

Resolution Policy & Procedure

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REVIEW DATE AND DETAILS OF CHANGES MADE DURING REVIEW:

This policy supersedes the Staff Grievance and Disputes Policy and Anti-Bullying & Harassment Policy.

This policy includes new information on:

- Our resolution approach, resolving issues at the lowest possible level.
- A 3 stage process for resolving employment concerns: informal, formal, and appeal. This replaces the original 4 stage process of the Grievance Policy.
- Details of different methods of informal resolution (personal action, facilitated discussion, mediation).
- Clarified roles and responsibilities of staff, managers, representatives, and People Services.

KEY WORDS

Employee Concern (sometimes called a Grievance), Dispute, Bullying, Harassment, Terms and Conditions

INTRODUCTION






- 1.1 UHL NHS Trust is committed to promoting and ensuring a working environment where individuals are treated with respect and civility and a culture where employees feel confident in raising issues of concern with their managers.
- 1.2 UHL NHS Trust recognises that on occasions individual staff or groups of staff collectively may have issues or concerns about their work, working environment or acts or omissions of the Trust for instance in respect of health and safety, terms and conditions or matters relating to bullying, harassment and/or victimisation.
- 1.3 This policy outlines the principles to help deal with employee concerns fairly and promptly in order to enable early resolution.
- 1.4 This policy supersedes all previous Trust grievance and anti-bullying and harassment policies.

2 POLICY AIMS

2.1 The aim of this policy and procedure is to:

- Enable a transition in the Trust from a grievance culture to one that is focused on a resolution culture.
- Support the resolution of employee concerns at the earliest opportunity.
- Ensure that managers and employees are aware of their rights, responsibilities and obligations within the resolution process.
- Raise awareness of the 'Just Culture Guide' to inform the management approach to responding to concerns. The 'Just Culture Guide' is available through https://improvement.nhs.uk/documents/2490/NHS_0932_JC_Poster_A3.pdf

2.2 We are here to provide caring at its best to our patients and their carers. Caring at its best means at all times, we behave in line with our values.

1. We treat people how we would like to be treated	
2. We do what we say we are going to do	
3. We focus on what matters most	
4. We are one team and we are best when we work together	
5. We are passionate and creative in our work	

2.3 This policy has the aims of the NHS People Plan (2020) at its core:

- **Looking after our people** with quality health and wellbeing support for everyone.
- **Belonging in the NHS** with a particular focus on tackling the discrimination that some staff face.

2.4 University Hospitals of Leicester NHS Trust is committed to ensuring that it treats its employees fairly and with respect and that it does not discriminate against individuals or

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groups on the basis of their age, disability, gender identity, marital or civil partnership status, membership or non-membership of a trade union, race, ethnic or national origin, religion or belief, sex, domestic circumstances, sexual orientation, social and employment status, or HIV status.

- 2.5 The Trust also recognises its responsibilities as a signatory to the Mindful Employer Charter which aims to increase awareness of mental health. The Charter is a demonstration of the Trust's commitment to being positive about mental health in the recruitment and retention of staff. Further information can be found here:

<https://www.leicestershospitals.nhs.uk/aboutus/work-for-us/mindful-employer-charter/>

3 POLICY SCOPE

- 3.1 This policy and procedure applies to all individuals directly employed by UHL NHS Trust and is applicable from the date of appointment. This policy does not cover agency workers, bank workers, self-employed contractors, volunteers and Patient Partners. Any concerns or complaints by these groups should be escalated through their appropriate UHL contact, i.e. the Staff Bank Office (StaffBankManagement@uhl-tr.nhs.uk) or Volunteer Services (volunteer.services@uhl-tr.nhs.uk).
- 3.2 This policy and procedure supports the resolution of issues or concerns about work, the working environment or acts or omissions of the Trust for instance in respect of health and safety or terms and conditions, or matters relating to bullying, harassment and/or victimisation.
- 3.3 Any concern/complaint must ideally be raised within 3 months of the incident taking place or within 3 months of the employee becoming aware of the relevant incident. Any incident raised outside this time frame will not normally be considered.
- 3.4 Where an employee raises an employment concern during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the employment concern, if this is necessary and appropriate. Where the employment concern and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 3.5 The following are specifically excluded from this policy and procedure:-
- Sickness Management (B29/2006), Performance / Capability Management (Trust Ref B12/2014), Disciplinary or dismissal matters (Trust Ref A6/2004), Maintaining High Professional Standards processes (A2/2005). An employee concern may be raised about a sickness, performance or disciplinary process if it is believed to be unfair, but not the outcome of the process as separate appeals procedures exist.
 - It should be noted that decisions concerning the outcome of formal disciplinary action against the harasser(s), taken as a result of investigations, cannot be raised under the Trust's Resolution Procedure.
 - Income Tax and National Insurance, or other matters over which the Trust has no control.
 - Payroll issues, for which the payroll escalation process applies, unless this process has been exhausted. The recovery of overpayments process is covered in the Overpayments Policy (B43/2008).
 - Superannuation and Superannuation rights.
 - Outcomes of job evaluation panels, unless the job evaluation process has not been followed.
 - Any process which has a separate appeal / review process, including appraisals. An employee concern may be raised about such a process if it is believed to be unfair, but not the outcome as separate appeals procedures exist.
 - Issues that have already been formally addressed through the resolution approach will be excluded (including issues raised under previous grievance and anti-bullying

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and harassment procedures) unless the outcomes agreed by Management have not been actioned.

- An allegation of harassment towards an employee by patients or visitors, which will be treated seriously and dealt with separately under the Management of Violence, Aggression and Disruptive Behaviour (including Restraint Guidance) Policy (B11/2005) and Security Policy (A14/2002). The Local Security Management Specialist (LSMS) can provide advice in these situations and can be contacted through the Health and Safety Office on ext. 3769 or 3392. For incidents out of hours, the Duty Manager can be contacted.
- Issues or genuine concerns that fraud, bribery or corruption within UHL NHS Trust is taking place, which should be referred to the Trust's local counter-fraud specialist and dealt with under the UHL Counter-Fraud, Bribery and Corruption Policy (Trust Ref A1/2010).
- Employees who have any concerns about malpractice of any kind, unlawful conduct or dangers to the public, staff or the environment, which should be dealt with under the Trust's Freedom to Speak Up Policy (Trust Ref A15/2001).

3.6 Employees should be aware that persistently raising unfounded bullying and/or harassment allegations will lead to investigation and could potentially result in disciplinary action.

4 DEFINITIONS

The term "employee concern" will be used through this policy as an overarching definition for these types of workplace issues covered in sections 4.1 and 4.2.

4.1 Individual Complaint

An individual complaint relates to any matter which is grounds for a complaint between an individual employee and the Trust in its capacity as the employer, unless excluded under section 3.5 above. Examples may relate to terms and conditions of employment, health and safety issues, revised working practices, bullying, harassment and victimisation.

4.2 Collective Complaint

A collective complaint is defined as a complaint from a number of employees which is common to the employees concerned and related to their employment, unless excluded under section 3.5 above.

4.3 Vexatious Complaint

A vexatious complaint is one that is not made in good faith, and is raised without sufficient grounds for the employee to consider that the complaint is likely to be true or one with the primary purpose of delaying other procedures.

A vexatious complaint can also be a complaint that continues to be presented having exhausted internal procedures. This does nothing to undermine an employee's statutory rights.

The Trust takes all complaints seriously, but will not tolerate the behaviour of anyone who maliciously raises a complaint they know to be false. Vexatious complaints may result in the implementation of the Disciplinary Policy and Procedure (A6/2004) and may be considered as gross misconduct as appropriate in the circumstances. It is necessary that the advice of the People Services team is always sought before any action is taken by the manager.

This is in no way intended to discourage employees from raising a genuine concern in good faith, and all such concerns will be dealt with appropriately.

4.4 **Protected Characteristics:** There are nine protected characteristics in the Equality Act 2010; age, disability, gender reassignment, race (including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity. Discrimination which happens because of one or more of these characteristics is unlawful under the Act.

4.5 **Bullying** is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying also comes within the Health & Safety Executive's definition of violence at work i.e. 'any incident in which a member of staff is abused, threatened or assaulted in circumstances arising out of the course of their employment'.

Bullying can use either a single factor in the above definition or a combination where there is an intention to undermine a fellow employee.

4.6 **Harassment** is a term defined by law to refer to many types of behaviour and can be defined as any "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. For example, sexual harassment refers to uninvited and unwelcome verbal or physical behaviour of a sexual nature.

Harassment can be one incident or repetitive incidents.

Harassment can take many different forms and it may be related to a protected characteristic. The list of nine protected characteristics simply covers all those characteristics covered by existing anti-discrimination law strands (age, disability, race, religion/belief, gender, gender reassignment, sexual orientation, pregnancy/maternity, marriage/civil partnership).

Employees can complain of harassment even if they do not possess the protected characteristic or the harassment is not directed at them.

4.7 **Harassment and bullying** may be against one or more people and may involve single or repeated incidents across a wide spectrum of behaviour, ranging from extreme forms of intimidation, such as physical violence, to more subtle forms such as ignoring someone. It can occur without witnesses in face to face interactions as well as online.

4.8 **Dignity** concerns how people feel, think and behave in relation to the worth or value of themselves and others. To treat someone with dignity is to treat them as being of worth, in a way that is respectful of them as valued individuals.

4.8 **Victimisation** is where a person is treated less favourably than others because they have either given evidence to support an allegation, or brought a complaint of bullying, harassment or discrimination. Victimisation is unlawful and will not be tolerated.

4.9 **Direct Discrimination** is to treat someone differently because of a protected characteristic. **Indirect Discrimination** is a decision, policy, practice or procedure which leads to people from a particular protected group being treated less favourably than others, even if this was not the intention.

4.10 **Working days** are defined as Monday–Friday inclusive, regardless of individuals' own working patterns, for the purposes of timescales in this policy.

5 ROLES AND RESPONSIBILITIES

- 5.1 The **Executive Lead** for this Policy and Procedure is the Chief People Officer.
- 5.2 **Clinical Management Group Management Teams / Corporate Management Teams** have responsibility for ensuring that employee concerns are settled in a fair and consistent and timely manner in line with this policy.
- 5.3 **Managers** have responsibility for developing a culture and climate in which employees feel able to raise matters requiring resolution without the fear of repercussion or detriment.
- 5.3.1 **Managers** have a responsibility to take all employee workplace concerns seriously and to resolve these concerns at the earliest stage possible, promptly, fairly and with sensitivity and in confidence where possible.
- 5.3.2 **Managers** should ensure that there is appropriate support for all those involved in this process, including signposting to AMICA Counselling Services and Occupational Health.
- 5.3.4 When deciding how to respond to concerns the 'Just Culture Guide' should be considered by managers, as appropriate, to inform the management approach and to determine whether remedial actions or formal investigation and / or action are appropriate. The 'Just Culture Guide' is available through https://improvement.nhs.uk/documents/2490/NHS_0932_JC_Poster_A3.pdf
- 5.4 **The manager responsible for resolving concerns and Resolution Appeal Panels (where applicable)** has a responsibility to ensure that employee concerns have been fully investigated. They must ensure that all formal hearings are conducted in line with this policy and procedure, and consider all information and evidence impartially and consistently.
- 5.5 **Employees** should attempt to resolve any workplace matters they may have as quickly as is reasonably practicable and as near to the source as possible.
- 5.5.1 **Employees** are responsible for arranging their own representation at meetings that may take place in line with this policy (please refer to 5.7.4)
- 5.5.2 **Employees** have a responsibility to ensure that they do not discriminate, harass or bully anyone and promote a climate free from unacceptable behaviour. Each individual must ensure that their own conduct, and that of their colleagues, does not cause offence. Staff are encouraged to challenge and discourage offending behaviour as active bystanders (where it is safe to do so), and to support colleagues who are experiencing harassment, discrimination or bullying. Staff found to be acting unacceptably will be subject to the UHL NHS Trust's Disciplinary Policy and Procedure (Trust Ref: A6/2004).
- 5.5.3 **Employees** must complete the mandatory UHL Bullying, Harassment and Victimisation Awareness training and Equality and Diversity training which is available via e-learning on HELM.
- 5.6 **People Services** will provide confidential advice and support to employees and managers in line with this policy. They will promote partnership working between managers and staff representatives in attempts to resolve all employee concerns.
- 5.7 **Trade Union / Professional Organisation Representatives** will support their member, promoting an informal resolution of concerns where appropriate. They will advise individual members of their respective unions and professional associations regarding the process and, in partnership with managers, ensure their members are treated fairly.
- 5.7.1 At any stage in the procedure the employee is free to choose whether or not to have his/her interests represented by an accredited Trade Union or Professional Organisation Representative and the Trust would strongly support this. Alternatively, they may choose Resolution Policy

to be accompanied by a work colleague. Individuals are responsible for liaising with their representatives. Accredited Trade Union / Professional Organisation representatives may initially raise the employment concern with the appropriate manager on the employee's behalf, with the consent of the employee. Trade Union / Professional Organisation Representatives however cannot pursue an employment concern on behalf of an employee without their agreement, as this is the responsibility of the individual employee.

- 5.7.2 The work colleague / union representative is allowed to address both the resolution team and any hearing in order to present the case, sum up, confer and respond on the employee's behalf during such proceedings. They may also ask questions. It should be noted that questions can only be answered by the employee.
- 5.7.3 Legal representation will not be permitted.
- 5.7.4 The employee, where relevant, should inform the investigating manager of their representative within 3 working days of being notified that a formal meeting / hearing will be arranged. The employee will contact the representative to ascertain their availability so the investigating manager can arrange an appropriate formal meeting / hearing date. The representative will respond within 5 working days with either two dates of availability or a phone call to agree a mutually convenient date. If the dates are not agreed the resolution team reserve the right to arrange a date for the hearing.

5.8 Cultural Ambassadors

UHL has trained 'Cultural Ambassadors' who are able to advise on resolution processes and formal investigations involving staff from BAME (Black, Asian and Ethnic Minority) backgrounds. The remit of a Cultural Ambassador is not to represent employees, but to be a neutral observer in the process and identify and challenge any cultural bias, unconscious bias, less favourable treatment or discrimination and ensure that these issues are taken into consideration in the decision making process. If a member of staff would like a Cultural Ambassador to review their case, they should make this request to the People Services representative supporting the case.

- 5.9 **The Equality Team** is available to provide specialist advice and support on queries relating to Equality, Diversity and Inclusion.
- 5.10 **The Organisational Development Team** is available to advise on matters relating to team effectiveness, work closely with teams to create healthy working practices and cultures, and offer coaching and mentoring support (0116 258 5614 or email ODStaffSupport@uhl-tr.nhs.uk).

6 POLICY IMPLEMENTATION AND ASSOCIATED DOCUMENTS

6.1 Timescale for Raising a Concern/Complaint

Any concern/complaint must ideally be raised within 3 months of the incident taking place or within 3 months of the employee becoming aware of the relevant incident. Any incident raised outside this time frame will not normally be considered.

6.2 Tips for employees preparing for resolution meetings is included in **Appendix 1**.

6.3 A table outlining those required to be present at each stage of the procedure is included in **Appendix 3**.

6.4 A flow chart outlining the stages of the Resolution procedure is included in **Appendix 5**.

6.5 Early Resolution (Informal Approaches)

- 6.5.1 Employees should raise and seek to resolve problems with their manager as part of their normal working relationship. They should use their discretion when deciding whether day-to-day discussion is leading to a successful resolution of the issue. Both parties may wish to keep a note of any informal discussion and any action agreed should be confirmed in writing and placed on the employee's personal file. An informal resolution request can be made in writing to:
- Line Manager; or
 - Line Manager's Manager, if it is not possible or appropriate to make this request to the line manager.

6.5.2 Informal Resolution Meeting (Stage 1)

The manager will arrange a resolution meeting as soon as possible with the employee in an early attempt to identify and resolve a disagreement, conflict or dispute. In most cases concerns/complaints can be resolved at this meeting. It is expected that in most cases this meeting will be a one to one meeting, however, either party may wish to have the attendance of another party for advice or support such as a People Service or Union Representative. In such cases this will be discussed and agreed by all attendees prior to the meeting taking place, although it is not intended that the meeting would have the constitution of a formal resolution meeting. If such a membership is necessary, the manager should consider whether the matter is appropriate for informal resolution.

If an additional manager is to attend, it will be in the capacity of a note-taker, not a decision maker.

This is an informal stage and any informal discussion would not normally prevent the line manager from considering a concern that is subsequently raised formally under the first stage of this procedure.

Agreed actions from the Informal Resolution Meeting should be documented in writing.

- 6.5.3 Example methods of early resolution are set out in the table below. Other options can be explored where this is deemed appropriate to resolve the concern. If one of the means of early resolution is not successful, other options remain available throughout all the stages of the resolution process.

Method of Resolution	Overview
Personal action	The initiating employee may decide to resolve the concern directly, for example by speaking to the relevant individual. This could take place face-to-face or by giving a written account.
Facilitated early resolution meeting	An early attempt to identify and resolve a concern. This will usually be led by a line manager or independent party to provide an opportunity to discuss the situation and establish further information and detail, in a supportive, constructive and empathic forum. A list of trained Facilitators is held by the People Services team, or in some circumstances it may be appropriate, with the agreement of all parties, for an independent manager to conduct this facilitated meeting even if they have not been formally trained. The Organisational Development team has received training and can support with facilitated meetings.
Mediation	A confidential, impartial process for dealing with difficult situations in a positive way. Mediation is an entirely voluntary process. Individuals cannot be compelled to participate in, continue with (in the case that they have started) or reach agreement through such a process. Mediation is an independent, non-adversarial way of resolving difficult situations. It is

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	a facilitated process to enable two or more parties to have an open and honest dialogue with the aim of identifying a mutually acceptable outcome. Mediation will take place with a trained mediator from AMICA.
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6.6 Formal Resolution Stages

The following process provides a framework for resolving matters that cannot be dealt with informally. Any of the timescales may be varied by agreement with both parties. A flowchart of the formal process can be found in **Appendix 4**.

6.6.1 First Formal Stage (Stage 2)

Where staff have exhausted the early resolution process and wish to proceed to the formal stages, they should complete the Formal Resolution Request Form (**Appendix 2**) and either hand or send it to their line manager.

The form should include the desired outcome. If the employee is unsure of their desired outcome, they may wish to discuss this with their union representative or a People Services representative.

If the subject of the employment concern is the manager with whom the concern would normally be raised with employee(s) should raise their concerns with the next appropriate line manager.

Consideration will be given to permitting reasonable protected time during working hours for the employee to compile their case and review outcome documentation, and where necessary their appeal. This will be assessed on a case-by-case basis.

6.6.2 Formal Resolution Meeting (Stage 2)

The receiving manager must acknowledge receipt of the Formal Resolution Request Form (**Appendix 2**) in writing within 5 working days of receipt and arrange a meeting with the employee(s), together with their representative(s) and an appropriate People Services representative. The receiving manager may choose to appoint an independent manager to conduct this meeting if this is appropriate.

The manager may give consideration to including a third person to consider the issue if it relates to a specific professional concern. The role of the third person would be to offer an expert, independent view; they would not be an additional decision-maker.

This meeting should take place within 20 working days of receipt of the Formal Resolution Request Form, unless there are particular circumstances (e.g. annual leave or sickness) which would make this difficult to achieve.

The purpose of this formal resolution meeting will be to discuss the complaint further. The meeting will be arranged accounting for the availability of all parties and confirmed by letter, notifying the employee(s) of their right to be represented. The manager will be normally be supported by a People Services representative.

This meeting should seek to agree a solution that is acceptable to the employee and the Trust. It should be recognised, however, that where this is not possible, the manager will need to consider the circumstances and the appropriate outcome. The procedure to be followed at this stage is included in **Appendix 4**.

The manager will confirm the outcome of this meeting in not more than 7 working days. Where further investigation is necessary, the meeting will be adjourned to allow for this to take place.

6.6.3 Investigation

Where the issue requires further investigation, then the chairing manager will adjourn the meeting and appoint an appropriately trained investigating manager or conduct an investigation themselves.

The investigation will be undertaken along similar lines to a disciplinary investigation, with the minimum delay, where the appointed manager will be normally supported by a People Services representative to establish the facts of the case.

The outcome of the investigation will then be presented to the individual raising the concern at the reconvened meeting, and provided in writing within 7 working days of that meeting.

Where a recommendation is that a party will be subject to a further formal procedure, this is the extent of the information that will be communicated to others. They will not be advised of the nature of the formal procedure or its outcome.

6.7 Final Formal Stage (Appeal) Stage 3

- 6.7.1 If there is still failure to agree the terms of settlement of the employment concern, there is a right of appeal to a Director level panel of three: one Director, one other independent appropriate senior manager, and an appropriate senior representative from People Services (unless the Chief People Officer is one of the panelmembers).
- 6.7.2 Requests for a Director level appeal should be made in writing to the Chief People Officer. To exercise the right of appeal, employee(s) or their representative must clearly set out in writing the grounds upon which the employee feels a resolution has not been reached and the employment concern is still unresolved otherwise the appeal may not be considered. No new grounds should be added at this stage which have not been investigated previously. If additional evidence has come to light which was not available during the investigation, this may be submitted for consideration. The request must be received by the Chief People Officer within 15 working days of the receipt of the designated manager's outcome, and must incorporate all previous documentation.
- 6.7.3 The Chief People Officer will acknowledge receipt of the Formal Resolution Request Form and a Director level panel will be convened to meet with the employee and their representative to hear the appeal. The lead manager from the previous stage will also be required to attend.
- 6.7.4 The panel and all attendees (apart from witnesses) will receive no later than seven working days prior to the appeal hearing where relevant:
- The employee's written statement outlining the reasons that they remain unsatisfied and the evidence to support this, to be provided by the Chief People Officer
 - The management response to the appeal
 - Any relevant documentation referred to as part of the decision making at the formal stage.
 - The outcome letter from the formal stage.
 - Names of any witnesses to be called.
 - Should the employee wish to add any additional information/evidence, these should also be submitted seven days before the meeting, however it would usually be expected that the initial submission provided to the Chief People Officer should include all details.

- 6.7.5 The panel upon discussion and agreement with relevant attendees may give consideration to including an additional panel member should the issue relate to a specific professional related concern.
- 6.7.6** The procedure to be followed at this stage is included in **Appendix 4**.
- 6.7.7. At this hearing the panel will hear the cases which either party may wish to make, though neither party are obliged to make one.
- 6.7.8 The Panel may at their discretion adjourn a hearing in order to request further evidence as necessary before coming to their decision.
- 6.7.9 The panel will review the employment concern and communicate a decision in writing to the employee(s)/ representatives and the manager concerned, within 7 working days of the hearing.

Possible decisions from the panel are:

- a) Reference back to one of the previous stages
 - b) The appeal succeeds
 - c) The appeal fails
 - d) Where there are multiple parts to the appeal, it may partially succeed/fail
- 6.7.10 The decision at this stage of the process is final. This represents the highest level within the Trust at which staff can appeal.

6.8 Collective Resolutions

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

The group in question must have a common issue relating to an employment matter. Where a collective issue relates to a decision sanctioned by the Executive Directors / Trust Board, there is a facility available to refer the case directly to Stage 3, Formal Resolution.

6.9 Status Quo

The circumstances which existed prior to the change, issue or event which resulted in the employee/s raising his/her/their employment concern, (i.e. the “status quo”) will normally continue while the procedure is being followed and until it is exhausted.

A decision to depart from the principle of “status quo” will only be taken on the authority of the Chief Executive or Chief People Officer.

Such a departure from the status quo might be for example actions that need to be taken urgently in the interests of patient services, quality, safety, efficiency or budgetary requirements.

6.10 Recording of Meetings

If the employee, (or occasionally management or the panel) wish to make a recording of any meetings or hearings, this must be declared, agreed with all parties who are in attendance and then shared afterwards. Recordings should only be made on Trust

recording devices. Any such recordings must be kept confidential. The recording will not be transcribed.

Covert recordings of any kind are prohibited from all stages of this procedure, including all meetings, hearings and appeals.

6.11 Confidentiality

In order to maintain confidence and not frustrate the use of this policy, concerns raised under this policy and their outcomes should be kept confidential by all parties (the employee, panel, investigating team, People Services, Trade Union/professional representative, witnesses etc.) on a need to know basis. No party should make the concern public, for example, by reporting details to other colleagues, the press or media while the policy is being used, without the prior knowledge (and preferably consent) of the other party. The exception to this is for certain safeguarding and criminal concerns, which may need to be shared with relevant individuals.

6.12 Support Mechanisms

It is recognised that for all of our people involved, the processes may be unusual or unfamiliar and therefore immediate and/or ongoing support may be required. The following support is available in addition to support offered by a person's line manager. Note that if people feel unable to speak to their line manager, they may approach an alternative manager.

6.12.1 AMICA Staff Counselling & Psychological Support Service

AMICA is a staff counselling service that provides both telephone and face-to-face free and confidential advice and support to all employees. Further information is available on the AMICA website: <http://www.amica-counselling.uk/>
AMICA can be contacted on **0116 2544388**.

6.12.2 Occupational Health:

Employees can self-refer to the Trust's Occupational Health team at any time. Manager referrals will be made for any employee who either requests or is identified as needing such support. Where indicated, Occupational Health will advise on an individual's fitness to attend meetings. Employees are required to attend and engage with Occupational Health appointments.

Occupational Health can be contacted on **0116 258 4930 (LGH), 0116 258 5307 (LRI), 0116 250 2393 (GGH)**.

6.12.3 Anti-Bullying, Harassment & Victimisation Adviser Service:

UHL has Anti-Bullying and Harassment advisers in place that can provide confidential advice and support for all Trust staff. They are there to listen to employees concerns about the behaviour they may be experiencing from colleagues and they will provide confidential, independent advice and support.

The service is available Monday to Friday 9am-5pm. A message can be left outside of these hours and they will aim to respond within 48 hours.

The service can be contacted on **0116 258 8096** or email: antibullying.adviser@uhl-tr.nhs.uk.

6.12.4 The Equality Team is available to provide specialist advice and support on queries relating to Equality, Diversity and Inclusion and can be contacted on **0116 258 4382** or via email equality@uhl-tr.nhs.uk

6.12.5 People Services Employee Relations Team:

The team will be able to offer guidance based on Trust policies and procedures, which support and reflect the intentions and spirit of the Trust's People Strategy.

The team can be contacted Monday to Friday on **0116 258 5495**, or alternatively you can email HRGeneralistAdvice@uhl-tr.nhs.uk.

6.12.6 Staff Side Representatives / Workplace Colleague

Employees will have the right to be accompanied by a Staff Side (Union) Representative or workplace colleague at any formal meetings held in line with the Resolution Policy. It is the employee's responsibility to arrange accompaniment. Having this support has many benefits including providing the employee with advice and support and aiding the employee's understanding of the situation.

Details of the accredited trade unions and their representatives' names are available by contacting the Staff Side Chair on **0116 258 4080**.

6.12.7 Freedom to Speak Up Guardian

There may be occasions where a matter requiring resolution is brought to the attention of the Freedom to Speak up Guardian. Concerns raised with a Freedom to Speak Up Guardian are confidential, however if appropriate, the Freedom to Speak Up guardian may signpost the person to the Resolution Policy.

The contact number for the UHL Freedom to Speak Up Guardian is **0795 0839130** or email freedom2speakup@uhl-tr.nhs.uk

7 EDUCATION AND TRAINING REQUIREMENTS

- 7.1 Managers, People Services and Staff Side will draw the attention of staff to the Policy & Procedure and provide support as appropriate.

8 PROCESS FOR MONITORING COMPLIANCE

- 8.1 Policy compliance will be monitored with spot audits by the Employee Relations Team.
- 8.2 The spot audit will consist of reviewing the case documentation ensuring that the relevant procedure has been followed and an outcome recorded. All case documentation will be held on the ER Tracker.
- 8.3 Monitoring for compliance will also take place against agreed KPIs, as defined within the ER Tracker. Lessons learned from individual cases and adherence to KPIs identified will be shared with the People Services and appropriate management team.

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements Who or what committee will the completed report go to.
Resolutions Case KPIs	Employee Relations Team Manager. Cases requiring input are dealt with by managers with support from People Services where necessary. People Partners take appropriate data to CMG Boards, to ensure appropriate review	Reports from ER Tracker along defined parameters.	Monthly	CMG Boards, Managers, and People Services
Equality workforce data (as required)	Workforce	Workforce Absence Data / Trust Executive Summary	Monthly	Trust Board, CMG Boards, managers (as appropriate) and People

Resolution Policy

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Records within the scope of this procedure should be treated appropriately in accordance with the Data Protection Act 1998. Line managers should retain copies of written proceedings, statements and records relating to each stage of this process on the employees personal file.

Records of formal resolution meetings should be kept, detailing the nature of the concern/complaint raised, the Trust's response, any action taken with the reasons. If there was an appeal there should be a record of the outcome letter. The reasons for any delays in hearing the complaint should also be recorded.

Copies of any informal and formal meeting records and where appropriate other information, will normally be given to the individual concerned on request. However in certain circumstances, for example to protect a witness, some information may be anonymised or withheld.

Although the individual records will be kept confidential, the information will be used by the People Services Department to monitor the number and nature of concerns/complaints across CMG's / Corporate Directorates, staff groups, employees by ethnic group, disability, gender or age.

It is the responsibility of the Line Manager to ensure the case is recorded in the personal file.

9 EQUALITY IMPACT ASSESSMENT

- 9.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and to treat all individuals fairly with dignity and appropriately according to their needs.
- 9.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

10 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

10.1 National References

- ACAS Code of Practice on disciplinary and grievance procedures, March 2015: <https://beta.acas.org.uk/code-of-practice-on-disciplinary-and-grievance-procedures#foreword>
- Discipline and Grievances at Work – The ACAS Guide, Feb 2019: https://www.acas.org.uk/media/1043/Discipline-and-grievances-at-work-The-Acas-guide/pdf/DG_Guide_Feb_2019.pdf
- The 'Just Culture Guide' is available through: https://improvement.nhs.uk/documents/2490/NHS_0932_JC_Poster_A3.pdf
- The NHS People Plan: <https://www.england.nhs.uk/ournhspeople/>
- Mindful Employer Charter is available through: <https://www.leicestershospitals.nhs.uk/aboutus/work-for-us/mindful-employer-charter/>

10.2 Related UHL Policies/Guidance

- FAQs – available on INsite ([INsite - Grievances, Anti-Bullying & Harassment \(xuhl-tr.nhs.uk\)](https://insite-tr.nhs.uk))
- Disciplinary Policy and Procedure: Trust Ref: A6/2004
- Use of Social Networking Media Guideline: Trust Ref: B26/2010
- Freedom to Speak Up: Raising Concerns Policy: Trust Ref: A15/2001
- Equality, Diversity and Inclusion Policy: Trust Ref: B61/2011

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11 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

- 11.1 This policy supersedes the UHL Staff Grievance and Disputes Policy and Procedure May 2019 (A7/2004) and the Anti-Bullying & Harassment Policy and Procedure (B5/2016) The Policy will be initially reviewed in 14 months or sooner should significant changes be required.
- 11.2 This policy will then be reviewed every 3 years and it is the responsibility of the policy People Services lead to commence this process in a timely manner to ensure a revised version is approved by the review date.
- 11.3 The updated version of the policy will then be uploaded and available through INsite documents and the Trust's externally-accessible Freedom of Information publication scheme. It will be archived through the Trusts PAGL system.

TIPS FOR PREPARATION FOR EMPLOYEES

Tips for early resolution (informal approach)

- ✓ Make an appointment to see your manager (rather than raising the issue in another meeting) and tell them it is to informally discuss a concern/complaint and tell them what the concern is beforehand.
- ✓ This is not just your opportunity to explain the concern it is also your chance to suggest some solutions. So before you go into the meeting have some ideas about what you want to happen.
- ✓ At the meeting, if you agree a solution, ask the manager to confirm in writing to you what was agreed.
- ✓ If you cannot discuss the concern/complaint with your line manager (perhaps because the concern / complaint relates to them in some way) you should raise the concern/complaint informally with a more senior manager in your area.

Tips for first Formal stage

- ✓ If you are going to be accompanied at the meeting by a representative, meet with them beforehand and make sure they are clear about the nature of the complaint. Also, decide if your representative is going to present your complaint for you or if you want to do so.
- ✓ Do not get over anxious. Managers are accustomed to holding such meetings; try not to feel awkward or embarrassed.
- ✓ Keep focused. Remember this is your opportunity to get a solution to your concern/complaint so don't spend all your time talking about what has happened and how you feel. Concentrate on what can be done to put it right.
- ✓ Be prepared for a difference of opinion. The manager will listen to you carefully, and ask you about any areas they are not clear about. The result may be that they do not agree with you and so you should be prepared for that outcome.

Tips for Final Formal stage

- ✓ Do not just repeat your case from the first stage. If you did not explain your case well you will need to think about how you can improve this.
- ✓ If you feel your complaint was not understood you may need to elaborate or provide more detail.
- ✓ Make sure you understand the manager's viewpoint and the explanations given to you at the first stage for not supporting your complaint. Do you fully understand them? If not, make sure you ask your representative or even the manager to explain fully to you so that you do understand.

PRIVATE AND CONFIDENTIAL – FORMAL RESOLUTION / REQUEST FORM

Please note your employment concern will be shared with the relevant parties.

(BLOCK CAPITALS)	
PART A Employee(s) Details:	
Name(s)	
Job Title	Band
Department	Contact Email & Telephone
Details of Representative(s) (if applicable)	
Name(s)	Organisation
Telephone	Email Address
Mobile	
Details of employment concern and stage of procedure reached (please continue on a separate sheet if necessary) Issues raised should usually be within the past 3 months.	
Have you followed the informal stage of the Resolution Policy already?	
Desired Outcome	
Details of the manager to whom you are addressing the Resolution Request Form at this stage of the procedure:-	
Name	Title Department
Signed:	Date:
(Employee(s)) (continue on separate sheet if necessary)	
PART B	
Received by:	Date:
(Manager)	
Manager's Actions	
<i>Contact Employee:</i>	<i>Date:</i>
<i>Meeting Arranged:</i>	<i>Date:</i>
<i>Follow Meeting with letter:</i>	<i>Date:</i>

EQUALITIES DATA

If you would prefer not to answer the following questions, please leave them blank. Your answers will be kept confidential and only used for monitoring purposes.

Ethnic Origin

Gender

Religion

Sexuality

Disability (Yes/No)

RESOLUTION PROCEDURE

STAGE	PRESENT IN MEETING
Informal Resolution Meeting Immediate Manager (Stage 1)	<p>Meeting comprises of Immediate Manager (unless they are the subject of the employment concern – in which case it would refer to the next in line manager)</p> <p><u>Also present</u> Employee TU Representative / Work Colleague & People Services if requested.</p>
Formal Resolution Meeting (Stage 2)	<p>Meeting comprises of Appropriate Manager. and People Services support</p> <p><u>Also present:</u> Manager who considered employment concern at informal stage Employee</p> <p>TU Representative / Work Colleague & People Services from the previous stage should attend as appropriate.</p>
Resolution Appeal Hearing (Stage 3)	<p>Panel comprises of Two Appropriate Managers, including one Director or a nominated Deputy. and People Services support (unless the Chief People Officer is one of the panel members).</p> <p>A third person may also attend for professional issues if the lead manager feels this is necessary, with the awareness of the employee.</p> <p><u>Also present:</u> Management representative from previous stage Employee TU Representative / Work Colleague & People Services representative</p>

Note 1 Action may be delegated to designated officers for all levels within grid, as appropriate.

Note 2 A direct line manager can be substituted by a line manager from a different area, with the awareness of the employee (with authority given in advance by either the CMG Director / Head of Operations for CMG or CMG Head of Nursing, or Directorate Lead).

Procedure to be Followed at a Resolution Meeting:

1. The Chairperson introduces themselves and the panel.
2. The member of staff bringing the employment concern, or his/her representative will state their case - and call any witnesses.
3. The management representative(s) and the members of the Panel will then, if they wish, question the member of staff, his/her representative and any witnesses called in relation to their evidence.
4. The member of staff or his/her representative may re-examine his/her witnesses on any matters referred to in their examination by the Panel or the management representative.
5. The management representative will state his/her case, and call any witnesses.
6. The member of staff, or his/her representative, and the Panel will then, if they wish, question the management representative and any witnesses in relation to their evidence.
7. The management representative may re-examine his/her witnesses on any matters referred to in their examination by the Panel, the member of staff or his/her representative.
8. The member of staff or his/her representative may, if they wish, reply to management's case.
9. Nothing in this procedure will prevent the members of the Panel from inviting the representative of either party to clarify or amplify any statement he/she may have made; or from asking him/her questions as may be necessary.
10. The Panel may at their discretion adjourn a hearing in order that further evidence may be produced by either party as discussed and agreed with management and the employee.
11. There is an opportunity for the member of staff and Management Representative to each summarise their cases, ending with the staff member's case.
12. The panel will consider the case and make a decision in private. If a decision cannot be given on the day of the hearing it shall be communicated in writing to both parties within 7 working days of the hearing.
13. Adjournments during meetings to hear employee concerns may take place at the discretion of the panel, including in response to requests from either party. Normally these should not exceed 20 minutes in duration unless otherwise agreed between all parties. Should the meeting need to be adjourned for that day, a future meeting date and time to reconvene must be agreed as soon as possible, to take place within 10 working days.

Resolution Procedure: Issues raised should usually be within the past 3 months

