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<b>Trust-Wide Policy</b>	
Version:	2.0
Policy Category:	People & Organisational Development
Target Audience:	All Trust employees
Recommended Review Date:	<b>26.03.2027</b>

## **Resolution Policy**

**Please ensure the Equality Impact Assessment is completed and submitted for consultation alongside this policy. The EqlA can be found here**

<https://intranet.imperial.nhs.uk/Interact/Pages/Content/Document.aspx?id=11536>

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### **Key Changes to the Policy from Previous Version**

Guidance and definitions around bullying and harassment have been incorporated instead in the Anti-Bullying & Harassment Policy.

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## **1. Introduction**

- 1.1 We at Imperial College Healthcare Trust are committed to supporting our people with resolving problems that arise at work. At any point in our careers, any of us can find ourselves in conflict with our managers or colleagues.
- 1.2 Conflict doesn't have to be bad – healthy, respectful debate and diversity of thought and opinion helps us to innovate, and to be expert and aspirational.
- 1.3 Sometimes, though, we may need more help to resolve conflict, particularly if it is starting to affect our working relationships and/ or wellbeing.

## **2. Purpose & Scope**

- 2.1 This policy is for all employees at the Trust, and details both the informal and formal ways in that we try to resolve issues. Formal resolution is sometimes referred to as a grievance.
- 2.2 In line with our values of being kind and collaborative, we endeavour to resolve problems informally wherever possible. On rare occasions, a more formal process may be needed, if informal attempts haven't worked, or where there are serious concerns around behaviour.
- 2.3 We recognise that there's a difference between conflict and unacceptable behaviour. Further guidance around how we define and tackle bullying, harassment and discrimination can be found in our [Anti-Bullying and Harassment Policy](#).

## **3. Responsibilities**

- 3.1 We are committed to developing and promoting a culture of dignity and respect, within which our values of being **kind, collaborative, expert and aspirational** are firmly embedded.
- 3.2 We all have a role to play in this. Managers need to:
  - Role model the values and our [behaviours](#).
  - Act promptly when colleagues raise concerns, taking steps to try to resolve problems collaboratively.
  - Be proactive in addressing issues around culture, behaviours and working relationships in the team, seeking help from the People & OD team and escalating where needed.
- 3.3 We all need to:
  - Familiarise ourselves with the contents of this policy, and make sure our own behaviour is consistent with what we want to see.
  - Be mindful of our values, and try to ensure that they underpin everything that we do.
  - Take responsibility for our relationships at work, taking steps to try to resolve problems promptly and collaboratively when things go wrong.
  - Speak up if we have serious concerns about things that are happening at work.

## **4. Speaking up**

- 4.1 Not talking about problems may mean they fester and get worse, and that could affect your wellbeing, and affect others around you too.
- 4.2 We understand that it's hard sometimes to speak up, and you may be worried about the consequences of doing so. Rest assured that we will not tolerate the bullying or victimisation of anyone raising a genuine concern – this would be a breach of our values and may result in disciplinary action.

- 4.3 It's important to speak up about concerns that are personal to us, for example:
- Feeling that you've been unfairly denied access to training or development.
  - Thinking that some of the things you've been asked to do at work aren't reasonable.
  - Being paid incorrectly.
  - Not getting on with a colleague that you need to work closely with.
  - Feeling unhappy about a colleague's behaviour towards you.

4.4 We also have a [Freedom to Speak Up – Raising Concerns and Whistleblowing Policy](#) in place to support colleagues with raising concerns about any risk, malpractice or wrongdoing that you think may be harming the service we deliver.

## **5. The benefits of informal resolution**

5.1 It's human nature when we're feeling angry, aggrieved or defensive sometimes to take the most robust action that we think is available to us. However, it's always worth considering trying informal resolution first.

5.2 Every colleague has the statutory right to raise a grievance against their employer, and this is why we have a formal resolution process. But informal resolution can help issues get resolved in a kinder, more collaborative way, far more quickly, helping to maintain good working relationships going forward.

5.3 Informal resolution may be the best way of getting the outcome that you're looking for. For instance, many people want an apology for what's happened, but a grievance process can't mandate that – and a forced apology is meaningless anyway. An honest conversation, perhaps facilitated by a third party, is far more likely to elicit this response.

5.4 You still have the option of pursuing the formal process if informal methods don't resolve things.

## **6. Informal resolution – starting the conversation**

6.1 Most problems can be resolved early on with an honest conversation. We know that sometimes that conversation can be difficult to start.

6.2 This guidance is the same whether you're looking to address issues with a peer, manager or other colleague – or you're a manager who is concerned by a relationship in your team:

- Address issues while they're still recent and fresh in your mind (and fresh in the other person's mind, too).
- Ask for the conversation in a collaborative, informal way. Something like: "Can we have a chat at 2pm, please? There's something on my mind and I'd appreciate being able to talk it through with you." Make sure you ask for the conversation discreetly, so you're not overheard by colleagues.
- Make sure you're having the conversation in a confidential space, where you won't be interrupted.
- Preferably have the conversation one-to-one. Bringing others in early on can make it feel more formal and combative than it needs to be.
- Own the feedback that you give. Use "I" not "you" statements, such as "I feel that sometimes you single me out for things that others in the team don't get pulled up on," rather than "You're always picking on me."

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- Give specific examples of the things that are bothering you, to help the other person understand where you're coming from.
- Listen to their perspective, and try to understand where they're coming from.
- Say how you'd like things to be resolved, and be open to compromise, if possible.

## **7. Practical support with resolution**

- 7.1 If you don't yet feel able to talk to the person you're in conflict with – or you've tried to have the initial conversation and it's not worked – there are various people that you can choose between to turn to. All can provide advice, and some can provide advocacy or representation. You may just want some help in starting the conversation, or need some advice about the various options open to you.
- 7.2 Your **line manager** is often the best person to speak to in the first instance, as they will know you, and usually the other person too, and can offer you their perspective as well as helping you think through what to do next. If the issue is with your line manager, try talking to their line manager.
- 7.3 Dedicated conflict coaching support is available from the **Resolution Unit** in the People & OD Team to talk through the options, and to help you start the conversation with the person you want to resolve things with, if possible. Email [imperial.resolution@nhs.net](mailto:imperial.resolution@nhs.net) to make contact with someone from the team.
- 7.4 **Staff side representatives** can advise you on all your options if you are a member of a trade union, and may represent you if needed to help resolve things.
- 7.5 **Freedom to Speak Up (FTSU) guardians** are independent, impartial colleagues here at the Trust who have been trained to provide signpost advice and support around any concerns you have about risk, malpractice or wrongdoing, and to help you raise and escalate these, where appropriate.
- 7.6 **Staff networks** are in place to celebrate diversity across the Trust and to raise awareness of the issues affecting people in various marginalised and under-represented groups. Network leads may be able to support, advise and provide advocacy to colleagues who are having difficulty at work.
- 7.7 **Race equality ambassadors** will support Black, Asian and minority ethnic colleagues with responding to issues and concerns that they are experiencing.
- 7.8 Conflict coaching is also available from the **Imperial Coaching Scheme**. Imperial's coaches provide a structured "time out" to take stock of what's happening in your working life, and can help you improve your confidence in a specific area, including resolving conflict.
- 7.9 If you feel like you would benefit from a third party to help you resolve things, a **facilitated conversation** – with one of our trained facilitators – can help. On occasion, management may mandate that a facilitated conversation happens between colleagues in conflict, to try to stop things from escalating. If you're interested in using this service, please contact [imperial.resolution@nhs.net](mailto:imperial.resolution@nhs.net).
- 7.10 **Mediation** is another informal process that can help people to resolve conflict early on in a better way. The conversation is facilitated by two trained, qualified, impartial mediators, and is entirely confidential – so the people in the conversation can be truly open with each other about how they're feeling. Mediation is a voluntary process provided by the **CONTACT** service.

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CONTACT also provide other services to support resolving conflict in teams, including training.

7.11 Conflict can be a stressful experience, and CONTACT also provide a staff **counselling service**. While counselling can help you work through your feelings about what's happening to you at work, it won't address actions or behaviour from others, so it's important to also think about what else you might need to do to resolve things.

7.12 Raise a **formal request for resolution** (our term for a grievance), if you've tried other ways to address the issue (see next section), or if you feel the issue is too serious to be resolved informally.

## **8. Formal process – raising a request for resolution (grievance)**

8.1 All employees at the Trust have the right to raise a formal request for resolution (RFR), however, not every workplace issue is suitable for consideration under this process.

8.2 Issues around a management decision taken or process followed should be considered under the relevant policy instead of raising a separate RFR. The aim is to resolve things without unnecessarily prolonging or stalling whatever else is going on. This includes decisions made under the following policies:

- Sickness Absence Policy
- Disciplinary Policy
- Performance and Capability Policy
- Change Management Policy
- Flexible Working Policy
- Salary Underpayments and Overpayments Policy
- Handling Concerns About Doctors and Dentists' Conduct, Performance and Health Policy
- Consultant Job Planning Policy

8.3 Concern about unsafe practice, fraud or other criminal activity, breach of health and safety regulations, discrimination or harassment towards patients and other third parties should be dealt with under our Freedom to Speak Up (Whistleblowing) Policy, Disciplinary Policy and/ or Incident Reporting Policy.

8.4 To raise a formal RFR, complete the form at the **appendix** and email it to [imperial.resolution@nhs.net](mailto:imperial.resolution@nhs.net), copying in your divisional Senior HR Advisor and your line manager, unless your RFR is about your line manager, in which case you should copy in their line manager, if you feel able to.

8.5 You must raise an RFR in a timely manner – in normal circumstances, this means within a month of the issue being complained about (or the most recent attempt to resolve things informally). There may be good reasons to make exceptions to this rule, such as if:

- You've been off sick or otherwise absent for a while.
- Your concerns relate to a series of events, some of which are more historical.
- You have a disability, and need additional support to raise your concerns.

8.6 If no attempt has been made to resolve things informally, a member of the People & OD team may contact you to explore informal resolution options before the formal process goes ahead. We do, however, recognise that this might not be appropriate where bullying, harassment or other serious behaviour is alleged.

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- 8.7 We ask you to tell us whether you think your RFR relates to any allegations of bullying, harassment and/ or discrimination, to make sure it's dealt with by the right people. If you state "YES" on the form, but you haven't provided any specific alleged examples of behaviour that could reasonably be described as bullying, harassment and or discrimination, we may query this.
- 8.8 Bear in mind that ticking the box to say you're alleging bullying, harassment and discrimination isn't enough on its own to evidence this. Unless there is at least one, specific, clear allegation that could reasonably be described as bullying, harassment and/ or discrimination, your RFR will usually be dealt with under our standard process (see section 8).
- 8.9 RFRs relating to bullying, harassment or discrimination are handled a little differently (see section 9).
- 8.10 We ask you to tell us what you're looking for from the RFR process to help us understand what might resolve things for you. If the outcome you're looking for is unrealistic, or outside of the remit of this process, we'll be upfront with you from the start of the process, to give you the opportunity to reconsider whether you want to go ahead.
- 8.11 If you need additional support with completing the form, please contact your trade union representative or the Resolution Unit ([imperial.resolution@nhs.net](mailto:imperial.resolution@nhs.net)).

## **9. Formal process – standard**

- 9.1 This section describes the process of hearing and considering an RFR that does not related to bullying, harassment or discrimination.
- 9.2 Your line manager, or their manager (if you're complaining about your manager) will chair a resolution hearing, supported by a colleague from the People & OD team. Wherever possible, this will happen within 10 working days of the receipt of the RFR form.
- 9.3 At the resolution hearing, you'll be entitled to be accompanied by an accredited trade union representative, colleague or friend (other than a practising lawyer). If you have a disability, you can also bring along a support worker if this is helpful to you.
- 9.4 You'll get the chance to talk through your request for resolution, and the outcome of your RFR will be captured in an outcome letter which – in most cases – will be delivered to you within five working days of the hearing.

## **10. Formal process – bullying, harassment and discrimination**

- 10.1 If you've alleged behaviour that could reasonably be described as bullying, harassment or discrimination or other serious misconduct, this will still be considered by someone from your local management, but first an independent investigation will be commissioned into your concerns.
- 10.2 Your concerns will be investigated by a colleague from the central investigation team (CIT). The investigator will meet with you as part of that process to hear and probe your concerns in detail. You're entitled to be accompanied at that meeting by an accredited trade union representative, colleague or friend (other than a practising lawyer).
- 10.3 The investigator will provide a report of their findings and recommendations to the manager considering your grievance (chair).
- 10.4 The chair will then meet with you to talk through the report, and hear your initial feedback on the investigator's findings. Once again, you can be accompanied or represented at that meeting.

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- 10.5 You will receive a copy of the investigation report, and the outcome of your RFR will be captured in an outcome letter which – in most cases – will be delivered to you within five working days of the meeting with the chair.
- 10.6 Occasionally, we may follow this investigation process for RFRs that don't relate to bullying, harassment or discrimination, if they are particularly complex or wide-ranging.
- 11. Formal process - outcome**
- 11.1 The potential outcomes to your RFR are as follows:
- Upheld – it's acknowledged that there's evidence to support the concerns you've raised, and that things have gone wrong.
  - Partially upheld – it's acknowledged that there's evidence to support some of the concerns you've raised, but the chair has a different perspective than you on some aspects of the situation.
  - Not upheld – the chair has a different perspective on the situation to you, and/ or there is insufficient evidence to support the concerns that you've raised.
- 11.2 Whether or not your RFR is upheld, the aim of the process is to resolve issues. The hearing chair will try to make recommendations wherever possible to help address things; this may include referring you back to informal resolution methods. The chair will usually discuss these recommendations with your management to ensure they are practical, understood and it's clear who will take responsibility taking them forward.
- 11.3 Where a complaint about bullying, harassment, discrimination or other serious misconduct is upheld or partially upheld, one of the recommendations may be that there is potentially a disciplinary case to answer against that person. If this happens, we'll be open with you that this is one of the recommendations, but it won't be possible to tell you the outcome of that process as it's confidential to that person.
- 12. Formal process - appeal**
- 12.1 If, after reflecting on the outcome of your RFR you feel the outcome is the wrong one, you have the right of appeal. Any appeal must be submitted within 15 working days of getting the outcome letter, and should state the reasons for appeal.
- 12.2 While you may disagree with the outcome, this wouldn't normally be sufficient grounds – it's important to say what the issue is with the process and/ or decision making. Examples of valid points of appeal include:
- Where a particular piece of evidence appears to have been overlooked or misinterpreted.
  - Where new evidence has emerged that changes things.
  - Where the investigation was insufficient – such as someone who should have been interviewed that wasn't.
- 12.3 You can find further details around the appeal process in our [Appeal Policy](#).
- 13. Collective issues**
- 13.1 Collective issues are where more than one individual shares the same concern(s), or similar concerns about the same person or people. They may involve more than one department and/ or trade union. The informal resolution route is still usually the most expedient and collaborative way of resolving such issues.

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- 13.2 Where there are serious shared concerns about colleague behaviour, culture and/ or working relationships, an investigation may be commissioned from the central investigation team (CIT) to consider the issues collectively (even if they are raised separately). This enables us to better identify themes and gather more robust evidence than if we consider complaints on an individual basis.
- 13.3 Where such an investigation has taken place, we'll share with you key findings and next steps, in a way that doesn't compromise any individual's confidentiality.
- 14. Complaints from former employees**
- 14.1 We do not accept formal RFRs from colleagues who have left the Trust, however, we may still investigate issues raised by ex-colleagues where we have a duty of care to do so, in case there are things we need to learn or actions that we need to take.
- 15. Complaints from other people who work with us**
- 15.1 If you are a bank or agency worker and need to raise concerns about issues you've experienced while working with us, please raise this with the Staff Bank who will work with you to try to resolve things.
- 15.2 If you are a student, or you work with us as someone else's employee (i.e. a contractor or honorary contract holder), you can still speak up about any concerns you have about your time with us. You can speak to management in the area you are working in and/ or contact the Resolution Unit ([imperial.resolution@nhs.net](mailto:imperial.resolution@nhs.net)).
- 15.3 If you are employed elsewhere, we may need to contact your line manager and /or HR colleagues at your employing organisation about your complaint, as it may need to be handled under their own grievance procedure.
- 16. Implementation and Dissemination**
- 16.1 This is an update to a previous policy. We have separated out definitions and guidance around bullying, harassment and discrimination to a new, separate policy, in recognition that resolving these issues through conversation and/ or mediation may not be appropriate.
- 16.2 Detailed manager briefings will be carried out into the new Anti-Bullying and Harassment Policy, and how it intersects with this policy and procedure.
- 17. Monitoring**
- 17.1 We monitor the application and effectiveness of this policy by using a number of metrics, reported bi-annually to the People Executive Management Board (EMB) and the People Committee. The metrics include:
- Number of formal RFRs;
  - Themes from RFRs;
  - Number of people accessing informal interventions;
  - Number of RFRs resolved without having to go through the formal process;
  - Turnaround times (for both informal interventions, and formal cases)
  - Mediation evaluation



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**18. Supporting Information**

<b>Current Document Information</b>	
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<b>Contributing Authors</b>	
Individuals:	
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1.0	November 2021	Corporate Governance	Final ratified
2.0	26.03.2024	Corporate Governance	Final ratified

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Appendix 1

**Request for formal resolution form (RFR)**

<b>Your name</b>		<b>Your job title</b>	
<b>Your department</b>		<b>Name of any companion/ representative</b>	
<b>Who are you having difficulty with? Please give name(s) and job title(s).</b>			
<b>What have you tried to resolve things informally? Tick all that apply.</b> Please note that if you haven't tried to resolve things informally, we may ask you to do this before considering your request formally.			
<b>I've talked to them about this</b>	<input type="checkbox"/>	<b>We've tried mediation</b>	<input type="checkbox"/>
<b>I've talked to my manager</b>	<input type="checkbox"/>	<b>Other (please state)</b>	
<b>Does your RFR relate to any allegations of bullying, harassment and/ or discrimination?</b>		<b>YES/ NO/ NOT SURE</b>	
Delete as applicable.			
<b>What are the issues?</b> Give as much specific detail as possible, including key incidents, dates and any witnesses. Continue on a separate page if you need to.			
<b>What resolution are you looking for?</b> Please tell what outcome(s) you're hoping for from this process.			
<b>Signature/ Print name</b>		<b>Date form completed</b>	