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Which Principles of the NHS Constitution Apply? 1,3,7 Principles		Which Staff Pledges of the NHS Constitution Apply? 1,2,3,4,6,7 Staff Pledges	
Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion and Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy & Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination? Yes			
Document for Public Display: Yes			
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BEHAVIOURAL STANDARDS FRAMEWORK

To help create a great place to work and a great place to be cared for, it is essential that our Trust policies, procedures and processes support our values and behaviours. This document, when used effectively, can help promote a workplace culture that values the contribution of everyone, shows support for staff as well as patients, recognises and celebrates the diversity of our staff, shows respect for everyone and ensures all our actions contribute to safe care and a safe working environment - all of which are principles of our Behavioural Standards Framework.

Behavioural Standards Framework – Expectations ‘at a glance’

Introduce yourself with #hello my name is... 	Value the contribution of everyone	Share learning with others
Be friendly and welcoming	Team working across all areas	Recognise diversity and celebrate this
Respect shown to everyone	Seek out and act on feedback	Ensure all our actions contribute to safe care and a safe working environment
Put patients at the centre of all we do	Be open and honest	For those who supervise / manage teams: ensure consistency and fairness in your approach
Show support to both staff and patients	Communicate effectively: listen to others and seek clarity when needed	Be proud of the role you do and how this contributes to patient care

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Grievance and Resolution Policy on a Page

Remember!

- **Before commencing the formal stages of this policy, individuals are encouraged to attempt to resolve matters informally.**
- Matters needing resolution should not be raised to punish or apportion blame to another. Where malicious allegations are found to have occurred, action may be taken in line with the Trust's Disciplinary Policy.
- For any matters in the workplace that employees need to speak to someone in confidence, they can contact one of the Respect Champions or the Freedom to Speak Guardian.

Procedure for resolving employee concerns

The Trust's Behavioural Standards Framework defines clear expectations about behaviours at work that contribute to delivering "a great place to be cared for and a great place to work". Employees should ensure all their actions contribute to a safe, respectful and professional working environment at all times.

There are 3 routes of resolving employee concerns:

- **Early Resolution:** Manager and employee should jointly complete a resolution assessment (see Appendix 2 of the policy). The options available at the early resolution stage are:
 - ***Resolution Meeting*** held between the manager and employee to discuss the matter
 - ***Mediation*** led by an impartial and trained mediator; mediation is voluntary and confidential
 - ***Facilitated Meeting*** confidential discussion led by a senior manager/union or Workforce rep
- **Formal Resolution:** It should not be used until all avenues of Early Resolution have been attempted, or unless this has been agreed by a Workforce Business Partner. The options available at the formal resolution stage are:
 - ***Investigation***
 - ***Formal Resolution Hearing***

Responsibilities of Managers

- To encourage a culture and climate in which employees feel able to raise matters needing resolution without the fear of repercussion or detriment
- To encourage the resolution of a matter at an informal level
- To notify the Workforce team when extra support and advice is required
- To deal with raised matters promptly, fairly and confidentially in line with the Grievance and Resolution policy aiming for a resolution

Responsibilities of Employees

- To try and resolve any matters as quickly as possible
- To raise matters needing resolution within 3 months from becoming aware of the issue
- Trade Union Representation is encouraged at any stage during the process. Employees are responsible for arranging their own trade union representation at meetings that may take place in line with this policy

Appeal

Where employees are not satisfied with the outcome at formal resolution hearing, they may appeal with writing to the Head of Workforce within 14 working days of the outcome being communicated to him/her.

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1. SUMMARY

1.1 The University Hospitals of Morecambe Bay (the Trust) strives to be “a great place to be cared for; a great place to work” and an organisation which provides quality, compassionate care and supports its staff.

1.2 The Trust is committed to ensuring that there is mutual respect and understanding with all of our employees and this policy has been drawn up in accordance with the Employment Act 2008 and ACAS Code of Practice and guidance.

1.3 The Trust’s Behavioural Standards Framework (see Section 6 for link) defines clear expectations about behaviours at work that contribute to delivering “a great place to be cared for and a great place to work”. Employees of the Trust should ensure all their actions contribute to a safe, respectful and professional working environment at all times

1.4 This policy recognises that employees may encounter matters needing resolution in relation to their terms and conditions of service or working conditions and the Trust wishes to support staff and managers to work together to resolve such matters in a timely manner to secure constructive and lasting solutions.

1.5 The Trust is committed to Partnership working and this policy has been developed in collaboration with Trade Unions/professional organisations.

1.6 This policy supersedes any previous Trust Grievance policies and guidelines.

2. PURPOSE

2.1 This policy aims to bring an adequate and constructive resolution for all employees where a member of staff has issues relating to an employment matter.

2.2 It aims to support current employees to resolve concerns in the workplace at the earliest possible opportunity and offers a range of options for resolving concerns to the satisfaction of those involved.

3. SCOPE

3.1 This policy applies to all current employees of the Trust and should be read in conjunction with the terms and conditions of employment.

4. POLICY

4.1 Procedural Boundaries

4.1.1 Matters needing resolution should not be raised to punish or apportion blame to another. Where malicious allegations are found to have occurred, action may be taken in line with the Trusts Disciplinary Policy (see Section 6 for link).

4.1.2 There may be other matters needing resolution that employees may wish to raise, the following are examples which are not appropriate for this policy and should be managed using alternative policies/processes:

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Matters needing resolution	Resolution options
a. to appeal an outcome of the Supporting and Addressing Behaviours Policy	these should be managed in line with the Trusts Supporting and Addressing Behaviours Policy / Maintaining High Professional Standards
b. To raise a complaint relating to behaviours displayed by another employees, bullying, harassment or victimisation	these should be managed in line with the Trusts Behavioural Standards Framework or the Trusts Dignity and Respect at Work Policy
c. concerns regarding safety, quality or suspected wrongdoing (whistleblowing)	these should be managed in line with the Trusts Freedom to Speak up Policy
d. the rules of the pension schemes of which the employees of the Trust are members	complaints of this nature should be directed to the NHS Pensions Agency
e. where concerns are raised collectively by an appropriate representative or appropriate representatives on behalf of more than one member of staff	These should be dealt with in line with the Collective Resolutions process outlined in section 4.3 of this policy
f. to raise concerns that are more than three months after the incident or action	Inclusive discussion to be had in partnership to agree that there are exceptional circumstances
g. Formal Resolution should not be used if an employee has not made a reasonable attempt to resolve matters through Early Resolution	The Trust recognises that in some exceptional circumstances it may be appropriate to escalate straight to formal resolution. Inclusive discussion to be had in partnership to agree that there are exceptional circumstances

4.2 Duties and Responsibilities

4.2.1 Responsibilities of the Manager

- It is the responsibility of managers to develop a culture and climate in which employees feel able to raise matters needing resolution without the fear of repercussion or detriment
- Managers must encourage the resolution at an informal level
- Managers must notify the Workforce team of matters they intend to support and resolve in line with this policy
- Managers must deal with matters needing resolution promptly, fairly and confidentially in line with this policy

4.2.2 Responsibilities of the Employee

- Employees should attempt to resolve any workplace matters they may have as quickly as is reasonably practicable and as near to the source as possible
- It is the responsibility of individual employees to raise matters needing resolution

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within 3 months from becoming aware of the issue, unless in exceptional circumstances (outlined above in section 4.1.2 g)

- Any workplace matters raised in line with this policy should be in accordance with the procedural boundaries contained in section 4.1
- Trade Union Representation is encouraged at any stage during the process. Employees are responsible for arranging their own trade union representation at meetings that may take place in line with this policy

4.2.3 Responsibilities of the Workforce Team

- The Workforce team will refer to the Trusts Behavioural Standards Framework when providing support and guidance to staff and managers
- The Workforce team will provide confidential advice and support to employees and managers in line with this policy, whilst maintaining consistent standards throughout the Trust.

4.2.4 Responsibilities of the Trade Union Full Time Official / Representative

- Trade Union representatives will advise employees to use the appropriate policy as outlined by section 4.1.2 of this policy

4.3 The Procedure for Resolving Employee Concerns

Employees are encouraged to raise matters needing resolution at the time of the incident and with the person(s) concerned. Where this is not possible employees should raise their issues with the line manager.

There are three routes of resolution available through this policy, these include:

- Early resolution
- Formal resolution
- Appeal

A flowchart illustrating these stages is detailed in appendix 1

4.3.1 Early Resolution

Before commencing the formal stages of this policy, individuals are encouraged to attempt to resolve matters informally. This would normally involve raising the matter in writing with their line manager and jointly completing a resolution assessment (appendix 2) where there will be discussion on the range of options available at the early resolution stage,

Following completion of the resolution assessment there are a range of options available for the early resolution of matters, these are:

Resolution meeting - The resolution meeting is an early attempt to identify and resolve matters providing an opportunity for managers, employees and colleagues to discuss situations in a supportive, constructive and empathetic forum.

Most workplace matters can be resolved at the resolution meeting stage. Managers should be trained to be competent in conflict resolution, resolution skills and how to facilitate

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resolution meetings.

Mediation – To initially devise a meeting with the aggrieved employee and the mediator to discuss issues and look at the available/relevant options going forward. Mediation is a non-adversarial way of resolving difficult situations. The mediator is an impartial third party, they will be a Trust employee who has received appropriate mediation training in order to deal with such matters confidentially and impartially.

The mediator helps two or more parties to have an open and honest dialogue, with the aim of identifying a mutually acceptable resolution.

Mediation is different because it is about collaborating rather than blaming. Any agreement made during mediation comes from the staff involved, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. Mediation is both voluntary and confidential.

A list of trained mediators can be found on the Workforce Engage and Involve intranet page. It is the manager's responsibility to liaise with workforce to identify a mediator in a timely manner, where this proves to be difficult the manager should liaise with their workforce representative.

Facilitated meeting - The facilitated meeting may be led by a senior manager, a union official or a Workforce representative. The facilitated meeting is a confidential discussion between all parties which draws on the similar principles to mediation. Facilitated meetings can be used to bring parties together at an early stage of the dispute.

The facilitator acts neutrally and creates the conditions for dialogue. The facilitator encourages the parties to engage in a constructive dialogue and to listen actively.

It is a solution focussed process with the aim of helping the parties to identify the actual issue and idea of resolution.

4.3.2 Collective Resolutions

When more than one staff member within one area is aggrieved about the same issue, the procedure outlined in this policy will still apply. If a group of staff are involved, they must nominate agreed representatives (up to a maximum of 3) to represent them at any stage during the procedure. This is in addition to a Trade Union Representative which they may choose to accompany them.

The group in question must have a common issue relating to an employment matter.

Where a collective issue relates to a decision sanctioned by the Executive Directors / Trust Board, the facility will be available to refer the case directly to Formal Resolution

4.3.3 Status Quo

When a grievance is raised by an employee or group of employees, the status quo (i.e. the conditions of prevailing prior to the grievance being raised) will be applied by both management and employees, unless the continuance of status quo would contravene statutory requirements or terms and conditions.

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A condition of status quo is continuous engagement in the grievance and resolution process which will be reviewed in partnership on a monthly basis. There will be a quarterly escalation to Head of Workforce and Staff Side Executive together with the union representative engaged in the grievance arbitration, they will review the effectiveness of the process in partnership.

4.3.4 Formal Resolution

As outlined in the procedural boundaries (section 4.1) Formal Resolution should not be used until all avenues of Early Resolution have been attempted, or unless this has been agreed by a Workforce Business Partner.

Individuals must submit their matters needing resolution to their line manager (or next appropriate manager where this is required) in writing, outlining the details of their concerns and how they have attempted to resolve these utilising the Early Resolution options outlined in this policy.

Once the formal letter outlining matters needing resolution has been received the employee(s) concerned will receive an acknowledgement letter stating if the decision has been taken to progress to investigation, outlining the name of the case officer appointed, within 7 working days terms of reference will follow detailing timescales for the investigation. If the decision is taken not to progress to an investigation the employee(s) concerned will be contacted in writing within 7 working days to agree a date.

Should any of the timelines not be able to be achieved the employee(s) will be notified.

Investigation - When employees have a matters that they feel have not been resolved satisfactorily through all options available at Early Resolution, following agreement with the Workforce Business Partner the manager may decide to commission and investigation.

An investigating officer will be appointed to investigate the concerns, who will be supported by a member of the Workforce team. This investigating officer should be of an appropriate management level, and be able to investigate in a fair and unbiased way

If an investigation is deemed suitable and necessary, the Investigating Officer will follow the investigation process and guidelines accompanying the Trusts Supporting and Addressing Behaviours Policy. The key purpose of the investigation is to discover all the relevant facts and information in a fair, reasonable and objective manner.

Once an investigation is completed this will result in the production of a report. The investigation report will be shared with the employee at least 7 working days prior to the formal resolution hearing.

Formal Resolution Hearing - At the formal resolution hearing the employee will be provided with an opportunity to explain matters that need resolution and how they believe it can be realistically resolved.

The Panel Chair for the formal resolution hearing will usually consist of a Divisional General Manager, Head of Service, Assistant Chief Nurse or equivalent, and will be supported by an appropriate Workforce representative.

The formal resolution hearing panel (Chair and Workforce representative) will adjourn to

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consider the evidence presented and reconvene outlining the chairs decision and recommendations on how to resolve the matters.

The outcome of the formal resolution hearing will be confirmed at the end of the meeting and this decision will be followed up in writing within 7 working days of the formal resolution hearing.

The employee will have the right to appeal the outcome of the formal resolution hearing. This should be made clear to the employee at the outset and confirmed in writing.

If the concerns relate to the Trust Board the panel should consist of the Head of Service, or Assistant Chief Nurse, or Clinical Director or Divisional General Manager or equivalent and supported by an appropriate Workforce representative

4.4 Appeal

Where the employee is not satisfied with the outcome at formal resolution hearing, s/he may submit an appeal, in writing, to the Head of Workforce. The appeal should be submitted, in writing within 14 working days of the outcome of the formal resolution hearing. The appeal should clearly state the grounds of the appeal, i.e. the basis on which the employee states that the resolution, recommendations and decision were not acceptable.

The Head of Workforce will refer the appeal to the appropriate next level of senior management / executive director and a Trade Union representative from another union and appropriate Workforce representative, as detailed in the scheme of delegation outlined in appendix 3. The employee would have the right to challenge the composition of the appeal panel to the Head of Workforce stating the reasons for their objection.

If the concerns relate to the Trust Board the panel should consist of the Head of Service, or Assistant Chief Nurse, or Clinical Director or Divisional General Manager or equivalent and supported by an appropriate Workforce representative.

The Trust is able to adapt the procedure in circumstances that are necessary to make the procedure more suitable to the particular circumstances of the case. However, any deviation from this procedure will be agreed with the relevant employee and if they are represented, with the relevant Trade Union representative.

Following the conclusion of the appeal hearing, including any further investigations, the appeal chair will respond, in writing within 7 working days. This will detail the outcome.

The Chair will share detailed recommendations in writing with the appropriate personnel.

The decision of the appeal panel is final.

There will be no further rights of appeal.

5. ATTACHMENTS	
Number	Title
1	Equality & Diversity Impact Assessment Tool

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6. OTHER RELEVANT / ASSOCIATED DOCUMENTS	
Unique Identifier	Title and web links from the document library
Corp/Pol/078	Behavioural Standards Framework http://uhmb/cs/tpdl/Documents/CORP-POL-078.pdf
Corp/Pol/048	Disciplinary Policy http://uhmb/cs/tpdl/Documents/CORP-POL-048.docx
HR1	Dignity and Respect at Work http://uhmb/cs/tpdl/Documents/HR1.docx
Corp/Pol/112	Freedom to Speak Up – Raising Concerns http://uhmb/cs/tpdl/Documents/CORP-POL-112.docx

7. SUPPORTING REFERENCES / EVIDENCE BASED DOCUMENTS	
References in full	
Number	References
1	Great Britain (2008) Employment Act 2008. Available from: http://www.legislation.gov.uk/ukpga/2008/24 (accessed 8.5.17)
2	ACAS (2015) Discipline and grievance - ACAS Code of Practice. Available from: http://www.acas.org.uk/index.aspx?articleid=2174 (accessed 8.5.17)
3	

8. DEFINITIONS / GLOSSARY OF TERMS	
Abbreviation or Term	Definition

9. CONSULTATION WITH STAFF AND PATIENTS		
Enter the names and job titles of staff and stakeholders that have contributed to the document		
Name	Job Title	Date Consulted
Policy Document Group		10/03/2017
JWG		
JLNC		
Staff Side Team		13/12/2018
Workforce Team		13/12/2018

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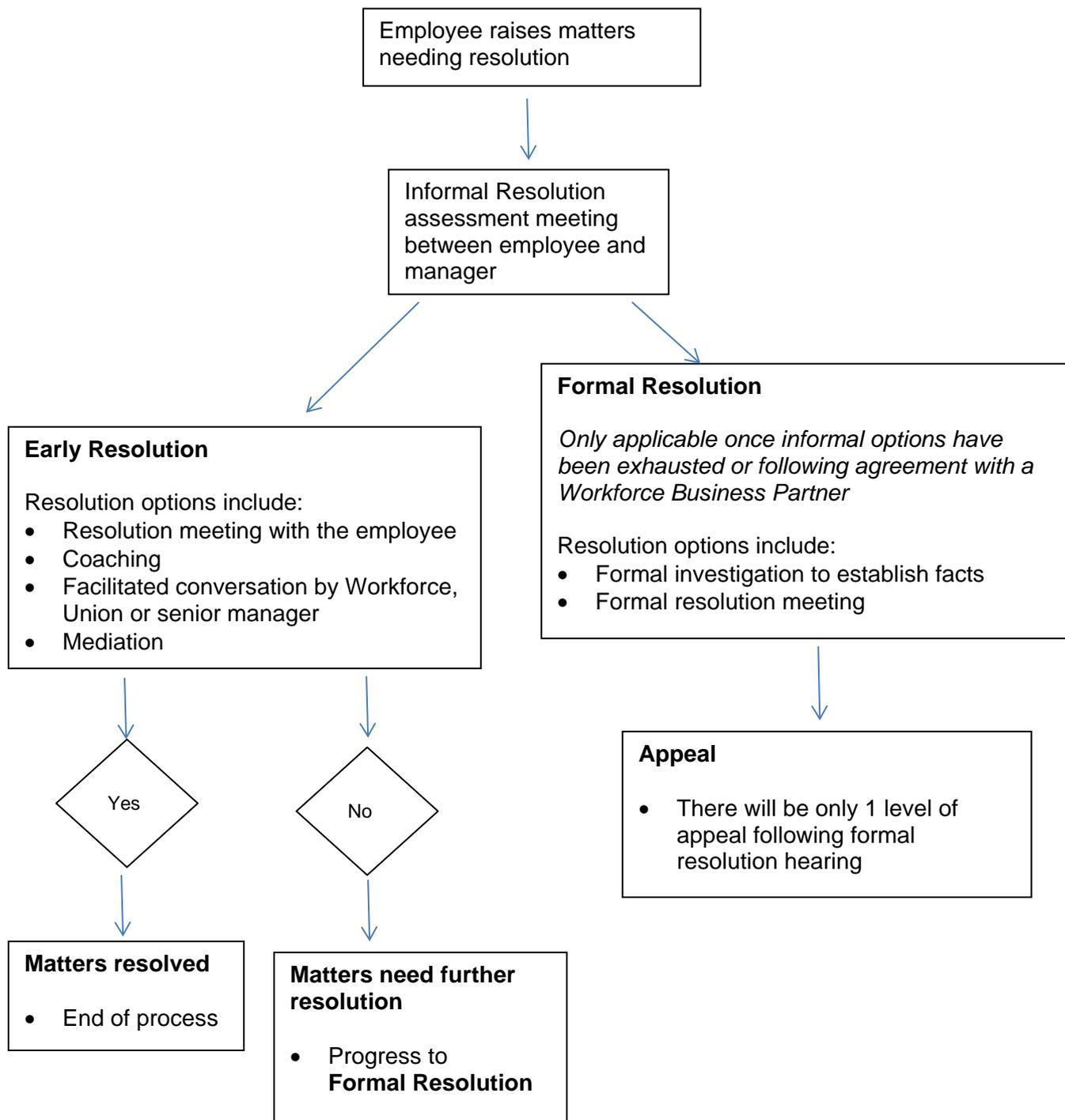
10. DISTRIBUTION PLAN	
Dissemination lead:	Workforce team
Previous document already being used?	Yes
If yes, in what format and where?	Grievance Policy
Proposed action to retrieve out-of-date copies of the document:	
To be disseminated to:	
Document Library	Yes
Proposed actions to communicate the document contents to staff:	Include in the UHMB Friday Corporate Communications Roundup – New documents uploaded to the Document Library Communication through DMT's and Management meetings

11. TRAINING		
Is training required to be given due to the introduction of this policy? Yes		
Action by	Action required	Implementation Date
Workforce team / Staff Side representative	Guidance / training sessions	

12. AMENDMENT HISTORY				
Version No.	Date of Issue	Page/Selection Changed	Description of Change	Review Date
1	1.9.10	Section 14.2	Section added	May 2013
2	1.9.10	Appendix A	Appeal procedure updated	
3	1.9.10	Appendix B	Flow chart of the process.	
3.1	20/04/2016	Page 1	Review date extended to 01/10/2016	01/10/2016
3.2	25/09/2016	Page 1	Review Date extended to 01/10/2017	01/10/2017
4	17/05/2017	Throughout	Full update	01/03/2020
4.1	05/07/2017	Page 3	Added Policy on a Page	01/03/2020
4.2	25/10/2017	Page 3	BSF page added	01/03/2020
4.3	25/01/2019	Section 4.3.3	Revised Status Quo Statement	01/03/2020

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Appendix 1: The Resolution Procedure



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Appendix 2: Resolution Assessment

- The resolution assessment is an opportunity for the manager to meet informally with the employee to identify the most suitable route to resolution. Managers should refer to section 4.1 of this policy for the procedural boundaries to ensure that concern(s) are managed by the most appropriate route / Trust policy
- During this meeting, emphasis should be placed on early resolution and the employee should be provided with suitable information about the resolution options
- Managers may feel it appropriate to offer support to the employee following the resolution assessment. This support may be provided through a Trade Union (if not already accompanied at the resolution assessment meeting) or the Occupational Health and Wellbeing Service
- If the manager determines that the matters need Formal Resolution that manager shall forward the evidence to the Workforce Business Partner to verify this decision. Once this has been verified the decision is final
- The Workforce Business Partner will confirm they have verified the manager's decision back to the manager who made the referral, and the manager will confirm the decision in writing to the employee

Examples of criteria and suggested resolution options for consideration as part of the resolution assessment are outlined in the Table below:

What is the nature of the issue	Resolution options
a) Is this the first time that the issue has been raised?	Arrange an informal resolution meeting with the employee to assess the options and to secure a resolution
b) Does the dispute involve you as a line manager?	If the employee agrees, arrange an informal resolution meeting with employee to assess the options and to secure a resolution <i>or</i> Refer to your line manager for a facilitated meeting, mediation or coaching
c) Is the dispute between more than two parties?	Discuss the options of a facilitated meeting <i>or</i> referral for mediation
d) Is the issue a relationship breakdown between two or more colleagues?	Discuss the options of a facilitated meeting <i>or</i> referral for mediation
e) Does the issue contain allegations of bullying, harassment or misconduct?	Refer to appropriate Trust policy For example: Behavioural Standards Framework, Addressing Behaviours Policy; Maintaining High Professional Standards Policy; Freedom to Speak up Policy; Dignity and Respect at Work Policy

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EQUALITY IMPACT ASSESSMENT FORM

Department/Function	Workforce			
Lead Assessor	Rae Cowley			
What is being assessed?	Grievance and Resolution Policy			
Date of assessment				
What groups have you consulted with? Include details of involvement in the Equality Impact Assessment process.	Equality of Access to Health Group	<input checked="" type="checkbox"/>	Staff Side Colleagues	<input checked="" type="checkbox"/>
	Service Users	<input checked="" type="checkbox"/>	Staff Inclusion Networks	<input checked="" type="checkbox"/>
	Personal Fair Diverse Champions	<input checked="" type="checkbox"/>	Other (Inc. external orgs)	<input checked="" type="checkbox"/>
	Please give details: BAPIO Leads			

1) What is the impact on the following equality groups?		
Positive:	Negative:	Neutral:
<ul style="list-style-type: none"> ➤ Advance Equality of opportunity ➤ Foster good relations between different groups ➤ Address explicit needs of Equality target groups 	<ul style="list-style-type: none"> ➤ Unlawful discrimination, harassment and victimisation ➤ Failure to address explicit needs of Equality target groups 	<ul style="list-style-type: none"> ➤ It is quite acceptable for the assessment to come out as Neutral Impact. ➤ Be sure you can justify this decision with clear reasons and evidence if you are challenged
Equality Groups	Impact (Positive / Negative / Neutral)	Comments
Race (All ethnic groups)	Neutral	<ul style="list-style-type: none"> ➤ Provide brief description of the positive / negative impact identified benefits to the equality group. ➤ Is any impact identified intended or legal?
Disability (Including physical and mental impairments)	Negative	Members of staff who have difficulties in reading and understanding the content of the policy may need additional support This is not intentional and action will be taken as outlined in section 3 to address this
Sex	Neutral	
Gender reassignment	Neutral	
Religion or Belief	Neutral	
Sexual orientation	Neutral	
Age	Neutral	
Marriage and Civil Partnership	Neutral	
Pregnancy and maternity	Neutral	
Other (e.g. caring, human rights)	Neutral	

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2) In what ways does any impact identified contribute to or hinder promoting equality and diversity across the organisation?	None
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3) If your assessment identifies a negative impact on Equality Groups you must develop an action plan to avoid discrimination and ensure opportunities for promoting equality diversity and inclusion are maximised.
➤ This should include where it has been identified that further work will be undertaken to further explore the impact on equality groups
➤ This should be reviewed annually.

Action Plan Summary

Action	Lead	Timescale
Any member of staff having difficulties reading and understanding the content of this policy will be offered support to explain the processes outlined in this policy by appropriate Personnel	Rae Cowley	31/03/2017

This form will be automatically submitted for review for Policies and Procedures once approved by Policy Group. For all other assessments, please return an electronic copy to EIA.forms@mbht.nhs.uk once completed.

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