



Resolution Policy

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Saving Lives,
 Serving Our Communities

Chair: Michael Whitehouse CEO: Simon Weldon

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1 Statement of Aims and Objectives

- 1.1. We want the Trust to be a place where we achieve the highest quality of care for the communities we service, enabled when everyone feels included and supported; a place where people feel safe to work; and where concerns are taken seriously.
- 1.2. This policy encourages early resolution, brings the core principals of mediation to the forefront of conflict resolution and encourages constructive resolution at every stage.
- 1.3. It outlines what you can expect when you raise a concern, the processes used to make decisions about how to reach a resolution and the support you might receive.
- 1.4. This policy combines the previous Grievance and Dignity at Work policies to provide a positive way of dealing with issues that would have been dealt with under those policies. The Resolution Policy does not diminish employee's right to raise a 'grievance' but provides a means of doing so in the most positive way possible.

2 Scope

- 2.1. This policy should be used to restore positive working relationships, resolve issues, and address concerns regarding an employment decision or working practice.
- 2.2. We have introduced a Sexual Safety Policy to support those in the workforce who experience unwanted, inappropriate sexual behaviours.

- 2.3. If a concern constitutes whistleblowing, the [Freedom to Speak up Policy](#) should be used in conjunction with this policy.
- 2.4. This policy shall not be used for issues that are outside the scope of the Trust to resolve e.g. nationally agreed Terms and Conditions of Employment, Agenda for Change, Employment Legislation, Tax and National Insurance rules and national pay and conditions (unless the concerns are about the Trusts correct application of such matters).
- 2.5. This Policy applies equally to Trade Union representatives, however, concerns involving Trade Union Representatives must first be discussed with the relevant senior steward(s) and full-time officer/ regional officer, prior to the commencement of an investigation.

3 Definitions

- 3.1. **Concerns around Behaviours.** Including discrimination, harassment, unfair treatment, working relationships, bullying.
- 3.2. **Concerns about the Organisation.** Including application/interpretation of terms and conditions of employment, decisions, job roles, new ways of working, equal opportunities, dissatisfaction with leadership or management, or health and safety.
- 3.3. **Collective Concern.** If two or more people raise a concern about the same issue, they may raise a collective concern. In such cases a representative will be agreed to act for the group.
- 3.4. **Harassment, bullying and discrimination.** Definitions are set out in [Appendix A](#).

4 Principles

- 4.1. We want to create a positive workplace where we all take responsibility for our own behaviour and contribute to our culture.
- 4.2. We believe that a resolution that is secured by the parties themselves is more likely to be mutually acceptable and successful over the long term, rather than one that is imposed on them.
- 4.3. Where avoidable we would prefer people not to go through a formal process to have their concerns taken seriously and will endeavour to resolve problems informally wherever possible.
- 4.4. Timeframes are not generally specified within this policy as each concern requires individual assessment. Parties involved will be kept up to date with progress throughout the process.

- 4.5. If those involved need support including reasonable adjustments these should be confirmed with suitable time to discuss and put in place to avoid delay.

5 Responsibilities

5.1. Everyone is expected to:

- Follow the principles and practice of this policy.
- Be kind, compassionate, respectful and inclusive, and demonstrate behaviours that support the Trust values.
- Speak up about or raise concerns when you have them.
- Be open to hearing and learning from feedback shared with you.

5.2. Managers are expected to:

- Act in line with the policy to reach compassionate and fair outcomes.
- Take concerns raised seriously, ensuring everyone involved receives support, advice and guidance. Be aware of biases when doing this
- Treat everyone involved fairly, remain objective and make sure everyone feels valued, heard and listened to.
- Develop a culture within their team(s) where everyone feels safe to speak up.
- Have conversations with teams about attitudes, behaviours and culture and establish what is acceptable or not acceptable in line with the Trust values and guidance.
- Ensure those involved have access to or are signposted to appropriate support, [Wellbeing Hub](#), and take actions to reduce risk of harm.
- Use learning from concerns to bring change, prevent future concerns, and maintain a positive culture.
- Proactively follow up on agreed actions
- Show appreciation to all involved, for raising concerns and being open to feedback and making changes.
- Develop skills and competencies in relation to using this policy.

5.3. Individuals responsible for investigations will:

- Respect confidentiality.
- Signpost people to appropriate support.
- Prepare fully and complete any training required to ensure they can be compassionate, consistent and unbiased in their role.
- Write a report which provides the facts and includes considered and evidenced conclusions.
- Provide updates to the Resolution Panel on investigation progress.

5.4. People Professionals will:

- Provide support and guidance about using this policy.
- Deliver and support resolution where appropriate.

- Ensure conversations are carried out compassionately, and that suitable support is provided to everyone involved.
- Provide advice to managers to support their decision-making, including questions about employment law and contractual issues.
- Support and proactively encourage manager training in using this policy.

5.5. Resolution Panel (independent manager, supported by a People Professional) will:

- Review concerns referred after informal resolution fails or is inappropriate.
- Decide if issues should proceed under formal resolution or another policy.
- Determine if an independent investigation is required.
- Approve arrangements for safety if risks are identified.

6 Support

- 6.1. We recognise these situations can be an upsetting and stressful time for everyone involved. For support you can speak to:
- Your manager (if appropriate)
 - Another manager
 - Your People Professionals
 - Your trade union representative
 - Our [Staff Networks](#)
 - Our Wellbeing Team

7 Early Informal Resolution

- 7.1. It is essential that we all work to create an environment where it is safe and comfortable to raise awareness with colleagues early and discuss how situations can be resolved, when appropriate, or try to resolve organisational concerns.
- 7.2. Everyone is encouraged to seek resolutions with their colleagues and to try to agree a way forward together.
- 7.3. It can be difficult and might feel overwhelming to have conversations about behaviours or ask questions on organisational concerns, but it is best to do this as soon as possible, so issues are dealt with quickly and are not continued or escalated.
- 7.4. Before a conversation, it's helpful to reflect on the situation.
- Think about specific instances, including dates and ~~times~~.
 - Note specific behaviours you experienced or witnessed.

- Think about events from the other person's perspective, consider what might be going on for them. That doesn't excuse things, but it might help you understand.
 - Would a change in behaviour, actions, work practices or a simple apology be sufficient resolution?
- 7.5. It is important we act together to promote a safe culture. If you witness actions or behaviours you are concerned about you are encouraged to speak up about it. Ask the person experiencing the behaviour if they would like you to give feedback to the person who acted inappropriately. Do not disclose their identity if they do not want you to.

8 Request for Resolution

- 8.1. If you do not believe it would be appropriate to try early resolution or this has been attempted and not resolved, you can raise your concern via a Request for Resolution. Every concern is taken seriously. The information you provide will be an important part of reaching a resolution.
- 8.2. A request for resolution will ask you:
- What happened and the impact
 - Your reflections on the situation, and any actions you have already taken
 - How you think a resolution could be found
- 8.3. On receipt of your request an assessment will be undertaken by your line manager (or alternative manager if your concerns relate to your manager), with support from a People Professional. If the reasons for your request are not clear, you will be asked to provide further clarification on the issues being raised. Depending on the nature and seriousness of the concerns raised, arrangements to support safety may need to be considered at any stage.
- 8.4. For concerns regarding bullying, harassment or discrimination a resolution panel will be arranged to undertake a further assessment.
- 8.5. Where the panel believes the issues relate to misconduct, then a formal investigation will be undertaken and dependant on the outcome the matter may be referred for management under Trust's Managing Conduct Policy.

9 Informal Supported Resolution

- 9.1. Informal resolution may be the best way of getting the outcome that you're looking for. Informal resolution can help colleagues resolve concerns in a kinder, less stressful and more collaborative way, resulting in a quicker

resolution and helping to maintain good working relationships going forward.

- 9.2. Informal resolution should where possible and appropriate be considered and used, before any other part of this policy. You still have the option of pursuing the formal process if informal methods don't resolve things or you are concerned about risks or harm.
- 9.3. The assigned Manager (informal case resolution manager) will arrange to meet with you as soon as they can. We ask you to tell us what you're looking for from the Resolution process to help us understand what might resolve things for you. It can be helpful to take notes to help you remember everything you want to discuss.
- 9.4. **Where your concern relates to behaviours or relationships at work**, the discussion will outline all available options under this policy. Depending on the nature of the concerns raised and the level of harm experienced, the support provided may include:
 - Actions to support values and behaviours within teams, departments or groups of people where learning is required.
 - A manager, with a People Profession, supporting a **facilitated conversation** with those involved, providing an opportunity to explore options and develop a way forward towards resolving concerns
 - **Mediation** with a trained and impartial mediator, where situations need to be dealt with sensitively and independently or where other attempts at resolution have been unsuccessful.
- 9.5. If resolution is not successful, or parties do not agree to participate, your concern will be referred by your informal case resolution manager to the Resolution Panel to progress under formal resolution.
- 9.6. **Where your concern is about the organisation**, the outcome of the meeting will usually be an agreement for change, an action plan or other mutually agreed outcome.

The outcome letter will confirm:

 - The actions that will be taken to resolve your concern.
 - Who will be responsible for ensuring the actions take place.
 - When the actions will be completed.
 - How resolution success will be measured.
 - What to do you if the outcome is not satisfactory. Including how to request the concern be resolved using managed resolution.
- 9.7. If the informal route (early or supported) did not provide a suitable resolution or was not appropriate your concern will be referred by your

informal case resolution manager to the Resolution Panel to progress under formal resolution.

10 Formal Resolution

- 10.1. Your request will be assigned to a Formal Case Resolution Manager and a People Professional will be identified to help support the case. They will arrange to meet with you.
- 10.2. Information about the meeting will be confirmed in a letter at least 10 calendar days before the meeting, unless you mutually agree sooner.
- 10.3. During the meeting, you will be able to discuss your concern. You should have in mind what resolution you are seeking, so that it can be considered. You may be asked to provide further information/ documentation if needed.
- 10.4. The manager will consider the information provided alongside any actions already taken during informal resolution. A decision will be made based on all the circumstances and information available.
- 10.5. If they decide that an investigation is needed to find out more information to reach the most suitable resolution, the meeting will be adjourned, and an independent investigator appointed. A People Professional will assist the Investigating Manager. The Formal Case Resolution Manager will be responsible for advising you about the investigation and its terms of reference, including investigation timescales and will confirm when completed.
- 10.6. The outcome will be confirmed in writing to all parties, usually within 7 calendar days of the investigation being completed, and include:
 - The actions that will be taken to resolve your concern.
 - Who will be responsible for ensuring the actions take place.
 - When the actions will be completed.
 - How you will know that the resolution is successful.
 - What you can do if you are not satisfied with the outcome.
Including how to request an appeal.

Outcomes can be:

- Upheld
- Not Upheld
- Partially Upheld

11 Appeal

- 11.1. Every outcome letter from a Formal Resolution will outline your right to request an appeal of the decisions taken and the deadline for an appeal.

- 11.2. To appeal, you will need to clearly set out your reasons, together with any new information or information you do not believe was fully considered at the time. Typical grounds for appeal are:
 - This policy was not followed.
 - The outcome was based on a factual error.
 - New evidence is available, which was not previously considered
 - The outcome was unreasonable, based on the information available at the time.
- 11.3. Please note that the appeal meeting is not a re-hearing, it is to investigate why you are not satisfied with the outcome or decision made.

12 Appeal Meeting

- 12.1. Details about the meeting will be confirmed in a letter at least 7 calendar days before the appeal meeting takes place.
- 12.2. Appeal meetings will be with an independent manager and a People Professional. At the meeting the panel will ask you to give as much detail as you can about the grounds for your appeal.
- 12.3. If new evidence has arisen, the manager will decide how to take this forward. Sometimes there might be a reason to do a further investigation. This will normally be completed by the investigating officer, however sometimes a new investigating officer might be found.
- 12.4. If more time is needed to review the evidence, the manager may agree another suitable date to meet.

13 Appeal Outcome

- 13.1. After the meeting, the panel will consider the information and ensure you receive a written outcome to confirm the decision and the reasons for this.
- 13.2. The appeal outcomes might be to:
 - Uphold the decision
 - Partially uphold the decision and amend the sanction
 - Overturn the decision and remove the sanction
- 13.3. The decision from the appeal will be final and will be communicated in writing usually within 7 days of the decision.

14 Records and Notes

- 14.1. All Formal Resolution meetings will be recorded by a notetaker. The records of the meeting will be held in a central confidential record and will be provided, if requested.
- 14.2. A copy of the outcome letter, plus the investigation report and evidence, will be retained on the aggrieved employee's file.

15 Being Accompanied

- 15.1. You have a right to be accompanied at Formal Resolution meetings and appeals by a trade union representative or appropriate work colleague. You are responsible for arranging your own representative but must confirm who this will be within a reasonable timeframe before the meeting and to provide them with a copy of the invite letter and its enclosures.
- 15.2. Representatives can address the meeting, sum up the employees' case, respond on your behalf to any views expressed (not answer questions) and confer with the you during the meeting.

16 If You Can't Attend

- 16.1. Everyone involved in a Formal Resolution or appeal should make efforts to attend on the date provided. It is your responsibility to ensure your trade union representative is available on the date. If this is not possible, you should inform the Meeting Chair or a People Professional without delay and include the reasons.
- 16.2. Normally a new date will be arranged as soon as possible. Please note that we will only make one attempt to reschedule the meeting.
- 16.3. If you fail to attend the meeting without a reasonable explanation, the meeting/ hearing may proceed in your absence, and a decision may be made without your input.

17 Reasonable Adjustments

- 17.1. If reasonable adjustments are needed to ensure a fair and successful contribution these should be requested with as much notice as possible. Reasonable adjustments will be supported where possible.

18 Preventing Victimisation

- 18.1. If you believe you have, or are being, treated unfairly or subjected to a detriment because of raising a concern, made a complaint or because you have supported someone else to do so, you should speak to your manager, a People Professional, a Freedom to Speak Up Guardian or your Trade Union Representative.

- 18.2. You will be asked to outline what has happened in writing and you will be supported to use this policy to reach a resolution.

19 Leaving Employment

- 19.1. If you are planning to leave the organisation and have raised a request for resolution, you might leave before the resolution has been completed. If so, we may still consider the request or provide a response, where possible. In such cases, you will receive a response in writing.

20 Confidentiality

- 20.1. If you raise a concern using this policy, any details about the situation will be kept confidential as far as possible. This means:

- The number of people who are aware of the concern will be limited to only those necessary.
- Any information that is recorded will be stored in line with organisational policy for records, and the number of people who have access to it will be limited.
- All involved will be asked to refrain from discussing matters related to the concern outside of agreed environments.

- 20.2. Maintaining anonymity of witnesses or any others involved may not be possible. Talk to your manager and / or a People Professional about this if you have any concerns.

- 20.3. Normally, to investigate concerns about behaviours fully, fairly and properly, the person whose behaviour you have a concern about needs to be told about the concerns.

- 20.4. Before anyone is told, conversations will take place to advise those involved and to manage wellbeing, this may include actions to provide support.

21 Withdrawing a Request for Resolution

- 21.1. You may decide to withdraw your request for resolution. Before any decision to withdraw is taken, the Resolution panel will seek to understand your reasons for withdrawal.

- 21.2. Depending on the nature and substance of your request, it may decide that it is appropriate to follow up on the issues raised, even if you do not wish to pursue it. If this is decided, you will be informed of the reasons for this.

22 Debrief

- 22.1. Every time this policy is used there is as an opportunity to consider what learning can be taken to improve our culture, and processes, and take actions to promote change.
- 22.2. The purpose of the debrief will be to reflect and discuss what went well and what learning can be taken for those involved, and to suggest actions to improve the process.
- 22.3. This might also include actions that the organisation should take to change, or to improve learning and awareness. It should always include a review of how risks can be removed or reduced to improve safety and reduce harm.

23 Training

- 23.1. People Professionals and managers should be skilled and experienced in:
 - How to compassionately and objectively manage and investigate concerns using this policy.
 - How to establish facts whilst maintaining impartiality.
 - How to have conversations about behaviours and work practices with individuals and teams.
 - How to make decisions about next steps that are appropriate to the situation.
- 23.2. Ongoing training and development may be required to improve skills and confidence in dealing with concerns raised about behaviours and work practices. People Professionals and managers should take a proactive approach in developing and maintaining these skills in case of any future concerns raised.
- 23.3. Thought and consideration will be given to the knowledge, skills and expertise of those involved in using this policy, and actions will be taken to ensure they are supported as needed.

24 Monitoring

- 24.1. All policies and procedures have their effectiveness audited by the responsible Management Group at regular intervals, and initially six months after a new policy and procedure is approved and disseminated.
- 24.2. Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).
- 24.3. This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced,

or if feedback from colleagues indicates that the policy is not working effectively.

- 24.4. All changes made to this policy and procedure will go through the governance route for development and approval as set out in the Policy on Policies.

25 Associated Trust Documentation

- [Freedom to Speak up Policy](#)
- [Sexual Safety Policy](#)
- Managing Conduct

26 References

- [NHS Terms and Conditions of Service Handbook](#)
- [Agenda for change - pay rates](#)
- <https://www.gov.uk/>
- [ACAS](#)

Support & Resources

- Templates
- Flowcharts
- Toolkits
- Management Guidance
- Investigation Toolkit
- Mediation Guidance
- Request for Resolution
- Facilitated Conversation Guidance

27 Financial Checkpoint

- 27.1. This document has been confirmed by Finance to have no unbudgeted financial implications.

28 Equality Analysis

- 28.1. The Trust believes in fairness and equality, and values diversity in its role as both a provider of services and as an employer. The Trust aims to provide accessible services that respect the needs of each individual and exclude no-one. It is committed to comply with the Human Rights Act and to meeting the Equality Act 2010, which identifies the following nine protected characteristics: Age, Disability, Race, Religion and Belief,

Gender Reassignment, Sexual Orientation, Sex, Marriage and Civil Partnership and Pregnancy and Maternity.

Appendix A - Definitions

Bullying:

Bullying involves unwanted behaviours directed at one or more person by another individual or group. Behaviours can be multiple and often are repeated but can be also be a one-off incident.

The behaviours are undertaken in circumstances where the person experiencing them may have difficulty in defending themselves, whether they be deliberate or not.

Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- Offensive, intimidating, malicious or insulting.
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

Examples at work include:

- Constantly criticising someone's work.
- Spreading malicious rumours about someone.
- Constantly putting someone down in meetings.
- Deliberately giving someone a heavier workload than everyone else.
- Excluding someone from team social events.
- Putting humiliating, offensive or threatening comments or photos on social media.

Bullying might:

- Be a regular pattern of behaviour or a one-off incident.
- Happen face-to-face, on social media, in emails or calls.
- Happen at work or in other work-related situations.
- Not always be obvious or noticed by others.

It's possible someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

Bullying can happen from staff (individuals or as a group) towards someone more senior, or a manager:

- Showing continued disrespect.
- Refusing to complete tasks.
- Spreading rumours or gossip.
- Constantly undermining someone's authority.
- Doing things to make someone seem unskilled or unable to do their job properly.

Harassment:

Harassment and bullying are often confused. Harassment is unwanted conduct, which affects the dignity of people at work. It may put down, or show hostility or aversion to a person based on age, sex, race, religion or belief, mental or physical disability, nationality, sexual orientation, gender reassignment or some other protected characteristic. The behaviours may be intended or not. Types of harassment include:

- Harassment related to certain 'protected characteristics'.
- Sexual harassment.
- Less favorable treatment as a result of harassment.

The unwanted behaviour must have either violated the person's dignity or created an intimidating, hostile, degrading, humiliating or offensive environment for the person. Unwanted behaviour can include: a serious one-off incident; repeated behaviour; spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, or physical behaviour that affects the person. They may not have asked it to stop.

Whether someone's behaviour counts as harassment depends on:

- The circumstances of the situation
- How the person receiving the unwanted behaviour views it
- Whether they are 'reasonable' to view it as they do

Discrimination:

Discrimination means treating someone less favourably than someone else, because of a protected characteristic (age, disability, race, religion or belief, sex, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity) by putting them at a disadvantage, compared to someone who does not have those characteristics.

For example: excluding someone from opportunities or benefits; making it harder for someone to do their job; causing someone emotional distress; or

causing someone financial loss.

Impacts may be compounded where individuals belong to more than one of these groups.

Discrimination law (Equality Act 2010) protects people against discrimination at work.