

PERSONNEL COMMITTEE

10 MARCH 2014

HUMAN RESOURCES – RESOLVING WORKPLACE ISSUES POLICY

REPORT OF THE HEAD OF ORGANISATIONAL DEVELOPMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Grievance Policy has been updated to reflect changes in employment law and following significant research undertaken by the Local Government Association, places greater emphasis on reaching resolution as soon as possible, through informal discussion or mediation.

The new policy has been renamed “Resolving Workplace Issues” to reflect the change in emphasis.

There will be briefing sessions for managers and the policy will be available on the Intranet, and publicised in City Voice and through Core Brief.

RECOMMENDATIONS:

1. That the Resolving Workplace Issues Policy and Procedure be agreed and implemented.

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HUMAN RESOURCES – RESOLVING WORKPLACE ISSUES POLICY AND PROCEDURE

REPORT OF THE HEAD OF ORGANISATIONAL DEVELOPMENT

DETAIL:

1 Introduction

- 1.1 Effective grievance resolution is a priority for all organisations; the Council aims to maximise productivity and the use of resources available and to promote efficient and effective working relationships.
- 1.2 The purpose of this policy and procedure is to ensure a fair and transparent process for individuals to raise concerns relating to their employment and to seek to resolve those issues at the earliest opportunity.
- 1.3 The resolution policy is aimed at securing constructive and lasting solutions to workplace disputes, conflicts and complaints. It replaces our grievance procedure.
- 1.4 Effective conflict resolution can have a positive impact on sickness absence, reduces costs and time involved in managing staffing issues and contributes to improved organisational performance and productivity.

2. Resolving Workplace Issues Policy

- 2.1 The revised ACAS code for discipline and grievance came into effect in April 2009; the code requires employers and employees to raise and deal with issues promptly.

The Acas code also suggests that:

“Employers and employees should always seek to resolve disciplinary and grievance issues in the workplace. Where this is not possible, employers and employees should consider using an independent third party to help resolve the problem.”

- 2.2 The current grievance policy has been reviewed to ensure that it is legally compliant and continues to follow best practice, as set out in the ACAS code; the revised policy gives clarity to the processes that should be followed by managers and staff.

- 2.3 The Resolving Workplace Issues Policy and Procedure is shown in Appendix 1 and reflects extensive research undertaken by the Local Government Association.
- 2.3. The policy is based on principles of early resolution, encouraging employees to raise issues informally with the person most likely to be able to resolve the conflict. There is scope within the policy to engage in mediation. The current practice of a formal grievance meeting and an appeal are retained at a later stage of the revised policy. Within the new policy, these meetings are referred to as a formal resolution meeting and resolution appeal meeting.
- 2.4. The policy places greater emphasis on mediation. Currently, mediation is provided by a local (external) mediation service on a “pay-as-you-go” basis. This is a cost effective model. In future, it is anticipated that the number of cases resolved through mediation will increase; it is therefore proposed that a pool of internal mediators are identified and trained to an appropriate standard. Provision will be made from the staff development budget to provide this training.
- 2.5. Briefing sessions will be held for managers as part of the implementation of the revised policy
- 2.6. The Human Resources Department will monitor the impact of the policy.

3. Consultation

- 3.1 There has been consultation on the Policy with Unison and managers and the comments made have been incorporated into the Policy and Procedures.
- 3.2 During the consultation, the Branch Secretary for Unison commented:

“Overall, I think the proposed policy will be useful in resolving workplace issues before they reach the stage of a grievance. I sometimes think that the term grievance and the formality of the current procedure puts people off raising issues in the workplace which can fester if left unaddressed.”

OTHER CONSIDERATIONS:

4. COMMUNITY STRATEGY AND PORTFOLIO PLANS (RELEVANCE TO):
- 4.1 The need to make the best use of all available resources by the continued consistent application of policies and procedures which enable resources to be utilised effectively within the City Council is an integral part of the Corporate Strategy.

5. RESOURCE IMPLICATIONS:

5.1 Contained in the detail of the Policy and procedure.

6. RISK MANAGEMENT ISSUES

6.1 Increased levels of conflict within the workplace contribute to absence which impacts on productivity and the ability to deliver a cost effective service.

BACKGROUND DOCUMENTS:

Held in Organisational Development (excluding information on individuals which is exempt information).

APPENDICES:

Appendix 1 Resolving Workplace Issues Policy and Procedure.

Resolving Workplace Issues



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Version Control

Version	Issue date	Author	Comments
0.1	20/12/2013	LB	Initial Draft
0.2	13/01/2014	JC	Minor amendments
0.3	26/02/2014	JC	Revised following consultation

Scope

This policy applies to all employees of Winchester City Council; it sets out a fair and transparent process for individuals to raise concerns and to seek to resolve those issues at the earliest opportunity.

The resolution policy is aimed at securing constructive and lasting solutions to workplace disputes, conflicts and complaints. It replaces our grievance procedure.

It does not however apply to issues where separate rights of appeal are given under different procedures (for example but not exclusively issues relating to redundancy, disciplinary, capability, attendance management, job evaluation or whistle blowing etc) or where the matter is related to a collective agreement.

In all cases, employees who wish to raise a workplace issue, should take action as soon as possible after the issue has occurred and preferably within 20 working days of the incident or last incident. An issue which occurred in the past and is not currently will not normally be dealt with as the emphasis of this procedure is on reaching early resolution.

If the issues relate to a member of the Corporate Management Team, the Chief Executive will nominate an appropriate senior manager to oversee the application of this policy. In the event that the issues raised relate to the Chief Executive, the matter should be raised with another member of Corporate Management Team who will agree the most appropriate way forward in consultation with a senior member of the Human Resources team.

If you are not sure how about the best way to raise your concern, you should seek advice.

Summary

This document is intended for the benefit of employees of Winchester City Council who wish to seek a resolution to an issue arising from something within the Council's sphere of influence as their employer. It describes tools that are available for employees to use to help resolve issues. The roles of the various parties involved in seeking a resolution are described and the support available to employees who are using this procedure is outlined. All employees should read this document.

What is an issue?

Issues might arise from your relationship with another employee such as your manager or someone else in your team. They might arise as you deal with a third party through your work. Your issue might arise from decisions by senior members of staff, elected members or another team. It might relate to health

and safety concerns, the environment in which you work, changes to job roles or working practises.

If you are not sure whether your issue can be addressed using this procedure, ask yourself, 'Is the issue related to my job?' and 'is it something that someone who works here can help resolve?' If the answer is yes to both of these questions then this procedure can help.

If in doubt seek advice from HR or your Unison Representative.

Links to other policies

Bullying & Harassment

If you feel like a victim because of an issue at work, it may be that the [Bullying and Harassment Policy](#) is more appropriate to help you resolve the issue you are facing. If you are still not sure, seek support and advice from HR, your line manager or one of the other support avenues set out below.

Whistleblowing

If the issue is less related to your job and relates to something happening in the wider organisation, you might want to refer to the [Whistleblowing policy](#) on our website.

Key Principles

Winchester City Council recognises that a positive working environment and good working relationships have a positive impact on employee well being and employee engagement. A positive working environment can also lead to better performance, improved retention and reduced sickness absence levels. Focussing on early resolution therefore benefits individuals, team, the City Council as a whole and ultimately the district we serve.

To achieve this, the resolving workplace issues process is based on the following key principles:

- 1) We respect each other
- 2) We recognise our own responsibilities and the responsibilities of others.
- 3) Resolving issues as soon as possible is a good thing. It helps us find new and better ways of working.
- 4) We seek to resolve issues that affect us as quickly and as informally as possible.
- 5) As individual employees, we take responsibility for taking actions to resolve any workplace issues that affect us; open dialogue is often a useful way to do this.

Role of the Human Resources team

Members of the HR team are available to discuss any workplace issue you are seeking to resolve and they can help you make decisions, by exploring issues with you so that you are aware of the options available to you. They will encourage you to identify the most appropriate way forward.

They may support managers to carry out investigative work to establish evidence about the issue or in some circumstances, they may undertake the investigation. HR can also provide advice to ensure that reasonable adjustments are taken into account to enable you to participate fully in the resolving workplace issues process. You will need to let HR know what reasonable adjustments should be considered (e.g. special equipment or additional support) with sufficient notice for the arrangements to be made.

HR can be contacted by e-mail, telephone, post or by visiting the team on the 4th floor of the West Wing building.

Role of the Line Manager

Line managers help their employees resolve workplace issues. If you have an issue that needs resolving, they are often the best person to help you as part of their role is to speak to colleagues in the wider organisation on your behalf. They may carry out investigative work to explore the issues being raised.

Other support

Unison – Trade Union

One of the roles of a trade union is to help its members to resolve issues at work. To become a member, visit www.unison.org. You will need to pay a subscription fee. Several employees volunteer as Unison representatives and if you become a member, you will be contacted with a name of one of these volunteers who you can contact to seek help. (Please note that to receive their assistance you will need to be a member when the issue occurs.)

Free Counselling Sessions

All employees of the Council can have free counselling sessions with a private company. To access this service, call CJT Associates on 07925299796 and say that you are an employee of Winchester City Council. If you access this service, no-one who works for the Council will be informed.

Mentor sessions & Action Learning Set meetings

Some employees are have a work place mentor or are part of an Action Learning Set. Remember that Mentor sessions and Action Learning Set meetings are ideal opportunities to discuss workplace issues and receive support in seeking resolutions. You will want to ensure that there are appropriate ground rules in place about confidentiality before you discuss a work place issue with others.

ACAS

ACAS exists to improve working life through better employment relations and they provide a helpline, which anyone can use to seek advice on resolving workplace issues - 08457 47 47 47

The Resolution Toolkit

What is the Resolution Toolkit?

The resolution toolkit sets out the various approaches we can use to seek to resolve workplace issues. Generally speaking, the tools should not be seen as a linear approach but rather various options which can help reach resolution. This encourages a flexible approach which can be adjusted to suit the situation.

The tools available to you are:

- Tool #1 – Talk to each other
- Tool #2 – A Resolution Meeting
- Tool #3 - Mediation
- Tool #4 – Formal Resolution Meeting
- Tool #5 – Resolution Appeal Meeting

There is a flowchart on **Page 14** of this document which explains how the process fits together.

In some circumstances, it may be appropriate to miss some of the tools out or to revisit tools at a later stage. For example, an issue might be so serious that it is appropriate to start at Tool #4 (the formal resolution meeting) or, alternatively Tool #3 (Mediation) could be a recommended outcome from a formal resolution meeting.

Where do I start?

There are many ways to start trying to resolve an issue and the best way will depend on what the issue is, who is involved and what you feel happy with.

Sometimes, we can resolve issues by simply changing small things ourselves. For example, a person who is regularly distracted by other employees' conversations might chose to sit somewhere quieter for a short period of time to allow them to focus.

Sometimes we need (or prefer) the help of others to resolve issues. This resolution toolkit is designed to help you chose how to involve other people at work in resolving workplace issues.

How do I use the toolkit?

To use the toolkit read about the different tools and then either chose what to do about your issue. Focus on Tools 1, 2 and 3 to reach a resolution internally where possible. You might want to seek advice about this from your Unison representative (if you are a member) or from HR. If your first tool doesn't work, try another one and if that doesn't work, try to think of another way to achieve a resolution.

Keep focused on what it is you are trying to achieve and try not to 'muddy the issue' with lesser concerns unless you know you want to act on these also.

When you have secured a resolution, put aside any ups and downs that you have experienced while seeking a resolution and focus on going forward.

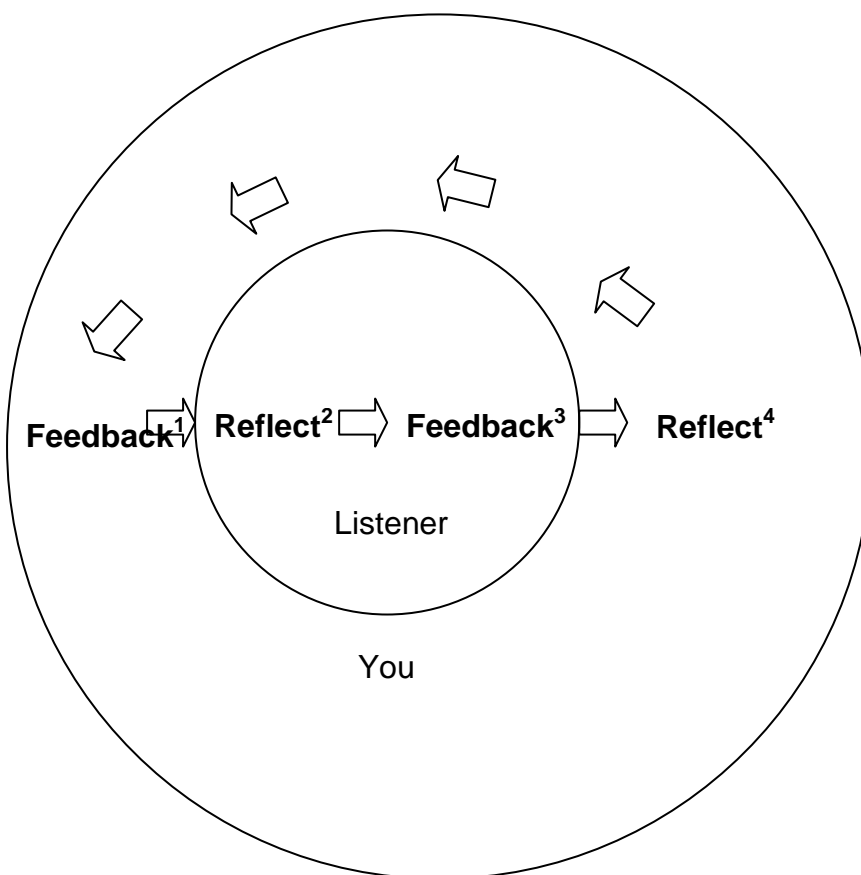
Tool # 1 – Talk to each other

In a nutshell: Talking it out on a one-to-one basis with the people involved

It is important because: This is an early attempt to identify and resolve a disagreement, conflict or dispute.

Suitable if: You want to make a request of someone to resolve your situation, you want someone to understand how you feel, you would like your manager to make a request on your behalf.

Features:



¹ You offer feedback to someone about your issue. You suggest a way to resolve it.

² The Listener reflects on what you have said and your suggestion.

³ The Listener offers you feedback on your suggestion. They might wish to action your suggestion or they might make a new suggestion.

⁴ You reflect on whether their feedback means your issue is resolved and tell them.

If your issue is not resolved by their response, you start the cycle again and feedback to the listener why this is not the case and suggest another way forward.

Tool # 1 – Talk to each other (continued)

Notes:

- Talk to the other people as soon as possible but try to get the right time and place to have a private conversation.
- You might want to summarise some of your feedback and reflections in an e-mail. You also might want to summarise your final resolution.
- It might be a good idea to invite someone else, on a confidential basis, to read your e-mails before you send them to check that your communication is clear.
- You may want to agree a resolution for a trial period and agree to meet again to discuss the suitability of the resolution.
- If you have asked your manager to investigate a possibility for you, agree a timescale for them to investigate your idea.

Tool # 2 - A Resolution Meeting

In a nutshell: The second opinion

It is important because: It provides an opportunity to discuss situations in a supportive, constructive and empathetic setting.

Suitable if: Either you (or the other person) would like the involvement of another person to help you find a resolution or a more senior manager to have a say in the approach to resolution and to be present during the meeting.

Features:

You invite the person you are working with to seek a resolution and your mutually chosen third party to attend a meeting. Before the meeting, agree with the person with whom you are seeking a resolution what it is you would like them to contribute and communicate this to them when you invite them to come.

Your third party might be a Head of Service, a manager, or a member of the Human Resources team.

You might want them to contribute one of the following:

- an opinion
- a questioning approach to draw out more ideas for resolution.
- expert knowledge of the wider organisation and previous resolutions to similar situations.
- a decision – (only appropriate if the third party is a more senior manager than other parties in the meeting)

Notes:

- Agree with the person you wish to raise an issue with who else will be present at the meeting.
- You might want to set out an agenda, which also sets out the goal of the meeting.
- You may wish to leave the meeting to reflect on new information received from your third party and agree a resolution at a later point.
- You may wish to summarise the main points of the meeting in writing and agree that they are accurate with all who are present.
- Involvement is voluntary. Your chosen third party may choose not to be involved.

Tool # 3 – Mediation

In a nutshell: Untangling the past, moving forward with the help of someone outside the issue

It is important because: The mediator helps the two people to have an open and honest dialogue to identify a “win/win” outcome.

Suitable if: (a) there has been a substantial breakdown in communication and trust between two people (b), you want someone independent to help steer you to a resolution.

Features:

You (or the person you are seeking to find a resolution with) should contact HR and explain that you would like to use mediation to resolve an issue.

The mediator is impartial and may be either an employee of the City Council or someone from outside the organisation. They will have received training in helping resolve issues in this way. Mediation is about working together rather than blaming. The mediator is not there to judge or to tell those involved what they should do.

A mediator will contact you both and arrange to meet with you separately to understand each of your perspectives on the issues raised. After, they will meet with both of you together and steer a conversation between you where each of you can express important points and help you to find a resolution. A written resolution agreement is proposed by the mediator at the end and this will be shared with a member of the HR team. Everything else that happens is confidential. After the mediation the mediator or in some situations, a member of HR, will contact you both to find out how the resolution is working.

To see how mediation can work, watch [this](#) video.

Notes:

- It is a voluntary process for both people involved.
- If you would like advice and support approaching another employee to suggest engaging in mediation together, contact a member of the HR team or your Unison representative.

Tool # 4 – Formal Resolution Meeting

In a nutshell: The formal “grievance meeting”

It is important because: It is an opportunity to meet with a senior manager and HR to identify a suitable resolution.

Suitable if: All other tools of resolution have not helped to resolve the issue, you want someone else to decide what you should do.

Features:

Normally, you will have exhausted the first 3 tools in this process before you request a Formal Resolution Meeting, but this depends on the nature of the issues you are seeking to resolve. If in doubt, speak to a member of HR or your Unison Representative.

Depending on the issues raised, it may be appropriate to undertake an investigation prior to the formal resolution meeting. This may be undertaken by a manager, HR or an external person.

The meeting will be chaired by a senior manager, nominated by the Chief Executive, who has not previously been involved in resolving your issue. The senior manager may be supported at the meeting by a member of HR. You may be supported by a colleague or your Unison representative.

During the meeting, the senior manager will listen to you explain your issue and your suggested resolution and they will invite any other relevant parties to give their views on how the issues should be resolved. They may ask you and the other parties questions and you may ask each other questions. Normally, your representative will be able to speak on your behalf but they will not normally be allowed to answer questions. After the meeting, the Chair will write to you (and if relevant, the other parties) within 5 working days to propose a resolution. You and any other relevant parties will then be expected to put their resolution into action.

Notes

- HR will supply a note taker to these meetings and you will get a copy of summary notes.
- HR will only arrange this meeting if they are satisfied that you have used all appropriate other tools of resolution first.
- If the chair would like to carry out some investigation work before the meeting, or adjourns the meeting to carry out further investigatory work, you will be contacted with an estimate of when the investigation work will be complete and when the meeting is likely to be able to proceed.
- You will have 7 working days from the date of the letter containing the proposed resolution to submit a request for an appeal.

Tool # 5 – The Resolution Appeal Meeting

In a nutshell: An independent review

It is important because: The meeting is your right to appeal the outcome of the Formal Resolution Meeting

Suitable if: Having attended a Formal Resolution Meeting, you still feel that the issue has not been resolved.

If you are not happy with the outcome of the Formal Resolution Meeting, you can request an appeal by completing the form in Appendix 3 and submitting it to HR, who will make arrangements for the meeting. You may be supported by a colleague or your Unison representative.

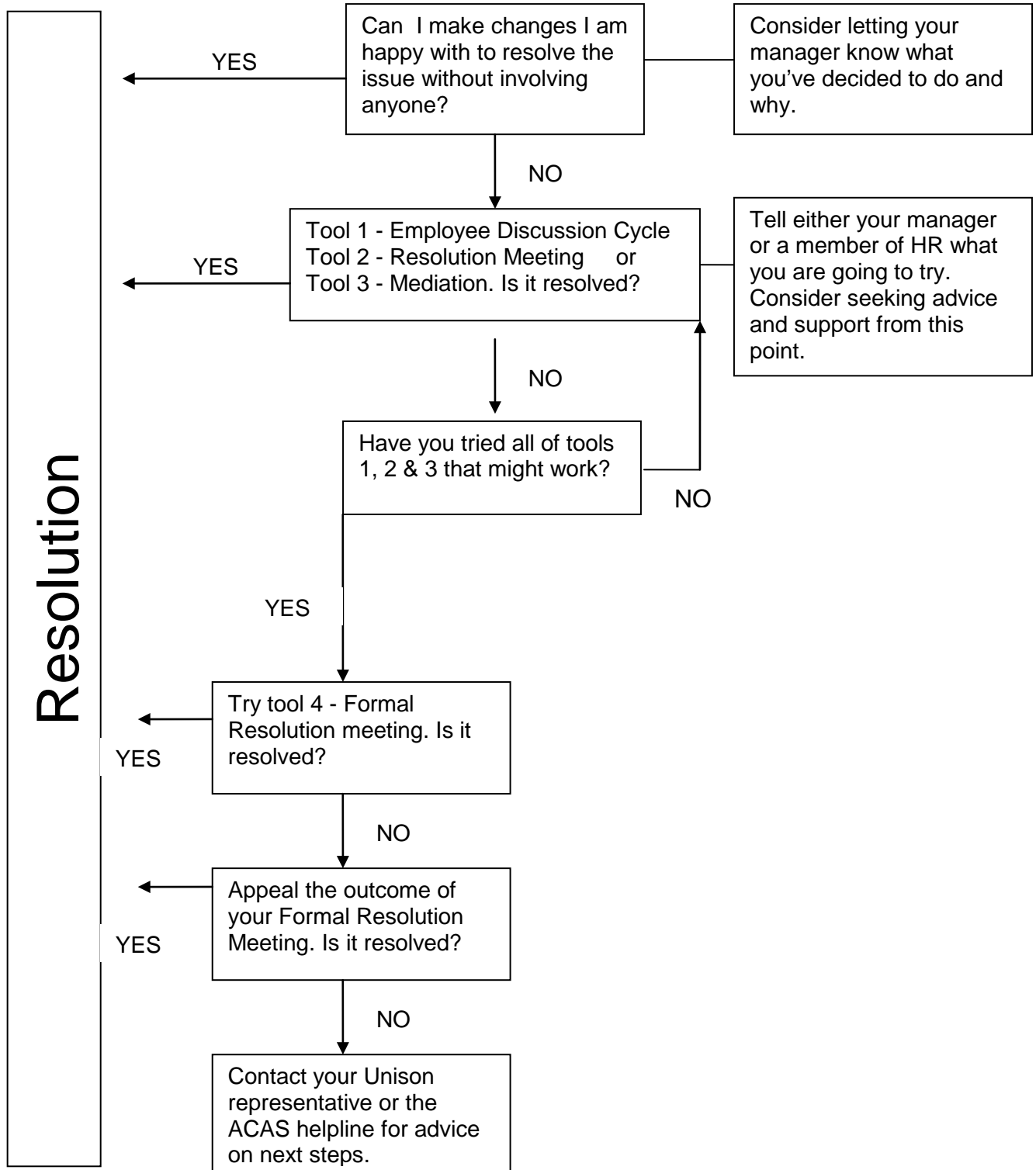
The appeal will be with a panel of 3 elected members who will listen to you explain why the proposed resolution is not suitable and what you would like to happen instead. They will listen to the views of other parties at the meeting, including the senior manager who made the proposals.

They may ask you and the other parties questions and you may ask each other questions. After the meeting, the panel will write to you (and if relevant, the other parties) to say whether or not they agree with the resolution that was originally proposed. If they do, you and any other relevant parties will then be expected to put their resolution into action. If they don't, they will make another suggestion and you and any other relevant parties will be expected to put this suggestion into action instead.

Notes

- HR will supply a note taker to these meetings and you will get a copy of summary notes.
- This is the last tool in the resolution toolkit and there is no further internal right to appeal.

Flow Chart of Resolution Options



Other things you need to know

Inviting someone to come with you

At any formal meeting as part of the resolution process you may invite someone to come with you and they may speak on your behalf.

This person could be:

- An impartial colleague
- A Unison representative, sometimes called a workplace representative
- An official employed by a trade union

To invite them to come, you must ask the relevant parties in advance. As long as it is not an unreasonable request it will be approved. An example of an unreasonable request would be if the person's presence would prejudice the meeting or if waiting for them to be available to attend would unnecessarily delay the process. If you are inviting a colleague to come with you then they must give their manager as much notice as possible of the date and time that they will not be available for work.

Developing this Procedure

Winchester City Council's Resolving Workplace Issues Policy is based on *The TCM Model Resolution Policy* designed by The TCM Group.

It was developed through an employee focus group, to which a representative sample of employees from different teams were invited, reflecting the proportional balance of gender, age, managerial responsibility across the Council, a survey to senior managers, semi-structured interviews with members of the HR team and thorough research into best practise.

Unison have been consulted during this process.

This procedure will be reviewed initially six months after implementation and thereafter every 2 years and also updated in response to relevant changes in employment law, the ACAS code of practice or organisational context as appropriate.