



**Coventry and  
Warwickshire**  
Integrated Care Board

# **Resolution Policy**

**(incorporates Disciplinary, Grievance and Dignity  
at Work)**

Reference Number:	This will be applied to all new ICB-wide PPSs by the Governance and Corporate Affairs Team and will be retained throughout its life span.
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Department:	Human Resources

#### VERSION HISTORY

Date	Version	Changes made to previous version	Consulting and Endorsing Stakeholders, Committees / Meetings / Forums etc.
October 2023	1	New Policy, replacing de-commissioned policies Disciplinary, Grievance and Dignity at Work	Human Resources Team, Staff Partnership Forum, Staff Forum, Execs, EQIA Quality Assurance, PAG and People Committee
March 2024	2	Addition of detail of Scheme of Delegation and reference to medical colleagues	Human Resources Team, Staff Partnership Forum, Staff Forum, Execs, EQIA Quality Assurance, PAG and People Committee

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## 1. Scope

- a. This policy will apply to all Coventry and Warwickshire Integrated Care Board (ICB) employees including Very Senior Managers and Medical & Dental Staff.
- b. This policy does not apply to agency staff or workers engaged on contracts for service refer to the terms of the individual's engagements.

## 2. Introduction

- a. The ICB is committed to providing an open and supportive environment in the workplace where concerns, conflicts and issues can be addressed positively and quickly.
- b. Many potential challenges in the workplace issues can be resolved informally. The ICB expects that employees will cooperate in exploring early resolution as an alternative to a formal process, however it is recognised that in exceptional circumstances a formal approach may be necessary.

## 3. Purpose

- a. This policy replaces the separate Disciplinary, Grievance and Dignity at Work policies which used to be in place.
- b. Where related ICB documents refer to Disciplinary, Grievance or Dignity at Work this policy supersedes these and applies. All relevant documents will be updated as per the policy and guidance review processes.
- c. The policy provides the rules the ICB and its employees will follow for resolving workplace concerns, conflicts and issues; it incorporates the ICB's approach to Disciplinary, Grievance and Dignity at Work.
- d. For details on how to apply this policy please refer to the Resolution Procedure document.
- e. 'A Just Culture Guide and Learning' is included in the Resolution Procedure to support consistent decision making and guidance.
- f. The policy aims to bring workplace conflicts and disputes to a satisfactory and constructive resolution at the earliest opportunity, ensuring a fair and consistent application of policy.
- g. This policy provides guidance to managers and employees to work together in a supportive and safe environment to reach resolution.
- h. Cases involving concerns raised about medical colleagues must be referred to HR and the Chief Medical Officer in the first instance. The Resolution Procedure includes further details for the process concerning medical colleagues, in line with NHS England guidelines.
- i. This policy excludes the resolution of some issues such as the following (this is not an exhaustive list):
  - i. Matters which cannot be directly resolved by the ICB e.g. nationally negotiated terms and conditions of service.
  - ii. Matters which already have an existing appeals mechanism e.g. as within the ICB Management of Change Policy.
  - iii. Matters relating to the Public Interest Disclosure Act and whistleblowing which are dealt with in line with the ICB's Whistleblowing Policy.

- iv. Matters which have already been considered under the Resolution Policy where no new evidence or further incidences have occurred.
- j. Cases involving the following must be referred to HR before initiating this this policy:
  - i. Fraud
  - ii. Criminality
  - iii. Safeguarding

#### 4. Principles

- a. Employees have the right to have workplace issues dealt with fairly and without unreasonable delay.
- b. Any matter raised under this policy will be dealt with promptly and confidentially.
- c. Wherever possible employees and managers will attempt to resolves issues through informal discussions.
- d. Where informal resolution hasn't been successful or isn't appropriate, a formal process will be undertaken.
- e. Employees have the right to be accompanied by their Trade Union representative or a work colleague at all formal stages of this policy.
- f. Employees have the right to appeal against any formal decisions/actions that are taken.
- g. Employees will be informed in writing and given an opportunity to respond before any formal decisions/action are taken.
- h. No formal action will be taken against a trade union representative without firstly discussing with a relevant full-time officer.
- i. Employees are required to engage with all processes and meetings relating to this policy. Where an employee fails to engage without reasonable grounds, then the processes may continue in their absence.
- j. Warnings normally remain live from the date of issue for the periods detailed below.

Type of Formal Warning	When it may be used	Duration warning is active	Notes
First written warning	First or minor misconduct	6 months	Normally disregarded for disciplinary purposed after 6 months BUT may be used if patterns of behaviour or repeated misconduct occurs
Final written warning	Subsequent or first more serious misconduct or insufficient improvement	12 months	Normally disregarded for disciplinary purposed after 12 months BUT may be used if patterns of

			behaviour or repeated misconduct occurs
Dismissal with notice	Subsequent misconduct, insufficient improvement or first more serious misconduct	Throughout notice period.	Will be reported in references.
Summary dismissal (dismissal without notice)	Instances of gross misconduct only	N/a	Will be reported in references.
Alternative or additional to Dismissal / Warnings (Very rarely used)	Subsequent misconduct, insufficient improvement or first more serious misconduct  Unlikely to be used in Gross Misconduct cases	As appropriate	Examples include:  Demotion or transfer to another job or location  Deferred increment  Loss of privileges e.g. removal of flexi-time

- k. No employee will be dismissed for a first instance of misconduct: however, summary dismissal may occur in the case of Gross Misconduct. Examples of Misconduct and Gross Misconduct can be found in the Resolution Procedure document.
- l. This policy must be used responsibly and only in situations where there is a genuine belief that there is a concern, disagreement or dispute. Malicious usage of this policy is a disciplinary offence.

## 5. Informal Actions

- a. The first step in trying to resolve most issues will be informal resolution. This can help issues get resolved in a quick and more collaborative way, helping to maintain good working relationships going forward. Details about informal resolution processes can be found in the Resolution Procedure.
- b. Informal approaches to resolving issues can proceed without an HR support and/or Trade Union or work colleagues being present
- c. The manager will keep records of meetings and agreed ways of resolving or trying to resolve issues and share these with the employee(s).
- d. Where appropriate review meetings will be arranged
- e. HR should be approached for advice or further information

- f. Where informal resolution is not possible or has not been successful the formal procedure should be followed.

## **6. Formal Actions**

- a. The ICB always encourages and promotes the informal resolution of disputes. There are times when a formal approach is necessary; this may be because the issue is complex, the parties are unable to agree on a resolution, or issue is of a sensitive or very serious nature.
- b. The policy relating to formal actions is set out below. Full procedural details can be found in the Resolution Procedure.

## **7. Formal Meetings**

- a. For all meetings held under the formal part of this resolution policy the following will apply:
  - i. Normally, an employee will be given 5 working days' notice of a formal meeting.
  - ii. An employee is entitled to be accompanied at formal investigation meetings by a Trade Union Representative or a workplace colleague. This applies whether the employee has raised a concern, has had an allegation made against them or they have been asked to provide information relating to the concern (witness).
  - iii. Employees must confirm their chosen companion, at least 2 working days in advance of the formal meeting.
  - iv. Where an employee or their representative cannot reasonably attend as invited, appropriate attempts will be made to rearrange the meetings.
  - v. Written records will be taken of investigation meetings and these will be shared with the employee
  - vi. All parties involved in an investigation are required to keep the procedure confidential, any breach of confidentiality may be considered an act of misconduct.
  - vii. Only in certain limited circumstances may meetings be electronically recorded, and only with the prior express agreement of all parties.

## **8. Investigation**

- a. Before any formal action (including arranging a hearing) is taken, a Commissioning Officer (CO) will commission an investigation will take place to establish the facts of the case.
- b. The investigation will be undertaken by an appropriate Investigating Officer (IO)
- c. Upon concluding the investigation, the IO will complete a written report setting out the findings of the investigation (and recommending next steps)
- d. The CO will review the written report and confirm the next steps or outcome to the employee in writing.
- e. Details about the roles involved in the formal process are set out in the Resolution Procedure (CO, IO and Hearing Chairs).

- f. Prior to any formal stage commencing, an independent person, who has had no prior involvement in the case, will review the case to determine that formal action is warranted, up to and including suspension.

## 9. Scheme of Delegation

- a. The below scheme of delegation details the lowest grade of officer who will normally have delegated authority to take the specified action. For any action concerning the Chair and Partner Members of the Board, please refer to the ICB Constitution.

Category of Staff	Written Warning	Final Written Warning	Dismissal	Suspension
Chief Executive Officer and Non-Executive Members of the Board	ICB Chair in Consultation with NHSE	ICB Chair in Consultation with NHSE	Governing Body	ICB Chair in Consultation with NHSE and HR
Executive members of the Board	Chief Executive Officer	Chief Executive Officer	Sub-Committee of Governing Body	Chief Executive Officer in Consultation with NHSE and HR
Chief Officers	Chief Executive Officer	Chief Executive Officer	Sub-Committee of Governing Body	Chief Executive Officer in Consultation with NHSE and HR
Employees directly reporting to a Chief Officer	Chief Officer	Chief Officer	Chief Executive Officer	Chief Officer in Consultation with HR
All other employees	Line Manager	Line Manager	Employees at Band 9 or higher	Chief Officer in consultation with HR

## 10. Formal Hearing

- Normally the CO will be the chair of any formal hearing
- The employee who is the main focus of the hearing will be provided with all relevant evidence no later than 5 working days before the hearing
- The employee may also provide evidence to be considered at the hearing which should be received by the chair of the hearing no later than 3 working days before the hearing
- If witnesses are needed for the formal hearing the person calling the witness (IO, CO or employee) should give them as much notice as possible and at least three days. The person calling the witness must make arrangements for them to attend and inform others involved in the hearing.
- The employee will be advised in writing of the outcome of the meeting within 7 working days unless a longer period is specified and can be justified.
- The range of outcomes that are possible are detailed in the Resolution Procedure



- g. All Formal Hearing panels will include a HR Representative, normally this is to provide advice not for decision making. Exceptionally, the HR representative may be part of the decision making.

## 11. Appeal Hearing

- a. Employees have the right to appeal the decision of a formal hearing.
- b. Appeals, outlining the grounds on which the appeal is being made, must be lodged in writing to Panel Chair within 5 working days of the receipt of the outcome of the meeting.
- c. The grounds for the appeal can be one of the following:
  - The correct process was not followed
  - New evidence is available
  - The outcome was wrong – this should be more than not agreeing with the outcome. Acceptable ground for appeal should show why the outcome was too severe, unfair or otherwise technically wrong.
- d. Appeals will be heard as soon as possible.
- e. At least 5 working days before the appeal hearing, the employee must provide the Appeal Panel with a full detailed statement of their case. The statement should also include copies of any documents that the employee intends to use as evidence, and the identities of any witnesses that they intend to call.
- f. At least 2 working days before the appeal hearing the Chair of the Original Hearing (or other appropriate person presenting this case) must submit their response to the appeal statement from the employee, including any evidence and names of witnesses.
- g. Appeals will normally be heard by a more senior manager to the Formal Hearing Chair.
- h. All Appeal Hearing Panels will include a HR Representative, normally this is to provide advice not for decision making. Exceptionally, the HR representative may be part of the decision making.
- i. The employee will be advised in writing of the outcome of the meeting within 7 working days unless a longer period is specified and can be justified.
- j. The decision of the appeal panel is final.

## 12. Suspension

- a. Suspension is not a formal action, but it may be necessary if one or more of the following applies:
  - There is an allegation which may be considered gross misconduct and the ICB cannot reasonably continue to let the employee work during the investigation and hearing process.
  - The employee's presence constitutes a serious risk to themselves, patients, employees, or NHS property.
  - The employee's presence would hinder a full and proper investigation taking place
  - The employee is under charge or suspicion of a criminal or other offence which significantly affects their status, role or responsibilities within the ICB.
- b. Suspension will be for as brief a period as possible and on full pay

- c. Employees who are suspended will be informed in writing of the reasons for the suspension.
- d. The person suspended must be available throughout the suspension period for investigation meetings.
- e. The employee must inform the ICB if they work in any other paid or unpaid roles:
- f. The employee may not work in any other posts they hold within the ICB.
- g. In exceptional circumstances, if the employee undertakes work (paid or unpaid) elsewhere, it may be necessary to inform these organisations of concerns particularly if the concerns relate to safeguarding, criminality or fraud
- h. Under a duty of care, in certain exceptional circumstances, the ICB may also need to inform other agencies, such as professional and regulatory bodies, where there is a risk to patient/client care or health and safety.

### **13. Fast Track**

- a. The fast-track resolution process is a way of resolving concerns quickly, fairly and may be less stressful for all those involved.
- b. The fast-track resolution process allows the employee to accept:
  - an appropriate warning or sanction without the stress of a full investigation and/or hearing (in the case of a disciplinary issue)
  - a more formal outcome of a grievance or dignity at work case without a full investigation and/or hearing
- c. In a disciplinary situation it can be use where an employee does not wish to contest any of the allegations or the case against them and normally when:
  - The allegation or case is not considered gross misconduct
  - This case and any previous cumulative warnings against the employee would not result in dismissal
- d. In a grievance or dignity at work situation it could used where an acceptable resolution is offered/found once the informal process is deemed inappropriate or is exhausted.
- e. This is not a proceed whereby an employee complainant can impose a sanction on the person/people they are complaining about.
- f. The employee can request (normally in writing) that the case be resolved through a “fast track” either before the investigation started or when the investigation outcome is shared.
- g. An independent manager and HR representative will consider the request and ensure that they are reassured that the employee is:
  - Fully informed of their rights
  - Fully aware of the potential future impact of accepting the outcome
  - Appropriately supported (TU, work colleague or other)
  - Well enough to make an informed and balanced choice
  - Outcome accepted is consistent and appropriate
- h. Where a fast-track resolution is appropriate and mutually agreed, this will be confirmed in writing.

## 14. Roles and Responsibilities

### a. Line Manager Responsibilities

- i. To follow the policy, procedure and guidance provided when required
- ii. To ensure that employees are aware of the Resolution Policy.
- iii. To be clear with employees about the rules, regulations, and standards of conduct which they are expected to observe or achieve through effective day to day supervision.
- iv. To ensure that employees affected by this policy are treated with respect, provided with support and given understanding whilst dealing with processes and issue they may find difficult or upsetting.
- v. Keeping appropriate written documentation relating to any issue raised and actions taken to address them.

### b. Employee Responsibilities

- i. Be aware of and abide by the ICB's' Resolution policy and procedure
- ii. To fully engage in respectful dialogue to resolve issues at the earliest possible stage of conflict and work together to find mutually acceptable outcomes to conflict.
- iii. Always demonstrate an appropriate standard of behaviour in the workplace and treat colleagues and non-ICB contacts (eg patients, contractors, public etc) with respect and dignity according to the ICB values and behaviours

### c. Human Resources Responsibilities

- i. Assisting managers and employees in understanding and the fair and consistent application of the policy.
- ii. Providing training on the application of this policy as appropriate.

## 15. Dissemination and Implementation

- a. This policy will be available in the ICB Document Library
- b. This policy will be supported by a Resolution Procedure

## 16. Training

- a. Recruitment processes will highlight the Resolution Policy and Procedure
- b. Induction processes will highlight this policy
- c. Managers will be supported to promote and use this policy through induction and when necessary
- d. Managers and staff will be supported to use this policy by HR when required

## 17. Monitoring Compliance

### a. Monitoring Table

Aspect of compliance or	Monitoring method	Individual/ department responsible	Frequency of the monitoring activity	Group / committee which will	Group / committee / individual
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effectiveness being monitored	(i.e. regular audits/reviews)	for the monitoring	(i.e. Monthly/ Annually)	receive the findings / monitoring report	responsible for ensuring that the actions are completed
EDI	Collection of EDI data for those who use or are subject to this policy	HR	Data collected continuously, reported at least annually in EDI/WRES/WDES etc	SPF Execs People Committee	
Appeals and outcomes particularly around policy/procedural issues	Collection of data	HR	Data continuously collected and review along with Policy Review dates	SF SPF Execs	

## 18. Staff Compliance Statement

- a. All staff must comply with this ICB-wide policy and failure to do so may be considered a disciplinary matter leading to action being taken under the this Policy. Actions which constitute breach of confidence, fraud, misuse of NHS resources or illegal activity will be treated as serious misconduct and may result in dismissal from employment and may in addition lead to other legal action against the individual/s concerned.

## 19. Duty of Care

- a. Managers and employees should note that the ICB's liability may extend to both "official" and "unofficial" activities as "unofficial" activities may be deemed to be an extension of the workplace. The ICB may have a duty of care in respect of such matters and will investigate all complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside the workplace.

## 20. Data Protection

- a. In applying this policy, the ICB will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues".

## **21. Equality Statement**

- a. In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- b. As part of the ICB's equal opportunities monitoring, all disciplinary hearings and formal grievances are monitored on a rolling annual basis. Subsequently information may be held on the monitoring register longer than the duration of the warning itself.

## **22. Ethical Considerations**

- a. The ICBs recognise their obligations to maintain high ethical standards across the organisations and seek to achieve this by raising awareness of potential or actual ethical issues through the Policy consultation and approval process.

## **23. Monitoring and Review**

- a. The application of this policy and procedure will be monitored by the Human Resources team, and the policy and procedure formally reviewed every 3 years. Where review is necessary due to legislative change, this will happen immediately.

## **24. References and Bibliography**

- a. N/A

## **25. ICB Associated Records**

- a. A Just Culture Guide - available on the NHS England website
- b. Resolution Procedure – will be available via the Document Library
- c. ICB's Whistleblowing Policy - available via the Document Library