

Policy on Resolving Workplace Issues

1. Introduction:

As an employer, we believe that all employees should be treated fairly and with respect and dignity; this is explicit in our Council Values and Core Behaviours.

We recognise however, that there will be occasions where employees may feel that they have not been treated this way. There may also be times when employees have concerns about their employment, or where disagreements may arise within the workplace either between colleagues or between employees and their manager.

Usually line managers will be able to deal with concerns as part of their day to day management role, however there may be occasions where this is not possible.

This policy sets out a positive approach to dealing with such situations and aims to prevent disagreements from escalating into more serious conflicts or disputes which require a more formal approach to resolution.

Where this is not achievable, this policy provides a mechanism by which concerns can be raised more formally.

Where serious issues are raised that may constitute misconduct or gross misconduct, these will be investigated and dealt with as appropriate, through the Disciplinary Policy.

This policy should be read in conjunction with the Guidance Notes which are referred to throughout the policy.

2. Scope of Policy:

This policy applies to all Council employees except those employed in schools under Local Management of School provisions. It does not apply to casual workers.

3. Policy Commitments:

As a council, we are committed to:

- Fostering a culture of fair treatment and providing a work environment where all employees are treated with dignity and respect
- Working co-operatively with employees and trade unions to resolve individual and collective workplace issues at an informal level wherever possible
- Dealing with workplace issues promptly, fairly and consistently, in line with the ACAS Code of Practice and employment legislation, including the Equality Act 2010
- Ensuring that employees who, in good faith, raise concerns at work, are protected from victimisation
- Training managers with the skills required to enable them to handle workplace issues confidently and effectively

This policy recognises that:

- Employees should raise issues that arise at work promptly, in order for them to be dealt with early on

- ✓ Employees should aim to settle most concerns at work informally by raising them with the appropriate person
- ✓ Employees have the right to be accompanied at the formal stages of the process by a trade union representative or work colleague.
- ✓ Reasonable attempts will be made to ensure that the employee and his/her representative can attend meetings. However if a meeting is cancelled on two occasions due to the employee and/or his/her representative, a decision may be made based on the information available.
- ✓ Where timescales are set out within this policy, every effort will be made to meet these. Where this is not possible the employee will be notified in writing and advised of the revised timescales.
- ✓ Where evidence of unacceptable behaviour exists, this may result in disciplinary action being taken
- ✓ Where a complaint relates to disciplinary action or the performance management process, both processes may be dealt with concurrently if appropriate
- ✓ Where concerns relate to projected changes, the current arrangements will remain in place until the grievance process is completed. Where changes have been implemented already, the revised arrangements will remain in place until the grievance process is completed.

Exclusions:

This policy does not apply to the following circumstances:

- ✓ Issues which have already been dealt with under this policy within the preceding 12 months
- ✓ Issues relating to events that occurred over 3 months ago, unless they are significant or substantial, or the employee could not reasonably have known about them at the time they occurred
- ✓ Issues which are considered to be malicious or vexatious
- ✓ Disputes relating to the outcome of other proceedings (including decisions made at appeal), for example disciplinaries, performance management hearings, sickness absence meetings, flexible working requests, redundancies; in these circumstances the appropriate appeals procedure should be followed.
- ✓ Disputes relating to the outcome of the job evaluation process; in these circumstances the Job Evaluation appeals procedure should be followed.
- ✓ Work-related concerns which would be better dealt with under the Council's Whistleblowing Policy

4. Step 1 - Informal resolution:

Many problems at work can be dealt with during the course of every day working.

The informal resolution process provides an opportunity for employees to resolve work related issues informally, at the lowest possible level.

Through informal resolution methods, concerns can be dealt with in a swift and timely manner, with a view to preventing them from developing into larger and more substantial issues.

It is expected that most concerns or disputes will be resolved through informal resolution and employees cannot commence formal proceedings unless they can evidence that they have attempted to resolve the issue informally.

Informal resolution may take place through:

Informal Discussions:

In the first instance, wherever possible, employees should raise their concerns informally with the appropriate person without delay.

Depending on the nature of the concerns, this might be a colleague or their line manager.

It is expected that the majority of concerns or disputes will be resolved through listening and talking, using skills such as empathy and sensitivity.

Facilitated Discussions:

Where an employee feels unable to raise the issue themselves, they can contact HR to request a Facilitated Discussion.

A Facilitated Discussion is an opportunity for the employee to discuss their concerns in a safe, confidential and supported way with a view to reaching a resolution.

The employee will complete a short form detailing their concerns and an independent facilitator will work with the employee and the person they have raised concerns about, to try to resolve issues quickly and effectively.

Where the concerns raised are serious and may constitute misconduct or gross misconduct, the employee will be informed that this will be investigated and dealt with through the Disciplinary Policy.

More than one Facilitated Discussion may be appropriate.

Where resolution is reached, the outcome will be documented, as appropriate.

Mediation:

In exceptional circumstances, where informal discussions and/or Facilitated Discussions have failed to resolve the problem, or the employee has not been able to raise their concerns directly with the appropriate person, it may be appropriate to consider Mediation.

Human Resources can provide advice on accessing Mediation.

A trained mediator will work with the parties involved and seek to facilitate a resolution to the issue.

Where resolution is reached, the outcome may be documented as appropriate.

Further information can be found in the following Guidance Notes and templates:

- ⇒ [Guidance Note 1: Informal resolution methods](#)
- ⇒ [Guidance Note 2: Dignity at Work](#)
- ⇒ [Facilitated discussion request template](#)

5. Step 2 - Formal Resolution:

Where informal resolution methods have failed to resolve an issue, the employee may pursue their concerns formally.

The employee is required to complete a Grievance Form and submit it to the appropriate manager, in accordance with the [Council's Constitution](#) 'Officer Employment Procedure Rules'.

The form must clearly set out the concerns, what informal resolution methods have taken place, why the issue remains unresolved and the outcome being sought.

A written acknowledgement of the grievance will be sent to the employee within 5 working days.

This letter will set out the proposal for dealing with the grievance, which may be one of the following:

- Where informal resolution has not taken place (Step 1), the written acknowledgement will confirm that the complaint cannot be progressed until this has been done.
- Where the form does not clearly set out the grounds for the grievance or the resolution sought, or information is missing, the written acknowledgement will confirm that the complaint cannot be progressed until this has been completed fully.
- Where, due to the nature of the grievance, further investigation is required, the written acknowledgement will explain why this is necessary, how the investigation is going to proceed and who the investigating officer will be.
- Where the grievance can be considered without further investigation, the written acknowledgement will include an invite to a Grievance Meeting.

Further investigation:

Where further investigation is required in order to establish the facts of the case, this will be carried out without unreasonable delay.

An Investigator will be appointed, who may be the line manager or an independent manager.

The nature and extent of the investigation will depend on the nature of the grievance.

The investigation process may involve holding investigatory meetings with the employee(s) concerned or with witnesses.

Step 2 Grievance Meeting:

On completion of an investigation (or where further investigation was not required), a Grievance Meeting will be arranged without unreasonable delay.

The purpose of this meeting is for the employee to discuss their concerns formally, with a view to achieving a resolution.

This meeting will be chaired by an appropriate senior manager, in accordance with the [Council's Constitution](#) 'Officer Employment Procedure Rules,' who will be advised by a Human Resources representative.

The line manager [and/or investigating officer] will also be present, supported by a representative from Human Resources.

Witnesses may be called by either party, if appropriate.

The meeting will provide an opportunity for the employee to present his/her grievance and the manager to respond.

The format of the meeting will be flexible, depending on the nature of the grievance.

Any documentary evidence that is to be presented at the meeting must be submitted to the Chair at least three working days in advance.

In exceptional circumstances, with the Chair's approval, documentary evidence may be submitted less than three working days in advance of the meeting.

If, on receipt of the documentary evidence, it is apparent that further investigation is required, the grievance meeting will be delayed until this has been undertaken.

The outcome of the Grievance Meeting will be notified in writing within five working days and the employee offered the right of appeal.

Further information regarding Formal Resolution can be found in the following guidance notes and templates:

[Guidance Note 3: Formal Resolution](#)

[Grievance Form template](#)

6. Step 3 - Appeal Hearing:

If the employee remains dissatisfied with the outcome at Step 2, he/she has the right of appeal.

An Appeal Form should be sent to the HR Manager (with a copy to the Chair of the Step 2 meeting), without unreasonable delay and no later than 10 working days of receipt of the written response of the Grievance Meeting.

The Appeal Form must set out the reason for the appeal and the outcome being sought.

A written acknowledgement of the Appeal Form will be sent to the employee within 5 working days and an appeal hearing will be convened at the earliest opportunity.

This meeting will be chaired by an appropriate senior manager, in accordance with the [Council's Constitution](#) 'Officer Employment Procedure Rules.' The Chair will not have been involved in the case to date.

The meeting will provide an opportunity for the employee to explain why they believe their grievance remains unresolved and for management to respond.

Witnesses may be called and questions may be asked of all parties.

The format of the meeting will be flexible, depending on the nature of the grievance.

Any documentary evidence that is to be presented at the Appeal Hearing must be submitted to the Chair at least three working days in advance.

If new evidence is submitted which requires further investigation, the Appeal Hearing may be delayed to allow this to take place.

The outcome of the Appeal Hearing will be notified in writing within five working days. This decision will be final.

Further information regarding Formal Resolution can be found in the following guidance notes and templates:

[Guidance Note 3: Formal Resolution](#)

[Appeal Form template](#)

7. Collective Grievances:

Where the same complaint is made by more than one employee, this will normally be dealt with as a collective grievance.

The employee's concerned can nominate a trade union representative and/or up to three colleagues (depending on the number of employees involved) to raise the grievance on their behalf and represent them throughout the grievance process.

A Collective Grievance Form must be completed, including the names and signatures of all of the employees concerned, the details of the collective grievance and the outcome being sought.

This form must be submitted to the appropriate manager, in accordance with the [Council's Constitution](#) 'Officer Employment Procedure Rules'.

If the employees are from different service areas, the form can be submitted to the HR Manager.

A written acknowledgement of the collective grievance will be sent to the nominated trade union representative and employee(s) within 5 working days.

Thereafter the process set out above in Steps 1, 2 and 3 will be followed.

Further information regarding Formal Resolution can be found in the following guidance notes and templates:

[Guidance Note 3: Formal Resolution](#)

[Collective Grievance Form template](#)

8. Keeping written records:

Where an issue is resolved at Step 1 through a Facilitated Discussion or Mediation, the outcome will be documented, as appropriate.

At Steps 2 and 3, the outcome letter will serve as the written record of the grievance, documenting the nature of the grievance and the decision, including any actions taken and the reason for them.

All written records will be treated as confidential and stored securely in accordance with the [Corporate Information Retention Schedule](#).

9. Recording meetings:

An employee has no legal right to make a recording of a meeting held as part of the informal or formal resolution process.

Requests to record any such meeting must be submitted in writing to the Chair of the relevant meeting in advance, stating the reason for the request. Requests will be considered on a case by case basis.

The covert recording without express knowledge or consent, of any meeting held as part of the informal or formal resolution process, is expressly forbidden and may lead to disciplinary action being taken.