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| New Logo 2 | | | | **Barnardo’s**  **Policy** | | |
| **Resolution Policy** | | | | | | |
| **Risk Owner:** | | Director of People and Culture | | | | |
| **Supported by:** | | Employee Relations and Policy Manager | | | | |
| **Date Approved:** | | 25 July 2023 | | | | |
| **Date for Review:** | | Initial review 1 year after launch, thereafter, review will be in accordance with Barnardo’s usual policy review cycle and undertaken July 2026, unless regulatory/statutory changes require an earlier review. | | | | |
| **Distribution** | | Not confidential - for internal or external use as required | | | | |
| 1. **Purpose** | | | | | | |
| The purpose of the policy is to ensure that:   1. colleagueshave a way of raising issues about their work and that these are dealt with fairly and objectively; 2. issues raised are dealt with in a fair and consistent way and resolved as speedily and informally, as possible and that any action taken considers Barnardo’s policies and procedures, Basis and Values and the resources available; 3. issues relating to conduct that fall below the expected standards are addressed through the Resolution procedure with the aim of improving conduct wherever possible; where a warning is given, the colleague will be provided with appropriate support to improve their conduct. 4. there is prompt, consistent and fair treatment where a colleague's conduct falls below the required standards. Colleagues will be advised of the nature of any concern and be given the opportunity to state their case before any decision is made; 5. Colleagues are aware of the sources of advice and support available to them. See [Sources of support | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/wellbeing/sources-support) | | | | | | |
| 1. **Policy** | | | | | | |
| **Introduction**:   * The Resolution Policy covers work related concerns, disputes, problems (referred to as **issues** for the purposes of this policy) and **conduct** matters. (It would encompass anything formerly dealt with as a grievance/bullying and harassment and disciplinary matters). * Concerns about organisational wrongdoing or malpractice which are in the public interest should be submitted though Barnardo’s [Whistleblowing policy | Inside Barnardos](https://inside.barnardos.org.uk/employee-and-volunteer-support/whistleblowing-policy). * This policy applies to all colleagues in scope (**see section 3)** andprovides a framework for resolving concerns, aiming to reach early agreement, where possible. * It is essential to resolution that relationships in the working environment are repaired so that everyone involved can find a safe and respectful way to work together going forward. Early intervention in advance of any formal process is the most constructive way to attain this. * This policy does not form part of any contractual terms and conditions of employment.   **Overview of procedure**  There are two types of **concerns** that this policy can support through resolution:   1. **Issues**- previously known as grievances, bullying, and harassment. These need to be raised within 3 months where possible. 2. **Conduct**- previously seen as disciplinary matters. (Concerns relating to a colleague’s performance where they have completed their probationary period should be addressed through the [Performance Improvement policy](https://inside.barnardos.org.uk/employee-and-volunteer-support/performance/performance-improvement-policy)).  * Where possible, **issues** should be resolved by the individuals involved, or with the support of their manager. * The informal stage may incorporate Positive and Inclusive supported conversations, and/or mediation by mutual agreement where necessary. * If there is no mutual agreement for supported conversations, or a mediation agreement breaks down, then the **issue/s** would be progressed through the formal stages of this policy and where necessary will be subject to a thorough, fair and unbiased fact find. * A colleague who raises an issue will have the right to appeal against a formal outcome in accordance with the Appeals Procedure. * Wherever possible, managers should try to resolve minor conduct concerns through early/informal discussion. * Matters of a Safeguarding, fitness to Practice or other regulatory nature as well as other serious or potential gross misconduct will not fit the early or informal resolution model and will be dealt with under the Formal Stage. * No colleague will be dismissed for a first breach of conduct except in the case of gross misconduct, when the sanction will be dismissal without pay, and without pay in lieu of notice. Examples of potential offences of gross misconduct, can be found in **Appendix A**. * The right of appeal will apply to any formal sanction issued in accordance with the Appeals Procedure. Sanctions, including dismissal or warnings issued will remain in place pending the outcome of any appeal.   **Collective Issues**   * Where similar issues are submitted by more than one person, this is dealt with as a collective issue (previously referred to as a collective grievance), still following the Resolution process. (This is distinct from the collective grievance procedure for issues being raised by or in conjunction with UNISON outlined in the Recognition Agreement). * Members of a trade union may be accompanied by a union representative.   **Right to be accompanied**   * At any formal hearing, a colleague may be accompanied by either a trade union representative, an official employed by a trade union or a workplace colleague. * Barnardo’s will endeavour to make provision for accompaniment at any stage in its **formal** stages to include investigation meetings, to support fairness and equality. * Informal and early resolution will not attract any rights of accompaniment however a colleague may request a companion as part of reasonable adjustments (See [Accompaniment | Inside Barnardos).](https://inside.barnardos.org.uk/employee-and-volunteer-support/managing-people/disciplinary-policy/accompaniment-policy) This will also apply to mediation at any stage.   **Reasonable Adjustments**   * A colleague involved in this process may request reasonable adjustments to ensure they can engage fully and fairly. Further guidance is available at [Reasonable adjustments at work - ACAS](https://www.acas.org.uk/reasonable-adjustments) and [Reasonable Adjustments for Mental Health - Guidelines](https://acas.frontify.com/d/9XEi1YzDsXxS/n-a?utm_source=frontify&utm_medium=email&utm_campaign=RAMH#/campaigns/reasonable-adjustments-for-mental-health)   **Safeguarding/Fitness to Practice/Regulatory Considerations**   * Any concerns of a Safeguarding, fitness to Practice or other regulatory nature as well as other potential gross misconduct will not fit the early or informal resolution model and will be dealt with under the Formal Conduct Stage of the Resolution Procedure. * Any reported breaches of our [Safeguarding policies](https://inside.barnardos.org.uk/safeguarding), [Safeguarding Code of Conduct](https://inside.barnardos.org.uk/safeguarding-code-conduct) and/or professional/regulatory boundaries will be dealt with via the Formal Conduct Stage of the Resolution Procedure. * For any safeguarding allegation e.g. one which suggests that an adult working for or with Barnardo’s has caused significant harm to a child or adult, committed a criminal offence against a child or adult, or behaved in such a way that calls into question their suitability to work with children or adults at risk, an Allegation Against An Adult Reporting Form must be completed within 24 hours of the manager receiving the allegation. See [Form and guidelines for responding to Safeguarding allegations.](https://inside.barnardos.org.uk/safeguarding/responding-safeguarding-allegations) * Specific guidance applies for managers investigating safeguarding concerns that must be followed. See [Responding to external investigations | Inside Barnardos](https://inside.barnardos.org.uk/safeguarding/responding-external-investigations). * Specialist safeguarding advice is available from the relevant Safeguarding Lead/Head of Corporate Safeguarding & Quality. * Any safeguarding, fitness to practise or other regulatory concerns will also be required to be reported to the appropriate regulatory body and the colleague involved advised of this (see [Safeguarding referral guidance | Inside Barnardos](https://inside.barnardos.org.uk/safeguarding-referral-guidance) * Where any safeguarding matter is subsequently referred to the police or relevant external body, Barnardo’s policy is that the internal disciplinary process should continue to move forward alongside any external investigation as far as is reasonably practicable.   **Suspension**   * There may be instances where a period of suspension, with pay, is necessary having considered any alternatives to suspension first, in consultation with the People Team. * Suspension with pay is a precautionary measure and not a disciplinary sanction and does not involve any prejudgement. The period of suspension will last only as long as is necessary and be kept under regular review. * Suspension may be considered at any stage in the process dependant on the concerns and evidence founded. * Other options such as alternative work may be considered first instead of suspension. However, any action short of suspension must be referred to the People Team * At all times when considering suspension, the People Team should be consulted. * Where Barnardo’s deems it necessary to suspend, the colleague will be made aware of the various [Sources of support](https://inside.barnardos.org.uk/people-and-culture/wellbeing/sources-support) available.   **Leaving employment**   * Where a colleague who is subject of a matter of concern for resolution and who has submitted their resignation or leaves mid process, that process can be modified to ensure a response is provided or appropriate action taken. This may include and not limited to holding any meeting in their absence if they have left or if they choose not to attend and inviting written submissions. * It is important to note that where there are safeguarding concerns or other serious misconduct concerns and a colleague resigns before the investigation/internal process has been completed, the process must continue and reach a conclusion. Factual information about the concerns and the outcome of the internal process will be disclosed to relevant prospective employers and in a referral to regulatory bodies, where applicable. See [Safeguarding referral guidance | Inside Barnardos](https://inside.barnardos.org.uk/safeguarding-referral-guidance)   **Trade Union Officials**  In accordance with the ‘Facilities Agreement’ between Barnardo’s and UNISON, no conduct action will be taken against an elected representative of UNISON until Barnardo’s has discussed the matter with the UNISON full-time officer via the People Team (who must also inform a member of the People Strategy and Projects Team). **Data Protection** Barnardo’s processes and holds personal data collected during the investigation stage and any subsequent stages of the Resolution Procedure and formal action taken in accordance with Barnardo’s [Privacy Notice.](https://www.barnardos.org.uk/privacy-notice#personaldata) In particular, data collected as part of the investigation stage and any subsequent stages of Resolution Procedure is held securely and accessed by, and disclosed where necessary for the purposes of completing the Resolution procedure. Key facts established through the Resolution Procedure relating to conduct matters may subsequently be disclosed in accordance with the [Safeguarding Referral Guidance](https://inside.barnardos.org.uk/safeguarding-referral-guidance) and [Giving References Policy.](https://inside.barnardos.org.uk/employee-and-volunteer-support/recruiting-employees-and-apprentices/getting-references-policy) | | | | | | |
| 1. **Scope** | | | | | | |
| This policy and subsequent procedure applies to colleagues raising work related issues who are directly employed by the charity or colleagues who work to an ‘as and when’ agreement.  For conduct matters, this policy only applies to colleagues directly employed by the charity who have successfully completed their probationary period, except for acts of serious or potential gross misconduct committed during a colleague’s probationary period or by ‘as and when worker’ during their as and when agreement, which will be addressed through the Resolution policy and procedure.  The policy does not apply to colleagues who are agency workers, third party contractors, self-employed consultants; and secondees from partner organisations.  These colleagues should speak to the manager that they work for at Barnardo’s in the first instance to raise any concerns or the manager’s manager if more appropriate. There will be specific and separate linked processes within contracts of engagement/secondment agreements to address any issues they raise relating to a directly employed member of Barnardo’s or if a Barnardo’s manager has any concerns regarding the conduct of a non-directly employed colleague. Further advice can be sought from the People Team and if it relates safeguarding, the relevant Safeguarding Lead/Head of Corporate Safeguarding & Quality.  Volunteers are very much valued by the charity, but are also out of scope for this policy, as they have a different legal status. However, this policy may apply:   * if a volunteer raises an issue involving a directly employed colleague. * if an individual is both a paid colleague and a volunteer, the policy will apply if the issue relates to their role as a directly employed colleague.   Please refer to Barnardo’s Volunteer Policy and associated procedure. See [Volunteering with Barnardo's.](https://inside.barnardos.org.uk/people-and-culture/volunteering)  **Former Employees**  In conjunction with the People Team, managers may consider concerns received by former colleagues, and take any necessary action they consider appropriate. | | | | | | |
| 1. **Definitions and Key Concepts** | | | | | | |
| **Issue** – is a problem or concern that a colleague has about their work, working conditions or relationships with colleagues that directly affects their employment including bullying and harassment.  **Conduct** – refers to standards or rules of behaviour.  **Mediation** – is a voluntary process which may be used at any stage during the informal and/or formal procedure. It involves identifying a trained and impartial third party, who will aim to help two individuals or groups of individuals facilitate a resolution to a problem or issue that is causing conflict.   **Misconduct** – occurs when a colleague breaks specific rules about behaviour or their conduct falls below the standard required. Examples of misconduct might include (but are not limited to) persistent bad timekeeping, unauthorised absence, inappropriate use of workplace facilities, refusing to follow instructions, minor breaches of Barnardo’s policies and procedures etc.  **Supported Conversations –** are aimed at helping prevent workplace issues escalating to a more formal process by engaging in supported, productive dialogue at an informal stage to secure constructive and lasting solutions. | | | | | | |
| 1. **Roles and Responsibilities** | | | | | | |
| Please see link for the full list of operational roles and responsibilities  All Colleagues  Managers  People Team  People Strategy and Projects Team | | | | | are responsible for trying to resolve issues at the earliest stages using the Resolution Policy and Procedure in good faith, requesting support from their manager or People Team where necessary.  Colleagues are responsible for achieving and maintaining expected standards of conduct and are expected to co-operate with the procedure to enable it to be completed as quickly as possible.  All involved are expected to co-operate in a professional and timely manner to reach a resolution where possible.  Line managers are responsible for trying to resolve issues and conduct concerns at the earliest stages. Where this is not possible or appropriate, managers are responsible for impartially investigating concerns where necessary in a reasonable and timely manner and ensuring that colleagues raising concerns are treated fairly and respectfully. Generic good practice guidance to assist managers in conducting an investigation is available from the People Team.  Line managers are responsible for implementing the Policy within their operational areas and for adherence by colleagues they line manage. They are responsible for ensuring that the culture within their team reflects Barnardo’s core Values and that colleagues are reflecting the behaviours of these Values.  are responsible for advising and supporting managers in the implementation of this policy, including where appropriate, attendance at formal meetings.   are responsible for reviewing this policy at three yearly intervals, however, any legal or organisational issues /cases may prompt more regular reviews. | |
| 1. **Procedures** | | | | | | |
| **Please refer to the Resolution Procedure.** The process map provides a visual summary of the procedure for colleagues and managers. | | | | | | |
| 1. **Associated Legislation, Guidance, References and Documents – all located on Inside.Barnardo’s unless otherwise stated.** | | | | | | |
| * Resolution Procedure * Resolution Process Map * Resolution Frequently Asked Questions (FAQs) * Sources of Support * Accompaniment Guidance * Suspension Checklist (available from the People Team) * Investigation Guidance for Managers (available from the People Team) * Safeguarding Code of Conduct * Responding to external investigations into safeguarding/gross misconduct * Safeguarding Referral Guidance * Values and Behaviours Toolkit * Equality, Diversity and Inclusion Policy * Equality, Diversity and Inclusion Code of Conduct * Accessibility Passport * Wellness Action Plan * ACAS Guidance on Reasonable Adjustments * Bullying, Harassment Toolkit for managers * Volunteer Policy available on Vol 1   **References and the law**   * ACAS Code of guidance for Disciplinary and Grievance [Discipline and Grievances at work (acas.org.uk)](https://www.acas.org.uk/sites/default/files/2022-04/discipline-and-grievances-at-work-the-acas-guide.pdf) * Employment Act (Northern Ireland) 2011 * Employment (Northern Ireland) Order 2003 (SI 2003/2902) (NI 15) * Employment (Northern Ireland) Order 2003 (Dispute Resolution) Regulations (Northern Ireland) 2004 (SI 2004/521) * The Labour Relations Agency (LRA, Northern Ireland), Code of Practice on disciplinary procedures LINK * Employment Rights Act 1996 * Equality Act 2010 | | | | | | |
| 1. **Compliance and Oversight** | | | | | | |
| The policy is compliant with all current legal and regulatory requirements and reporting. In addition to the compliance and oversight arrangements set out under Roles and Responsibilities, the following applies:   * The Risk Owner, who is the Director of People & Culture will ensure that management information demonstrating adherence to and compliance with this Policy is produced and provided to relevant parties as required and on request complete a business self-assessment. * The Audit and Assurance Team will periodically and independently review adherence to and compliance with this Policy and associated procedures and processes across the Charity in line with their approved audit and inspection plans. | | | | | | |
| 1. **Document History** | | | | | | |
| **Version** | **Date** | **Author** | **Comments** | | | **Approval** |
| 1 | 25.07.23 | People Strategy & Projects Team | Approved | | | Director of People & Culture |
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**Appendix A - Examples of Gross Misconduct**

Some acts, termed gross misconduct, are so serious in themselves or have such serious consequences that they may call for dismissal without notice for a first offence. Below is a list which gives examples of misconduct, which would be regarded as gross misconduct, unless there are exceptional circumstances or genuine mitigating factors. This list is not exhaustive and should be referred to as a guide:

* Breach of the Safeguarding Code of Conduct;
* Breach of the EDI Code of Conduct;
* Breach of the IT Code of Practice;
* Failure to report a mandatory statutory requirement, e.g. Female Genital Mutilation;
* Theft, fraud, falsification of records or financial irregularities;
* Dishonesty and breaches of Anti-bribery & Corruption policy;
* Physical violence, sexual misconduct, serious verbal abuse, written abuse (e.g. email);
* Serious insubordination;
* Conviction or a criminal offence that is relevant to the colleague’s employment;
* Deliberate or serious damage to, or misuse of, Barnardo’s property or equipment;
* Serious breach of Barnardo’s policies and procedures, including but not restricted to, health and safety;
* Working under the influence of alcohol, drugs or solvent abuse;
* Possession, custody or control of illegal drugs on any Barnardo’s premises;
* Serious negligent conduct or performance;
* Conduct that brings Barnardo’s name into disrepute;
* Race, sex, disability, age, sexual orientation, religious/belief, gender reassignment, marriage and civil partnership or pregnancy and maternity discrimination or harassment;
* Serious breach of data protection;
* Secretly recording a conversation or meeting; and
* Other acts of misconduct may come within the general definition of gross misconduct, so this is not an exhaustive list.