

## TRUST POLICY GRIEVANCE

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**FOR USE BY:** This Policy is to be followed by all staff of Gloucestershire Hospitals NHS Foundation Trust and Gloucestershire Managed Services.

### **Document Overview:**

- This document is for use in all situations where grievances are raised, and sets out all associated processes related to resolving them. It also details certain exclusions
- This document may be used individual grievances. In the case of Group Disputes/Collective Grievances raised by a representative of a recognised Trade Union, the process is slightly different and detailed in Section 4.7
- This document applies to all Trust employees

### **FAST FIND:**

- [B0312](#) – Freedom to Speak Up (Raising Concerns)
- [B0288](#) – Managing performance (Capability)
- [B0572](#) – Equality, Diversity & Inclusion

**This document should be read in conjunction with the following statements:**

## **Safeguarding Is Everybody's Business**

All Gloucestershire Hospitals NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults and must:

- be alert to the possibility of unborn child, child or adult abuse, neglect and exploitation in any setting
- be conscious that our patients are still children until their eighteenth birthday no matter the reason for attendance
- know how to deal with a disclosure or allegation of unborn child, child or adult abuse
- undertake Safeguarding training appropriate to their role and ensure they undertake regular updated training and awareness at the mandated intervals
- understand and follow local policy and procedure relating to reporting unborn child, child and adult concerns
- ensure early advice and support is obtain if required through the Trust Safeguarding Hub on 0300 422 6279 or by using the Trust vulnerability guidance on the intranet at [Vulnerability \(gloshospitals.nhs.uk\)](https://gloshospitals.nhs.uk)
- if necessary and role appropriate, participate in the multi-agency working arrangements to safeguard a child or adult
- ensure relevant contemporaneous records are kept and maintained in accordance with Trust policy, procedure and professional guidelines.
- ensure that all employees and their managers discuss and record any safeguarding issues that arise at each supervision session

## **Equality And Human Rights**

Gloucestershire Hospitals NHS Foundation Trust recognises that some sections of society may experience prejudice and discrimination. The Equality Act 2010 specifically recognises the protected characteristics of age, disability, sex, race, religion and belief, sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status.

The Trust is committed to promoting and advancing equality; removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not both in the provision of services and in our role as a major county employer. The Trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices. The Trust is also aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

The Trust is committed to carrying out its functions, decision making and service delivery in line with that Human Rights commitment and the associated person centric FREDA principles of Fairness, Respect, Equality, Dignity and Autonomy.

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## 1. INTRODUCTION

- 1.1 The Trust acknowledges the importance of maintaining good employment relations and encourages authentic and timely communication between managers and employees. It is recognised that from time-to-time disputes and grievances may arise and where appropriate this Grievance Policy (the “Policy”) should be used to help resolve those differences as quickly and effectively as possible.
- 1.2 The Trust considers it important that all employees have access to a procedure to help deal with any grievances relating to their employment fairly and without unreasonable delay. The Trust is clear that informal resolution is often the best way of dealing with any grievance. However, in the event that this is not possible, the Trust aims to understand any formal grievance the employee raises (including the need and proportionality for investigation if necessary), hold a meeting to discuss it with the employee, inform the employee in writing of the outcome, and give a right of appeal with specific grounds if the employee is not satisfied. The purpose of this Policy is to set out how employees can raise a grievance and how the Trust will deal with grievances.
- 1.3 You can raise a grievance when you have concerns about any aspect of your working life. This could include when an individual or group of employees wishes to raise concerns about the actions of a manager or colleague, their working conditions or changes to local terms and conditions.
- 1.4 Crucial to the process will always be a just and fair assessment of circumstances. It is important to consider the background and context of events along with any possible motivation for the parties involved.
- 1.5 This Policy does **not** apply in the following cases:
  - If you wish to report illegal activities; wrongdoing or malpractice please use the Trust’s [B0312 - Raising Concerns \(Whistleblowing\) Policy](#). However, where you are directly affected by the matter in question, or where you feel you have been victimised for raising concern(s), you may raise the matter under this Grievance Policy.
  - Issues relating to Agenda for Change (AFC) job matching outcomes; Please use Arrangements for AFC Pay Banding Reviews.
  - Dismissal or action under any other Trust Policy: if you are dissatisfied about any disciplinary or other action taken under any Trust Policy then you should submit an appeal under the appropriate procedure
  - Bullying, harassment or victimisation – Please use the Mutual Respect Policy which is the agreed Trust approach to such issues
  - Any other situation that is already being managed under another Trust policy

This Policy does not form part of any contract of employment or other contract to provide services, and the Trust may amend it at any time (following consultation with the Trust’s staff side organisations).

## 2. DEFINITIONS

Word/Term	Meaning
Grievance	A complaint by an employee about their employment for which they are seeking redress
Appropriate Manager	The manager who addresses and determines the outcome to any grievance
Collective Grievance	A grievance shared in common by a group of employees.
Current working Arrangements	The working and/or management arrangements which applied before the grievance, will apply until the grievance process has been exhausted. However, the current working arrangements may not apply in cases where health and safety rules could be breached, where Safeguarding issues are apparent or inappropriate patient care may result.
Freedom to Speak Up	An NHS mechanism in which all staff have the opportunity to have their voice heard to build a more open culture in which learning and improvement leads to safer care, treatment and improved patient experience.
Restorative, Just and Learning Culture	An environment where equal emphasis is placed upon both accountability and learning
Investigation	A proportionate and reasonable process to gather evidence from all sides to see if there is a case to answer and help the Trust to see what should happen next.

## 3. ROLES AND EXPECTED RESPONSIBILITIES

Post/Group	Details
Director for People & OD	<ul style="list-style-type: none"><li>• Strategic responsibility for effective operation of this Policy</li><li>• Strategic responsibility for fair and consistent compliance</li><li>• Ensuring dissemination and awareness</li><li>• Ensuring appropriate consultation on this Policy</li><li>• Ensuring the principles of a Restorative, Just and Learning Culture are embedded within this Policy</li></ul>
Trust Board	<ul style="list-style-type: none"><li>• Supportive of an open culture where reporting is enabled and employees have a right for their concerns to be addressed and responded to in an appropriate fashion</li><li>• Abide by and recognise the principles of a Restorative, Just and Learning Culture</li></ul>
The People Team	<ul style="list-style-type: none"><li>• Provision of advice and support to line managers and employees during grievances</li><li>• Promote, abide by and recognise the principles of a Restorative, Just and Learning Culture including that proportionate conclusions are themselves reasonable outcomes</li><li>• Ensuring grievances/disputes are dealt with in a timely and appropriate way</li></ul>

Post/Group	Details
	<ul style="list-style-type: none"> <li>Ensuring accurate records of action and decisions are made and recorded whilst ensuring appropriate confidentiality</li> </ul>
Line Managers	<ul style="list-style-type: none"> <li>To handle grievances confidentially and sensitively and take timely action as appropriate</li> <li>Abide by and recognise the principles of a Restorative, Just and Learning Culture including that proportionate conclusions are themselves reasonable outcomes</li> <li>To review the grievance and establish sufficient information in order to make reasonable, appropriate and fair decisions</li> <li>To seek necessary People Team support if required</li> <li>To keep written records and ensure appropriate confidentiality</li> <li>To consider any learning within the context of team, departmental or organisational improvement whilst seeking to raise and address the issues appropriately</li> <li>To consider the need for any staff referral to Occupational Health</li> </ul>
Employees	<ul style="list-style-type: none"> <li>Abide by and recognise the principles of a Restorative, Just and Learning Culture including that proportionate conclusions are themselves reasonable outcomes</li> <li>To seek to address matters through authentic dialogue and the Mutual Respect policy if relevant as soon as an issue or concern becomes apparent</li> <li>If necessary to clearly state their grievance in writing using the Trust documentation and to include all the relevant supporting material, documents, emails etc</li> <li>A commitment to working with the Trust to resolve issues</li> <li>Attend Occupational Health appointments if relevant and in support of this Policy</li> </ul>
Trade Union or Workplace Colleagues	<ul style="list-style-type: none"> <li>To support and represent employees fairly and reasonably</li> <li>To recognise and emphasise the importance of a Restorative, Just and Learning Culture towards resolution for their membership</li> <li>To work with the Trust to achieve fair, reasonable and proportionate outcomes for their membership</li> <li>To maintain confidentiality appropriate to the circumstances</li> </ul>
HR Policy Group	<ul style="list-style-type: none"> <li>To review and monitor this Policy to achieve best practice updates and ensure necessary change</li> </ul>
Staff Side Committee	<ul style="list-style-type: none"> <li>To recognise and support the importance of a Restorative, Just and Learning Culture within the context of the Grievance process</li> <li>To act as a critical friend in any consultation and review processes of this policy</li> </ul>

## **4. PRINCIPLES**

### **4.1 Equality Requirements**

The Trust recognises that there is a need to ensure that any individual with a grievance is not discriminated against or treated unfairly in the way that their grievance is dealt with. Equally, in those same interests of fairness, anonymous or third-party grievances will not be accepted.

If a grievance outcome suggests that an individual has been treated in a particular way due to a protected characteristic, then this may lead to action being taken against the perpetrator under the Trust's Disciplinary Policy.

If an employee has difficulty at any of the stages set out in this Policy because of a disability or because English is not a first language, they should discuss the situation with their Line Manager; the Appropriate Manager, staff side representative or the People Team as soon as possible.

### **4.2 The Restorative, Just and Learning Culture**

The Trust recognises the importance of a Restorative, Just and Learning Culture in a mature organisation willing to collectively learn and develop. This is a culture that instinctively asks in the case of an adverse event or complaint "what was responsible and not who is responsible". It is not finger-pointing and not seeking to apportion blame.

However, a Restorative, Just and Learning Culture is not the same as an uncritical or passive culture. Accountability remains just as important and, depending on circumstances, proportionate and reasonable disciplinary action may still be required in a Restorative, Just and Learning Culture.

### **4.3 Confidentiality**

All records of informal resolution, grievances and any decisions taken will be treated as confidential and will be retained in accordance with the Trust's information governance requirements. These records will be processed in accordance with the Data Protection and Confidentiality Policy.

The employee, and anyone accompanying them, must not make electronic recordings of any meetings conducted under this procedure, whether these meetings are conducted in person, by telephone, or using remote working platforms or technologies. Doing so might be considered a conduct matter.

### **4.4 Right to be Accompanied**

Employees are entitled to be accompanied to any grievance or appeal meetings. The companion may be either a Trade Union representative or a colleague. The employee must tell the person holding the grievance meeting who their chosen companion is and in good time before the meeting.

Companions are both entitled and encouraged, with the knowledge and informed consent of the employee they are supporting, to engage with managers and the People Team to achieve informal resolutions of grievances in accordance with the principles of a Restorative, Just and Learning Culture

If a Trade Union representative raises a grievance on their own behalf, they are entitled to support from a full-time officer engaged by the Trade Union in question.

At any grievance meeting, the employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. The employee may talk privately with their companion at any time during the meeting.

Acting as a companion is voluntary and a colleague is under no obligation to do so. If a colleague does agree to do so they will be allowed reasonable time off from duties without loss of pay to act as a companion.

If an employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days from the scheduled date, the Trust may ask the employee to choose someone else. If no alternative companion is available on the scheduled date or on a date within five working days from the scheduled date, the meeting may proceed on the scheduled date without a nominated companion.

The Trust may, at its discretion, allow the employee to bring a companion who is not a colleague or Trade Union representative (for example, a member of the employee's family) if this will help overcome a disability, or if the employee has difficulty understanding English.

Employees who are under eighteen will be permitted to be supported by a parent or legal guardian

#### **4.5 Grievance Handling – Appropriate Managers**

Grievances will be dealt with by the Appropriate Manager, with support from the People Team if necessary. The Appropriate Manager should normally be the employee's first line manager unless they are subject or party to the grievance, or the employee feels that due to the nature of the grievance this is not possible.

Appeals will be directed to the manager named in the course of the grievance outcome, normally the manager at the next level above. In the case of a senior manager wishing to pursue a grievance appeal, the named manager will be of an appropriate level to deal with the issue.

Where the Chief Executive or their Deputy has responsibility for a formal grievance any appeal would be heard by either Chief Executive, the Trust Chair or a Non-Executive Director of the Trust.

#### **4.6 Current Working Arrangements**

The “*current working arrangements*” (i.e., the working and management arrangements which existed prior to the grievance) will be maintained until the formal processes under this Policy have been completed or the dispute resolved.

The current working arrangements will not be maintained in circumstances where to continue would reasonably constitute a breach of health and safety legislation, safeguarding guidance or where patient care could be compromised.



There may be a need to reach an interim agreement when current working arrangements are not reasonably practicable.

#### **4.7 Collective Grievances**

A collective grievance occurs when a grievance is raised by a number of staff. The principles to achieve resolution outlined in this policy should be explored but the process is different.

If the grievance cannot be resolved through managerial dialogue and discussion then the matter will be considered by an Executive Panel of two Executives or their Deputies. The panel will explore the issues, through a number of meetings, if necessary, in an attempt to resolve matters and conclude with a written outcome. The panel may seek further information or investigation.

If the group remain dissatisfied with the outcome, then the matter can be appealed through a panel of two Executives or Non-Executive Directors, who may undertake a number of meetings in order to consider resolution. Those hearing any appeal will not have had a role in previous proceedings. Any outcome will also be in writing.

If the matter remains unresolved then the Trust has the discretion to refer the matter to the Advisory, Conciliation and Arbitration Service (ACAS) if it is viewed as reasonable and proportionate to do so in the circumstances. The matter must now be regarded as a dispute.

To aid a reasonable and timely resolution of the grievance, the group in question should be represented at meetings by a delegation of no more than 3 people, agreed amongst themselves including a union/staff association representative if one is assisting the group.

#### **4.8 Mediation and facilitated discussion**

A facilitated discussion is a single meeting, or a series of meetings, which can be held between colleagues who are having difficulty working together to resolve a problem. The aim is to try to reach agreement on the way forward for the benefit of all parties including the organisation. The facilitator might be a manager, a colleague or someone with particular or relevant knowledge or skills. This is all about authentic, mature conversation and no facilitator training is required. A facilitated conversation is particularly helpful in an informal space.

Mediation is a way to mend relationships when there is a disagreement at work. It is held by a trained 'mediator', a neutral person, who is impartial which means they do not take sides. They are there to help everyone involved find a solution they can all agree to. Mediation is not about judging who was right or wrong in the past and it looks at how to agree on working together in the future.

Mediation will be arranged through the People Team and may be used at any stage of the grievance process if all parties agree. If mediation is a realistic option, the grievance process will be suspended until mediation is concluded and the grievance may be shown to be resolved if mediation is successful.

#### **4.9 False grievances**

If at any stage of this Policy it is reasonable to conclude that an employee has lodged a grievance which is malicious or vexatious this could lead to disciplinary action against the employee using the Trust Disciplinary Policy.

Before any such action an assessment of the circumstances will be made in accordance with the Restorative, Just and Learning approach of the Trust.

#### **4.10 Grievances made during other processes**

Where a grievance is raised by an employee who is subject to a formal Trust process under another Trust Policy (i.e. Disciplinary, sickness) and the grievance is directly related to that process, then the grievance will be assessed by the Case/Commissioning Manager or Panel Chair responsible for the primary process, with People Team support, for a decision on how to proceed. Normally grievances raised by employees who are subject to formal proceedings under another Trust Policy will only be heard when the other formal process has concluded but it may be appropriate for the grievance to be dealt with as part of the other formal process.

Following an assessment any separate formal process **may** be stopped:

- If the grievance relates solely to discrimination allegations OR
- If the grievance relates directly to clear and material deviations in the separate formal procedure

In most cases, complaints that employees may have about the formal action taken against them and indeed the process itself should be dealt with as an appeal under the appropriate formal procedure.

See also the Trust's [Disciplinary](#), [Managing Performance \(Capability\)](#) and [Sickness Management](#) policies and procedures.

#### **4.11 Timescales**

Grievances should be resolved as promptly as possible but it is recognised that not all complaints are the same in nature or complexity.

A grievance does not have to be submitted in writing to be valid, but it is extremely helpful to a swift and effective resolution if the grievance is written down. Employees are encouraged to put grievances in writing but if this is difficult, they should seek support to do so i.e. from a trusted colleague, union representative etc

Receipt of a grievance should be acknowledged by the receiving manager within 5 working days or as soon as possible thereafter. If another manager is identified as the Appropriate Manager, then the employee should be advised of this at the same time as the acknowledgement is sent, or as soon as possible thereafter.

Except where an Appropriate Manager determines that an investigation is required before meeting with the employee (see below), Appropriate Managers, with People Team support, should endeavour to arrange to meet with the employee who raised the grievance within one calendar month following the receipt of a written grievance to ensure the issues are understood and explore resolution. In providing managers with the right information to understand their grievance employees should;

- Explain the nature of the problem as comprehensively as possible
- Provide dates/times of specific incidents or examples
- Detail and provide the supporting material
- Name witnesses to incident or events
- Explain any action already taken
- Detail their own thoughts on resolution or outcome

The decision in relation to the grievance should be communicated to the employee, usually within 15 working days of the Appropriate Manager's meeting with the employee. If the Appropriate Manager determines that further investigation is required after meeting with the employee then reasonable efforts should be made to communicate the grievance outcome within 4 weeks of the conclusion of the investigation. Where this is not possible, e.g. due to the complexity of the grievance, then any delays must be discussed with the employee so as to keep them informed of progress.

### Timescale Summary

Responsibility	Action	Time Scale
Receiving Manager	Acknowledge grievance in writing	5 days
Appropriate Manager	Meet employee to discuss	1 calendar month
Appropriate Manager	If further investigation is required provide outcome	4 weeks after conclusion of investigation
Appropriate Manager	Provide written notice of final grievance meeting	10 days
Employee	Provide all material to be considered at final grievance meeting	5 days prior to meeting
Appropriate Manager	Final grievance meeting outcome in writing	15 working days
Employee	Written appeal	15 working days of final meeting outcome
Appeal Manager	Acknowledge Appeal in writing	5 days
Appeal Manager	Written appeal outcome	15 working days

## 4.12 Exceptions

If an employee lodges a grievance prior to leaving the Trust it will be reviewed by an Appropriate Manager and the employee will be provided with a written response if they have already left the Trust or leave the Trust before a grievance meeting is convened. No appeal process will be available to former-employees of the Trust.

Grievances from those who have left the organisation by the time their grievance is received will not be accepted, albeit in some circumstances it may be appropriate for any concerns raised to be looked into using such methodology as the Trust sees fit.

It is expected that employees will seek to address their concerns when they arise. On that basis, grievances will not normally be accepted beyond 3 months after the last relevant event or concern unless there are exceptional reasons for doing so. Such reasons must be included by the employee in any written submission and might include, by way of example, matters such as long-term sickness.

If an employee has raised a grievance previously and the grievance process has been exhausted or otherwise concluded (either through conclusion of each stage of the process up to and including appeal; because the employee withdraws their grievance; or does not

appeal the findings made in relation to their grievance) then the Trust is not required to consider the same grievance again.

#### **4.13 Investigation**

The Appropriate Manager will consider the facts necessary to address the issue(s) raised. That manager will explore the circumstances and determine whether they have sufficient information in order to resolve matters or whether they should conduct further investigation.

The extent of any investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and/or reviewing relevant documents. The investigation will be carried out by the Appropriate Manager or in exceptional circumstances someone else.

The employee must co-operate fully and promptly in any investigation. This includes informing the Trust of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation. A failure to cooperate can be taken into account by the appropriate manager when reaching a resolution.

The Appropriate Manager may initiate an investigation before holding a grievance meeting where this is considered appropriate. In other cases, the Appropriate Manager may hold a grievance meeting with the employee before deciding the extent of any necessary investigation. In those cases, the Appropriate Manager may hold a further grievance meeting with the employee after the investigation and before a decision is reached.

#### **4.14 Record Keeping**

Records must be kept of all informal resolution, grievances, relevant decisions and rationale. Records must be retained in the employee's Personnel file and in cases of formal resolution recorded by the People Advisory Team. All records will be retained in accordance with the Trust's information governance requirements. These records will be processed in accordance with the Data Protection Policy.

### **5. GRIEVANCE STAGES**

The Trust expects that every attempt will be made to resolve grievances informally. Any decision to move to the formal stages of this Policy without informal steps first having been taken is potentially significant.

An "informal" resolution does not mean that it is "off the record" or without importance. An informal resolution is any resolution that does not require referral to a formal resolution meeting. Records of outcomes and agreements must still be retained and adhered to as in any other resolution.

An employee may seek formal resolution at any stage. However, they will be expected to be able to demonstrate how they have already tried to resolve the issues informally, or to explain why it is not appropriate for the matter to be dealt with informally.

The formal grievance process is set out in [AC1](#) and the grievance should be forwarded to the employee's first line manager unless there is good reason not to. If the employee feels it is not possible or appropriate to lodge the grievance with the first line manager then advice should be sought from the People Team.

The Trust's grievance process consists of three stages:

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

## 5.1 Stage 1 – Informal Resolution

In the first instance, prior to submitting a written grievance, an individual should raise any concerns they have with colleagues or managers depending on what the employee reasonably believes is the most appropriate way to resolve matters. Often an informal discussion may be all that is required to clarify and resolve issues and this should be seen as the normal rhythm of the workplace.

If an individual does not believe that informal resolution is possible due to the nature of the concern, the People Team and staff side representatives may provide support and help to progress and resolve matters.

The following sources of support are available to employees with work-based concerns:

- An employee's own manager
- Trade unions/professional organisations
- The People Team
- The Trust Freedom to Speak Up Guardians [Freedom To Speak Up \(gloshospitals.nhs.uk\)](https://gloshospitals.nhs.uk/freedom-to-speak-up)

You can access well-being support from <https://intranet.gloshospitals.nhs.uk/news/2020-hub-team-out-and-about/>

## 5.2 Stage 2 – Formal Process

### Submitting Documentation

Employees must submit their written grievance using the Grievance and Disputes form [AC1](#). An Appropriate Manager will be identified to consider and respond.

**It is important to recognise that this is an employee driven complaint and that it is for the employee to outline their Grievance and provide the material to support their position.** The Appropriate Manager must consider the informal action already taken. If they believe it was insufficient or that no consideration has been given to informal resolution then those issues will be discussed by the employee and the Appropriate Manager. The Appropriate Manager should engage with the employee to ensure they understand all the concerns raised by the employee.

In seeking to resolve the grievance the Appropriate Manager should make all reasonable attempts to resolve the matter.

If informal resolution is not possible then in simple and straight forward cases and where appropriate, a Grievance meeting might be possible based on the employee's submission without the need for further investigation. However, in exceptional cases in order to progress to a Grievance meeting there may need to be further investigation exploring all the background and circumstances. **This investigation remains the responsibility of the Appropriate Manager.**

At any stage during the process a grievance can be considered resolved if the employee withdraws their complaint or a mutually satisfactory outcome is achieved.

### **Grievance Meeting(s)**

The Appropriate Manager is responsible for convening the grievance meeting with People Team support, which is detailed in [AC2](#).

The employee will be updated regularly on progress and any delay. The Appropriate Manager is responsible for agreeing with the employee how that will practically happen and how often updates should occur as matters progress.

All the information to be considered at the grievance meeting should be provided to the Appropriate Manager at least 5 working days prior to the meeting.

The employee and their companion (if any) should make every effort to attend grievance meetings. If the employee or their companion cannot attend at the time specified, the employee should inform the Appropriate Manager immediately and they will try, within reason, to agree an alternative time.

The purpose of a grievance meeting is to enable the employee to explain their grievance, how they think it should be resolved and to help assist the Appropriate Manager to reach a decision based on the available information provided by the employee.

After an initial grievance meeting the Appropriate Manager may carry out further investigations and hold further grievance meetings as the Appropriate Manager considers necessary. Such meetings will be arranged without unreasonable delay.

Subject to the need for any further investigation, the Appropriate Manager will write to the employee, usually (but subject to 4.10) within 15 working days of the grievance meeting to inform the employee of the outcome of their grievance and any further action that the Trust intends to take to resolve the grievance. The Appropriate Manager will also remind the employee of their right of appeal. Where appropriate the Appropriate Manager may hold a meeting to give the employee this information in person.

## **5.3 Stage 3 – Appeal Process**

If the grievance has not been resolved to the employee's satisfaction, then in certain circumstances, they may appeal in writing to the manager named in the outcome letter using the Grievance Appeal documentation ([AC1](#) - Grievance Process). The employee must state their full grounds of appeal using the criteria in the appeal documentation within 15 working days of the date on which the decision was sent or given to the employee.

The manager named in the outcome letter will have the seniority to chair the appeal and make decisions on the appropriateness or otherwise of the original grievance finding. The People Team advisor for the area will arrange the appeal meeting which should be heard as soon as reasonably practicable after receipt of the appeal notification and ideally within two calendar months. If delay is anticipated, the employee should be kept informed.

All the information to be considered at the grievance appeal meeting should be disclosed to all parties at least 5 working days prior to the meeting.

The Trust will confirm the appeal outcome in writing, usually within 15 working days of the appeal meeting. This is the end of the procedure and there is no further appeal.

## 6. SUPPORT

Employees engaged in grievances processes are encouraged to seek support from union representatives, the People Team, the Staff Advice and Support Hub, managers and trusted worked colleagues.

## 7. TRAINING

All details of training relating to this policy are recorded in the Training Needs Analysis, which is produced in conjunction with the Trust [Mandatory Training Policy](#).

## 8. EQUALITY IMPACT ASSESSMENT (EIA)

See [Equality Impact Assessment \(EIA\)](#) document.

## 9. MONITORING OF COMPLIANCE

Do the systems or processes in this document have to be monitored in line with national, regional or Trust requirements?	YES
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Monitoring requirements and methodology	Frequency	Further actions
Reflection and assessment of grievances through peer and team discussion	Continuously	To enable the People Team to review and update in line with any employment law developments, develop best practice and policy
Review of grievance appeals	Bi -Annually	To enable the People Team to review and update in line with any employment law developments  develop best practice and policy
Review of headline data and outcomes against HR metrics	Annually	To provide Executive and Board assurance

## 10. REFERENCES

[ACAS Guidance on Discipline and Grievances at work](#)

## Document Profile

Trust Policy Assurance Group (TPAG) require this information for approval and governance purpose. All fields must be fully completed prior to submission. Incomplete submissions will be rejected by the Policy Team. Please follow the guidance below.

Document Identification	
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Document Title	Grievance
Category	Non-Clinical
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Divisional Director for Speciality	(Not applicable for Corporate division)
Divisional Director for Quality and Nursing	(Not applicable for Corporate division)
Author / Reviewer	Simon Atkinson – Investigation and Support Officer, HR
Consultation, Approval & Dissemination Details	
Consultees	HRPG Staff Side Committee Inclusion Network/Council; Medical Line via Med Director/Deputy FTSU Network Education Network Trust Leadership Team
Main Local Approval Group	Human Resources Policy Group
Chair of the Main Local Approval Group	Gupreet Kaur, HR Business Adviser



Additional Local Approval Group/s and their Chair	N/A
Local Approval Details	HR Policy Group February 2025
Trust Policy Assurance Group (TPAG) Ratification Date	March 2025
Dissemination Details	Upload to Policy Site; cascaded via divisions; Monthly Policy Update to 100 Leaders & SNMC
External Compliance and Guidance	
External Compliance Standards and/or Legislation	<a href="#">ACAS Guidance on Discipline and Grievances at work</a>
Relevant NICE Guidance	N/A
Relevant Regulations	N/A

## Equality Impact Assessment (EIA)

Date Completed	December 2024
Completed by	Simon Atkinson HR Investigation and Support Officer

<u>Age</u>		
		X
Adverse	Neutral	Positive
Consider people of different age groups. Think about the built environment, routines and practice.		

<u>Disability</u>		
		X
Adverse	Neutral	Positive
Consider both able and disabled people, and different types of disability. Think about accessibility of the built environment, routines, practice and communication.		

Protected characteristic: <u>Gender Reassignment</u>		
		X
Adverse	Neutral	Positive
Consider people who are transgender, or are transitioning. Think about routines, practice, communication and use of language.		

Protected characteristic: <u>Marriage and Civil Partnership</u>		
		X
Adverse	Neutral	Positive
Particularly relevant for issues concerning employment. Think about rules, practice, routines and use of language.		

<u>Pregnancy and Maternity</u>		
		X
Adverse	Neutral	Positive
Particularly relevant in the workplace is to consider people who are pregnant or on Maternity or Adoption Leave. Think about routines, practice and opportunities.		

<u>Race</u>		
		X
Adverse	Neutral	Positive
Race can mean colour, nationality, ethnic and national origins, as well as people belonging to ethnic and racial groups. A racial group can be made up of two or more distinct racial groups e.g., British Jews; Romany Gypsies; Irish Travellers. Think about routines, practice and communication.		

<u>Religion or belief/no belief</u>		
		X
Adverse	Neutral	Positive
Consider people who follow religious practices or traditions. This also applies to philosophical beliefs which are cogent, serious and apply to an important aspect of human life or behaviour. Think about routines, practice, dietary issues and use of language.		

<u>Sex</u>		
		X
Adverse	Neutral	Positive
Consider people who are men, women, boys and girls. Discrimination could be a one-off act or as a result of a document/rule. Think about procedures, rules, routines, language and behaviour, built environment.		

<u>Sexual Orientation</u>		
		X
Adverse	Neutral	Positive
Consider people who are lesbian, gay and bisexual. This also covers how people choose to express their sexual orientation, such as through their appearance or places they visit. Think about practice, the environment and use of language.		

Other factors to be considered, not included as a 'Protected Characteristic'		
		X
Adverse	Neutral	Positive
Consider people with other differences which make them susceptible to discrimination e.g., socio-economic factors; gender and non-binary; marital status (such as divorced, single). Think about routines, practice, protocol, language.		

## Action Card 1 - Grievance Process

For Use By: Line Managers,  
Employees, Staff Side  
Representatives

Liaises With: Details Of All Other Staff Who Could Get  
Involved With Process, Or Who May Need To Be Liaised  
With/Reported To

### Process – Stage 2 – Formal Process

- Employees should submit their grievance in writing using the Grievance Form
- **IMPORTANT** - The employee must have an issue or complaint relating to some aspect of their employment and the Trust expects to see a proposal from the employee that they say would resolve the matter. Information submitted on the Grievance Form must include the matter of concern, the facts surrounding the issue, all the attempts at informal resolution to date, any supporting documentation and the desired outcome
- The Grievance Form should be submitted to the respective first line manager, unless there is good reason not to, with a copy forwarded to the People Team. The most appropriate manager should be identified by the employee if the employee feels that they cannot submit the grievance to their first line manager
- An Appropriate Manager will be identified to address the grievance which will normally be the first line manager
- Copies of the Grievance Form should be retained by the employee and the staff side representative if they are supporting the staff member
- The Appropriate Manager should aim to provide the employee with a written acknowledgement of their grievance within 5 working days of receipt or as soon as possible thereafter
- Appropriate Managers, with People Team support, should arrange to meet with the staff member within one calendar month following the receipt of a written grievance to ensure all the issues are understood and explore resolution
- In conjunction with the employee the Appropriate Manager will explore what attempts at resolution have occurred to date and what further options of informal resolution might exist
- The Appropriate Manager should review the written grievance using the principles of a Restorative, Just and Learning culture.
- If appropriate and necessary an investigation may be undertaken into the circumstances of the grievance using the Trust's [Investigation Guidance Notes](#). To do so must be both reasonable and proportionate to the circumstances of the grievance
- The Appropriate Manager or People Team must inform the individual subject of the grievance of the written submission and offer them suitable support
- **Informal resolution can occur at any stage of the process with mutual agreement**

## Action Card 1 - Grievance Process

For Use By: Line Managers,  
Employees, Staff Side  
Representatives

Liaises With: Details Of All Other Staff Who Could Get  
Involved With Process, Or Who May Need To Be Liaised  
With/Reported To

### Process – Stage Two – Grievance Meeting

- The grievance decision should be communicated to the employee, usually within 15 working days of the meeting
- If a decision has been taken that prior investigation is necessary then the Appropriate Manager should communicate this to the employee and ordinarily convene a grievance meeting within 4 weeks of conclusion of the investigation into a grievance. Where this is not possible i.e. due to complexity, staff availability etc then a meeting will be convened as soon as reasonably practicable and the employee updated
- If the Appropriate Manager decides, following meeting with the employee that investigation is required then reasonable efforts should be made to communicate the grievance outcome within 4 weeks of the conclusion of the investigation. Where this is not possible then any delays should be discussed with the employee
- The information to be considered at the grievance meeting should be provided to the Appropriate Manager and disclosed to all parties at least 5 working days prior to the meeting.
- All details of the meeting process are detailed in [AC2](#)
- After the grievance findings have been communicated a right of appeal must be detailed to the employee, including the time limits to do so and the name of the manager who will receive the appeal

### Process – Stage Three - Appeal

- If the grievance meeting does not satisfactorily resolve the matter for the employee(s) they must appeal to the manager detailed in the outcome within 15 working days of the outcome being sent or given to the employee
- Appeals must be submitted on the grievance appeal form; see page 5 of this document
- The employee will submit a report detailing the grounds and rationale for the appeal with any supporting and relevant documentation or witness testimony
- All the information to be considered at the appeal meeting should be provided to the appeal manager and disclosed to all parties at least 10 working days prior to the appeal meeting. All details of the appeal process are detailed in [AC2](#)

**Note:** All written communications with the employee must be made using the appropriate standard letters from templates which are available on the [HR website](#).

**Always consult the People Team before issuing any written communications.**

**ALWAYS ENSURE ALL RELEVANT ACTIONS ARE DOCUMENTED**

**Action Card 1 - Grievance Process**

For Use By: Line Managers, Employees, Staff Side Representatives	Liaises With: Details Of All Other Staff Who Could Get Involved With Process, Or Who May Need To Be Liaised With/Reported To
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<p style="text-align: center;"><b><u>GRIEVANCE AND DISPUTES FORM</u></b></p>	
<p><b>To:</b></p> <p><b>(Designated Manager for Grievance Process)</b></p>	
Name:	Department:
Name and contact details of staff side representative (If applicable):	For collective grievances, name up to 3 individuals who will represent the interests of the group:
<p>Nature of the Grievance (Include any relevant and supporting material such as emails, notes and minutes as well as details of any relevant witnesses):</p>	
<p>Detail the attempts at informal resolution and why this has not been successful:</p>	

**Action Card 1 - Grievance Process**

For Use By: Line Managers, Employees, Staff Side Representatives	Liaises With: Details Of All Other Staff Who Could Get Involved With Process, Or Who May Need To Be Liaised With/Reported To
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Preferred Resolution:

Signature:  
  
(One employee to sign in the case of  
collective grievances)

Date:

- Submit the original form to the manager who is receiving the grievance, with a copy to the People Team.
- Keep a copy for yourself, and ensure your staff side representative receives one.
- Third party grievances will not be accepted. However, if you have assistance in writing the grievance, please ensure you sign the document and therefore acknowledge and agree the content

## Action Card 2 - Grievance Meetings and Appeals

For Use By: Authorised Officers, Line Managers,  
The People Team, Staff Side Representatives

Liaises With: The People Team,  
Staff Side Representatives

### Process – Stage 2 - Formal Process - Prior to final Grievance Meeting:

- The Appropriate Manager with People Team support will convene the grievance meeting and venue. Meetings will consist of two people; the Appropriate Manager who will be addressing and determining the grievance and a member of the People Team who will provide HR advice as necessary but they will not be the decision maker
- The Appropriate Manager or People Team representative will ensure the employee and their staff side representative are given at least 10 working days written notice of the date and time of the final decision-making grievance meeting. The letter confirming the arrangements will include:
  - the nature of the grievance
  - copies of all written documentation to be considered at the meeting
  - date, time and venue of the meeting
  - the name of the Appropriate Manager dealing with the grievance
- If the employee has learning or language difficulties, the People Team must ensure that the content of the letter is understood.
- Copies of all written documentation to be considered at the meetings will be provided to the Appropriate Manager at least 5 working days before the meeting

### Process – Stage 2 - Formal Process - Conducting the Grievance Meeting

- The Appropriate Manager will ensure all those present are introduced, that the meeting purpose is explained and that the employee is aware that the meeting is being conducted in accordance with the Grievance Policy
- The Appropriate Manager will listen to the employee's grievance and ask questions to ensure the grievance is understood
- The employee or their staff side representative should state the desired resolution to the issue(s)
- The Appropriate Manager will consider the findings of their investigation, hearing from an investigator as appropriate
- The meeting is intended to be a facilitative process and all parties may ask questions of each other
- It will be highly unusual that witnesses are asked to attend to provide evidence but in certain circumstances the Appropriate Manager may determine that this is necessary and appropriate
- The Appropriate Manager will consider if any further investigation is needed and adjourn the meeting if so
- The outcome of the meeting will, wherever possible, be communicated to the employee at the end of the meeting, but will in any case be communicated in writing not more than 15 working days after the meeting



## Action Card 2 - Grievance Meetings and Appeals

For Use By: Authorised Officers, Line Managers,  
The People Team, Staff Side Representatives

Liaises With: The People Team,  
Staff Side Representatives

- If the Appropriate Manager determines that further investigation is required after meeting with the employee then reasonable efforts should be made to communicate the grievance outcome within 4 weeks of the conclusion of the investigation
- All rights of appeal will be explained to the employee, including time limits and the name of the manager who will receive the appeal

### Process – Stage 2 – Formal Process - Outcomes:

The Appropriate Manager may take the following action:

- uphold the employee's grievance
- reject the employee's grievance, giving reasons for their decision
- make further recommendations to resolve the issue, which may include mediation, counselling or training

### Stage 3 - Grievance appeals:

- The manager directed to hear the grievance appeal must acknowledge the request for appeal within 5 working days of receipt
- The People Advisor for the area will organise the appeal meeting
- The Appeal Meeting will consist of the manager directed to hear the appeal and a member of the People Team, who will provide HR advice as necessary but will not be a decision maker
- All persons listening to the appeal must not have been involved with the original grievance meeting. In some circumstances it might be considered appropriate to have Meeting membership from another NHS organisation
- The appeal meeting approach and structure will be the same as that for initial meetings
- The manager listening to the appeal will consider the original grievance decision and the employee's points of appeal
- The employee or staff side representative should state the desired resolution to the issue
- The manager listening to the appeal may ask questions of both the employee bringing the grievance appeal and the Appropriate Manager
- The meeting is intended to be a facilitative process and all parties may ask questions of each other
- The outcome of the meeting will, wherever possible, be communicated to the employee at the end of the meeting, but will in any case be communicated in writing not more than 15 working days after the meeting
- The employee should be advised that this is the end of the procedure and there is no further appeal.

### Process – Stage 3 - Appeal Meeting Outcomes:

The Appeal Meeting may take the following actions:

- uphold the outcome of the first meeting
- overturn the original outcome and find in favour of the employee(s)
- make further recommendations to resolve the issue

**Action Card 2 - Grievance Meetings and Appeals**

For Use By: Authorised Officers, Line Managers, The People Team, Staff Side Representatives	Liaises With: The People Team, Staff Side Representatives
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- in the case of collective grievances, advise the employees of their right to pursue the matter as a dispute
- in the case of individual grievances, advise the employee that the grievance process is now exhausted
- suggest appropriate support for individuals and groups

**Note: Always consult the People Team before issuing any written communications.**

**ALWAYS ENSURE ALL RELEVANT ACTIONS ARE DOCUMENTED**

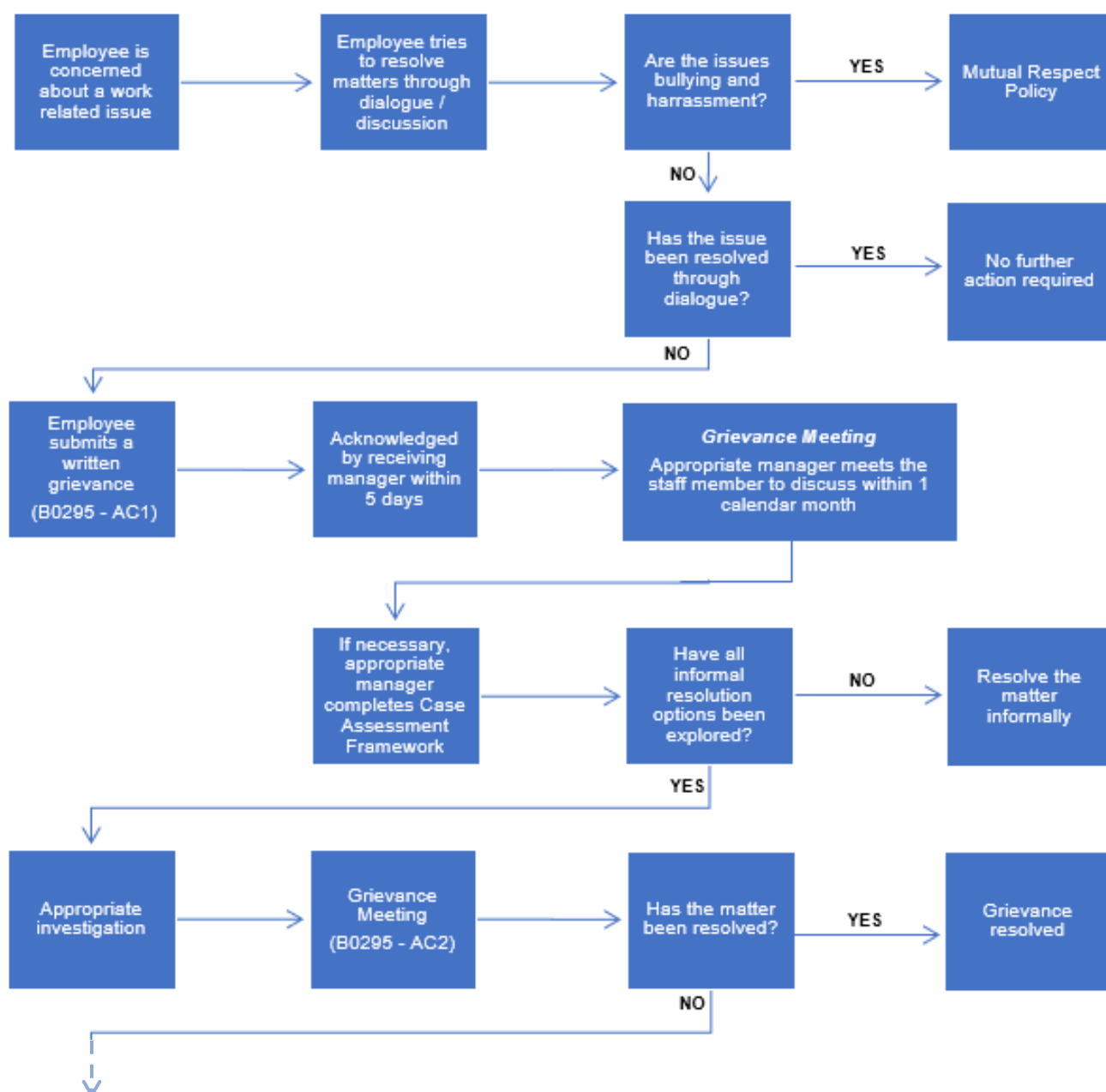
### Action Card 3 - Grievance Policy Flow-Chart

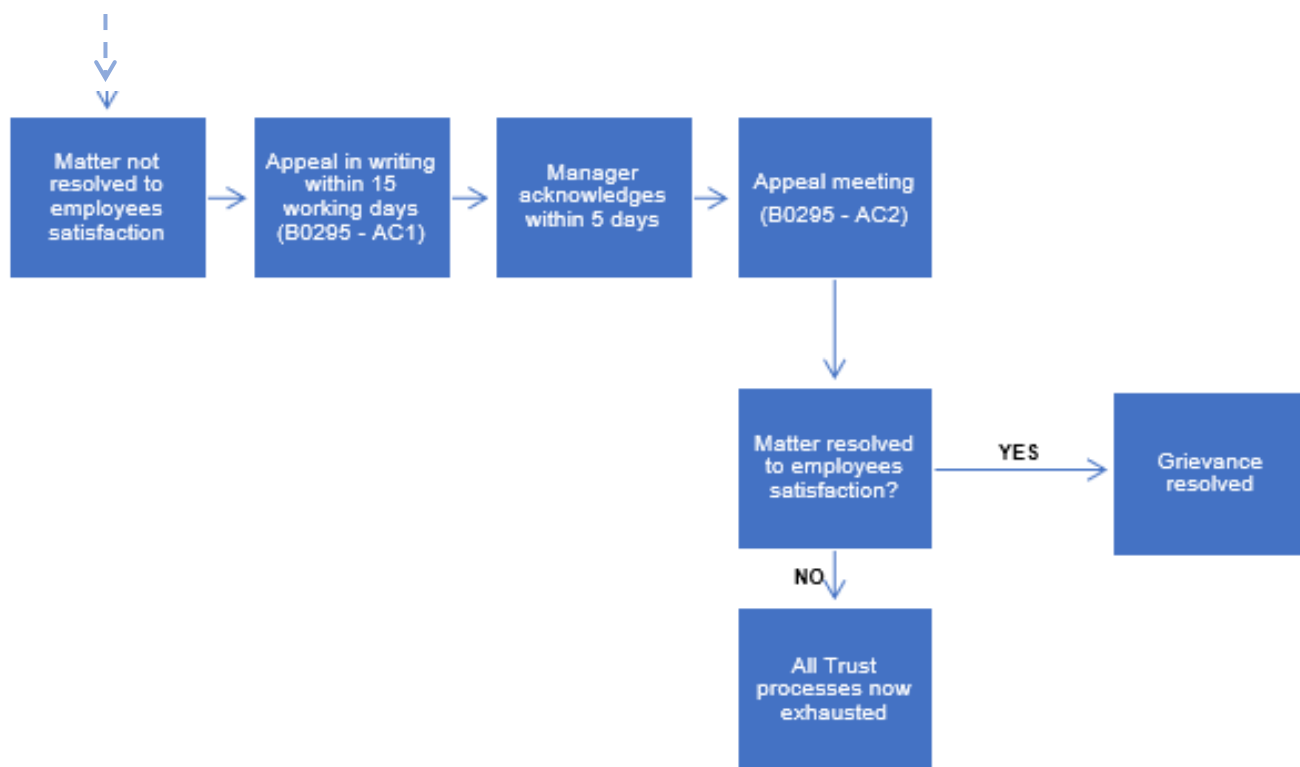
For Use By: Panel Members, Authorised Officers, Line Managers, People Team, Staff Side Representatives

Liaises With: People Team, Professional/Staff Side Representatives

**Always consult with the People Team before issuing any written communications.**

**ALWAYS ENSURE ALL RELEVANT ACTIONS ARE DOCUMENTED**





## Action Card 4 - Restorative Guidance

For Use By: All Employees

Liaises With: People Team, Staff-Side Representatives

### RESTORATIVE GUIDANCE

#### EVENT/INCIDENT/TRIGGER

##### Always remember

##### **The event – could be something that has not gone as planned**

An event that could have caused or did result in harm to people or groups of people. This can include psychological harm and feelings of hurt, physical harm or damage to property.

##### Comments

Be clear about what the event is that has not gone to plan. This process is intended to establish restoration of the situation and not to assign blame. Remember colleagues may feel cautious giving their account so it's important that managers create a psychologically safe space to share an individual's account. It is important that managers enter, what may be a very difficult situation, with compassion, kindness, respect and understanding for everyone.

### STABILISATION AND THE HUMAN ELEMENT

Following an event, the process of stabilisation should be led by an

**Individual manager – there should only be 2 managers if one manager asks for support for their own development needs.**

**Always remember - (these are your prompts when reviewing and some areas overlap. You don't always need to have linear conversations)**

##### **Stabilise the situation.**

In stabilisation recognise how psychological safety can be impacted by being involved and participating in this process.

This does not include removing anyone from work, their workstation or restricting duties unless the safety of patients and colleagues require it.

##### Comments

Provide reassurance no decisions will be made until explored further / all the facts are gathered. Stabilising the situation involves potentially many other actions, such as first aid, (formal) reporting, inform patients, prevent same event happening again etc. Do you need to move the colleague as an interim measure to support? Is there potential for service user harm by not

## Action Card 4 - Restorative Guidance

For Use By: All Employees

Liaises With: People Team, Staff-Side Representatives

If the safety of patients and colleagues are impacted then the Trust Risk Assessment for Suspending should be completed.

moving? Consider who this applies to also e.g., colleague, manager, others.

### **Ask, who is hurt?**

This can include service users, service providers, colleagues and/or people external to our organisation (could be

In answering this you need to understand the hurt and how it has impacted but you need to ask them the question, not assume you know.

**physical, financial, psychological, social)**

Colleagues may feel stressed, failed by the Trust, witnesses feeling awkward and/or uncomfortable. Hurt is not only about feelings, can also be damage / missed treatment etc.

Be aware of your personal biases that may impact on your perceptions of who is hurt.

### **What is their need?**

**Support, include clear communication plan, regular and timely. Consider colleague support policy, interventions, etc. Are you aware of the whole support offer available to our colleagues.**

Always ask what they need as it may not be obvious. Can include resolution/closure, support, a link person, effective communication, however it is necessary to be clear that this can be wider than HR matters- this is to prevent it happening again.

Consider cultural sensitivities and protected characteristics and make adjustments to support the individuals involved.

### **Whose obligation is it to meet that need?**

**Someone especially assigned to ensure the restorative process is properly applied.**

Often the organisation is in the best place to meet that need – e.g., management, staff side, HR, support resources available etc.

Everyone needs to be clear on what their responsibilities and expectations are- need to be clear on who is best placed to decide this.

### **What is the understanding of what happened?**

**Did it make sense? (Consider/ask why it made sense to the individual) - can ask for a written account regarding the event to gain a full understanding.**

This is the key question as the only way we can understand this is if the individuals can give their account and be listened to.

Consider historical practice, custom and practice, cultural sensitivities? Do not consider the norm as this is only relevant for the Gateway. Critical question to ask here is what made sense to the colleague at the time.

## Action Card 4 - Restorative Guidance

For Use By: All Employees

Liaises With: People Team, Staff-Side Representatives

### **Are the resources and systems available and appropriate?**

Consider staffing levels/numbers, observations, resilience, resources, systems, required to manage, and any other resources appropriate.

Consideration of environmental & cultural microaggressions where protected characteristics are concerned.

### **WHAT NEXT?**

**You do not always need to complete the Gateway review. Following completion of the Stabilisation process consider:**

#### **Comments**

**Are you satisfied that no further action is required following stabilisation?**

Make sure to consider restoration to meet hurt with healing and reintegration for the individual and the organisation.

What learning is there and for who? Individual, team, service, profession, or organisation?

**Are there unanswered questions or outstanding concerns that need further exploration?**

Complete the Gateway review.

### **GATEWAY and the HUMAN ELEMENT**

**If you are satisfied at 'Stabilisation', you do not need to move to the 'Gateway' but should always consider the personal and organisational learning at 'Restoration and Reintegration'**

**An investigation into anyone's individual actions is only warranted if all of the below that are applicable are true:**

#### **Comments**

**Are rules available?** Accepted, practiced and in place? e.g., patient confidentiality.

e.g.: SOP's, policies, professional code of conduct, unwritten rules/standards or accepted practice.

**Are the rules workable?** Do they make sense in the context, environment, in the routine, consider work as done versus work imagined?

Recognising if they are workable in the timescales given.

**Were the rules knowingly departed from?** Is there awareness that people's actions were diverging from what is

Unconscious human error is no reason to invoke a formal process, this is not only about unconscious human error, also other unconscious deviations from rules- this should link back to the

## Action Card 4 - Restorative Guidance

For Use By: All Employees

Liaises With: People Team, Staff-Side Representatives

described? Rules that made sense to you at that time.

understanding of the circumstances of the event - why did it make sense to the colleague(s)?

**Exception to peers?** Is the behaviour very different to what colleagues/peers with comparable experience and skills would do in similar circumstances? If the answer is yes, then it is in exception to peers.

Are others in the same circumstances knowingly breaking the same rules? Would others have responded similarly?

**Was training available?** Consider the availability, quality and regularity of the training, and whether that was appropriate for our people and the situation (if applicable).

e.g., induction, mandatory training - is this appropriate to the alleged situation? Was the training appropriate for the event, if not, the answer may be no.

**Sufficient supervision – was it provided?** Take into consideration:

Important organisational learning – may include coaching, supervision, training, systems / processes.

a. Does the supervisor or manager know the work as done?

This could even be an alert on a system that provides a prompt / reminder e.g. when accessing patient records an alert will flag asking if you are authorised to view the records. Was the supervision applicable for the event, if not the answer may be no.

b. Does the supervisor or manager know the work as done, but didn't realise it was a departure from the rules?

c. Does the supervisor or manager know the work as done but doesn't act? (Does the manager understand the job / process of a task / duty etc?)

**Regardless of whether there is an investigation make sure you consider restoration to meet hurt with healing and reintegration for the individual and the organisation**

**What learning is there for who? Individual, team, service, profession or organisation**

### RESTORATION LEARNING AND NORMALITY

**Have we been successful in applying Restorative Just Culture?**

**Comments**

#### **Moral Engagement**

Were we able to engage all parties mentioned under Stabilisation in considering the right thing to do?

Has there been an apology and has this been undertaken. Have all colleagues had the opportunity to reflect and re-engage.

Please refer to the reflective guidance (if needed).



## Action Card 4 - Restorative Guidance

For Use By: All Employees

Liaises With: People Team, Staff-Side Representatives

### Emotional Healing

Were we able to help cope with guilt and humiliation; did we offer empathy?

Consider sign posting, what is the need, don't assume refer back to stabilisation, this may be an on-going process, check ins after the event and ongoing.

### Reintegrating Practitioner

Were we able to do what was needed to get the colleague back in their job?

Ask what they need, don't assume, refer back to stabilisation, how can this be accommodated and by whom and in what timescale - may be on-going process, check ins after the event and ongoing.

Consider the use of a restorative conversation with the individuals.

### Organisational Learning

Explored and addressed systemic causes of harm - this is best enabled through a learning review process. It is an important step for every organisation to be able to identify systemic shortcomings.

Important for the recovery process- can be thematic or individual- need to evidence. What have we learnt, what has this taught us.

Who do I need to share this with to make sure events cannot be repeated?

**Completed by (name):**

**Date completed:**

**Nominated HR Support (if required):**