

Policies, Procedures, Guidelines and Protocols

Document Details		
Title		Policy and Procedure on Grievance and Concerns
Trust Ref No		1556
Local Ref (optional)		
Main points the document covers		This policy details processes to be followed where staff have raised issues of grievances or concerns.
Who is the document aimed at?		This policy is aimed at all staff.
Owner		People Services
Approval process		
Who has been consulted in the development of this policy?		People Directorate, Pay Services, JNP
Approved by (Committee/Director)		People Committee
Approval Date		January 2025
Initial Equality Impact Screening		Yes
Full Equality Impact Assessment		No
Lead Director		Chief People Officer
Category		Workforce
Sub Category		People Services
Review date		November 2027
Distribution		
Who the policy will be distributed to		All employees
Method		Dissemination via Infreemation to all employees and available to all staff via the Trust website on Staff Zone
Keywords		Grievance, Concerns
Document Links		
Required by CQC		No
Other		None
Amendments History		
No	Date	Amendment
1	May 2012	Renaming of responsibilities to duties Addition of training provision Addition of monitoring compliance
2	November 2015	Separation of Grievance policy and process from Dignity and Respect (Bullying and Harassment Policy)
3	October 2022	Document review; No amendments.
4	November 2024	Implementation of three stage approach to raising grievances, informally and formally.

Contents

1. Policy on a Page.....	3
2. Policy Statement.....	4
3. Overview.....	5
4. Roles and Responsibilities.....	7
5. Right to be Represented.....	9
6. Status Quo.....	9
7. Links with other policies.....	9
8. Informal Grievance Procedure.....	10
9. Formal Grievance Procedure.....	12
10. Appeal.....	14
11. Investigation.....	16
12. Records.....	20
13. Training Needs.....	20
14. Monitoring and Review.....	20
15. Equality Impact Assessment.....	21
16. References.....	21
17. Associated Documents.....	21

Appendices

Appendix 1. Record of Grievance at Stage 2 – (Raise It – Formal Resolution)

Appendix 2. Grievance Appeal Form (Stage 3 – Appeal It)

Appendix 3. Grievance Process flowchart

1. Policy on a Page

- 1.1 Shropshire Community Health NHS Trust (SCHT) is committed to ensuring employees are supported in a consistent, fair, and effective manner, promoting a positive working environment with an appropriate means through which grievances can be discussed with management and resolved.
- 1.2 This policy outlines the process that staff can follow to raise a grievance in situations where an individual employee or where a group of employees has a grievance against a management decision or action is proposed or has failed to have been taken in relation to their employment, examples may also include working conditions and health and safety concerns. It is designed to bring these matters to a speedy and fair conclusion. If the manager fails to act, then the employee may raise a grievance regarding the failure to act.
- 1.3 If an employee has a complaint/concern against another employee due to bullying, harassment, or discrimination, then they should pursue their complaint/concern through the **Dignity at Work Policy** or **Freedom to Speak Up Policy**. Employees can also contact the Freedom to Speak Up Guardian to discuss their concerns seeking advice as to the appropriate route.
- 1.4 Informal resolution should be sought in the first instance.
- 1.5 This procedure is designed to address genuine concerns or grievances where there is a perceived or actual issue of concern. Issues raised purely out of malice or without reasonable belief will constitute as a disciplinary offence.
- 1.6 This policy mirrors our approach to Dignity at Work in that the Trust believes that early resolution of concerns is a more positive approach for all involved, ideally through conversations and discussions that take place as part of the 'normal working practice'.
- 1.7 Dealing with grievances informally can often lead to speedy resolution. In most circumstances concerns should be discussed and resolved in an informal and supportive way through discussion between the employee and the manager who has taken a decision or action affecting the employee(s).
- 1.8 **There are three key stages to Grievances:**

- **Stage 1 – Discuss It – Informal resolution:** The Trust encourages employees to try and resolve their concerns informally.
 - **Stage 2 – Raise It – Formal Resolution:** If the grievance has not been resolved at Stage 1, the individual or group of employees can request formal resolution at Stage 2.
 - **Stage 3 – Appeal It – Formal Resolution:** If the matter is not resolved at Stage 2, then the individual or group of employees can appeal the decision. There is no further right of appeal following Stage 3.
- 1.9 There may be instances where the nature of the grievance is so serious that the formal resolution will be invoked immediately. Advice should be sought from the People (HR) Team by the employee, their representative or their manager if there is uncertainty in this regard. This may result in Stage 2 of the procedure being invoked, even if the employee might prefer the matter to be dealt with informally under Stage 1.
- 1.10 It is expected that in many situations staff will undertake facilitated conversations to support the resolution of their concerns at the informal and formal stages of this policy.
- 1.11 A flow chart outlining the stages of this policy is set out in appendix 3.

2 Policy Statement

- 2.1 This policy is for the resolution of:
- Individual grievances
 - Collective grievances
- 2.2 The Trust recognises the impact of unresolved grievances on affected employees, other colleagues, managers, patient care and service provision. It is therefore in the interests of all parties to resolve grievances as quickly as possible. This policy provides a framework to ensure a fair, effective, consistent and timely method of dealing with grievances.
- 2.3 Where timescales are set out in this policy every effort will be made to meet them, however there will be occasions where it is appropriate to vary these (wherever possible by mutual agreement). This will be recorded in writing to all parties.
- 2.4 This policy expects managers and employee(s) to actively work together to resolve any grievance(s).

- 2.5 It is expected that all grievances will be raised as soon as is reasonably possible ideally within 3 months. However, in extenuating circumstances the Trust may accept a complaint outside this time.

3 Overview

- 3.1 This policy applies to all staff employed by the Trust and those staff engaged through the Trust Temporary Staffing Department (bank). The policy will also apply in most cases where a former employee raises a grievance concerning their employment – advice should be sought from the People (HR) Team in the case of former employees.
- 3.2 The Trust is committed to impartiality and equal treatment of all grievances, whether raised by individuals or collectively. This policy supports a fair, effective process regardless of the nature of the grievance, aiming for a respectful and equitable resolution in all cases.
- 3.3 This policy is designed for situations where employees have concerns related to management decisions, working conditions or statutory employment rights. For grievances that involve interpersonal issues such as discrimination, bullying or harassment, the Dignity at Work Policy should be used. In situations where a grievance overlaps with other policies, such as Dignity at Work and Freedom to Speak Up, managers and the People (HR) Team will guide employees on the appropriate process to follow.
- 3.4 This policy is intended to apply to resolving concerns relating to matters such as (but not limited to):-
- The application or interpretation of agreements, policies and procedures Health and Safety
 - Working arrangements
 - Working environment
 - A breach of statutory employment rights
 - Any other issue affecting an individual's employment (excluding those set out below)
- 3.5 This policy is **not** intent to apply to resolving concerns relating to:
- Dismissal or other disciplinary matters, including performance management
 - Individual sanctions that result from disciplinary action
 - Suspension from work
 - Harassment or Bullying/Dignity at Work
 - Freedom to Speak Up

- Matters concerning nationally agreed terms and conditions of employment or matters within the scope of formal negotiations at a national level
 - Any policy with its own review or appeal mechanism
- 3.6 Grievances must be in relation to specific decisions and/or actions taken by the relevant manager. If the manager fails to act, then the employee may raise a grievance directly against the manager.
- 3.7 Concerns or complaints regarding another employee should follow the Dignity at Work Policy or Freedom to Speak Up (Whistleblowing) Policy. The examples below are not an exhaustive list:
- Any member of staff who feels they are being discriminated against in relation to a protected characteristic under equality legislation
 - Feels they are the subject of bullying and harassment
 - Wishes to raise a concern under Freedom to Speak up (whistleblowing)
- 3.8 Where a concern is raised under the Grievance policy that is in part or whole about bullying and harassment, equality, or freedom to speak up the elements of the concern relating only to grievance will be addressed through this policy. Other elements will be addressed through another relevant policy.
- Staff covered by the Agenda for Change Agreement who have a grievance concerning their job banding must raise the matter under the Policy for Banding and Job Evaluation.
 - If an employee(s) wishes to report possible malpractice, wrongdoing, or illegal activities they must do this in accordance with Trust Freedom to Speak Up Policy and Anti-Fraud Bribery and Corruption Policy.
- 3.9 In implementing this policy, managers must ensure that all staff are treated fairly and within the provisions of the Trust's Equality, Diversity and Inclusion Policy. Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, preferably during staff induction.
- 3.10 The Trust recognises that having a grievance raised about a manager's actions is difficult and line managers should consider how best to support those who have a grievance raised against them. It is important that no judgement is made until the process set out in this policy has been followed and all relevant information has been collated, considered and an outcome reached.
- 3.11 If this policy is utilised as a means of appeal from another Trust policy, the appeal will be heard under stage 3 of this Policy – Appeal It. Where another policy contains an appeal stage, that process will be followed for appeal.

- 3.12 If the grievance is proven to be knowingly malicious or vexatious, the individual raising it will be subject to disciplinary action in line with the Trust Disciplinary Policy.
- 3.13 In the interest of maintaining positive staff relations, each stage of the policy should be undertaken within the specified time frames outlined throughout the policy. Whilst any delay should be kept to a minimum, it is also acknowledged that each case will be specific to that individual employee. Throughout this procedure, managers should promptly communicate the timeframe within which they will respond to the grievance with the individual(s) in writing.

4 Roles and Responsibilities

4.1 Trust Board

The Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place to ensure employees are treated in a fair and consistent manner.

4.2 Directors and Divisional Clinical Managers

Directors and Divisional Clinical Managers are responsible for ensuring appropriate systems and processes are in place across their Divisions and Departments to monitor grievance matters, disseminate shared learning from any matters arising from the cases and ensuring that grievance matters are dealt with in a timely manner and in accordance with this policy.

4.3 Line Manager

Line Managers are responsible, for ensuring employees are aware of this policy and its contents. Any manager who is undertaking any formal stage of the policy would be expected to contact the People Team in the first instance for advice and support on the implementation of the policy.

Demonstrating and modelling the Trust Values and ensuring that all employees are treated fairly whilst promoting transparent and productive communication within their teams

The Trust is committed to supporting employees with disabilities or health conditions by facilitating reasonable adjustments, including timely provision of equipment and other resources as required by Access to Work recommendations. Managers are advised to consult with the People (HR) Team early in the grievance process if adjustments are needed to ensure the employee can fully participate.

When managing formal grievances managers will, inform the People Team of any grievances received from a member of staff following the

procedure as outlined in this policy. Managers should encourage prompt resolution of grievances and keep written records as appropriate during informal stages ensuring confidentiality at all times.

4.4 Commissioning manager

The role of Commissioning manager is referred to at Stage 2 – the formal stage of the policy. When the manager overseeing the employee's grievance considers it necessary to undertake an investigation a Commissioning manager is appointed who is impartial and has had no dealings with the grievance to that point.

4.5 People Services (HR)

The Trust's Chief People Officer is responsible for this policy. The People Team will provide support and guidance to ensure a fair and consistent process is followed and should be involved at the formal stages of the policy i.e. stage 2 & 3.

The People Team will keep a record of all formal grievances raised and the outcome. These records will be retained in accordance with the Data Protection Act 1988 and will form part of the HR monitoring and reporting process.

4.6 All Staff

All staff are responsible for demonstrating the Trust Values and treating all colleagues fairly, whilst participating in transparent and productive communication with colleagues and their line manager.

Taking reasonable steps to resolve their concerns as part of normal working practice at stage 1 of this policy. It is anticipated that, where it is appropriate, all staff will enter into facilitated conversations or use of other Organisational Development interventions as appropriate as a route to resolution, unless specific reasons are identified to prevent this.

4.7 Trade Unions/Work Colleague

Trade union representatives and work colleagues are expected to promote the benefits of early and informal resolution in the best interests of the individuals concerned and the Trust. Representatives will work with their members to support the individual to identify the best course of action.

The role of the trade union representative or Trust employed work colleague is to act as an advocate and representative and to provide the employee with advice and support on matters relating to any grievance (s) when requested by the individual.

4.8 Occupational Health

The Occupational Health Department is available to support any member of staff experiencing emotional distress. Individuals wanting to access their support can refer themselves by emailing shropcom.occhealthreception@nhs.net or a manager can refer on their behalf. Information about the service is also available on Staffzone.

5 Right to be Represented and accompanied

- 5.1 Where an employee wishes to be accompanied or represented during any stage of the policy by either their trade union representative or Trust employed work colleague, they will be responsible for arranging this.

6 Status Quo

- 6.1 “Status Quo” refers to the maintenance of the existing arrangements in operation immediately prior to the grievance being lodged. It will be normal practice to suspend any planned changes that caused the grievance to be lodged until it has been heard and therefore to maintain the status quo. Should the employee wish to invoke the status quo this should be done as soon as possible. It can be requested at any stage as part of the grievance submission (see appendix 1 & 2), but in most cases should be done immediately when the grievance is first raised.
- 6.2 Status quo will generally apply whilst the grievance is being heard, unless the manager has evidence that implementing the proposal or failing to implement the proposal which has led to the grievance being lodged would place the Trust in:
- A breach of its legal obligations.
 - A position which would compromise patient care; or
 - A position which could compromise the wellbeing or safety of other staff.
- 6.3 The manager receiving the grievance will respond to acknowledge receipt in writing to any request within 5 working days unless exceptional circumstances apply. In these circumstances they will confirm in writing why they are unable to respond within this timeframe.

7 Links with the Disciplinary/Performance Management/Managing Attendance Policies

- 7.1 Where a grievance is raised during disciplinary/performance management/managing attendance proceedings:

- Proceedings may be temporarily suspended in order to deal with the grievance (see section 3.5 – re matters not intended to be resolved via this policy)
- Otherwise proceedings will be run concurrently to any grievance process where a concern is raised by an employee being managed under one of these policies
- Employees who are absent due to sickness or maternity leave may choose to continue the process themselves or nominate a representative on their behalf. Following discussion with the employee, the process may continue and meetings may go ahead.
- Sickness absence will not necessarily delay the process, where this would have an adverse effect on the recovery and health of the individual involved or the individual is not fit for work but is fit to attend a meeting, the Trust will make every effort to continue the process. Any such decision will be with the agreement of the individual and taken with advice from Occupational Health or the individual's GP.

8 The Informal Grievance Procedure

8.1 Stage 1 – Discuss It – Informal Resolution

- 8.2 Dealing with grievances informally can often lead to speedy resolution of problems. In most circumstances concerns should be discussed and resolved as 'normal working practice' in an informal and supportive way through discussion between the employee and the manager who has taken a decision or action affecting the employee(s).
- 8.3 Where an individual wishes to raise a concern at Stage 1 of the grievance policy, they should make it clear to the relevant manager that they are raising a grievance at Stage 1 – Discuss It - Informal Resolution, and clarify the outcome they are seeking. Managers and individuals are encouraged, wherever possible, to be open minded when trying to identify ways of resolving differences in order to maintain good employee relations.
- 8.4 If employees choose to raise their concerns by email, they should expect a reply from the manager in response to all points raised. It may be helpful for the employee and manager to have a facilitated discussion prior to responding to better understand the points raised.
- 8.5 If employees choose to discuss their concerns face to face it may be helpful to request that the meeting is facilitated by an independent manager (who both parties agree is suitable). Managers and individuals are encouraged, wherever possible, to be open minded when trying to identify ways of resolving differences in order to maintain good employee relations.

- 8.6 If, in particularly sensitive cases, the employee or representative of the group feels unable to raise the concern or grievance with their immediate line manager or the line manager's manager, it may be raised with the People Team (HR) or if preferred, with their staff side representative to raise it on their behalf with the People Team (HR).
- 8.7 In the first instance a facilitated discussion is the recommended process to resolve disputes in the workplace. It is an informal process where colleagues can discuss concerns in a voluntary, safe, confidential meeting with the other party, in the presence of another colleague/manager. (At any stage of this policy, it may be recommended that a facilitated conversation is sought as a means to gain resolution). The facilitator must be someone who has not previously been involved in the issue, whose involvement is mutually agreed as being beneficial by both parties and the relevant manager must contact the People (HR) Team to make the necessary arrangements.
- 8.8 Discussions should be timely, be documented, actions recorded, and a copy placed on the individual's personal file.
- 8.9 Many of these conversations will take place without an employee companion or People Advisor present. A member of staff may request that their representative or member of the People Team is present as this policy enables representation at all stages (see section 5). If the manager is considering refusing this request, they must discuss this with the People Team (HR) in the first instance.
- 8.10 The Trust encourages informal resolutions of grievances wherever possible to support a positive working environment. Facilitated conversations, mediation and other conflict resolution methods are available as informal resolution options prior to formal escalation. Employees and managers are encouraged to engage in these processes to resolve issues collaboratively and effectively. Mediation is recommended especially when parties have ongoing working relationships, as it allows for a facilitated discussions in a neutral, voluntary setting.
- 8.11 It would be reasonable to expect that matters will be significantly progressed, if not concluded, within 4 weeks of the grievance being raised. If the issue is resolved through facilitated discussion, the informal grievance will be closed.
- 8.12 If a facilitated discussion is explored and it is not successful, it is relevant for this to be raised and noted at the formal stages of the grievance policy.
- 8.13 The meeting and outcome should be recorded as a file note placed on the employee's and manager's personal files, (a copy must also be provided to the individuals), or a short letter/email to confirm discussions and/or agreements reached. The file note should be signed by the individual and the manager to evidence that they agreed with the

outcome of their grievance or if an e mail, both parties should reply saying that they agree with the outcome. This will either close the grievance or if unresolved be used as evidence at the formal stages of this policy.

- 8.14 It is anticipated that from the date the employee or group of employees have raised their grievance, to the time the outcome of Stage 1 is recorded as a file note as above, that this should take no longer than 3 months.
- 8.15 Managers have a duty of care to update the employee(s) on a regular basis with progress in setting up meetings and if there are delays to inform all parties at the earliest opportunity.
- 8.16 If the grievance is resolved at this stage, any action agreed at the meeting should be implemented within 4 weeks following the meeting.

9 The Formal Grievance Procedure

9.1 Stage 2 – Raise It – Formal Resolution

- 9.2 If the grievance has not been resolved through normal working practices at stage 1 (Discuss It) the individual can request formal resolution at stage 2 (Raise It).
- 9.3 To raise a concern at stage 2 the individual must put the complaint in writing by completing the Record of Grievance Form (Appendix 1). The form must be submitted to the line managers manager of the line manager involved in Stage 1 (Discuss It) discussions. If the line managers manager is directly involved in the grievance or there is a potential conflict of interest, the grievance will be referred to another impartial manager. The People (HR) Team will provide guidance on selecting an appropriate manager in these circumstances.
- 9.4 The purpose of any meeting at Stage 2 (Raise It) will be to consider all the points raised and seek the agreement of the individual to any steps or actions to try and resolve the grievance.
- 9.5 The Record of Grievance Form should explain the basis of the grievance. It is helpful to include any relevant dates, facts and any thoughts the individual may have on the outcome they are seeking. The individual should outline actions taken to date to resolve the concerns through Stage 1 (Discuss It).
- 9.6 Raising a concern via this route does not automatically mean that the manager to whom the concerns have been raised will not attempt to resolve the matter through meaningful conversation similar to Stage 1 (Discuss It) or support a resolution through facilitated conversations.
- 9.7 The relevant manager will acknowledge receipt of the stage 2 grievance Record of Grievance Form within 5 working days. This will also include a

copy of the Grievance Procedure, for their information. The manager will arrange a meeting with the employee concerned within 10 working days of receiving the letter, to discuss the issues and seek a resolution. A member of the People Team (HR) should also be contacted to support the meeting at this stage. The employee may be accompanied (see section 5).

- 9.8 Any delays in meeting within 10 working days will be clearly documented. The relevant manager, the employee and their representative should take all reasonable steps to attend the meeting. The purpose of this meeting is to discuss the concern or grievance and clarify the facts.
- 9.9 Depending on the complexity of the grievance the manager, in consultation with the People Team, may submit the grievance to a Decision-Making Group (DMG) to review the case. The DMG is impartial, chaired by the independent manager and advised by the People Team and attended by the relevant clinical, medical or head of department for the area. Both parties will be informed of the membership of the DMG. The DMG will consider all the information available to date, make recommendations and suggest next steps.
- 9.10 Whilst attempting to resolve the matter, the manager should ensure that the employee and representative are kept fully informed at all stages.
- 9.11 Not all matters require investigation, however if following the meeting, should any investigation be deemed necessary in order for the manager to make a decision, an Investigating Officer will be appointed in line with the Trusts Disciplinary Policy and Procedure. Please see Section 11 for the Investigation Process.
- 9.12 The formal response should normally be provided in writing within 5 working days of the Stage 2 Meeting. Although if there is a need to extend this timeline the individual will be contacted by the Commissioning manager and a revised timeline agreed.
- 9.13 There are several outcomes that may occur as a result of the Stage 2 Grievance outcome meeting:
 - a) Reach a mutually agreeable outcome with the individual that resolves the grievance in full.
 - b) Reach a decision on some but not all of the individual's concerns. This may mean that the other elements are not upheld or that there are other ways in which these issues can be addressed which will be set out in writing.
 - c) Adjourn to gather other relevant information to support their decision making in relation to the concerns raised. (Fact find).
 - d) Adjourn to commission an investigation into the concerns that

have been raised. (See section 11)

- The Commissioning Manager is responsible for keeping the individual informed of the details and progress of the investigation.
- The outcome of the investigation will generally be shared with the employee(s), though certain information may be redacted, or in exceptional cases, withheld to protect confidentiality. Decisions regarding sharing or withholding an investigation report will be made by the Commissioning Manager in consultation with the People (HR) Team. When reports are not shared, a summary of findings will be provided to the employee, and the reasons for withholding will be documented.
- The Commissioning Manager will review the investigation report's findings to decide next steps which may either bring the matter to a close or due to the serious nature of the findings recommend that the matter should be dealt with under the disciplinary policy.

9.14 Where the meeting has been adjourned under options (c) or (d) above, a further meeting will be arranged with the individual when the manager is able to confirm their decision or is able to continue discussions to reach a mutually agreed resolution based on the findings. The decision or resolution reached at this follow up meeting will be confirmed in writing within 5 working days.

9.15 Where the meeting has been adjourned under option (c), the manager handling the Stage 2 formal resolution process will carry out the fact-finding process.

9.16 The individual has the right of appeal against the decision reached during Stage 2 (Raise It). The appeal should be sent to the person named in the outcome letter within 10 working days of receipt of the letter.

9.17 The Trust aims to complete each grievance stage within the timeframes outlined to promote timely and fair resolution. Acknowledgement of grievances at each stage should occur within 5 working days, with initial meetings held within 20 working days. If time extensions are required for complex cases, these will be documented, and the employee will be informed of revised timelines.

9.18 All decisions made at Stage 2 (Raise It) will be based solely on the evidence and information provided by the employee(s) and gathered during the investigation, if applicable.

10 Appeal

10.1 Stage 3 – Appeal It – Appeal against Formal Resolution

- 10.2 If the employee is not satisfied with the outcome at Stage 2 (Raise It), they may appeal. To do this, they must appeal in writing using the Grievance Appeal Form (Appendix 2). The Form must be completed clearly and fully, setting out the grounds of the appeal in line with the criteria set out below. Additional documents can be included with the form to support the appeal. The appeal must be submitted within 10 working days of receipt of the Outcome of the Stage 2 meeting.
- 10.3 Appeals can be made in relation to the following circumstances:
- that their grievance was not upheld where the evidence does not support this outcome.
 - the correct policy or process was not followed.
 - new evidence related to the grievance has come to light that would change the outcome.
 - the outcome is inconsistent with how others have been treated.
- 10.4 The manager who hears the appeal must be impartial, not previously involved in this case and normally this will be delegated to another manager in the service structure. They will be supported by an additional panel member who is also impartial and be advised by a member of the People (HR) Team. All parties must be informed of the names of the panel members including the People (HR) Advisor. The manager will acknowledge receipt of the appeal within 5 working days and arrange to meet with the individual within 20 working days of the receipt of the Stage 3 Grievance confirming arrangements for the meeting in writing.
- 10.5 The purpose of the appeal meeting is not to re-visit the elements of the individual's grievance, but to consider and discuss the points of appeal stated in the Grievance Appeal Form (and review any new evidence if any has been submitted). The intention of this meeting is to enable a meaningful and supportive discussion regarding the points of the individual's appeal.
- 10.6 The individual has the right to be accompanied (see section 5).
- 10.7 The manager who considered the concerns at Stage 2 (Raise It) will be asked to present their rationale around their decision making at the Stage 3 (Appeal It) Meeting. The Grievance Appeal form and paperwork will be shared with that manager and they or the Commissioning manager (if there was an investigation) will be required to provide a formal written response to the points raised by the employee. The response will be shared with the employee in advance of the appeal meeting (timescales will be dependent upon the complexity of the concerns).
- 10.8 The outcome of the appeal may be to overturn or confirm the original decision or apply a different resolution. The appeal outcome will be confirmed in writing within 10 working days of the appeal meeting. In exceptional circumstances the manager considering the appeal may require a longer period of time to consider their decision or gain

clarification on certain matters and this must be communicated to the individual and a revised timeline agreed.

10.9 All decisions made at Stage 3 (Appeal It) will be based solely on the evidence and information provided by the employee(s) and gathered during the investigation, if applicable.

10.10 There is no further right of appeal.

11 Investigation

11.1 The Manager receiving the grievance should seek advice from the People (HR) Team with regard to instigating an investigation and appointing an Investigating Officer. A People Advisory representative will be appointed as support to the Investigating Officer to guide all parties on the procedure and to ensure that due process is following during the investigation. The Investigating Officer appointed must not have had any prior involvement in the allegation. Consideration will be given to whether there is a requirement for two Investigating Officers to be appointed dependant on the expected scale of the investigation.

11.2 The assigned Investigating Officer will receive all the relevant information and the investigation should commence as soon as possible. The Investigating Officer will set up appropriate meetings with those involved in the case to take statements. Should the matter lead to disciplinary action, the Investigating Officer must not subsequently hear any disciplinary case.

11.3 Should an investigation be commissioned, a different manager will be appointed as the Commissioning manager, who is impartial and has not been previously involved in this case. The employee will receive written confirmation that an Investigation will take place, the name of the Commissioning manager and receive all other relevant information.

11.4 The investigation will aim to:

- See if there is a case to be upheld
- Make sure everyone is treated fairly
- Gather evidence from all sides
- Help the Commissioning manager to see what should happen next.

11.5 Once the employee has been informed of the Investigating Officer, they have 5 working days to raise any concerns about the assigned Investigating Officer, should they have any. Any concerns should be raised with the Commissioning manager, in writing, including the reasons for the concern.

11.6 Opportunity should then be given for the employee to seek representation before a full investigatory interview is conducted (see

section 5). Witnesses are also entitled to be accompanied at the investigatory interview (if applicable).

- 11.7 The Investigating Officer will interview the employee and any other employee in anyway directly involved with the grievance so that the facts can be established. Written notes of the interview with witnesses will be made, and a copy will be made available to interviewee who will be asked to return their statement validated, dated and signed by a certain date to corroborate the evidence they have provided. If the statement is not received by the date given and there is no contact made to extend the timeframe, it will be assumed that the statement is accurate.
- 11.8 The Investigating Officer will inform all interviewees that the outcome of the investigation will generally be shared with the employee. However, certain information may be redacted, or in exceptional cases, withheld to protect confidentiality.
- 11.9 In extreme circumstances, it may be necessary or desirable to separate individuals involved while the investigation takes place. However, such action should be taken only after serious consideration of the impact this will have on either party. Where there are operational constraints, these must also be considered very carefully against the complainant's personal needs and if not possible, alternative solutions should be discussed with the employee raising the grievance.
- 11.10 The length of the investigation will depend on the nature of the grievance. Investigations should typically conclude within 6 – 8 weeks where possible. However, if time extensions are required for complex cases, these will be documented, and the employee will be informed, with updates every 2 weeks if delays occur.
- 11.11 It is important that the Investigating Officer conducting the investigation maintains impartiality throughout the process and presents a balanced and objective report of the findings. The Investigating Officer will produce a report of the investigation and provide to the Commissioning Manager. The Commissioning Manager will then review the report and decide whether there is a case to be answered, in which case the matter should proceed to a disciplinary hearing.
- 11.12 Having gathered all the relevant facts, the Investigating Officer will produce a report of the investigation, which shall include a recommendation as to whether they consider there is a case to answer, to the Instigating Manager who will take into account the report's findings will then decide whether:

- A disciplinary hearing is required under the formal procedure

If the Instigating Manager decides to hold a disciplinary hearing, then the employee who the complaint has been made against and their representative will be provided with a copy of the Investigating Officer's

full report. This hearing will follow the Procedure as stated in the Disciplinary Policy and Procedure.

- There is no case to answer.

Where there is no case to answer the complainant and the accused employee will be informed separately in person. Both individuals will be entitled to be accompanied by a trade union representative or work colleague employed by the Trust. This decision will be confirmed in writing.

- An alternative approach may be more appropriate.

There may be circumstances where the investigation has not found evidence of misconduct, however the Commissioning Manager recommends action to improve the working relationship. For example, a form of mediation, training or counselling.

- 11.13 On conclusion of any investigation, the Commissioning Manager will invite the employee to a feedback and outcome meeting within 5 working days of receiving the report. The Commissioning Manager will be supported by the People Team (HR). The employee may be accompanied (see section 5). Whilst appropriate feedback will be given to the complainant(s) on the progress or outcome of any such investigation, due regard must be given to confidentiality of any disciplinary hearing and the rights of individuals involved in subsequent disciplinary hearings. The Commissioning manager will make a record of the outcome meeting and produce a written response indicating the reasons for upholding or not upholding the grievance, recording any agreement reached and include the right of the employee to appeal the outcome by escalating their grievance to Stage 3, should they feel that their issue is still unresolved.
- 11.14 Managers must ensure that no intimidation, victimisation or unfair discrimination at any stage of the investigation or afterwards occurs against any employee who has assisted in the investigation. Such matters will be treated seriously and are likely to lead to disciplinary action.
- 11.15 An internal investigation must be conducted even if the matter is subject to a police investigation. The findings of the internal investigation will be considered independently of any external proceedings and must follow the procedures outlined in this policy.

Guiding principles of an investigation

- 11.16 Every effort shall be made to protect the legitimate rights of all parties involved. In particular the following principles shall be adhered to:
- The rules of natural justice shall apply to all investigations in that those involved in the process will have the right to explain or

defence their actions, there will be the right to be represented by a work colleague or trade union representative

- The principle of confidentiality shall apply in relation to the details of the case and investigation
- During the whole of the investigation process, the complainant, the person whom the allegations have been made and any other interviewed shall be entitled to be accompanied at any stage of the investigation by a trade union representative or a work colleagues
- All concerns will be dealt with expeditiously and at least within the timescales prescribed
- Allegations will be considered against the principles of reasonable believe and the balance of probabilities
- Physical transfers of affected parties should only be undertaken as a last resort.

Suspension during investigation

- 11.17 The question of whether or not to suspend the person against whom the allegations have been made should also be considered.
- 11.18 Suspension should only be contemplated as a last resort in serious cases. It should be noted that suspension is not a penalty, nor does it prejudice the outcome of the investigation or any subsequent disciplinary action. Suspension will always be on full pay plus any other entitlements the individual usually receives.

Redeployment during investigation

- 11.19 Consideration will be given to the working arrangements of the complainant and the person against whom the complaint has been made for the duration of the investigation. In extreme circumstances, it may be necessary or desirable to separate individuals involved while the investigation takes place. Unless the complainant specifically requests otherwise, every effort should be made to move the accused employee and not the complainant. However, such action should be taken only after serious consideration of the impact this will have on either party. Where there are operational constraints, these must also be considered very carefully against the complainant's personal needs and if not possible, alternative solutions should be discussed with the complainant.
- 11.20 In circumstances where redeployment is deemed necessary during an investigation, the complainant will be informed of the redeployment decision, including the reasons for the decision and how it aligns with maintaining a safe and fair working environment. The individual whom the complaint has been made will be notified of the redeployment, with clear expectation of the rationale, the expectations during the

investigation and how this measure does not imply an element of penalty attached to the individual.

- 11.21 Where a complaint is upheld and it is determined necessary to relocate or transfer one party, consideration should be given, wherever practicable, to allowing the complainant to choose whether they wish to remain in their post or be transferred to another location or whether it is more appropriate to move the subject of the grievance. No element of penalty should be seen to attach to a complainant where such action is agreed. There should, however, not be an automatic assumption that the complainant should be moved. Where it is genuinely impossible to transfer one party for skill or operational reasons, this must be weighed carefully against the complainants needs.
- 11.22 Where the complaint is not upheld because the evidence is regarded as inconclusive, as a last resort, consideration may be given to transferring or rescheduling the work of one of the employees concerned, rather than requiring them to continue to work together. Such arrangements must also take account of service needs.
- 11.23 All redeployment decisions should be made in conjunction with the People (HR) Team.

12 Records

- 12.1 A copy of all documentation relevant to the management of individuals concerns will be retained on the individual's personal file. Employees should receive a copy of any documents placed on their personal file. Where there are learning points or feedback for the manager against whom the grievance was raised, the appropriate decision maker will ensure these are communicated to that manager in writing, with a copy being placed on their personal file where appropriate.

13 Training Needs

- 13.1 Any manager who is undertaking any of the formal stages of the policy would be expected to contact the People Team (HR) in the first instance for the advice and support on the implementation of the policy.

14 Monitoring and Review

- 14.1 This policy will be reviewed if there are legislative changes, within 3 years or where other significant reason arises.
- 14.2 In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the document without the document strategy having to return to the ratifying committee.

15 Equality Impact Assessment (EQIA)

- 15.1 This policy applies to all employees equally and has no positive or negative impact on the protective characteristics within the Equality Act (2010).

16 References

- Legislation
 - Employment Act 2008
 - Employment Tribunals (Constitution and Rules of Procedure) (Amendment) Regulations 2008
 - Employment Rights Act 1996 as amended
 - Employment Rights Dispute Resolution Act 1998
 - Employment Relations Act 1999
 - Employment Rights Act 2004
- CIPD - Good Practice Guidelines for Disciplinary and Grievance Procedures (Members only section of website)
- ACAS – Code of Practice for Disciplinary and Grievance Procedure

17 Associated Documents

Equality, Diversity and Inclusion Policy
Managing Attendance at Work Policy
Disciplinary Policy
Dignity at Work Policy
Freedom to Speak Up Policy
Anti-Fraud, Bribery and Corruption Response Plan Policy & Strategy
Organisational Change Policy
Policy for Banding and Job Evaluation

APPENDIX 1

RECORD OF GRIEVANCE AT STAGE 2 – (Raise It – Formal Resolution)

To be completed by the employee (or representative) raising a Grievance.

This form should be submitted if you wish to raise a grievance formally at Stage 2 of the Grievance Policy where your grievance was not resolved at Stage 1 (Discuss It – Informal Resolution)

You are required to complete this form and submit it to the next level of management within 10 working days of the confirmation outcome of the Stage 1 – ‘Discuss It’ – Informal Resolution (verbal or written).

Please read the Grievance Policy before completing this form. If you require assistance completing this form, please contact your Trade Union Representative, People Team (HR) or your manager (an electronic version of this form is available from the People Team). If you consider you will require any adjustments to enable you to attend any meetings to discuss your grievance, please specify below: -

Name		Date	
Job Title		Ward/Department	
Home Address			
Contact Number			
Email Address			
Preferred method of written communication (delete as appropriate)	Email	Postal	
Adjustments required			
Name of companion (see section 5)			
Contact email address for companion			
Do you consent to information being shared directly with your representative (TU rep only)			

For collective grievances please list the names, job titles, department and contact details for each individual on a separate sheet of paper. The individual listed above will be used as the main point of contact and spokesperson for the group.

Have you attempted to ‘Discuss It’ previously?	Yes/No	If yes, with whom?
Outcome:		
Please include the name of the individual you have approached at Stage 1 ‘Discuss It’.		

If no, why is this not appropriate?

Please note: - Concerns will not be considered at stage 2 unless all reasonable steps have been taken to resolve matters at Stage 1 (Discuss It – Informal Resolution).

NATURE OF GRIEVANCE

<p>What management decision, action or omission that has been taken, is proposed or has failed to have been taken is your grievance against?</p> <p>Please include who communicated this decision, action or omission to you?</p>	
<p>Are you requesting that 'status quo' is invoked? Please note status quo will normally apply unless it can be demonstrated that this would prevent change necessary for the effective operation of the Trust.</p>	
<p>Please describe the nature of your Formal Grievance.</p> <p>Please provided a description of your concerns including precise information such as dates of events, meetings or correspondences, whether this is one off or part of a sequence of events, names or those involved and any reference documents or policies. Please attach any supporting information to the Form. (continue another sheet if required)</p>	

Please state your desired outcome and why and how you believe this will resolve the issue?

(continue on another sheet if required)

Signed: Date:

APPENDIX 2

GRIEVANCE APPEAL FORM (Stage 3 – Appeal It)

To be completed by the employee (or representative) appealing against a Grievance Decision at Stage 2 (Raise it – Formal Resolution).

This form should be submitted if you wish to appeal against the decision reached at Stage 2 ('Raise It – Formal Resolution') in relation to your grievance.

You are required to complete this form and submit it to the manager detailed in your Stage 2 outcome correspondence within 10 working days of the receiving written confirmation of outcome at Stage 2.

Late appeals or appeals on any other grounds to those set out in the policy will only be considered in exceptional circumstances.

Please read the Grievance Policy before completing this form. If you require assistance completing this form please contact your Trade Union Representative, People Team or your manager (an electronic version of this form is available from the People Team). If you consider you will require any adjustments to enable you to attend any meetings to discuss your grievance please specify below:-

Name		Date	
Job Title		Ward/Department	
Home Address			
Contact Number			
Email Address			
Preferred method of written communication (delete as appropriate)	Email	Postal	
Adjustments required			
Name of companion (see section 5)			
Contact email address for companion			
Do you consent to information being shared directly with your representative (TU rep only)			

For collective grievances please list the names, job titles, department and contact details for everyone who is part of this appeal on a separate sheet of paper. The individual listed above will be used as the main point of contact and spokesperson for the group.

Stage 2 (Raise It – Formal Resolution) Grievance

Date of Stage 2 meeting	
Manager reaching decision at Stage 2	

Reason for Appeal – Stage 3 ‘Appeal It’

<p>What is the reason for your appeal?</p> <p>My grievance was not upheld NB if your appeal is based on new evidence – you must explain why this previously undisclosed information was not presented/available at stage 2.</p>		
---	--	--

APPENDIX 3

Grievance Process Flowchart

