

Restorative Resolution



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1. Introduction

Welcome to our restorative resolution guide. This document sets out what restorative resolution is, why we have decided to introduce it and how the process will work.

As a trust we have been on a journey over the past two years of trying to shift the culture with regards to how we treat staff when mistakes are made or concerns arise. Our goal has been to move from being punitive and inflexible to a more collaborative, informal and problem solving workplace, particularly when employee relations issues are raised.

The implementation of restorative resolution is in line with the general direction of travel across the NHS. The NHS people plan key themes suggest that we need to make the NHS the best place to work and improve the leadership culture. In our workforce strategy we have committed to doing all we can to make our trust a fair and inclusive workplace. Using a Restorative resolution approach will support us in delivering on these objectives.

2. What is Restorative Resolution or R&R?

Restorative Resolution is similar to restorative justice as it looks to repair harm to all those affected by an offence or wrongdoing. It's a process whereby parties with a stake in a harmful or inappropriate incident collectively resolve how to deal with the next steps, and its impact for the future. It can be used as an alternative to initiating a formal process under the trust's Disciplinary, Grievance or Dignity at Work policies. It is also a useful tool to use after a formal process has taken place to help rebuild relationships, give closure for all those involved and to explore ways of working together in the future.

3. How does it work

Restorative Resolution is arranged by setting up an opportunity for communication between staff who are involved in a dispute or if there is an issue that needs to be resolved. This can be a face to face meeting or through letters or representatives. Any manager with the authority to initiate a formal disciplinary process can recommend that we pursue a restorative resolution route as an alternative to a formal investigation. A member of staff with a concern to raise can also make a referral to engage in a restorative resolution process.

The person who was harmed has the chance to explain what happened and consider the impact of the harm on the person harmed and others. It gives those harmed a say in what could happen next to help them feel safe again or to give closure after an incident has occurred. Both parties also have chance to think about how to repair harm



4. Why use a restorative resolution approach

Restorative resolution practices can help by:

- Working towards 'mediation' with the other person.
- Working towards actually meeting again with a person or team, even after harm has been caused.
- Taking part in a restorative intervention involving those harmed in the service/department, if the people involved have also expressed an interest in a restorative justice process.
- Allowing all parties to say express how what happened impacted on them and what they would like to happen moving forward.

5. What to expect if you are referred

A restorative resolution facilitator will meet with you within 4 weeks of referral to assess the best way forward for you. If your situation relates to someone outside of your service / setting, the facilitator will liaise with the necessary representatives. We have 10 trained RR facilitators at the trust and the comprising of clinical and workforce staff. The assigned facilitator will act in the capacity as a RR facilitator and not in the capacity of their day to day role.

6. Principles of Restorative Resolution

The six principles of restorative resolution are:

1. Restoration – the primary aim of restorative resolution is to address and repair harm.
2. Voluntarism – participation in restorative processes is voluntary and based on informed choice.
3. Neutrality – restorative processes are fair and unbiased towards participants.
4. Safety – processes and practice aim to ensure the safety of all participants and create a safe space for the expression of feelings and views about harm that has been caused.
5. Accessibility – restorative processes are non-discriminatory and available to all those affected by conflict and harm.
6. Respect – restorative processes are respectful to the dignity of all participants and those affected by the harm caused.

7. How to make a referral:

Managers

Managers can make a restorative resolution referral by completing a restorative resolution referral form. Once completed the form must be emailed to the restorative justice email address where a member of the workforce team will pick the email up and begin the process.

Upon receipt of a referral form a decision will be made between the commissioning manager and a member of the workforce team as to whether a restorative resolution approach is appropriate.

Staff

A member of staff who wishes to use this method as a means to resolving a concern they have with another member of staff may also complete a referral form and email it to the restorative justice email address. One of the trained practitioners will pick the email up and begin the process.

The restorative resolution email address is restorativeresolution@westlondon.nhs.uk

8. Criteria for authorisation

The following will be taken into consideration:

1. The nature of the issue or concern
2. The historical perspective including whether the concern has been raised or addressed previously or if a formal process has already been undertaken
3. The legal, professional or safeguarding implications of using this approach

9. Frequently asked questions

Will R&R replace formal processes such as disciplinary investigations?

The process will be used as an alternative to going down an informal route to address concerns such as conduct, bullying and harassment or grievance issues. It will not replace our formal employee relations processes but will be explored as an option before a formal investigation is commissioned.

Do staff have to engage in R&R if a referral form is authorised?

One of the key principals of restorative resolution is its voluntary. It simply doesn't work if one or more of the parties involved does not agree to proceed with it as a means to resolving the issue or concern that 's been raised.

When will the decision be made to recommend R&R as a means to resolving an issue?

A decision to recommend this approach may be taken as follows:

- After a referral form has been submitted by a manager or member of staff
- Subsequent to a fact finding process as means to resolving a concern
- After a formal employee relations process has been concluded as a means to repairing relationships

Will R&R be used for serious cases of misconduct or bullying and harassment?

An R&R approach will always be considered as part of the decision making process. There will be occasions where informal resolutions have been exhausted, the concern has a legal, criminal or professional registration implication or the nature of the concern is not deemed appropriate to be addressed using R&R.

Is it different to mediation?

Restorative resolution is a form of mediation. A key difference however is that you may involve members of staff who are not directly involved but have been impacted by the incident, issue or concern. Consent from all involved will always be established prior to involvement.

Who are the facilitators and are they impartial?

A cross section of clinical, staffside and HR staff have been trained as R&R facilitators. When engaging in an R&R process, facilitators will not be acting in the capacity of their substantive roles. We will always ensure that consideration is given to who the appropriateness of who is assigned to which case from a confidentiality and impartiality perspective.

What if an agreement is not reached or the issue remains unresolved?

There is no guarantee that the issue being addressed via R&R will be resolved as a result of engaging in the process. Where this occurs it may be necessary for managers to revert to our existing employee relation policies and processes.

10.

R&R Process Flowchart



Additional Documents:

Restorative Resolution Conference Guide
Structure for a Restorative Meeting
Restorative Resolution Referral Form
Restorative Resolution Agreement Form

Facilitator Guidelines
Preparation Sheets