

# RESOLUTION POLICY

## SCOPE STATEMENT

This Policy applies to all employees of Bridgend County Borough Council from day one of employment except:

- Those employed under the Conditions of Service for School Teachers in England and Wales.
- Those employed by Governing Bodies in educational establishments under delegated powers.
- Agency workers or volunteers
- Those employed under the JNC for Chief Officers' Conditions of Service.

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| Cabinet/Council            |                                                                                                                                                                                                          |
| <b>REVISION HISTORY</b>    |                                                                                                                                                                                                          |
| Revision History:          | This policy replaced the council's grievance and dignity at work policies and procedures, offering a new name and a new focus.<br>Grievance policy – October 2010<br>Dignity at work policy – March 2010 |

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## 1. Introduction

- 1.1 This policy allows employees to raise concerns as well as dignity at work issues.
- 1.2 The council recognises that the workforce consists of employees from diverse backgrounds, with differing opinions, values and expectations.
- 1.3 It is acknowledged that there will be a range of issues employees may wish to raise concerns over and it is important that there are clear policies and procedures in place to address such matters, which may include:
- The application of terms and conditions of employment
  - Application of the Council's policies
  - Working relationships
  - Health & Safety
  - Equal opportunities and discrimination
  - Bullying and harassment
- 1.4 There is a responsibility on all parties to raise and deal with any concerns in a timely manner to ensure the wellbeing of employees, maintain good morale and motivation and to achieve a positive working environment.
- 1.5 This policy applies to unacceptable behaviour that occurs in the workplace during working hours, and can extend to situations that occur outside of the working environment. Examples include, Facebook comments about colleagues or the organisation, training events and social events that are all linked to work, and which in turn may affect the working relationships between employees and the council as the employer.
- 1.6 A number of key definitions have been used within this policy and are outlined in appendix 1.
- 1.7 All concerns should be dealt with via the informal route in the first instance in order to promote efficient resolution. Where this does not resolve the problem, the formal procedure set out below can be initiated.
- 1.8 This procedure applies to all employees regardless of length of service (except for those expressly excluded as per the scope statement above).
- 1.9 The term 'Responsible Officer' means chief executive, corporate director, chief officer or head of service or an officer appointed by any of these.
- 1.10 The policy is not designed to cover issues, which are:
- A matter of collective agreement

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- Covered by another policy e.g., whistleblowing, discipline, and absence management.

## 2. Policy Statement

- 2.1 The council recognises that from time to time, employees may experience difficulties, concerns or have complaints about aspects of their employment in relation to their role, working conditions or working relationships.
- 2.2 Every individual is entitled to fair treatment and the council is committed to providing a caring and supportive working environment which is free from all forms of harassment, discrimination, bullying and unacceptable behaviour.
- 2.3 The council is committed to enabling individuals to express concerns without fear of recrimination by encouraging open communication between employees and managers to ensure that issues arising can be aired and, ideally, resolved quickly and to the satisfaction of all concerned.
- 2.4 The focus of this policy is to deal with matters sensitively and confidentially as far as reasonably practical without undue delay.

## 3. Aims and Objectives

The aims of this policy are to:

- 3.1 Create a culture which is focused on an early resolution.
- 3.2 Demonstrate a commitment to employees that concerns will be taken seriously and dealt with in a constructive manner.
- 3.3 Encourage open communication between employees and their managers to resolve concerns/matters quickly and informally, to the satisfaction of all parties involved. This will increase staff morale, and confidence in the council as a good employer.
- 3.4 Ensure that managers, employees and their representatives or work colleagues are aware of their rights and responsibilities within the resolution process.

## 4. General Principles

- 4.1 Employees should submit their resolution statement (appendix 2) to their manager unless the complaint is against the manager. In this case, the statement should be submitted to the manager's line manager. The employee should also send a copy of the form to the relevant HR Business Partner so they are aware of the concerns.

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- 4.2 Where more than one employee has the same concern, then the procedure should be applied on a group basis (collective concern) and treated as a single complaint albeit from a group of employees. All employees can be interviewed as part of the process, with a maximum of 3 employees being in attendance at the hearing.
- 4.3 The manager is responsible for facilitating the process at an early stage unless they are implicated at which time the next manager will take responsibility.
- 4.4 Employees should be encouraged to resolve any concerns at the informal stage. Should the employee refuse to participate they will need to confirm the reasons why in writing.
- 4.5 HR Business partners are not required to be in attendance at the informal stages unless the circumstances of the case deem it necessary.
- 4.6 All discussions and documents provided under this policy will be dealt with sensitively and all parties are to be reminded of the importance of confidentiality as a breach could result in disciplinary action being taken. Documents will be handled in line with the council's retention policy.
- 4.7 All parties will endeavour to deal with concerns as quickly as possible and within a reasonable timeframe.
- 4.8 It is expected that the informal stages will be dealt with by the manager and employee. Employees are entitled to be accompanied at the formal stages of this policy by either a work colleague or trade union representative.
- 4.9 If the employee is subject to a disciplinary process at the time of submitting the resolution statement, this process may be temporarily suspended in order to deal with the concern. Where the resolution concern and disciplinary cases are related it may be appropriate to deal with both issues concurrently.
- 4.10 Every employee carries a responsibility for their own behaviour and any acts of misconduct where proven, could result in disciplinary action being taken under the council's disciplinary policy.
- 4.11 The council recognises the possibility that concerns may be brought with malicious, vexatious or false intent. If there is evidence to support such intent, this may result in disciplinary action being taken against the complainant pursuant to the council's disciplinary policy.
- 4.12 Should employees require support during this process, they should be encouraged to access the resources available via care first and those outlined in the wellbeing protocol.

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## 5. Procedure

- 5.1 The employee should attempt to resolve their concern via the informal stages (stage 1) of the policy with the individual who is causing them concern.
- 5.2 If the employee has been unable to resolve their concern successfully then they will complete the resolution statement and submit it to their manager, who will attempt to try and resolve the matter informally (sending a copy of the statement to the HR Business partner).
- 5.3 If the complaint is against another employee (respondent) then a copy of the resolution statement will be given to the employee by the manager at the formal stage to ensure natural justice to all concerned. It is important that the employee maintains confidentiality and does not approach or discuss the matter with the witnesses listed. The employee can however, seek advice from their trade union representative.
- 5.4 The manager will keep in regular contact with the employee who has submitted the concern along with the person(s) that are named. The contact is to update them on the progress and to ensure any necessary support has been offered and put in place to help them during this time.
- 5.5 Should the matter need to proceed to the formal stage (stage 2), then a copy of the resolution form along with the informal resolution outcome should be sent to HR so that the formal stage can be facilitated.
- 5.6 There are various stages to the procedure which are identified below, however it is acknowledged that the stage of the resolution process will depend upon:
  - The seriousness of the concern(s) being raised
  - The willingness of parties to engage in meetings or mediation
  - Whether there have been previous attempts to resolve the situation
- 5.7 The different stages to the resolution process include:

### **Stage 1 – Informal Stage**

#### **5.7.1 Employee led resolution**

In the first instance, and when considered safe to do so, the employee is encouraged to communicate directly with the person with whom they have a concern. This must be done in a calm and rational way either face to face or via correspondence and the employee will make it clear to the respondent, in a respectful manner that they find their behaviour concerning. It is hoped that this will lead to an effective resolution and the respondent will modify their behaviour once they are made aware of the concern.

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If the concern relates to a matter other than unacceptable behaviour, the employee is encouraged to continue to engage in constructive conversations with their manager to try and resolve the matter on their own in the first instance.

If the employee does not feel confident to approach the respondent, they could seek support from a work colleague, or line manager. The employee can ask those supporting them to speak to the employee on their behalf to resolve matters but this should be carried out in a low key and non-confrontational manner as possible.

### 5.7.2 Facilitated discussion

A facilitated discussion is a good way of trying to resolve matters early on. This is a confidential voluntary process which both parties agree to participate and work together to reach a satisfactory resolution to be able to move forward. This will be facilitated by an independent HR Business partner. Guidance in relation to the process is available in appendix 3.

### 5.7.3 Informal Resolution Meeting

If the matter cannot be resolved as above, the employee will raise the matter with their line manager as soon as possible by completing the resolution form. If the manager is the cause of concern then the resolution statement should be provided to the line manager's manager.

In the interest of all parties, managers will attempt to resolve concerns in a timely manner to avoid them escalating, and possibly resulting in a breakdown in relationships which can be difficult to repair and for the wellbeing of all parties.

The manager should meet with the employee to allow them to explain their concerns and provide any evidence/information that they have relating to the concerns. The focus of the meeting is to build on positives rather than focusing just on the negatives.

It is important to identify any factors that may have led to the situation, how the employee would like to resolve the matter and explore potential solutions to the concerns, taking into consideration all the pros and cons of the various options.

The outcome being sought must be reasonable and achievable and may include the following, but is not limited to:

- Provide on the job coaching
- Provide training and development
- Give additional support
- Clarity on working practices or roles within a team
- Adjustments to working arrangements or environment
- Facilitated discussion or mediation
- Amendments to contractual paperwork or guidance

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In order to look into the concern raised, the manager will need to obtain relevant information and documentation. Depending on the concern, this could involve linking in with other departments, looking at data as well as speaking to the respondent (person who complaint is against) and any other individual (witness) that may be identified.

Once all information has been obtained, the manager should meet with the employee to explain the findings and agree an appropriate course of action. A written note of the agreed action(s) will be provided to the employee by the manager.

There may be occasions when a meeting with all parties is required to provide the outcome and this can be arranged as necessary.

Should the employee be dissatisfied with the outcome of the informal resolution meeting they can initiate the formal process by contacting a HR Business partner, who will already be in receipt of the resolution statement.

## **Stage 2 – Formal Stage**

### **5.7.4 Resolution statement**

Employees must submit the resolution statement (appendix 2) to progress their concern to the formal stage of this process.

### **5.7.5 Formal Resolution Investigation**

Formal investigations should only be undertaken once all attempts at informal resolution have concluded or where the employee has been unable to deal with the concerns via the informal route due to the serious nature of their concern.

It is the responsibility of the relevant business support manager to appoint an investigating officer to investigate the concerns.

A HR Business partner will support the investigating officer throughout the investigation and be in attendance at the hearing.

The concerns will be allocated to an investigating officer within 14 days of the complaint being received and the investigation will be completed as soon as is reasonably practical.

The investigating officer must focus on the facts of the concerns and document all meetings with witnesses and obtain supporting evidence where necessary.

The respondent must be given full details of the nature of the concerns and given the opportunity to respond including where appropriate details of witnesses.

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Should the employee, respondent or any of the witnesses identified during the investigation be unable to respond in a reasonable timeframe, then consideration will be given to undertaking the process e.g. interviews or hearing via correspondence, this is to ensure that the process can be concluded in a timely manner.

Once the investigation is concluded, the investigating officer will prepare a report and hearing pack which will be distributed to the employee, and their TU representative, panel members and the respondent within 14 calendar days of the hearing. It is important that the respondent on receipt of the documentation, maintains confidentiality and does not share the content, approach or discuss the matter with the witnesses, other than their trade union representative. Doing so could result in disciplinary action being taken.

### 5.7.6 Resolution Hearing

A hearing will be convened where the responsible officer will consider the facts of the investigation and make a determination based on the evidence. The procedure for the hearing is set out within appendix 4.

Should the responsible officer determine during the course of the investigation that areas of misconduct may have arisen, they will forward these concerns in writing to the senior directorate manager so that consideration can be given as to whether a disciplinary investigation or other action is required.

### 5.7.7 Resolution Appeal Hearing

If the employee is not satisfied with the decision of the responsible officer following the Resolution Hearing, they have the right of appeal within 7 calendar days from the date of written notification.

The appeal must be made in writing stating the grounds for appeal and forwarded to HR.

The procedure for the appeal hearing is set out within appendix 4.

## 6. Roles & Responsibilities

It is important that there is clarity about roles and responsibilities within the resolution procedure.

### 6.1 Employee responsibilities

- Behave and act in a way that is consistent with the council's code of conduct and policies and procedures, as well as codes of professional conduct relevant to your role.
- Ensure that any concerns that arise are brought to the attention of their manager (or manager's manager) in a timely manner.

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- Ensure that they understand the policy and fully cooperate with the requirements of the policy.
- Attempt to resolve any issues at the informal stage before resorting to the formal stage.
- Attend any meetings arranged as part of this policy without any delay.
- Provide a written record of the incidents, including times, dates and witnesses of the concerns where applicable. These should be current rather than historical.
- Maintain confidentiality at all times during any resolution proceeding, with the exception of conversations with their chosen representative (work colleague or TU representative).

## 6.2 Manager responsibilities

- Ensure awareness and understanding of all relevant policies and procedures.
- Ensure employees are aware of all relevant policies and procedures.
- Maintain an environment which is free from unacceptable behaviour and treat employees, fairly and with dignity, courtesy and respect at all times.
- Identify unacceptable behaviour and take reasonable corrective or preventative action in accordance with this policy. It is not appropriate for managers to ignore unacceptable behaviour.
- Deal with any concerns promptly, fairly and consistently.
- Work with employees to resolve concerns via the informal and formal route.
- Consider any adjustments that may be necessary while dealing with issues of concern.
- Provide support to all employees involved within the concern.
- Keep adequate notes of all events and evidence to support the use of the policy.
- Provide a response to all parties following consideration of their concerns, detailing the agreed actions and way forward.

## 6.3 Human Resources responsibilities

- Provide support and advice to managers on the application of this policy and ensure consistency in its application.
- Provide advice to employees on the policy and support that is available.
- Provide support to the Investigating Officer during an investigation.
- Provide advice to the panel at a resolution hearing or appeal.
- Review the application of the policy and procedures in light of operational experience.
- Identify any learning and development needs as a result of the application of this policy
- Coach managers where appropriate to have conversations to manage conflict and achieve resolution.
- Undertake facilitated discussions where appropriate.

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#### 6.4 Representative's responsibilities – Trade Union

- Encourage the use of informal procedures, including promoting the use of facilitated discussions and mediation to re-establish and maintain working relationships.
- Provide advice and support to employees throughout the process.
- Make representations on behalf of the employee but cannot answer questions that are directly put to the employee.
- Work with managers, HR and employees to ensure the policy is adhered to.
- Work with all parties to facilitate timely and early resolution to matters.

#### 7. Monitor and Review

This policy will be reviewed in accordance with the policy review timetable or sooner if there is a need, or due to any legislative changes.

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**DEFINITIONS****HARASSMENT**

Harassment can be considered to be unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them and can be visual, verbal or physical.

Examples include:

- Unwanted physical contact
- Verbal, electronic or written harassment ie 'jokes', offensive language, gossip, slander
- Visual displays i.e. obscene gestures, pictures, flags, emblems
- Isolation or non-cooperation at work
- Exclusion from social activities - formal work related
- Coercion ranging from pressure for sexual favours to pressure to participate in political / religious groups
- Intrusion by pestering, spying and stalking

The Equality Act 2010 Section 26 uses a single definition of harassment as follows:

A person (A) harasses another (B) if:

- (a) A engages in unwanted conduct related to a relevant protected characteristic, and
- (b) The conduct has the purpose or effect of:
  - (i) Violating B's dignity, or
  - (ii) Creating an intimidating, hostile, degrading, humiliating or offensive environment for B.

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership.

Harassment is unacceptable even if it does not fall within any of these categories.

**BULLYING**

Bullying can be considered to be offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that can undermine, humiliate, denigrate or injure the recipient. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Examples include:

- Spreading malicious rumours or insulting someone by word or behaviour
- Excessive or harsh criticism of work or abilities
- Deliberately withholding opportunities or excluding employees

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- Devaluing work efforts
- Failure to give due credit
- Ridiculing or demeaning someone - picking on them or setting them up to fail.
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining employees by overloading work
- Preventing employees progressing by blocking or preventing progression and training opportunities.

Bullying and harassment can occur via face to face meetings, in written communications over the telephone or via social media. Bullying and harassment can make someone feel anxious, stressed humiliated, frightened and de-motivated. These feelings can lead to job insecurity, performance issues, illness, absence from work and in some cases resignation.

## VICTIMISATION

Victimisation has a very specific meaning and is described in Section 27 of the Equality Act 2010. It's not just about being singled out. It is unlawful for one person to treat another unfavourably than they would treat other people because that person has done or intends to do a protected act. Protected acts include bringing discrimination proceedings, giving evidence or information in connection with discrimination proceedings, making an allegation or unlawful discrimination or doing anything else under, or by reference to, discrimination legislation.

## TERMS & CONDITIONS

The terms and conditions of employment are the elements of a contract defining the employment relationship and contractual obligations between employer and employee. These generally include job responsibilities, rights at work, working hours, holidays, sick days, and salary.

## HEALTH & SAFETY

Health and safety in the workplace is where workers are entitled to work in environments where risks to their health and safety are properly controlled.

The [Health and Safety at Work Act](#) 1974 (HASAWA) lays down wide-ranging [duties](#) on employers. Employers must protect the 'health, safety and welfare' at work of all their [employees](#), as well as others on their premises, including [temporary workers](#), [casual workers](#), the [self-employed](#), clients, visitors, [contractors](#) and the general public.

Employers have a duty to provide a safe place of work, which includes (but is not limited to):

- Safe equipment, plant and machinery
- Safe and competent people working alongside each other
- Carrying out [risk assessments](#)
- Informing [workers](#) fully about all potential hazards associated with any work process, chemical substance or activity
- Providing instruction, training and supervision

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- Providing adequate facilities for staff welfare at work.

## **EQUAL OPPORTUNITIES**

Equal opportunities upholds the idea that all workers within an organisation should be entitled to and have access to all of the organisations facilities at every stage of employment, including the pre-employment phase. We recognise and value individuals' unique differences, to help us develop our understanding of our workforce and the communities that we serve.

At all times, we will treat all individuals both within and outside *Bridgend County Borough Council* with openness, fairness, dignity and respect.

This means every individual should have a fair chance:

- to apply and be selected for posts pre-employment
- to be trained and promoted while employed with the organisation
- to have their employment terminated equally and fairly

Denying any employee or prospective employee their right to equality in the workplace could amount to discrimination, which is prohibited by the [Equality Act 2010](#).

As a council, 'equality' means understanding and tackling barriers so that everyone has a fair chance to fulfil their potential. Equality and fairness are at the heart of our day to day business which is evident in the Councils Strategic Equality Plan.

## **RESPONSIBLE OFFICER**

An officer who will chair the resolution and appeal hearing to ensure an orderly manner is maintained and ensure all evidence has been obtained to be able to make an informed, fair and reasonable decision.

## **INVESTIGATING OFFICER**

A trained individual who will gather evidence to establish facts related to the concerns raised whilst ensuring a fair process followed and all parties treated fairly.

## **COMPLAINANT**

Employee(s) who bring forward a concern.

## **RESPONDENT**

Employee whom the concern is against.

## **WITNESS**

An individual who is able to provide information in relation to the concern raised.

## **FACILITATOR**

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Provide support and guidance to employee's entering the facilitated discussion and will write up the agreements reached between both parties.

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## RESOLUTION STATEMENT

| EMPLOYEE NAME | STAFF NUMBER           |
|---------------|------------------------|
|               |                        |
| JOB TITLE     | DEPARTMENT             |
|               |                        |
| MANAGERS NAME | LENGTH OF TIME IN POST |
|               |                        |

| PLEASE SPECIFY IF THIS IS AN INDIVIDUAL OR COLLECTIVE CONCERN                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>INDIVIDUAL</b> <input type="checkbox"/></p> <p><b>COLLECTIVE</b> <input type="checkbox"/> Please provide names and job titles of all employees who wish to raise this concern. Use an additional sheet if necessary.</p> |

| HAVE YOU ATTEMPTED TO DEAL WITH YOUR CONCERNS INFORMALLY?                                                                  |
|----------------------------------------------------------------------------------------------------------------------------|
| <p><b>YES</b> <input type="checkbox"/></p> <p>Please provide details – how, when, with whom and what was the outcome.</p>  |
| <p><b>NO</b> <input type="checkbox"/></p> <p>Please explain why you have not tried to resolve the concerns informally.</p> |

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## DETAILS OF CONCERN

- Please provide full details of your concern including dates, times and names of any witnesses where applicable.
- If this concern is about a specific employee, please include their name, job title and relationship to you.
- Additional sheets can be attached along with any relevant documents that you have that relate to your concern.

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**DETAILS OF BREACHES**

Please provide details of any policies, procedure or guidelines you believe have been breached

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**PROPOSED SOLUTION**

Please state what you would like to see happen to resolve your concerns. Please note that disciplinary action may not be necessary or appropriate.

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|  |
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**PLEASE NOTE:**

- (1) All efforts should be made to resolve the concern informally before proceeding to the formal stage.
- (2) Consent should be sought from any witnesses before naming them on this form as the respondent will be given the opportunity to respond to the concerns raised.
- (3) A copy of this form will be provided to an investigating officer and the respondent (if the concern is against other employees) at the relevant stage i.e. formal stage of the policy.
- (4) Once the investigation is concluded the matter will proceed to a hearing. The investigating officer will prepare a report and hearing pack which will include a copy of this form, any statements and any documents and/or information you provide, which will be shared with you and your TU representative, the panel members, the respondent(s) and their TU representative prior to the hearing.
- (5) Any concerns found to be malicious, vexatious or false could result in disciplinary action being taken.
- (6) Advice can be sought at any time from your manager or HR and access to Care First is available 24/7 on 0800 174319.

I confirm I have read the above points and consent to my data being shared in accordance with the resolution policy.

| EMPLOYEE SIGNATURE | DATE |
|--------------------|------|
|                    |      |

If you have any queries please discuss with either your manager or HR Business Partner.

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## FACILITATED DISCUSSION GUIDANCE

### What is a facilitated discussion?

A facilitated discussion is a confidential voluntary process that helps two or more individuals in a disagreement, attempt to resolve the concern and to reach an agreement themselves. It is about working together rather than blaming each other.

The employees will be taken through the process by an agreed facilitator who is responsible for the process of seeking to resolve the problem, but not for determining the outcome as this is arrived at, agreed upon and owned by the employees involved. The facilitator is not there to judge or tell employees what they should do but to ensure the smooth running of the process.

This process provides an opportunity for employees to discuss issues in a supportive, constructive and empathetic forum and agree a way forward in a safe and confidential environment.

The focus of the discussion is to agree what will happen in the future, rather than what has happened in the past and making an agreement, outlining mutually acceptable future behaviour between the employees.

At the end of the discussion an agreement will be drawn up for both parties to sign. This is not a legal binding document but an agreement to work together better going forward.

### When is a facilitated discussion appropriate?

A facilitated discussion is appropriate when:

- There has been a breakdown in working relationships
- All parties wish to resolve issues informally and avoid formal processes
- All parties have the willingness to be open, honest and respectful
- Parties cannot work through their concerns alone

A facilitated discussion can take place at any time during the working relationship and does not have to be instigated as a result of a formal process having been undertaken.

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## When is a facilitated discussion not appropriate?

A facilitated discussion is not appropriate:

- When both parties are not committed to resolving the disagreement
- When a serious breach of discrimination, harassment has taken place
- As an alternative to disciplinary action
- Where there is a risk to health and wellbeing
- Where one person wants an apology rather than agreement to move forward
- When previous attempts on the same concern has not been reached

## Support during a facilitated discussion

A facilitated discussion is most successful when representatives are not present. The facilitator will ensure there is an open conversation between both parties to ensure fairness and appropriate behaviour is maintained.

## Stages of a facilitated discussion

- Facilitator makes contact with both parties to explain the process
- Agreement from both parties to proceed
- Facilitated discussion
- Written agreement between both parties
- Review date agreed

Any party, including the facilitator can end the discussion at any time during the process if they feel it appropriate to do so due to information which may emerge or behaviour warrants it.

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## PROCEDURE TO BE ADOPTED AT HEARING & APPEAL

This procedure applies to the Resolution policy.

### Resolution Hearing

1. The complainant, investigating officer and their representatives shall be called in simultaneously before the panel. At the start of the hearing the responsible officer will introduce those present and will explain the procedure.
2. The investigating officer will present their case first calling, if appropriate, any witnesses to assist in substantiating or clarifying the facts.
3. The complainant and/or his/her representative will be entitled to question the investigating officer and any witnesses.
4. The complainant or his/her representative will present their case also calling, if appropriate, any witnesses to assist in substantiating or clarifying the facts.
5. The investigating officer and/or the HR Business partner who supported the investigation will be entitled to question the complainant and any witnesses.
6. The responsible officer and supporting HR Business partner will be entitled at any time during the hearing to ask questions.
7. The complainant will leave the hearing and the respondent and their representative will be invited into the hearing.
8. The respondent will attend the hearing to assist the investigating officer and panel with any questions that may arise so that clarity can be provided. The respondent will not be cross examined by the complainant or their representative.
9. Where new evidence arises during the hearing it may be appropriate to adjourn in order to investigate or consider such points.
10. The respondent will leave the hearing and the complainant will return.
11. The investigating officer will be given an opportunity to sum up but will not be able to introduce any new evidence at this stage.
12. The complainant or his/her representative will be given an opportunity to sum up. He/she will not be able to introduce any new evidence at this stage.
13. All parties apart from the responsible officer and HR Business partner will withdraw from the meeting so that deliberations can commence.

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14. Once a decision is made, all parties will be recalled and the decision announced to them together with the reasons for it. The decision will be confirmed in writing within 7 calendar days of the hearing.

**Appeal Hearing**

1. The process for the hearing will take the same format as the resolution hearing, but will be considered by the Grievance, Disciplinary and Appeals Committee, who will be supported by one of the council's solicitors in the role of clerk, a HR Business partner and a minute taker.
2. The members, clerk of the committee and the HR Business partner will be entitled at any time during the hearing, with the consent of the chairman, to ask questions.
3. Once representation has been made, all parties other than the members of the committee, the HR Business partner and the legal clerk will withdraw from the meeting. The HR Business partner and legal clerk will remain in the meeting whilst the committee require advice.
4. Once the committee has received advice from the HR Business partner and legal clerk, the HR Business partner and legal clerk will withdraw while the committee considered the appeal.
5. The committee may recall the HR Business Partner, Legal Clerk and minute-taker to clarify any points. Should the committee require advice from the HR Business partner or legal clerk both officers should be recalled together.
6. The outcome of the appeal hearing will be conveyed in writing to the employee within 7 calendar days of the hearing.
7. The decision of the committee is final.

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