



RESOLUTION AND GRIEVANCE POLICY AND PROCEDURE

Version 9

Document Summary

The policy incorporates both informal and formal processes to find a suitable resolution to any concerns, disagreements, conflict or dispute that may be raised as a Grievance by an employee. Although greater emphasis is given to informal remedies in this policy its aim is to secure a constructive and lasting solution to any Grievance raised.

Document status	Approved	
Document type	Policy	Lead Employer
Document number	9	
Approving body	Commercial Services Council	
Date approved	24/10/2023	
Date implemented	30/10/2023	
Review date	29/10/2025	
Accountable Director	Director of Human Resources	
Policy Author	HR Business Partner	
Target audience	Lead Employer	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments

Document Control

Section 1 – Document Information	
Title	Lead Employer Resolution & Grievance Policy
Directorate	Human Resources
Brief Description of amendments	
The revised policy has removed one of the formal stages and introduced a 72 hour HR Pause during the informal stage, to allow for a more thorough approach to providing a resolution at the earliest opportunity.	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes

Section 2 – Consultation Information*	
*Please remember to consult with all services provided by the Trust, including Community & Primary Care where applicable	
Consultation Completed	<input type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group
Consultation start date	N/A
Consultation end date	N/A

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
9		The revised policy has removed one of the formal stages and introduced a 72 hour HR Pause during the informal stage, to allow for a more thorough approach to providing a resolution at the earliest opportunity.

Section 4 – Approval	
Document Approved	<input checked="" type="checkbox"/> Approved
Assurance provided by Author & Chair	<input type="checkbox"/> Email with Chairs approval
Date approved	Review date

Section 5 – Withdrawal	
Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded

Item No.	Subject	Page No.
1.	Quick Reference Guide	
1.	Scope	
2.	Introduction	
3.	Statement of intent	
4.	Equality Statement	
5.	Accountability and Governance	
6.	Definitions	
7.	Roles and responsibilities	
8.	Process 8.1 Informal Process 8.2 Formal Process 8.3 Collective grievances	
9	Appeal Meeting	
10.	References and Bibliography	
11.	Related Policies and Procedures	
12	Records Management	
13	Training	
11.	Appendixes	
	Appendix 1 – Grievance Resolution form Appendix 2 – Informal Resolution Examples Appendix 3- Formal Grievance Resolution meeting Appendix 4- Appeal meeting procedure	

Quick Reference Guide

Mersey and West Lancashire Teaching Hospitals NHS Trust (the Trust) believes that a positive working environment and good working relationships have a substantial impact on all its colleagues' well-being and engagement, leading to improved patient experience better performance, improved colleague retention, plus reduced stress and absence.

The Mersey and West Lancashire Teaching Hospitals NHS Trust (MWL) Grievance Policy is aligned to the core values of the Trust. This is just one way that we are bringing our values to life and using our values as a blueprint for the development of a values-based culture within the Trust. Our values are:

- Kind and Compassionate
- Respectful and Considerate
- Listening and Learning
- Friendly and Welcoming
- Open and Honest

These values are used to inform the Trust's ACE Behavioural standards:

- The Attitude that we appear to show
- How we Communicate with patients, relatives and colleagues
- The Experiences we create

These are the behaviours the Trust expects its colleagues to demonstrate but sometimes concerns, complaints, or conflicts at work are a natural and inevitable factor for any workplace. Focusing on resolving conflict issues constructively will help the Trust to create and sustain a positive working environment where all colleagues can thrive. Colleagues must continue to act in accordance with the policies, values and behaviours of the Trust, and, where applicable external regulatory bodies.

The process is fully legally compliant, it meets and exceeds the requirements of the [ACAS Code of Practice on Discipline and Grievance](#), and it meets and exceeds all equality legislation currently in place in the UK. It has been developed in consultation with the Trust's recognised Trade Unions.

The policy incorporates both informal and formal processes to find a suitable resolution to any concerns, disagreements, conflict or dispute that may be raised as a Grievance by an colleague. Although greater emphasis is given to informal remedies in this policy its aim is to secure a constructive and lasting solution to any issue raised.

1. Scope

This policy sets out the rights and responsibilities of Host Organisations, Host managers and colleagues in training when handling grievances. This Policy applies to all medical and dental colleagues employed by Mersey and West Lancashire Teaching Hospitals NHS Trust Lead Employer (“the Trust”), including those training in Public Health employed under Agenda for Change Terms and Conditions (“Colleagues”).

Colleagues will be managed and/or supervised by relevant individuals at the Host Organisations at which they carry out their placements, and by NHS England Education in respect of their medical and/or dental educational training, qualification and regulation. Therefore, those organisations have roles and responsibilities under this policy; accordingly, they will have access to it and should be familiar with it. More information about the roles and responsibilities of all parties can be found in section 7 of this policy.

Nothing in this policy applies to independent contractors, Bank or agency colleagues working for the Trust under a contract for services.

2. Introduction

The Trust believes that whilst concerns, problems or complaints may be an inevitable part of organisational life, the way in which these matters are handled can contribute to a more positive working environment. It is therefore critical that issues are approached in the right way by both or all people involved to avoid negative consequences for relationships, morale, productivity and quality, as well as for individuals’ health and wellbeing.

The Trust relies on academic evidence which shows that most issues can be resolved through informal dialogue, in line with NHS England’s ‘just culture guide’ (See Section 13 for Reference). MWL therefore actively encourages all parties to engage in early resolution and informal methods to resolve issues for the avoidance of lengthy formal procedures and to ensure that staff are supported through the resolution process. On occasions where early informal interventions do not achieve the desired outcome, this policy is designed to ensure a fair, systematic and consistent approach is taken at all times. Our colleagues should be treated with dignity and respect and in a culture of inclusivity where all colleagues feel valued and supported by the Organisation.

The Trust believes this policy and associated guidance and checklists provide an accessible process and level of support to enable managers to constructively resolve any concerns or grievances that may arise. We are also committed to using supported processes such as initial resolution, facilitated conversations, and mediation to resolve grievances or concerns.

The fair treatment of colleagues supports a culture of fairness, openness and learning in the Trust by making colleagues feel confident to speak up when things go wrong, rather than fearing blame. We want to encourage improvement where necessary and ensure the practice of lessons learnt is embedded throughout the Trust.

Where informal resolution is unsuccessful, formal processes may be needed to resolve issues. This policy should be read in conjunction with the Trusts [Respect at Work Policy](#) and [Raising Concerns at Work Policy](#).

This policy will not address issues relating to:

- Disciplinary matters, which will be dealt with in line with the Lead Employer Handling Concerns Policy.
- The outcome of attendance management stage or level meetings which will be dealt with in line with the [Attendance Management Policy](#).
- The outcome of flexible working discussions which will be dealt with in line with The Trust Flexible Working Policy as this has its own appeal process.

The policy incorporates both informal and formal processes to resolve grievances, although greater emphasis is given to informal remedies or what we refer to as local and initial resolution. It is aimed at securing constructive and lasting solutions to workplace disputes, conflicts, and complaints and will also include an impact assessment to ensure any staff members with protected characteristics are supported. It is suitable for the following types of issues:

- Disagreements between colleagues.
- Disagreements within or between teams.
- Disagreements between managers and members of their teams and vice versa
- Concerns of complaints about the allocation or distribution of resources.
- Concerns or complaints about the actions or inactions of a manager or colleague.
- Concerns related to the application of trust policy and terms and conditions.
- Breakdown in relationships between individuals or teams

3. Statement of Intent

- Ensures good working relationships and early resolution to grievances promptly and fairly.
- It supports moving on positively in learning and no blame culture.
- Encourages colleagues to seek an early resolution to grievances quickly and effectively.
- Provides support and resources to enable managers and colleagues to resolve grievances informally, for example, through facilitation or mediation.
- Promotes a high level of trust through appropriate use of language and respectful and learning-oriented conversations.

- Applies a 72 hour HR pause period using a set of objective criteria to assess the most effective route to resolve the grievance.
- Encourages all colleagues to be open and honest during the grievance process.
- Encourages managers and colleagues to seek opportunities for restorative outcomes in grievance matters wherever possible.
- Ensures that grievances are treated fairly and consistently.
- Encourages positive colleague relations and helps resolve grievances constructively and effectively.
- Encourages open communication between colleagues and managers so that questions and problems can be aired and, where possible, resolved quickly and to the satisfaction of all concerned without the need for a formal grievance to be submitted.

To assist with the above, the Host Trust will provide the following support to colleagues to help resolve issues when they first begin / arise: NB: This will be in line with any service level agreements or MOU

- Facilitation of early resolution meetings between the colleagues concerned with support from the relevant HR Department.
- A review of protected characteristics (as defined by the Equality Act 2010) of both the manager and colleague(s) to ensure that any appropriate support is made available, for example for colleagues with a disability, or who are BAME, or LGBTQ+, an equality impact assessment will be undertaken to ensure all reasonable steps have been taken to make sure colleagues with protected characteristics are treated equitably and any support or assistance is put in place at the start of the process for example, Cultural Champions or Staff Networks.
- An independent mediator may be assigned to facilitate the resolution.
- A fair and thorough investigation by a trained Investigating Officer.
- Trained and experienced managers involved in the Grievance process.
- Signposting to Health, Work and Wellbeing services for any colleagues who require additional support.
- Working collaboratively with Trade Union colleagues as appropriate.

4. Equality Statement

The Trust is committed to promoting equality, and protecting Human Rights, eliminating discrimination against any individual on the grounds of age, disability, gender reassignment,

marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. The Trust values the diversity of all individuals and communities and is committed to ensuring that all our colleagues are treated with dignity and respect.

The Trust wants to ensure that reasonable adjustments are made to the process for colleagues with a disability if required. The policy provides an accessible process and level of support to underpin the Trust's commitment to equality and inclusion and to enable everyone to constructively resolve any issues that they have.

If colleagues require further information on how they can be supported they can seek advice from the Trusts Workforce Equality, Diversity and Inclusion lead.

5. Accountability and Governance

To ensure that the policy is being used fairly, consistently, and appropriately, it is important to ensure that accountability and governance is in place. The Trust's measures to address this are:

- All Investigating Officers will be trained in how to conduct investigations.
- All managers who undertake the roles of Formal Case Resolution Manager, Investigating Officer, Grievance Authority, and Grievance Appeal Authority or sit in an advisory capacity at a Formal Grievance/ Appeal meeting must have appropriate training on managing/chairing Grievance cases. This will include awareness of unconscious bias.
- Equality, Diversity and Inclusion awareness training provided to all managers who are engaged in the implementation of this policy.
- Trust Board assurance processes will include the monitoring of grievance data in relation to the involvement of those with protected characteristics and lessons learned which will be used to improve the Trust's people practices in the future.
- Cases will be reviewed by a Colleague Relations Scrutiny Panel consisting of MWL HR Director, MWL Director of Nursing, MWL Medical Director or Responsible Officer, Lead Employer Medical Director and Lead Employer HR to ensure timely progress, and appropriate and consistent approach to disciplinary matters in line with a just and learning culture.
- Information gathered within a grievance investigation / process will only be provided to those who have a legitimate reason to be informed in accordance with Data Protection Act 2018 and the Trust's Information Governance Policy.

Monitoring compliance with the policy is the responsibility of the Head of HR and HR Business Partners. It is their role to ensure its effective use and enable action plans to be produced where there are trends or specific remedial steps that are required e.g. where concerns are raised through the grievance procedure, at appeals or from the Staff side that the processes are not being followed.

For avoidance of doubt this procedure does not form part of any colleague's contract of employment.

6. Definitions

COLLEAGUES - Specialty trainees employed by MWL LE which includes the following:

- Core Trainees
- Specialty Registrars
- Medical and Dental Public Health Specialty Registrars
- Non-medical Public Health Specialty Registrars

HOST - the organisation with which the Trainee is undertaking their on-the-job training

MWL LEAD EMPLOYER (MWL LE) – that part of Mersey and West Lancashire Teaching Hospitals NHS Trust (“the Trust”) and its staff delegated to undertake duties on behalf of that Trust as Lead Employer for NHS England medical and dental trainees and non-medical Public Health trainees.

NHS ENGLAND – NHS England, with responsibility for the relevant Trainee's educational training programme.

POSTGRADUATE DEAN (PGD) – Who is responsible for the Postgraduate programme of study for Doctors in training.

DEAN OF POSTGRADUATE DENTAL TRAINING – Who is responsible for the Postgraduate programme of study for Dentists in training.

GRIEVANCES - are concerns, problems or complaints that colleagues raise with their employers with the aim of reaching a resolution.

RESOLUTION - is the outcome following the exploration of concerns, problem or complaints. In the context of this policy, resolution will be sought at the earliest opportunity, where possible informally.

STATUS QUO - the working and management arrangements that apply prior to a collective grievance being lodged. The status quo will normally apply until the agreed grievance procedure has been exhausted and the completed proceedings indicate otherwise. However in exceptional circumstances e.g. dangerous working practices, danger to staff, patients or the general public and/or breach of statute it may be necessary to implement interim appropriate measures / action.

INFORMAL CASE RESOLUTION MANAGER – During the informal resolution stage, a designated contact will be appointed within the relevant organisation depending on the nature of the complaint e.g. Host Organisation, Lead Employer, NHS England, to facilitate early resolution. This must be done in collaboration with the Lead Employer HR team. .

72 HOUR HR PAUSE- During the 72 Hour HR Pause, the Informal Case Resolution Manager

will undertake an informal fact finding process which will review the basis for the grievance and take in to account factual information provided by those involved and or the relevant processes and procedures. This may involve informal fact finding meetings which will be conducted by the nominated Informal Case Resolution Manager.

The Informal Case Resolution Manager may consult with any parties involved in the situation which may include witnesses or colleagues in an advisory capacity which will assist with the resolution. This information will be used to contribute to a Formal Grievance process if the case progresses.

INITIAL RESOLUTION MEETING- a member of the Lead Employer HR team, in conjunction with any relevant parties e.g. a member of the Host Organisation or NHS England to have a prompt, informal conversation with the colleague about their concerns, to try to find an outcome that is acceptable to both parties.

FACILITATED CONVERSATION- The Informal Case Resolution Manager who is reviewing the grievance may decide that a facilitated conversation is the most appropriate approach to find a resolution. A facilitated conversation allows those involved to engage in constructive dialogue and actively listen. It is a solutions-focussed process with the aim of helping parties to reach a mutually acceptable outcome. The conversation between the relevant parties and the aggrieved colleague will be supported by a member of the HR Department.

INFORMAL RESOLUTION AGREEMENT – An outcome of a facilitated conversation can be documented in an informal resolution agreement where all parties involved have reached a collective agreement which can be revisited should there be a need in future.

FORMAL CASE RESOLUTION MANAGER- is appointed to oversee the case, this will normally be a senior manager within the organisation. Their role is to consider the preliminary information provided by the colleague regarding the grievance, including any attempts made to resolve the grievance informally, if it reaches the formal stage.

FORMAL GRIEVANCE INVESTIGATION- A formal Investigation takes place once a decision has been made by the Formal Case Resolution Manager that a formal grievance process should begin. At that point an Investigating Officer will be appointed from within the appropriate organisation to take statements and source evidence in accordance with the Terms of Reference which will be set by the Formal Case Resolution Manager. The investigation findings will be presented in a report to the Formal Case Resolution Manager who will decide whether a grievance should be heard formally.

FORMAL GRIEVANCE MEETING-A formal grievance meeting (previously known as a grievance hearing) is the formal process to hear the colleague's grievance which, as with informal process, still aims to secure a positive resolution for all parties.

7. Duties, Accountabilities and Responsibilities

The roles involved at all stages of the grievance process should ensure a fair, systematic and consistent approach is taken at all times, everybody should be treated with dignity and respect and in a culture of inclusivity where all colleagues are engaged.

7.1 CHIEF EXECUTIVE

The ultimate responsibility in the area of performance and legislative adherence lies with the Chief Executive.

7.2 BOARD OF DIRECTORS

The Board of Directors is responsible for ensuring that the policy is being adhered to, both collectively by the managers and colleagues in their area of responsibility. Details of grievances will be reported to the Trust Board via the Workforce Strategy Committee.

7.3 DIRECTOR OF HUMAN RESOURCE

The Director of Human Resources (Director of HR) has a responsibility to ensure all legislation in this area and the [ACAS Code of Practice - Disciplinary and Grievance Procedures](#) is adhered to at all times. The Director of Human Resources has Board level responsibility for ensuring that this policy applies to all levels within the organisation and that the policy is followed fairly and consistently. In addition they must ensure that the requisite training and development is provided for colleagues and any shortfalls in knowledge, skills and experience of managers to deliver this policy are addressed in a rigorous but fair, equitable and reasonable manner.

Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the function but the final responsibility remains with the Director.

Members of the Senior HR Management team are responsible for escalating any areas of concern following monitoring to the Director of HR, who will highlight them to the Board and responsible Non-Executive Director, where necessary.

7.4 MANAGERS-

Managers and supervisors must ensure that:

- The standards of behaviour of the colleagues in their department or section are at the required level and in line with Trusts ACE Behavioural standards.
- Host Managers must conduct themselves and manage their team in an open and transparent manner, ensuring they are approachable way and encouraging respectful communication. Feedback should be constructive so that issues can be discussed and addressed effectively and informally without the need to resort to grievances.
- Colleagues are made aware of the required standards of behaviour required of them and this is actively managed.
- Adequate advice and supervision is available to their colleagues.
- Colleagues are informed of this policy and its processes.
- They consult with the Lead Employer HR team when a grievance has been raised by a colleague to see whether informal solutions are appropriate prior to formal processes being applied.
- Grievances are carried out in line with this policy in a fair, consistent and reasonable

manner and by appropriate individuals in accordance with this policy.

- If an informal resolution to the grievance cannot be achieved and a formal process begins colleagues should be offered the opportunity to receive additional support through the Insight Colleague Assistance Programme, from the Health, Work and Well Being Department (HWWB) and a Pastoral Support via NHS England.

7.5 COLLEAGUES - :

- Have a responsibility to hold themselves to account for their own actions, behaviours and conduct with each other in line with the ACE behavioural standards, and take personal responsibility if they fail to do so.
- Be willing to find ways to address issues and concerns that are affecting them, openly and honestly, and be willing to commit to informally resolving the cause of concern.
- Co-operate with any investigation or grievance meeting held under this policy.
- Work with other colleagues to seek a constructive and early resolution to any issues as and when they arise.

7.6 LEAD EMPLOYER HR TEAM

- Provide advice to host managers following a concern or grievance being raised, ensuring that host managers are provided with appropriate advice and guidance on this policy, including training and coaching as required.
- Provide support to host managers on individual cases as necessary.
- Will support Host Organisations to promote informal resolutions where possible.
- Will be available to support an Informal Resolution Manager, Investigating Officer, Formal Case Resolution Manager, Grievance Authority and Appeal authority.
- Will be available to provide support and case timeline updates to the nominated pastoral support or trade union representative.
- Review the workings of this policy when shortfalls are identified and report such issues to the Director of HR.
- N.B Where Host Organisations have access to their own internal HR functions, some of the above functions may be carried out by them following liaison with the Lead Employer HR team.

7.7 TRADE UNION REPRESENTATIVE

Trade Unions have an important part to play in providing pragmatic advice and or support to colleagues to work constructively with the Trust, Human Resources and managers to achieve resolutions, informally in the first instance. All colleagues have the right to be accompanied at

all formal grievance meeting by an accredited Trade Union representative. Where reference is made in the procedure to an accredited Trade Union Representative this should also be taken to mean full-time official as appropriate.

Colleagues can ask for an external trade union representative whose union is recognised on the AFC/BMA Framework and who has a current ERA accreditation certificate (this should be checked before conducting the meetings).

7.8 WORKPLACE COLLEAGUE

A Workplace Colleague may be a fellow worker (i.e. another colleague of the organisation). Colleagues with any protected characteristics may also wish to be accompanied by a second person as an advocate or someone with knowledge of the disability and its effects. The Trust may also agree to a colleague being accompanied by an advocate as a reasonable adjustment if deemed appropriate to the circumstances.

7.9 COMMERCIAL SERVICES COUNCIL

The Commercial Services Council are responsible for monitoring the impact of the policy including non-compliance or any resulting equality issues on behalf of the Board.

7.10 FORMAL CASE RESOLUTION MANAGER

The formal case resolution manager is appointed to oversee the case and is usually a senior manager from within the organisation. . Their role is to consider the preliminary information gathered to date regarding the grievance if it reaches the formal stage. They will:

- Appoint an Investigating Officer in conjunction with the HR representative.
- Determine the terms of reference with input from the aggrieved colleague for any necessary investigation and update the terms of reference if new evidence discovered by the investigation identifies such a change is needed. The aggrieved colleague as well as the Investigating Officer and HR Representative will be advised in writing of the revised Terms of Reference. Ensure that the colleague is signposted to pastoral support via the appropriate NHS England region.
- Provide progress updates on the investigation as appropriate to the colleague, including reasons for any delays.
- Consider the findings and outcome of the informal resolution in conjunction with the Lead Employer HR team along with the Investigating Officer's report and confirm whether the grievance can be resolved without the need of a formal grievance meeting. Following the review of the findings, the Formal Case Resolution Manager will write to the colleague detailing the outcome which may be the requirement of a formal grievance meeting.
- The Formal Case Resolution Manager will present the management case to the grievance authority / panel as a formal hearing; in circumstances where there may be significant delays due to absence of the presenting manager, the Lead Employer will

review options for presentation of case with the trainee and their representative, in such situations consideration will be given to presentation by the IO.

7.11 INVESTIGATING OFFICER

The investigating officer is the person appointed by the Formal Case Resolution Manager to investigate a formal grievance. They will investigate and establish the facts in the case by holding fact finding interviews and gathering statements and data / evidence as appropriate, and produce a report for the Formal Case Resolution Manager which will enable the Formal Case Resolution Manager to decide whether or not the matter should proceed to a formal grievance meeting.

The Investigating Officer will:

- Impartially investigate all relevant facts relating to the grievance with an equal emphasis on evidence from all parties concerned.
- Decide which witnesses should be interviewed including those who are leavers, agency staff, bank and any other external stakeholders and undertake such interviews.
- Make the Formal Case Resolution Manager aware of any additional information that arises during the investigation. If this happens, the Formal Case Resolution Manager will review and decide whether an amendment to the terms of reference of the grievance is required.
- Update the Formal Case Resolution Manager on where the investigation is up to, including any delays and the reasons for these, in order for the Case Resolution Manager to communicate with the colleague.
- Produce an investigation report for the Formal Case Resolution Manager. The report will outline the facts of the case and should not include any recommendations.
- Should the matter proceed to a formal grievance meeting, the Investigating Officer may be asked to attend the grievance meeting as a witness to answer questions regarding the findings of their investigation. In exceptional circumstances the Investigating Officer may be required to present the whole management case.

7.12 GRIEVANCE AUTHORITY

The Grievance Authority is the manager or director who conducts the formal grievance meeting and whose responsibility it is to make the decision at the end of that meeting, this is usually a senior manager from within the organisation. The decision will be made after having carefully considered all aspects of the grievance and, if relevant, any mitigation, whilst ensuring the policy has been followed; and also ensuring appropriate resolutions are found.

7.13 APPEAL AUTHORITY

The manager or director who conducts the appeal meeting and who is responsible for making the decision at the end of that meeting having considered the colleague's grounds of appeal

and the management response / appeal case.

8. PROCESS

8.1 Informal Process

The Trust believes the first and most important step in resolving a grievance is to have a prompt, conversation with the colleague about their concerns, to try to find an outcome that is acceptable to both parties, in such circumstances an initial resolution meeting will be convened.

8.2 Initial Resolution Meeting

Many workplace issues can be resolved during an Initial Resolution Meeting as it provides an opportunity for aggrieved colleagues to discuss their issues with colleague(s) or manager(s) in a supportive and constructive forum. The colleague should try to informally resolve their issue locally first of all and they will be encouraged to have a direct conversation with the other party to try to secure a resolution to the situation. This will enable most issues to be resolved locally and without the need to escalate further.

The outcomes from Initial Resolution Meeting may include but are not exhaustive:

- A verbal resolution/agreement
- Signposting to other informal options under this policy such as mediation or options relating to restorative practice as informal options for lasting resolution between multiple parties
- An agreed action plan between both parties which sets out the nature of the agreement and the agreed timescales

In the event that Initial Resolution meeting is not successful, a Grievance Resolution form (appendix 1) should be submitted by the aggrieved colleague to their Line Manager.

8.3 Informal Grievance Resolution

The aggrieved colleague(s) should notify their line manager (unless the grievance is against their manager in which case, it should go to the next level of manager) and the Lead Employer of their concern / complaint / issue by completing a Grievance Resolution form (appendix 1) advising that they are raising a grievance.

The form gives the colleague the opportunity to detail the issues that they want to resolve and how they feel a successful resolution to their grievance will be achieved. Any information regarding previous attempts to resolve the concerns informally will also be included. At this point, the Informal Case Resolution Manager may choose to seek advice or support from HR and will then recommend one of the following courses of action to the colleague who has submitted the form;

- A further attempt at informal resolution – See appendix 2 for examples of informal resolution
- A formal grievance process. These usually only happen once all other options have been exhausted or where the line manager believes the grievance would benefit from such a meeting. Typically, a formal grievance meeting is preceded by an investigation.

During the 72 hour HR Pause, the Informal Resolution Manager may contact the parties involved to gain additional information to assist them to identify the most suitable route to resolve the issue. Following the triage assessment, the Informal Resolution Manager will contact the colleague/manager and suggest the most appropriate route to resolve the issue informally where possible.

8.4 Formal Grievance Resolution Process

The Trust encourages managers and colleagues to try and resolve grievance issues through the options described above. A formal process should only be used where it has not been possible to resolve matters informally, where a case would benefit from such a meeting, or where a Formal Grievance Resolution Meeting is the only viable option.

8.4.1 Commencing the Formal Grievance Resolution process

Where it is identified that a formal grievance resolution process is required, a Formal Case Resolution Manager will be appointed and a member of the LE HR Team will be identified to help support the Formal Case Resolution Manager overseeing the case. The Formal Case Resolution Manager, with the support of their appointed HR support, will appoint an Investigating Officer and another HR representative, who will assist the Investigating Officer.

The Formal Case Resolution Manager and Investigating Officer should not have previously been directly or indirectly involved in the grievance. It should also be noted the Formal Case Resolution Manager or Investigating Officer cannot subsequently be the Grievance Authority if a formal meeting is required.

The Formal Case Resolution Manager will be responsible for advising the aggrieved colleague about the investigation and its terms of reference, in writing, as soon as practical and for providing them with a copy of or access to, the Grievance policy.

8.4.1.1 The Formal Case Resolution Manager

The Formal Case Resolution Manager in conjunction with the LE HR representative will be responsible for producing terms of reference for the grievance investigation which will be provided to the Investigating Officer and the colleague and will include:

- an outline of the basic factual background to the grievance
- Details of the 72 hour HR pause investigation and outcome following the informal resolution stage
- The specific concerns to be investigated
- Preliminary list of colleagues to be interviewed

- Reference to documentation already identified that will be relevant to the investigation including the Grievance Resolution Form
- Planned timescale for completion

It should be noted that the Terms of Reference may be amended as the facts are established.

8.4.1.2 The Investigating Officer

The Investigating Officer will be responsible for investigating impartially to ascertain the full facts of the grievance, including gathering any relevant evidence.

In cases where a grievance involves, or was witnessed by, a number of individuals, this is likely to involve obtaining statements from each individual.

8.4.1.3 Right to be accompanied

Although under the Employment Relations Act 1999 there is no statutory right for a colleague to be accompanied at a grievance investigation meeting, under this procedure a colleague whose conduct is being investigated can be accompanied by a union representative recognised by the Trust or a companion. However, an investigation interview must not be delayed waiting for a particular representative. Any representative or companion accompanying a colleague at a grievance investigation meeting should play no active role in responding to the questions put to the colleague.

8.5 Timescales

Any grievance investigation should be completed in timely manner. The length of time spent will depend on the nature and complexity of the grievance. , investigations will normally be completed within 20 working days; however circumstances may extend this period. Whilst all efforts will be made to conclude the investigation as swiftly as possible, this will not be to the detriment of a thorough and comprehensive process. Where any investigation continues beyond 20 working days, the Investigating Officer/Case Investigator should update the Formal Case Resolution Manager every two weeks and the management of the case should be reviewed by the Formal Case Resolution Manager, who will, in turn update the colleague giving reasons.

8.6 Witnesses and Investigation Meetings

In cases where an incident involves, or was witnessed by, several people, this is likely to involve obtaining statements from each individual. Witnesses should be advised that the matter must be treated in strictest confidence and must not be discussed with colleagues, and that, if the matter progresses, then the witness statements will be used as evidence. In exceptional circumstances, witness statements may be anonymised however before this is done or agreed to, advice should be sought from MWL LE HR as well as the Case Manager.

If a colleague or witness is / has been unwell or is unsure if they will be fit to attend the grievance investigation meeting, the Trust may seek advice from any of the following before deciding whether to proceed with a grievance investigation meeting: Health, Work & Well

Being, the individual's GP or another relevant / treating health professional. The decision relating to how to proceed will take into consideration the likelihood of an early return to work or sufficient improvement in the condition for the colleague / witness to attend the investigation meeting. It is noted that a colleague / witness does not necessarily need to be fit for work / duties to be able to attend an investigation meeting especially taking into account the possible alternative methods available, such as virtual or telephone meetings, as outlined above.

8.7 The Investigation

At the point when the Investigating Officer has completed the investigation, they will present their findings in a report including all relevant narrative and supporting evidence.

The Formal Case Resolution Manager will consider the investigation report along with the findings of the informal resolution stage collated by the appointed Informal Case Resolution Manager. Once reviewing the evidence gathered, they will decide whether all reasonable steps have been taken to informally resolve the grievance or alternatively, whether the grievance needs to escalate to a formal grievance meeting. The Formal Case Resolution Manager's decision will be confirmed in writing.

If the matter is to proceed to a formal grievance meeting, the Case Resolution Manager will notify the LE HR Team who will support the Formal Case Resolution Manager with the appointment of a Grievance Authority to hear the case.

Alternatives to a formal meeting may include an assessment that there is no case to answer, that any issues can be handled informally, typically through Initial Resolution Meetings or Facilitated Conversations or by Mediation. This would be decided by the Formal Case Resolution Manager in conjunction with the LE HR Team.

Where the Formal Case Resolution Manager makes the decision that the Grievance should go to a formal meeting, they will normally present the findings of the case to the Grievance Authority at the formal grievance meeting.

8.8 Formal Grievance Resolution Meetings

In cases where the Formal Case Resolution Manager has decided that the grievance warrants a formal grievance resolution meeting, then the Grievance Authority will be informed.

8.8.1 Formal Grievance Resolution Meeting preparation

A minimum of 10 working days before the date of the formal grievance resolution meeting, the colleague will be invited in writing by the Grievance Authority to attend the formal grievance meeting.

The following points must be included in the letter to the aggrieved colleague and any relevant support for example, trade union representatives or cultural champions:

- The date, time and venue for the meeting;

- The names and post titles of the Grievance Authority and HR support
- Confirmation of who will present the management case; this will be the Formal Case Resolution Manager unless they are unavailable in which case the Investigating Officer will be present.
- The names and positions of any witnesses who may be called including the Investigating Officer if relevant.
- The right of the aggrieved colleague to be accompanied at the meeting by a trade union representative or workplace colleague.
- The right of the colleague to call witnesses and the fact that they must make their own arrangements for such witnesses to attend and are required to advise the Grievance Authority in writing who these witnesses will be at least 5 days before the meeting. If the colleague is finding it difficult to contact witnesses they may ask their Pastoral Support to help with this.
- Confirmation of any reasonable adjustments for the meeting (consideration may be applied to all potential protected characteristics) and requesting whether the colleague has any additional requests for reasonable adjustments.

A bundle of documents including a copy of this policy and copies of any reports, statements or information that will be relied on or referred to at the meeting must be provided to the aggrieved colleague and / or their representative, preferably with the invitation letter. In addition, the bundle will be shared with the Formal Case Resolution Manager and the Grievance Authority.

8.8.2 The Formal Grievance Resolution Meeting

The formal grievance meeting will be chaired by a Grievance Authority, who will be supported by a HR representative.. The Grievance Authority should have had no prior involvement with the grievance to ensure impartiality but this does not mean that they must have no knowledge of the colleague(s) involved and they may have been involved with the colleagues in the course of their normal management duties.

If a colleague has been unwell or is unsure if they will be fit to attend the meeting, the Trust will seek advice from any of the following before deciding whether to proceed with the meeting; Health, Work & Well Being, the GP or another health professional.

If an aggrieved colleague is unwilling or unable to attend without good reason a formal grievance meeting, the Grievance Authority will inform them that one further date for a meeting will be offered and if this is not attended the Grievance Authority will consider convening the meeting in their absence, to make a decision in their absence on the evidence available. The Grievance Authority should keep a careful record of the colleague's failure to attend the meetings and the attempts to reconvene those meetings.

In line with the [ACAS Code of Practice – Disciplinary and Grievance Procedures](#) the colleague's representative should be allowed to address the meeting to put and sum up the

colleague's case, respond on behalf of the colleague to any views expressed at the meeting and confer with the colleague during the meeting (including having the right to seek an adjournment). The representative does not, however, have the right to answer questions on the colleague's behalf put to them by the Grievance Authority, address the meeting if the colleague does not wish it or prevent the Grievance Authority, Case Resolution Manager, Investigating Officer or other witnesses from contributing appropriately to the proceedings.

The Formal Case Resolution Manager will present the management case to the Grievance Authority. In exceptional circumstances the Investigating Officer may be asked to undertake this role. The Formal Case Resolution Manager and Investigating Officer will not be part of the decision-making process. Panel Advisers may be individuals invited to attend who can provide further advice on the subject matter highlighted in the grievance, subsequently assisting with the decision making of the Grievance Authority to ensure a positive outcome for all parties involved.

A note taker will be present. A copy of the brief notes will be provided the colleague after the meeting along with outcome letter which is sent 10 days after the meeting. The outcome letter will detail the outcome of the grievance meeting, confirming the panel's decision.

The Trust's policy is not to permit overt or covert recording of any meeting; any covert recording may be regarded as a potential disciplinary matter and investigated separately under the Lead Employers Handling Concerns and Information Governance policies.

The Grievance Authority must adjourn before a decision is taken. In some cases it may be appropriate to adjourn the outcome to another date – to be reconvened as soon as is practically possible. This allows time for reflection and proper consideration. It also allows for any further checking of any matters raised, particularly if there is any dispute over facts. If such further information is sought, the colleague, their representative, the Formal Case Resolution Manager, Investigating Officer, if appropriate, and any panel advisers must be informed of the enquiries and any further information obtained as a result, and be given the opportunity to comment upon it before a decision is made.

8.9 The Formal Grievance Resolution decision

While every effort will be made to achieve a mutually agreeable outcome there are sometimes a finite number of viable / reasonable options available to achieve resolution. Successful resolution will be dependent on the commitment of those involved in the process.

The Grievance Authority will review all of the relevant information presented to them during the meeting to determine the most appropriate way to resolve matters. Where options for facilitation and mediation have previously been explored it will usually not be appropriate to recommend these again.

The possible outcomes available to the Grievance Authority include:

- development of an agreed action plan
- formal recommendation for external mediation (agreed by all parties)
- reversal of an original decision relating to a process or procedure
- additional training for relevant parties

- revision of a Trust policy or process change

This list of possible outcomes is not exhaustive.

The outcome of the meeting will normally be notified to the colleague on the day of the meeting, unless otherwise advised by the Grievance Authority, and will be confirmed in writing with reasons within 10 working days of the decision being made. (A longer period may be agreed to confirm the reasons for the decision to accommodate annual leave where this follows directly or very soon after the formal grievance meeting).

9. Collective Grievance

Where the grievance concerns a group of more than two colleagues, the group must nominate two members to represent them at any stage during the procedure. This is in addition to any accredited trade union representative they may choose to accompany them.

With such grievances, if requested, the status quo will normally apply until the agreed grievance procedure has been exhausted and the completed proceedings indicate otherwise. However, in exceptional circumstances e.g. dangerous working practices, danger to staff, patients or the general public it may be necessary to take appropriate interim action.

10. The Appeal Meeting

The colleague has the right of appeal against the outcome of a formal grievance meeting.

In such cases, the colleague must write to the Head of HR within five working days from the date of the receipt of the outcome letter and confirm which of the following their grounds their appeal is based on:

- Procedural errors where there is evidence the process was unfair or was incorrectly followed which has resulted in a detriment or unfairness.
- New evidence has come to light that may change the outcome of the original decision
- The outcome was unfair

The colleague's written appeal should also:

- Make clear the grounds for the appeal and include all relevant new information or supporting evidence.
- If relevant, outline which of their issues they feel hasn't / haven't been properly considered and why
- Clearly state the desired outcome from the appeal

The appeal meeting will be heard without unreasonable delay by the Grievance Appeal Authority. The Grievance Appeal Authority will be a manager who is senior to the Grievance Authority where possible.

Guidance on the conduct of appeals can be found at Appendix 4. Appeals will be heard as soon as reasonably practicable but a colleague will be given at least five working days' written notice of the appeal meeting date. In extenuating circumstances, the Grievance Appeal Authority may require further time and if this is the case, the Grievance Appeal Authority will write to the relevant parties.

Prior notification of the appeal meeting date can initially be given via email or by telephone to the colleague and, if known, the workplace colleague companion or trade union representative supporting the colleague ahead of the formal invitation letter in order to provide as much notice as possible. The colleague must be given time to seek adequate representation and to prepare their appeal including any mitigation.

A copy of this policy and copies of any reports, statements or information that will be relied on or referred to at the meeting must be provided, preferably with the invitation letter.

No one involved in the appeal decision, even in an advisory capacity, shall have had prior involvement in the informal resolution or the formal grievance meeting but this does not mean that they must have no knowledge of the colleague(s) involved and they may have been involved with the colleagues in the course of their normal management duties for example, having been involved in facilitation, mediation or previous counselling of the aggrieved colleague. The Grievance Appeal Authority will chair the meeting and has sole responsibility for the final decision.

A member of the HR Department will be present at an appeal meeting to support the Appeal Authority in an advisory capacity and this must be a different member of the HR Department than advised at the formal grievance meeting.

The arrangements for the appeal meeting will be managed by the HR support to the Grievance Appeal Authority. The appeal bundle of documents will comprise of all the evidence presented by all parties at the original formal grievance meeting and the notes from that meeting and the outcome letter. Any further evidence submitted after this point will only be accepted up to five calendar days before the appeal meeting.

The purpose of the appeal meeting is to review the decision of the Grievance Authority not to re-hear the full original grievance. The Grievance Appeal Authority can choose to uphold the original grievance decision or overturn it and reach a different resolution.

If a colleague has been unwell or is unsure if they will be fit to attend to the appeal meeting, the Trust will seek advice from any of the following before deciding if to proceed with the meeting; Health, Work & Well Being, the GP or another health professional..

If an aggrieved colleague is unwilling or unable to attend the appeal meeting without good reason then the Grievance Appeal Authority will inform them that one further date for a meeting will be offered and if this is not attended the Appeal Authority will consider convening the meeting in their absence to make a decision in their absence on the evidence available. The Grievance Appeal Authority should keep a careful record of the colleague's failure to attend the meetings and the attempts to reconvene those meetings.

A note taker will be present at the meeting. A copy of the brief notes of the meeting will be provided to the colleague after the meeting. This will normally follow on after confirmation of appeal outcome letter.

Colleagues have the same right to be represented by a Trade Union representative or workplace colleague at a grievance appeal meeting as applied to the formal grievance meeting.

The Appeal Authority will confirm the outcome and reasons to the colleague in writing within 10 working days of the decision being made. (A longer period may be agreed to confirm the reasons for the decision to accommodate annual leave where this follows directly or very soon after the formal grievance meeting).

11. Training

The Principles in Section 3 of this Policy require that training will be provided for all colleagues involved in the Grievance process; this will include conducting their role with respect and empathy for colleagues concerned and in line with Trust values, compassionate leadership and the ACE behavioural standards.

Grievance Authorities, Appeal Managers, Case Resolution Managers will have coaching on how to manage cases and conduct Grievance/Appeal Meetings.

Investigating Officers/Case Investigators will be coached on how to conduct investigations.

HR Representatives will be CIPD qualified in order to support at both informal and formal stages of the process.

12. Monitoring Compliance

12.1 Key Performance Indicators of the Policy

No	Key Performance Indicators (KPIs) Expected Outcomes
1	Procedural documents on the intranet are in date
2	All procedural documents are subject to analysis of the effects on equality
3	Consultation process is appropriate
4	Approval process is appropriate
5	Archive process is appropriate

12.2 Performance Management of the Policy

Minimum Requirement to be Monitored	Lead(s)	Tool	Frequency	Reporting Arrangements	Lead(s) for acting on Recommendations

Audit of least 3 procedural documents	Assistant Director of Governance / Policy Governance Group	Random review of procedural documents to be agreed by the Policy Governance Group	Monthly review of sample of 3 procedural documents	Policy Governance Group and Quality Committee	Author(s) Policy Governance Group Members
Grievance raised re policy	HR Business partner	Review of annual leave taken	Annually	Workforce Council	Head of HR

13. REFERENCES / BIBLIOGRAPHY

ACAS Code of Practice – Disciplinary and Grievance Procedures
[NHS England » A just culture guide](#)

14. RELATED TRUST POLICY/PROCEDURE

Respect at Work Policy
Raising Concerns at Work Policy
Handling Concerns Policy
Attendance Management Policy
Flexible Working Policy

15. RECORDS MANAGEMENT

All written documents/records (e.g. written statements, reports, minutes) and proceedings relating to grievance investigations and meetings dealt with under this policy are and must remain confidential.

Any written documents/records (including those relating to appeals), must be stored confidentially and with the colleague’s electronic personal file. They will be retained in line with the Trusts Records Management policy on the destruction of records.

16. Equality Analysis Form

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Workforce Equality, Diversity and Inclusion Lead for monitoring purposes. Laura.Marks@sthk.nhs.uk. If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

Equality Analysis			
Title of Document/proposal /service/cost improvement plan etc:		Resolution Grievance Policy	
Date of Assessment	03.10.2023	Name of Person completing assessment /job title:	Matthew Russell
Lead Executive Director	Director of Human Resources		Human Resources Business Partner
Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:		Yes / No	Justification/evidence and data source
1	Age	No	Click here to enter text.
2	Disability (including learning disability, physical, sensory or mental impairment)	No	Click here to enter text.
3	Gender reassignment	No	Click here to enter text.
4	Marriage or civil partnership	No	Click here to enter text.
5	Pregnancy or maternity	No	Click here to enter text.
6	Race	No	Click here to enter text.
7	Religion or belief	No	Click here to enter text.
8	Sex	No	Click here to enter text.
9	Sexual Orientation	No	Click here to enter text.
Human Rights – are there any issues which might affect a person’s human rights?		Yes / No	Justification/evidence and data source
Right to life		No	Click here to enter text.
Right to freedom from degrading or humiliating treatment		No	Click here to enter text.
Right to privacy or family life		No	Click here to enter text.
Any other of the human rights?		No	
Lead of Service Review & Approval			
Service Manager completing review & approval		Chelsea Houghton	
Job Title:		Head of Human Resources	

**Appendix 1
Grievance Resolution Form**

If you have not already done so please review the Grievance Policy to see how this process works

Please complete this form as fully as possible

Your goals for resolution

The questions below give you an opportunity to consider the issues you want to raise in your grievance, and that you are seeking to resolve and how you think a successful resolution can be achieved.

There are no right and wrong answers. Please use the space to reflect the positive aspects of what you hope to achieve and be as open and honest as possible.

Once completed the form should be sent to the Lead Employer HR team where it will be looked at by a member of the HR team and a senior manager. The form will not be seen by anyone other than these individuals. You should expect to be contacted about your request for resolution within 5 working days.

Your Name

If this request relates to a group of colleagues, all parties raising this concern must confirm they are party to the request by adding their name and signature below. There will need to be one nominated person who acts as the lead for this with clear permission of the other members of the group.

Nominated Representative Name	Signature
Names of other people raising concern	Signature

1. I/We have a concern, complaint or conflict with / about

2. In this matter I/We have reacted most strongly to

(Note: This question is not about how you reacted in what you interpreted but the things that actually happened that caused the strongest reaction)

3. When you tell your story of this issue to yourself/yourselves or others, what do you focus on most?

4. Why do the things listed in 2 and 3 bother you?

5. In what way do you see yourself/yourselves that you suspect the other person may not?

6. What do you need to successfully resolve the issue/s and why is it important to you?

7. What will you do to make this possible for yourself/yourselves?. List only those things that do not require the other person's actions or thinking to change.

8. What are the potential blocks and barriers to achieving the above outcome?

9. What actions are you willing to take to help overcome these blocks and barriers?

10. Do you have anything else you wish to add?

**11. Please complete the table below unless you have provided the information already?
On how many occasions have the concerns occurred? (please specify dates)**

Occasions	Dates

What attempts have you already made to resolve the issue and when?

What impact have the concerns raised had on you, others or the wider service/organisation.

--

12. One of the recommendations following your form being reviewed, may be that you and the person(s) you are in conflict with have a facilitated conversation or mediation session. To prepare the person you are in conflict with, please summarise below what you would like to say to them to help them understand your concerns.

--

13. Please attach any documents that are relevant to your request for resolution. Please list them below.

1
2
3
4
5

By submitting this form, you are agreeing to engage in the Grievance resolution process as outlined in the Grievance Policy.

You will be contacted to discuss the most appropriate options available for you which may include:

- A face to face meeting with the person you have an issue with referred to as informal resolution
- A Facilitated conversation (the facilitator maybe a manager, a member of the HR team or another colleague who is acceptable to all parties)
- Mediation (the mediator may be an internal or external accredited mediator)
- A formal Grievance Resolution meeting. These meetings generally happen once we have exhausted all other options or where we believe the case would benefit from such a meeting. Typically, the formal resolution meeting is preceded by an investigation.

Print name

Signature

Date

Appendix 2 – Examples of informal Resolution

Facilitated Conversation

A facilitated conversation is a more in-depth resolution process which is considered to be highly effective at resolving issues at an informal stage. It will be used where an informal Resolution Manager feels that a conversation involving advice from a trained facilitator (this will usually be somebody from within the Lead Employer, the Host Organisation or NHS England) would benefit the parties involved. If the issue is being dealt with under the informal process, all parties must agree to take part in a facilitated conversation before the issue / concern is discussed with a member of the HR team.

The facilitated conversation process is supported by the HR team member and involves;

- Having separate preliminary phone calls with both the manager and the colleague to explain the principles and processes of a facilitated conversation and get their initial thoughts on the issues
- Arranging and conducting a facilitated face to face meeting
- Facilitating an agreement between the manager and colleague and recording this in an informal resolution agreement

A facilitated conversation is usually completed in a couple of hours however, it may take longer if more than two people are involved.

The member of the HR team, as a facilitator, will help the parties have an open and honest dialogue with the aim of identifying an outcome that is agreed by both parties. If needs be, the facilitated conversation can be paused to discuss aspects with just one or other of the parties if it is thought this will benefit a positive outcome of the meeting. If this is the case, the facilitator will encourage parties to sign up to an informal resolutions agreement.

Whilst facilitation and mediation remain voluntary, they are proven to be highly effective. The Trust expects colleague/managers to give these processes serious consideration and not to rule them out without good reason.

Restorative Practice

Restorative practice can be used within the workplace both to prevent conflict resulting in inappropriate behaviour at work, damage to workplace or team relationships, and to address it when it does occur, enabling teams and individuals to work well together.

Where situations have already arisen – for example in cases where allegations of disrespectful behaviour, emotional and verbal abuse, intimidation or bullying feature in the grievance, restorative practice can be an effective way to resolve these issues without recourse to formal processes.

It involves:

- bringing together all those affected by conflict
- providing a safe environment for the expression of emotion
- allowing participants to come to a shared understanding
- identifying creative ways to deal with conflict
- providing opportunities to rebuild damaged relationships and strengthen teams

Restorative approaches can also be used proactively and in a preventative way within the workplace to build strong, positive relationships. Staff meetings, for example, can be restorative practice, focused on building relationships and based around a foundation of mutual respect.

While processes such as workplace mediation generally have a fairly narrow focus on a particular conflict and its resolution, restorative practice has a wider focus and aims to build better relationships and a stronger community. This allows everyone involved to find a positive way forward.

Mediation

Mediation is a more in-depth resolution process which is proven to be highly effective at resolving workplace disputes, disagreements, complaints or concerns. If all parties agree to take part in mediation, the aggrieved colleague's issue will be referred to one of the Trust's internal accredited mediators. The mediator will contact both parties by phone and explain the principles and processes of mediation. The mediation process includes:

- Separate initial phone calls for each party with the mediator(s) to explain the principles and process and address any queries or concerns
- Separate meetings for each party with the mediator(s) to discuss the substantive issues
- A face to face meeting between the parties facilitated by the mediator
- Reaching agreement and closing the meeting

Most mediation will be completed in a day; it may take longer if more than two people / parties are involved. Mediation is a voluntary and confidential process.

The mediator will help the parties have an open and honest dialogue with the aim of identifying a mutually acceptable outcome. If this is the case, the mediator will encourage parties to draw up an agreement.

After mediation has finished the aggrieved colleague may agree that, if appropriate, others can receive a copy of the final written agreement. However, the Trust will not receive any other feedback from the mediator about issues raised and discussed or any other factors raised during the mediation process however, will feedback to the relevant parties if the mediation was successful or not.

Appendix 3 Formal Grievance meeting

At a Formal Grievance meeting:

- The Grievance Authority will facilitate the introductions and will confirm the process that has been followed leading up to the formal grievance meeting; this includes ensuring all parties involved have received the bundle and any reasonable adjustments have been accommodated.
- The Grievance Authority will read out the grievance from the Grievance Resolution form and discuss it with the aggrieved colleague as appropriate.
- The Formal Case Resolution Manager will present the findings of the investigation outlining the relevant facts and issues referring, where appropriate, to the relevant papers or investigation report. They may refer to the Investigating Officer Investigator for further details with regards to the grievance.
- The aggrieved colleague(s) and/or their representative will have the opportunity to ask questions of the Formal Case Resolution Manager.
- The Grievance Authority and HR support will have the opportunity to ask questions of the Formal Case Resolution Manager.
- If there are questions that the Formal Case Resolution Manager is unable to answer regarding the investigation report, the Investigating Officer will be called where appropriate.
- Witnesses may be called at this stage and questioned by the Grievance Authority and HR support. The aggrieved colleague and/or their representative will also have the opportunity to ask questions.
- The aggrieved colleague(s) and/or their representative will present their grievance and may sum up the issues if they so wish without introducing any new information.
- The Grievance Authority may, at their discretion, adjourn the meeting in order that further information may be obtained or for any other reason.
- The Grievance Authority shall deliberate in private with the HR support. If it is necessary to reconvene the meeting to clarify points of uncertainty on evidence already given, the aggrieved colleague(s) and his/her representative will be recalled, even where they are not concerned with the point in question. The final decision will be that of the Grievance Authority.
- A decision will normally be announced immediately following the meeting unless otherwise advised. Whenever this is not possible, the colleague will be advised of the decision by the Grievance Authority within 10 working days of the meeting finishing. This can be done by reconvening the meeting or by telephone or email.
- The Grievance Authority shall write to the colleague within 10 working days of the decision being conveyed to the aggrieved colleague, to confirm their decision, reasons for it and the right to appeal. Notes of the meeting will be included in the outcome letter.

Appendix 4 Appeals Procedure

The Grievance Appeal Authority will facilitate the introductions and state the findings from the grievance meeting that have led to the appeal. The Grievance Appeal Authority, HR support if present, the colleague and their representative will have had sight of the notes from the grievance meeting and copies of any reports, statements or information that were referred to at that meeting. The Appeal Authority will therefore make it clear that these will be taken as read.

The colleague and/or their representative will present their case and call witnesses if necessary. NB Witnesses who attended the grievance meeting should only be called again if they can provide significant additional evidence to that which was presented at that meeting.

The Appeal Authority and HR support if present will have the opportunity to ask questions of the colleague and these witnesses. Each witness shall withdraw after giving their evidence and answering questions but maybe invited back into the meeting if required by the Appeal Authority.

The Appeal Authority will then consider whether it is necessary to call the Grievance Authority from the original meeting or the Formal Case Resolution Manager and Investigating Officer to seek clarification. They should therefore be on standby to be called if necessary. If they are called the Appeal Authority, the HR support if present, colleague and/or their representative will have the opportunity to ask questions.

The colleague or their representative may sum up their case if they so wish without introducing any new matter.

Nothing in the foregoing procedure shall prevent the Appeal Authority and HR support if present from inviting any witness, the colleague or a representative to clarify or amplify any statement they may have made.

The Appeal Authority may, at their discretion, adjourn the meeting in order that further evidence may be produced or for any other reason.

Following completion of the submission of all evidence and summing-up, the colleague and the representative shall withdraw.

The Appeal Authority and the HR support if present shall deliberate in private, only recalling the meeting to clear points of uncertainty on evidence already given. If recall is necessary, the colleague and his/her representative will be recalled, even where they are not concerned with the point in question. The final decision will be that of the Appeal Authority and the HR support if present will act in advisory capacity.

A decision will normally be announced immediately following the meeting. Whenever this is not possible, the colleague will be advised of the decision unless otherwise advised by the Appeal Authority within 10 working days of the decision being made unless more extensive reinvestigation is required.

The Appeal Authority shall write to the colleague within 10 working days of the decision being made to confirm their decision enclosing a copy of the notes from the appeal.