



Resolution

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January 2026
FOI_7542

The following information was requested on 7 November 2025:

I am writing to submit a formal request under the Freedom of Information Act 2000.

This request follows an internal correspondence with (shown below), who confirmed in his response that:

"Whilst there is not a specific process documented to proactively consider wellbeing and leadership risks, the very purpose of having a clear and transparent policy and procedure is to provide an agreed approach on the process to be followed..."

Michael's response clarified the reactive and case-by-case support available to staff.

My request under the Act pertains to the proactive, policy-level considerations that were made during the drafting and approval of the Capability policy itself.

I formally request the following recorded information:

- 1. All meeting minutes, memos, emails, or internal messages (including platforms such as MS Teams) pertaining to the development or review of the Capability policy where the potential for a negative wellbeing impact on staff (both employees subject to the policy and managers implementing it) was discussed.*
- 2. All recorded information relating to the decision-making process that led to the outcome (as stated by Michael) that "a specific process [to] proactively consider wellbeing and leadership risks" would not be formally documented as part of the policy.*
- 3. Any risk registers, briefing notes, or other formal documentation that was created during the policy's development or review that specifically identifies psychological safety or employee wellbeing as a risk related to the implementation of the policy.*
- 4. Any recorded correspondence or analysis discussing the organisation's 'duty of care' in the specific context of designing the Capability policy, as distinct from the provision of subsequent, reactive support mechanisms (such as the EAP or MHFA).*

Our Response

In terms of Policy creation or reviews we follow the Procedure for the Approval of Policy and Procedural Documents which is available here -

[nhs.sharepoint.com/sites/T1150_Connect/Policies/Forms/AllItems.aspx?id=%2Fsites%](https://nhs.sharepoint.com/sites/T1150_Connect/Policies/Forms/AllItems.aspx?id=%2Fsites%2F)

[2FT1150_Connect%2FPolicies%2FCorporate and Information Governance%2FProcedure for the Approval of Policy and Procedural Documents %28CG13%29%2Epdf&parent=%2Fsites%2FT1150_Connect%2FPolicies%2FCorporate and Information Governance](#)

You will note from the above that it states that - **Joint Negotiating Committee (JNC)** JNC are responsible for reviewing human resources and other policy and procedural documents for operation within NHS Resolution which could have an effect on employee **welfare**, working conditions and terms of employment in accordance with their remit. JNC are also responsible for reviewing any other policy and procedural documents where an Equality Impact Assessment (EIA) has identified a possible disproportionate impact on a staff group.

In terms of the Capability Policy, we hold copies of the reviews and amendments that took place from 2020 onwards. The information that we hold shows that the following reviews took place:

2020/21:

A review carried out externally by one of the Panel firm of solicitors that we use to review our policies.

2024:

Review by the HR policy team.

Review by the Freedom to Speak Up Guardian; JNC & Trade Union

Review by SMT

People Committee Paper: May 2024.

Please note that whilst it is not necessarily explicitly stated that the wellbeing impact on staff was specifically discussed, the nature of the policy and the ongoing reviews imply that consideration of the impact of implementation is considered for all parties involved. We also note that section 8 of Capability Policy covers - **Support for employees going through capability process.**

As per the Procedure for the Approval of Policy and Procedural Documents, during the review of the Capability Policy we consulted with JNC & Trade Union, both of which consider the welfare of staff in the impact of policies. I can confirm that there were no changes proposed by JNC.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Joanne Appleby](#), Deputy Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply.

Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/>