

# HR06

## Dispute Resolution in the Workplace Policy

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### Attachments

Attachment 1	<a href="#"><u>Dispute Resolution in the Workplace Procedure</u></a>
Attachment 2	<a href="#"><u>Dignity and Respect at Work Statement of Intent</u></a>

## Policy on a Page

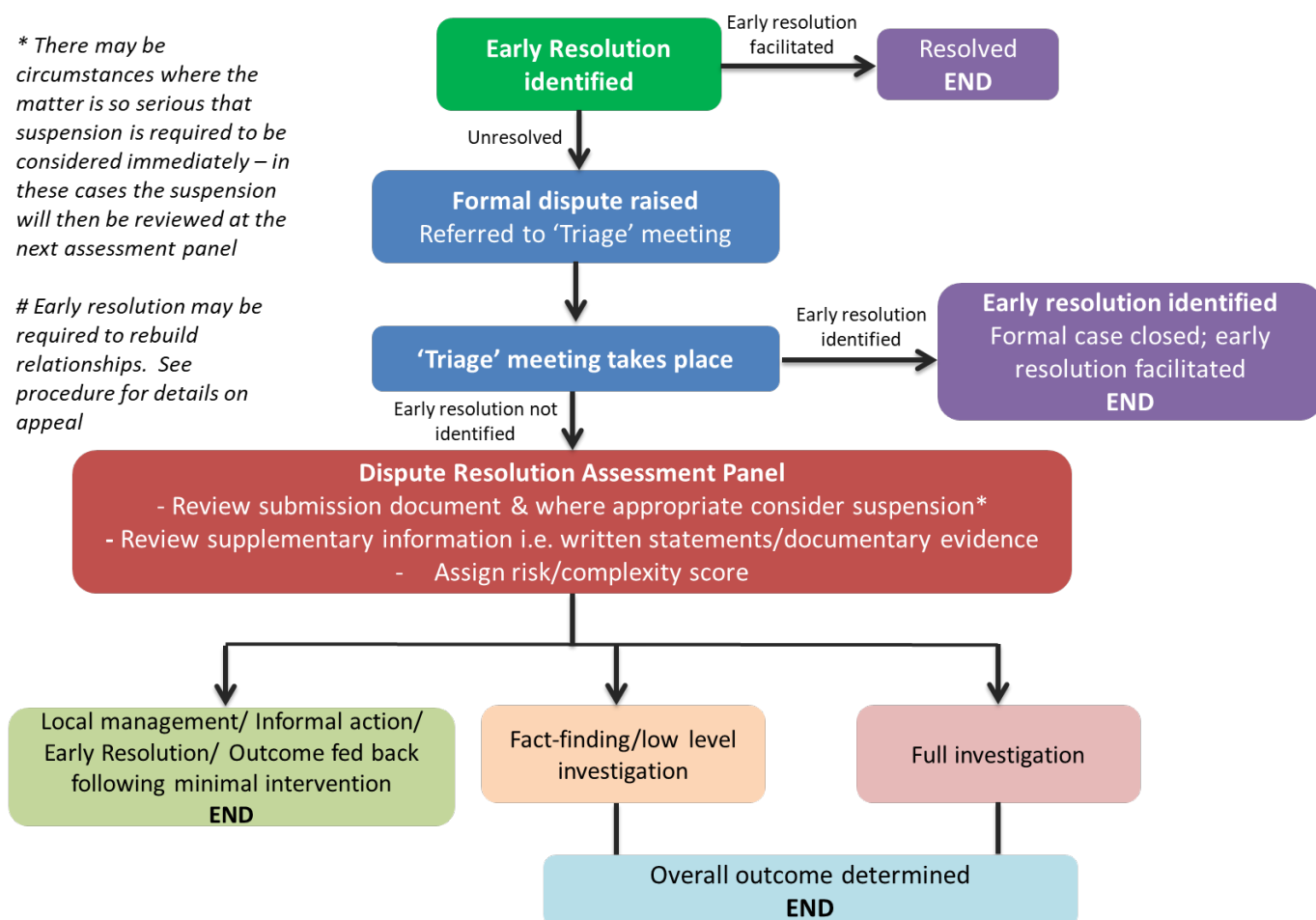
The purpose of this policy is to ensure that there is a systematic approach to achieving resolution of any disputes or conflict in the workplace as close as possible to their source (the term 'Dispute' will be used as an overarching definition for workplace issues such as grievance, conflict, bullying, and harassment).

The main objective is to preserve and maintain the employment relationship and to work in the spirit of resolution of issues within the workplace.

Focusing on resolution is good for the Trust, for our employees and for our patients; it is also consistent with our Trust values.

The [HR Advisory Toolkit](#) also contains a range of guidance documents and templates, including the '[Understanding Bullying, Harassment, and Conflict](#)', '[Methods of Early Resolution](#)', and '[Supporting Staff Health and Wellbeing](#)'.

The flowchart gives an overview of the process for workplace resolution:



# Dispute Resolution in the Workplace Policy

## 1.0 Policy Statement

- 1.1 The Trust recognises 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 performance, improved employee retention and reduced stress related sickness absence.
- 1.2 The Trust is committed to ensuring that all employees have a positive employment experience, and it is recognised that it is of mutual interest that issues affecting employees are dealt with effectively and speedily, in an atmosphere of mutual trust and confidence.
- 1.3 The purpose of this policy is to direct a systematic approach to achieving resolution of any disputes or conflict in the workplace as close as possible to their source. The main objective is to preserve and maintain the employment relationship and to work in the spirit of resolution of issues within the workplace. Focusing on resolution is good for the Trust, for our employees and for our patients; it is also consistent with our Trust values.

## 2.0 Definitions

The table below outlines definitions for terms referred to within the policy and its associated documents:

Bullying	Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient The Trust also has compiled a guidance document on <a href="#">Understanding Bullying, Harassment and Conflict</a> and also has in place a <a href="#">Dignity and Respect at Work Statement of Intent</a> (HR06 attachment 2).
Calendar days	Any day of the week, including weekends.
Case Assessment	A meeting to support and enable consideration of identified disciplinary issues, taking account of just culture factors, risk factors, and case complexity. The supporting documentation provides a framework for the Case Assessment Panel and assist in determining an appropriate, fair and consistency way forward.
Case Manager	Will oversee the formal investigation processes, supporting and enabling the investigation to be conducted effectively and efficiently, providing appropriate support and guidance to all parties, and reviewing investigation reports. The case manager may delegate any of the above duties to another appropriate manager to ensure an efficient and fair process.
Collective Dispute	Where the issue is raised by two or more similarly affected employees; this would usually be raised through a recognised trade union representative or a nominated staff representative.
Companion	Representative of a recognised trade union, or a colleague who is a member of Trust staff.
Conflict	A disagreement, argument or clash between people with opposing opinions or principles.

Dignity	Concerned with 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.
Dispute	Overarching definition within this policy and its associated documents for workplace issues such as grievance, conflict, bullying, and harassment.
Grievance	A concern, problem or complaint raised by an employee about an action which the Trust, or an employee of the Trust, has taken or is contemplating taking in relation to them.
Harassment	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 (Equality Act 2010) The Trust also has compiled a guidance document on <a href="#">Understanding Bullying, Harassment and Conflict</a> and also has in place a <a href="#">Dignity and Respect at Work Statement of Intent</a> (HR06 attachment 2).
Initiating employee	The staff member initiating the process of resolution.
Investigating Officer (IO)	Manager identified to fully investigate the issues of concern/allegations.
OHWB	Occupational Health and Wellbeing.
Low level investigation HR Lead	The nature of the case will determine whether it is appropriate for the low level/fact-find investigation to be led by an independent investigating officer or a member of the HR Advisory team.
Resolution assessment (triage)	An opportunity for a representative of the Trust to meet with the employee to identify the most suitable route to resolution.
Respect	A positive regard shown to a person as a human being, as an individual, by others and demonstrated as courtesy, good communication, taking time and equal access.
Status quo	Where the working and management arrangements that applied before the dispute continue to apply until an outcome occurs.
Working day	A week day (i.e. Monday-Friday).

### 3.0 Accountabilities

- 3.1 The **Director Sponsor** will be accountable for the revision of this policy which will be necessary from time to time as a result of changes in legislation or in the light of experience when applying the policy and its associated procedures. Any revisions will be agreed through the Trust's Joint Negotiating Committee.
- 3.2 The **Chief Operating Officer, Directors, Deputy Chief Operating Officers, Deputy Directors, Divisional Managers, Group Managers, Department Managers, 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 Group Managers and Department Managers attend the relevant training required as a result of this policy.

- 3.3 **Managers** will be responsible for ensuring that they apply this policy fairly and consistently. They must work with their staff to identify required support to facilitate resolution of disputes as early as possible and to establish a culture within their departments whereby a lack of dignity and respect at work (e.g. bullying and harassing behaviour) is unacceptable. They must attend the relevant training required as a result of this policy.
- 3.4 **Employees** will be 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 in the workplace and commit to timely completion of mandatory training relevant to this policy.
- 3.5 The **HR Advisory Department** will be responsible for supporting the implementation of these processes, including providing advice to staff, and advice, guidance and relevant training/support for managers. In normal circumstances the HR Advisory Department will aim to lead the resolution assessment (triage process) outlined within the [Dispute Resolution in the Workplace Procedure](#).
- 3.6 **OHWB** is responsible for promoting the physical and mental wellbeing of Trust staff, including providing support and guidance to them and managers in the form of medical advice, guidance, support, and health promotion.
- 3.7 **Speak Up Champions** are responsible for acting as a 'listening ear' and providing impartial advice and guidance to staff with regards to understanding their options around experiences of bullying and harassment.
- 4.0 Policy Detail**
- 4.1 This policy applies to all staff employed by the Trust.
- 4.2 This policy document outlines definitions for grievance, conflict, bullying, and harassment. The Trust also has compiled a guidance document on [Understanding Bullying, Harassment and Conflict](#). The word "Dispute" will be used as an overarching definition for these types of workplace issues with regards to the processes contained within the procedure
- 4.3 The Trust is committed to achieving resolution of any disputes or conflict 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 will apply regardless of the type of workplace dispute and the Trust will aim to resolve such matters through an overarching procedure. The Trust will ensure that the approach to overall outcomes for dealing with complaints against members of staff (for example, bullying and harassment) will be seen as separate and different from that of grievances, in line with Agenda for Change Terms and Conditions.
- 4.4 This policy and its associated procedures will not apply to issues that:
- Have their own review or appeal mechanism which afford employees similar rights to this procedure;
  - Are appropriate for consultation between staff side and management e.g. TUPE transfer, collective redundancies etc;

- Relate to a concern regarding a colleague's capability and/or clinical incident that would be more relevant to raise via the [Trust's Raising Concerns At Work Policy](#) (HR16) and/or clinical incident process.
- 4.5 It is essential that all managers follow the detailed procedure set out in this document carefully. If in doubt the HR Department must be contacted for advice (available during normal office hours).
- 4.6 **Vexatious/malicious claims** – if it is found during the process that the allegation has been maliciously reported then the initiating employee may be subject to disciplinary proceedings in line with the [Trust's Disciplinary Policy](#) (HR03).
- 4.7 **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 including support from the management line, the Occupational Health and Wellbeing team, trade unions (where applicable), the Freedom to Speak Up Guardian, and Speak Up Champions. Further information on speak up champions in relation to bullying and/or harassment can be found within the [Dignity and Respect at Work Statement of Intent](#) (HR06 attachment 2) and the Trust's [intranet site](#).
- 4.8 **Status quo** – under most circumstances, 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. This decision will be taken by a member of the Divisional Management Team for the relevant group or department (for example Matron, Group Manager, Service Head, Department/Directorate Head). The decision and the rationale behind it will be communicated to the employee raising the dispute.  
However, where a dispute is raised by one or more employees within a group of employees affected by a changed practice, the Trust may implement the changed practice whilst and until the dispute resolution procedure is concluded for the employee(s) concerned, if the number of employees raising the concern represent a minority of the staff within the group affected by the change.
- 4.9 **Collective dispute** – for simplicity this policy and its associated procedure has been written from the perspective of an individual employee, however, the same procedure applies when a group of employees wishes to raise a dispute on a collective basis. In these circumstances a representative from the group must be appointed as spokesperson and can themselves be accompanied by a companion. With the group's agreement, the companion/trade union representative can approach management on their own to speak on behalf of the group. Prior to invoking the procedure, it is the group's responsibility to agree the decision-making process for acceptance or rejection of the outcome at each stage. Management will only accept a group decision and will not consider subsequent requests for dispute resolution on the same issue(s) from individual members of the group at a later date. In circumstances whereby this progresses to formal resolution each individual within the 'collection' will be required to sign and print their name on the [Formal Resolution Notification Form](#).
- 4.10 **Overlapping Dispute and Disciplinary cases** - where an employee raises a dispute during the disciplinary procedure, the latter may be temporarily suspended

in order to deal with the dispute. The [Dispute Resolution in the Workplace Procedure](#) would then be followed. If the dispute and disciplinary issues are related it may be appropriate to deal with both matters together or in parallel.

**4.11 Relationship to other Trust policies/ processes**

4.11.1 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 a member of staff, 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](#). Further information can be found on the Trust’s intranet site.

4.11.2 Bullying, harassment and/or inappropriate behaviour from service users, visitors, and other members of the public can be addressed by the [Trust’s Security Policy](#) (OP26) Attachment 2 MOVA (the Management of Violence and Aggression). This focuses on the procedures and processes for dealing with service users, visitors, and members of the public who are displaying behaviour that is deemed to be unacceptable by the Trust.

4.11.3 Unprofessional and/or inappropriate behaviour towards service users, visitors, and other members of the public can be addressed by the [Trust’s Disciplinary Policy](#) (HR03). This focuses on the procedures and processes for dealing with behaviour and conduct that is below the expected standards.

4.11.4 Where staff wish to raise a concern through a protected public interest disclosure (a ‘whistleblow’) please refer to the [Trust’s Raising Concerns at Work Policy](#) (HR16).

4.12 In addition the [‘HR Advisory toolkit’](#) provides a range of additional resources including guidelines, tools and templates.

4.13 This procedure does not form part of the contract of employment.

4.14 This policy is supported by the following attachments:

**Attachment 1**            [Dispute Resolution in the Workplace Procedure](#)

**Attachment 2**            [Dignity and Respect at Work Statement of Intent](#)

**5.0 Financial Risk Assessment**

1	Does the implementation of this policy require any additional Capital resources	No
2	Does the implementation of this policy require additional revenue resources	No
3	Does the implementation of this policy require additional manpower	No
4	Does the implementation of this policy release any manpower costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through	No

	current training programmes or allocated training times for staff.	
	Other comments	

**6.0 Equality Impact Assessment**

An initial equality impact assessment has been carried out and it indicates that there is no likely adverse impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.

**7.0 Maintenance**

This policy will be reviewed every three years or earlier if warranted by a change in standards or if changes are deemed necessary from internal sources.

**8.0 Communication and Training**

8.1 The HR Department will provide advice on the policy to staff, and advice and support to managers in the fair and equitable application of this policy as appropriate.

8.2 A manager training programme is available and will be advertised through staff bulletins and Divisional HR representatives.

8.3 A [‘HR Advisory Toolkit’](#) is available to provide further guidance and support.

8.4 All Group Managers, Matrons, Departmental/Directorate Managers are responsible for the communication of this policy to their staff.

**9.0 Audit Process**

9.1 The Chief People Officer has overall responsibility for the update and maintenance of this policy.

9.2 The Divisional Team, as well as the People and Organisational Development Committee (POD) will be responsible for monitoring its implementation and reviewing this policy to ensure it reflects national standards and best practice.

Criterion	Lead	Monitoring method	Frequency	Committee
Fair and consistent application of this policy	HR Manager/ Line Manager	- Audit of actions taken by gender, race, age, and disability to identify any variations - Monitoring and action planning based on staff survey results	Annual	POD Committee
Analysis of case length	HR Advisory Department	Audit regarding length of cases/ timescales in relation to the time period aims detailed within procedure	Annual	POD Committee



## 10.0 References

- ACAS, 'Bullying and harassment at work: a guide for employees', March 2014
- ACAS, 'Bullying and harassment at work: a guide for manager and employers', June 2014
- ACAS, 'Code of practice on disciplinary and grievance procedures', March 2015
- ACAS, 'Disciplinary and grievances at work: the ACAS guide', March 2015
- ACAS, 'Managing conflict at work', June 2014
- ACAS, 'The Equality Act 2010 – guidance for employers', March 2014
- CMP Resolutions, 'An overview of how to make dispute resolution work... at work', undated
- Chartered Institute of Personnel Development (CIPD), 'Discipline and grievance at work factsheet', June 2016
- Chartered Institute of Personnel Development (CIPD), 'Harassment and bullying at work', undated
- Equality Act 2010
- Latreille, Paul and Saundry, Richard, 'ACAS research paper: towards a system of conflict management? An evaluation of the impact of workplace mediation at Northumbria Healthcare NHS Foundation Trust', February 2015
- Liddle, David, 'Managing conflict: a practical guide to resolution in the workplace', September 2017
- NHS Employers, 'Agenda for change terms and conditions: section 32 dignity at work', January 2017
- NHS Employers, 'NHS Employers guidance – Bullying and harassment', April 2006
- NHS Employers, 'Promoting a positive culture to tackling bullying', December 2016
- NHS Employers, 'Tackling bullying and harassment in the NHS', undated
- Podro, Sarah and Suff, Rachel 'ACAS and CIPD paper... Mediation: an approach to resolving workplace issues', February 2013
- Royal College of Nursing, 'Bullying and harassment', undated
- Royal College of Nursing, 'Bullying and harassment at work: a guide for RCN members', September 2015
- Saundry, Richard and Adam, Duncan et al, 'ACAS research paper: managing individual conflict in the contemporary British workplace', February 2016
- Social Partnership Forum, 'Tackling Bullying in the NHS: a collective call to action', December 2016
- TCM Group, 'The TCM model resolution policy', February 2015
- UNISON, 'Grievances', undated
- UNISON, 'Harassment at work: a UNISON guide', May 2014

**Part A - Document Control**

<b>Policy number and Policy version:</b> HR06 v8	<b>Policy Title:</b> Dispute Resolution in the Workplace Policy		<b>Status:</b> Final	<b>Author:</b> HR Manager - Advisory <b>Director Sponsor:</b> Chief People Officer
Version / Amendment History	Version	Date	Author	Reason
	V1	Oct 1992	Policy Development Group	Original Policy
	V2	Apr 2008	HR Director	Review Date
	V3	Sep 2010	HR Director	Review Date
	V4	May 2011	HR Director	Integration of Policies following Transforming Community Services (TCS)
	V5	May 2013	HR Director	Review following legislative requirements and ACAS Guidance
	V6	Feb 2018	HR Manager - Advisory	Policy review date and introduction of new policy elements. Re-branded from Grievance Policy. Incorporated key themes from previous HR15 Prevention of Harassment and Bullying Policy.
	V7	Nov 2019	HR Manager - Advisory	Minor amendments and consideration of policies from BCPS transferred staff has taken place
	V8	Dec. 2022	HR Manager - Advisory	Policy review date
<b>Intended Recipients:</b> All staff				
<b>Consultation Group / Role Titles and Date:</b> Staff Side – Sept 2022; HR Advisory department based on manager feedback – Sept/Oct 2022				
<b>Name and date of Trust level group where reviewed</b>			Joint Negotiating Committee – December 2022 Trust Policy Group – December 2022	
<b>Name and date of final approval committee</b>			Trust Management Committee – January 2023	
<b>Date of Policy issue</b>			February 2023	

<b>Review Date and Frequency</b> (standard review frequency is 3 yearly unless otherwise indicated)	December 2025 (then every 3 years)
<p><b>Training and Dissemination:</b> Information sharing and engagement at manager's meetings, launched via Divisional Management forums.                  Training programme available for line managers.                  Advice and guidance available from the HR Advisory Department as and when required by managers and staff.</p>	
<p><b>To be read in conjunction with:</b> <a href="#">HR03 Disciplinary Policy</a>  <a href="#">HR16 Raising Concerns at Work Policy</a>  <a href="#">HR Advisory Toolkit</a>  <a href="#">OP26 Security Policy</a>  <a href="#">HR05 Equality of Opportunity Policy</a></p>	
<p><b>Initial Equality Impact Assessment (all policies):</b> <b>Completed Yes</b>  <b>Full Equality Impact assessment (as required):</b> <b>Completed No</b>                  If you require this document in an alternative format e.g., larger print please contact Policy Administrator 8904.</p>	
<b>Monitoring arrangements and Committee</b>	People and Organisational Development Committee (POD)
<p><b>Document summary/key issues covered:</b>                  The purpose of this policy and its associated documents is to ensure that there is a systematic approach to achieving resolution of any disputes or conflict in the workplace as close as possible to their source.                  The main objective is to preserve and maintain the employment relationship and to work in the spirit of resolution of issues within the workplace. Focusing on resolution is good for the Trust, for our employees and for our patients; it is also consistent with our Trust values.                  This document also outlines the Trust's statement of intent with regards to dignity and respect at work. The aim of this is to promote and encourage positive and supportive behaviour at work with a view to reducing the potential for conflict and complaints in relation to working relationships at work.</p>	
<b>Key words for intranet searching purposes</b>	Bullying Conflict Dignity Dispute Grievance Harassment Resolution Respect
<b>High Risk Policy?</b>	<b>No</b>

Part B

**Ratification Assurance Statement**

Name of document: HR06 Dispute Resolution in the Workplace Policy

Name of author: Jenni Smith

Job Title: HR Manager - Advisory

I, \_\_\_\_\_ the above named author confirm that:

- The Strategy/Policy/Procedure/Guidelines (please delete) presented for ratification meet all legislative, best practice and other guidance issued and known to me at the time of development of the said document.
- I am not aware of any omissions to the said document, and I will bring to the attention of the Executive Director any information which may affect the validity of the document presented as soon as this becomes known.
- The document meets the requirements as outlined in the document entitled Governance of Trust- wide Strategy/Policy/Procedure/Guidelines and Local Procedure and Guidelines (OP01).
- The document meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable.
- I have undertaken appropriate and thorough consultation on this document, and I have detailed the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the document following consultation.
- I will send the document and signed ratification checklist to the Policy Administrator for publication at my earliest opportunity following ratification.
- I will keep this document under review and ensure that it is reviewed prior to the review date.

Signature of Author: *J Smith*

Date: October 2022

Name of Person Ratifying this document (Director or Nominee):

Job Title:

Signature:

- I, the named Director (or their nominee) am responsible for the overall good governance and management of this document including its timely review and updates and confirming a new author should the current post-holder/author change.

To the person approving this document:

Please ensure this page has been completed correctly, then print, sign and email this page only to: The Policy Administrator

**IMPLEMENTATION PLAN**

**To be completed when submitted to the appropriate committee for consideration/approval**

<b>Policy number and policy version</b> HR06 v8	<b>Policy Title</b> Dispute Resolution in the Workplace Policy	
<b>Reviewing Group</b>	People and Organisational Development Committee	<b>Date reviewed:</b> October 2022
<b>Implementation lead:</b> JENNI SMITH, HR MANAGER - ADVISORY		
<b>Implementation Issue to be considered (add additional issues where necessary)</b>	<b>Action Summary</b>	<b>Action lead (Timescale for completion)</b>
Strategy; <b>Consider</b> (if appropriate) 1. Development of a pocket guide of strategy aims for staff 2. Include responsibilities of staff in relation to strategy in pocket guide.	Policy will be communicated through the Divisional/ Department Meetings and Trust communication channels.	Upon policy approval HR Advisory Team
Training; Consider 1. Mandatory training approval process 2. Completion of mandatory training form	Line manager training programme available	Immediately available HR Advisory Team
Development of Forms, leaflets etc; Consider 1. Any forms developed for use and retention within the clinical record <b>MUST</b> be approved by Health Records Group prior to roll out. 2. Type, quantity required, where they will be kept / accessed/stored when completed	Tools and templates will be available on the HR Advisory Toolkit	Immediately available HR Advisory Team
Strategy / Policy / Procedure communication; Consider 1. Key communication messages from the policy / procedure, who to and how?	Launched via management forums, communicated through the chairs of approving committees, via the Intranet and Trust communication channels, and guidance provided by the HR Advisory team.	Upon policy approval HR Advisory Team
Financial cost implementation Consider Business case development	None	
<b>Other specific Policy issues / actions as required e.g. Risks of failure to implement, gaps or barriers to implementation</b>	n/a	

# Dispute Resolution in the Workplace Procedure

## 1.0 Procedure Statement

- 1.1 This document provides line managers and employees with a procedure that supports the [Trust's Dispute Resolution in the Workplace Policy](#) (HR06).
- 1.2 The aim of the procedure is to describe the steps to facilitate the process of resolving employee disputes in a constructive and timely manner.
- 1.3 Focusing on resolution is good for the Trust, for our employees and for our patients; it is also consistent with our Trust values.

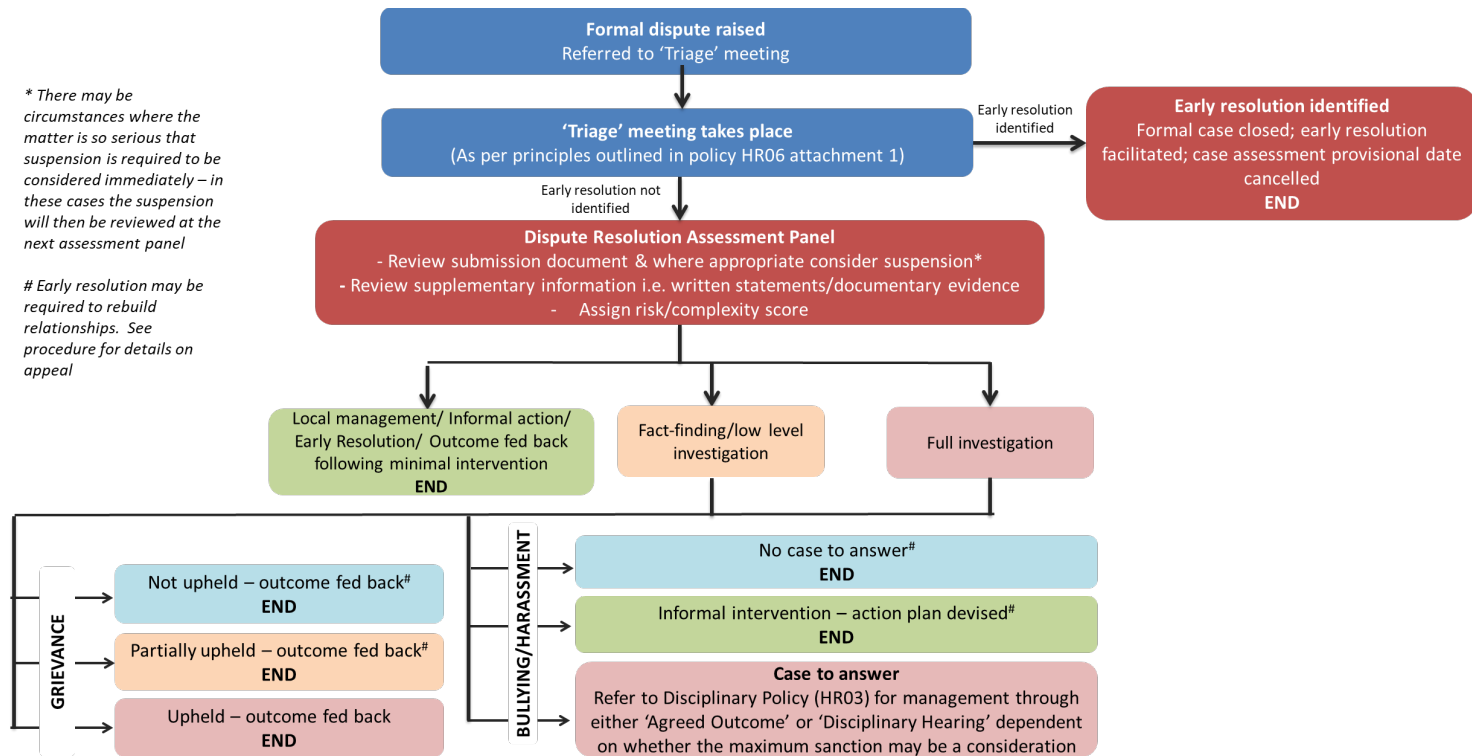
## 2.0 Accountabilities

As detailed in the policy, HR06.

## 3.0 Procedure Detail / Actions

- 3.1 The HR06 policy document outlines definitions for grievance, conflict, bullying, and harassment. The Trust also has compiled a guidance document on [Understanding Bullying, Harassment and Conflict](#). The word "Dispute" will be used as an overarching definition for these types of workplace issues with regards to the processes contained within this procedure
- 3.2 The Trust is committed to achieving resolution of any disputes or conflict 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. Most grievances or workplace conflict will be able to be resolved satisfactorily on an informal basis, via early resolution. ACAS outlines that *"employees should aim to settle most grievances informally with their line manager. Many problems can be raised and settled during the course of everyday working relationships. This also allows for problems to be settled quickly"*.
- 3.3 Flowchart 1 gives an overview of the process for workplace resolution.

Flowchart 1



Early Resolution

**Initiating early resolution**

3.4 The dispute resolution process may be applicable when a staff member identifies a form of disagreement or dispute with regards to their relationship with a colleague or with regards to a decision made on behalf of the Trust. In addition it may be that a manager identifies sources of conflict or a difficult relationship between colleagues and then tries to address these issues as early as possible to prevent the matter from becoming perpetuated or adversarial.

3.5 In order to initiate a process of early resolution employees should discuss this with their line manager at the earliest opportunity. The employee must give consideration to their desired outcome and how this may best be achieved. If the concerns are about the actions or inactions of the immediate line manager, this will be discussed with the next level of manager in the management line.

3.6 The Trust encourages that employees initiate resolution within a reasonable timescale, if possible, within four weeks of the act resulting in the dispute.

*Types of early resolution*

3.7 There are various methods whereby a dispute can be resolved in an early and proactive manner. The aim of the early resolution process is to enable issues to be resolved:

- With empathy, dignity, and respect.
- With the interests of the parties involved at its foundation as opposed to a process that is rights based and adversarial.

- With the parties involved having control over the outcome (which maximises employee engagement).
- With the ability to assist in identifying the root cause of the dispute and aiming to offer a genuine attempt to resolve it.
- Enabling partnership working to resolve the issue as opposed to polarising the parties involved and causing positions to harden.

3.8 Example methods of early resolution are indicated in table 1 below. These methods are not restrictive and other options can be explored where this is deemed appropriate to resolve the dispute. Neither are the methods mutually exclusive, which mean that if one of the means of early resolution is not successful other options remain available. More information on each of these is contained within the guidance document for [Early Resolution Methods](#).

Table 1

Method of resolution	Overview/ Summary
Personal Action	The initiating employee may decide to resolve the dispute directly, for example by speaking to the individual with whom they have a dispute directly, with/without the support of a companion. This approach could take place face-to-face or by giving a written account.
Early Resolution Meeting	An early 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 Conversation	A confidential discussion which aims to bring parties together at an early stage of a dispute. The facilitator acts neutrally and encourages discussions with an aim of achieving a mutually acceptable outcome. This will usually be led by an appropriately skilled manager.
Mediation	A confidential, impartial process for dealing with difficult situations in a positive way. The aim is not to apportion blame but to find ways of moving forward with better understanding and agreements that are satisfactory to everyone involved. This will take place with a trained mediator.

Formal Resolution

3.9 If early resolution is unsuccessful the employee may submit their request for this to be progressed for formal resolution by completion of a [Formal Resolution Notification Form](#). In normal circumstances this will be submitted to the immediate line manager within one working week of the most recent attempt at early resolution being unsuccessful.

3.10 If the concerns are about the actions or inactions of the immediate line manager, the request will be submitted to the next level of manager in the management line.



3.11 The manager will acknowledge the [Formal Resolution Notification Form](#) within one working week of receipt (template available within the [HR Advisory Toolkit](#)). The relevant divisional HR representative must be informed as soon as possible to enable the resolution assessment (triage) to take place.

3.12 Where the submitted [Formal Resolution Notification Form](#) does not provide all of the required information, the manager must inform the employee as early as possible what they have omitted and ask them to resubmit the form when it is complete. The employee must also be informed that this request cannot be considered until it is complete and re-submitted. The timescales for completion of the process will not commence until a completed application is submitted (or re-submitted). A template is available within the [HR Advisory Toolkit](#).

3.13 Summary of Formal Resolution Timescales:

Process element	Aim for completion
Acknowledgement of Formal Resolution Notification Form	Within five working days of receipt
Resolution Assessment (triage) completion	Within five working days of triage initiation
Case Assessment (if applicable)	As soon as possible following the triage identifying it as an appropriate route forward
Investigation (if applicable)	Ten weeks from the point of Investigating Officer nomination to report submission (less for fact-find/low level investigations)
Disciplinary Hearing or Agreed Outcome process (if applicable)	In line with <a href="#">Trust's Disciplinary Policy</a> (HR03)
Appeal (if applicable)	In line with guidance document for the <a href="#">Conducting of Appeal Hearings</a> in line with <a href="#">Human Resources Policies</a>

### Resolution Assessment (triage)

3.14 The resolution assessment is an opportunity for a representative of the Trust to meet with the employee to identify the most suitable route to resolution. In most circumstances this will be led by a member of the HR team, unless the individual circumstances of a case dictate that this is not appropriate. Discussion and information sharing regarding the early resolution process will take place and where appropriate, emphasis will be placed on early resolution.

3.15 The Trust is committed to ensuring that the resolution assessment meeting takes place within a reasonable timeframe, with an aim of one working week. Extenuating circumstances will be recognised and monitored accordingly.

3.16 As this meeting is an informal supportive discussion it is intended for the meeting to happen at the earliest possible time. The meeting is informal and therefore will not require written invitation or the formal right to representation; however the option of being accompanied by a colleague who is a member of Trust staff or a representative of a recognised Trade Union for support will be extended to staff.

3.17 Examples of discussion points include:

- Understanding the issues being raised;

- The willingness of relevant parties to engage in early resolution;
- Understanding previous attempts to resolve the situation;
- Consideration of the guidance document for [Understanding Bullying, Harassment, and Conflict](#), where applicable.

- 3.18 The meeting will result in identification of the most suitable route to resolution; only in cases where early resolution is not seen as viable, or has in good faith been attempted but was unsuccessful, will the formal resolution process be invoked.
- 3.19 Where one or both of the parties refuse to engage in the early resolution process, despite this being identified as the most suitable route to resolution during the triage, the matter will be referred to a Case Assessment to determine an outcome (see section 3.24).
- 3.20 Where the circumstances of a dignity and respect case are sufficiently serious, immediate referral to Case Assessment may need to take place to enable consideration of the options outlined in the section ‘maintaining services during an investigation’.

**Principles of Case Assessment for dispute resolution cases**

- 3.21 The purpose of the Case Assessment is to support and enable consideration of identified dispute issues, taking account of just culture factors, risk factors, and case complexity. The supporting documentation provides a framework for the Case Assessment Panel and assists in determining an appropriate, fair, and consistent way forward.
- 3.22 The Case Assessment Panel is made up of core and peripheral members as detailed below. The manager in attendance is the decision-maker of the process and the remaining members act as a sounding board providing advice, support, and appropriate challenge ensuring that due process is followed.

<b>Core member</b> – must be in attendance for the panel to continue	<b>Peripheral member</b> – wherever possible to be in attendance however the panel can continue if availability is proving difficult. Feedback must be provided after the panel.
Member of the management team for the division (e.g., group manager, matron, directorate manager, department manager etc. – at least band 8a+) – <b>Decision maker</b>	Staff side chair
HR representative	Cultural ambassador
<i>Where possible the Case Assessment will take place on one of the pre-arranged panel dates or with reasonable notice, however they may be exceptional occasions where an urgent panel is required to be called.</i>	

- 3.23 The supporting framework will support the Case Assessment Panel in determining the way forward from the following options.
- **Local management/informal action/early resolution/outcome fed back with minimal intervention** – with the aim of impartially and amicably resolving the areas of dispute.
  - **Low level/fact-find formal investigation** – will involve the review of written statements, documentary evidence, information gained in the resolution

assessment (triage) meeting and, if required, seeking specialist or clinical input from an independent witness. In addition, investigation interviews will also take place at the earliest opportunity with, where appropriate, a minimal number of witnesses. The nature of the case will determine whether it is appropriate for the low level/fact-find investigation to be led by an independent investigating officer or a member of the HR Advisory team. The findings will be provided to the Case Manager or another appropriate manager in a summary report.

- **Full formal investigation** – an Investigating Officer will be assigned at the earliest opportunity (template available) to gather the facts and present these findings in a written report to the Case Manager or another appropriate manager. To ensure an objective investigation, it may be necessary to appoint an Investigating Officer who is not the immediate supervisor/manager. The Investigating Officer will be supported in the process by an HR representative.

3.24 Where one or both of the parties have consistently refused to engage in the early resolution process, despite this being identified as the most suitable route to resolution during the process, the Case Assessment Panel will determine an outcome based on the options outlined above in an attempt to achieve a resolution that is in the best interest of all parties. Please note that this will not automatically result in referral to an investigation and may in some cases include a reasonable management request to engage in a facilitated conversation, Such a way forward will only take place in exceptional cases, as it is believed that successful resolution is more likely to be achieved where individuals voluntarily and actively work together to achieve a mutually acceptable outcome. As previously indicated, the aim of the early resolution process is to enable issues to be resolved:

- With empathy, dignity and respect;
- With the interests of the parties involved at its foundation as opposed to a process that is a rights based and adversarial;
- With the parties involved having control over the outcome which maximises employee engagement;
- With the ability to assist in identifying the root cause of the dispute and aiming to offer a genuine attempt to resolve it;
- Enabling partnership working to resolve the issue as opposed to polarising the parties involved and causing positions to harden.

3.25 Where the dispute involves other members of staff (e.g. a concern regarding the decision made by the line manager, a dispute regarding other colleagues), the Case Manager will determine the most appropriate time to advise them of this fact, and the proposed way forward. Once this has taken place confirmation will take place in writing (a template is available within the [HR Advisory Toolkit](#)).

### Formal Investigation process

3.26 The Trust's guidance document for [Conducting Formal Investigations in line with HR Policies](#) must be referred to as part of the investigation process.

3.27 The investigation will be overseen by the Case Manager, with particular focus on supporting and enabling the investigation to be conducted effectively and efficiently, including ensuring appropriate support and guidance to all parties.

- 3.28 The Trust is committed to ensuring that investigations are concluded within a reasonable timeframe, with an aim of ten weeks from the point of Investigating Officer nomination to report submission for full investigations. As low level/fact-find investigations will be less complex in nature, it is anticipated that in most circumstances the timescale for completion will be less than the ten weeks. The operational demands of all parties along with other extenuating circumstances (such as restrictions put in place by external bodies) will be recognised, however, the Investigating Officer/Low level investigation HR Lead will report all delays to the Case Manager.
- 3.29 The written investigation/summary report will identify the key findings of the investigation and whether the evidence suggests that there is a case to answer (report template available in the [HR Advisory Toolkit](#)).

#### *Maintaining services during an investigation*

- 3.30 In cases of serious dispute such as where there is a concern for the health of the employee(s) (with appropriate advice from OHWB), or where working relations have become extremely difficult, alternative measures may need to be put into place, as described below:
- **Alternative management arrangements** – if the conflict is between a manager and an employee who reports directly to them, consideration can be given to alternative management arrangements for the interim. Such arrangements will be discussed with all relevant parties involved.
  - **Alternative working arrangements** – such as alternative shift patterns or duties or an internal transfer of one of the employees on a temporary basis. Such arrangements will be discussed with all relevant parties involved.
  - **Suspension** – where this is deemed appropriate this will take place in line with [Trust's Disciplinary Policy attachment 2](#).

The above measures are interim and without prejudice to the final outcome of the investigation.

#### **Overall Outcome**

- 3.31 The Case Manager will consider the findings of the formal investigation to enable the dispute to be resolved. The Case Manager will arrange a meeting to communicate the overall outcome to the initiating employee, similarly the Case Manager will determine if it is appropriate to arrange a meeting to feedback to the employee subject to the dispute (if applicable). In all circumstances the decision/ outcome will be confirmed to all relevant parties in writing.
- 3.32 The possible overall outcome identified will depend on the type of dispute, as detailed in Table 2, and summarised in flowchart 1:

Table 2

	Possible Overall Outcomes		Right of appeal	
			Initiating employee	Employee subject to dispute
<b>Grievance</b>	A	Upheld	N	N
	B	Partially upheld	Y* (regarding elements not upheld)	N
	C	Not upheld	Y*	N
<b>Conflict, bullying and/or harassment</b>	D	No case to answer - No evidence of bullying and/ or harassment can be established or areas of conflict require no formal action. In order to rebuild relationships it may be appropriate to initiate a method of early resolution (e.g. mediation).	Y*	N
	E	Informal intervention required – No evidence of bullying and/or harassment can be established, however there may be occasions where the behaviours in question give cause for concern due to misunderstandings or lack of awareness of their behaviour. In these cases the Case Manager will devise an action plan to address the areas of concern. In order to rebuild relationships it may be appropriate to initiative a method of early resolution (e.g. mediation).	Y*	N
	F	Case to answer – There is evidence of bullying and/or harassment. These cases will be referred to the <a href="#">Trust's Disciplinary Procedure</a> and where appropriate an Agreed Outcome meeting or Disciplinary Hearing will be convened.	N	As applicable in line with Disciplinary Policy (HR03)

\* see grounds of appeal in appeal section below

### *Right of Appeal*

3.33 The possible outcomes table indicates against which outcomes employees may appeal against.

3.34 An employee may appeal on a variety of grounds, for example:

- Procedural irregularities;
- The employees perceived unfairness of the judgment.

3.35 An employee wishing to appeal must write to the next level of manager to the Case Manager within 15 calendar days of the decision, setting out in full the reasons for appeal and enclosing any documents that they wish to rely on. This will be used as the employee's Statement of Case.

- 3.36 As a result of the right to appeal being exercised a formal appeal hearing will take place. The hearing will be held in order to consider the facts of the case and will conclude either:
- To uphold the original decision;
  - To allow the appeal.
- 3.37 Please refer to the guidance document for the [Conducting of Appeal Hearings in line with Human Resources Policies](#) for further details on the appeal process.

#### **4.0 Equipment Required**

As detailed within the main policy document, HR06.

#### **5.0 Training**

As detailed within the main policy document, HR06.

#### **6.0 References**

As detailed within the main policy document, HR06.

## Dignity and Respect at Work Statement of Intent

### 1.0 Overarching Statement

- 1.1 This document outlines the Trust's statement of intent with regards to dignity and respect at work.
- 1.2 The aim is to promote and encourage positive and supportive behaviour at work with a view to reducing the potential for conflict and complaints in relation to working relationships at work. The Trust accepts that personality differences arise at work and expects all employees to maintain a mature and professional working relationship in these situations.
- 1.3 The Trust believes that all employees have a right to be treated with dignity and respect at work and recognises that any form of bullying and/or harassment is unacceptable and inappropriate and will not be tolerated.

### 2.0 Accountabilities

As detailed in the policy, [HR06](#).

### 3.0 Detail

- 3.1 The Trust seeks to encourage staff to conduct themselves and work together in a manner that is consistent with the Trust's values, and the Trust's Standards of Behaviour and Conduct.
- 3.2 The Trust recognises that all employees have the right to be treated with consideration, dignity, and respect. The Trust seeks to support all staff in their professional development and aims to provide a fulfilling environment in which to work.
- 3.3 As an equal opportunities employer, the Trust supports a working environment for individuals in which respect at work is paramount.
- 3.4 Each member of staff carries personal responsibility for their own behaviour and is responsible for ensuring that their conduct is in line with the standards set out in this policy. Staff are encouraged to report any incidents of bullying and harassment that come to their attention to enable management of this in line with the [Dispute Resolution in the Workplace Procedure](#) (HR06 attachment 1). Allegations raised regarding bullying and harassment will be taken seriously and the Trust gives an assurance that there will be no victimisation against an employee raising such issues.
- 3.5 Where there is a case to answer in respect of bullying and harassment this will be treated as a disciplinary offence which could lead to summary dismissal, dependent on the severity of the allegation.
- 3.6 **Vexatious/malicious claims** – if it is found during the process that the allegation has been maliciously reported then the initiating employee may be subject to disciplinary proceedings in line with the [Trust's Disciplinary Policy](#) (HR03).

- 3.7 **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 from the management line, the Occupational Health and Wellbeing team, trade unions (where applicable), the Freedom to Speak Up Guardian, and Speak Up Champions. The purpose of the Speak Up Champion role is to:
- Support the Trust’s commitment to achieving equality of opportunity and to eliminating all forms of bullying and/or harassment from the workplace, by raising awareness amongst staff of how they can deal with experiences of such behaviour;
  - Act as a first point of contact for staff who feel that they may have a concern in relation to any type of dignity at work concern, or who are worried and do not know where to go for help and advice;
  - Not to take an issue/complaint further but to act as a ‘listening ear’ and make the employee aware of the options available to them through the Trust’s policies and associated documents;
  - It is not intended that the Speak Up Champion will ‘take over’ from the individual experiencing perceived lack of dignity and respect at work but to be aware of the needs of the of the individual; to support them in developing an action plan to deal with the concerns (if appropriate) and to support the individual in feeling confident in taking any further action.
- Further information on Freedom to Speak Up and Speak Up Champions is available on the Trust’s [intranet site](#).

### 3.8 **Relationship to other Trust policies/processes**

- 3.8.1 PREVENT is the Government’s counter-terrorism strategy. It aims to stop or identify people who are in danger of being radicalised to become terrorists or to support terrorist behaviour. If you have concerns regarding a member of staff, 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](#).
- 3.8.2 Bullying, harassment and/or inappropriate behaviour involving service users, visitors, and other members of the public can be addressed by reviewing the [Trust’s Security Policy](#) (OP26) Attachment 2 MOVA (the Management of Violence and Aggression). This focuses on the procedures and processes for dealing with service users, visitors, and members of the public who are displaying behaviour that is deemed to be unacceptable by the Trust.
- 3.8.3 Where staff wish to raise a concern through a protected public interest disclosure (a ‘whistleblow’) please refer to the Trust’s [Raising Concerns at Work Policy](#) (HR16).
- 3.8.4 The [Dispute Resolution in the Workplace Procedure](#) (HR06 attachment 1) outlines the process to be followed in order to resolve, address and manage experiences of lack of dignity and respect at work.

## 4.0 **Equipment Required**

As detailed within the main policy document, HR06.



**5.0 Training**

As detailed within the main policy document, HR06.

**6.0 References**

As detailed within the main policy document, HR06.