


**TRUST POLICY FOR CONCERNS RESOLUTION  
(Formerly Dignity At Work & Grievance Policies)**

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<b>Version / Amendment History</b>	<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Reason</b>
	5.4	July 2018	-	Extended until October 2022
	5.5	January 2023	Carol Andrews	Major Changes
<b>Intended Recipients:</b> All staff groups (including Medical & Dental)				
<b>Training and Dissemination:</b> Advisory Note; Neti; Communications brief; incorporate into Leadership Training				
<b>To be read in conjunction with:</b>				
<ul style="list-style-type: none"> <li>• Special Leave Policy and Guidance</li> <li>• Stress At Work SMS</li> <li>• Inclusion Policy</li> </ul>				
<b>In consultation with and Date:</b>				
<b>Key stakeholder managers and staff networks during 2022, as well as the following formal meetings:</b>				
<ul style="list-style-type: none"> <li>• People Policy Review Group (PPRG)</li> <li>• Trust Joint Partnership Forum (TJPF)</li> <li>• People &amp; Culture Improvement Group (PPIG)</li> <li>• Local Negotiating Committee (LNC)</li> <li>• Staff Networks</li> <li>• Key stakeholder managers</li> </ul>				
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<b>Stage Two</b> No				
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<b>Contact for Review</b>			Carol Andrews	
<b>Executive Lead Signature</b>			  Amanda Rawlings, Executive Chief People Officer	



## **Contents**

1. Introduction
2. Purpose
3. Scope
4. Equality, Diversity and Inclusion
5. Key Responsibilities / Duties
6. Raising Concerns Informally
7. Formal Written Concerns
8. Concern Resolution Meeting
9. Investigations
10. Appeals
11. Disciplinary Process
12. Collective Concerns
13. Monitoring, Compliance and Effectiveness



## **Concerns Resolution Policy [Grievance and Dignity at Work]**

### **1. Introduction**

University Hospitals of Derby and Burton NHS Foundation Trust (UHDB) recognises that from time to time there will be instances where individual colleagues or groups of colleagues may have concerns about their employment, relationships with fellow colleagues, working environments or acts or omissions of the Trust, for instance in relation to health and safety or terms and conditions of service. When these situations arise UHDB is committed to ensuring that all colleagues feel they can openly discuss their concerns and have access to a clear procedure to help resolve any concerns fairly and at the earliest opportunity, without unreasonable delay. Our managers will review concerns raised fairly and compassionately considering a person-centred approach. This means we think about the person at the heart of a situation, the context of the situation, how the person is feeling, and how support can be tailored to them.

This Policy outlines the procedure for how to raise a concern, what to expect when a concern is raised, and it is designed to help resolve concerns fairly and in a timely manner before they develop into major problems. This policy applies to all our colleagues at UHDB.

This policy will be applied in conjunction with the Concerns Resolution Guidance and the Freedom to Speak Up Policy.

### **2. Purpose**

It is the Trust's policy to ensure that all colleagues have access to a procedure to help deal with concerns relating to their employment fairly and without unreasonable delay. Where you make us aware that you have a concern there are several ways in which we aim to support you including:

- By ensuring that you feel able to raise any concerns, as near as possible to the matter arising and at the earliest opportunity.
- By seeking to resolve, and make enquiries where necessary, concerns raised by you.
- By holding a meeting to discuss it with you
- By informing you in writing of the outcome
- By giving you a right of appeal if your concerns have not been resolved to your satisfaction
- By signposting you to support services
- By supporting and offering reasonable adjustments to help you raise a concern, for example if English is not your first language or if you have a disability under the Equality Act 2010

### 3. Scope

This Policy only applies to matters relating to your employment. A concern (grievance) in this document refers to an issue, problem, conflict or complaint relating to employment which you, or a group of you, wishes to raise. Types of concerns that can be raised under this policy:

- terms and conditions of employment;
- health and safety;
- working relationships
- new working practices;
- working environment;
- organisational change;
- behaviour or attitude of a fellow colleague not in line with the UHDB Values, which may constitute bullying, harassment and victimization;
- discrimination;
- application and interpretation of Trust policies/procedures;

In some situations, your concern may be better resolved under a different Trust policy:

- appeals against disciplinary outcomes (Disciplinary Policy)
- allegations of fraud, bribery and corruption or financial malpractice (Counter Fraud, Bribery and Corruption Policy)
- applications for banding, re-banding and related appeals (Job Evaluation Procedure)
- capability/performance (Capability Policy *to be confirmed*)
- redundancy/organisational change (Organisational Change Policy)
- health, wellbeing and attendance (Health, Wellbeing and Attendance Policy)
- recruitment and selection (Recruitment Policy)

### 4. Equality, Diversity and Inclusion

UHDB recognises that sections of society experience prejudice and discrimination and pays due regard to The Equality Act 2010. The Trust specifically recognises the protected characteristics of age, disability, sex, race, religion or belief, sexual orientation and gender reassignment. The Equality Act also requires regard to socio-economic factors including pregnancy /maternity and marriage/civil partnership.

The Trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as a major employer. The Trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

### 5. Key Responsibilities / Duties

#### *Line Manager*

- To ensure appropriate early intervention to prevent the escalation of concerns where possible.

- To ensure that all concerns are reviewed and resolved fairly and in a timely manner, exploring all possible solutions.
- To support the wellbeing of colleagues recognising their duty of care.
- To keep a record of any concerns raised and how these have been resolved.
- To ensure all colleagues are safeguarded from victimisation, which may include temporary change to working arrangements.

#### *Case Manager*

In most cases the line manager will undertake the role of Case Manager.

- To lead and be responsible for managing the overall investigation process
- To appoint an Investigating Officer to carry out the investigation
- To communicate with all parties during the process
- To support the wellbeing of colleagues recognising their duty of care
- To decide if there is a case to answer or not

#### *Investigating Officer*

- To investigate and establish the facts in the case by holding fact finding interviews, gathering statements and data/evidence as appropriate
- To produce an investigation report based on factual evidence for the Case Manager
- To regularly update the Case Manager and make them aware of any additional allegations or concerns that arise during the investigation

#### *All Colleagues across UHDB*

- To raise concerns promptly and without unreasonable delay (normally within 3 months of the event occurring unless there are exceptional circumstances). The Trust will deal with matters in the same way.
- To take responsibility for following the policy and guidelines when raising a concern.
- To actively participate and engage in this process, seeking a resolution.

#### *People Services Advisory Team*

- To provide support, advice and guidance on the application of the policy and supporting guidance to help resolve concerns.

#### *Trade Unions / Professional Associations*

- To provide advice and support to colleagues to help resolve concerns.

## **6. Raising Concerns Informally**

Our aim is to support you to resolve concerns day to day as soon as possible using informal routes and through speaking to your line manager. Information on the steps that you can take are in the Concerns Resolution Guidelines. All actions taken under this policy are considered formal actions that should be instigated when informal steps have not worked.

## 7. Formal Written Concerns

There are two parts to the formal process: the submission of a formal concern and an appeal should you be dissatisfied with the outcome.

In the first instance, you should approach your line manager informally about your concern (full detail in the Concerns Resolution Guidelines). However, if the informal approach does not resolve your concern, you will need to put your concern in writing and submit it to your line manager. If your line manager is part of your complaint, then you should submit it to a more another manager (usually a more senior manager). If you are unsure who the appropriate person is, then you should contact the People Services Advisory Team. If your concern is serious enough to warrant an immediate escalation to a formal process this will be discussed with you.

If a concern is raised by a group of colleagues and / or a Trade Union Representative (collective concern) please see **section 12**.

You should contain a brief description of the nature of your concern, including any relevant facts, dates, and names of individuals involved. In some situations, your line manager may need to ask you to provide further information. It would be helpful if you state what steps you have taken to resolve the issue informally. You should explain what your desired outcome would be to resolve the situation (what steps you want your line manager to take).

Your line manager will write to you to let you know they have received your concern and invite you to a Concern Resolution meeting normally within **seven calendar days** of you submitting your concern in writing.

## 8. Concern Resolution Meeting

The purpose of a Concern Resolution meeting is to enable you to explain your concern and how you think it should be resolved, and to assist your manager to reach a decision based on the available evidence.

You can bring a companion with you to the meeting who may be either a trade union representative or a work colleague (full detail in the Concerns Resolution Guidelines).

After an initial concern resolution meeting, your line manager may carry out further enquiries and hold further resolution meetings as they consider appropriate (full detail in the Concerns Resolution Guidelines). Such meetings will be arranged without unreasonable delay.

The manager who held the Concern Resolution meeting[s] with you, will write to you usually within **seven calendar days** of the final meeting; this will be to inform you of the outcome and any actions the manager intends to take to resolve the matter. Sometimes, it may take longer than a week to inform you of the outcome. If this happens, your line manager will keep you informed of the timescales.

In the circumstances where there has been a formal investigation, your line manager will arrange a meeting with you to feed back the findings of the investigation. Formal investigations will only be considered when absolutely necessary and your line manager is assured that all informal routes have been explored and/exhausted.

In some cases, it is not appropriate to discuss some or all the actions that are being taken as the result of you raising a concern. This is usually because the other colleague(s) involved have the right to confidentiality. It is recognised that you may feel dissatisfied, and your line

manager will only do this if there is good reason not to tell you what actions your manager is taking. You will have a right of appeal. Where appropriate your line manager may hold a meeting to give you this information in person.

## **9. Investigations**

It may be necessary for your line manager to request a formal investigation into your concern. The investigation required will depend on the nature of the concern and will vary from case to case. It may involve interviewing and taking statements from you and any witnesses, and/or reviewing relevant documents. The investigation will usually be carried out by an Investigating Officer appointed by the Case Manager.

You must co-operate fully and promptly in any investigation. This may include informing your line manager of the names of any relevant witnesses, disclosing any relevant documents and attending interviews, as part of the investigation.

The Case Manager may initiate an investigation before holding a concern resolution meeting where this is considered appropriate. In other cases, your line manager may hold a concern resolution meeting before deciding what investigation (if any) to carry out. In those cases, your line manager will hold a further resolution meeting with you after the investigation and before a decision is reached.

## **10. Appeals**

If the concern has not been resolved to your satisfaction you may appeal in writing to the next level of manager, stating full grounds of appeal, within **fourteen calendar days** of the date on which the decision was sent or given to you.

The next level of manager will hold an appeal meeting without unreasonable delay, of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present).

You may be accompanied to an appeal meeting by a work colleague or trade union representative.

The manager who holds the appeal meeting will confirm a final decision in writing, usually within seven calendar days of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

## **11. Disciplinary Process**

Where you raise a concern under this policy during a disciplinary process the disciplinary process may be temporarily suspended in order to address your concern. Where the complaint and disciplinary case are related it may be appropriate to deal with both issues concurrently.

In the event the concern is upheld (either following the concern resolution meeting or after an appeal), and if there is evidence to support such a course of action, the nature of the allegations may result in the Trust instigating the Trust's disciplinary policy against colleagues (in cases of potential misconduct) or the Trust's performance policy if appropriate as a



consequence of this procedure. You will be informed of this, however we may decide that it is not appropriate to discuss some or all the actions we are taking because the other colleague(s) involved have the right to confidentiality.

In cases where it is decided to instigate the Trust's disciplinary policy against colleagues, you may be asked to attend a disciplinary hearing as a witness.

## **12. Collective Concerns**

If a concern is raised by a group of colleagues and / or Trade Unions (collective concern), the written document should be signed by all parties and submitted to People Services. Same process set out within this Policy will be followed.

## **13. Monitoring, Compliance and Effectiveness**

The key requirements will be monitored in a composite report prepared by the Head of the HR Advisory Team and presented on a six-monthly basis to the People & Culture Improvement Group (PCIG).

### **Monitoring compliance**

- Process for raising a concern and the process followed.
- Trend data - number and type of concerns raised and incidents of discrimination

### **Monitoring Method**

- Retrospective review of concerns raised to determine compliance with the process, as well as raising and dealing with the concerns.
- Analysis of number of concerns raised inclusive to all protected characteristics.
- The level of the colleagues affected and the outcome.

Recommendations and action plans will be developed from the analysis and will be part of the six monthly reporting mechanism.