

Respectful Resolution

Overview of the approach

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This is how we manage issues with inappropriate behaviour.



We all deserve a workplace where we are respected and supported; where positive behaviours are encouraged, modelled and appreciated; where poor behaviours including bullying are addressed, not tolerated; and where staff are supported to safely challenge negative behaviour.





Respectful Resolution. Resources for you.

If you've opened up this guide it probably means you want to be a part of developing a safe culture, or you may want to address some inappropriate behaviour you have seen or been involved in.

This guide is part of a suite of resources, a pathway, for staff to help you create a safe culture and address issues of behaviours that are inappropriate. Whether you are an individual experiencing inappropriate behaviour, a witness, the manager, or an

allegation has been made against you, these guides contain practical tools to help you decide the best route forward and start to take appropriate action. We want you to find the information or help you need, so you can build a great culture and resolve issues quickly and respectfully.

The full suite of resources listed here are available on the intranet.

If you can't find what you need, talk with HR, your manager or union representative.

Overview of the Respectful Resolution approach

Clear and straightforward processes, developed by colleagues

Quick guides to resolving issues of behaviour

Explore your options if you are experiencing poor behaviour, a witness, manager, or an allegation has been made against you.

Step 1. Creating a safe culture in your team

Practical discussions and tools to build your values-led team culture

Step 2. Reflect

Guides to help you think about what happened, and what to do

Step 3. Direct feedback

Safely giving and receiving feedback as respectful colleagues

Step 4. Supported resolution

Facilitated approach to reviewing, resolving and moving forward

Step 5. Formal process

Formal approach to resolving complaints about behaviour



Introduction to bullying and its effects

The impacts of bullying at work are severe, and we need to act together to reduce it. As we start to do that it's helpful to be reminded about the definitions of bullying, or harassment, and of the ways they may show up in people's behaviours. The e-learning that supports this programme explores this in more detail.

The **impacts** of bullying

Lost time – 7 days more sickness absence ¹
Lost motivation – 48% deliberately reduce effort ²
Lost productivity – down by 50 – 70% ³
Lost quality – 50% worse on cognitive tests ⁴
Lost resources – 12–29–72% left job as a result ^{5/6/7}

Effects of bullying

- 80% severe anxiety
- 75% loss of concentration
- **60%** heart palpitations, high blood pressure, insomnia
- **49**% depression, loss of affect
- 48% severe headaches

Suicidal thoughts **2x** more likely

What is **bullying**?

Bullying at work involves **repeated** negative actions and practices that are directed at one or more workers. The behaviours are **unwelcome** to the *victim* and undertaken in circumstances where the victim has **difficulty in defending** themselves. The behaviours may be carried out as a **deliberate act or unconsciously**. These behaviours may intimidate, offend, degrade, insult, humiliate or cause **distress** to the victim.

Examples of bullying

Personal insults

Humiliation, personal criticism, ridiculing or demeaning comments

Work-related

Withholding information, work overload, withdrawing responsibilities

Intimidation

Threats of physical violence, misuse of power, psychological intimidation

Social exclusion

Isolation, exclusion, scapegoating, gossip or victimization

What is harassment?

Harassment is unwanted conduct, which affects the dignity of people at work. It may put down, or show hostility or aversion to a person be based on age, sex, race, religion or belief, mental or physical disability, nationality, sexual orientation, gender reassignment or some other specific characteristic.

"The intention or motive of an alleged behaviour is not relevant when determining if the behaviour is acceptable."

Royal Australasian College of Surgeons



Let's get beyond bullying

Is poor behaviour always bullying? When people are asked in surveys *how often* they experienced the poor behaviour they describe as bullying, around 1/3 say it's happened just once or twice. If we accept the formal definitions, then once or twice isn't usually bullying, which is typicall repeated over time.

The issue may be that we don't have the words to describe the behaviours we are experiencing. Calling it bullying is an easy short-hand. But it's subjective and can be very hard to hear. It might make things worse. We need to get 'beyond bullying' – by describing the specific behaviours

being experienced it's easier to hear, easier to discuss and easier to resolve and change.

This poster, which is used in some schools, suggests it's only bullying if it's repeated *after* the person has been told about their behaviour.

And of course we know that even one-off acts of rudeness or incivility can have a significant impact on morale and teamwork and make mistakes more likely, so it needs to be raised and resolved whether or not

they are bullying.

Is it bullying?

When someone says or does something unintentionally hurtful and they do it once

That's RUDE

When someone says or does something **intentionally** hurtful and they do it once

That's **MEAN**

When someone says or does something intentionally hurtful and they keep doing it even when you ask them to stop or show them that you're upset

That's **BULLYING**

Incivility makes mistakes and errors more likely. Even an uncivil tone of voice.

- A 2015 study of NICU teams, published in Pediatrics, showed that rudeness in a clinical setting resulted in significantly more errors of diagnosis and mistakes in execution of clinical procedures.
- People who experience rudeness are more likely to be rude to others
- People who witness rudeness are 50% less likely to offer help to others

A new pathway for respectful resolution

So we are introducing a new pathway to help us reduce poor behaviours, and respectfully resolve things when they do happen. Whenever we experience poor behaviour these tools can help us to talk things through and work things out together, with the formal investigation being a last resort not a first step.

- **1. Team discussions** to grow awareness of bullying, its causes and impacts, and make it easier for teams to talk about it, and create a safer, kinder culture
- 2. Reflection tools to get 'beyond bullying' to better understand the behaviours that are happening, whether they are bullying, and how we can best resolve them
- 3. Speaking Up using the kind, safe and effective BUILD feedback model
 - 4. Our supported resolution tools and, only when necessary, 5. Formal policy

speak Up Guardian

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Our Respectful Resolution pathway

This respectful resolution pathway is our approach to creating and maintaining a safe culture, and the steps you can take to resolve issues with poor behaviour. For each step there is a detailed guide with more information and advice.

STEP 1. Pro-actively creating a safe team culture

It is everyone's responsibility as individuals and within teams to do all we can to create a culture where we can all can thrive, to think about the impact your behaviour has on others, and to speak up when you need to. The guide for STEP 1 contains a series of discussions you can have as a team to create and sustain a safe culture.

STEP 2. Reflect on the behaviour

In a high-pressure environment people may display or experience behaviours that are inappropriate. The guide for STEP 2 will help you to be really clear and specific about the behaviour being experienced and includes a behaviours diary to log your experiences. This will make it much easier to discuss and resolve. It also includes a detailed list of behaviours to help you decide if the behaviour is bullying, if it is a one-off inappropriate act, or whether it may be acceptable – for example reasonable performance management.

STEP 3. Direct feedback

We aim to have a fair and just culture. So it's important to give feedback to the person or people involved, so they have a chance to learn and change. We use the BUILD model to give feedback without judgment, with the aim of resolving the issue together. The STEP 3 guide introduces BUILD. In many cases letting the person know their behaviour doesn't work for you will result in a change.

STEP 4. Supported resolution

If direct feedback doesn't result in a change that makes you feel safe, we have a range of support resolution approaches, designed to resolve concerns through dialogue and without a formal complaint. The informal process isn't disciplinary and doesn't disadvantage anyone involved. It will not be reflected on your personal record or performance reviews.

STEP 5. Formal process

Our aim is to resolve issues with bullying or poor behaviour informally wherever possible. Our formal disciplinary policy is for serious issues or for when informal approaches haven't worked.



What approach might you take?

Our aim is to support people to discuss and de-escalate situations wherever possible. Use this flowchart to work through your options.

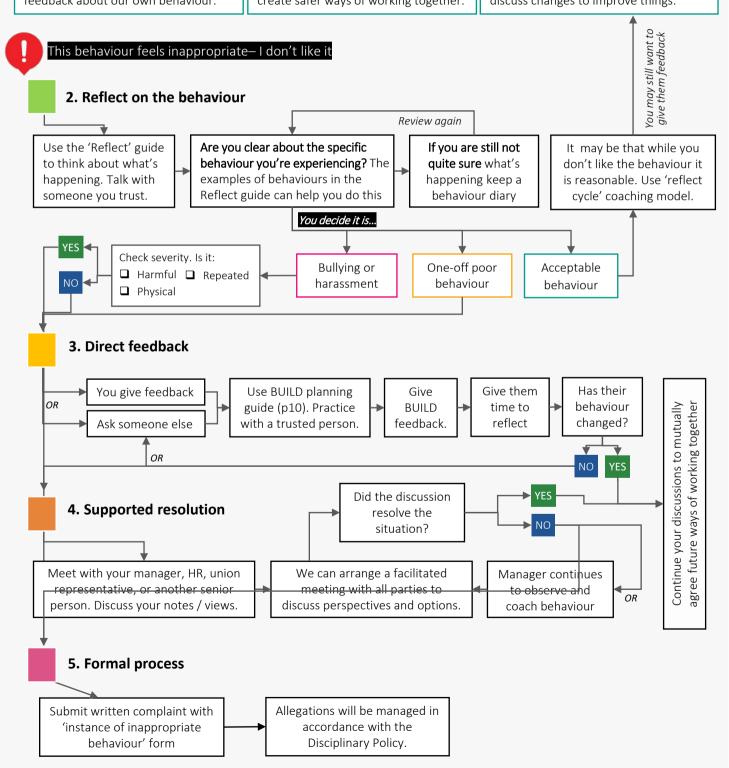


1. Pro-actively creating a safe team culture

We all have a **PERSONAL** responsibility to to role model our values, to live up to our behaviour standards, and to reflect and change if you are given feedback about our own behaviour.

Each of our **TEAMS** should discuss the values-led behaviours they want to see from each-other and use the tools in "Creating a safe culture" guide to create safer ways of working together.

We see **FEEDBACK** as an opportunity to learn and grow. If you experience or witness poor behaviour your first step is to use **BUILD** to give feedback and discuss changes to improve things.





Steps in our approach

The following pages summarise the five steps in the Respectful Resolution pathway. You can find more information in detailed guides to each step.

Step 1. Pro-actively building a safe team culture

It is up to everyone who works in healthcare to build a safe culture, and the Respectful Resolution pathway offers a range of resources to support you as individuals and teams to do that.

We care

Everyone is entitled to the highest quality care.

We respect

Everyone should be treated with kindness and respect.

We are inclusive

Everyone should have access to our services when they need them, and we actively seek suggestions on how we can improve.

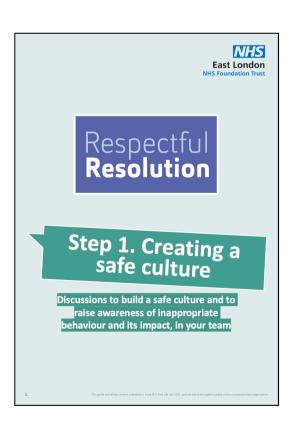
These values set out the attitudes and behaviours that make us happier, more productive and enhance our wellbeing at work. Your organisation may have identified its own values in a similar way.

This document will help your team to identify behaviours and actions you can take as a team to tackle and prevent inappropriate and bullying behaviour. This should be a safe discussion, using your values to guide you.

We care

We respect

We are inclusive



The guide to step 1 in this process called 'Step 1. Creating a safe culture' can be used by a manager or anyone else in the team and provides lots of practical discussions you can have in your team:

- Understand what your values mean to you and how you can apply it in your day-to-day work as a team
- Create a positive culture to build engagement and performance in the team
- Identify behaviours you do and don't want to see in your team, making it easier to speak up and resolve issues
- Understand the evidenced impact of incivility, rudeness and bullying on colleagues and on patient safety
- See and empathise with different people's perspectives
- Take practical actions to keep improving your team's culture



This approach to inappropriate behaviour aims to find the most respectful way to de-escalate and resolve each situation, only moving to the formal process where it is genuinely necessary.

Step 2. Reflecting on the situation

Using words like 'inappropriate', 'bullying' or 'harassment' can raise the temperature of a situation, making them more difficult to resolve. This section contains a guide – developed by colleagues at several healthcare organisations – that will help you to describe the behaviour you have experienced, witnessed or been accused of.

It starts with a behaviours diary so that you can more accurately recall what happened. All of this will make it easier to discuss, feedback and resolve the situation.

Studies have shown that by stepping into other people's shoes for a moment, imagining what might have been going on for them, we boost empathy and understanding, which can also help to resolve conflict. A first step you might like to take is to reflect on the situation and the interaction using the 'give / get' coaching model which can be found in the 'Step2. Reflect' guide. This will help you to work through the other person's behaviour and its impact on you, and to think too about what you can do to influence the situation in ways that work for you.

Step 3. Direct Feedback

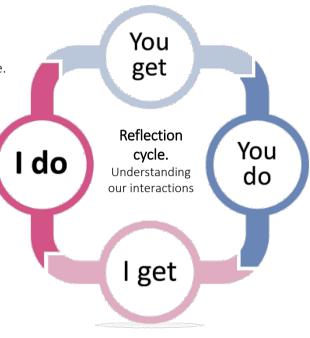
We welcome feedback as a gift and an opportunity to learn and improve. Giving and receiving feedback is a core skill for everyone.

We use the BUILD model to give feedback to each other. This section outlines BUILD, with an option to practice using it. It also includes a template to prepare your BUILD feedback, as well as some behaviour scenarios to reflect and inform your approach.

If you are in a situation where you see or experience inappropriate behaviour, in the first instance, you should try to give the person feedback, as this can often help resolve the situation before it escalates.

Or you may ask a trusted third party to talk to the person displaying the inappropriate behaviour. If you don't talk to the person straight away, keep a record of the conversation's details, time and date.

Feedback has been shown to be more effective when given at the time or quickly after the situation happened.



BUILD is our way of giving feedback



Feedback helps us learn and improve





Step 4. Supported resolution

An informal approach can resolve concerns through dialogue and without a formal complaint. The informal process isn't disciplinary and doesn't disadvantage anyone involved. It will not be reflected on your personal record or performance reviews.

The aim of the informal process is to stop the unreasonable behaviour and restore a productive working relationship.

If you have tried to give feedback, or asked someone else to and the situation hasn't been resolved, or if you don't feel comfortable doing so, here are some

informal options you could consider:

- Reporting it to your manager and asking for nothing further to happen
- Asking your line manager or a trusted third party to talk to the person whose behaviour you don't like
 - To give BUILD feedback, which always includes hearing their perspective
 - To agree actions, changes or next steps
 - Then to tell you what has been agreed
- Seeking advice and support from another manager, leader, Human Resources staff, your union representative or our Freedom to Speak Up Guardians
- Asking your line manager to organise a **facilitated discussion or early mediation.** There are different
 types of approach which may lead to an agreement
 understood by all parties (this could be a written or
 verbal agreement).

A facilitated discussion may take place at any stage, including early on in the situation. Both parties should request and agree to participate.

This could be facilitated by HR, your manager, or another manager, leader, or by a trained mediator, sitting with everyone involved to try to get to an agreement and a way forward. The discussion requires a safe and constructive environment. If you are leading a supported resolution approach here are some steps for you to consider to get the most out of the process.

1. Get the facts.

- > Get clear descriptions of the behaviour and what happened, and be able to describe it
- > Listen and gather the information in an unbiased, empathetic and respectful way
- > Understand the issues and what is needed to resolve them for the different parties involved.
- 2. **Define the behaviour**. Use our guides to be clear if it is bullying or something else.
- 3. **Decide on an effective course of** action, tailoring their responses to the seriousness of the issue.
- 4. Help the parties to agree to resolve the issues.

If an employee takes an informal approach to dealing with the unreasonable behaviour, it doesn't absolve your organisation from their duty to deal with the behaviour.

Recognising and promoting diversity

Sometimes cultural differences can lead to misunderstandings or different ideas about what behaviour is 'reasonable' such as eye contact, style of communication or body language. Recognising diversity and creating an environment where people are aware of cultural differences and different communication styles can reduce misunderstandings.

Recognising diversity means understanding how people's differences can bring different strengths. An inclusive and tolerant workplace motivates people to do their best and creates a stronger and more focused team. Informal resolution approaches support people to value diversity, to take into account other people's strengths and differences.

If you need further support with this, please contact the Equality and Diversity Lead via HR.



Overview of our formal process

Actions for the manager or other senior person managing this process.

Formal complaint made

After reflecting on the situation the person making the complaint has decided the behaviours are unacceptable, cannot be resolved through discussion, and reported them.

Formal complaint received

Follow the formal Disciplinary Policy

Inform the subject of the complaint as soon as possible after a complaint has been received.

Support everyone involved and maintain privacy.

Decide if you need to take interim measures to ensure the safety and welfare of the people involved. These may include suspension of the subject of the complaint pending the outcome of an investigation, or reassignment to other duties until an investigation is complete.

Where appropriate: Investigator appointed and investigation takes place **Commission** the investigation

Terms of reference given to the investigator by the commissioning manager.

Investigator interviews all parties and any witnesses, and reviews any relevant documentation to determine the facts.

Investigator provides the commissioning manager with the full facts of the case.

Next steps

Based on the report submitted the commissioning manager will consider options

- No disciplinary action
- Informal action (improvement notice)
- Progression to a Disciplinary Hearing

Check in with all parties

Continue to check the wellbeing of all involved parties for a while. Ensure new ways of working are in place.

Note to reader. This guide is intended as a resource to help us reduce bullying and other inappropriate behaviour in our organisation, and to support people to resolve these situations. It is not our formal Dignity at Work or Grievance Policy, which is available separately on the intranet, or on request from your manager or HR.



Quick guides

These four 'quick guides' can walk you through your options - however you are involved. These two pages summarise those guides, which can be found on the intranet.



Experiencing poor behaviour

A witness



Creating your safe team culture.

Refer to your team's values-led behaviours. Use 'Creating a safe culture' to agree expectations of how you behave with each other to create a safe team culture. This makes it easier to role model behaviours, to speak up and to 'hold the mirror' to ourselves more easily, too.

The behaviour may be acceptable.

If it was respectful and with the aim of helping to improve how you do things, could it be OK?

Be careful not to jump in, take sides or make judgments before you know the full story. Be supportive but fair.

There are often grey areas between what different people see as acceptable, for example the tone of voice people use, or how we are feeling more broadly when...

This is a one-off act of poor behaviour.

If it's only happened rarely there is a good chance to 'nip it in the bud'. Use the guide in 'Direct feedback' to plan how you can give BUILD feedback, and practice with a trusted colleague first. Take a moment to step into the shoes of the person who did this. If it only happened once or rarely, then they may be under pressure themselves, and they may not have meant to cause you distress.

This is very poor behaviour and possibly bullying.

Review your options using the guide: 'I'm experiencing poor behaviour'

- Be specific about what happened
- Keep a diary (see 'behaviour diary')
- Give BUILD feedback or ask someone to give feedback for you
- Ask your manager to help resolve the situation informally
- If things don't change progress to a more formal process

Review your options in the 'Witness' guide

- Stay calm, try not to react or take sides
- Speak up there and then using BUILD, or in a safe place later
- Listen to both sides
- Write down what you saw and heard
- Check they are OK and continue to offer support
- If it happens again you can escalate informally or formally





Allegations against you

The manager



Creating your safe team culture.

Talk about the effect of bullying using the discussion guide in 'Creating a safe culture'. Practice using the ABC of Appreciation and BUILD constructive feedback tools. Make conversations about behaviour the norm in your team.

The behaviour may be acceptable.

Your intention was in their best interests, but could you adapt what you do to be taken better? What support do you need? Help them to see each others' point of view. Appreciate their efforts to sort things out. Collect accurate details.

...others speak to us, can make a big difference. Take a moment to step into the other person's shoes, think about your own reaction, and resolve the issue together.

This is a one-off act of poor behaviour.

We all have different perspectives. You may not have meant it, but can see how it could be taken that way. Use the 'give / get' model to see their point of view, and how you might do things differently.

Support your team to work through the issue quickly and respectfully. This may also be a good opportunity to revisit with the team the values-led behaviours you all agreed and set expectations.

This is very poor behaviour and possibly bullying.

Review your options in the 'I've had an allegation made against me' guide

- If someone has given you feedback they are trying to de-escalate
- Write down both sides of the story
- Talk to someone
- Reflect and consider if you could have done things differently
- Ask yourself why this happened
- Don't wait to ask for support if you need it.

Review your options in the 'Manager' guide

- Ask for support, to help you work through the situation
- Be clear about your role to resolve things
- Be clear in the definition of very poor behaviour and possibly bullying
- Hear all viewpoints and don't take sides
- It's your responsibility to make a plan
- What support do the people need after, to re-build team morale and guide acceptable behaviour.



Who can you turn to for help or advice?

Your manager

Your manager is there to support you to do the best job you can, and to meet your objectives. They encourage a culture of positivity, respect and performance, lead by example and enable regular discussions about values and behaviours. They are there to support you through these processes, help you choose what you want to do, remaining objective and not taking sides.

The Human Resources Team

Our HR team are always available to hear your concerns and coach you on the options open to you.

Freedom to Speak Up Guardian

The FTSUG is a point of contact to seek advice about how to deal with a concern. You can find their contact details on our intranet.

Union representative

If you've tried to give them some feedback, or have asked a colleague and it hasn't worked, or if you feel you want to better understand all the options open to you before taking action, or if you just want to talk to someone about what's happening to get your head straight, talk to a union representative. These are skilled, independent colleagues, who are trained to listen and support you to sort this out, and to reach a positive resolution.

A trusted colleague

Building your positive culture is up to everyone. This approach to creating a values-led culture and to resolving behavioural issues was developed by staff from across 50 organisations. If you are struggling with someone else's behaviour or an allegation has been made against you of inappropriate behaviour (including bullying), you don't have to be alone – talk to someone you trust to check your perspective and hear theirs.

Occupational Health

Professional colleagues are available to offer you appropriate individual support.

Carefirst

Carefirst is a 24-hour staff helpline which can be contacted on 0800 174 319 or by logging in online www.carefirst-lifestyle.co.uk and entering Username: ELFT, Password: employee



People's responsibilities

Everyone working here has a responsibility to help create a respectful culture, and eliminate poor behaviour. Here are examples of the responsibilities of different groups of people.

Typical responsibilities as an employer

- Develop a safe culture where inappropriate behaviour cannot thrive, including that from patients, consumers or other partners.
- Create, reinforce, monitor and review policies and processes which promote your values and support against inappropriate behaviour.
- Identify hazards associated with inappropriate behaviour and put controls in place.
- Create complaint-handling processes.
- Take complaints seriously and listen without judgment, taking an impartial approach.
- Ensure all staff, especially managers, are trained to create a respectful workplace and able to work with your policies and processes for resolving issues with inappropriate behaviour.
- Ensure effective, timely response to allegations.

Typical responsibilities of employees

- Contribute to a positive workplace by demonstrating positive, values-led behaviours.
- Engage with and follow your approaches and policies to build a respectful workplace, and to limit and resolve issues of poor behaviour.
- Where possible, speak up about instances of inappropriate behaviour you may witness.
- Look for ways to resolve incidents through discussion before escalation, where possible.
- Report incidents of inappropriate behaviours against yourself or a colleague, and keep a behaviours diary.
- Support colleagues who may be experiencing inappropriate behaviour.

Additional typical responsibilities of line managers

- Work with their teams to agree how to sustain a safe team culture, develop team guidelines and model appropriate behaviours.
- Support positive culture-change programmes.

- Lead by example.
- Role model our values and behaviours.
- Support people to give feedback respectfully and receive feedback as a chance to learn.
- Record and investigate complaints fairly and in line with Trust policies and processes.
- Ensure feedback is given to all parties involved.
- Look for informal solutions before escalating to higher levels, e.g. mediation or investigation.
- Seek help if you don't know what to do.

Typical responsibilities of Human Resources

- Use recruitment practices to hire the right people for the role who will be positive influencers in your culture.
- Raise awareness of what constitutes inappropriate behaviour (including bullying).
- Establish open communication systems.
- Maintain and update policies and processes to ensure these promote your values and your other behavioural expectations.
- Support managers and supervisors to meet their people management obligations.
- Have processes for both informal resolution and formal investigations.
- Analyse workplace information (e.g. absenteeism records, exit interviews) for indicators of inappropriate behaviours not being addressed.

Typical responsibilities of Unions

- Promote a positive, respectful, values-led work culture and help in any initiatives to improve it.
- Help to develop the organisation's policies and processes to promote positive behaviour and reduce / resolve inappropriate behaviour.
- Support people who report an inappropriate behaviour incident and those who have received an allegation of or are demonstrating poor behaviour.
- Advise management about any factors that could lead to inappropriate behaviour.

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Behaviours diary	Witnesses Who was there?	
	Actions you took afterwards	
	Response How did you react?	
	Impact on you How did you feel?	
	Who was involved?	
	Behaviours What did they do? Words, action, tone.	
Behavi	Date and time	



Instances of inappropriate behaviour form

This notification is about behaviour that has distressed me. The essential details are reported below. Name I have worked through the 'Respectful Resolution' flowchart I or someone else has spoken to the person or given them BUILD feedback Details Outcome Date / time Description of the behaviours Relationship of the person to me (e.g. manager, colleague etc.) It is unreasonable behaviour because It is repeated because How I felt in response It has harmed my physical or emotional wellbeing by... How it has affected my work Please take this form to your manager or HR to progress through the formal (Disciplinary) Policy.

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Further support and guidance

If you feel you need more guidance on what to do next, you can visit the intranet where you can download the following tools and resources:

For you

- Information about our approaches, policies and procedures
- Guidance on what is acceptable and unacceptable behaviour
- Who to speak to for support
- Step-by-step guides walking you through all of your options

For your Team

- Guides and templates to help you discuss and improve team culture
- Roles and responsibilities
- Guide for managers

This is one in a series of guides to support anyone who is a target of inappropriate behaviour, has witnessed or had an allegation of such behaviour made against them, and for managers dealing with poor behaviours in their teams.



For more assistance accessing these materials or if you have any questions, you can get in touch with the people listed below who can advise you on informal/formal procedures and support you throughout the process.

- Health & wellbeing pages on the intranet
- HR team
- Freedom to Speak Up Guardian elft.freedomtospeakup@nhs.net

Tel: 07436027388

Occupational Health elft@teamprevent.co.uk

Tel: 01327 810777

• <u>Carefirst</u>

Tel: 0800 174 319

Or contact your Union rep

Our approach to giving feedback

We use the A Kind Life approach to giving and receiving feedback – including the ABC of Appreciation and the BUILD kinder feedback model. You can learn more about this in the guide to Step 3 of our Respectful Resolution pathway. And in a suite of e-learning tools which you can find on our Learning Management System.

