

Resolution Policy

1 What this policy covers

This policy provides a framework for UH Sussex staff ensuring any work place concern affecting employment terms and dignity at work are managed in a supportive, consistent, fair and effective way.

The policy aims to ensure that any concern is dealt with promptly, and with the purpose of achieving a timely and informal resolution where appropriate.

This policy applies to all UH Sussex staff including medical and dental staff.

2 Principles

This policy embeds a culture of positive working relationships, where all staff seek to resolve concerns informally and are treated with dignity and respect.

Staff should raise concerns within a reasonable time limit (3 months). In cases so serious such as an act of discrimination, whereby it was not known at the time such an act had taken place, this timescale may be reviewed.

At all formal stages, staff may be represented or accompanied by their Trade Union or Staff Side representative or a Work Colleague. The formal process should be followed where informal resolution has not been possible.

This Policy should be read in conjunction with the Raising Concerns (Whistleblowing) Policy.

3 When the Resolution Policy Applies

Examples of issues that may give rise to raising a concern are as follows (but are not limited to):

- Management actions taken in relation to the application of policies in relation to any opportunities including the allocation of training opportunities.
- Working relationships: including bullying, harassment, discrimination and victimisation

- Changes to terms and conditions: Individual or a group of staff including new working practices and organisational change.
- Health and Safety
- If two or more members of staff have a complaint about an action which their manager or another member of staff has taken, or is contemplating taking, in relation to them (a collective dispute).

An employee who has left the Trust may still raise an issue for resolution after their employment has ended (within 3 months of leaving). This should be thoroughly reviewed, considered and responded to. The principles of this policy should still be followed but an alternative procedure to deal with the issue may be necessary and advice should be sought from Human Resources (HR).

4 When the Resolution Policy does not apply

This policy must not be used to raise frivolous issues or to raise vexatious, false or malicious concerns. If this is found to be the case then further formal action may be taken.

This policy should not be used to appeal against any process that has its own right of appeal, e.g. the imposition of a disciplinary sanction. Instead the UH Sussex Appeal Process should be used.

To deal with disciplinary sanctions imposed against other members of staff, as only the member of staff disciplined has the right to appeal the outcome of a disciplinary process.

5 Responsibilities

The Chief People Officer will oversee implementation of the policy and monitor compliance and effectiveness.

Managers are responsible for dealing with concerns as they happen in a fair, balanced and compassionate manner. This includes:

- Dealing with concerns informally in the first instance, where appropriate.
- Ensuring departmental systems and processes are designed to support good

- conduct and behaviour and staff are aware of the principles expected.
- Implementing recommendations arising from the resolution process.
- Taking personal responsibility and attending training.
- Supporting staff wellbeing through appropriate policies.

HR supports the resolution process and will:

- Assign specified HR professionals to support managers in the implementation of this policy.
- Attend formal meetings and provide advice to managers.
- Provide administrative support for writing up notes of formal meetings.
- Encourage staff to seek health and wellbeing support whether they are a complainant or witness.

Staff side representatives

- Ensure they reach the appropriate standards set out by their staff side organisation.
- Attend meetings within a reasonable timeframe.

Witnesses

- Fully engage in the process and attend relevant meetings as requested.

6 Bullying, harassment, discrimination and victimisation

Bullying, harassment, discrimination or victimisation in the workplace can take many different forms, occur in a range of circumstances and be directed at an individual or a group of individuals. It is not the intention of the alleged perpetrator but the conduct itself and the impact on the recipient(s) that determine whether the action constitutes bullying, harassment, discrimination and/or victimisation.

For definitions and further information regarding bullying, harassment, discrimination and victimisation reference should be made to the UH Sussex Equality, Diversity and Inclusion Policy.

7 The Freedom to Speak Up (FTSU) Guardian

The FTSU Guardian provides an impartial service for staff to discuss concerns confidentially. The Guardian will then support the member of staff to raise the concern and ensure there are no recriminations from doing so. The data collected by the Guardians helps to ensure lessons are learned from staff raising concerns through the FTSU process. Guardians have direct access to the Chief Executive if necessary. Reference should be made to the Freedom to Speak Up Policy.

8 Informal resolution

All staff are encouraged to raise concerns as early as possible with their line manager and then work to seek an informal resolution. If a member of staff does not feel able to approach their line manager or where this is not appropriate a more senior manager within the department (e.g. the manager's manager) should be approached.

UH Sussex considers resolution of workplace issues of staff to be a key priority for line managers. It is the expectation that managers support staff to resolve issues informally and in a timely way. Appendix A provides management guidance on informal resolution.

Managers may choose to resolve concerns as follows:

Where there is a work relationship issue, the manager speaking to the individual(s) concerned, arranging an informal facilitated meeting and/or training. Sometimes people are not aware that their behaviour is causing distress and an informal discussion can lead to greater understanding and an agreement without any lasting negative impact.

Where there is a concern around changes to terms and conditions or service provision (e.g. rota changes) or the application of a policy or provision, the manager may agree to review the decision made and provide detailed feedback.

The agreed resolution should be proportionate to the concern and resolve matters for all parties concerned. If an issue remains unresolved at the informal stage, staff may follow the formal resolution process and submit the Resolution Form Appendix B.

Any discussion between parties should be documented and held locally by the manager in line with the requirements of the GDPR, to be referred to should there be a reoccurrence or escalation of the issue(s).

“Many workplace problems [can be resolved informally](#), for example through a quiet chat. An employee [could raise a problem informally](#) by telling their line manager”

9 Formal resolution

UH Sussex staff are required to submit the Resolution Form to their line manager or where this is not possible or appropriate it can be submitted to a more senior manager in the department. Advice from HR may be sought as well as assistance from a Staff Side Representative or other work colleague or companion.

The manager should provide written confirmation of receipt of the formal written concern to the staff member within [7 calendar days of receipt](#).

Formal meeting to understand the concern

The manager should arrange to hold a meeting with the staff member and their support [within a further 14 calendar days of confirming receipt of the written concern](#). Also present will be a representative from HR who will provide advice and support on the process. The arrangements will be confirmed in writing.

The purpose of the meeting is to discuss steps taken to resolve informally (where appropriate) and understand the resolution sought by the member of staff.

Confirm the steps to be taken in order to resolve the concern, which may involve conducting an investigation into the issues raised and where possible provide an outcome to the concern raised in writing with [the full reasons for the decision within 7 calendar days of the meeting](#).

Investigation into the concern

The timescale will depend on the complexity of the investigation required but will be a maximum of [4 weeks in line with the UH Sussex Investigation Policy](#).

A meeting to confirm the outcome of the investigation and to give a final decision regarding the concern raised will be arranged as soon as possible and [within 2 weeks of the investigation concluding](#). The decision and detailed reasons why will be [confirmed in writing to the staff member within 7 calendar days](#) of the meeting.

Appeals

The right of appeal against the decision will also be notified in the decision letter. Appeals [must be lodged within 10 calendar days of receipt of the decision letter](#) and will be dealt with in accordance with the UH Sussex Appeal Process.

Concerns relating to changes in working practices

Usually, when the matter of concern involves a change to an individual, the manager will take no action to enforce the change until the concern has been resolved. However, there may be occasions where it is not possible or it is unreasonable to delay changes e.g. where they are required in order to comply with statutory obligations or to fulfil urgent service delivery requirements.

Where the change affects a number of staff and only one individual has raised a concern the change will proceed while the matter is progressed.

Where the change affects a number of staff and a collective grievance has been raised, consideration will be given as to whether the change should be enforced. This will be dependent on a number of factors, including the number of staff involved in the change and the collective grievance, compliance with statutory obligations and service delivery requirements. HR advice should be sought and a full explanation of the decision given to all those affected.

Concerns relating to other management processes

Where a concern relates to another management process (e.g. a disciplinary investigation) consideration will be given as to whether it is appropriate to suspend the existing process while the matter is concluded. However, this will not be appropriate in every situation and will be decided on the facts of the individual case.

Concerns relating to working relationships, including bullying and/or harassment, discrimination and victimisation

Where concerns are raised about working relationships that amount to bullying, harassment, discrimination and/or victimisation, consideration should be given as to whether further action is required to resolve the issue, including, if proven, potential disciplinary action against the staff member(s) who are accused of the behaviour. In such cases the staff member raising the concern will be advised that their concerns have been upheld and the appropriate further action that is being taken but will not have the right to know the outcome to any disciplinary process.

10 Confidentiality

Information obtained under this procedure will be managed and kept confidential for as long as this is needed by UH Sussex and where appropriate any correspondence held on your personnel file.

All parties involved with the resolution policy should maintain confidentiality and not discuss outside of the process.

“The Resolution Policy is designed to ensure staff members are given every possible opportunity to be *heard* with a *fair, consistent and supportive approach*”

Appendix A

Management guidance for Informal Resolution

Role clarity and working arrangements

If, through discussion, it becomes clear that the relationship difficulties are being impacted by lack of role clarity or issues with working arrangements then actions should be implemented to resolve these. This may require a facilitated discussion between colleagues or for issues to be raised and resolved through a team meeting.

Personal or health issues

Occasionally an individual's behaviour can be influenced by problems encountered outside of work for example in relation to their home/domestic circumstances or owing to an illness or medication. Issues of this nature are extremely sensitive and should be managed in conjunction with the manager and HR, and where appropriate a referral to Occupational Health or the Counselling service may be beneficial.

Feedback discussion

If the member of staff has not made the individual aware of their concerns about their behaviour and does not feel able to do this then it should be considered whether it would be helpful if someone did this on their behalf. This could be the role of the line manager of the aggrieved member of staff, the line manager of the member of staff involved or another appropriate individual.

The manager who has agreed this course of action with the member of staff raising the concern should also agree a review period to determine whether the feedback discussion has had any impact on the behaviour. If it has not further options should be considered.

Facilitation – Individuals

In order to try and resolve the matter informally, where possible, the line manager will facilitate a meeting between the staff member and the individual they have raised concerns about. The aim of the meeting will be to facilitate the member of staff to explain their concerns to the individual and agree a way of working together in the future.

It is helpful to produce a written record of the agreement reached between the parties.

Facilitation – Teams

The problem/s being raised may concern the majority of people in a team and how they work with each other. A potential way forward is to gather the team together to focus on how they work and what they all wish to achieve. The most positive way of running such meetings is for there to be a clear, practical purpose for the discussions. The manager should document the discussion and agreed outcome for future reference.

Mediation

Mediation is a confidential and voluntary process which brings together people who are experiencing problems with a work related relationship. Mediation takes place in the presence of an impartial third party. During mediation both parties will be encouraged to tell their story and air their feelings. It is not the role of mediator to decide who is right or wrong but to find common ground and work towards a resolution so that the parties can work together in the future. Advice from HR can be sought.

Staff Side Representatives and Staff Networks

UH Sussex recognises the important role that trade unions, staff networks and employee representatives play in addressing relationship issues, including bullying and harassment. If an individual is a trade union or staff network member they are encouraged to approach their representative for advice and support. UH Sussex will work in collaboration with all representatives to address unacceptable and inappropriate behaviour.

Training

Concerns about an individual's behaviour can sometimes be attributed to a lack of training. Advice on any appropriate training or development available can be sought from the learning and development department.

Appendix B

Resolution Form

This form should be completed by the employee submitting a formal/ dignity at work concern. Assistance should be obtained where necessary from a Trade Union/Staff Side representative, Freedom to Speak Up Guardian or work colleague. The form should then be given to the line manager or other appropriate manager, with a copy being retained by the individual concerned.

Surname:

First Name:

Job Title:

Grade:

Department:

Base:

Name of nominated representative – if appropriate:

Base/Address:

Nature of issue raised

i. Background to the case (the issue and the people involved)

ii. The essential elements of the issues (with supporting documents as appropriate)

iii. Steps taken to resolve the issue to date.

iv. Please explain what you feel would be a satisfactory resolution to your concern.

Signature Date:.....