

Policy Document

Reference: HR02

Resolution Policy & Procedure

Version:	2
Date Ratified:	September 2023 by TJNCC
To Be Reviewed Before:	September 2026
Policy Author:	Head of Employee Relations
Executive Lead:	Chief People Officer

Version Control Schedule

Final Version	Issue Date	Comments
1	October 2022	New Policy. Replaces HR02 Dignity at Work Policy and HR03 Grievance and Disputes Policy and Procedure
2	September 2023	Major changes at year 1 review to reflect Staff Side, Manager and People Directorate feedback following 9 months of policy use in practice.

Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

FOI REF 636-242

Equality Impact Assessment (EIA)

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. The Equality Impact Analysis Form is designed to help consider the needs and assess the impact of each policy. To this end, EIAs will be undertaken for all policies.

Title of policy being assessed	Resolution Policy
Policy reference & version number	HR02 Version 2
Summary of changes made on this review	Major changes at year 1 review to reflect Staff Side, Manager and People Directorate feedback following 9 months of policy use in practice.
Please list which service users, staff or other groups have been consulted with, in relation to this	Trade Unions Staff Networks People Directorate Managers
Were any amendments made as a result? If yes, please specify	Major changes at year 1 review to reflect Staff Side, Manager and People Directorate feedback following 9 months of policy use in practice.
Which Executive Director has been consulted on?	Chief People Officer
Does this policy have the potential to affect any of the groups listed below differently - please complete the below. Prompts for consideration are provided, but are not an exhaustive list	

Group	Is there a potential to impact on the group? (Yes/No/Unsure)	Please explain and give examples	Actions taken to mitigate negative impact
Age	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources
Gender	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources. Gender neutral language throughout
Race	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources This policy is inclusive of all protected groups and vulnerable people. We recognise that BAME colleagues face more barriers to speaking up and we have increased FTSU resources and will be increasing ESA numbers to support staff to speak up and understand their options.

Group	Is there a potential to impact on the group? (Yes/No/Unsure)	Please explain and give examples	Actions taken to mitigate negative impact
Religion & Belief	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources
Sexual orientation	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources. Inclusive language throughout and specific reference to non-binary people in addition to harassment relating to the protected characteristics listed under the Equality Act
Pregnancy & Maternity	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources
Marital status/civil partnership	No		This policy is inclusive of all protected groups and the staff networks have been involved in the creation of the policy and associated Being Kind resources
Gender Reassignment	No		This is not a clinical policy. Inclusive language used throughout
Human Rights	No		This policy is in accordance with our duties in the Equality Act (2010), Public Sector Equality Duty (PSED) and the Human Rights Act (1998), as an employer regarding discrimination and harassment
Carers	No		Support for individuals and their circumstances is built into the process
Socio/economic	No		None known.
Disability			This policy will be available with easy read guidance, supported by videos and all staff can assess an Employee Support Advisor for independent confidential support if needed. Document can be enlarged using accessibility functionality on the intranet
Are there any adjustments that need to be made to ensure that people with disabilities have the same access to and outcomes from the service or employment activities as those without disabilities?			No
			Not relevant to this policy. This policy outlines our commitment to supporting all staff to address disputes at work. Adjustments would be made on individual needs
Will this policy require a full impact assessment and action plan?		Yes	No
			x

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1. INTRODUCTION

The University Hospitals of North Midlands 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. We recognise that a positive working environment and good working relationships have a positive impact on employee wellbeing and employee engagement. This can also lead to better patient outcomes, improved performance, improved employee retention and reduced stress related sickness absence.

The Trust recognises that on occasions individual employees or groups of employees 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. Examples of this can include (but are not limited to) personal conflict, misapplication of policy, pay disputes or failure to consult.

This policy outlines the principles to help deal with employee concerns fairly and promptly in order to enable early resolution.

This policy supersedes all previous Trust grievance and anti-bullying and harassment policies.

2. POLICY AIMS

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.
- 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.

We expect all UHNM employees to consistently demonstrate the Trust Values and the behaviours documented within our behaviour framework; the 'Being Kind Compact'.

The Trust will continuously work towards an environment where:

- All employees understand expected standards of behaviour through our Being Kind Compact, which has been created in collaboration with our workforce.
- All employees understand that UHNM takes a zero tolerance approach to bullying; and harassment or discrimination based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, gender identity or expression.
- All employees understand the behaviour that constitutes bullying and harassment that this behaviour is unacceptable and that appropriate measures, including disciplinary action may be taken.
- Individuals feel confident to raise issues at an early stage where the focus will be on informal resolution approaches that preserve and maintain the employment relationship.
- Managers create an environment where employees feel safe to speak up and have the confidence that conflict, concerns or other disputes will be addressed.

3. SCOPE

This policy and procedure applies to all trust employees on a permanent, temporary or fixed term contracts, and supersedes any other Dignity at Work or Grievance Policies in place in the

Trust. It will not apply to non-employed staff (i.e. third party contracted workers or bank workers), however it is expected that such workers should follow the principles laid down in this policy whilst working on Trust premises.

This policy and procedure supports the resolution of 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 incivility, bullying, harassment and/or victimisation.

Any concern 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 unless there are exceptional circumstances preventing timely reporting.

Where an employee raises a concern during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the concern, if this is necessary and appropriate. Where the concern and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

The following are specifically excluded from this policy and procedure:

- Vexatious complaints
- Anonymous complaints
- Any process which has a separate appeal / review process. 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.
- Decisions concerning the outcome of formal disciplinary action against the harasser(s), taken as a result of investigations.
- Issues that have already been formally addressed through the Resolution Policy (including issues raised under previous grievance and dignity at work procedures) unless the outcomes agreed by the Resolving Manager have not been actioned.
- 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.
- Superannuation and Superannuation rights.
- Outcomes of job evaluation panels, unless the job evaluation process has not been followed.
- Bullying, harassment, abuse or inappropriate behaviour from patients, service users, visitors and other members of the public, which should be addressed by the Trust's Security Policy (EF02).
- Issues or genuine concerns that fraud, bribery or corruption is taking place, which should be referred to the Trust's local counter-fraud specialist.
- Concerns about malpractice of any kind, unlawful conduct or dangers to the public, employees or the environment, which should be dealt with under the Trust's Freedom to Speak Up Policy.
- PREVENT is the Government's counter-terrorism strategy. It aims to stop or identify people who are in danger of being radicalised to either become terrorists or to support terrorist behaviour. If you have concerns regarding an employee, for example in terms of their behaviour or views they are expressing relating to the themes of PREVENT, you must contact the Trust's Safeguarding Team.

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 Concern

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

4.2. Collective Concern

A collective concern is defined as a concern jointly raised by a number of employees which is common to the employees concerned and related to their employment.

Individually lodged concerns regarding the same issue are not considered a collective concern and should be addressed as individual concerns.

4.3. Other Definitions

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.
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.
Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. 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.
Discrimination	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.
Harassment	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 and 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.
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.
Victimisation	Where a person is treated less favourably than others because they have either given evidence to support an allegation, or brought a concern of bullying, harassment or discrimination. Victimisation is unlawful and will not be tolerated.
Civility	Showing regard for those around us and being thoughtful, courteous and polite in behaviour.
Conflict	A disagreement, argument or clash between people with opposing opinions or principles.
Grievance	A statutory term for a concern, problem or complaint raised by an employee or group of employees about an action the Trust has taken or is contemplating taking in relation to them.
Micro-aggressions	A term used for brief and commonplace statements, actions or incidents regarded as instances of indirect, subtle or unintentional daily verbal, behavioural or environmental indignities that communicate a hostile, derogatory or negative prejudicial slight and insult towards others, particularly culturally marginalised groups.
Respect	A positive regard shown to a person as a human being, as an individual by others and demonstrated as courtesy, kindness, good communication, inclusion and valuing their views.
Status quo	Where the working and management arrangements that applied before the dispute continue to apply until an outcome occurs.
Coaching conversation	An informal supportive discussion with an independent and trained member of the People Directorate to identify the best route to achieve resolution.

5. ROLES AND RESPONSIBILITIES

The **Chief Executive** has the overall responsibility for ensuring the Trust has adequate policies in place.

The **Chief People Officer** is the Lead Officer for the purpose of this Policy.

The **Trust Joint Negotiating and Consultative Committee Policy Review Group** will oversee the implementation, monitoring and effectiveness of this policy.

Executive Directors, Divisional Management Teams, Directorate Management Teams Heads of service and Directorate Managers will be responsible for ensuring that this policy is fairly and consistently applied within their area of responsibility in the Trust and that they attend the relevant training required as a result of this policy.

Managers will be responsible for ensuring that they apply this policy fairly and consistently and must attend the relevant training required. The role of the manager is central to resolving conflict in the workplace, both at informal and formal stages. We expect our managers to create and sustain a positive working environment where employees feel able to come to them direct with their concerns and where issues can be resolved quickly, co-operatively and amicably, we call this early informal resolution, and we expect all managers to:

- Encourage and engage in respectful conversations
- Actively seek out opportunities to resolve issues before they escalate
- Engage actively and fully in facilitation and mediation processes, when required

All employees are responsible for complying with this policy and its associated documents. In addition employees must be aware of their personal responsibility in relation to their behaviour and acting in accordance with our Being Kind Compact in the workplace and commit to timely completion of mandatory training relevant to this policy.

Issues should be raised at the earliest possible opportunity in order that positions do not become entrenched and the situation does not escalate. We expect you to speak to the person concerned to resolve any differences you encounter in the workplace and to raise with your manager (or next level manager as appropriate) any concerns that you are not able to resolve directly yourself.

The **People Directorate** will be responsible for supporting the implementation of this policy and its procedure and associated processes, including providing advice to employees, and advice, guidance and relevant training/support for managers. The department will work with managers, trade unions and colleagues to ensure the policy is followed and complies with employment legislation. The People Directorate are responsible for advising all parties on the handling and ways to ensure early resolution of colleagues workplace disputes and may be directly involved at any stage. They will help to maintain a consistent approach throughout the trust.

Occupational Health and Staff Support and Counselling Services are responsible for promoting the physical and mental wellbeing of Trust employees, including providing support and guidance to them and managers in the form of medical advice, guidance, support and health promotion.

Trade Unions/Staff Side representatives act as an advocate and representative for the employee and to provide the employee with advice and support. They may also be asked to assist in sharing any learning that comes from the resolution process. Trade Union/Staff Side representatives can also provide representation at formal meetings

Employee Support Advisors (ESAs) are a multidisciplinary voluntary staff resource acting as a "listening ear" and providing confidential peer support and impartial advice and guidance to all staff around experiences of incivility and disrespect, bullying and harassment. Often it can be helpful to discuss an issue with someone not directly involved, as it can help gain a different perspective on the issue and help you decide on the best course of action. ESA's can help answer your questions about the policy and procedure and signpost you to additional sources of support but are not best placed to provide representation at formal meetings. Contact details for the ESAs can be found in Appendix 4.

The **Resolving Manager** will take responsibility for hearing workplace disputes escalated for formal resolution. The Resolving Manager will make the decision on the outcome and any

associated action.

6. EDUCATION/TRAINING AND PLAN OF IMPLEMENTATION

The Trust will provide training, information, support, coaching and guidance on the Resolution Policy and associated processes via the People Directorate.

7. POLICY DETAIL

- 7.1 This policy document outlines definitions for grievance, conflict, civility, respect, bullying, and harassment. The word 'concern' will be used as an overarching definition for these types of workplace issues with regards to the processes contained within the procedure.
- 7.2 The Trust is committed to achieving resolution of any concerns in the workplace as close as possible to their source, with the main objective being to preserve and maintain the employment relationship and to work in the spirit of resolution of issues within the workplace. The principles of resolution and restorative practice will apply regardless of the type of concern.
- 7.3 We recognise that conflict and disputes in the workplace may occur from time to time. We aim to foster a culture and workplace where all parties engage with one another respectfully and constructively. It is our expectation that employees will attempt to resolve issues directly with the other party (personal action) or work with managers to resolve issues through early informal resolution and that escalation to the formal stage of this procedure will be the exception. We recognise that formal processes can have considerable negative impact on the health and wellbeing of those involved and therefore we will only consider disputes under the formal procedure where informal action has been unsuccessful or where the seriousness or complexity of the dispute warrant it.
- 7.4 It is essential that all managers follow the detailed resolution procedure set out in this document carefully. Managers should contact the People Directorate for advice on application of this policy as required and as set out in the procedure flow chart.
- 7.5 **The Restorative Just and Learning Culture (RJLC):** The Trust is committed to having a restorative just and learning culture in which we keep an open mind when incidents occur and not seek to attribute blame. Our primary concern will always be to understand what went wrong and why with a view to improving our processes and supporting employees. By ensuring the fair treatment of our employees this supports a culture of fairness, openness and learning and helps employees feel confident to speak up if things go wrong.

Following any incident, line managers should utilise [the 4-Step Restorative Just & Learning Culture process model](#) in conjunction with a People Directorate representative.

- 7.6 **Support for all parties:** It is recognised that involvement in a dispute can be distressing for all parties involved, and therefore the Trust has a range of support mechanisms available outlined in Appendix 5.
- 7.7 **Status quo:** Until all stages of this policy have been exhausted, the "status quo" will remain, except where it would have an immediate and significant impact on the effective running of the service and/or where it will have an effect on the critical needs of patients. The decision and the rationale behind it will be communicated to the initiating employee

raising the dispute.

- 7.8 **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 employees 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 who 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, Appeal.

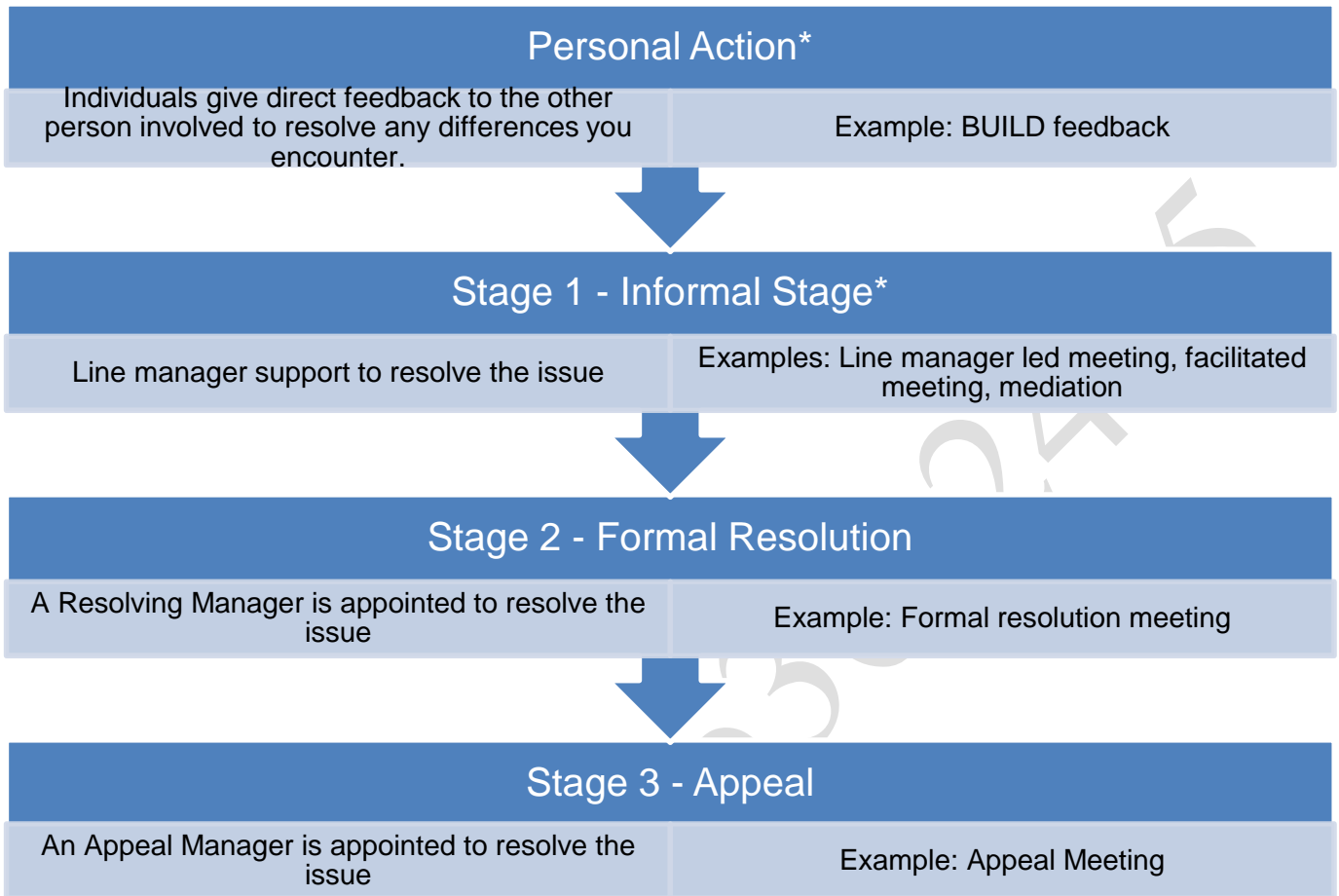
- 7.9 The 'Resolution Toolkit' at Appendix 2 provides a range of additional resources including our Being Kind guidance, tools and procedure templates.
- 7.10 The policy is underpinned by the principles of the ACAS Code of Practice on disciplinary and grievance procedures.

8. MONITORING AND REVIEW ARRANGEMENTS

This policy will be monitored and reviewed in line with organisational and legal requirements. This policy may be amended at any stage by joint agreement.

Appendix 1: Resolution Procedure

The following flowchart provides an overview of the procedure for workplace resolution at UHNM:



*If the matter is sufficiently serious, such as allegations of harassment, personal or informal action would not be appropriate. Employees or line managers can seek advice from People Operations in these circumstances to identify the correct route for resolution, which may include referral to the Disciplinary Policy HR01.

Personal Action

The first and most important step in resolving conflict at work is to have a prompt, informal and respectful conversation with the person that is causing the concern, or line manager in respect of a concern relating to your terms and conditions of employment, to try and find an outcome that is acceptable to both parties.

In cases of incivility and disrespect you can use the BUILD model of feedback to do this. The individual may be unaware of the impact of their actions and the conversation can lead to greater understanding and the offer of an apology and agreement that the behaviour will cease.

Informal Stage

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 directed to:

- Line Manager; or
- Line Manager’s Manager, if it is not possible or appropriate to make this request to the line manager.

In certain circumstances, employees may feel that an independent manager outside of the line management hierarchy would be best place to consider the concern. Employees should seek advice from People Operations where they consider this to be the case.

Informal Resolution Meeting (Stage 1)

The manager will arrange an Informal Resolution Meeting with the employee as soon as possible and no later than 7 calendar days after the issue is raised, in an early attempt to identify and resolve a disagreement, conflict or dispute. In most cases concerns can be resolved at this meeting.

This meeting will be a one to one meeting. Employees can seek advice from their Staff Side Representative or an Employee Support Advisor before this meeting if required.

Agreed actions from the Informal Resolution Meeting should be documented in writing no more than 7 calendar days after the meeting.

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. Informal 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 dispute directly, for example by speaking to the individual directly, with/ without the support of a companion. BUILD is a feedback model for giving respectful feedback. This approach could take place face-to-face or by giving a written account. (Refer to our Being Kind Guidance on Informal Resolution Approaches).
Manager Led Informal Resolution Meeting	An early informal attempt to identify and resolve a dispute. This will usually be led by the line manager to provide an opportunity to discuss the situation from the initiating employee’s perspective, and establish further information and detail in a supportive, constructive and empathic forum.
Facilitated early resolution meeting	A confidential and informal discussion which aims to bring parties together at an early stage of a dispute. It provides a safe, confidential environment for you to discuss concerns in a supportive constructive way. The facilitator acts neutrally and encourages discussions with an aim of achieving a mutually acceptable outcome. This will usually be led by an appropriately trained manager (Courageous Conversations) or member of the Trust’s Mediation Team, and would usually be completed within half a day. Facilitators are neutral and People Directorate and Staff Side representatives are not involved. For more information read our Being Kind Guidance on Informal Resolution Approaches.
Mediation	A more in-depth resolution process which is proven to be effective at resolving workplace disputes. It is a confidential, impartial process for dealing with difficult situations in a positive way. The mediators (there are usually two independent trained individuals) will help the parties have an open and honest conversation with the aim of identifying a mutually acceptable

outcome, which is confirmed in a mediation agreement drawn up by the parties. Mediators are neutral and People Directorate and Staff Side representatives are not involved. For more information read our Being Kind Guidance on Informal Resolution Approaches.

Formal Resolution

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.

Where an employee(s) has exhausted the early resolution process and wishes to proceed to the formal stages, they should complete the Formal Resolution Request Form (Appendix 2a) and submit this to their line manager.

The form must include the desired outcome. If the employee is unsure of their desired outcome, they may wish to discuss this with their Staff Side Representative or a People Directorate representative.

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

A coaching conversation will normally be arranged with a member of the People Directorate to discuss what informal action has been attempted. This will not be applicable for 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, collective concerns or where there are serious concerns relating to harassment or bullying.

Formal Resolution Meeting (Stage 2)

The Resolving Manager must acknowledge receipt of the Formal Resolution Request Form in writing within 7 calendar days of receipt and arrange a meeting with the employee(s), together with their representative(s) and an appropriate People Directorate representative. It will be appropriate to appoint an independent Resolving Manager to conduct this meeting on occasion, such as when the employee concern is related to the line manager.

This meeting should take place within 28 calendar 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 concern further in order to find a resolution. 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 Resolving Manager will be normally be supported by a People Directorate 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 Resolving Manager will need to consider the circumstances and the appropriate outcome. The Resolving Manager may need to adjourn the meeting to establish any evidence before an outcome can be provided.

The manager will confirm the outcome of this meeting in no more than 7 calendar days. Where further investigation is necessary, the meeting will be adjourned to allow for this to take place.

Investigation

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

The investigation will be undertaken using the framework and timescales set out in the Disciplinary Policy HR01. The investigating officer will be supported by a People Directorate 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 calendar 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.

Possible decisions from the meeting are:

- Reference back to one of the previous stages or another procedure
- A resolution to the concern is found
- The concern is not upheld
- Where there are multiple parts to the concern a partial resolution is found

Appeal

If there is still failure to agree the terms of settlement of the employment concern, there is a right of appeal to a Director (or delegated representative) supported by an appropriate senior representative from the People Directorate who has not previously been involved.

Requests for an 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 which have not been investigated previously should be added at this stage. 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 14 calendar days of the receipt of the Resolving Manager's outcome letter, and must incorporate all previous documentation.

The Chief People Officer will acknowledge receipt of the Formal Resolution Request Form and a Director (or delegated representative) will be appointed as the Appeal Manager to meet with the employee and their representative to hear the appeal. The Resolving Manager from the previous stage will also be required to attend.

Appeal Meeting (Stage 3)

The Appeal Manager and all attendees (apart from witnesses) will receive no later than 7 calendar days prior to the appeal meeting where relevant:

- The employee's written statement outlining the reasons that they remain dissatisfied and the evidence to support this.
- The Resolving Manager's response to the appeal.
- Any relevant documentation referred to as part of the decision making at the Formal Resolution Meeting.
- The outcome letter from the Formal Resolution Meeting.

- Names of any witnesses to be called.
- Should the employee wish to add any additional information/evidence, these should also be submitted 7 calendar days before the meeting; however it would usually be expected that the initial submission provided to the Chief People Officer should include all details.

At this hearing the Appeal Manager will hear the cases which either party may wish to make, though neither party are obliged to make one.

The Appeal Manager may at their discretion adjourn a hearing in order to request further evidence as necessary before coming to their decision.

The Appeal Manager will review the employment concern and communicate a decision in writing to the employee(s)/ representatives and the Resolving Manager, within 7 calendar days of the meeting.

Possible decisions from the appeal are:

- Reference back to one of the previous stages or another procedure
- The appeal succeeds
- The appeal fails
- Where there are multiple parts to the appeal, it may partially succeed/fail

The decision at this stage of the process is final. This represents the highest level within the Trust at which an employee(s) can appeal.

Record Keeping

Records within the scope of this procedure should be treated appropriately in accordance with GDPR. Line managers should retain copies of documentation relating to each stage of the process in employee's personal file. Copies of correspondence will normally be given to the individual concerned on request.

Where an investigation has been conducted, we will share a summary of the conclusions where these are relevant to the resolution outcome. The full investigation report will only be shared with the subject of the investigation, and only where this is required for any onward procedure such as Disciplinary.

If the employee or manager 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. Meeting recordings will not be transcribed but it may help in investigation meetings if transcriptions are made. This decision will remain with the Resolving Manager.

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

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 employees, Resolving or Appeal Managers, investigating team, People Directorate, 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.

Personal Development

Recognising that behaviours have not been acceptable is an important step in ensuring that similar disputes are not repeated. For cases involving incivility and disrespect, managers should work with the person(s) complained about to understand the impact of their actions and behaviours, to reinforce the UHNM Being Kind Compact and expected standards of behaviour and to support personal development through accessing programmes provided by the People Directorate, in addition to Coaching or Mentoring, as part of a supportive package to improve behaviours. Progress with this development can be reviewed during Personal Development Reviews (PDR/Appraisal) and to assess the impact of this development and whether if any further support is needed.

Appendix 2: Resolution Policy Toolkit Forms and Templates

We have created a suite of resources for all employees to help us create a kind, respectful culture and address issues of behaviours that are not respectful, in support of this Resolution Policy.

Whether you are an individual experiencing inappropriate behaviour, a witness, you have had an allegation of disrespectful behaviour made against you or are the manager, these resources contain practical tools to help create compassionate workplaces and guides to help you decide the best route forward, and start to take action. We want you to find the information or help you need, so you can build a great culture and resolve issues quickly and respectfully. If you can't find what you need, talk with your manager, a Staff Side Representative, an Employee Support Advisor, FTSU Guardian, or the People Directorate.

Our Being Kind intranet page can be found [here](#) and links to the individual Being Kind guidance are below:

- [Being Kind Compact](#)
- [Building kindness and respect: Our approach](#)
- [For managers: Addressing disrespectful behaviours](#)
- [Help! I'm experiencing disrespectful behaviour](#)
- [I've had an allegation of disrespectful behaviour made against me](#)
- [I've witnessed disrespectful behaviours](#)
- [Formal resolution process](#)

In addition, template documents that form part of the Resolution Policy Toolkit can be found on the Being Kind intranet page or directly on the following links:

- [Informal Resolution Meeting Record Template](#)
- [Informal Facilitated Conversation Record Request for Formal Resolution Form Acknowledgement Letter Template in response to receipt of a request for formal resolution](#)
- [Acknowledgement Letter Template in response to receipt of a request for formal resolution – insufficient information](#)
- [Resolution Coaching Meeting Record Template](#)

Appendix 2a: Request for Formal Resolution Form

HR02 Resolution Policy

Request for Formal Resolution Form

If you have attempted informal resolution, but this has been unsuccessful or not appropriate you may submit a request for formal resolution by completion of this form. In normal circumstances this should be submitted to the immediate line manager within 7 calendar days of the most recent attempt at informal resolution being unsuccessful. If the concerns are about the actions or inactions of the immediate line manager, the request should be submitted to the next level of manager in the management line. This form should also be used for collective concerns.

Section 1 – contact information

First name:		Last name:	
Job title:		Band:	
Department:		Line manager:	

Home address:	<i>If you move home during this process please update your details on ESR and advise your Manager and HR contact of any changes at the earliest opportunity</i>
Contact phone number:	<i>This should be the best number to contact you on to arrange meetings.</i>
Contact email address:	

Do you use this email address on a regular basis? Yes No

Details of any imminent planned holidays:

If you intend to be represented by a trade union during this process it is recommended that you make contact with them at the earliest opportunity, if you have not already done so.

Section 2 – information regarding your dispute

Please describe the nature of the issue (please include specific details including relevant dates of events, content of discussions, witnesses etc).

...continued

Please provide a list of any enclosed documentation and the relevance of these

Section 3 – describe attempts at early resolution

Please indicate how you have tried to resolve this matter at an early stage (please complete all that apply – *these methods are not mutually exclusive, therefore if one of the means of early resolution is not successful other options remain available*)

<input type="checkbox"/>	Personal action (e.g. by speaking with the individual)		
	Date(s):		
<input type="checkbox"/>	Informal resolution meeting		
	Date:	Led by:	
<input type="checkbox"/>	Facilitated conversation		
	Date:	Led by:	
<input type="checkbox"/>	Mediation		
	Date:	Arranged by:	
<input type="checkbox"/>	Other, please describe:		
<input type="checkbox"/>	Informal resolution is not viable, please describe why:		

Why do you request for this matter to now progress to formal resolution?

Section 4 – desired outcomes
Please give details of your desired outcomes and how this may best be achieved. This section must not be left blank.

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Section 5 – submission and receipt

Signed:		Date:	
Received by:		Date received:	

Why do we ask for information about your address, phone number etc and what do we do with it?
We want to ensure that we have the most up to date contact details for you, firstly to ensure that we can arrange meetings with you in a timely manner but also so that we can ensure that information that we may send to you relating to this sensitive matter does not go to incorrect/old addresses. Similarly you may have particular communication preferences in respect of this which we will aim to honour where appropriate.

The People Operations Team will create a confidential case file in relation to this matter and will store this form there until the end of the retention period, at which time it will be deleted/destroyed.

Appendix 3: Tips for Preparations for Employees

Tips for Informal Stage

- 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 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 with your line manager (perhaps because the concern relates to them in some way) you should raise the concern informally with a more senior manager in your area.

Tips for 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 concern. Also, decide if your representative is going to present your concern 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 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 Appeal

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

Appendix 4: Procedure to be followed at an Appeal Meeting

1. The Chairperson conducts introductions.
2. The member of staff bringing the employment concern, or his/her representative will state their case and call any witnesses as applicable.
3. The management representative(s) or the Appeal Manager may, if they wish, question the member of staff, his/her representative and any witnesses called in relation to their evidence.
4. The management representative will state his/her case, and call any witnesses.
5. The member of staff, or his/her representative, and the Appeal Manager will then, if they wish, question the management representative and any witnesses in relation to their evidence.
6. Nothing in this procedure will prevent the Appeal Manager 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.
7. The Appeal Manager may at their discretion adjourn a meeting in order that further evidence may be produced by both parties as discussed and agreed with management and the employee.
8. There is an opportunity for the member of staff and Management Representative to each summarise their cases, ending with the staff member's case.
9. The Appeal Manager 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 calendar days of the hearing.
10. Adjournments during meetings to hear employee concerns may take place at the discretion of the Appeal Manager, including in response to requests from either party. 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 14 calendar days.

Appendix 5: Guidance and Support for all Parties

Internal Support:

- [People Operations](#)
myemployeerelations@uhnm.nhs.uk
01782 675582 (x75582)
- [OD, Culture and Inclusion Team](#)
- [Staff Side Representatives \(Trade Unions\)](#)
- [Freedom to Speak Up Guardians](#)
- [Employee Support Advisors](#)
- UHNM Staff Networks
 - [Ethnic Diversity Staff Network](#)
 - [LGBTQ+ Staff Network](#)
 - [Disability and Long Term Conditions Staff Network](#)
- [UHNM Disability Champions](#)
- [Occupational Health Department](#)
Tel: 01782 554400
- [Staff Support and Counselling Service](#)
0300 124 0104
- [Spiritual Care Team](#)
Tel: 01782 676400 or extension 76400
- [Staff Psychological Wellbeing Hub](#)
0300 303 5406

External Support

- **NHS Staff Support Line**
0800 069 6222 or text FRONTLINE to 85258
- **The Samaritans**
www.samaritans.org.uk
116 123
- **Equality & Human Rights Commission** (Equality Advisory and Support Service)
www.equalityhumanrights.com
0808 8000082
- **Citizens Advice Bureau**
www.citizensadvice.org.uk
03444 111 444
- **Advisory Conciliation & Arbitration Service (ACAS)**
www.acas.org.uk
0300 123 1100