



Fairness at Work (Grievance Policy & Procedure)

OFFICIAL

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Policy

Statement

The Fairness at Work (Grievance) Policy & Procedure has been adopted by Merseyside Police to internally resolve issues of concern raised by Police Officers, Police Staff, Special Constables, and Volunteers.

It is not intended to provide a means of establishing guilt or apportioning blame, or to provide for means of punishment for any party involved.

The Force acknowledges that grievances have the potential to cause long-term difficulties and may have an impact on the performance and attendance of the aggrieved person at work.

Most potential grievance issues should be able to be resolved informally through normal day-to-day dialogue with the line manager. However, where an issue cannot be resolved informally then it should be pursued formally through the application of this Policy & Procedure.

This Policy and Procedure sets out the basic requirements of fairness that will be applicable in most cases; it is intended to provide the standard of reasonable behaviour for all parties involved.

All matters raised under this Policy & Procedure will be treated in strict confidence and in accordance with legislative requirements.

Aims

The aim of the Fairness at Work Grievance Policy and Procedure is:

- To resolve issues of concern at the earliest opportunity.
- To provide a mechanism which allows staff at all levels to raise issues of concern that complies with the ACAS Code on Discipline and Grievance.

Objectives

- To provide a speedy and effective resolution to workplace disputes at the lowest possible management level.
- To provide a facility that contains options for staff to use when they raise issues of concern.
- To improve working relationships at all levels within the Force.

Application and Scope

The Fairness at Work (Grievance) Policy & Procedure has been developed taking full account of the principles contained within the ACAS Code of Practice on Discipline and Grievance.

This Policy and Procedure applies to all Police Officers, Police Staff and the extended police family. Additionally, those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policies and associated procedures.

Outcome Evaluation

- A decrease in the number of Grievances, which lead to Employment Tribunals.
- Compliance with equality legislative requirements.
- Increased awareness of the procedure and adherence to its requirements.

Outcomes will be evaluated as a result of regular monitoring with exception reports provided when requested to relevant forums. This information will be evaluated to identify any trends as and when required.

The Chief Officer is responsible for overseeing this policy to ensure compliance with Force and national standards.

Version History

31/03/2018	V2.7 Original version
01/09/2020	Refreshed

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Procedure

1. Introduction

- 1.1 Merseyside Police recognises that members of staff may, at some time, have problems or concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management. They will want the grievance to be addressed, and if possible resolved at the earliest opportunity.
- 1.2 This procedure is not intended to undermine those management decisions that are seen to be reasonable and fair, nor are they designed to replace existing Force Policy mechanisms or structures. The key principles of the procedure centre on personal responsibility, early resolution and confidentiality.
- 1.3 Where there is a grievance regarding a Force decision e.g. restructure, the project will continue to run even though there has been a grievance lodged.

2. Definitions

- **Grievance** is so defined by the complainant and Managers must not refuse to deal with the matter.
- **Mediation** is defined as a facilitation process conducted by a neutral person, with the consent of all parties, to produce agreement or reconciliation.
- **Aggrieved Person** is defined as the person who feels aggrieved at their treatment by Merseyside Police, their Managers or Colleagues, and who should expect to have their Grievance given careful consideration in accordance with the principles set out in this Policy & Procedure. In return they are expected to enter the Procedure with the intention of seeking a resolution to their Grievance in co-operation with those appointed to consider their Grievance.

3. Responsibilities

- 3.1 The primary responsibility for facilitating a resolution to a Grievance lies with the line manager in the first instance or appointed Manager/Mediator in accordance with the principles set out in this Policy & Procedure. They have the responsibility to ensure that issues raised under the Fairness at Work (Grievance) Policy & Procedure are dealt with fairly and effectively at the earliest practicable stage. This will have the additional benefit of a relatively 'speedy' resolution.
- 3.2 Managers must be aware that a failure to abide by the Fairness at Work (Grievance) Policy & Procedure or time scales laid down may result in an additional penalty being imposed by an Employment Tribunal.
- 3.3 Advice and guidance may be sought from an HR Employee Relations Consultancy Advisor.

- 3.4 The ER Consultancy Advisors will be responsible for ensuring that details of all grievances are recorded and updated on the Computerised Personnel System throughout the life of the grievance. This will include providing timely reminders to management to ensure, as far as practicable, that all cases brought to their attention, are dealt with within the prescribed time scale or within a mutually agreed extension. Their role must be also perceived as being supportive of the principles of confidential storage of papers and independent data provision and analysis. (Access to such information on the Computerised Personnel System will be limited in order to maintain confidentiality).

4. Representation – The right to be accompanied

- 4.1 All staff that invoke the Fairness at Work (Grievance Policy & Procedure) have the right to be accompanied at any meeting by a member of a Staff Association, Trade Union, Support Network, or colleague of Merseyside Police. Volunteers do not have any employment rights and support that is available is limited to their role as a volunteer and not as an employee.
- 4.2 Reasonable duty time will be allowed to in order to prepare for and attend grievance hearings to assist with grievance issues.
- 4.3 In circumstances where the aggrieved is unable to present their case, for example, if they are off sick, it may be possible, with their agreement, for their representative or colleague to present the case on their behalf.
- 4.4 Note a solicitor employed by Merseyside Police may not accompany or represent a fellow member of staff in such circumstances, nor is it appropriate for a member of staff to be represented or be accompanied by their spouse or partner.

5. Resolution

5.1 Informal Resolution

- 5.1.1 Managers and staff must in all suitable cases make every effort to resolve issues informally through dialogue with an appropriate Line Manager, or any suitable person whom they feel may be capable of achieving an informal resolution to the grievance.
- 5.1.2 When issues are raised informally it is important to note that most kinds of dispute can be mediated provided that those involved want to find a way forward. Mediation is especially suitable when the aim is to maintain the employment relationship. It can be used at any stage but it is often most effective if used early on.
- 5.1.3 Issues should be raised in a timely manner to better enable early informal resolution.
- 5.1.4 The Fairness at Work (Grievance Policy & Procedure) should be invoked no later than 12 months of an issue arising and only after normal and healthy dialogue, including mediation where appropriate, has failed to resolve the issue.

- 5.1.5 If an individual wishes to raise more than one issue that they are aggrieved about, they should submit one grievance form only, particularly if there is a link between the issues raised.

5.2 Formal Resolution

- 5.2.1 The Force seeks to provide grievance resolution by providing facilities for all parties to discuss the actions required for resolution at the earliest opportunity.
- 5.2.2 All grievances will be dealt with by Normal Management Process, and where appropriate, via the additional aid of mediation.
- 5.2.3 Where an issue involves a Senior Officer/Manager and the issues relate to bullying/harassment, it is advised that a Senior Officer/Manager of equivalent rank or grade be approached by that person to assist in resolving the issue.
- 5.2.4 Managers must ensure that any extension of timescales is agreed in writing with the aggrieved person and a copy of the agreement is forwarded to the ER Consultancy Advisors for recording and monitoring.

6. Method of Grievance Resolution

All staff who formally register a Grievance on Form G1 will have their Grievance addressed by:

- Normal management process by local Line Manager.

N.B. Mediation can also be used informally as an additional aid to resolution at any stage of the procedure even where it was previously refused. If Mediation is used as an additional aid to resolution at any stage of the procedure and concerns are raised regarding due process, the Mediator will report any concerns about the handling of a case to the relevant Manager in the first instance, and also record any concerns for analysis for monitoring at the end of the procedure. At all times the dialogue and content of the mediation process will remain confidential.

Once the mediation process has been completed, the Mediator will forward the documentation to the Head of Employee Relations.

6.1 Normal Management Procedure by Grievance Manager

Timescale

- 6.1.1 Normal management process by the grievance manager must be completed within 14 days of receipt of the Form G1. This will normally be the person with day-to-day management responsibility of the aggrieved person. Any extension to timescales must be agreed in writing with the aggrieved person as soon as practicable.

- 6.1.2 If additional mediation is required, the Mediator will have a total of 28 days from the day of being tasked in which to hold the mediation session; therefore timescales must be extended to accommodate the mediation process.
- 6.1.3 Where it appears to the Manager receiving the Grievance that consideration should be given to criminal or disciplinary proceedings, they must consider the issues in accordance with the requirements set out in section 10 of this Policy & Procedure. (Employment Tribunal Time Limits)

Normal Management Process

- 6.1.3 Upon receipt of a Form G1 the Fairness at Work Grievance Procedure is formally invoked. The Manager receiving the Grievance must ensure that the appropriate parts of Form G1 are completed by, or in consultation with, the aggrieved person. A copy must be forwarded immediately to the ER Consultancy Advisors for recording and monitoring.
- 6.1.4 The Manager will consider in conjunction with the aggrieved person the relevant parties required to address the grievance. They may choose to arrange a meeting with all parties including the aggrieved and their representative on a case by case basis as determined by the Grievance Manager. The purpose of the meeting is to allow the contents of the grievance to be discussed in an open manner with a view to bringing about a satisfactory resolution, agree outcomes and any further actions required. Examples of appropriate parties who maybe present at the meeting include Supervisors, Colleagues and Line Managers. This list is illustrative and not exhaustive and may include others who may be able to assist in achieving a satisfactory resolution at this early stage.
- 6.1.5 The structure of the meeting is intended to be flexible to the circumstances. There may be occasions when it may be necessary to hold a further meeting and therefore due cognisance must be taken to the timescales and the need to provide written confirmation of any extension to timescales, (see section 9). All parties attending must be committed to achieving a resolution in a constructive manner.
- 6.1.6 Where as a result of the meeting it is apparent that the matter cannot be resolved, consideration may be given to the use of additional mediation.
- 6.1.7 In the event that additional mediation is appropriate, subject to the agreement of all parties, arrangements must be made to appoint a trained Mediator in liaison with the Head of Employee Relations.
- 6.1.8 Upon completion of the Grievance at this stage, including any additional mediation, the Line Manager will confirm in writing to the appropriate parties, the outcomes of the grievance meeting(s) including the proposed resolution. It may be appropriate to agree that the progress of the resolution is monitored and this may include setting of a review period.
- 6.1.9 The Manager will inform the aggrieved of their right to appeal as detailed at section 8 if they are not satisfied with the resolution outcome. They must also obtain written confirmation on the Form G1 that the aggrieved is either satisfied

- that the matter has been resolved, or not satisfied and wishes to withdraw the grievance, or proceed to appeal.
- 6.1.10 In circumstances where the grievance has not been resolved, the Form G1 must include details of the outstanding unresolved issues that the aggrieved person wishes to be dealt with at Appeal. In the event that, although not satisfied, the aggrieved wishes to withdraw the complaint, the Manager will ask the aggrieved to confirm this in writing on Form G1 after they have been afforded a period of time to fully consider their position and consult with their representative.
- 6.1.11 If a meeting with all parties has not taken place and the Manager has discussed the issues raised separately with named individuals as part of the grievance investigation and the grievance is resolved or withdrawn; they must ensure that those individuals are updated in writing of the outcome(s).
- 6.1.12 In all cases a copy of the written notification will be attached to the Form G1. The Manager will forward all completed documentation to the ER Consultancy Advisors for recording and monitoring.

6.2 Mediation as an aid to Grievance Resolution

- 6.2.1 Mediation is a structured process whereby a trained and impartial Mediator facilitates communication between those in dispute in order to encourage mutual understanding. All parties must agree to mediation. The goal will then be for the parties to identify an agreement on how to resolve their dispute and to improve their working relationships for the future.
- 6.2.2 Mediation can be used as an additional aid for resolution at any stage within the Fairness at Work Grievance Procedure to assist in instances where the grievance is about attitude or behaviour, or feelings of conflict.

Mediators

- 6.2.3 A number of Mediators have been identified from Police Officers and Police Staff across the Force from varying ranks and roles. All the Mediators have received appropriate training for the role. ([Link to Mediator Protocols](#))

Mediation Process

- 6.2.4 Stage Managers who believe that the use of mediation will assist in the resolution of a Grievance, should complete a Mediation Form ([Link to Mediation Form](#)) detailing the following information: -
- The actions taken to date, including key time limits.
 - Details of why the Manager believes that the use of mediation may resolve the issue(s).
 - An indication as to the willingness of the parties to the dispute, to attempt to resolve the Grievance by this means.

The Mediation Form must be accompanied by the [Form G1](#), and all documents previously obtained during the life of the Grievance.

- 6.2.5 The completed documentation must be forwarded to the ER Consultancy Advisors without delay. The details will be recorded and endorsed as to the time scales to be adhered to.

The Head of Employee Relations will consider whether mediation is appropriate, and if so, appoint a trained independent Mediator from within the Force to undertake the mediation process ([Link to Mediation Guidance & Process](#)).

- 6.2.6 The appointed Mediator will contact the parties involved and undertake confidential and informal pre-session discussions. [A Pre- Session Agreement \(Link\)](#) will be signed by all parties, and the formal Mediation session will then follow.
- 6.2.7 Once mediation has been conducted, and whether mediation has proved successful or not, the Mediator will forward the relevant documentation to the ER Consultancy Advisors for recording and immediate return to the Stage Manager.
- 6.2.8 The Stage manager will meet with the aggrieved once the mediation process has concluded and establish whether the Grievance is resolved, withdrawn or unresolved, they will also outline the process for Appeal where necessary.
- 6.2.9 Reports or memos compiled as a result of any mediation session, will confine themselves to issues surrounding the handling of the Grievance and/or any organizational issues that may have been highlighted. Reports or memos will not contain any information concerning the dialogue or content of the Mediation session.

7. Collective Grievance Arrangements

- 7.1 Where two or more members of staff have identical grievances and wish them to be addressed in the same grievance process, they can raise a collective grievance.
- 7.2 The staff raising the collective grievance must agree (without any pressure being exerted on staff members to join the collective process) to do this. Participating staff will be entitled to only one grievance hearing, and (if applicable) one appeal hearing. Participating staff will be notified individually of the outcome at each stage of the process. If staff do not entirely voluntarily agree to this arrangement or if the grievances are not identical, the Force can arrange to hear grievances using the Fairness at Work (Grievance) procedure on an individual basis.
- 7.3 Where there are members of staff wishing to pursue a collective grievance, it is advised that they nominate individuals to represent their interests throughout the process ('nominated representatives'). These need not necessarily be the same individuals at each stage of the process and may, or may not, be trade union or staff association representatives. The role of these nominated representatives will be to:

- Represent the interest of all members of staff involved in the collective grievance, including presenting the case at the grievance meeting(s);
 - Communicate with all members of staff whose interests they are representing in order that they are kept fully informed and can effectively contribute in the process;
 - Undertake the administrative requirements within this procedure, including preparation and submission of the case for presentation at the grievance meeting(s)
- 7.4 Where there is a collective grievance regarding a Force decision e.g. restructure, the project will continue to run even though there has been a grievance lodged.
- 7.5 The Manager/Mediator dealing with the collective grievance will inform the aggrieved that if they are not satisfied with the outcome then they have a right of appeal in accordance with the grievance procedure as detailed at section 8 below.

8. Appeal

- 8.1 The appeal procedure must commence within 21 days of receipt of the formal written notification.
- 8.2 The appeal will be conducted by a Senior Manager of at least Chief Inspector rank or a Senior Police Staff Manager (Grade H or above) who has not been involved in the process previously. Where the grievance has been dealt with by a Strand Lead/Head of Department or has included their involvement then the appeal may be considered by a Chief Officer.
- 8.3 Where additional information is produced by the aggrieved person at the appeal, which was not available previously, then it may be appropriate for the grievance to be resubmitted to the Manager who dealt with the grievance in the first instance. This is especially relevant where the additional information may have impacted upon the grievance resolution.
- 8.4 During a meeting with the aggrieved person the Appeal Manager must consider whether or not there have been any procedural breaches. This will also include an assessment as to whether or not the case was handled correctly and honestly within the framework of the Fairness at Work (Grievance) Policy & Procedure and ensure that decision has been made on an informed basis and with due regard to all relevant factors. Should any process errors be identified, the Appeal Manager must attempt to rectify them. This could include instigation of disciplinary proceedings where appropriate.
- 8.5 Upon completion of the appeal, the Appeal Manager will confirm the outcome of the grievance in writing to all of the parties involved,. They must also obtain written confirmation on the Form G1 that the aggrieved is either satisfied that the matter has been resolved or not satisfied and that the process has been exhausted.

- 8.6 The Appeal Manager will ask them to confirm this in writing on Form G1 after they have afforded the aggrieved person a period of time to fully consider their position and consult with their representative. In all cases a copy of the written notification will be attached to the Form G1 of the outcome of the appeal.
- 8.7 On completion of the appeal stage the procedure is exhausted.
- 8.8 All documents, including e-mails, must be forwarded to the ER Consultancy Advisors for recording and monitoring.

9. Extension of Timescales

- 9.1 Where it becomes obvious that a timescale cannot be achieved, all parties should be advised at the earliest possible opportunity by the Manager /Mediator/ Appeal Manager.
- 9.2 Consultation with all parties on revised time-scales should take place and the aggrieved person should be advised of any change to dates set. Due regard should be given by all parties to the time limits for lodging an application with an Employment Tribunal and the extensions should normally only occur with the agreement of the aggrieved person. The final decision to extend the timescales should rest with the Manager/Mediator/Appeal Manager. To ensure such decisions are taken only in the best interests of resolving the issues the reason and objections raised by any of the parties for an extension should be recorded.
- 9.3 All extensions to time scales must be confirmed in writing to all parties and the details recorded via the ER Consultancy Advisors.

10. Employment Tribunal Time Limits

- 10.1 Claims to an Employment Tribunal must be submitted within three months of the incident complained of, or, for unfair dismissal, the effective date of termination.
- 10.2 Claims in relation to redundancy payments or equal pay have a six-month limitation period.

11. Relationship with Disciplinary process (Police Officers & Police Staff)

- 11.1 On occasions, a grievance issue may involve circumstances that could be considered criminal or serious misconduct. Where it appears to a Manager/Mediator that the alleged behaviour or non adherence to a procedure could be considered as criminal or serious misconduct, they must seek a formal investigation under Schedule 3, paragraph 11 of the Police Reform Act 2002. For Police Officers the use of the Police Misconduct Regulations, and for Police Staff the Police Staff Discipline Procedure. Managers must seek advice from an Employee Relations Consultancy Advisor in the first instance.
- 11.2 If there are no separate issues this should not automatically defer resolution action under the Fairness at Work (Grievance) Policy & Procedure.

- 11.3 The aggrieved person's views must be sought as to how the matter could be resolved to their satisfaction. It may be helpful to ask them to provide a personal statement of the way in which they have been affected and the way in which they would wish their issue to be resolved. The content of the personal statement will not necessarily be the determining factor in the way the matter is resolved.
- 11.4 In some circumstances the Manager/Mediator may consider that the complaint is so serious that it must be considered under the Police Misconduct Procedures and the Police Staff Discipline Procedures.
- 11.5 Complaints may include an allegation of serious assault or dishonesty; a situation that has allegedly worsened since it was first reported; or an incident that was known to be one in a series of others. The complainant must be made aware of any decision to instigate a formal investigation.
- 11.6 The aggrieved person will not be forced to give information against his / her will, and must not be subject to any action if they refuse to do so. However, it must be recognised that a refusal to provide information at a meeting may have an impact on a final outcome.
- 11.7 A Manager/Mediator who believes that the matter must be reported without the agreement of the aggrieved person must take further advice before doing so. Such advice must normally be sought in the first instance from an Employee Relations Consultancy Advisor or Strand Lead/Departmental Head. Confidentiality must always be maintained unless there is a justifiable reason not to do as advised at 11.4.. In all such cases, the local Manager concerned must take further advice from the Head of the Professional Standards Department.
- 11.8 Before it is determined whether to refer the matter for a disciplinary investigation, the aggrieved person must be consulted and all the circumstances of the case taken into account, including the following:
- The need to maintain confidentiality.
 - The effect on the aggrieved person who may be put in the position of being the complainant in disciplinary proceedings.
 - That in the case of Police Officers any documents concerned with the Grievance Procedure and statements made by Officers in the course of the Fairness at Work (Grievance Policy & Procedure) will not normally serve as evidence in disciplinary proceedings. However, there may be circumstances when they can be taken into account
 - Advice should be sought from a HR Employee Relations Consultancy Advisor on matters relating to Equality Legislation.
- 11.9 Where it is decided to refer the matter for disciplinary investigation, and this is contrary to the wishes of the aggrieved person, the reasons for doing so must be explained to them as soon as possible. The reasons for this action must be

recorded and if the case goes to an Employment Tribunal, the Manager/Mediator will have to explain their decision to the Employment Tribunal.

- 11.10 In respect of Police Officers the decision to initiate a disciplinary enquiry will remain with the Chief Officer responsible for Professional Standards, to whom matters will be referred if it becomes apparent that such action is required. The decision as to whether the matter should remain within the Fairness at Work (Grievance Policy & Procedure) rests with that Chief Officer.
- 11.11 Upon conversion of a Fairness at Work (Grievance) Policy & Procedure complaint to a Police Staff Disciplinary or Police Misconduct investigation, the status of the Fairness at Work complaint must not be left in abeyance; it must be formally reviewed with the outcome recorded on the Form G1 and notified in writing to the appropriate parties.
- 11.12 In some circumstances, it may still be possible to resolve the Fairness at Work grievance independently of the outcome of the Discipline / Misconduct investigation, or an Employment Tribunal hearing. The complainant must be informed of the options available to them and the necessary time scales for action. Any decisions or action under the Fairness at Work (Grievance Policy & Procedure) must be recorded.

12. Victimisation

- 12.1 Victimisation of individual's involved in cases under the Fairness at Work (Grievance) Policy & Procedure will not be tolerated. It may also contravene the protected status of individuals under Equalities Legislation. Where a Line Manager/Mediator becomes aware of any form of victimisation in circumstances where an aggrieved person, the subject of a grievance, or anyone who has assisted them has suffered less favourable treatment from their involvement in the grievance they must deal with it immediately by instigating disciplinary action where appropriate.
- 12.2 It may be necessary to consider separating the aggrieved person from the person who is the subject of the complaint so that they no longer work together. It may be possible to arrange a temporary transfer, or a period of leave for either party with their agreement. This arrangement is a neutral act and does not apportion blame to either party

13. Retention of Papers

- 13.1 Written records of all actions taken must be recorded on the form G1 by the relevant Manager throughout the Fairness at Work (Grievance) Policy & Procedure. The G1 form must be signed by the aggrieved at either stage of the procedure. Upon conclusion of the grievance all records and relevant papers including e-mails must be forwarded directly to the ER Consultancy Advisors for recording and monitoring.
- 13.2 Grievance documentation will be stored separately from any other personnel papers or personal files. Access to the information will only be obtained following a request under the Data Protection Act. Papers pertaining to cases will be retained for a minimum of 7 years, and are not to be referenced as part of any member of staff's Misconduct, Promotion, Selection or Grading Procedures.

- 13.3 Any notes taken by a mediator during the mediation process will be destroyed at the end of the meeting.

14. Confidentiality

- 14.1 All cases must be dealt with in confidence, and whenever possible within boundaries agreed by all parties involved. Staff must be kept informed of the progress and any decisions made in respect of the complaint in writing.
- 14.2 They must also be advised that any unjustified disclosure in this context would be subject to investigation in accordance with the Police Misconduct Regulations and Police Staff disciplinary Procedures.
- 14.3 There may be circumstances when an individual may wish to consider the services of 'Safecall'. Safecall is a confidential telephone line for staff to report any kind of wrongdoing by any staff member, irrespective of role or rank. Details are available on the force intranet system.
- 14.4 Where the grievance is in relation to the behaviour of an individual it may become necessary to disclose relevant documentation relating to the grievance.
- 14.5 In such cases the permission of the aggrieved person must be sought prior to any disclosure. Where such permission is refused then it must be made clear to the aggrieved that this may impact upon the ability to achieve a resolution and that the documentation may become disclosable should the other party make a subject access request under the Data Protection Act.
- 14.6 All parties must be informed at the outset of the Procedure that the need might arise to breach confidentiality. Should the need arise for breaking confidence, for example an Employment Tribunal, the documentation would be disclosed to all parties who will be made aware of the situation and the reasons for such disclosure.

15. Monitoring and Review

- 15.1 The ER Consultancy Advisors will co-ordinate grievance information from Strands and prepare periodic statistical data and analysis for management information to ensure that legislative requirements are met, including obligations under the Equality Strands.
- 15.2 Management will be responsible for identifying lessons learnt from the application of the Policy and Procedure and its effectiveness.