NHS
Kernow
Clinical Commissioning Group

Grievance and dignity at work policy

Date approved: 18 May 2021

This policy was adopted by NHS Cornwall and Isles of Scilly Integrated Care Board (ICB) on 1 July 2022.

We are working to change the branding on our policies and to make sure they are accessible.

We intend to complete this work by 1 April 2023. While this work is underway, all references to NHS Kernow, the CCG and related structures should be taken to relate to the ICB.

This policy may not be suitable for users of assistive technology. If you use assistive technology (such as a screen reader) and need a version of this document in a more accessible format, please email ciosicb.corporategovernance@nhs.net. Please tell us what format you need. It will help us if you say what assistive technology you use.

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3	March 2021	Jo Tomlinson	More reference to support provided for colleagues involved in the process. Specific reference to ghosting and gas lighting as example as unacceptable behaviour.
1	January 2021	Tricia Phillips	Reviewed and grievance and dignity of work policy amalgamated. Moved to accessible format.
1	December 2015	Jayne Marsh	Minor update

Contents

1. Introduction 5
2. Purpose 5
3. Definitions 5
   - Grievance 5
   - Collective grievance 5
   - Mediation 6
   - Harassment 6
   - Protected characteristics 6
   - Bullying 6
   - Victimisation 7
   - Gas lighting 7
   - Ghosting 7
4. Responsibilities 7
   - Board members and senior managers 7
   - Managers 7
   - People and organisational development 8
   - Individuals 8
   - Commissioning responsibilities 9
5. Policy statement 9
6. Detailed process information 10
   - Making the complaint 11
   - Investigation 11
   - Formal process 11
   - Grievance hearing 12
   - Making an appeal 12
   - Appeal hearing 12
   - Appeal outcome 12
   - Accessibility 13
   - Conducting the grievance procedure 13
   - Disclosing information 13
   - Anonymous witnesses 13
   - Ill health or absence 13

Disciplinary policy 14
7. Special measures 14
Venue 14
Representation 14
Written representations 15
Documentation 15
Timings 15
8. Collective grievances 15
9. Dignity at work process 16
Informal process 16
Line manager supported meeting for dignity at work 16
10. Unacceptable behaviour from the member of public 17
11. Update and reviews 17
12. Implementation plans and monitoring effectiveness 17
13. Policies referred to in this document 17
Appendix 1: Equality impact assessment 18
Aims, objectives and purpose 18
Differential impacts 18
Perspective of race, nationality and/or ethnic origin 18
Perspective of sex 19
Perspective of disability 19
Perspective of sexual orientation 19
Perspective of age 20
Perspective of religion or belief 20
Perspective of marriage and civil partnership 20
Perspective of gender re-assignment 21
Perspective of pregnancy and maternity 21
Other identified groups 21
Human rights values 22
Public Services (Social Value) Act 2012 22

1. Introduction

NHS Kernow Clinical Commissioning Group (NHS Kernow), together with trade unions and professional organisations, is committed to providing a healthy working environment where all colleagues are treated with dignity and respect. The organisation aims to value diversity and promote inclusion for all colleagues. As part of this overall commitment, we want to promote an inclusive culture in which all colleagues have the right to be treated with dignity and respect at work, where bullying and harassment is not tolerated. We want colleagues to feel safe to speak out and discuss any matters of concern without fear of reprisal.

2. Purpose

The purposes of this policy are to explain the nature of a grievance, so that colleagues understand the circumstances in which the grievance procedure should be used and to confirm NHS Kernow's approach towards grievances. To provide a framework within which colleagues can raise their concerns formally and have them resolved promptly and fairly.

It also aims to minimise the risk of bullying, harassing and victimising behaviour and encourage a proactive approach to the early recognition of such behaviour so that conflicts can be resolved effectively and speedily if they occur. It also clarifies the difference between acceptable and unacceptable interventions and behaviours.

This policy applies to everyone who works for NHS Kernow regardless of their contract type.

This policy does not address whistleblowing. This is addressed specifically by NHS Kernow's whistleblowing policy and procedure.

3. Definitions

Grievance

A cause for complaint, usually, but not always, about unfair treatment or bullying and harassment.

Collective grievance

A complaint presented by 2 or more colleagues.

Mediation

A voluntary and confidential form of alternative dispute resolution. It involves an impartial third party helping 2 or more individuals or groups reach a solution that is acceptable to everyone concerned.

Harassment

Harassment as defined in the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Protected characteristics

Protected characteristics include:

- age
- disability
- gender reassignment
- race
- religion or belief
- sex
- sexual orientation
- marriage and civil partnership
- pregnancy and maternity

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic, when in fact they do not. An example of this is where there is a perception that they are gay or disabled. Similarly, harassment could take place where an individual is harassed because of another person with whom the individual is connected or associated. Examples of this would include if their child were disabled, partner is pregnant, or friend holds devout religious beliefs.

Bullying

Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

Victimisation

Victimisation occurs when an individual is treated less favourably because they have made an allegation or are witness to an allegation or are supporting a colleague in making a complaint.

Gas lighting

Gas lighting is manipulating someone by psychological means into doubting their own sanity.

Ghosting

Ghosting is the practice of ending a personal relationship with someone by suddenly and without explanation withdrawing from all communication.

4. Responsibilities

Board members and senior managers

- Providing an environment where colleagues can raise concerns constructively.
- Setting out organisational values which support a positive working environment.
- Actively seeking assurance that the policy is followed.
- Providing active support for those managing allegations of bullying and harassment.
- Setting the example of treating others with dignity and respect.
- Actively seeking to support timely investigations.

Managers

- Treating colleagues fairly and equitably.
- Responding to formal and informal complaints as quickly as reasonably practicable.
- Ensuring reference to NHS Kernow's values and policies.
- Making attempts to resolve all issues that arise, informally in the first instance.
- Contacting the people and organisational development (POD) team if informal resolution is not successful.
- Dealing with issues proactively, as they arise in 1 to 1's.
- Setting a good example by their own behaviour.
- Conducting thorough investigations into grievance when appropriate.
- Chairing grievance hearings when appropriate.

In addition, managers should support colleagues by:

- making sure that colleagues know the standards of behaviour expected of them
- intervening to stop bullying or harassment

- ensuring support is available for any colleague affected
- ensuring that there is a supportive working environment
- reporting any complaint promptly to POD

People and organisational development

The POD team is responsible for advising anyone who feels they have a concern. They can provide mediation or facilitate meetings as necessary and offer advice about the resolution of informal or formal grievances or complaints relating to dignity and respect at work.

In the event of a formal grievance, POD can advise about:

- the applicable procedure and compliance with it
- compliance with timescales
- the strength of the evidence
- whether any further enquiries may be necessary or useful
- the remedies and recommendations that may be available to a manager
- whether the proposed outcome is reasonable in all circumstances

Individuals

- Behaving in accordance with NHS Kernow values and behaviours.
- Considering and communicating what action or outcome they are seeking.
- Being clear about whether their grievance is formal or informal.
- Treating colleagues with dignity and respect.
- Taking a stand if they think inappropriate jokes or comments are being made.
- Intervening where appropriate to stop harassment or bullying.
- Supporting those who are being bullied or harassed.
- Making it clear that they find harassment and bullying unacceptable.
- Seeking support if required.

Being managed or supervised, having conversations and or receiving feedback about performance and taking part in appraisals and 1 to 1 meetings are normal management processes. They are not normally a cause for complaint unless an individual feels they are being treated unfairly or differently to their colleagues.

All individuals should have an awareness of how their own behaviour may affect others and change it, if necessary. Words or actions could still be offensive, even if they are meant as a joke.

Where issues do arise, every attempt should be made to try and resolve them quickly and informally whenever possible.

It might not always be obvious to others that something they have said or done has caused offense. If anyone is offended by the action, language, or words of someone else, they should tell them as soon as possible.

All colleagues are responsible for reporting harassment or bullying to their manager or POD and supporting the organisation in the investigation of complaint. If a complaint of harassment or bullying is made, they must not prejudge and should never victimise the complainant or alleged perpetrator.

Commissioning responsibilities

In addition to directly engaged colleagues, it is NHS Kernow's responsibility to ensure that commissioned and independent contractors have arrangements in place to deal with grievances including those relating to bullying and harassment.

This requirement forms part of NHS Kernow's quality schedule, which is included within each of the key contacts and service level agreements. Contract monitoring and quality assurance processes will confirm that the individual independently contracted practices have arrangements in place to deal with complaints made by their own directly employed colleagues. The frequency of contract monitoring is recommended as monthly, in the department of health contract guidance.

5. Policy statement

NHS Kernow believes that all colleagues should be treated fairly and with respect. Anyone who is unhappy about the treatment they have received or about any aspect of their work, should discuss it in the first instance with their line manager or with the POD team if their manager is the cause of the complaint.

Grievances should be resolved at the earliest possible stage, but where attempts to resolve issues informally do not work, it may be appropriate to raise a formal grievance under this procedure.

It is important that the nature of any grievance is clearly set out and the outcome sought is indicated. During the formal stages of the grievance procedure everyone has the right to be accompanied at meetings, by an NHS Kernow colleague or a trade union representative.

Complaints that amount to an allegation of misconduct on the part of another colleague may be investigated and dealt with under the disciplinary policy and procedure at the most appropriate point.

Grievances may be concerned with a wide range of issues relating to employment. These might include the allocation of work, bullying and harassment, the working environment or conditions or pay or treatment by a colleague or manager.

If a complaint relates to bullying or harassment by another colleague, the matter will be taken seriously. Any colleague found to be involved in the harassment or bullying of another colleague may face disciplinary penalties, up to and including dismissal.

NHS Kernow will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Acts of violence, aggression, gas lighting and ghosting will also not be tolerated and will be dealt with through the disciplinary procedure.

Unacceptable behaviour from people outside of NHS Kernow should be managed with reference to the acceptable behaviour policy.

6. Detailed process information

The main steps in the process are:

- mediation (which can be requested by any party at any stage)
- making the complaint
- informal stage
- investigation
- formal stage

Mediation can be undertaken where both parties agree. Mediation can be requested by either party at any stage throughout this procedure with the agreement of both parties. Mediation can be from any source including the POD team, counselling, independent line manager. In some circumstances help from an external party such as the Advisory, Conciliation and Arbitration Service (ACAS) may be sought. An appropriate mediator will be identified with support from the POD team. This person will be independent from the parties concerned, with no stake in the outcome. Mediation does not impose a resolution but facilitates both parties to work together to come up with an agreed way forward. Mediation can:

- assist parties to clarify their issues and resolve their differences
- explore solutions and facilitate an agreement through collaborative problem solving
- acknowledge feelings as well as facts
- rebuild relationships for the future

Mediators do not provide advice but help with communication. All parties should be aware that should mediation be unsuccessful, or the agreement not maintained then there may be no option other than a formal investigation.

Making the complaint

If a complaint cannot be resolved informally, the individual may escalate it to the formal stage of the grievance process and should put their complaint in writing. This written statement will form the basis of any subsequent hearing and any investigations, it is important to set out clearly the nature of the grievance and indicate the desired outcome. A written grievance should be fact based and free from language that is insulting or abusive.

In most cases grievances should be dealt with by an immediate line manager. Nevertheless, if the line manager is the subject of a complaint, then the complaint may be sent to the next level manager. The POD team can advise anyone who is unsure who to contact with a complaint.

Colleagues may insist on the matter proceeding to a full grievance hearing should they feel that their complaint cannot be resolved satisfactorily at an informal level.

Investigation

Before proceeding to a full grievance hearing, it may be necessary to carry out investigations of any allegations made. This may involve accessing a colleague's personal file, although the confidentiality of the grievance process will be respected, wherever possible. In exceptional circumstances, any evidence given by individuals during an investigation may have to remain confidential. Where confidentiality is necessary, a summary of evidence will be presented that protects the identity of the individual.

Unlike a disciplinary issue, where it is advisable for different people to conduct the investigation and the hearing, the investigation can be conducted by the same manager hearing the grievance, although this does not have to be the case. The employer could decide to appoint another officer to investigate and prepare an investigation report. In such cases the manager may wish to produce terms of reference so that the investigating officer is clear on their remit.

Any information uncovered as part of a grievance investigation may be used as evidence to initiate disciplinary or capability and performance procedures.

Formal process

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings may be brought against the alleged harasser or other colleagues involved. Colleagues have the right to be accompanied by a work colleague or trade union representative at formal meetings. The manager hearing the grievance will decide on a balance of probabilities, after considering all available evidence, whether or not the grievance is upheld.

Grievance hearing

The hearing will be held as soon as is reasonably practicable, but all parties should be given 7 days' notice to attend a formal meeting.

Where appropriate it may be necessary to have a manager or responding party at the meeting. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

Following the meeting and providing that any further investigation is not necessary the colleague will be informed in writing of the outcome and told of any action that NHS Kernow proposes to take as a result of the complaint. They will, however, retain confidentiality to other parties where necessary. This will consist of an explanation of what action has been taken or will be taken, or an explanation that no action can be taken, along with the reasons for this.

In some circumstances the deciding manager may consider that this feedback is best delivered face to face, but this is not essential. In all cases the outcome will be confirmed in writing. It is important for colleagues raising a grievance to be aware that if, as a result of the grievance, disciplinary action is taken against another colleague, they will not be able to receive details of the outcome of any disciplinary hearing held.

Making an appeal

If a colleague is not satisfied with the outcome of the grievance hearing they may appeal. Any appeal should be made in writing to the manager who conducted the initial grievance hearing. It should clearly state the grounds of the appeal and should be submitted within 7 working days of the written notification of the outcome of the grievance.

Appeal hearing

An appeal hearing will be arranged as soon as reasonably possible. It will be chaired by an impartial manager and where appropriate this might be either a director, deputy managing director, managing director, or Governing Body member or chair depending on the position of the complainant and the nature of the complaint. They will consider the grounds that you have put forward and assess whether the conclusion reached in the original grievance hearing was appropriate. A member of the POD team may also be present at an appeal hearing and may be part of the decision-making panel.

Appeal outcome

The outcome of any appeal will be final and there will be no further right to challenge the decision made.

Accessibility

If any aspect of the grievance procedure causes difficulty on account of any disability, or if assistance is needed in the event of anyone not having English as a first language, the POD team should be informed and will make appropriate arrangements.

Conducting the grievance procedure

NHS Kernow recognises that a formal grievance procedure can be a stressful and upsetting experience for all parties involved. Everyone involved in the process is entitled to be treated calmly and with respect. NHS Kernow will not tolerate abusive or insulting behaviour from anyone taking part in or conducting grievance procedures and will treat any such behaviour as misconduct under the disciplinary procedure.

Disclosing information

Each party shall disclose any written evidence that will be referred to during the course of the appeal for prior distribution to the panel and each party.

Anonymous witnesses

An investigating officer can anonymise witness statements obtained during a grievance procedure. However, while there is no legal requirement to disclose the identity of witnesses, failure to do so undermines the colleague's right to challenge properly the evidence. The investigating officer should explore the witness's reasons for wishing to remain anonymous and decide whether it should disregard such evidence or not.

Ill health or absence

Circumstances may arise where a colleague is too ill to participate in the investigation, adequately prepare for a hearing or attend the hearing itself. Where this is the case, we will use a number of principles.

The first of these is that ill health of a colleague will not usually be a ground for stopping a grievance procedure. Secondly, where the absence is likely to be short, the chair or investigating officer will usually wait until the colleague recovers and is able to take a full part in the process Thirdly, when the absence is ongoing and it appears that the colleague is likely to remain off sick for an extended period, we'll require the colleague to cooperate with the occupational health department in determining whether or not he or she is sufficiently fit to take part in the grievance process. Fourthly, if, following consultation with the occupational health department it appears that the colleague is fit to take part in the grievance process, the process will continue, although the chair may at their discretion also take any of the steps listed in special measures. Fifthly, where it appears that the colleague is not fit to take a full part in the standard grievance procedure, the chair will consider taking any of the special measures.

If after taking into account the special measures, the colleague is still not able to attend, the chair should hold the meeting in their absence.

Disciplinary policy

Complaints about a disciplinary process should be dealt with as an appeal under the disciplinary procedure. Grievances raised by someone who is subject to disciplinary proceedings will usually be heard only when the disciplinary process has been completed. Insofar as a grievance has any bearing on the disciplinary proceedings, it can be raised as a relevant issue in the course of those proceedings in the first instance.

On occasion it may be considered appropriate to temporarily suspend the disciplinary or performance process to deal with the grievance if the allegation is so serious it would be unreasonable to proceed with the disciplinary or capability or performance proceeding.

If the grievance is unrelated to the disciplinary or capability or performance proceedings, there would normally be no reason for disciplinary or capability or performance proceedings to be postponed. Both proceedings should continue to run at the same time.

7. Special measures

NHS Kernow may, at its discretion, propose adjusting the standard grievance procedure by taking any or all the measures set out below with a view to ensuring the effective participation of the colleague in the grievance process.

Venue

We will consider holding the grievance hearing at a venue other than the organisation's premises, either to reduce the stress caused to the colleague by attending the hearing or to accommodate any physical needs that the colleague may have.

Representation

Where it appears that the colleague's illness may affect their ability to explain their case, we will consider any request that the colleague may have to be represented in the process by a colleague or union official. The representative may be allowed an expanded role in the process where this would assist the colleague in ensuring that their case is fully explained.

Written representations

Where the colleague may have difficulty in explaining their case, consideration will be given to allowing the colleague to rely on written representations, which may be prepared by a representative.

Documentation

NHS Kernow will take particular care to ensure that the colleague receives all documentation relating to the grievance process sufficiently in advance to allow them to prepare fully, taking into account any effect that the colleague's health may have on their ability to analyse the information and prepare a response.

Timings

While being committed to the principle that matters should be dealt with promptly, NHS Kernow may allow extra time for any stage of the grievance process to ensure that the colleague can participate effectively. Particular attention will be given to the duration of any grievance hearing and its impact on the colleague and the need to take appropriate breaks.

8. Collective grievances

If more than 1 colleague has identical grievances, the colleagues may wish them to be addressed in the same grievance process. Colleagues wishing to do this will raise a collective grievance via this grievance procedure.

The colleagues must agree, without any pressure being exerted on colleagues to join the collective process, to do this. The colleagues will be entitled to only 1 grievance hearing and, if applicable, 1 appeal hearing.

If colleagues do not voluntarily agree to enter a collective grievance or if the grievances are not identical, NHS Kernow will arrange to hear the grievances on an individual basis.

If the colleagues are all members of the same trade union, the trade union representative can, if all wish him or her to do so, raise the grievance on the colleague’s behalf. Alternatively, the colleagues can agree to nominate 1 of the colleagues raising the grievance to act on behalf of all of colleagues raising the collective grievance. If there is not 1 nominated representative, the colleagues will be entitled to address concerns individually at the grievance hearing but will have no additional right to be accompanied beyond having their colleagues present.

Issues that are the subject of collective negotiation or consultation with the trade unions will not be considered under the grievance procedure.

Other than the points stated above, the grievance procedure will remain the same as that set out in this policy and procedure.

9. Dignity at work process

Informal process

It may be possible to sort out matters informally. A person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. A member of the POD team, a manager, trade union representative or another colleague may be able to support an informal meeting if an individual does not feel able to approach someone who is making them feel uncomfortable.

Line manager supported meeting for dignity at work

A line manager can assist a colleague to have a discussion with someone whose behaviour or actions are making them feel uncomfortable. In such instances, a line manager should:

- seek POD advice before undertaking this type of conversation
- speak to both parties individually and consider what action is necessary
- attempt to resolve the situation, and ensure cooperation from both parties
- arrange a meeting with both parties together to discuss the issue
- make recommendations to both parties during this meeting
- be clear in terms of their expectations of standards of behaviour within the team
- decide where further action is necessary and provide feedback on the decision
- recommend mediation if necessary
- recommend an alternative action

It is important to note that if issues of bullying, harassment or victimisation are raised during line management 1 to 1 or clinical supervision they must be acted upon in line with this policy.

Mediation and a formal approach can be considered for dignity at work cases in line with other grievance situations.

If the complaint against you is not upheld the POD team will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships. If it is considered appropriate NHS Kernow will consider making arrangements to avoid you and the complainant having to continue to work alongside each other, if either of you do not wish to do this and if this is reasonably practicable.

10. Unacceptable behaviour from the member of public

Unacceptable behaviour from members of the public is outside the scope of this policy, this focuses on acceptable behaviour by colleagues within the workplace. However, anyone experiencing unacceptable behaviour from members of the public can expect and demand the active support of their manager or appropriate senior manager to address the situation.

11. Update and reviews

This policy will be reviewed at least every 3 years or following a change to the legislation.

12. Implementation plans and monitoring effectiveness

The policy will be implemented after review with staff voice and the unions.

The number of formal grievances including bullying and harassment cases are monitored by POD.

This policy will be in included in relevant management training.

13. Policies referred to in this document

- Performance policy
- Disciplinary policy and procedure
- Whistleblowing policy and procedure
- Acceptable behaviour policy.

Appendix 1: Equality impact assessment

Name of policy or service to be assessed: Grievance including dignity at work policy
Department or section: People and organisational development
Date of assessment: 11 January 2021
Person(s) responsible for the assessment: Tricia Phillips
Is this a new or existing policy? Existing

Aims, objectives and purpose

Describe the aims, objectives and purpose of the policy

To allow grievances to be raised in a consistent way. To minimise the risk of bullying, harassing and victimising behaviour, to encourage a proactive approach to the early recognition of bullying, harassment and victimisation and to resolve such conflicts effectively and speedily if they occur and to promote equality.

Who is intended to benefit from this policy, and in what way?

All colleagues as we strive to constantly develop our culture in line with our values, and any colleague who is seeking to resolve a situation in which they feel aggrieved and/or if their dignity at work has been compromised.

What outcomes are wanted from this policy?

That the process for handling grievances and dignity at work cases is clear and acted upon accordingly.

What factors or forces could contribute or detract from the outcomes?

Lack of understanding of the policy and procedure or reluctance to raise issues.

Who are the main stakeholders in relation to the policy?

All colleagues.

Who implements the policy, and who is responsible for the policy?

Colleagues and team managers implement the policy. POD is responsible for updating the policy.

Differential impacts

Perspective of race, nationality and/or ethnic origin

Does this have a positive or negative impact on black, Asian and minority ethnic (BAME)?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of all cases to ensure consistency.

Perspective of sex

Does this have a positive or negative impact on people who identify as male, female or intersex?

An objective of this policy is to ensure all grievances issues are dealt with consistently and fairly, regardless of the characteristics of the colleagues concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of disability

What is the positive or negative differential impact on people from the perspective of disability?

Colleagues with a learning disability may have more difficulties understanding the process.

How will any negative impact be mitigated?

Line managers or the POD team members can provide advice and guidance.

Perspective of sexual orientation

Does this have a positive or negative impact on people who identify as heterosexual, lesbian, gay, bisexual, pansexual or asexual?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a

commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of age

What is the positive or negative differential impact on people from the perspective of age?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of religion or belief

What is the positive or negative differential impact on people from the perspective of religion or belief?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of marriage and civil partnership

What is the positive or negative differential impact on people from the perspective of marriage and civil partnership? This is particularly relevant for employment policies.

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of gender re-assignment

Does this have a positive or negative impact on people who identify as trans or transgender, non-binary or gender fluid?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Perspective of pregnancy and maternity

Does this have a positive or negative impact on people who are pregnant, breast feeding mothers, or those on maternity leave?

An objective of this policy is to ensure all grievances are dealt with consistently and fairly, regardless of the characteristics of the colleague concerned. NHS Kernow has a commitment to ensure that no person is discriminated against on the grounds a protected characteristic.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Other identified groups

Consider carers, veterans, different socioeconomic groups, people living in poverty, area inequality, income, resident status (migrants), people who are homeless or living in unstable accommodation, long term unemployed, people who are geographically isolated, people who misuse drugs, those who are in stigmatised occupations, people with limited family or social networks, and other groups experiencing disadvantage and barriers to access.

How will any negative impact be mitigated?

POD will take an overview of cases for consistency

Human rights values

How have the core human rights values of fairness, respect, equality, dignity and autonomy been considered in the formulation of this policy, service or strategy?

This policy and procedure are based on the principles of fairness and equity and therefore supports the principals of the core human rights.

Which of the human rights articles does this document impact?

☐ To life
☐ Not to be tortured or treated in an inhuman or degrading way
☐ To liberty and security
☒ To a fair trial
☐ To respect for home and family life, and correspondence
☐ To freedom of thought, conscience, and religion
☐ To freedom of expression
☐ To freedom of assembly and association
☐ To marry and found a family
☐ Not to be discriminated against in relation to the enjoyment of any of the rights contained in the European Convention
☐ To peaceful enjoyment of possessions

What existing evidence (either presumed or otherwise) do you have for this?

This policy and procedure are based on the principles of fairness and equity, the intention is to mitigate against any infringement to any dignity at work issue.

How will you ensure that those responsible for implementing the policy are aware of the human rights implications and equipped to deal with them?

Not applicable.

Public Services (Social Value) Act 2012

NHS Kernow is committed and obliged to fulfil the requirements of the Public Services (Social Value) Act 2012. This Act requires the organisations to consider how services commissioned or procured might improve the economic, social and environmental wellbeing of an area.

Please describe how this will support and contribute to the local system, wider system and community.

Please consider:

- the inclusion of small medium size enterprises (SMEs) in the process and supply chain
- economic – promote skills, tackle worklessness, maintain employment, increase volunteer hours to support the community and promote inclusion
- social – reduce anti-social behaviour, tackle exclusion by promoting inclusion including to vulnerable groups
- environmental – support local, reduce congestion.

Describe how the policy contributes towards eliminating discrimination, harassment and victimisation.

This policy ensures a fair approach to managing grievances

Describe how the policy contributes towards advancing equality of opportunity.

The policy ensures equal and consistent treatment of grievances
Describe how the policy contributes towards promoting good relations between people with protected characteristics.

It encourages fairness

If the differential impacts identified are positive, explain how this policy is legitimate positive action and will improve outcomes, services and/or the working environment for that group of people.

It will allow any colleague to speak up

Explain what amendments have been made to the policy or mitigating actions have been taken, and when they were made.

This version of the policy brought together the grievance and dignity at work policies making them easier to access

If the negative impacts identified have been unable to be mitigated through amendment to the policy or other mitigating actions, explain what your next steps are using the following equality impact assessment action plan.

The policy has mitigated issues

Signed (completing officer): Tricia Phillips

Date: 12 January 2021

Signed (head of department or section): Emma Goudge

Date: 12 January 2021