



Grievance Policy & Procedure

Contents

1.	Statement of Aims and Objectives.....	2
2.	Scope.....	2
3.	Principles.....	2
4.	Definitions	3
5.	Responsibilities	3
6.	Representation.....	5
7.	Collective/ Group Grievance.....	5
8.	Procedure.....	6
9.	Informal Grievance - Step 1.....	6
10.	Informal Grievance - Step 2	7
11.	Conflict Resolution - Facilitated Discussion.....	7
12.	Conflict Resolution - Mediation	8
13.	Formal Grievance	9
14.	Appeals.....	13
15.	Post-Conclusion Support	16
16.	Grievance During Disciplinary.....	17
17.	Confidentiality	17
18.	Monitoring.....	17
19.	Audit and Review (evaluating effectiveness).....	17
20.	References	18
21.	Equality Analysis.....	18
	Appendix A - Grievance Notification Form (Informal)	19
	Appendix B - Formal Grievance Notification Form	21
	Appendix C - Grievance Appeal Notification Form	23
	Appendix D - Procedure to be used at a Formal Grievance Hearing	25
	Appendix E - Procedure to be used at an Appeal Hearing (For all Procedures)	27

1. Statement of Aims and Objectives

- 1.1. Every member of staff has a role to play in achieving and sustaining the high standards that we strive for. However, South East Coast Ambulance Service NHS Foundation Trust (the Trust) recognises that, in the course of their employment, individual staff or groups of staff collectively may at times have problems or concerns about their work, working environment or someone they work with that they wish to raise and have addressed. Therefore, an agreed and effective procedure for the settling of disputes can contribute significantly to the creation and maintenance of a harmonious working environment.
- 1.2. This procedure meets the requirements of the Employment Act 2008 and the ACAS Code of Practice on Disciplinary and Grievance Procedures (2015).

2. Scope

- 2.1. This policy and procedure apply to all employees and covers work-related issues.
- 2.2. This policy and procedure does not apply to grievances relating to:
 - An individual who is no longer employed by the Trust.
 - Decisions made through collective agreements that allow negotiations of terms and conditions.
 - Matters outside the Trust's control, for example statutory deductions from wages.
 - Appeals within other Trust policies (please refer to the appeal procedure within the relevant policy) e.g. Disciplinary Policy, Job Evaluation Policy, Capability Policy.
 - Complaints about bullying and harassment, discrimination or victimisation (please refer to Bullying and Harassment (Dignity at Work) Policy).
 - When the grievance is in relation to raising concerns about risk, malpractice or wrongdoing you think is harming the service we deliver (please refer to Freedom to Speak up (Whistleblowing) Policy).
 - Nationally agreed changes to Agenda for Change Terms and Conditions.
 - Individuals engaged through a third party, which will be addressed via the source agency/company.

3. Principles

Grievance Policy & Procedure

- 3.1. The Trust believes that all employees should be treated fairly and with respect. As such, those who seek to redress their concerns can do so without fear of reprisals, victimisation or subsequent discrimination or disadvantage.
- 3.2. The Trust expects its managers and staff to make every effort to discuss and resolve differences quickly, fairly and in a consistent manner, as close to source as possible, avoiding the need as far as possible to invoke the formal process.
- 3.3. Although time limits are specified within this policy, it is recognised that some grievances may be more complex and to fully consider the matter a longer timescale may be mutually agreed.
- 3.4. During the grievance procedure there should be regular contact with the employees affected to ensure that they are supported as appropriate and kept informed of progress. The manager should discuss wellbeing support for employees raising grievances, and those against whom a grievance is raised. Details of the Wellbeing Hub are available on the Trust's intranet.
- 3.5. The Trust will not tolerate deliberate misuse of this policy. Therefore, if a grievance is found to be malicious, frivolous or vexatious during the application of the grievance procedure, the individual(s) may be subject to further investigation under the Trust's Disciplinary Policy, which may result in disciplinary action. Managers will ensure that any employees affected by such false accusations are supported.
- 3.6. Reasonable adjustments or arrangements may be made, for example for an employee or companion with a disability or for employees whose first language is not English.
- 3.7. The management recording of hearings will only take place with the agreement of all parties and for the purpose of creating a written record only. Once the written record has been created, any audio recording will be permanently destroyed.
- 3.8. All proceedings and records of grievance matters must remain confidential and kept in accordance with the Data Protection legislation.

4. Definitions

- 4.1. **Grievance** - Grievances are issues, problems or complaints employees raise with their employers that relate directly to their own work or workplace.

5. Responsibilities

5.1. Chief Executive Officer

5.1.1. The Chief Executive Officer has overarching responsibility for ensuring the content of this policy is applied consistently and fairly across the Trust.

5.2. Director of People and Culture

5.2.1. The Director of People and Culture is the named officer responsible for ensuring the content of this policy is applied fairly and consistently across the Trust.

5.3. Line Manager

5.3.1. Supervisors, team leaders and line managers should be fully conversant with the Grievance Procedure and its application.

5.3.2. Ensuring that this policy is fairly and consistently applied within their team, department or service area and for ensuring that their staff members understand how the policy can be used.

5.3.3. The manager must declare any conflicts of interest or involvement in a grievance at the point that it is notified.

5.3.4. Managers are required to make every effort to deal with matters quickly and consider and commit to all informal methods of resolution and only where these fail to resolve the situation, should the formal stages of this process be used.

5.4. Employee

5.4.1. All employees are responsible for being aware of this policy and understanding when and how it may be applied.

5.4.2. Employees have a joint responsibility with management for seeking to resolve any issue. Employees should make every effort to resolve their grievance at the informal stage prior to raising a formal grievance under this policy, including the consideration of facilitated discussion/ mediation, if appropriate.

5.4.3. All grievances should be raised in good faith by the employee.

5.4.4. Employees should clearly state the grounds of the grievance and ensure all relevant evidence and facts are presented for consideration.

5.4.5. Employees should make every effort to attend any meetings arranged by management in in order to resolve matters as quickly as possible.

5.5. Human Resources

5.5.1. HR has responsibility for the effective implementation of the policy and procedure and will maintain a central, confidential record of formal grievance hearings and appeals.

- 5.5.2. Provide relevant data for internal audits and other analyses.
- 5.5.3. Be involved in an advisory capacity at all formal stages of the procedure making every reasonable attempt to attend meetings where required. If a member of HR has been involved previously, they will not then advise at an appeal hearing.
- 5.5.4. Provide support, advice and guidance to employees and managers on the application of this policy to help ensure consistency throughout the Trust.
- 5.6. Trade Unions
 - 5.6.1. To represent members through the grievance procedure.
 - 5.6.2. To make every reasonable attempt to attend meetings at the scheduled time to support employees.
 - 5.6.3. To support the informal resolution of grievances, where appropriate.

6. Representation

- 6.1. All employees who raise a grievance, or have a grievance alleged against them, have the right to be accompanied by a single companion at all formal stages of this procedure. This can be a recognised Trade Union representative, an official employed by a trade union or a work-based colleague (who is not acting in a professional capacity or has a conflict of interest). There is no right to legal representation.
- 6.2. The employee may allow their union representative to speak, summarise and ask questions on their behalf. If being accompanied by a work-based colleague, employees may adjourn to confer with their colleague but must speak, summarise and ask questions themselves.
- 6.3. Accredited Union representatives who raise a grievance may be accompanied by a Full Time Officer of the Trade Union at the formal stages of this policy.
- 6.4. It is the responsibility of the employee to make arrangements for representation and for union representatives to arrange for alternative representatives to attend if they are unavailable.

7. Collective/ Group Grievance

- 7.1. If you and another employee (or more than two of you) have identical grievances and you all wish them to be addressed in the same grievance process, this may be raised as a collective group grievance. Employees lodging a collective group grievance should select one or two staff members to represent the group, or by agreement. Where all are members of the same trade union, your trade union

representative can (if you all wish them to do so) raise the grievance on your behalf.

- 7.2. You and your participating colleagues will be entitled to only one grievance hearing and (if applicable) one appeal hearing. You and your participating colleagues will be notified individually of the outcome at each stage of the process.
- 7.3. Staff using this procedure must be aware that they cannot then use the Individual Grievance Procedure for raising the same issue.
- 7.4. If the grievances are not identical, the Trust will arrange to hear your grievances on an individual basis.

8. Procedure

- 8.1. Any communication (verbal or in writing) from an employee which involves a problem or complaint could potentially be a grievance. If there is any doubt, it should be clarified by asking the employee directly.
- 8.2. All stages of the grievance procedure, including informal stage meetings, must be conducted in a manner that enables both the manager and employee(s) to explain themselves in a professional and transparent way. An HR representative will be available for advice at all stages of the procedure and must be involved in any formal grievance.
- 8.3. Where a grievance is raised regarding the individual's line manager, the grievance should be notified to an alternative manager.
- 8.4. Where a manager feels they are unable to consider a grievance on an impartial basis or where the manager is not available, the grievance must be referred to another manager of an equivalent level.
- 8.5. Where the grievance relates to an issue with Trust wide consequences i.e. financial implications that affect wider than the aggrieved person(s), or where there may be the need for policy change, an HR Representative must be present at the grievance hearing. The issue may require escalation to the relevant Director, Partnership Forum or Executive Management Board, as appropriate.

9. Informal Grievance - Step 1

- 9.1. Many grievances arise from simple misunderstandings and can be readily resolved through informal discussion or seeking advice or clarification where necessary. Any such issues should be raised with an immediate supervisor or line manager, as part of the on-going communication, such as one-to-one time or supervision. Both manager and individual may find it helpful to keep a note of any communications.

- 9.2. Where an employee feels they have been unable reach a resolution as part of the normal supervision process, they may raise the matter under Step 2 of the informal procedure.

10. Informal Grievance - Step 2

- 10.1. The employee or collective group should complete the 'Informal Grievance Form' outlining the issues of concern and forward it to their line manager/supervisor or the next senior manager in the service structure, if the grievance concerns their line manager/supervisor. If more than one area is involved, the appropriate managers must try together to resolve the problem informally.
- 10.2. The manager should reply verbally, as soon as possible, and in any event within 7 calendar days of the grievance being reported.
- 10.3. The manager will meet with the individual to discuss the issue(s) that have been raised and the desired outcome/resolution to be achieved from the process. The manager should make discreet investigations in order to resolve the matter promptly and fairly.
- 10.4. Where the grievance is about another member of staff, that individual must be given the opportunity to answer the grievance and put their side of the case to the manager. It may be appropriate at this point for the manager to arrange a facilitated discussion or mediation (see sections 11 and 12) between the parties with a view to resolving the issue and agreeing a way forward.
- 10.5. Following the discussion and within 7 calendar days, the manager will write to relevant parties to confirm the outcome and any actions that have been agreed. See the Grievance Toolkit – Letter 13 for a template.
- 10.6. Any discussion at this stage will be regarded as outside the formal grievance procedure. However, where attempts to resolve the matter informally do not work, it may be appropriate to raise a formal grievance. All parties will be expected to show what steps they have taken to achieve a reasonable solution prior to progression to the formal stage.

11. Conflict Resolution - Facilitated Discussion

- 11.1. A facilitated discussion is an informal process where, with the consent of the parties concerned, they work together to facilitate a full and frank discussion with the aim of trying to reach a satisfactory resolution to the problem.
- 11.2. Not all grievances will be suitable for this approach but in some circumstances, they may provide a useful format for progressing a grievance without the necessity of using the formal route.

- 11.3. It is the manager's responsibility to arrange and facilitate the meeting. The meeting should take place as quickly as possible and normally no later than 7 days from the date the issue was initially raised by the employee.
- 11.4. Further informal discussions may be required at this stage to achieve full resolution of the issue. Alternatively, mediation may be considered (see section 12). The manager should record any discussion and outcomes agreed and confirm to the employee in writing.

12. Conflict Resolution - Mediation

- 12.1. Where other informal routes such as a facilitated discussion have already proved unsuccessful and depending on the nature of the grievance, it may be appropriate for the matter to be dealt with by way of mediation.
- 12.2. Mediation gives an opportunity to help two or more people discuss issues such as a breakdown in work relations, personality clashes, and communication problems, with an 'impartial third party'.
- 12.3. It is important to note that any resolution reached is through the people who are in dispute and not by the mediator. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.
- 12.4. A third-party mediator (or more than one) who has not previously been involved in the matter will be sourced by the manager, with advice from HR, and may be trained employees, or external mediators.
- 12.5. Mediation may also be considered at any point within a formal process, where the formal grievance is put on hold whilst mediation is explored. Where mediation fails to resolve all the issues, the formal process can be resumed. It may also be suitable to use mediation to rebuild relationships after a formal grievance has been resolved.

12.6 When Can Mediation Be Used?

- 12.6.1. It can be used for conflict involving colleagues of a similar job or grade, team members or between a line manager and their staff. It can be used, exceptionally, where there is conflict between teams, or groups of employees and management.
- 12.6.2. It can be used to address a range of professional issues, including relationship breakdown, personality clashes, communication problems, bullying and harassment.

12.7 A Judgement Call

- 12.7.1. Mediation should not be used:
- By a manager to avoid their managerial responsibilities.
 - Where decision about right or wrong is needed, for example where there is possible criminal activity.
 - When the individual bringing a discrimination or harassment case wants it investigated.

- Where individuals do not have the power to settle the dispute.

13. Formal Grievance

- 13.1. Where it has not been possible to resolve an issue using the informal procedure, the issue should be referred in writing by completing the Formal Grievance Form (see Appendix B).
- 13.2. Consideration of a formal grievance regarding a matter that occurred more than three months prior (which would be time expired) may be considered if there is evidence to prove that the time lapsed is solely due to an attempt to resolve the issue informally.
- 13.3. Grievances will not be progressed until such time that the facts or reasons can be established. This may involve going back to the individual for clarification on the issues being raised.
- 13.4. Although time limits are specified within this policy, this does not prevent managers/staff mutually agreeing a longer time period.

Table 1 - Formal Grievance

Action	Timescale	Responsibility	Grievance Toolkit
Submit Formal Grievance Form to hremployee.relations@secamb.nhs.uk	Normally within 3 months of occurrence	Employee	Appendix B
Acknowledgment of receipt sent to employee	Normally, within 2 working days of receipt of the Formal Grievance	HR Employee Relations	
Grievance reviewed	Normally within 2 working days	HRBP/ HRA	Grievance Rejected/ further clarification required- Template Letter 1
Grievance accepted - Appropriate Hearing Manager & HR support identified	Internal Hearing Manager normally within 21 calendar days of receipt of Formal Grievance	HRBP/ HRA	
	External Hearing Manager normally within 28 calendar days of receipt of the Formal Grievance		
Formal Acknowledgement sent to employee	21/28 days from receipt of Formal Grievance	Hearing Manager	Template Letter 2
With advice from the HR professional, the manager receiving the grievance will consider the document submitted and gather all the necessary facts (investigation) in advance of arranging a hearing.	Normally within 28 calendar days of receipt of the Formal Grievance	Hearing Manager or allocated Investigating Officer	Investigation Guidelines

Grievance Policy & Procedure

Any person(s) who are subject to a complaint must be given the opportunity to respond to the allegations.	Normally within 28 calendar days of receipt of the Formal Grievance	Hearing Manager or allocated Investigating Officer	Template Letter 3
Delay of Investigation	Within 28 calendar days of receipt of the Formal Grievance	Hearing Manager or allocated Investigating Officer	Template Letter 4
Grievance Hearing arrangements (suitable venue, room booking including suitable break-out rooms, note taker)	Within 28 days from completion of investigation	Hearing Manager	
Invite to Grievance Hearing	Within 28 days from completion of investigation	Hearing Manager in consultation with HR	Template Letter 5
	Providing at least 7 calendar days written notice		

Make arrangements for the attendance of other members of staff (witnesses)/ manager of informal stage.	Prior to date of grievance hearing	Hearing Manager and Employee, as applicable	Notify HR of names of witnesses Email: hremployee.relations@secamb.nhs.uk
Arrangements for work colleague or Trade Union representative, if required.	Prior to date of grievance hearing	Employee	Notify HR of companion's name Email: hremployee.relations@secamb.nhs.uk
HR to be notified where employee or companion cannot attend on the proposed date, if applicable.	As soon as possible prior to hearing	Employee	Email: Hremployee.relations@secamb.nhs.uk

Grievance Policy & Procedure

The Trust advise on an alternative date	Within 21 calendar days after the original date providing at least 7 calendar days written notice	Hearing Manager in consultation with HR	Template Letter 6
Grievance Hearing			Appendix D Procedure for conducting a grievance hearing
If the individual does not attend the re-scheduled meeting, without good reason, their grievance would normally be treated as withdrawn.	To be confirmed in writing with 7 calendar days of Grievance Hearing date	Hearing Manager in consultation with HR	Template Letter 7
Outcome Letter Issued	Within 7 working days of the grievance hearing*	Hearing Manager in consultation with HR	Template Letter 8

13.5. *Wherever possible the grievance decision should be given at the time of the meeting and confirmed in writing within 7 calendar days. However, if this is not practicable a decision should be given in writing within 7 calendar days of the meeting. If a decision within this timescale is not possible, the individual will be kept informed in writing about the reason for the delay and when a response can be expected.

- 13.6. At the hearing those present will normally be the manager (who will chair the hearing), and the Human Resources professional, if required. A note taker may also be present together with any witnesses or other individuals whom the manager chairing the hearing considers to have information important to the case. This will usually include the manager involved in the informal stage with whom the individual has raised the matter, who will have the opportunity to respond to the individual's explanation of their complaint and explain the reasons for their decision or position on the issue raised. If a workforce investigation has been completed, the Investigating Officer may be called to the hearing to present their findings.
- 13.7. All parties have the right to call witnesses. If statements from witnesses are presented by either party as evidence, those witnesses will normally attend the hearing, with their Trade Union representative or work colleague, for questioning unless there is no dispute as to the facts or there are exceptional circumstances for this not being possible.
- 13.8. The Chair may adjourn the hearing for a number of reasons, including to:
- obtain further information;
 - clarify particular points; and/or
 - allow the individual to confer with their Trade Union representative or work colleague.
- 13.9. Notes will be made of all hearings held under the formal procedures, as an aide memoire for the Chair. These will not be a verbatim account of the hearing. Employees and their representatives may make their own written notes.
- 13.10. When a grievance is resolved which may require some form of management action, the hearing manager must ensure that the named responsible person, as agreed, implements any such action.
- 13.11. Where a grievance is not upheld the individual or collective will be advised on the Trust's grievance appeal process.

14. Appeals

- 14.1. The grounds for an appeal will normally be due to:
- New evidence coming to light which was not available at the time of the original decision or which was unreasonably withheld (other than by the employee) and which could have materially affected the outcome.
 - A flaw in the procedure which could have influenced the final outcome.
 - Where the outcome does not appear appropriate based on the evidence.
- 14.2. Appeals will not be accepted where the reasons for appeal do not meet the above criteria.

Grievance Policy & Procedure

- 14.3. An employee who wishes to appeal against a formal grievance decision must complete the Notification of Appeal Form (Appendix C) and submit within 14 calendar days of receipt of the decision in writing.
- 14.4. If, within 14 calendar days of the date of receipt of the written decision, the individual has not appealed, the grievance will be deemed to have been settled to the satisfaction of the individual.
- 14.5. An appeal will not be progressed until the reasons for appealing are clear.
- 14.6. The appeal hearing should be conducted by a manager at a higher level than the manager who held the grievance meeting. The hearing panel must not have been previously involved in the grievance.
- 14.7. The appeal process is not a re-hearing. The chair of the appeal panel will consider the specific area(s) with which the employee is dissatisfied in relation to the grievance outcome, rather than reconsider all matters raised within the grievance.
- 14.8. At the appeal hearing those present will normally be the manager (who will chair the hearing), the individual and their Trade Union representative or work colleague, and a member of the HR team who will act as adviser to the panel. A note taker may also be present together with any individuals whom the manager chairing the hearing considers have information important to the case. This will usually include the manager involved in the formal stage.

Table 2 – Grievance Appeal

Action	Timescales	Responsibility	Grievance Toolkit
Submit Grievance Appeal Form to hemployee.relations@secamb.nhs.uk	Within 14 days of receipt of Grievance Outcome Letter	Employee	Appendix C
Acknowledgment of receipt sent to employee	Normally, within 2 working days of receipt of the Grievance Appeal	HR Employee Relations	
Appeal Reviewed	Normally, within 2 working days of receipt of the Grievance Appeal	HRBP/ Head of HRBP's	Appeal Rejected/ further clarification required- Template Letter 9
Appeal accepted - Appropriate Hearing Manager & HR support identified	Internal Appeal Manager normally within 21 calendar days of receipt of Appeal	HRBP/ Head of HRBP's	

Grievance Policy & Procedure

	External Hearing Manager normally within 28 calendar days of receipt of the Appeal		
Formal Acknowledgement sent to employee	21/28 days from receipt of Appeal	Appeal Manager	Template Letter 10
Statement of case requested from Grievance Hearing Manager in response to Appeal	21/28 days from receipt of appeal	Appeal Manager	
Appeal Hearing arrangements (suitable venue, room booking including suitable break-out rooms, note taker)		HRBP/ HRA	
Invite to Appeal Hearing To enable both parties to provide a full response at the appeal hearing the written statements of case, will be circulated in advance of the hearing	At least 7 calendar days written notice	Appeal Manager in consultation with HR	Template Letter 11
Arrangements for work colleague or Trade Union representative, if required	Prior to date of Appeal Hearing		
Notify HR of companion's name Email: hremployee.relations@seca mb.nhs.uk	At least 2 days before Appeal Hearing	Employee Notify HR of companion's name, Email: hremployee.rela tions@secamb. nhs.uk	
HR to be notified where employee or companion cannot attend on the proposed date, if applicable.	As soon as possible prior to hearing	Employee	
The Trust advise on an alternative date	Within 21 calendar days after the original date At least 7 calendar days written notice	Appeal Manager in conjunction with HR	Template Letter 12

Grievance Policy & Procedure

Appeal Hearing			Appendix E - Appeal Hearing Procedure
If the individual does not attend the re-scheduled meeting, without good reason, their grievance would normally be treated as withdrawn.	To be confirmed in writing with 7 calendar days of Appeal Hearing date	Appeal Manager	Template Letter 13
Outcome of Appeal Hearing	Within 7 working days of the Appeal Hearing**	Appeal Manager in conjunction with HR	Template Letter 14

14.9. The chair may adjourn the appeal hearing to obtain further information to clarify particular points or allow the individual time to confer with their Trade Union representative or work colleague. **Should further investigation be required, the hearing should be reconvened within 21 days or such period as is mutually agreeable.

14.10. Notes will be made of all hearings held under the formal procedures, as an aide memoire for the Chair. These will not be a verbatim account of the hearing. Employees and their representatives may make their own written notes.

14.11. If the appeal is upheld, any potential action to be taken will be decided by the Chair of the appeal panel.

14.12. If the appeal is not upheld, the decision made by the appeal panel will be final and there will be no further right to an additional appeal after this stage.

15. Post-Conclusion Support

15.1. We understand that working relationships may be affected by a grievance. The Trust has a variety of resources that employees may access, including mediation (see section 12) and the Trust's Wellbeing Hub.

15.2. The Trust's Bullying & Harassment (Dignity at Work) Policy may also be useful.

16. Grievance During Disciplinary

- 16.1. In exceptional circumstances the disciplinary procedure may be suspended for a short time to investigate a grievance concerning issues that are directly relevant to the disciplinary procedure. This will only occur where there is sufficient information to support a complaint of serious concerns about a fundamental part of the disciplinary process.
- 16.2. Where the grievance and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 16.3. The course of action shall be decided on a case by case basis and on the merit of their own individual circumstance.

17. Confidentiality

- 17.1. It is essential that all parties to a grievance ensure that privacy and strict confidentiality is maintained at all times. No information relating to any action taken as part of this procedure should be divulged to other employees who are not involved. Breach of confidentiality will result in the application of the Trust's Disciplinary Policy for those involved.

18. Monitoring

- 18.1. Employee Relation activity rates will be monitored on a monthly basis. Employee Relation Data will be published in the monthly Workforce Reports, which in turn will be shared with the HR Working Group.
- 18.2. Human Resources is responsible for monitoring compliance with this policy and procedure on an ongoing basis. Where breaches in compliance are identified these will be investigated in line with the Trust's Disciplinary or Capability processes as applicable.
- 18.3 Annual equality data will be audited and will contribute the Trust's reporting requirements, including WRES and WDES.

19. Audit and Review (evaluating effectiveness)

- 19.1. This policy and procedure will have its effectiveness audited by Human Resources at regular intervals.
- 19.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 19.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.

- 19.4. All changes made to this policy and procedure will go through the governance route for development and approval as set out in the Policy on Policies.

20. References

- Agenda for Change Handbook
- ACAS Code of Practice

21. Equality Analysis

- 21.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief, Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.
- 21.2. Compliance with the Public Sector Equality Duty: If a contractor carries out functions of a public nature then for the duration of the contract, the contractor or supplier would itself be considered a public authority and have the duty to comply with the equalities duties when carrying out those functions.

Appendix A - Grievance Notification Form (Informal)

Name		Job Title	
Dept & Directorate		Base:	
Assignment Number		Line Manager	
Name of TU Rep/Workplace Colleague		Grievance Manager, if different from above	
Individual Grievance	Yes / No	Collective Grievance	Yes / No

Grievance Details:

Please provide a description of your concerns including precise information such as dates of events, meetings or correspondence, whether this is a one-off issue or part of a sequence of events, names of those involved and any reference to relevant documents or policies. You may attach additional sheets if required.			
Please indicate what actions you have already taken in order to resolve the matter informally			
Were you asked to take part in facilitated discussion/ mediation as a way of resolving this matter prior to submitting this level of grievance	Yes / No	Did you accept this offer?	Yes / No
If no, please state your reasons why			
Please give brief details of the facilitated discussion/ mediation and why you feel it was not a successful method of resolution			

Please detail what you are seeking as a resolution to your grievance			
Please outline any reasonable adjustments required e.g. accessibility to rooms, documents in larger text etc.			
Signed		Date	

To be completed by the Line Manager

Name		Job Title	
Dept & Directorate		Base:	
Date Grievance Received		Facilitated Discussion tried, where applicable?	Yes / No
Mediation tried, where applicable?	Yes / No		
Outcome of the grievance			
Signed		Date	

Appendix B - Formal Grievance Notification Form

To be completed by the individual(s) who have a formal grievance that they have not been able to resolve at the informal stage.

Please read the Grievance Policy before completing this form. If you require assistance in completing this form, please contact your Trade Union representative, HR or your manager.

Note: For collective grievances, please list the names and job titles for each individual involved on a separate sheet

Form to be emailed to: hremployee.relations@secamb.nhs.uk

Name		Job Title	
Dept & Directorate		Base:	
Assignment Number		Line Manager	
Name of TU Rep/Workplace Colleague		Grievance Manager, if different from above	
Individual Grievance	Yes / No	Collective Grievance	Yes / No

Grievance Details:

<p>Please provide a description of your concerns including precise information such as dates of events, meetings or correspondence, whether this is a one-off issue or part of a sequence of events, names of those involved and any reference to relevant documents or policies. You may attach additional sheets if required.</p>
<p>Please indicate what actions you/ your manager have already taken in order to resolve the matter informally (Staff member to attach Informal outcome letter)</p>

Were you asked to take part in facilitated discussion/ mediation as a way of resolving this matter prior to submitting this level of grievance	Yes / No	Did you accept this offer?	Yes / No
If no, please state your reasons why			
Please give brief details of the facilitated discussion/ mediation and why you feel it was not a successful method of resolution			
Please detail what you are seeking as a resolution to your grievance			
Please outline any reasonable adjustments required e.g. accessibility to rooms, documents in larger text etc.			
Signed		Date	

Appendix C - Grievance Appeal Notification Form

To be completed by the individual(s) raising an appeal against a Formal Grievance Outcome.

You are required to complete this form and submit it within 14 calendar days of receiving written notification of the decision of your Hearing.

Late appeals will only be considered in exceptional circumstances.

You are advised to consult your representative before submitting this completed form.

Form to be emailed to: hremployee.relations@secamb.nhs.uk

Name		Job Title	
Dept & Directorate		Base:	
Assignment Number		Chair of Hearing	
Name of TU Rep/Workplace Colleague		Date of Formal Grievance Hearing	
Supporting Evidence Enclosed	Yes / No	List Documentation	

Appeal Details:

Your reason for appealing
1. Information arising that was not available at the time the decision was made Yes / No
NB If you are claiming information was not available at the time you MUST explain why the previously undisclosed information was not presented at the Hearing before the decision you are appealing against was made.
Details

2. The formal outcome does not appear appropriate based on the evidence Yes / No			
Details			
3. A flaw in the procedure which could have influenced the final outcome Yes / No			
Details			
Please detail below what you are seeking as a resolution to your grievance at Appeal			
Please outline any reasonable adjustments required e.g. accessibility to rooms, documents in larger text etc.			
Signed		Date	

Appendix D - Procedure to be used at a Formal Grievance Hearing

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and gain agreement should management be using a recording device, where applicable.
- Introduce those present and their roles, this may include: panel members, HR member supporting the panel, note taker if applicable, etc.
- Representation of Employee – If accompanied confirm the role of the companion
- If the employee is not accompanied explain and note that they were offered the right to be accompanied but has chosen to attend unaccompanied.
- Confirm with the employee that they have received the letter notifying them of the meeting and any associated documentation.
- If the hearing has been rescheduled, confirm with the employee that they acknowledge why this was the case.
- Confirm with the employee that they understand that it is a formal grievance meeting which will be conducted in line with the Trust's Grievance Policy & Procedure.
- Confirm Documentation provided – Identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes.
- Adjournments - Advise that any party can request an adjournment, via the chair. Identify the location of any separate rooms available to provide the parties with private space during these adjournments.
- Taking of Notes – Advise that the note-taker will take summary notes to support the panel's consideration. Advise that both the employee and their representative would be welcome to make their own notes.

- **Advise on the procedure (points 1- 3 below).** Respond to any procedural concerns/queries that may arise.
 1. Invite the employee to explain their complaint/concern and what remedy/resolution they are seeking (this may be done by their representative if they so wish).
 2. The panel to seek to gain a full understanding of the case, raising any questions with the employee (and management representative) as necessary, to clarify any points in relation to the information or evidence submitted or gained via investigation if applicable. **NOTE:** If applicable and where previously agreed with the Chair, witnesses may be called. Also depending upon the circumstances of the case, if applicable, a Management representative will be given an opportunity to respond to each of the points raised by the employee and make representation to the Panel.
 3. Employee (and any management respondent) to be provided with the opportunity to sum up their case.

- After the case(s) have been explained and questioning completed, the Chair may consider whether to briefly adjourn the meeting to give all the opportunity to review what has been said and consider whether there is anything they wish to clarify or to add in closing remarks and enable the panel to review what they have heard and seek clarification on any issues before bringing the meeting to a close.
- If the panel is unable to make a decision as further time/ information (and what this would entail), is required, inform the employee they can expect written notification of the decision normally within 7 calendar days.
- Where it is identified that further essential information or clarification is required, the Panel may decide to adjourn the meeting to enable further investigation. In such a case, an indication of the timeframe for this should be provided. Once completed the panel should be reconvened.
- When closing the meeting, ensure that everyone understands what is going to happen.
- The Chair will prepare a report summarising the nature of the grievance, the investigation (where applicable), and the panel's decision, including reasons for this, and any recommendations, and notify the employee in writing as to the outcome of the meeting, usually within 7 calendar days after the meeting (Letter Template), including any next steps.
- Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties.

Appendix E - Procedure to be used at an Appeal Hearing (For all Procedures)

The below checklist is for guidance purposes only, as it is recognised that the Chair will need to determine how best to manage any hearing given the individual circumstances of the case.

- Welcome attendees.
- Request that all attendees turn off any electronic devices to avoid unnecessary interruptions during the meeting and gain agreement should management be using a recording device, where applicable.
- Introduce those present and their roles, this may include: panel members, HR panel support/note-taker, member[s] of the original panel etc.
- Confirm with the employee that they have received the letter notifying them of the appeal hearing and any associated documentation.
- Advise that any questions, comfort breaks and adjournments requests should be directed at the Chair.
- Identify the location of the rooms available to both the employee and member(s) of the original panel, to be used should any adjournments be required.
- Confirm that the appeal hearing is a result of the decision of a (disciplinary/capability/sickness capability/ grievance) panel (providing the date of original hearing and its outcome), and that the appeal will be heard in line with the relevant procedure.
- If the appeal hearing has been rescheduled, confirm with the employee that they acknowledge why this was the case.
- Reaffirm that the appeal process is not an opportunity for a re-hearing of the original submission but to: consider the grounds of their appeal e.g. this could be to determine if previous decision was fair, consider any new facts and judge reasonableness of procedure to date. (If exceptionally it is a rehearing advice should be sought from Human Resources before commencing the hearing).
- Representation of Employee – If accompanied confirm the role of the companion
- If not accompanied note that the employee has been advised of their right to be accompanied but has chosen to attend unaccompanied.
- Confirm the documentation provided, identifying, if appropriate, any other documentation the panel has at their disposal for reference purposes, or any additional information supplied by the employee.
- Advise that it is the employee's responsibility to specifically draw the panel's attention to all relevant documentary evidence that should be considered in relation to their grounds for appeal.
- Explain that anything that does not relate to the grounds for appeal or which isn't directly referenced by the employee, will not be taken into consideration for the purpose of this procedure.
- Advise that the note-taker will take summary notes to support the panel's consideration. Advise that both the employee and their representative would be welcome to make their own notes.
- Advise that the decision of the appeal panel will be made after the hearing, either following an adjournment, or after closing the hearing, should it require more time

to consider the case. The outcome will be confirmed in writing usually within 7 calendar days of the hearing.

- Advise that this is the final stage of the applicable policy and that there is no further right to appeal.

Advise on the procedure (points 1- 7 below). Respond to any procedural concerns/queries that may arise.

1. Employee will be invited to present their case, during which it would be helpful if they directed the panel to the issues that they would like the Appeal Panel to consider.
 2. Where previously agreed with the Chair, witnesses may be called (unlikely to be relevant in Sickness cases).
 3. The Appeal Panel will ask questions/seek clarification as necessary.
 4. The original hearing panel member(s) responding to the appeal will be given an opportunity to respond to each of the points raised by the employee and make representation to the panel.
 5. The employee to be given an opportunity to make a closing statement.
 6. The original hearing panel members to be given same opportunity.
 7. The Panel will adjourn for the Appeal Panel to consider the decision. (Grounds for appeal: upheld, not upheld, partly upheld, rejected, or require a full or partial rehearing).
- If the panel is unable to make a decision as further information is required, inform the employee as to when they can expect written notification of the decision (or if further action was deemed necessary what this would entail).
 - Close the hearing, ensuring that everyone understands what is going to happen.
 - Panel considers the case and makes a decision if not done during an adjournment.
 - The Chair will prepare a report summarising the nature of the appeal, confirm the outcome of the appeal, including reasons for this, and any recommendations, (including any agreed actions and timescales for improvement etc) and notify the employee in writing, usually within 7 calendar days (**Letter Template**).
 - Ensure that the records are factual and constructive.
 - Store records securely, as these may be subsequently required within later procedural stages and shared with all relevant parties, including the employee.