Resolution Policy
(Formally known as Grievance Policy)

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1.0 FLOW DIAGRAM

Discuss with line manager

Resolve issue, or concern

- No

Is Mediation appropriate?

- Yes

Has Mediation resolved the issue?

- No

Escalated to formal Stage

Grievance resolved

Formal panel hears grievance

Employee Appeals Panel Decision

Investigation conducted

Investigation Outcome delivered

Grievance resolved

*May refer to external body

Stage 1

Stage 2

Stage 3

INFORMAL

FORMAL

APPEAL
2.0 INTRODUCTION

2.1 This policy has been produced and agreed in partnership between management and Trade Union representatives of both Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust to ensure all colleagues are treated fairly if they wish to raise an issue, concern or problem. It is acknowledged that not all situations will necessitate the need to implement this policy and in assessing whether a formal approach is required, many factors will need to be considered.

2.2 Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust believe that fairness and transparency are promoted by developing clear and transparent policies and procedures and ensuring all colleagues regardless of their role understand their content.

2.3 The purpose of the policy is to resolve issues, concerns and problems raised by colleagues of the Trusts in a timely manner and to ensure colleagues are treated fairly, objectively, sensitively and consistently.

2.4 This policy provides a supportive framework for all colleagues to understand the processes that will be applied; describing the process to be followed to address any individual or collective colleague issue, concern or problem in the work place with the emphasis being to actively seek a resolution as close to their source as possible.

2.5 The Trust recognises that from time to time colleagues may have individual or collective issue, concerns or problem relating to their employment. The effective handling of these concerns plays an important part in maintaining colleague engagement, supporting wellbeing and learning for the future.

2.6 This policy will apply to any successor organisation of the two Trusts. It may be reviewed at the request of management or staff side and will remain in force until its renewal. We may also vary this procedure, including any time limits, as appropriate, to support any case.

2.7 The Trusts recognise that some sections of society experience prejudice and discrimination. The Equality Act 2010 recognises protected characteristics and gives consideration to socio-economic factors including pregnancy/maternity and marriage/civil partnership.

2.8 The Trusts are committed to equality of opportunity and inclusive practices in both the provision of services and our role as an employer. All people have the right to be treated with dignity and respect and the Trusts are committed to the elimination of unfair and unlawful discriminatory practices.

2.9 There are a series of helpful guides referenced in this policy and these are available in the People Toolkit on the Intranet. Additional support can be found on the Trusts’ intranet under Colleague Wellbeing and Support.
3.0 DEFINITIONS

3.1 Grievances - issues, concerns or problems that colleagues have.

3.2 Collective grievance - an issue, concern, or problem that more than one colleague has.

3.3 Mediation - where an independent, impartial person helps two or more people reach a solution that is acceptable to all. Mediators do not make judgements or determine outcomes. They ask questions that help uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their differences.

4.0 ROLES and RESPONSIBILITIES

4.1 Managers have a responsibility to:

- ensure all colleagues are aware of and understand the policy;
- ensure all colleagues are treated fairly by applying the policy consistently;
- consider the wellbeing of all colleagues throughout the process and signpost to the relevant support;
- ensure informal resolution is used wherever possible prior to any formal action being taken;
- understand and focus on the resolution;
- ensure confidential accurate written records are kept;
- adhere to the timescales with the policy to ensure the grievance is dealt with quickly, reasonably and as fairly as possible;
- discuss proposed timeframe at the outset of the process;
- keep colleagues up to date with progress;
- liaise with the appropriate Human Resources Advisor when the grievance has been raised at the formal resolution stage;
- remind colleagues of their right to trade union representation or colleague support.

4.2 Colleagues have a responsibility to:

- read, understand and comply with the policy;
- raise issues informally and locally with their line manager (or second line manager where appropriate) at the earliest opportunity;
- focus on the outcome, not the grievance,
- attend meetings and participate in the process set out in the policy.

4.3 The HR Advisor Team has a responsibility to:

- provide advice to colleagues and managers concerning individual issues;
- support all parties to reach a resolution;
- facilitate informal meetings at a colleague or a manager’s request;
- monitor and record grievance outcomes across the Trust.
4.4 Trade Union Representatives have a responsibility to:

- act as a representative/advocate for their members at informal and formal stages of the process;
- provide their members with advice and support if they have an issue, concern or problem;
- focus on the resolution;
- ensure the policy is applied fairly and consistently on an individual and organisational level.

5.0 PROCESS DESCRIPTION

5.1 Informal Stage

It is in the best interests of all concerned that colleagues’ issues and concerns be resolved informally wherever possible. Success in resolving issues informally often depends on the ability to identify issues early, focussing on the future or the resolution needed to move forward.

If unsuccessful in resolving the issues directly, a colleague should speak to their immediate line manager at the earliest opportunity to make them aware of the concern and discuss appropriate ways it can be resolved.

If the issue relates to their line manager and the colleague feels unable to raise it directly with them, they should discuss it with the next level manager.

When a colleague raises a concern, the manager should:

- Listen and discuss the concern to understand the underlying issues
- Identify any action that has already been taken, including discussing with relevant individual(s)
- Explore the options for resolution. It may help to focus the discussion around:
  - who is hurt or upset?
  - what are their needs?
  - whose obligation is it to meet those needs?
  - who else needs to be involved in the conversation?
  - how do we best engage others to create a positive outcome?

Mediation should be considered if this would help resolve the issue or concern.

A record of the action taken to resolve the issue should be communicated to the colleague.

5.2 Formal Stage

If it has not been possible to resolve the matter informally, a colleague may raise the issue using a formal procedure. This can be done in a variety of ways but must be followed up in writing. A template form is provided for convenience (Appendix A).

The manager should inform the HR Advisor team and send them a copy of the grievance.
An impartial and objective manager will be appointed to hear the grievance. The individual will have the opportunity to highlight any concerns they have regarding the appointed manager.

The manager handling the grievance should acknowledge the grievance and arrange to meet with the colleague as soon as possible after the concern is raised, providing them with their right to representation from a trade union representative or work colleague. The purpose of this meeting is to understand the nature of the grievance, consider what informal resolution has taken place to date and discuss how best to progress.

At the meeting the colleague will have the opportunity to explain their grievance and describe their preferred resolution. The manager from the informal stage will provide a written summary of the action taken to date to try and resolve the issue. Mediation should be considered if this would help resolve the issue or concern.

The manager handling the formal grievance may decide that further investigation is necessary before coming to a decision and therefore adjourn the meeting and confirm the outcome at a later date.

Following receipt of all relevant information, the manager should communicate the outcome of the formal stage confirming whether the grievance has been upheld or not upheld and what action or learning is to be taken forward, confirming this in writing.

### 5.3 Appeal

Where a colleague feels that their grievance has not been satisfactorily resolved they have the right to appeal. The colleague must appeal in writing to the next in line manager within 14 calendar days from the date of the letter confirming the outcome of the formal stage, clearly stating the grounds of the appeal. This should be presented to the next line manager of the manager who handled the formal stage.

The manager should inform the HR Advisory team and send them a copy of the appeal. A member of People Services, not previously involved in the process, must be present at the appeal hearing.

The manager handling the appeal should acknowledge the appeal within 7 calendar days and arrange to meet with the colleague as soon as possible to discuss how best it can be addressed.

At the meeting the colleague will have the opportunity to explain their appeal and their preferred resolution. The manager from the formal stage will ensure that the appeal manager is informed of what has been done to date to try and resolve the issue/concern.

The manager handling the appeal may decide that further investigation is necessary before coming to a decision and therefore adjourn the meeting and confirm the outcome at a later date.

Following receipt of all relevant information, the manager should communicate to the colleague the outcome of the appeal stage; stating whether the grievance has been upheld or not upheld and what action is to be taken. This must be confirmed in writing. The decision of the appeal stage will be the final stage of the grievance procedure. There will be no further appeal internal appeal.
5.4 **Debrief and Learning**

It is important to ensure all colleagues affected are fully supported following the outcome of a grievance. This support will need to be tailored to meet the needs of colleagues and the situation. At the conclusion of the process those involved will be asked to feedback on any learning from the case in order to identify any process improvements or learning that the organisation can take forward.

6.0 **TRAINING/COMPETENCE REQUIREMENTS**

6.1 The Trust will ensure that colleagues are made aware of this policy. Additional training will be provided for colleagues as and when required.

7.0 **MONITORING**

<table>
<thead>
<tr>
<th>Element of policy for monitoring</th>
<th>Monitoring method - Information source (eg audit)/ Measure / performance standard</th>
<th>Item Lead</th>
<th>Monitoring frequency / reporting frequency and route</th>
<th>Arrangements for responding to shortcomings and tracking delivery of planned actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staged process as set out in the 'Grievance Procedure' flow chart</td>
<td>An annual retrospective review will be undertaken of all cases concluded, to establish whether – The staged procedure was applied sequentially, starting with informal as per the policy There is a written record of the outcome of each formal procedure stage reached The HR Advisor involvement was timely and appropriate for the nature of the case Progression to resolution was subject to no delay and to agreed timescales (each stage within 1 month of submission Confidentiality was maintained Notification of grievance or appropriate alternative written statement was completed Case heard formally appropriate for the nature / scope of the case Appropriate support was put in place – (note especially where equality issues may apply). Case Tracker will be the tool for monitoring outcomes.</td>
<td>The nominated Lead within the HR Team</td>
<td>Monitoring reported to the HR Governance Committee, annually.</td>
<td>The HR Advisor Team will track compliance through its case tracker system. The relevant HR Advisor will raise any shortcomings with the appropriate directorate/department management to ensure that future breaches do not occur.</td>
</tr>
</tbody>
</table>
8.0 DOCUMENT CONTROL

<table>
<thead>
<tr>
<th>Document custodian</th>
<th>Elaine Edwards, HR Specialist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lead executive</td>
<td>Isobel Clements, Director of People Services &amp; OD</td>
</tr>
<tr>
<td>This Version</td>
<td>1</td>
</tr>
<tr>
<td>Replaces</td>
<td>All previous TST and SP Grievance Policies</td>
</tr>
<tr>
<td>Approval Date</td>
<td>13 November 2019</td>
</tr>
<tr>
<td>Where</td>
<td>Somerset Operational Partnership</td>
</tr>
<tr>
<td>Ratification Date</td>
<td>28 November 2019</td>
</tr>
<tr>
<td>Where</td>
<td>Joint PRG</td>
</tr>
<tr>
<td>Date of issue</td>
<td>6 January 2020</td>
</tr>
<tr>
<td>Review date</td>
<td>6 January 2023</td>
</tr>
<tr>
<td>Applies to</td>
<td>All TST and SP employees</td>
</tr>
<tr>
<td>Exclusions</td>
<td>None</td>
</tr>
</tbody>
</table>

9.0 REFERENCES

- The Employment Act 2008
- Employment Rights Dispute Resolution Act 1998
- Employment Relations Act 1999
- Employment Rights Act 2004
- Equality Act 2010

Chartered Institute of Personnel and Development (CIPD) – Good Practice Guidelines for Disciplinary and Grievance Procedures
Government website - [https://www.gov.uk/handling-employee-grievance](https://www.gov.uk/handling-employee-grievance)
## Resolution Formal Stage Request Form

<table>
<thead>
<tr>
<th>Nature of Issue or Concern</th>
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(continue on separate sheet if necessary)
<table>
<thead>
<tr>
<th>What has been done to resolve this at the informal stage?</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(continue on separate sheet if necessary)</td>
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<tr>
<th>What resolution are you seeking?</th>
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<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(continue on separate sheet if necessary)</td>
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</tbody>
</table>

Date submitted: _ _ / _ _ / _ _ _ _

Submitted by (Print Name): ________________________________

Signature: ________________________________