

Blackpool Teaching Hospitals

NHS Foundation Trust

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------------------------------------------|
| Document Type: PROTOCOL | | Unique Identifier: CORP/PROT/321 |
| Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation | | Version Number: 1 |
| | | Status: Ratified |
| Scope: Trust wide | | Classification: Organisational |
| Author/Originator and title: Eleanor Palmer-Rigby, Human Resources Business Partner (HRBP) | | Responsibility: Human Resources |
| Replaces: Morecambe Bay Primary Care Trust – protocol for the investigation of staff concerns in a multi-agency setting, NHSNL/HR55, Version 1 | Description of amendments: | |
| Name Of: Divisional/Directorate/Working Group: HR Policy Forum | Date of Meeting: 4 th June 2015 | Risk Assessment: Not Applicable |
| | | Financial Implications Not Applicable |
| Validated by: Anne Radcliffe, Head of Strategic HR | Validation Date: 5 th June 2015 | Which Principles of the NHS Constitution Apply? 1 - 4 |
| Ratified by: Joint Negotiating Consultative Committee (JNCC) | Ratified Date: 14 th July 2015 | Issue Date: 14/07/2015 |
| Review dates may alter if any significant changes are made | | Review Date: 01/06/2018 |
| Does this document meet the requirements of the Equality Act 2010 in relation to Race, Religion and Belief, Age, Disability, Gender, Sexual Orientation, Gender Identity, Pregnancy & Maternity, Marriage and Civil Partnership, Carers, Human Rights and Social Economic Deprivation discrimination? Initial Assessment | | |

1 PURPOSE

This protocol is intended to provide a practical approach, where staff are working together but are employed by different organisations, and where different terms, conditions, policies and procedures are in place.

It is not intended to replace any employer's procedure but this Protocol should be complimentary to these to enable matters to be dealt with in a fair, consistent and reasonable way.

It is envisaged that this Protocol will apply to complaints of Harassment, Whistleblowing, Grievance and other appropriate policies and procedures, where there are issues affecting staff from different organisations. The employer's aim is to support staff in raising and handling complaints, and the management of other difficult issues in a sensitive manner.

2 SCOPE

This protocol applies in the first instance to those employed via a contract of service to Blackpool Teaching Hospital, NHS Foundation Trust.

It will also be used by other organisations as defined by the Purpose above.

3 PROTOCOL

3.1 Support

It is recognised that where investigations of this nature are taking place, it can be a very difficult time for staff and it is important to ensure that adequate support is offered to staff from the outset, including:

- Mediation
- Counselling
- Confidential Advice
- Occupational Health Support

Details on how to access these services can be obtained via OneHR on the Trust Intranet site, directly via HR, from Line managers or from trade union representatives.

Details can also be obtained regarding the procedures or policies applicable to the case under investigation, for example Grievance Procedure, Prevention of Bullying and Harassment Policy.

3.2 Responsibilities

3.2.1 Senior Managers(s)

Each organisation will identify a Senior Manager to oversee the process. It will be his/her responsibility to ensure adequate communication with all those affected, and to keep the relevant trade union representatives informed.

These managers should ensure that:

| | | |
|-------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Blackpool Teaching Hospitals NHS Foundation Trust | | ID No. CORP/PROT/321 |
| Revision No: 1 | Next Review Date: 01/06/2018 | Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation |
| <i>Do you have the up to date version? See the intranet for the latest version</i> | | |

- Close liaison is maintained with the senior manager in the other organisation(s).
- That an initial response is sent to the complainant confirming the process and proposed timescales.
- That an investigation officer is identified from each organisation, or where it is felt more appropriate that an independent external investigator is assigned. This will be determined by the complexity and sensitivity of the investigation.
- Clear terms of Reference for the investigation are agreed including identification of the Investigating Officers, HR Support and witnesses required. Where possible this should also include timescales.
- That agreement is reached on the policy or procedure to be used in the course of the investigation, ensuring that the rights of all individuals are protected.
- Agreement is reached on the outcomes of the investigation and what action is taken. This includes any management recommendations or formal action required.

3.2.2 Investigating Officer(s)

The Investigating officer(s) must ensure that agreement is reached on the most appropriate form of communication with the complainant and their representative to be adopted throughout the investigation.

Consideration must also be given to appropriate support to individuals and teams to enable them to comply with the investigation, whilst maintaining the service.

3.3 Process

Staff will be informed of the name of the investigating officer(s).

Staff will be informed of their right to be accompanied by a recognised trade union representative or a work colleague from their organisation.

The individual making the complaint must provide full details of the concerns, which can then be shared appropriately with the person against whom the allegations are made.

Others affected e.g. witnesses or team members will be given sufficient information to understand the issues and contribute appropriately to the investigation whilst maintaining confidentiality. They will be expected not to discuss their evidence with anyone other than those investigating and their own representative.

The investigation will include formal interviews with relevant staff and others as necessary. At these interviews, notes will be taken and these will be sent to the person for their comments / amendments before they are finalised. The person will be asked to sign and date the notes.

Staff directly involved will be provided with a summary of the findings, whilst preserving confidentiality.

| | | |
|-------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Blackpool Teaching Hospitals NHS Foundation Trust | | ID No. CORP/PROT/321 |
| Revision No: 1 | Next Review Date: 01/06/2018 | Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation |
| <i>Do you have the up to date version? See the intranet for the latest version</i> | | |

3.4 Subsequent Actions

Where any informal or formal action is taken as a consequence of this investigation, the appropriate relevant policy of the employing organisation will be adopted. Evidence produced via this protocol will form the basis of any case and will be available to all relevant organisations.

| 4 ATTACHMENTS | |
|-----------------|----------------------------|
| Appendix Number | Title |
| 1 | Equality Impact assessment |

| 5 ELECTRONIC AND MANUAL RECORDING OF INFORMATION |
|--------------------------------------------------|
| Electronic Database for Procedural Documents |
| Held by Policy Co-ordinators/Archive Office |

| 6 LOCATIONS THIS DOCUMENT ISSUED TO | | |
|-------------------------------------|--------------------------------|-------------|
| Copy No | Location | Date Issued |
| 1 | Intranet | 14/07/2015 |
| 2 | Wards, Departments and Service | 14/07/2015 |

| 7 OTHER RELEVANT/ASSOCIATED DOCUMENTS | |
|---------------------------------------|------------------------------------------------------|
| Unique Identifier | Title and web links from the document library |
| | |

| 8 SUPPORTING REFERENCES/EVIDENCE BASED DOCUMENTS |
|--------------------------------------------------|
| References In Full |
| |

| 9 CONSULTATION WITH STAFF AND PATIENTS | |
|----------------------------------------|-----------------|
| Name | Designation |
| | HR Policy Forum |

| 10 DEFINITIONS/GLOSSARY OF TERMS | |
|----------------------------------|------------------------------------------|
| HRBP | Human Resources Business Partner |
| JNCC | Joint Negotiating Consultative Committee |

| 11 AUTHOR/DIVISIONAL/DIRECTORATE MANAGER APPROVAL | | | |
|---------------------------------------------------|----------------------|------------|----------------------|
| Issued By | Eleanor Palmer-Rigby | Checked By | Anne Radcliffe |
| Job Title | HR Business Partner | Job Title | Head of Strategic HR |
| Date | June 2015 | Date | June 2015 |

| | | |
|-------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Blackpool Teaching Hospitals NHS Foundation Trust | ID No. CORP/PROT/321 | |
| Revision No: 1 | Next Review Date: 01/06/2018 | Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation |
| <i>Do you have the up to date version? See the intranet for the latest version</i> | | |

| Appendix 1: Equality Impact Assessment Form | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------|---------------|-----------------|------------|
| Department | HR | Service or Policy | CORP/PROT/321 | Date Completed: | April 2015 |
| GROUPS TO BE CONSIDERED Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders. | | | | | |
| EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation. | | | | | |
| QUESTION | RESPONSE | | IMPACT | | |
| | Issue | Action | Positive | Negative | |
| What is the service, leaflet or policy development? What are its aims, who are the target audience? | Staff from different organisations that work together and who may then be subject to a joint investigation | None | | | |
| Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion | No | | | | |
| Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need. | No | | | | |
| Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population? | No | | | | |
| How does the service, leaflet or policy/ development promote equality and diversity? | It ensures that employees from different organisations are treated the same | | | | |
| Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact? | No | | | | |
| Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups | Not Applicable | | | | |
| Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces? | No | | | | |
| Does the service, leaflet or policy/ development promote equity of lifelong learning? | No | | | | |
| Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health? | It offers employees the opportunity to seek support from others during the investigation | | | | |
| Does the service, leaflet or policy/ development impact on transport? What are the implications of this? | No | | | | |
| Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home? | No | | | | |
| Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups? | No | | | | |
| Does the policy/development promote access to services and facilities for any group in particular? | No | | | | |

| | | |
|------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Blackpool Teaching Hospitals NHS Foundation Trust | | ID No. CORP/PROT/321 |
| Revision No: 1 | Next Review Date: 01/06/2018 | Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation |
| Do you have the up to date version? See the intranet for the latest version | | |

| Appendix 1: Equality Impact Assessment Form | | | | |
|---------------------------------------------------------------------------------------------------------------------------|----------------------|--------------|----|--------------------------------|
| Does the service, leaflet or policy/development impact on the environment • During development • At implementation? | No | | | |
| ACTION: | | | | |
| Please identify if you are now required to carry out a Full Equality Analysis | | <u>Yes</u> | No | (Please delete as appropriate) |
| Name of Author: | Eleanor Palmer-Rigby | Date Signed: | | April 2015 |
| Signature of Author: | | | | |
| Name of Lead Person: | Eleanor Palmer-Rigby | Date Signed: | | April 2015 |
| Signature of Lead Person: | | | | |
| Name of Manager: | Anne Radcliffe | Date Signed: | | June 2015 |
| Signature of Manager: | | | | |

| | | |
|-------------------------------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------|
| Blackpool Teaching Hospitals NHS Foundation Trust | | ID No. CORP/PROT/321 |
| Revision No: 1 | Next Review Date: 01/06/2018 | Title: Protocol for the Investigation of Staff Concerns that apply across more than one organisation |
| <i>Do you have the up to date version? See the intranet for the latest version</i> | | |