

Dispute Resolution in the Workplace Policy

This document 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 grievances, conflict and complaints in relation to working relationships at work.

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Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
1.		New Trust Dispute Resolution policy

For further information contact:

LPT HR Advisory team at - lpthradvisoryteam@nhs.net

1.0 Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Existing and new policies should include a statement confirming an 'analysis on the impact on equality' (Due Regard) has been included in the review or development of the policy.

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- Strategies, policies and procedures and services are free from discrimination.
- LPT complies with current equality legislation.
- Due regard is given to equality in decision making and subsequent processes.
- Opportunities for promoting equality are identified.

Please refer to due regard assessment (Appendix 11) of this policy.

2.0 Definitions that apply to this Policy

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

Bullying	Workplace bullying is defined under 'Agenda for Change' as "the unwanted behaviour, one to another, which is based upon the Unwarranted use of authority or power." Acas characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.
Dignity at Work	"A state, quality or manner worthy of esteem or respect; and (by extension) self-respect. Dignity in care, services, or employment, therefore, means the kind of service, in any setting, which supports and promotes, and does not undermine, a person's self-respect regardless of any difference".
Due Regard	Having due regard for advancing equality involves: <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. • Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
Harassment	Harassment is often linked to bullying, however bullying may or may not amount to harassment under the Equality Act 2010 which defines harassment as "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".
Calendar days	Any day of the week, including weekends
Working day	A weekday (i.e., Monday-Friday)
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.
Protected Characteristics	It is unlawful to discriminate against an individual because of any of the protected characteristics in the Equality Act 2010. The nine protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
Victimisation	Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.
Initiating employee	The staff member initiating the process of resolution.

OH	Occupational Health
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. Usually in the context of disputes relating to 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.

3.0 Purpose of the Policy

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 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.

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.

4.0 Summary and Scope of the Policy

This policy applies to all Trust staff including temporary workers, agency, students.

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 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.

5.0 Introduction

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.

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. The aim 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 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.

6.0 Remit of the policy

This policy document outlines definitions for grievance, conflict, bullying, and harassment and victimisation. 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.

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. 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.

It is essential that all managers are careful in following the detailed procedure and guidance as set out in this document. If in doubt the HR Advisory team must be contacted for advice (available during normal office hours).

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.

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 health and Wellbeing team, trade unions (where applicable), the Freedom to Speak Up Guardians, and the Trust Anti-bullying advice line - 07557190581. Managers are advised to speak to their HR Advisor for advice and links to other guidance and support. Further information on contact links in relation to bullying and/ or harassment can be found within the HR pages on the Trust’s intranet site “Your working life”.

Status Quo – Under normal 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 Directorate Management Team for the relevant service/ department (for example Matron/ Service Manager/ Service Head/ Department Head). The decision and the rationale behind it will be communicated to the employee raising the dispute.

However, where a dispute is raised either 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.

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 wish 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 Dispute Resolution Complaint Form.

Overlapping Dispute and other policies – Where a dispute is raised during another process (e.g. Disciplinary Policy, Attendance management and Wellbeing Policy and Procedure) and is related to the issues which are being managed via another Trust Policy, then a senior manager, not already involved in the process, will decide on the most appropriate process to be followed taking into account specific details of the relevant policy, following discussion with the staff member and their representative where applicable.

Relationship to other Trust policies/ processes

- PREVENT is the Government's counter-terrorism strategy. It aims to stop/ identify people who are in danger of being radicalised to become terrorists or 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 - lpt.safeguardingduty@nhs.net . Further information can be found on the Trust's intranet site including the details and phone number of the trust Safeguarding Team.
- Alleged bullying or harassment of staff by patients, clients, service users, carers, relatives or members of the public should be reported to line management and should initially be dealt with at a local level. If appropriate, the issues should be discussed with the Multi-Disciplinary Team involved in the patient's care.
- Where staff wish to raise a concern through a protected public interest disclosure ('whistleblowing') please refer to the Trust's Raising Concerns at Work Policy .

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
- 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 and/or clinical incident process
- Matters relating to National Insurance, Income Tax and matters relating to the NHS Pension Scheme or other Pension Scheme
- Matters which are properly dealt within the scope of negotiation and discussions at a national level in the National Health Service. E.g. NHS terms and conditions
- Matters relating to any policies collectively agreed and/or formally adopted by the Trust
- Matters which are appropriate to be considered under the Trust's Disciplinary Procedure
- Matters which relate to bandings/grading's, unless the individual believes they are being unfairly denied the opportunity of requesting a re-banding.

In addition the HR Advisory toolkit/intranet pages provide a range of additional resources.

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

7.0 Core Standards

Care Quality Commission registration standards (outcome 13) Staffing (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards and well led domain.

The Trust maintains compliance with key performance indicators and good governance.

8.0 Stakeholders and Consultation

Key individuals involved in developing the document:

Name	Designation
Gail Phillipson	Human Resources
Diane Mallon	Human Resources
Haseeb Ahmed	Head of Equality, Diversity and Inclusion
Roisin Ryan	Equality, Diversity and Inclusion Specialist
Pauline Lewitt	Freedom to Speak Up Guardian
Val Dawson	Staffside Lead
Jane Lavelle	Staffside Secretary
Rebecca Colledge	DMH Lead Allied Health Professional

Circulated to the following individuals for comment:

Name
Directors / Heads of Service and Direct Reports
Operational HR Team
Equality, Diversity and Inclusion Team
Staff Side
Strategic Workforce Group

Workforce and Organisational Development Policies are subject to joint monitoring and review between management and staff side through the LPT SPF. Guidance in relation to Due Regard for this policy has also been received by the Policy group and the Integrated Equality and Human Rights Service. Management consultation has also been undertaken in relation to this policy.

9.0 Training Needs

There is a need for training identified within this policy which relates to behaviours and equality and diversity. Behaviour management training is incorporated into our leadership training packages with essential training for new managers including Essential HR training with discussion throughout about behaviours, attitudes and managing staff, with specific attention to dealing with bullying, harassment and victimisations complaints. There is an e-learning equality and diversity programme that is role essential training for staff.

10.0 Duties in the Organisation

10.1 The Trust Board has a legal responsibility for Trust policies and for ensuring that

they are carried out effectively.

The Chief Executive Officer, Deputy Chief Executive Officer, Directors, Deputy Directors 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 Service Managers/ Department Managers attend the relevant training required as a result of this policy.

Service Managers/ Department Managers/ Heads of Service/ 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 Managers attend the relevant training required as a result of this policy.

All 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. All managers should make themselves aware of this policy to ensure they understand it and the reasons for it and their role in it.

The manager should use the principles of the CUBE feedback model - based on defining; Context, Understanding, Behaviour and Effect – to support these conversations. Where further support, guidance or training is indicated this should be organised without undue delay.

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 the principles of the Trusts “Its Starts With Me – Leadership Behaviours for All” in the workplace, as well as commit to timely completion of mandatory training relevant to this policy.

The HR Advisory team will be responsible for supporting the implementation of these processes, including providing advice to staff, advice to managers, guidance, and relevant training/ support for managers. In normal circumstances the HR Advisory team will aim to support the resolution assessment (triage process) outlined within this policy.

Occupational Health is responsible for promoting the physical and mental wellbeing of Trust’s staff, including providing support and guidance to Trust staff and managers in the form of medical advice, guidance, support, and health promotion.

Contact links 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.

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 contact links.

11.0 Dissemination and Implementation

The policy is approved by the Leicestershire Partnership NHS Trust Strategic Workforce Committee and is accepted as a Trust wide policy. This policy will be disseminated immediately throughout the Trust following ratification.

The dissemination and implementation process is:

- Line managers will convey the contents of this policy to their staff
- Staff will be made aware of this policy using existing staff newsletters and team briefings
- The policy will be published and made available on the Intranet.

12.0 Monitoring Compliance and Effectiveness

Ref	Minimum Requirements (what are you measuring)	Self-assessment evidence	Process for Monitoring (how you measure it)	Responsible Individual / Group	Frequency of monitoring
	Formal investigations will be completed in a timely manner in accordance to Trust process	Section 13.32	Random Sample of records (10% of the sample)	SWG	Monthly
	All parties will be advised of the outcome of the investigation	Section 13.37			
	Committing to resolution wherever possible	Section 13.5			
	How concerns about harassment or bullying can be raised	Section 13.9			

13.0 Dispute Resolution in the Workplace Procedure

13.1 Procedure Statement

This document provides line managers and employees with a procedure that supports the Trust's Dispute Resolution in the Workplace Policy .

13.2 The aim of the procedure is to describe the steps to facilitate the process of resolving employee disputes in a constructive and timely manner.

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

13.4 Procedure Detail / Actions

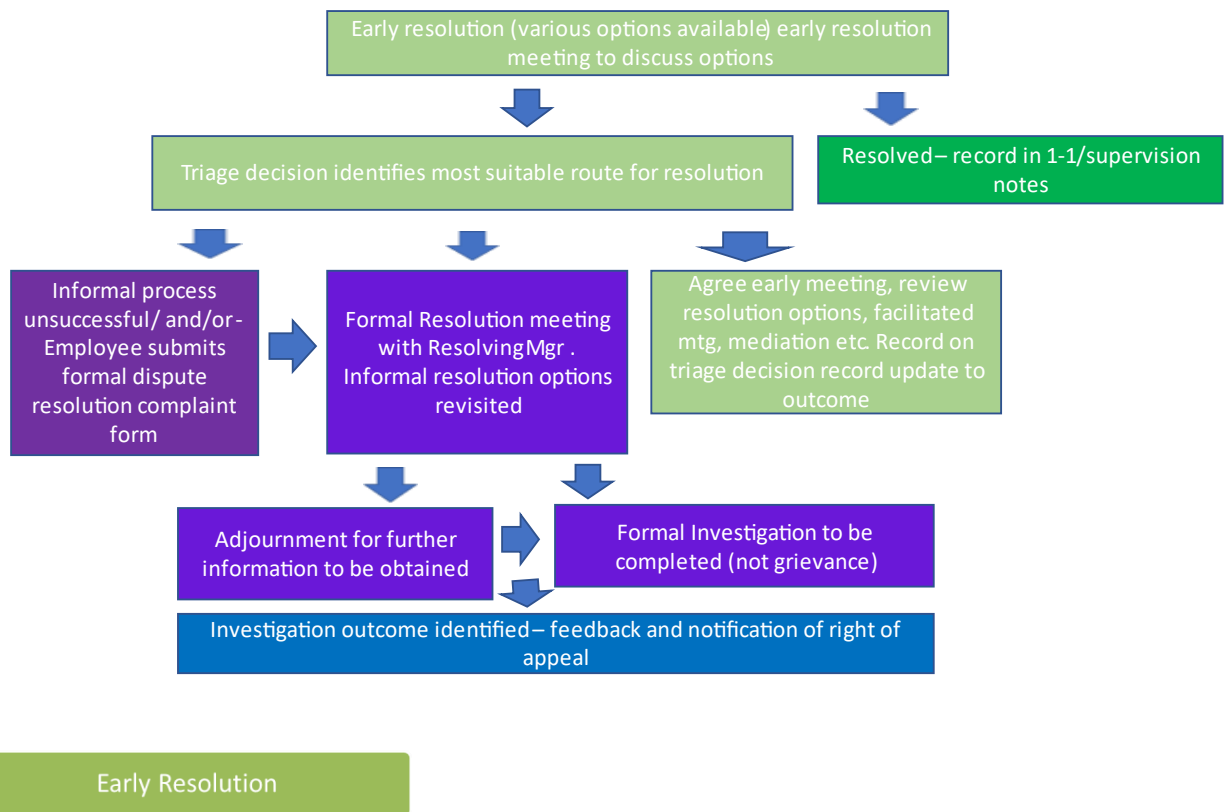
Definitions for grievance, conflict, bullying, and harassment are included in this policy. The word "Dispute" will be used as an overarching definition for these types of workplace issues with regards to the processes contained within this procedure.

13.5 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”.

13.6 Where staff wish to raise a concern through a protected public interest disclosure (‘whistleblowing’) please refer to the Trust’s Raising Concerns at Work Policy .

13.7 Flowchart 1 gives an overview of the process for workplace resolution:

Flowchart 1



Initiating early resolution

13.8 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 come to light where a manager identifies sources of conflict and/ or difficult relationships between colleagues in an aim to try to address these issues as early as possible to prevent the matter from becoming perpetuated or adversarial.

13.9 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. Outcome of these informal discussions

can be recorded as part of supervision. Staff can link in to other Trust supports at this time such as FTSU or Staffside.

13.10 The Trust encourages that employees initiate resolution within a reasonable timescale, if possible within 4 weeks and no later than within 3 months of the act resulting in the dispute.

Types of early resolution

13.11 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 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
- Make reference to the Trust Values, Respect, Integrity, Compassion, Trust, the Expected Standards of Behaviour in the workplace (Appendix 5).

13.12 Example methods of (early) resolution are indicated in the table 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.

Method of resolution	Overview/ Summary
Personal Action	The initiating employee may decide to resolve the dispute directly, for example by speaking with 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 Meeting	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.

Dispute Resolution Triage (as part of Early Resolution Meeting)

- 13.13 The resolution assessment is an opportunity for the line manager or a representative of the Trust to meet with the employee to identify the most suitable route to resolution. Discussion and information sharing regarding the early resolution process will take place and where appropriate, emphasis will be placed on early resolution. This will normally be undertaken as part of the Early Resolution Meeting.
- 13.14 The Trust is committed to ensuring that the Early Resolution Meeting (including assessment review) takes place within a reasonable timeframe, with an aim of 1 working week from the date the dispute is raised. Extenuating circumstances will be recognised and monitored accordingly.
- 13.15 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.
- 13.16 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
 - Completion of the Triage Decision record to demonstrate agreement of actions to take forward.
- 13.17 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. This meeting will decide where the concern will be referred to next i.e. refer back to informal processes or to a formal process.
- 13.18 In cases of lack of dignity and respect (e.g. bullying and/ or harassment), where the circumstances identified from fact finding and the triage decision record process of the case are sufficiently serious, managers should refer to the Trust Disciplinary Policy if applicable for a formal investigation and consideration if suspension or cooling off should be instigated.

Formal Resolution

- 13.19 If early resolution is unsuccessful the employee may submit their request for this to be progressed for formal resolution by completion of a Formal Dispute Resolution Complaint Form – Appendix 3. In normal circumstances this will be submitted to the immediate line manager within 1 working week of the most recent attempt at early resolution being unsuccessful.
- 13.20 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.
- 13.21 The manager will acknowledge the Formal Dispute Resolution Complaint Form within 1 working week of receipt.
- 13.22 Where the submitted Formal Dispute Resolution Complaint 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 will be unable to be considered until it is complete and re-submitted. The timescales for completion of the process will not commence until a complete application is submitted (or resubmitted).

13.23 Summary of Resolution Timescales:

Process element	Aim for completion
Acknowledgement of Formal Resolution Notification Form	Within 1 working week of receipt
Formal Resolution Meeting (if applicable) Resolution Assessment (triage) updated	Within 2 working weeks of completion of triage
Investigation (if applicable)	8 weeks from the point of Investigating Officer nomination to report submission
Feedback to all parties	Verbally and in writing within 2 weeks of report submission

Formal Resolution Meeting

13.24 Where Formal Resolution is the agreed outcome following the Resolution Assessment process a Formal Resolution Complaint Form will be provided to the relevant member of the Divisional Management Team for the relevant group/ department (for example Matron/ Group Manager/ Service Head/ Department Head), from here on referred to as the 'Resolving Manager'.

13.25 The Resolving Manager will aim for a Formal Resolution Meeting to take place within 2 working weeks of receipt of the Formal Dispute Resolution Complaint Form. Extenuating circumstances will be recognised and monitored accordingly. A Formal Dispute Resolution Complaint Form must be submitted and available for this meeting along with the Dispute Resolution Triage Form.

13.26 The initiating employee will be invited to the meeting in writing with 5 working day's notice. The written invitation letter will advise the employee of the following points:

- The arranged date, time, venue and attendees
- An explanation of why the meeting has been arranged, including its aim and purpose
- Their right to be accompanied at the meeting by either a representative of a recognised trade union, or a colleague who is a member of Trust staff.

13.27 If the employee is unable to attend the arranged meeting date, they must provide suitable alternative dates which would enable the meeting to take place within 5 working days of the original date.

13.28 The Formal Resolution Meeting will be led by the Resolving Manager with support from a HR representative. At the meeting, the member of staff will be given the opportunity to outline the nature of their dispute and how they believe it will be resolved. They can at this point provide any additional documentation that is relevant. The meeting will be an opportunity for discussion and dialogue with the aim of impartially and amicably resolving the areas of dispute. The meeting participants will also review the Dispute Resolution Triage form to ensure that all informal measures have been considered.

13.29 The Formal Resolution Meeting will result in:

Table 1

Outcome		Overview
A	Outcome/ Resolution identified	If the issue is relatively straightforward, open and constructive discussion at this meeting may result in an outcome identified immediately (overall outcomes listed in table 2). Where the employee who had initiated the requirement for resolution is not ultimately satisfied with the outcome they may have the right of appeal (see section on right of appeal).
B	Adjournment to consider/ obtain further information	The issue may be relatively straightforward but may require further exploration and consideration of information before confirmation of an identified outcome.
C	Formal Investigation	In cases of lack of dignity and respect (e.g. bullying and/or harassment) where the circumstances of the case are sufficiently serious a formal investigation should be conducted in accordance to the Trust Disciplinary Policy and Procedure investigation process, right of appeal.

13.30 Confirmation of the Formal Resolution Meeting discussions will be given to the initiating employee in writing within 7 working days of the meeting. The person who has had allegations made against them will also need to be met with and advised of the outcome.

13.31 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 Resolving 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.

NB. Where the dispute involves a member of medical staffing and a formal investigation is being considered, details of the concerns must be referred to Medical Director to agree appropriate next steps in line with medical terms and conditions of employment.

Investigation to establish the facts

13.32 Where there is a decision for a formal investigation to be conducted the investigation will be completed in line with the Trust Disciplinary Procedure.

13.33 An Investigating Officer and Commissioning manager (this can be the resolving manager) must be assigned at the earliest opportunity (template available). To ensure an objective investigation, it may be necessary in some cases to appoint an Investigating Officer who is not the immediate supervisor/manager. The employee must be advised in writing of the name and the contact details on the Investigating Officer (template available). The Investigating Officer will be supported in the process by a HR representative.

13.34 The role of the Investigating Officer is to gather the facts and present these findings in a report to the Commissioning Manager. The investigation will be overseen by the Commissioning 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. As no decision making will take

place by the case supervisor/commissioning manager, the Resolving Manager can undertake this role if appropriate. Guidance of roles and responsibilities of those involved in this process are available on the Trust intranet pages and from the HR Advisor supporting.

- 13.35 The Trust is committed to ensuring that investigations are concluded within reasonable timeframe, with an aim of 8 weeks from the point of Investigating Officer nomination to report submission. 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 will report all delays to the commissioning manager.
- 13.36 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.
- 13.37 The Investigating Officer's report will identify the key findings of the investigation and whether the evidence suggests that there is a case to answer. A summary of the findings will be feedback to all parties.

Maintaining services during an investigation

- 13.38 In cases of serious dispute such as where there is a concern for the health of the employee(s) (with appropriate advice from OH), or where working relations have become extremely difficult, alternative measures may need to be put into place, such as:
- 13.38.1 **Alternative management arrangements** – if the conflict is between a manager and a direct report, consideration can be given to alternative management arrangements for the interim. Such arrangements will be discussed with all relevant parties involved.
- 13.38.2 **Alternative working arrangements** – such as alternative shift patterns/ duties/ transfer internally of one of the employees on a temporary basis. Such arrangements will be discussed with all relevant parties involved.
- 13.38.3 **Suspension** – where this is deemed appropriate this will take place in line with Trust's Disciplinary Policy.

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

Overall Outcome

- 13.39 Where the initial Formal Resolution Meeting resulted in an adjournment (i.e. **Outcome B** or **Outcome C in table 2**) the Resolving Manager will consider the findings in order to enable the dispute to be resolved. The Resolving Manager will determine if it is necessary to reconvene the Formal Resolution Meeting to communicate the overall outcome, similarly the Resolving Manager will arrange a meeting to feedback to the employee subject to the dispute and the employee raising the complaint (if applicable). In all circumstances the decision/ outcome will be confirmed to all relevant parties in writing.
- 13.40 The possible overall outcome identified will depend on the type of dispute, as follows:

Table 2

	Possible Overall Outcomes		Right of appeal	
			Initiating employee	Employee subject to dispute
Grievance	A	Upheld	N	N
	B	Partially upheld	Y* (regarding elements not upheld)	N
	C	Not upheld	Y*	N
Conflict, bullying and/or harassment	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). The report summary will be fed back to all parties.	Y*	N
	E	Informal action 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 Resolving Manager will devise an action plan to address the areas of concern. In order to rebuild relationships it may be appropriate to initiate a method of early resolution (e.g. mediation). The report summary will be fed back to all parties.	Y*	N
	F	Case to answer – There is evidence of bullying and/or harassment. Feedback to be arranged for all parties. The report summary will be fed back to all parties. These cases will be referred to the Trust’s Disciplinary Procedure and where appropriate learning identified or Disciplinary Hearing will be convened.	N	As applicable in line with Disciplinary Policy

* see grounds of appeal in appeal section below.

13.41 **Right of Appeal** - The possible outcomes table indicates which outcomes employees may appeal against which employee complainant/person with allegations against them?

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

13.42.1 Procedural irregularities

13.42.2 The employees perceived unfairness of the judgment.

13.43 An employee wishing to appeal must write to the next level of manager to the Resolving 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.

13.44 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:

13.44.1 To uphold the original decision

13.44.2 To uphold the appeal.

13.45 Please refer to the guidance document for the Conducting of Appeal Hearings for further details on the appeal process.

14.0 Standards and Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 13) Staffing (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards and well led domain	That the trust maintains compliance with CQC registration standards, this policy supports outcome standards 14

FACILITATED MEETING TO RESOLVE DIFFERENCES

Guidance notes for meeting facilitator

Facilitated meetings are a means for individuals to come together to discuss and resolve any issues.

It is expected that the facilitated meetings will be conducted by line managers. There may be occasions where it is agreed that a staff member may be supported by a union representative and/or HR during these meetings.

Facilitators must be fair, impartial and neutral.

Consideration will need to be given to the effect or impact on other team members and clearly noted.

The following is a guide for how such meetings will be progressed:

- Meetings will be held in a private room where there will not be any interruptions. A separate room will need to be available for staff to meet with a representative prior to and during the meeting where applicable or as a breakout room.
- Consideration should be given to the venue for the meeting to ensure confidentiality.
- Ask both parties to think about what it is they want to discuss prior to the meeting and if they have any suggestions as to how things can be resolved.
- The purpose of meeting: will be outlined at the beginning of the meeting by the meeting facilitator. Note both parties have concerns and explain that this is an opportunity to talk directly with each other regarding those concerns openly and in a safe environment and to reach an agreement about how they will work together in the future.
- There will be no notes retained of the meeting but actions and agreements for future working will be confirmed via email after the meeting. The meeting facilitator will confirm the agreements.
- Note any previous attempts to resolve issues.

Set out ground rules for the meeting:

- Value each person's experience, concerns, needs and dignity
- Be patient
- Listen and don't interrupt when the other party is talking – take notes of things you want to say and you will be given an opportunity to respond and clarify any points.

- **Confidentiality** – agree what can be communicated outside the room and to whom.

General points for the meeting facilitator

- The meeting facilitator should not share their own opinions as to the rights and wrongs of the case.
- The meeting facilitator should only intervene in the discussion if the ground rules are not being observed.
- The meeting facilitator should not seek to fill silences. Give the participants time to consider what they want to say.
- The meeting facilitator should ensure that both parties have an opportunity to have their say.
- The meeting facilitator should summarise and check the understanding of the participants at the end of the meeting.

If at any point it is considered that the meeting is not going well that there is a break.

At the point of reconvening the meeting facilitator will check for confirmation that each party is happy to continue with the meeting or alternatively if the meeting has to be stopped.

Where the facilitated meeting does not result in an agreement:-

The organisation has its own **Mediation Service**. Should it be that there that there is no resolution as a result of the meeting then there should be discussion with both parties to see if they can agree to undertake mediation.

Email lpt.mediation@nhs.net for arrangements and dates for mediation to take place.

Agree an interim arrangement for working together until such time mediation can be undertaken. If you require further advice ring the relevant HR representative.

FACILITATED MEETING TO RESOLVE DIFFERENCES

Guidance notes for meeting participants

Facilitated meetings are a means for individuals to come together to discuss and resolve any issues.

It is expected that the facilitated meetings will be conducted by line managers. This may be a manager from another service. Facilitators will be fair, impartial and neutral.

There may be occasions where it is agreed that a staff member may be supported by a union representative and/or HR during these meetings.

Consideration will be given to the effect or impact on other team members and clearly noted.

The following is a guide for how the meeting will be progressed:

- Meetings will be held in a private room where there will not be any interruptions. A separate room will be available for staff to meet with a representative prior to and during the meeting where applicable or as a breakout room.
- Consideration will be given to the venue for the meeting to ensure confidentiality.
- You are asked to think about what it is you want to discuss prior to the meeting and if you have any suggestions as to how things can be resolved.
- The purpose of meeting will be outlined by the meeting facilitator. This is an opportunity to talk directly with your colleague the concerns you both have openly and in a safe environment and to reach an agreement about how you will work together in the future.
- There will be no notes kept of the meeting but actions and agreements for future working will be confirmed via email after the meeting. The meeting facilitator will confirm the agreements.

The following are ground rules for the meeting:

- Show respect in accordance with the LPT Leadership Behaviours
- Value each person's experience, concerns, needs
- Be patient
- Listen and don't interrupt when the other party is talking – take notes of things you want to say and you will be given an opportunity to respond and clarify any points
- **Confidentiality** – agree what can be communicated outside the room and to whom.

If at any point during the meeting there is a need you can take a break.

Where the facilitated meeting does not result in an agreement both parties will be asked if there is an agreement to undertake mediation.

The facilitator will look to put together an interim arrangement for yourself and your colleague to work together until such time mediation can be undertaken.

Nature of Dispute (Please give an outline of the issue to be addressed)

Desired Outcome (i.e. what do you want to happen to resolve the matter?)
NB This section must be completed

Signature: Date completed:

Please send the completed form to your line manager (*if concern is about your line manager send this form to the next in line manager) marked 'Private and Confidential' by email. You will receive an acknowledgement within 5 working days of receipt of this completed form and confirmation of next steps.

You may seek assistance in completing this form from your Trade Union/Staff Side Representative, Occupational Health, Human Resources or a work colleague.

Dispute Resolution: triage decision record (to be completed by manager and staff member)

Name of individual:		Job title:	
Manager completing form:		Job title:	
Names of any other staff involved in dispute:		Date form completed:	
Ward/Department		Directorate:	
Allegations/concerns:			

	Question/Test	Finding	Evidence (record relevant information)
1.	Personal action - Has the staff member spoken to the individual with whom they have the dispute? If applicable	Yes	
		No	
		N/A	
2.	Early resolution meeting – has an early attempt been made by the line manager to resolve the issue?	Yes	
		No	
3.	Facilitated meeting – has there been a confidential discussion to bring the parties together at an early stage?	Yes	
		No	
4.	Mediation – has mediation been offered and considered by the staff member?	Yes	
		No	

5.	Would the staff member consider any of the early resolution actions again? a. Personal action b. Early resolution meeting c. Facilitated conversation d. Mediation	Yes Take action to put in place the preferred method of resolution.		
		No Go to question 6.		
6.	Does the staff member wish to have their complaint formally investigated?	Yes Commission an investigation		
		No		
7.	Do the concerns indicate bullying or that the expected standards of behaviour in the workplace may not been observed (see appendix 5)?	Yes Commission an investigation		
		No		
		N/A		
Support offered:			OH referral	
			AMICA	
			Listening Ear Service	
			Union contact information	
			Early resolution meeting	
			Facilitated conversation	
			Mediation	
			Formal resolution (formal investigation)	

Summary of decision and rationale including whether or not the status quo should be invoked:

Expected Standards of Behaviour in the Workplace
(taken from Appendix 1 of the Trust's Disciplinary Procedure)

These standards of behaviour apply to all employees of Leicestershire Partnership NHS Trust (the Trust):

1. Adhere to the Trust's Leadership Behaviours by:
 - a. Valuing one another; communicate with kindness and respect, value everyone's contribution
 - b. Recognise and value people's differences; respect everyone equally by helping create a community that demonstrates unconditional positive attitudes, where people feel they belong, are valued, empowered and proud to work at LPT.
 - c. Work together; be supportive, appreciative and encouraging of each other, enabling a positive team spirit which gives the best outcomes for colleagues and patients
 - d. Take personal responsibility; give the best at work to deliver the highest standards
 - e. Always learning and improving, embracing change and actively seeking opportunities to keep improving.

Trust Values

All staff are expected to adhere to the Trust values of Trust, Respect, Integrity and Compassion and to continually strive to live these values in our everyday working.

PROCEDURE TO BE FOLLOWED AT A DISPUTE RESOLUTION MEETING

The staff member to state their dispute the outcome should be confirmed in writing within a further 5 working days.



The manager and a HR representative ask questions of the staff member



Manager and HR representative adjourn to make a decision



Outcome should be shared with the staff member as soon as possible after the meeting



Outcome should be confirmed in writing within 10 working days.

**PROCEDURE TO BE FOLLOWED AT A DISPUTE RESOLUTION MEETING
(APPEAL - STAGE 2)**

Staff side state the dispute
Management question staff side on their case
Panel question staff side on their case



Management side respond to the dispute raised
Staff side question management side on their case
Panel question management side on their case



Staff Side representative – given the opportunity to sum up their case.



Management side representative – given the opportunity to sum up their case



The Panel consider the dispute and associated issues raised
Both parties advised of the outcome of panel deliberations or to be advised of the action to be taken and expected timescales for receipt of a decision.
Either party or the panel may request an adjournment at any time.

Training Requirements

Training Needs Analysis

Training topic:	There is a need for training identified within this policy which relates to behaviours and equality and diversity. Behaviour management training is incorporated into our leadership and role essential training packages including Essential HR training with discussion throughout about trust values, behaviours, attitudes and managing staff, with specific attention to dealing with bullying, harassment and victimisations complaints.
Type of training: (see study leave policy)	<input type="checkbox"/> Mandatory (must be on mandatory training register) <input checked="" type="checkbox"/> Role specific <input type="checkbox"/> Personal development
Division(s) to which the training is applicable:	<input checked="" type="checkbox"/> Adult Mental Health <input checked="" type="checkbox"/> Community Health Services <input checked="" type="checkbox"/> Enabling Services including Facilities Management <input checked="" type="checkbox"/> Families Young People Children and Learning Disabilities Services <input checked="" type="checkbox"/> Hosted Services <input checked="" type="checkbox"/> LHIS
Staff groups who require the training:	All new and existing team managers.
Regularity of Update requirement:	N/A
Who is responsible for delivery of this training?	Human Resources Team Learning and Development Team
Have resources been identified?	Yes
Has a training plan been agreed?	Yes
Where will completion of this training be recorded?	<input checked="" type="checkbox"/> ULearn <input type="checkbox"/> Other (please specify)
How is this training going to be monitored?	Monthly reporting to workforce groups.

The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	<input checked="" type="checkbox"/>
Support and value its staff	<input checked="" type="checkbox"/>
Work together with others to ensure a seamless service for patients	<input checked="" type="checkbox"/>
Help keep people healthy and work to reduce health inequalities	<input checked="" type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

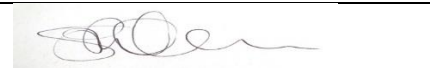

DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
Name of Document:	Dispute Resolution in the Workplace Policy and Procedure	
Completed by:	Gail Phillipson	
Job title	HR Business Partner	Date 1/2/23
Screening Questions	Yes / No	Explanatory Note
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	No	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	Yes	An outcome from a formal investigation could be progression to a hearing under the Trust Disciplinary Policy and in some cases a sanction being applied
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	Yes	Advice may be sought, and health details shared in relation to employees involved in a dispute
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>		
Data Privacy approval name:	Sarah Ratcliffe	
Date of approval	02/03/2023	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust

Due Regard Screening Template

Section 1			
Name of activity/proposal		Dispute Resolution in the Workplace	
Date Screening commenced		1/2/23	
Directorate / Service carrying out the assessment		Human Resources	
Name and role of person undertaking this Due Regard (Equality Analysis)		Gail Phillipson	
Give an overview of the aims, objectives and purpose of the proposal:			
AIMS: Policy and Procedure to replace the Trust Anti-bullying, Harassment and Victimisation Policy and Grievance Policy.			
OBJECTIVES: The purpose of the policy is to provide a consistent and effective set of informal and formal approaches to ensure grievance concerns and cases of bullying, harassment or victimisation are managed in the most supportive and effective way.			
Section 2			
Protected Characteristic	If the proposal/s have a positive or negative impact please give brief details		
Age	This policy is accessible to all staff irrespective of their age.		
Disability	Disabled staff can access this policy and alternative formats can be made available.		
Gender reassignment	This policy is available to all staff irrespective of transgender issues.		
Marriage & Civil Partnership	This policy is available to all staff irrespective of marriage or civil partnership status.		
Pregnancy & Maternity	Staff on maternity leave will be able to access this policy.		
Race	A person who speaks another language other than English may not be able to access the policy in its current format. The Trust has comprehensive interpretation and translation services.		
Religion and Belief	This policy is available to all staff irrespective of religion or belief.		
Sex	This policy is accessible to staff irrespective of gender.		
Sexual Orientation	This policy is accessible to staff irrespective of sexual orientation.		
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4.	X
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
This policy has been devised to look at all workplace resolutions effectively in accordance with Trust values and the 'just culture' principles.			

Signed by reviewer/assessor		Date	01/02/2023
<i>Sign off that this proposal is low risk and does not require a full Equality Analysis</i>			
Head of Service Signed		Date	01/02/2023

Appendix 12

Bibliography-Referencing guide

- 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
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- 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.