

Grievance Policy

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Version	Date	Comments	
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Dissemination	All Trust employees by intranet
requirements	
Part of Trust's publication	Yes
scheme	



The East of England Ambulance Service NHS Trust (EEAST) has made every effort to ensure this policy does not have the effect of unlawful discrimination on the grounds of the protected characteristics of age, disability, gender reassignment, race, religion/belief, gender, sexual orientation, marriage/civil partnership, pregnancy/maternity. The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

EEAST recognises its obligations of supporting the requirements of the Modern Slavery Act 2015 and any future legislations. A prime objective of EEAST is to eradicate modern slavery and human trafficking and recognises the significant part it must play in both combatting it and supporting victims. EEAST is committed to ensuring that its supply chains and business activities are free from any ethical and labour standards abuse.

All Trust policies can be provided in alternative formats.



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1. Introduction

1.1 Here at EEAST, we aim to maintain good working relationships whilst also fostering a culture in which you can raise any workplace problems, complaints, or concerns in a supportive framework. We will ensure that all grievances are dealt with quickly and fairly.

2. Purpose

- 2.1 The purpose of this policy is to:
 - outline the process and procedure for individual and collective grievances, the roles of those involved and the support that is available to you,
 - resolve grievances with an informal approach where possible, however if not appropriate or unsuccessful, let you know how to raise a formal grievance,
 - ensure the application of this policy is fair, equal and in no way discriminatory,
 - observe current employment legislation, the ACAS Code of Practice on Discipline and Grievance Procedures and the ACAS Guide to Discipline and Grievances at Work.

3. Scope

- 3.1 This policy applies to all EEAST employees, individually or collectively, who have a concern, problem, or complaint regarding their work, working environment, or their terms and conditions of employment.
- 3.2 This policy does not apply to casual workers, agency workers, external secondees, workers on honorary contracts, independent contractors or employees who have left EEAST.
- 3.3 Agency workers, casual workers and volunteers should refer to the relevant sections of other policies, e.g. Agency Workers Policy, Casual Workers Policy, Freedom to Speak Up Policy.

- 3.4 If your complaint relates to the behaviour of another employee or individual, you should raise it under our separate Dignity at Work Policy.
- 3.5 If you have a grievance that relates to ongoing disciplinary proceedings you should also refer to the Disciplinary Policy.

4. Duties

- 4.1 Managers have a responsibility to:
 - take the grievance seriously and consider all factors,
 - recognise that submitting a grievance can be daunting and often stressful for the employee,
 - try to resolve grievances using the informal process first wherever possible,
 - undertake any necessary fact finding to establish the facts of the case and should not unreasonably delay meetings, decisions or confirmation of those decisions,
 - manage all grievances promptly, confidentially, and appropriately in line with the policy timeframes and Trust values,
 - inform their HR representative as soon as a grievance is received and involve them as and when required throughout the process,
 - forward all copies of documentation, including emails related to the grievance to their HR representative for retention,
 - ensure that any actions or decisions taken under this policy are fair, reasonable, proportionate, and justified given the specific circumstances.
- 4.2 **Employees** have a responsibility to:
 - raise their grievance at the earliest opportunity in line with this policy,
 - adhere to Trust values,

- provide full information so that their grievance can be considered and progressed,
- try to resolve their grievance using the informal process first wherever possible,
- attend meetings arranged in line with this policy,
- contact their trade union representative or HR representative for advice and support as appropriate,
- to nominate representatives in line with this policy (for collective grievances only).
- 4.3 Nominated Representative(s) have a responsibility to:
 - represent the interest of all employees involved in the collective grievance,
 - prepare and submit the case and present this at the hearing(s),
 - communicate with all employees whose interests they are representing to keep them fully informed and enable them to contribute during the process.
- 4.4 **HR representatives and Trade Union representatives** are responsible for providing advice and guidance to you on the application of this policy and procedure.
- 5. Definitions (for the purposes of this policy)
- 5.1 This policy explains the procedure for both individual and collective grievances:

Definition	Description		
Grievance	A problem/complaint/concern that an employee or group of employees may wish to raise with their employer regarding their own work, working environment, or their terms and conditions of employment.		
Individual	A complaint and/or concern raised by a single employee about an issue relating to their employment.		
Collective	A complaint and/or concern made by two or more employees about the same issue relating to their employment.		
Nominated representative(s)	Individual(s) nominated to represent the interests of a group of employees who are raising a collective grievance (hereafter referred to as 'nominated representative(s)'). This does not need to be the same individual at each stage and may or may not be Trade Union representatives.		

6. When and how to raise a concern at work

- 6.1 You should raise your problem, complaint or concern as soon as possible, to help facilitate resolution. However, if submitted more than three months after the event occurring, this will be considered on a case-by-case basis by referring to the Employee Relations Team
- 6.2 If you have a concern about the behaviour of another employee or individual this policy does not apply, and you should refer to the Dignity at Work Policy instead.
- 6.3 There are some circumstances when this policy does not apply, and these would be as follows:

- Where another Trust policy applies,
- Where other actions are being taken by the Trust and / or Staff-side which may, or are likely to, lead to the matter being resolved in full or in part without the need to enact matters under this policy, i.e., where local agreements are proposed and / or being negotiated and / or implemented. Decisions to progress down this route will be discussed with relevant trade unions and regular updates provided to SPF,
- Where the matters relate to NHS Agenda for Change Terms and Conditions of Employment, which are outside the control of the Trust.
- Where the matters raised do not fall under the definition of a grievance (whether individual or collective) within the ACAS Code of Practice on Disciplinary and Grievance Procedures.
- If you are no longer employed by the Trust.
- Whilst the Trust is in a period of statutory consultation relating to an issue of Trust-wide importance.
- Following the outcome of a statutory consultation or Trust process, whereby a decision has been reached by Collective Agreements.
- 6.4 If you feel unsure whether your concern should be raised in line with this policy and would prefer not to discuss with your line manager, HR representative or Trade Union Representative at this stage, you also have the option to speak to a FTSU Ambassador or FTSU Guardian. They will not be able to progress your concern but will be able to signpost you to the appropriate lead to take any relevant action and/or to support services if required.
- 6.5 Any decisions regarding the application of this policy and next steps will be made by the relevant senior manager, who will meet with you to discuss their decision.

7. Grievance procedure

7.1 A Grievance Flowchart is included at **Appendix B**. The timeframes within this flowchart and the policy may be extended where this is mutually agreed.

7.2 Stage 1 – Informal Approach

- 7.2.1 If you or a group of employees have a grievance about a matter, you should raise this in the first instance with your immediate line manager. Where this may not be appropriate or if the grievance relates to a decision made by your immediate line manager, you should contact another manager, your Trade Union representative or your HR representative for further advice.
- 7.2.2 You, or the nominated representative(s), are expected to provide as much information relating to the grievance at the time of raising it, including copies of any documents which you wish to rely upon, as soon as possible. This is to enable the manager to fully understand the issue(s) being raised which will allow for a timely review of the details and for an appropriate response to be provided.
- 7.2.3 Your manager (or other manager, if applicable) should agree a date, time, and suitable location to meet with you or, the nominated representative(s), in line with Table One as soon as practicable to discuss the details of the grievance.
- 7.2.4 There may be occasions when a response can be provided without a meeting being necessary.
 - The informal meeting should aim to be held within 14 calendar days of receiving the grievance, considering duty commitments and the involvement of other individuals.
- 7.2.5 During the meeting, the manager will record the date and particulars of the grievance, discuss the issue(s) with you or the nominated representative(s) and try to find ways of resolving the grievance. The manager may also take notes and record any actions to be taken, as applicable.

7.2.6 A written response will be provided within 7 calendar days of the meeting, and any notes / actions taken during the discussion will be shared with you or your nominated representatives.

Table One		
Number of employees with grievance:	Maximum number of nominated representative(s of the group*	
2 to 5	2	
6 to 12	3	
13 to 20	4	
21 and over	5	

^{*} Including trade union representative(s).

- 7.2.7 It is expected that you, or the nominated representative(s), and the manager will approach the informal resolution attempt in a positive manner with the intention and willingness to find a resolution to your grievance, therefore avoiding the need for formal grievance mechanisms.
- 7.2.8 Where a grievance is of a more serious nature and you have requested for it to be dealt with at the formal stage, the informal stage may be omitted with the agreement between the Head of Employee Relations in consultation with Trade Union leads.

7.3 Stage 2 – Formal Approach

- 7.3.1 Where your grievance remains unresolved after informal resolution attempts, you can request that the matter is dealt with formally by completing and submitting a **Grievance Registration Form (POL087-01)** to a more senior line manager within seven days of receiving your informal outcome. Where this may not be appropriate you should contact your HR or Trade Union representative.
- 7.3.2 You or the nominated representative(s) are expected to provide as much additional information relating to the

grievance at the time of raising it, including copies of any informal outcome, witness statements and / or documents on which you intend to rely. This is to enable the manager to fully understand the issue(s) being raised which will allow for a timely review of the details and for an appropriate response.

If you have any difficulties completing a Grievance Registration Form, for example, through disability; please seek the help of a colleague, Trade Union representative or your HR representative.

- 7.3.3 On receipt of your formal grievance, your manager (or another manager if applicable) should respond to you, or the nominated representative(s), within 7 calendar days to confirm receipt, and will forward a copy to the HR representative.
- 7.3.4 Some background information may be required to formulate a response but any fact finding should be done in a timely manner. If this is required, you will be asked to submit any material relevant to the grievance during this process.
- 7.3.5 If confirmation is given, a grievance hearing panel will be convened in line with **Appendix A**.
- 7.3.6 Arrangements will be put in place for a formal grievance hearing in conjunction with you and/or your nominated representative(s). This will be confirmed to you and/or the nominated representative(s) in writing setting out the date, time, and location of the hearing. Details will be given of the name of the manager who will hear your grievance and how you can exercise your right to be accompanied.
- 7.3.7 For a collective grievance the number of nominated representative(s) permitted to attend the formal hearing will be the same as at the informal stage.
- 7.3.8 On receipt of your Grievance Registration Form, grievance hearings will normally be held:
 - within 28 calendar days for an individual grievance,

- within 49 calendar days for a collective grievance.
- 7.3.9 If exceptional circumstances arise in relation to the availability of the relevant parties (and subject to the eligibility of the application of this process), the manager will notify you, or the nominated representative(s), of the delay and the reason for it. Any delay will not normally be more than an additional 7 calendar days. Similarly, where applicable, the manager will advise you, or the nominated representative(s), of any postponement or rejection of the grievance submission and the reason for that decision.
- 7.3.10 You, or the nominated representative(s), for a collective grievance, will be asked to submit any additional material, which was not available at the time of registering the grievance, at least 14 calendar days prior to the formal grievance hearing.
- 7.3.11 You, or the nominated representative(s), will be provided with a written statement by management in response to your grievance at least 7 calendar days prior to the formal grievance hearing including details of any witness statements on which they intend to rely.
- 7.3.12 You and the management representative are responsible for arranging for the attendance of your own witnesses.
 - If witnesses are our employees, time off with pay or time off in lieu will be available. 14 days' notice should be provided wherever possible to enable the witness to be released from their duties
- 7.3.13 Any internal witnesses should be approached in line with Trust Values and any contact with external witnesses should be agreed with the Employee Relations team in advance.
- 7.3.14 All witness statements will be included in a hearing pack irrespective of whether they attend or not.
- 7.3.15 The panel member(s) will normally keep to the following format during the hearing:

- Ask you, your representative, or nominated representative(s), to present your case,
- Ask the responding manager to present their case,
- The panel member(s) will ask questions and invite discussion to try to find solutions,
- Ask both parties to sum up,
- An adjournment may be taken by the panel to consider the facts and to make a decision.
- 7.3.16 An adjournment may be necessary if the panel need to seek further advice or further investigation is required.
- 7.3.17 The decision, together with reasoning and the right of appeal, may be delivered by the hearing panel verbally in the first instance but will be confirmed to you, or the nominated representative(s), in writing within 7 calendar days of the hearing.
- 7.3.18 If a longer period is required, mutual agreement will be sought on the best way to deliver the outcome to you, or the nominated representative(s), for example, face-to-face, virtual meeting or a telephone conversation with the panel chair.
- 7.3.19 Notes will be taken during the hearing including any agreed actions and reasons for these; these notes will be circulated to all parties.

7.4 Stage 3 – Formal Grievance Appeal

- 7.4.1 Following a decision given at Stage 2 you have a right of appeal on the grounds of procedural irregularities or the perceived unfairness of the decision. For a collective grievance this must be where there is majority (i.e. 50% plus one) of the original group of employees who wish to appeal.
- 7.4.2 Appeals should be made in writing to the manager named in the Stage 2 outcome letter using the **Grievance Appeal Form** (POL087-02) and stating your grounds. This must be done

- within 7 calendar days of receipt of the Stage 2 outcome letter.
- 7.4.3 On receipt of your Grievance Appeal Form the manager, in liaison with the HR representative, will arrange a panel in accordance with **Appendix A** and confirm the arrangements within 7 calendar days of receiving your appeal form.
- 7.4.4 This invite should detail the date, time, and location of the hearing, the panel who will hear the grievance appeal and how you can exercise your right to be accompanied at the hearing.
- 7.4.5 On receipt of your Grievance Appeal Form, your appeal will normally be heard:
 - within 28 calendar days for an individual grievance,
 - within 49 calendar days for a collective grievance.
- 7.4.6 If exceptional circumstances arise in relation to the availability of the relevant parties, the manager will notify you, or the nominated representative(s), of the delay and the reason for it. Any delay will not normally be for more than an additional 7 calendar days.
- 7.4.7 You, or the nominated representative(s), should submit any additional material which was not available at the time of registering the grievance in support of the grounds for appeal at least 14 calendar days prior to the appeal hearing. Management should provide you, or the nominated representative(s), with a written statement in response to the appeal at least 7 calendar days prior to the hearing including any witness statement on which they intend to rely.
- 7.4.8 For a collective grievance the number of nominated representative(s) of the employees permitted to attend the formal appeal hearing will be the same as is permitted at the informal and formal stages.
- 7.4.9 The format of the appeal hearing will follow the same outline as that provided at the Stage 2 grievance hearing (see

- section 7.2.15), or as otherwise directed by the panel considering the appeal.
- 7.4.10 The appeal decision together with reasoning may be delivered by the hearing panel verbally in the first instance but will be confirmed to you, or the nominated representative(s), in writing within 7 calendar days of the appeal hearing.
- 7.4.11 If a longer period is required, mutual agreement will be sought on the best way to deliver the outcome to you or the nominated representative(s), for example, face-to-face, virtual meeting or a telephone conversation with the panel chair.
- 7.4.12 Notes will be taken during the hearing including any agreed actions and reasons for these; these notes will be circulated to all parties.
- 7.4.13 Any decision taken by the appeal hearing panel at Stage 3 is final. There is no further right of appeal under the Trust's Grievance Policy.

8. When employees leave EEAST during a grievance

- 8.1 EEAST is not obliged to complete the grievance process should the employee(s) concerned leave before it has been concluded.
- 8.2 The grievance process will be considered as concluded unless it is decided that it will be in the best interests of EEAST to proceed. This will be at the discretion of the Head of Employee Relations in consultation with Trade Union leads.

9. Representation

9.1 You have the right to be accompanied or represented by a work colleague, trade union representative or an official employed by a trade union at all formal stages of the policy / procedure. If you choose to be accompanied by a work colleague, this must not be someone who is involved as a witness in the subject of the grievance. A Trade Union

representative who is not an employed official must have been certified by their union as being competent to accompany you. Acting as a companion is voluntary and colleagues are under no obligation to do so; if they agree they will be allowed reasonable time off from duties without loss of pay to act as a companion.

- 9.2 You may be allowed, at the discretion of the panel chair where this is deemed a reasonable adjustment, a companion who is not a colleague or union representative, but you will not be entitled to bring a person acting in a legal capacity.
- 9.3 Your right to be accompanied should be in accordance with the ACAS Code of Practice on disciplinary and grievance procedures (Section 35 to 39).
- 9.4 If your chosen companion cannot attend on the proposed date, you can provide an alternative date for the hearing This will usually only be permitted on one occasion and should be within 14 calendar days of the original date. Where we are unable to facilitate the offered alternative date, we will reschedule a date as soon as possible.
- 9.5 At hearings the companion will be allowed to address the hearing to present and sum up your case, respond on your behalf to any views expressed at the hearing and confer with you. They do not however have the right to answer questions on your behalf, address the hearing if you do not wish it, or prevent the hearing panel/other party from explaining the case.

10. Fairness and respect

- 10.1 We recognise that a grievance procedure can be stressful and upsetting. Everyone involved in the process is entitled to be treated calmly and with respect.
- 10.2 We will not tolerate abusive or insulting behaviour from anyone taking part in a grievance procedure and will treat any such behaviour as misconduct under our Disciplinary Policy.

10.3 Remote proceedings

10.3.1 Whilst it is our preference to hold face-to-face hearings under this procedure, if you are in need of reasonable adjustments and all involved are in agreement, we will conduct the process remotely. We will ensure that all those participating have access to the necessary technology. Your rights will not be affected, and we will ensure that the procedure remains fair and reasonable.

10.4 Adjustments to proceedings

10.4.1 If any aspect of the grievance procedure causes you difficulties and you feel as though you would benefit from reasonable adjustments (for example, to bring someone else for additional support), you should raise this with your HR representative, who will make appropriate arrangements for you.

10.5 Recording of meetings

- 10.5.1 A written record of all hearings conducted under this policy will be made, either by the person holding the meeting or by an additional person arranged by us to take notes.
- 10.5.2 To encourage openness and full participation, you, or any person acting with you or on your behalf, are not normally permitted to record electronically any meeting / hearing that we hold under the Grievance Policy. Any breach of this provision may lead to disciplinary action, which could include dismissal.
- 10.5.3 In exceptional circumstances, we may consider permitting a hearing to be recorded electronically, for example where it is a reasonable adjustment for an employee with a disability. Where we permit a hearing to be recorded electronically, we will take responsibility for making the recording.
- 10.5.4 Where we intend to record a hearing held remotely, we will comply with our data protection obligations and obtain prior consent from all attendees.

11. Confidentiality

11.1 All information at any stage of this procedure, whether it is written or verbal information, must be treated as confidential by all parties. Failure to do so may result in disciplinary action being taken.

12. Status quo

- 12.1 Any practices or agreements that exist prior to a grievance being raised will continue to operate pending settlement or until the agreed procedure has been exhausted, unless under a collective grievance whereby a decision will be made by the HR Representative in conjunction with the joint Staff Partnership Forum (SPF) chairs. The joint SPF chairs will give consideration as to how any status quo is applied, taking into account the situation and interests of all parties.
- 12.2 Status quo would not normally be expected to apply to persons outside of the collective grievance i.e., those whose signatories are not on the collective grievance form (signatories to it). This will be reviewed upon any change to the number within the collective grievance.
- 12.3 The recognised Trade Union(s) will refrain from completing balloting of their members about industrial action, or acting in furtherance of any local dispute, until the stages in this process have been exhausted.

13. Policy review

13.1 This policy will be reviewed on a three yearly basis or amended in the light of new employment legislation and / or relevant case law.

Appendix A

The Staff Partnership Forum and Grievance Policy decisions

It is the principle of this policy that grievances should be heard at the lowest appropriate level of the Trust management structure, facilitating the resolution and timeliness of the grievance process. This will also promote ownership of the issue and its' resolution by line managers. Composition of the panel will also consider the contribution that specialised knowledge or expertise could make and will try to accommodate this where practical.

SPF have agreed the table below as suggested panel composition and where this is being applied no further agreement is required. Should there be a concern with the composition of a panel differing to the table below, or a conflict of interest this should be referred to the Head of Employee Relations / or nominated Deputy.

Where mutual agreement cannot be reached as required under any section of this policy, the final decision will rest with the Director of People Services.

All efforts will be made for an appeal to be heard by a more senior manager than those who heard the grievance at Stage 2.

Although the variety of possible grievances is wide ranging, the following table is intended to give a framework in which decisions relating to the composition of grievance hearings and appeal panels may be made. However, it is neither exhaustive nor definitive.

Grievance matter	Suggested hearing panel* (Stage 2)	Suggested appeal panel* (Stage 3)
Matter regarding the interpretation or application of the national terms and conditions of employment where there is a potential that issues may arise which	Deputy Director	Executive Director

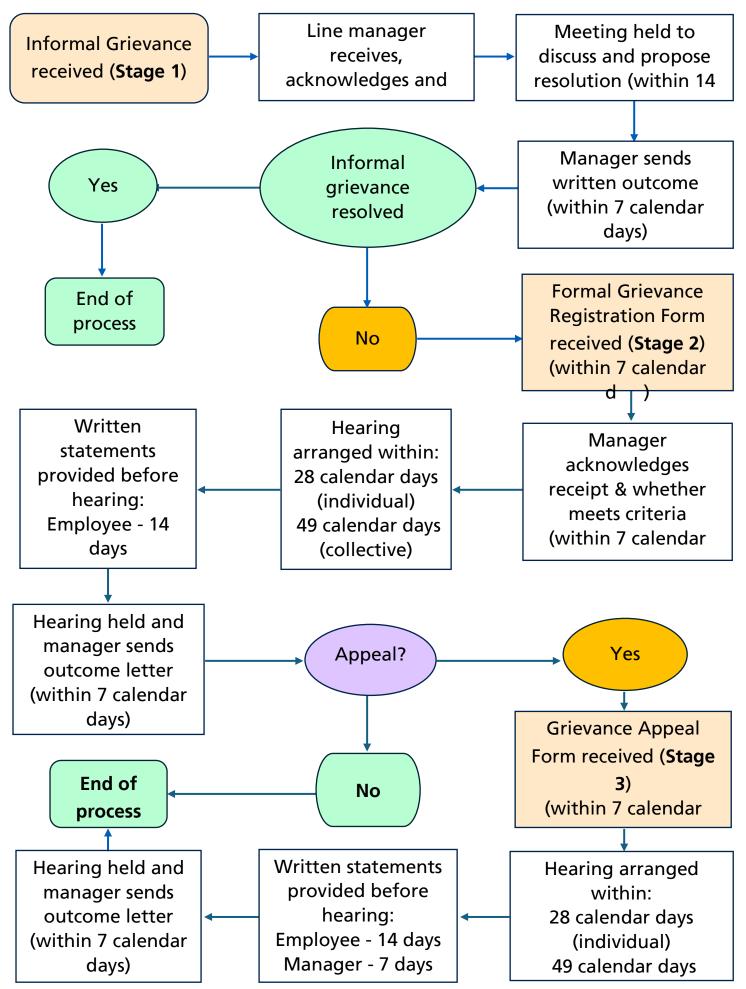
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Grievance matter	Suggested hearing panel* (Stage 2)	Suggested appeal panel* (Stage 3)
may be outside the control of the Trust.		
Matter which could result in significant financial implications for the Trust.	Deputy Director	Executive Director with senior member of Finance Department
Matter relating to locally agreed terms and conditions where there is a possibility that Trustwide changes may be required.	Head of Service, Senior Manager at a Band 8b / 8c.	More senior manager
Matter relating to the application of national or locally agreed terms and conditions of service or workplace issues.	Line Manager	More senior manager
Matter relating to potential serious health and safety infringement.	Head of Service, Senior Manager at a Band 8b / 8c and H&S Specialist.	Deputy Director or Director

A Cultural Inclusion Agent will be present at the hearing where appropriate to provide independent advice and guidance to all parties.

^{*} Job titles are not definitive but are provided as an example.

Appendix B - Grievance Flowchart



Appendix C

Equality Impact Assessment

EIA Cover Sheet				
Name of process/policy Grievance Policy				
Is the process new or existing? If existing, state policy reference number	Existing (POL087)			
Person responsible for process/policy	HR			
Directorate and department/section	People Services			
Name of assessment lead or EIA assessment team members	HR Policy Subgroup			
Has consultation taken place? Was consultation internal or external? (please state below):	Internal consultation through HF Subgroup members	R Policy		
	Guidelines			
	Written policy involving staff and patients	X		
	Strategy			
The assessment is being made	Changes in practice			
on:	Department changes			
	Project plan			
	Action plan	X		
	Other (please state)			

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Equality Analysis

What is the aim of the policy/procedure/practice/event?

The purpose of this policy is to outline the procedure for grievances, the roles of those involved and the support that is available to employees, to ensure the application of the policy is fair, equal and in no way discriminatory, and observe current employment legislation, the ACAS Code of Practice on Discipline and Grievance Procedures and the ACAS Guide to Discipline and Grievances at Work.

Who does the policy/procedure/practice/event impact on?

Race	\boxtimes	Religion/belief	\boxtimes	Marriage/Civil	\boxtimes
				Partnership	
Gender	\boxtimes	Disability	\boxtimes	Sexual orientation	\boxtimes
Age	\boxtimes	Gender re-	\boxtimes	Pregnancy/maternity	\boxtimes
		assignment			

Who is responsible for monitoring the policy/procedure/practice/event? **HR**

What information is currently available on the impact of this policy/procedure/practice/event?

All ER cases, including all grievances are recorded on the ER Tracker and monitored accordingly. The ER Tracker is used to assess trends and timescales. From the available information there is no negative impact.

Do you need more guidance before you can make an assessment about this policy/procedure/ practice/event? **No**

Do you have any examples that show that this policy/procedure/practice/event is having a positive impact on any of the following protected characteristics? Yes/No, if yes please provide evidence/examples:



Race	\boxtimes	Religion/belief		Marriage/Civil	
Gender		Disability	\boxtimes	Partnership Sexual orientation	
		Disability Gender re-			
Age		assignment		Pregnancy/maternity	
		assignment			
Please pro	vide e	vidence:			
This policy	y is c	lesigned to be inclu	sive	of all employees, and	the
•		• .		e attendance of a Cul	
	\gent	to provide independ	dent	advice and guidance w	here
required.					
	•	•	•	ocedure/practice/event o	ould
_		•		owing characteristics?	
Yes/No, it	so, ple	ease provide evidence	e/exa	mples: No	
Race		Religion/belief		Marriage/Civil	
110.00				Partnership	
Gender		Disability		Sexual orientation	
Age		Gender re-		Pregnancy/maternity	
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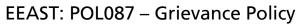


Evaluation Monitoring Plan/how will this be monitored?
Who – see Monitoring Table
How
Ву
Reported to



Appendix D - Monitoring Table

What	Who	How	Frequenc y	Evidence	Reporting arrange-ments	Acting on recommendations	Change in practice and lessons to be shared
Audit of employee experience, and that the policy and procedure is being applied consistently, fairly and accurately for all who raise a grievance.	Head of Employee Relations	Monitor ER Tracker data	Annually or as required	ER Tracker audits and reports.	Reported to and discussed at People Committee where required	Head of Employee Relations with the Head of HR People Partnering will address any actions or changes required.	Any change in practice will be identified and: • process updated with ER Team and HR People Partnering team • HRBP, ER and line manager training implemented • policy updated where required.



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