

**Resolution**

**Policy and Procedure**
**Frequently Asked Questions**

These Frequently Asked Questions (FAQs) support the Resolution Policy and Resolution Procedure and are provided to colleagues and managers as guidance on some common questions that may typically occur. Of course, there may still be further questions that arise or guidance required, in which case, please ask your manager or contact your People Team.

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| Policy |
| Q**. Why are we implementing this new policy and what is the value to Barnardo’s colleagues?**  |
| **A.** This policy seeks to link the resolution of issues in line with our values and behaviours in an environment of inclusion, respect, and fairness. Sometimes it will not be possible to resolve issues at the earliest stages but efforts to do so where that is possible can be beneficial for everyone involved and more likely to be successful and sustained.  |
| Q**.** Does the policy and associated procedure reflect our values and behaviours? |
| **A.** As part of our [People and Culture Strategy](https://cms.barnardos.org.uk/sites/default/files/2022-07/People%20and%20Culture%20Strategy.pdf), we are reviewing our key People Policies in stages between now and next Summer. This is to ensure they reflect our core values as well as our [behaviours](https://barnardosorguk.sharepoint.com/%3Ai%3A/s/ceo-cos-internalcomms/ETVaoxlREgZNkBDWfCeM6j0BKq8iYPrHXQwb52_VC7eVng?e=LEwI35) (Inclusive, Supportive, Positive and Accountable). The new Resolution policy has been co-produced with colleagues from across the charity, including subject matter experts to ensure those specialist lenses and that our core values and [behaviours](https://l.workplace.com/l.php?u=https%3A%2F%2Finside.barnardos.org.uk%2Four-behaviours&h=AT1Vjv-wt-BE_LrjnCMTJ5D2wvpB1G0P0f4eQ9dtDyNFY8tE4xPnQFcVTHS3oVVtrqd4-AQa52BYrGWB5eWcttATWKNrLYDzItXlSefjc4y-dgrvSuJmhWvnPGoDDue_Lu1HdEW0_pUeU7ZhY-cEC7tCeBzhjg&__tn__=-UK-R&c%5b0%5d=AT3oO9qZsn2Lu8XLVeaFOpc0YnQLKGAFi32ySaKhiKDkaUuLNRq6dd8bBze574nuKh320yVQp_RVNIrLhe859ocP0735LVV6UAnxI4NG8byojC0ofJBNdeRCo8gALgDwCZrpV7AGMBbOFgQYxsOFunSyqPmdtjdCkpfA1eQ)  are at the heart of the process. |
| Q. What does the Resolution policy include, and does it replace pre-existingpolicies?  |
| **A.** The Resolution policy and Procedure replaces and encompasses the following:   * Discipline Policy and Procedure
* Grievance Resolution Policy and Procedure
* Prevention of Harassment Policy

This is because this new policy supports the resolution of concerns that are split into two strands comprising of: 1. work related issues, disputes and problems (formerly dealt with as grievances/bullying and harassment under the Grievance Procedure) which for the purposes of this Policy will be referred to as **Issues;** and
2. concerns of a **Conduct** nature (formerly dealt with under the Disciplinary Procedure).

Guidance previously associated with these former policies will remain and are referred to within the new Resolution Policy and Resolution Procedure. This includes [Accompaniment,](https://inside.barnardos.org.uk/people-and-culture/managing-people/disciplinary-policy/accompaniment-policy) good practice guidance for managers on carrying out an investigation (available from your People Team) [Responding to external investigations](https://inside.barnardos.org.uk/safeguarding/responding-external-investigations) into gross misconduct/safeguarding concerns and [Safeguarding referral guidance.](https://inside.barnardos.org.uk/safeguarding-referral-guidance) |
| Q. What support can I get as these types of issues can be stressful either to report or be part of in a process? |
| **A.** There are various sources of support available to you and these are outlined in this [Sources of Support](https://inside.barnardos.org.uk/employee-and-volunteer-support/wellbeing/sources-support) information and in [our wellbeing offer](https://inside.barnardos.org.uk/people-and-culture/wellbeing). If there is anything specific you think you would need or if you require a reasonable adjustment, you can ask your manager or manager’s manager if more appropriate for this to be considered.  |
| Q. Why is there a focus on early resolution? |
| **A.** It is natural and inevitable that issues arise in the workplace and it's critical that these are dealt with as soon as they are identified. Resolution undertaken at the earliest stages and agreed upon between those involved has the greatest chance of success and endurance and the least impact on everyone who is part of the resolution.  |
| Issues  |
| Q. What sort of issues can be raised under the Resolution Policy?  |
| **A.** This would include work-related concerns, disputes, problems. It would encompass anything formerly dealt with as a grievance, bullying and harassment. Although there is no legal definition of bullying, it covers various types of unwanted behaviour. Bullying behaviour can be harassment if it relates to any of these protected characteristics defined in the Equality Act 2010:* age
* disability
* gender reassignment
* marriage and civil partnership
* pregnancy and maternity
* race
* religion or belief
* sex
* sexual orientation
 |
| Q. I have a disability, mental or physical health condition or impairment which makes it difficult for me to put together the issues that I want to raise, what help can I get? |
| **A.** Please either contact your People team, Trade Union representative (if you are a Union member) or a member of the Disability Network see ([Equality, diversity and inclusion networks )](https://inside.barnardos.org.uk/learning-and-development/learning-all/equality-diversity-and-inclusion-networks) and they will be able to help you and/or signpost you to further support. |
| Q. I am raising concerns about the behaviour of another person towards me. What is the best approach? |
| **A.** The expectation is that most situations can be resolved informally between those involved, to avoid resorting to formal procedures. However, if you do not feel safe in doing so, you can ask your manager to assist, and they will support a conversation to try and resolve the issues you have raised. |
| Q. How can my manager help?  |
| **A.** Your manager will be trained to undertake a supportive conversation to assist resolving your concern/s at the point you feel you cannot undertake this yourself or do not feel safe doing so. If a supported conversation is not sufficient to resolve the concern, your manager can explore the option of mediation. |
| Q. A colleague has raised concerns regarding my behaviour, what should I do? |
| **A.** If you are approached informally about your behaviour, you should not ignore it or dismiss it as simply being an overreaction to a joke etc. You should remember that as individuals we have different perceptions of what is offensive, and this should be respected. The colleague who approached you may be happy with an explanation and apology and an assurance that you will avoid behaving in the way that they found upsetting again, bringing the matter to an amicable end. |
| Q. Can I withdraw a concern once it is made?  |
| **A.** Yes, a concern can be withdrawn provided that this is not prompted by coercion and instead is an attempt to restore goodwill and re-establish sound working relationships. Notwithstanding this, managers have a duty of care to all of their colleagues and so, according to their judgement, may insist upon continuing with the Resolution Procedure or with an investigation to bring the matter to a conclusion and resolution. |
| Conduct Concerns  |
| Q. What is the difference between misconduct and gross misconduct? |
| **A.** Misconduct is any type of behaviour that falls below the standards required by Barnardo’s and/or is a breach of Barnardo’s policies and procedures. Gross misconduct covers more serious acts of misconduct and as such, can warrant more severe sanctions, including summary dismissal without notice or pay in lieu of notice. Examples of what Barnardo’s would regard as gross misconduct (unless there are exceptional circumstances or genuine mitigating factors) is set out in the Resolution Policy at Appendix A. This list is not exhaustive.  |
| Q. Are conduct concerns treated any differently if they are very serious?   |
| **A.** Yes. If for example, the alleged misconduct is minor, not serious and a first act,it may be dealt with via the early/informal stages of the Resolution Procedure. Moreserious conduct matters will be dealt with formally. Persistent conduct that fallsbelow Barnardo’s required standards but which is not considered serious or gross misconduct may lead to termination of employment following previous warnings. Any misconduct of a serious nature or potentially considered gross misconduct,regulatory or fitness to practise concern e.g., and not limited to: discrimination, fraud, [hate crime](https://www.acas.org.uk/hate-crime-at-work) and safeguarding and which may be categorised as gross misconduct, are not suitable matters which can be dealt with via the early/informal stages of the procedure and will be dealt with under the Formal Conduct Resolution stage.  |
| Procedure  |
| Q. What is the aim of the formal resolution procedure in dealing with a conduct concern?  |
| **A.** Theprocedure is aimed at helping and encouraging colleagues to achieve and maintain acceptable standards of conduct and to ensure everyone knows what is expected of them. It seeks to ensure equitable and fair treatment for those whose conduct falls below the standard required or those involved in breaches of Barnardo’s policies and procedures. |
| Q. I know Barnardo’s is committed to becoming a [Trauma Informed and Responsive organisation](https://inside.barnardos.org.uk/trauma-informed-and-responsive-barnardos) so how does this apply to the Resolution Procedure? |
| **A.** It is important for managers to apply policies, including the Resolution procedure, with due care and attention to ensure the health and wellbeing of colleagues and to minimise the potential impact the process and outcomes could have on them. Trauma informed does not mean that Barnardo's will not deal with workplace issues or conduct concerns, it’s about **how** they are dealt with and how colleagues **feel** when a policy or process is applied to them.For example, for a conduct concern where improvement is needed and any misconduct isnot ‘serious’ or ‘gross’, managers should take an explorative stance, such as ‘is there anything else that I need to be aware of that could be having an impact on your conduct at work?’ By creating this explorative and open ‘brave’ space for colleagues to share and contribute to, managers are able to work on collaborative solutions for improvement that all parties are invested in.In applying the Resolution Procedure and to support colleague wellbeing and mental health, managers should consider individual circumstances, needs and assistance required when assessing what may be appropriate adjustments. Practical considerations may include:* **Working hours / patterns -** ensuring colleagues are invited to meetings

within their usual working hours/days and providing them with time after meetings to process/receive support.* **Meeting Location -** it is important that colleagues who are involved in the

formal stages of the procedure are made aware that they may have a companion with them (See [Accompaniment)](https://inside.barnardos.org.uk/people-and-culture/managing-people/disciplinary-policy/accompaniment-policy) at the meeting and consideration has been given by the manager to make the colleague feel as comfortable as possible. For example, if a meeting is taking place in an environment that the colleague might be unfamiliar with, ensure the colleague knows where facilities are within the building and take any individual needs into account. If the meeting is virtual, being aware of where the colleague will be dialling in from, and ensuring it is an appropriate setting that is confidential before the meeting begins is important.* **Support** - managers need to consider who is available to support the

colleague and encourage them to bring/have support available post-meeting, particularly if they work remotely. If unaccompanied, managers should consider what support the colleague may have before the meeting so support can be discussed in the meeting. In a virtual meeting, it might be asking the colleague who is available to them that they are comfortable talking to. Managers should remind the colleague of the [Sources of support](https://inside.barnardos.org.uk/people-and-culture/wellbeing/sources-support) available for them to access. There are also a number of resources available through [The BU,](https://inside.barnardos.org.uk/bu) and in our [wellbeing offer](https://inside.barnardos.org.uk/people-and-culture/wellbeing), including the [Mental Health and Wellbeing Hub](https://www.mentalhealthhub-barnardos.org/staff/resources/your-mental-health-and-wellbeing) that can help to support mental health and wellbeing, including breathing techniques, exercises and further information about actions to support our own wellbeing. * **Risk Factors -** if a colleague is working remotely, in a small team or is isolated (in work and/or at home i.e., living alone) there should be additional considerations about how best to support them. This may include a series of post-meeting ‘check ins’ or offering a support person, in which case please contact your People team.
* **Any reasonable adjustments for work already in place**; ensuring that any existing reasonable adjustments are reflected in the meeting set up and the process. For example, managers should ensure information is clear on ‘shared screen’ functionality and those with visual impairment are able to access the information easily.
* **Follow ups:** After the Resolution Procedure has been completed, managers should arrange follow ups with colleagues that have been involved in the process to ‘check in’ on their health and wellbeing and what support they have.
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| Q. I’ve been asked to attend an investigation meeting that is being held to gather and establish the facts, can I bring someone with me? |
| **A.** By law, colleagues have the right to be accompanied to formal hearings only. In the new Resolution Policy, for investigations meetings held under Barnardo’s Resolution Procedure, colleagues may request to be accompanied by a companion consisting usually of either: * a colleague that they work with;
* workplace trade union representative e.g., UNISON;
* an official employed by a trade union.

A companion outside of the above categories may be requested to support a reasonable adjustment. |
| Q. Will I be given a copy of the notes taken at an investigation meeting or a Resolution hearing? |
| **A.** Yes, you will be provided with a note of the meeting which will reflect the key points of the discussion and constitute the official record of the meeting/hearing. A word for word account will not be taken. If you would like to, you may also wish to take a note of the meeting or if preferred your companion (see [Accompaniment).](https://inside.barnardos.org.uk/people-and-culture/managing-people/disciplinary-policy/accompaniment-policy) Audio or visual recordings of proceedings are not permitted at any stage of the procedure. |
| Q. What happens if a colleague submits their resignation before the Resolution Procedure has been completed in relation to a conduct concern? |
| **A.** If before the start of, or any time during an investigation, a colleague indicates that they wish to resign, the investigation must continue to reach a final conclusion. This is particularly important where the investigation relates to a safeguarding concern as a referral to regulatory bodies may also need to be made. (View [Safeguarding referral guidance](https://inside.barnardos.org.uk/safeguarding-referral-guidance) ). This may include and not limited to holding any meeting in their absence if the colleague has left or if they choosenot to attend inviting written submissions. If on completion of the investigation, a decision is made to hold a formal conduct hearing, the colleague should be invited to attend and notified that the hearing will go ahead in their absence, if necessary. Factual information about the concerns and the outcome of the internal process will be disclosed to relevant prospective employers and in any referral to regulatory bodies, where applicable. |
| Q. I am required to attend a Resolution Conduct hearing as a witness to alleged misconduct/gross misconduct, what should I expect?  |
| **A.** The investigating manager will usually attend the hearing to present their findings and outline the evidence. They then may call witnesses. Both parties have the right to call witnesses and question the other party’s witnesses. Whilst the right to request to be accompanied does not extend to witnesses attending a hearing, the provision of a companion may be offered to witnesses by the Chair if they consider it appropriate in the circumstances.If you have provided a witness statement as part of an investigation and you are subsequently invited to attend a Resolution Hearing as a witness, then you are expected to comply with the process and co-operate with the procedure to its conclusion. If you have any queries about the process, you should contact your line manager or your People team if more appropriate.If subsequently you decide to withdraw your statement or decline the invite without satisfactory explanation, you will be contacted by the People team to explore this further and discuss the reasons for wishing to withdraw.  |
| Q. Can I be accompanied to a Resolution hearing or an appeal hearing? |
| **A.** Yes. You can be accompanied by a UNISON/other trade union representative or a Barnardo’s colleague to the formal stage and any appeal meeting. The letter inviting you to the meeting will ask you to confirm your request to be accompanied, and the name of your companion, in advance of the meeting. |
| Q. Who has the authority to dismiss a colleague following a Resolution Conduct hearing?   |
| A. A decision to dismiss will be taken only by a manager with the necessaryauthority to do so. |
| Q. What action can I take if I am not happy with the outcome following a formal resolution hearing?  |
| **A.** You can appeal in writing within five working days of receiving the outcome to your formal resolution hearing. The written confirmation of the outcome will advise you where to send your appeal to. Appeals may be raised on grounds, including for example: * That you consider that the Barnardo’s Resolution Policy and Procedure was not followed;
* New or additional information has come to light that was not available at the hearing;
* The evidence did not support the decision reached;
* The sanction was too severe given the circumstances of the case (for Conduct Appeals only);

You will be invited to an appeal hearing to explain your grounds for appeal and if you wish, you can be accompanied see [Accompaniment | Inside Barnardos](https://inside.barnardos.org.uk/people-and-culture/managing-people/disciplinary-policy/accompaniment-policy).Dependent on the grounds for the appeal the appeal manager will determine whether the appeal should be heard as: * A review - where the appeal manager checks that the initial process and decision was handled in line with policy and procedure. This is done by the appeal manager reviewing the original decision made and deciding whether it is reasonable, based on the evidence captured through the initial investigation.

**Or** * A rehearing - where the appeal manager identifies potential failings or flaws in the procedure carried out from the previous stage of the Resolution Procedure which can be corrected by holding a rehearing at the appeal stage by re-interviewing the colleague and witness/es to be able to come to a fresh decision.

Generally, the majority of appeals will take the form of a review in which case the appeal manager will review the original decision and may decide to adjourn and reconvene the hearing, especially if they wish to have the opportunity to make additional enquiries. In any event, the outcome of the appeal hearing will be confirmed to you in writing. |

People Strategy & Projects Team July 2023