partnering Teams to address issues which are raised under this policy.

4 DEFINITIONS

Grievance – a complaint presented to a Trust manager by a colleague (as outlined in section 1 above)

Collective grievance – a complaint presented to a Trust manager by two or more colleagues (as outlined in section 1 above)

Dispute – Is where complaints are raised by Representatives of recognised Trade Unions, where the subject of the dispute is not covered within other Policies or procedures or where the subject relates to matters that are open to local negotiation and resolution.

Mediation - a non-adversarial way of resolving difficult situations. The mediator is an impartial third-party person who may be internal to the Trust or external if appropriate, who is formally trained in mediation. The mediator helps two or more parties to have an open and honest dialogue, with the aim of identifying a mutually acceptable resolution.

Advisory Conciliation and Arbitration Service (ACAS) - Provide information, advice, training, conciliation and other services for employers and employees to help prevent or resolve workplace problems.

Status Quo - 'Standstill' arrangements designed to allow the organisation to work normally while attempts are made to resolve grievances. Status quo means that conditions that existed before the resolution process began, will continue while the policy is being followed and until it is exhausted.

Vexatious/Frivolous/Malicious Grievances – Are claims based on deliberate or malicious misrepresentations. They generally lack a serious value or purpose and are not made in good faith. These may be claims designed to cause annoyance and disruptions; or can otherwise be fairly characterised as manifestly unreasonable. For example, where an individual continues to raise the same issues that have previously been the subject of formal management and appeal processes.

Protected Characteristic – Having a protected characteristic means you have a right not to be treated less favourably, or subjected to an unfair disadvantage, due to having that characteristic. The 9 protected characteristics under the Equality act are; Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sex.

5 GENERAL PRINCIPLES

This procedure has been identified as an acceptable means of resolving grievances and disputes. The operation of the procedure shall be followed free from any form of duress by either party and there is an obligation upon both parties to maintain the status quo.

Status Quo - It is recognised that there may be occasions when, in order to maintain service provision, it is not practically possible to apply this principle, meaning that it is not possible to maintain those conditions that existed before the dispute whilst this policy is initiated. In these circumstances, the situation will be discussed with the employee(s) raising the concerns or the representative of the trade union/professional organisation raising the dispute. It may be possible to mutually agree that an interim arrangement could operate pending the next stage of the resolution process. However, this departure from normal status quo arrangements will be authorised by the Chief People Officer.

To avoid unnecessary lengthy applications of status quo, all parties to the resolution process must commit to adhere to the specified agreed time limits for each stage.

There are three routes of resolution available through this policy, these are

- Stage 1 - Informal
- Stage 2 – Formal
- Stage 3 – Appeal

See Appendices 1 and 2 for a flow chart depicting to process for the resolution of grievances and disputes.

Where an employee(s) has an enquiry, problem or a grievance concerned with their job, conditions of service or banding, this should in the first instance be raised with their immediate supervisor/line manager in order to try and resolve the matter informally.

If the grievance is around how an employee has been dealt with due to one of the protected characteristics, then consideration should be given to seeking advice / support from the People Business Partner Team or the EDI Lead.

Only in the event of the immediate supervisor:

- (a) advising that the matter must be referred to a higher level of management for a decision; or
- (b) giving what the employee considers to be an unsatisfactory decision, should the employee proceed to Stage 2 of the Procedure.

At all stages of the procedure the appropriate Head of Department/immediate Manager should consult as necessary with other members of management to find a satisfactory solution. Such consultation is vital where the solution of a grievance or dispute has implications for colleagues elsewhere in the Trust or may establish precedence.

An issue may be referred back to any previous stage of the procedure if it appears likely to produce a speedier or more acceptable solution.

Decisions in favour of employees will be applied with effect from the date upon which the grievance was formally lodged.

At all formal stages in the procedure (ie stages 2 and 3), members of the People Business Partner Teams should be used in an advisory/conciliatory capacity.

Due regard should be given in terms of appropriate independent support where issues which may impact on one of the protected characteristics within the Equality Act apply.

5.1 Representation

The term Representative within the context of this agreement means:

- a representative of a Trade Union (i.e. duly elected and accredited in accordance with the Trust's agreement on Facilities for Trade Unions or a full-time Union Officer)
- a representative of a Professional Organisation

The term companion within the context of this agreement means:

- a work colleague who is acting as a supporter and not in a professional capacity, and not directly involved in the complaint as a witness.

An employee can choose to be accompanied by a companion/representative at all stages of the procedure.

An employee with an individual grievance has the right to a face to face meeting at all stages of the procedure.

In cases of collective grievances, the matter should be dealt with in the same way as an individual grievance. If a group of colleagues are involved, they must nominate agreed representatives/companions (up to a maximum of 3, depending on the number of employees affected) to represent them at any stage during the procedure.

5.2 Time Limits

Grievances should be raised as soon as possible following an issue arising.

The time limits given for each stage are the maximum time limits and are not to be regarded as the length of time it should take to come to a resolution. However, by mutual agreement, timescales may be increased to take into account matters such as the complexity of the issue. Under these circumstances, the colleague (or representative in the case of group disputes) will be kept informed of progress by the appropriate manager. It is in the interests of all parties to produce an acceptable resolution as quickly as possible. The time taken for grievances or disputes to receive a decision at each stage will be routinely monitored by the appropriate next stage manager.

Where specific managers are designated as responsible for certain parts of this procedure and they are unavailable within the time limits, action may be taken by another authorised manager to act for them or, alternatively, reference will be made to the next appropriate stage of the resolution process.

5.3 Mediation

Mediation is about collaborating rather than blaming. Any agreement made during the mediation comes from the colleagues involved, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. Mediation is both voluntary and confidential.

Many problems can be resolved through constructive and open discussions between the parties involved and it is in the interest of everyone to resolve grievances and disputes at the earliest opportunity.

At DBTH we have a network of formally trained mediators who can be approached to support where needed. If appropriate, the use of external (to the department or the Trust) mediators may also be explored. If mediation is being considered as an option, colleagues/managers involved in the grievance or dispute may wish to seek advice from their People Business Partner Team who will help assist with identifying an appropriate mediator.

5.4 Malicious/Frivolous/Vexatious Grievances

The Trust is confident that the majority of grievances and disputes raised by colleagues are not vexatious and would not deter any individuals from raising an issue that is genuine and made in good faith. The Trust strongly encourages colleagues to try and resolve any differences of opinion with their manager and/or work colleagues informally in the first instance. The Trust will not tolerate deliberate misuse of this policy. Therefore, if a grievance or dispute is found to be malicious, frivolous or vexatious during the application of the resolution procedure, then the Hearing Manager can choose to take further action (which may include disciplinary action) against the person who has raised the grievance or dispute.

If the grievance or dispute is not materially different or no new evidence is available from a previously heard case the Hearing Manager may refuse to arrange a new hearing, or may terminate the new hearing if it has already started.

If either of the above situations apply then further advice should be sought from the Business Partnering Team.

5.5 Raising a Grievance during a Disciplinary Process

In exceptional circumstances, where an employee raises a grievance at any stage of the disciplinary procedure, a decision will be made as to whether the proceedings should be suspended until such time as the grievance is resolved. This decision will be made by the manager who commissioned the disciplinary investigation and be based on the seriousness of the allegations and whether or not they make it inappropriate for the disciplinary procedure to continue until the grievance outcome is known. In most cases, the two procedures will run parallel.

5.6 Grievance Raised by Former Employees

If a former employee of the Trust raises a grievance about an issue related to their employment in the Trust, it will be treated as a complaint. The former employee should write to the Trust, as soon as possible after leaving but within three months of the last incident. The complaint will be investigated by an appropriate manager and a written outcome will be issued once the investigation is completed.

If an employee leaves during a grievance process, then the current stage of the grievance will continue until it is completed and an outcome given, there would be no further internal recourse past this point.

5.7 Witnesses

Prior notice must be given to the appropriate manager by any representative/manager before approaching colleagues in the preparation of a case. It must be made clear when colleagues are approached by any representative in the preparation of a case or to appear as a witness at a resolution meeting, that information necessarily disclosed to them must be kept in confidence.

Witnesses may be called by either party and may only clarify the facts relevant to the grievance or dispute currently within the resolution process.

Both parties must advise each other of the witnesses they intend to call as soon as possible but at least five working days before the meeting. This is necessary to avoid duplication of witnesses being called.

5.8 Disputes

Disputes are raised by Representatives of recognised Trade Unions, where the subject of the dispute is not covered within other Policies or procedures or where the subject relates to matters that are open to local negotiation and resolution. Therefore, the following are not covered by this part of the policy. These are examples and not an exhaustive list:

- Legislative tax and pension matters, which are not the responsibility of the Trust.
- Individual grievances concerning an employee's employment which will be dealt with under the Grievance Resolution Process (see above).
- Collective grievances that do not meet this policy's definition of a dispute and which will be dealt with under the Grievance Resolution Process (see above).
- Individual/personal issues relating to another employee which will be dealt with either under the Grievance and Resolution Process or the Civility, Respect and Resolution Policy (Anti-Bullying & Harassment) Trusts Bullying and Harassment Policy CORP/EMP 58

- National disputes where arrangements will be managed by Trade Unions/Professional Organisations at a national or regional level.

Where a dispute is raised, this should be done within 3 months of the incident or action giving rise to the dispute. In exceptional circumstances, this period may be extended by mutual agreement.

The letter or e-mail should clearly detail the cause and nature of the dispute and should be addressed to the Chief People Officer.

Every effort should be made to resolve the dispute quickly and ideally the procedure should be completed within two months of the date when the formal dispute was first registered, unless both parties agree to an extension of the timescale.

Where the matter at hand is of a fundamentally important nature, for example where the issues present a risk to service delivery, the parties can shorten or fast track the usual stages in order to urgently address the matters. This would generally be discussed at Chief People Officer and trade union Full Time Officer level.

In exceptional circumstances if the dispute is not resolved, and where both parties agree, disputes can be referred to an external body or person (e.g. ACAS) for advice, conciliation, mediation or binding arbitration as agreed.

6 GRIEVANCE RESOLUTION PROCESS

6.1 Stage 1 – Informal Resolution

Before an employee(s) takes up a formal grievance under this procedure, they should first raise the matter informally with their immediate supervisor/line manager in an attempt to resolve the issue through informal discussion(s). Advice can be sought from People Business Partner Teams.

Present at these informal discussions will be the aggrieved colleague and the manager considering their grievance. The manager must keep a record of the discussions and confirm these in writing to the employee, setting out their decision and the rationale for their decision in a letter. Because the matter is informal, attendance by anyone from the People Business Partner Teams or a companion/representative would generally not be necessary. However, where this does not cause unnecessary delays to the process, this can be mutually agreed between the individual and manager.

If, in particularly sensitive cases, the employee feels unable to raise the grievance with their immediate supervisor/line manager or the supervisor/line manager's manager, it may be raised with the relevant People Business Partner Team or if preferred, with their Trade Union representative to raise it on their behalf.

Mediation using the Trusts network of mediators should also be considered at this point in an attempt to reach a resolution.

If the matter is not resolved through informal discussion(s) with their immediate supervisor/line manager, the grievance should be put in writing to the next level of management, using the guidance at appendix 3. This should be done within 14 days of the issue remaining unresolved

Stage 2 should not be initiated until after the informal procedure at Stage 1 has been followed and no resolution has been found at that stage.

6.2 Stage 2 – Formal Resolution

Where an employee has a grievance which has not been resolved through informal discussion with their immediate supervisor they should submit their grievance in writing within 14 calendar days, to the next level of management, using the guidance at Appendix 3. They should clearly set out the details of their unresolved concerns and how they have previously attempted to resolve these concerns and what their expected resolution is. The timescales for doing this can be extended where this is reasonable and by mutual agreement.

The manager in receipt of the grievance should acknowledge this within 7 calendar days of receipt. The manager should invite the employee to a meeting to discuss the alleged grievance, giving a minimum of 7 calendar days' notice of the date of the meeting and should include the employee's right to be accompanied, as set out above at Section 5.1. All parties should make every effort to attend the meeting. Should the date provided be unsuitable, an alternative date, within 5 working days, must be offered by the employee to avoid delay.

The manager who dealt with the original grievance should provide a brief report setting out their action prior to the formal procedure being invoked as well as the rationale for their decision made at Stage 1.

At the stage 2 meeting the aggrieved employee will be required to present full details of their grievance and how they would like to see the grievance resolved.

Present at the Stage 2 meeting shall be: -

- The manager in receipt of the grievance, who will consider the grievance and give a decision (the stage 2 Case Handler).
- Advice and support will be provided to the stage 2 Case Handler by a representative from the People Business Partner Team.
- The aggrieved employee
- The employee's representative or companion.

Witnesses may be presented and those present may ask questions of the witnesses.

It may be necessary for the Stage 2 Case Handler to seek additional information or clarification of information from the original manager or other parties, prior to making their final decision.

Having considered all the evidence, the Case handler at stage 2 should give their decision explaining the reasons. If the Case Handler at stage 2 needs to adjourn to consider their decision or make

further investigations, they should inform and agree with the employee the timescales for making their decision.

A decision shall be given in writing within 14 calendar days of the date of the meeting, unless where there is a mutually agreeable extension to this timeframe. Included in the letter must be information about the employee's right of appeal informing the employee:

- who they should address the appeal to (normally the next level of management)
- that any appeal must be raised in writing within 14 calendar days of receipt of the outcome
- their right to be accompanied as detailed above
- that the appeal letter should clearly set out the details of their unresolved concerns from stage 2 of the process, and what their expected resolution is.

6.3 Stage 3 – Appeal

If the matter is not resolved at Stage 2, the employee may appeal and should confirm the nature of their appeal in writing, to the appropriate senior manager within the Directorate or Clinical Division. The appeal should be submitted within 14 calendar days from the date of written notification of the outcome of stage 2 of the procedure.

The Senior Manager in receipt of the Stage 3 grievance appeal (the stage 3 Case Handler) should acknowledge the grievance within 7 calendar days of receipt and invite both the employee and the Manager (the stage 2 Case Handler) who heard Stage 2 of the procedure to a meeting to discuss the grievance.

Present at the meeting should be: -

- The manager in receipt of the grievance who will consider the grievance and give a decision (the Stage 3 Case Handler).
- Advice and support will be provided to the Stage 3 Case Handler by a representative from the People Business Partner Team.
- The aggrieved employee.
- The employees Representative or companion.
- The manager who tried to resolve the matter at formally at Stage 2 (the Stage 2 Case Handler).
- Advice and support will be provided to the stage 2 Case Handler by the representative from the People Business Partner Team where appropriate.

At the Stage 3 meeting the aggrieved employee or their representative / companion will be required to present details of why they do not agree with the decision made at Stage 2 and how they would like to see their grievance resolved.

The Stage 2 Case Handler will be required to present a report setting out the reason for their decision made at Stage 2. This should contain their comments and details of any further action taken by them.

The report, the letter of appeal and any other supporting evidence should be shared with all parties prior to the hearing taking place.

New evidence may only be produced at the Stage 3 meeting which could not reasonably have been known to either party prior to the Stage 3 meeting's commencement.

The same process should be followed as per Stage 2.

A decision shall be given, in writing within 14 calendar days of the date of the meeting, unless where there is a mutually agreeable extension to this timeframe.

Stage 3 constitutes the final stage of the Grievance and Resolution procedure for all grievances.

7 GROUP DISPUTES RESOLUTION PROCESS

7.1 Stage 1 – Informal Dispute

When a dispute arises on a matter related to terms and conditions of employment open to local negotiation, every attempt should be made by the parties to the dispute to settle this informally and at the lowest operational level before entering into the formal procedure.

These informal discussions should normally be between a staff side representative of a trade union/professional organisation and an appropriate divisional management representative. Support from the People Business Partner Team may be requested at this informal stage if required.

On resolution of the issue an outcome letter should be issued within 14 calendar days to the Representative and copies sent to each individual colleague affected by the dispute.

If the dispute cannot be resolved informally, the nature of the dispute and the redress sought should be clearly defined in writing by the staff side and be submitted within 28 calendar days (sooner if possible) to the Chief People Officer.

7.2 Stage 2 – Formal Dispute

Disputes at this stage will be acknowledged within 7 calendar days and heard as soon as possible.

On receipt of the formal dispute letter, the Chief People Officer will refer the matter to the appropriate divisional manager who will address the dispute in line with the Formal Dispute stage of the procedure, giving due regard to the particular issue under dispute. The Dispute letter and any relevant information should be provided to the reviewing manager. The manager involved at the informal stage may be commissioned to provide a summary report of the decision made at that stage.

A member of the Divisional Senior Leadership team may be appointed to hear a dispute

Formal stage disputes must be supported by a senior member of the People and Organisational Development Directorate or appropriate delegate.

A minimum of 7 calendar days notice of the date of the meeting should be provided.

Present at the meeting should be the reviewing manager, supported by a representative from the People and Organisational Development Directorate, and a staff side representative or full time official. To avoid unnecessary delays, it is good practice to check representative availability before confirming the date of the meeting.

Any new additional information that has been shared within the correct timescales will be considered if it is relevant to the dispute.

Witnesses may be presented by either party, one of whom could be the manager involved at the informal stage (see section 5.7).

An outcome shall be given in writing within 14 calendar days of the date of the meeting, unless where there is a mutually agreeable extension to this timeframe. Included in the letter must be information about the process for appealing the decision.

7.3 Stage 3 – Dispute Appeal

If the dispute cannot be resolved at the Formal Dispute stage, the trade union/professional organisation may submit an appeal. This should be in writing and should set out clearly the reasons why there has been a failure to agree at the formal dispute stage and the redress sought.

The appeal should be submitted within 28 calendar days to the Chief Executive, who will appoint an appropriately convened local panel Chaired by a Non-Executive Director, including the Chief People Officer and another Executive Director who has not been previously involved with the dispute, giving due regard to the particular issue under dispute.

Dispute appeals will be acknowledged within 7 calendar days and heard as soon as reasonably possible. A minimum of 7 calendar days' notice of the date of the meeting should be provided.

Present at the Appeal Meeting should be: -

- The Appeal panel – made up of:
 - The Appeal Manager (Chief People Officer (The Stage 3 Case Handler)
 - A Non-Executive Director (Chair)
 - An Executive Director

Also present at the Appeal meeting should be: -

- Trade Union Representatives raising the dispute (maximum of 3) who may be local stewards or full-time officers
- The manager who tried to resolve the matter formally at Stage 2 (the Stage 2 Case Handler)
- Advice and support will be provided to the stage 2 Case Handler by the representative from the People Business Partner Team (who supported the Stage 2 Case Handler) where appropriate.

Any new additional information that has been shared within the correct timescales will be considered if it is relevant to the dispute.

Witnesses may be presented by either party – see section 5.7.

An outcome shall be given in writing within 14 days of the date of the meeting, unless where there is a mutually agreeable extension to this timeframe.

The Trust may seek external support to help resolve issues where appropriate, and as such alternative arrangements may be made in order to enable resolution where appropriate at the appeal stage.

Stage 3 constitutes the final stage of the internal Grievance and Resolution procedure for all disputes.

8 TRAINING/SUPPORT

Advice and support is available from senior management, and from the People and Organisational Development Directorate.

9 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
Non-compliance of policy by Divisions and Directorates	People & Organisational Development	On-going	Issues to be reported to respective Divisional and Directorate management teams.
Review of Policy	People & Organisational Development	On-going	Amendments to reflect guidance from NHS Employers, changes in best practice, or changes to legislation.

Compliance at Divisional/Directorate level	Divisional/ Directorate Senior Management	On-going	Managers review with Divisional and Directorate management teams as part of staff monitoring.
Compliance of Policy	Internal Audit	Annual Audit Practice	As per annual audit practice.
Compliance with Policy	Senior Management as per scheme of delegation	On-going	Review of number and resolution of grievances.

10 EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population, and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy (CORP/EMP 27)

The purpose of the EIA is to minimise and if possible, remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 4)

11 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

- CORP/EMP 2 - Disciplinary Procedure
- CORP/EMP 4 - Equality Diversity and Inclusion Policy
- CORP/EMP 13 - Conduct, Capability, Ill Health and Appeals Policies and Procedures for Practitioners
- CORP/EMP 14 - Raising Concerns – We care, we listen, we act.
- CORP/EMP 22 - Pay Banding Policy
- CORP/EMP 25 - Capability Procedure

12 REFERENCES

Gov.uk –Handling an Employee’s Grievance

<https://www.gov.uk/handling-employee-grievance/overview>

Employment Act 2008

ACAS Code of Practice on Disciplinary and Grievance Procedures 2015

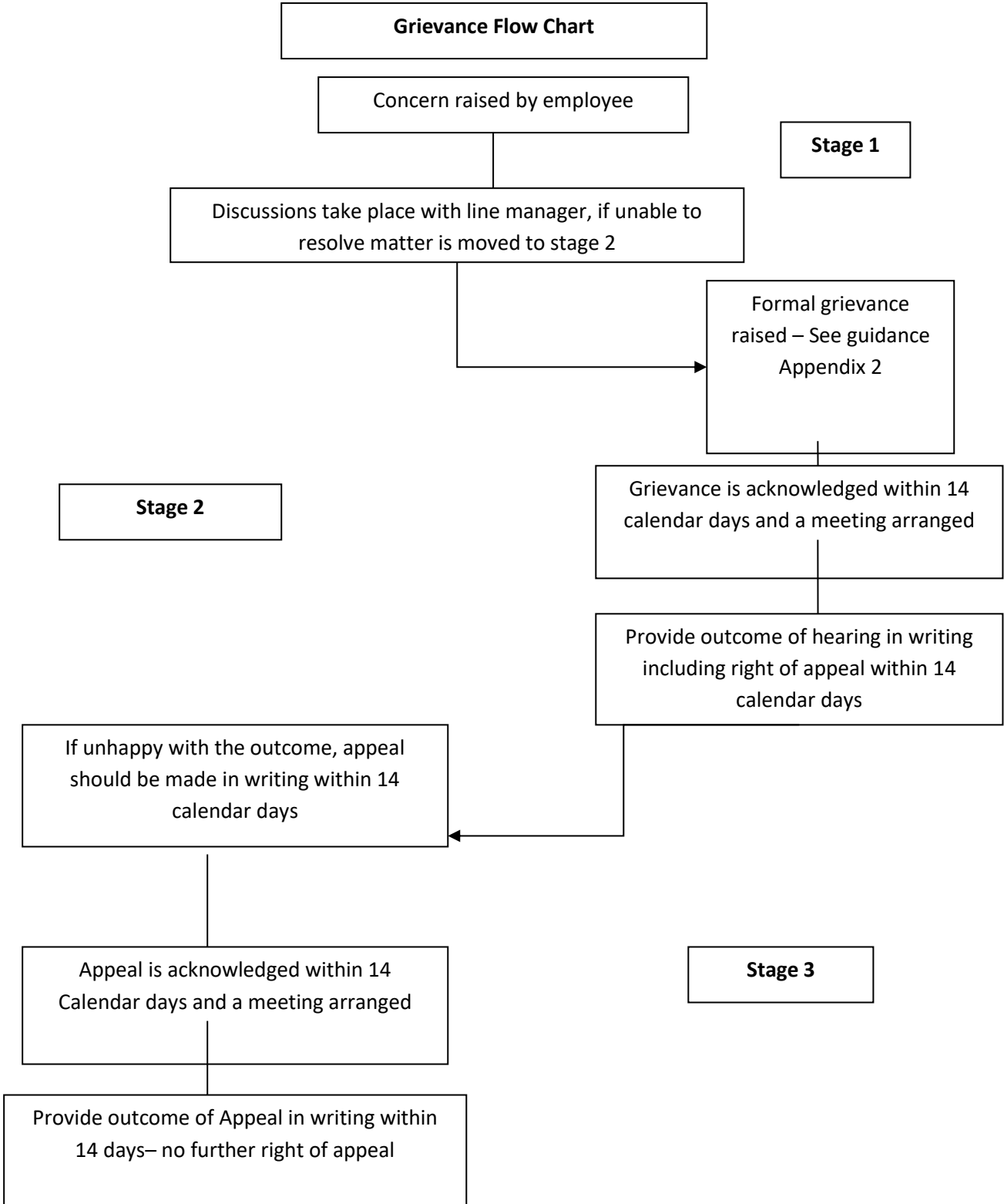
13 DATA PROTECTION

Any personal data processing associated with this policy will be carried out under ‘Current data protection legislation’ as in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016).

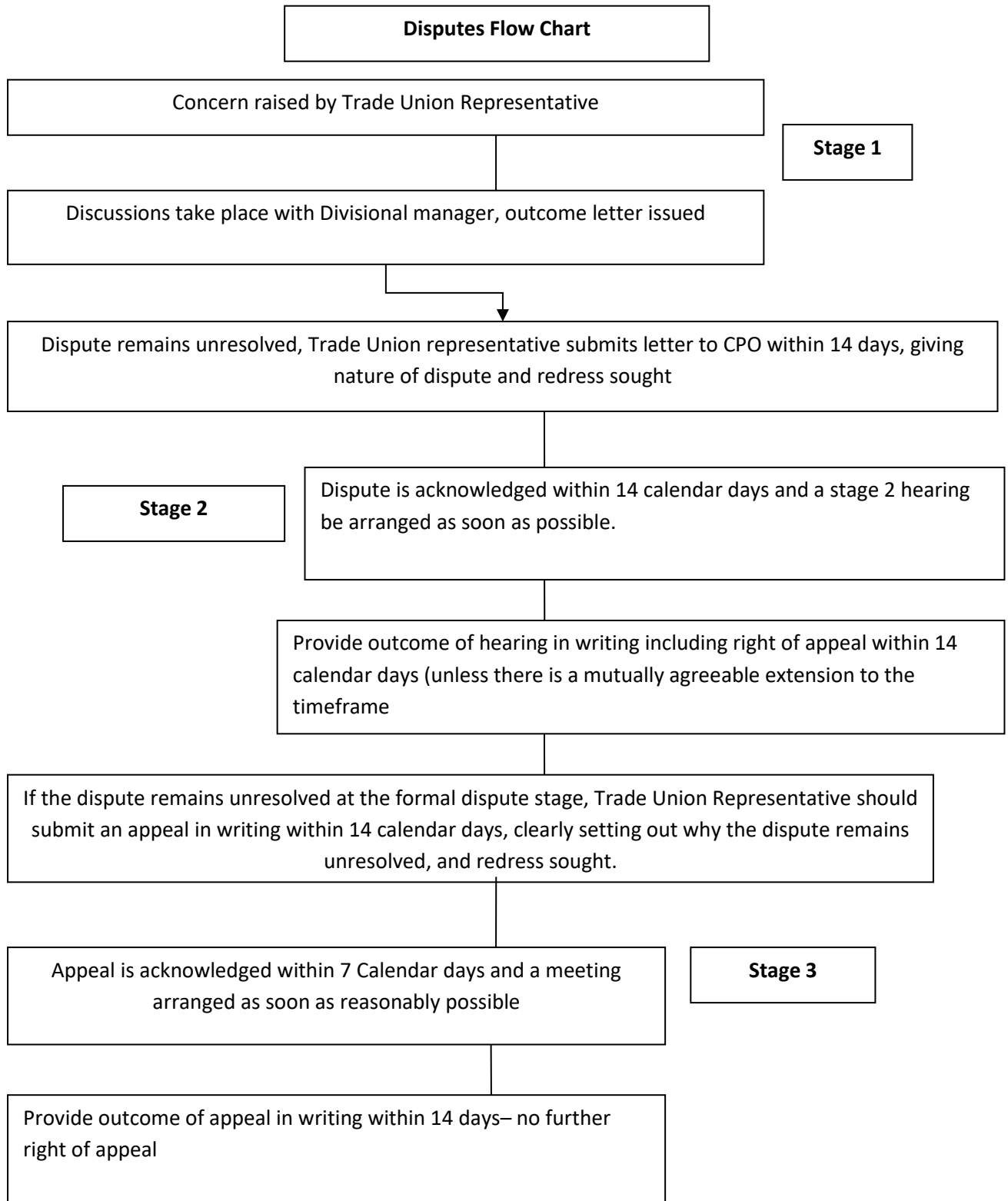
For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:

<https://www.dbth.nhs.uk/about-us/our-publications/uk-data-protection-legislation-eu-general-data-protection-regulation-gdpr/>

APPENDIX 1



APPENDIX 2



APPENDIX 3

Guidance on Writing Grievances

- Type or clearly write the concerns you wish to raise. This can be done by e-mail or letter and should be submitted to:
 1. At Stage 1 (Informal) – your immediate line manager.
 2. At Stage 2 (Formal) – to the next level of management. This individual will be named in the Stage 1 grievance outcome letter.
 3. At Stage 3 (Appeal) – to the appropriate senior manager within the Directorate or Clinical Division. This individual will be named in the Stage 2 grievance outcome letter.

- Where previous stages have been held, make it clear at what stage your grievance is being raised.
- Discuss your written grievance with a companion or a representative of a trade union.
- Keep your comments focussed on the specific issues you wish to raise - if you raise too many issues, you may hide the crucial ones.
- Don't use your submission as a chance to complain about other issues which are less important than the complaint itself.
- If there is one key issue, identify it as such. Try to include all the points that are relevant to your concerns at one time rather than adding on at a later date.
- Try and keep the document to one or two sides of A4.
- Don't exaggerate the issues - it makes for a much more effective investigation if the issues are outlined in a clear and straightforward manner.
- Describe what happened and provide specific details of dates, names, and circumstances.
- Explain any steps, if any, you have taken to address the issues informally.
- Outline what outcome you would like to see - but remember to be reasonable and realistic in your expectations, even if you don't think that the other parties have been.
- Remember to sign and date your statement.

APPENDIX 4**Procedure to be followed at formal Resolution Meeting**

Present –

Case Handler (manager hearing the grievance) CH

Employee (employee bringing the case for resolution) Emp

Representative (Union rep or workplace companion) Rep

Manager from the previous stage – prev CH

People Business Partner Team Representative – there may be a representative supporting the Case Handler and one supporting the prev CH - PTR

The employee or their representative shall present their grievance to the CH and can call witnesses as appropriate. This is done in the presence of the Prev CH.

The prev CH will have the opportunity to question the employee, the employee's representative and each witness called in turn.

The CH will have the opportunity to ask questions of the employee, the employee's representative and each witness called in turn.

The Prev CH shall present the reasons for their grievance decision in the presence of the employee and the employee's representative, and call witnesses as appropriate.

The employee or their representative shall have the opportunity to put questions to the Prev CH and each of the witnesses called in turn.

The CH will have the opportunity to ask questions of the Prev CH and each of the witnesses in turn.

The employee or their representative will have the opportunity to sum up their case.

The Prev CH will have the opportunity to make a closing statement to sum up the case.

In their final summing up neither party may introduce any new matter or evidence.

There is nothing in the above procedure to prevent the CH or the PTR from inviting either party to clarify any statement they have made, or to ascertain if they propose to call evidence in respect of any parts of their statements, or alternatively whether they are speaking from personal knowledge.

If either representative is speaking from personal knowledge, then they will be able to be questioned by the those representatives present, as appropriate.

The CH may, at their discretion, adjourn the hearing in order that further evidence may be produced by either party. To facilitate a proper hearing both parties will withdraw whilst the CH deliberates.

If recall is necessary, both parties shall return even if only one is concerned with the point that is giving rise to further review.

APPENDIX 5 – EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Service/Function/Policy/Project/Strategy	Division	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
CORP/EMP 3	People & OD	Jayne Lang	Existing Policy	Nov 2022
1) Who is responsible for this policy? Name of Division/Directorate: P&OD (HR Services)				
2) Describe the purpose of the service / function / policy / project/ strategy? Process/Guidance for resolution of grievances and group disputes				
3) Are there any associated objectives? Provide consistent approach to implementation and application of the resolution processes across the Trust in line with ACAS Guidance and the NHS People Plan and People Promise				
4) What factors contribute or detract from achieving intended outcomes? – Colleagues may be unaware of their roles and responsibilities				
5) Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? Details: [see Equality Impact Assessment Guidance] - No				
<ul style="list-style-type: none"> • If yes, please describe current or planned activities to address the impact [e.g. Monitoring, consultation] – N/A 				
6) Is there any scope for new measures which would promote equality? [any actions to be taken] Ensure just culture principles are applied and measurement of protected characteristics of those requiring resolution.				
7) Are any of the following groups adversely affected by the policy?				
Protected Characteristics	Affected?	Impact		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
8) Provide the Equality Rating of the service / function /policy / project / strategy – tick (✓) outcome box				
Outcome 1 ✓	Outcome 2	Outcome 3	Outcome 4	
<i>*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form – see CORP/EMP 27.</i>				
Date for next review:				
Checked by:	Ashish Kaushik	Date:	Feb 2023	