

Together  
we make a  
difference

# Resolution Policy and Procedure

---

LAST UPDATED: JULY 2023

## TABLE OF CONTENTS

---

ITEM NO.	SUBJECT	PAGE
1.	Purpose	4
2.	Application and Scope	4
3.	Introduction	5
4.	Principles	6
5.	Roles and Responsibilities	7
6.	Procedure	8
7.	Appeal	12
8.	Collective Complaints Conflicts or Disputes	12
9.	Timescales	13
10.	Multiple Requests for Resolution	13
11.	Vexations/Malicious Allegations/Complaints	13
12.	Participation in the Process	14
13.	Confidentiality	14
14.	Support to Staff	14
15.	Overlapping Resolutions and Disciplinary Cases	14
16.	Effect of Resignation on Outstanding Disputes	15

17.	Equality Impact Assessment and Monitoring	15
18.	Data Protection	15
	Appendix 1 – Request for Resolution	16
	Appendix 2 - Electronic Meeting Guidance	17

## 1. PURPOSE

---

- 1.1 The purpose of this Resolution Policy is to bring complaints, grievances, conflicts and disputes to a satisfactory and constructive resolution, both speedily and effectively. Wherever possible, the Resolution Policy places responsibility for the resolution of conflicts and disputes directly with the people involved. To assist resolution, the council will provide such support as is required.
- 1.2 This policy combines the previous Grievance and Dignity at Work policies to provide a positive way of dealing with issues that would have been dealt with under those policies. The Resolution Policy does not diminish employee's right to raise a 'grievance' but provides a means of doing so in the most positive way possible.

## 2. APPLICATION AND SCOPE

---

- 2.1 This policy applies to all employees of the council excluding officers employed under J.N.C. Conditions of Service for Chief Officers, for Chief Executives and Protected Officers.
- It does **not** apply to agency staff, external contractors or external consultants.
- 2.2 This policy provides a formal method for resolving disputes, complaints, conflicts and allegations of bullying or harassment. It may be used in individual disputes, team disputes and in collective disputes.
- 2.3 The Resolution Policy is suitable for the following types of issues:
- Disagreements and disputes between colleagues;
  - Disagreements and disputes within or between teams;
  - Disagreements and disputes between managers and members of their team;
  - Concerns or complaints about the allocation or distribution of resources;
  - Concerns or complaints about the actions or inactions of the council; about terms and conditions of employment; health and safety; new working practices; the working environment; equality of opportunity; and allegations of bullying, harassment or victimisation.
- 2.4 This policy will not apply in the following circumstances:
- 2.4.1 Where the disciplinary, capability or managing attendance procedures are invoked and the matter would be better be dealt with by way of an appeal in line with the relevant procedure.

- 2.4.2 When the matter is one over which the council has no control, or where management is acting in accordance with council policy and procedures.
- 2.4.3 Where the matter is the subject of collective negotiation or consultation with trade unions and staff.
- 2.4.4 Where an employee has serious concerns about an aspect of the council's work or those who work for the council. In such circumstances, the Whistleblowing Policy is available to enable employees to raise concerns about workplace malpractices, suspicions of criminal acts, miscarriage of justice and dangers to health and safety.
- 2.4.5 Separate procedures are in place to deal with grading issues (Re-grading Policy) and therefore such matters are excluded from this policy.

### 3. INTRODUCTION

---

- 3.1 Resolution is all about securing a solution to a situation that is acceptable to all the parties involved. As a result, those parties then feel determined to implement the agreement
- 3.2 The council believes that a resolution that is secured by the parties themselves is more likely to be mutually acceptable and successful over the long term, rather than one that is imposed on them – with one side perceiving that they have won and the other perceiving they have lost.
- 3.3 We are committed to fostering mutual respect and understanding with all our employees - between colleagues, colleagues and their managers and within teams. This is even more important when we experience a conflict or a dispute in the workplace.
- 3.4 We recognise that conflict in the workplace is normal; in many cases, it is inevitable and when managed well, it leads to healthy, resilient and positive relationships.
- 3.5 We aim to support our employees to work together to resolve any disputes and conflicts constructively and speedily.
- 3.6 This policy encourages early resolution and offers a collaborative system of conflict resolution that balances the rights of the parties with their interests and needs; it brings the core principals of mediation to the forefront of conflict resolution and encourages constructive resolution at every stage of a dispute.
- 3.7 Any dispute will be treated in a fair and consistent way and dealt with quickly and supportively.

- 3.8 We recognise that a positive working environment and good working relationships have a positive impact on your wellbeing, engagement and the council's success.
- 3.9 This policy draws on five core principles:
- Dialogue: Building dialogue between people to help them to resolve disputes, conflicts and complaints.
  - Fairness: Giving all employees access to a fair and dignified approach for managing disputes, conflicts and complaints.
  - Mutual Respect: Recognising that disputes, conflicts, and complaints can be challenging. We encourage a respectful approach at all times to support the achievement of win/ win resolutions.
  - Collaboration: We actively encourage the parties in a dispute, conflict, or complaint to work together to identify, agree and implement a shared solution.
  - Timeliness: We will seek to resolve all workplace disputes, conflicts, and complaints in a timely manner and will, wherever possible, avoid any unnecessary delays.

## 4. PRINCIPLES

---

- 4.1 This policy is focussed on restoring and protecting working relationships. It is proactive, values based and it supports all parties at all stages of the conflict management cycle.
- 4.2 We encourage positive and constructive behaviours in the workplace and a collaborative approach to achieving a constructive resolution to disputes or conflicts.
- 4.3 This policy integrates the values and principles of mediation into conflict resolution: empathy, dignity, respect, openness, collaboration and fairness.
- 4.4 We place significant emphasis on early resolution, which will help to establish a resolution culture.
- 4.5 In more serious disputes and where there is a clear breach of conduct, the option to defer to the Disciplinary Policy may be appropriate.
- 4.6 We are committed to the Council's values which include working collaboratively, and as a team.

- 4.7 We are committed to the fair treatment of our employees, regardless of race or belief, gender, sex, gender reassignment, religion, sexual orientation, responsibilities for dependants, age, physical and/or mental disability, marriage and civil partnership or pregnancy and maternity.
- 4.8 Whilst a dispute is being considered the “status quo” will prevail whenever possible. “Status quo” means that any change causing the dispute will not be implemented.

## 5. ROLES AND RESPONSIBILITIES

---

- 5.1 It is the responsibility for all **Employees** to:
- Be aware of the council’s policy and procedure.
  - To fully engage in respectful dialogue to resolve issues at the earliest possible stage of conflict.
  - To work together to find mutually acceptable, win/win outcomes to conflict.
  - To be courageous and take steps to pro-actively resolve conflict in a solution focussed manner, not allowing perceptions, assumptions or fear to rule decision-making.
  - To approach all conversations respectfully, constructively and non-judgementally.
  - To learn from previous emotionally charged situations/ conflicts and to transform that learning into positive behavioural change.
  - To engage with others constructively and calmly during difficult conversations and during times of change, conflict and crisis.
  - To be able to receive difficult feedback and respond non-defensively.
  - To be empathetic and able to respond to others in a compassionate and supportive manner.
  - To raise any matters in a timely manner, so that they can be resolved fairly and quickly.
  - To maintain confidentiality and deliver on any agreements reached throughout the process.
  - To take ownership and responsibility for resolving any conflicts or disputes.
  - If you have a disability or a learning difficulty and require any adjustments, to enable you to fully engage with the process, you are asked to notify your manager, or HR, of those requirements, so that any adjustments can be considered and put in place, where reasonable.

- 5.2 It is the responsibility of **Managers** to:
- Seek advice from Human Resources in a timely manner.
  - To promote constructive and collaborative conversations and respectful dialogue.
  - To listen actively, non-judgementally and with sensitivity.
  - To act with compassion, impartiality, integrity and without taking sides.
  - To spot the signs of conflict early, to intervene and ensure the employee has the right support and guidance to effectively secure their own resolution.
  - To keep a documented record of any conflict, the approach to resolution and any agreements.
  - To raise the profile of the Resolution Policy and the approaches available to effectively manage conflict.
  - To maintain an open culture where people can speak up about their experiences.
  - To set up and run facilitated conversations.
- 5.3 It is the responsibility of **Human Resources** to:
- Ensure provision of training, support and guidance for managers.
  - Regularly review and monitor the operation and effectiveness of the policy and procedure including any adverse impact.
  - Ensure compliance with legal obligations.

## 6. PROCEDURE

---

- 6.1 To commence the process, the aggrieved employee will need to submit a 'request for resolution'. The submission of a 'request for resolution' is appropriate when:
- Support is required to resolve a conflict, dispute, or complaint; or
  - Previous attempts to resolve a conflict, dispute, or complaint have been unsuccessful.
- 6.1.1 It is expected that a staff member only submits a 'request for resolution' once all efforts to resolve the issue themselves have been exhausted.
- 6.2 **Step One: Submitting a Request for Resolution**
- A written 'request for resolution' should be submitted to either Human Resources or their line manager.
- 6.2.1 Human Resources are responsible for administering and overseeing the application of the Resolution Policy. As such, any 'requests for resolution' will be communicated and shared with them. In certain circumstances this may not be appropriate and will be carried out by an appropriate Head of Service or Corporate Director.



- 6.2.2 Submitting a 'request for resolution' may result in one or more of the following courses of action:
- Encouragement to engage in an early resolution meeting (direct face to face talks) between the parties;
  - A facilitated conversation chaired by a manager or member of HR;
  - Team conference in the case of team disputes and collective disputes;
  - A formal resolution meeting to offer a determination of the case in the event that the above steps are unsuccessful or it is considered the matter is serious enough to warrant the formal process from the outset.

### 6.3 **Step Two: The Resolution Triage Assessment Process**

Following receipt of a 'request for resolution', a member of Human Resources will undertake a resolution triage assessment to identify the most suitable route to resolution.

During the assessment, emphasis will be placed on early resolution, including the value that roundtable conversations, team conferencing and coaching can have in facilitating a successful and lasting resolution.

Where the request for resolution involves a specific individual the relevant manager will be informed.

Human Resources will communicate with employees involved to support them during the process. Occupational Health and/or the Employee Support Programme/Listening Service will be available to any member of staff needing some additional support.

### 6.4 **Resolution Methods**

There are a number of approaches for facilitating a resolution, which are summarised below.

#### 6.4.1 **Early Resolution Meeting**

The resolution meeting is an early attempt to identify and resolve a disagreement, a conflict or a dispute. It provides an opportunity for managers, employees, and colleagues to discuss situations in a supportive, constructive and empathetic forum.

6.4.1.1 Most workplace disagreements, disputes, and conflicts can be resolved at the resolution meeting stage.

6.4.1.2 An early resolution meeting is an informal meeting designed to secure a constructive and lasting resolution. To support the smooth running of the meeting the following guidance is offered:

- Be respectful and courteous at all times;
- Give each other time to talk and avoid interrupting each other;
- Listen actively when the other person is talking;
- De-personalise the situation, speak from the 'I' rather than the 'you';
- Try to see the situation from the other persons point of view;
- Be open and honest, this is a key part of building trust;

- Seek areas for agreement and explain what requests you would like to help move the situation forward (this should be positioned as a request and not a demand).

6.4.1.3 A good structure for the conversation would be:

- To outline what you have observed;
- To share any relevant facts, which support or illustrate what you are saying;
- To explain what impact the situation is having on you;
- To explain what your perception is of the other persons intention;
- To explain what your underlying needs and goals are.

## 6.4.2 Facilitated Roundtable Conversations

A facilitated conversation may be led by a manager or a member of Human Resources. In some cases, it may be chaired jointly.

6.4.2.1 The conversation is a confidential discussion between all parties that draws on the same principles as mediation. However, it is less formal than mediation and can be used to bring parties together at an early stage of the dispute. The facilitator acts neutrally and creates the right conditions for effective dialogue. The facilitator encourages the parties to engage in constructive dialogue and to listen actively. It is a solution focussed process with the aim of helping the parties to reach a mutually acceptable outcome.

## 6.4.3 Team Conferencing

Team conferencing has many similarities to the approach of facilitated conversations and mediation and seeks to bring a group of people together to address and resolve issues of conflict.

6.4.3.1 In brief, the process involves:

- Initially, information gathering and individual private meetings take place to explore the needs and goals for the team conference.
- At the team conference:
  - Participants are welcomed, introductions are made and ground rules are established;
  - Objectives are set, and feedback is provided on the situation and the context for the conference;
  - Participants are invited to provide an overview of their experiences, the impact of the situation, their needs and goals;
  - Dialogue is facilitated where participants raise and discuss any issues;
  - Non-blaming problem statements are generated that are used for collaborative problem solving;
  - A team action plan is developed, which includes details of follow up and after care.

## 6.4.4 Formal Resolution Meeting

A formal resolution meeting may be convened as a result of the outcome of a triage assessment or where alternative approaches to resolving conflict have been deemed unsuitable or unsuccessful.

- 6.4.4.1 A Resolution Officer will be appointed by the HR Manager to consider the matter. Where the Resolution Officer believes the issues relates to serious misconduct and where there are reasonable grounds to believe the concerns may be justified, then the matter may be referred for investigation in accordance with the Council's Disciplinary Policy.
- 6.4.4.2 The Resolution Officer will arrange a meeting with the member of staff requiring resolution to discuss their complaint. In circumstances where further information is needed, the Resolution Officer, in liaison with the HR Manager, will determine the appropriate point at which the meeting should be arranged. This may be prior to or following a period of fact-finding.
- 6.4.4.3 Human Resources, in liaison with the Resolution Officer, will send the employee a letter to acknowledge the intention to convene a formal resolution meeting, providing 5 working days advance notice of the meeting, including their right of representation.
- 6.4.4.4 The employee will receive written confirmation of the outcome of their complaint within 5 working days of the formal resolution meeting, unless further investigation is required.
- 6.4.4.5 In circumstances where further information is required, the employee will be notified of this and provided with an indicative timeframe for reaching a decision on the outcome of their resolution meeting.
- 6.4.4.6 If the staff member remains aggrieved following the outcome of their formal resolution meeting, they have a right of appeal.
- 6.4.5 **Right to Representation**
- 6.4.5.1 Employees have the right to be accompanied at the Resolution Meeting and any associated fact finding meetings by a recognised trade union representative or work colleague.
- 6.4.5.2 It is the employee's responsibility to arrange to be accompanied.
- 6.4.5.3 The chosen representative is able to contribute to and ask questions at the meeting/ hearing. However the Resolution Officer is entitled to expect the employee and not the representative to answer any questions asked.
- 6.4.5.4 If the chosen representative is not available at the proposed time of the meeting, the employee may request an alternative time and date so long as it is reasonable and falls within five working days of the original date. This alternative date must have regard to the availability of the other employees involved in the hearing and may be extended by mutual agreement.
- 6.4.5.5 There is no entitlement to external representation, legal or otherwise.
- 6.4.6 **Inability to Attend a Resolution Meeting**
- 6.4.6.1 Employees should make every effort to attend the meeting. If the employee fails to attend the arranged meeting, it will be re-arranged. If the employee fails to attend the re-arranged meeting it will go ahead in their absence and a decision will be made based on the information available.

- 6.4.6.2 If an employee feels that they are unfit to attend they should contact the appointed Resolution Officer. It may be appropriate to seek advice from Human Resources and/or seek a medical opinion from the Occupational Health Advisor. If the employee then fails to attend an occupational health appointment arranged to consider their fitness to attend the resolution meeting, it may go ahead in their absence and a decision will be made based on the information available.
- 6.4.6.3 In exceptional circumstances the employee may send their representative to the hearing on their behalf.

## 7. APPEAL

---

- 7.1 Any appeal against the outcome of a resolution meeting must be submitted in writing to the HR Manager, within 10 working days of receipt of the written resolution outcome. The appeal must make clear the grounds on which it is being made.
- 7.2 An Appeal Officer will be appointed by the HR Manager to hear the appeal and the appellant will be notified of the arrangements for an Appeal Hearing, within 10 working days of receipt of the appeal.
- 7.3 The appeal hearing will not consider any new complaints or concerns, which have not been raised previously, as part of the original 'request for resolution'. It is not expected that new evidence will be allowed at appeal, unless there are mitigating circumstances as to why the information was not previously presented or available. A decision on whether to allow new evidence, will be at the discretion of the Appeal Officer.
- 7.4 The employee has a right to representation at the Appeals Hearing as set out in 6.4.5.
- 7.5 Following the appeal hearing, the employee will receive a written outcome. This will be provided within 5 working days of the appeal hearing taking place.
- 7.6 The decision at appeal is final and there are no further stages within the procedure.

## 8. COLLECTIVE COMPLAINTS, CONFLICTS OR DISPUTES

---

- 8.1 To be considered a collective complaint, conflict, or dispute, the matter must have been raised by two or more employees regarding the same workplace matter.

- 8.2 The process for considering both individual and collective complaints and conflicts is the same.

## 9. TIMESCALES

---

- 9.1 The early and pro-active resolution of any conflict, dispute or complaint is strongly encouraged to ensure any issues can be resolved swiftly. This will avoid matters escalating unnecessarily or working relationships deteriorating further.
- 9.2 A successful resolution is far more likely when matters are addressed promptly.
- 9.3 There are no time limits imposed for this policy with the exception of the appeal process set out in section 7 above.
- Each case will be considered on its own individual merits.
- We expect all employees to take steps to actively address any issues within a reasonable time period of becoming aware of the issue.
- 9.4 The passage of time can greatly affect an individual's recollection of events and the availability of evidence. Any historic issues raised may not be able to be substantiated owing to insufficient evidence. Staff are, therefore, encouraged to take steps to resolve issues at the earliest opportunity available.

## 10. MULTIPLE REQUESTS FOR RESOLUTION

---

- 10.1 The council reserves the right to refuse a request for resolution if it clearly relates to one dealt with previously, where the issue was dealt with in a proper manner and in accordance with policy and procedure.

## 11. VEXATIOUS/MALICIOUS ALLEGATIONS/COMPLAINTS

---

- 11.1 Any member of staff who raises a reasonable and genuine concern or complaint, shall suffer no detriment as a result of raising the complaint. However, false or vexatious complaints will be taken very seriously. The Disciplinary Policy may be invoked in circumstances where, on the balance of probability, it is reasonable to find that a member of staff has:
- Made a false, vexatious and/or malicious complaint;
  - Deliberately made a complaint to cause distress or harm;
  - Discredited a colleague and/or the council.

## 12. PARTICIPATION IN THE PROCESS

---

- 12.1 This policy should be used to resolve all reasonable and genuine conflicts, complaints, and disputes. It is expected, therefore, that employees will fully cooperate with the process and will engage in respectful, constructive, and collaborative dialogue.
- 12.2 Should any employee be obstructive and/or un-co-operative during the application of this policy and/or behave in such a way as to aggravate or exacerbate the situation, then the Disciplinary Policy may be invoked where considered appropriate.

## 13. CONFIDENTIALITY

---

- 13.1 Resolution proceedings are confidential between the relevant parties involved. Any information made available during the proceedings must not be shared with anyone except those directly involved. Any member of staff who fails to maintain confidentiality, without good reason or just cause, may be subject to disciplinary action.

## 14. SUPPORT TO STAFF

---

- 14.1 Whilst the emphasis throughout this policy and procedure is on constructive resolution, it is understood that it may be stressful for any persons involved.
- 14.2 Human Resources will communicate with employees to support them during the process. Occupational Health and/or the Employee Support Programme/Listening Service will be available to any member of staff needing some additional support.

## 15. OVERLAPPING RESOLUTION AND DISCIPLINARY CASES

---

- 15.1 Where an employee raises a request for resolution during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the issue raised. Where the issue or dispute and disciplinary cases are related it may be appropriate to deal with both issues concurrently.

## 16. EFFECT OF RESIGNATION ON OUTSTANDING DISPUTE

---

- 16.1 Wherever possible a dispute should be dealt with through this procedure before an employee leaves employment. If however, this is not possible, agreement with the employee will be sought on whether and how it should be progressed.
- 16.2 In the case of a collective grievance the dispute will continue in accordance with this procedure for those employees who remain in the employment of the council.

## 17. EQUALITY IMPACT ASSESSMENT AND MONITORING

---

- 17.1 The operation of this policy will be monitored for its impact on different equality groups in line with the Equality Act 2010. This will enable the council to assess whether any differences have an adverse impact on a particular group, such that further action would be required.

## 18. DATA PROTECTION

---

- 18.1 In implementing this policy, the council will ensure that any personal data relating to the application of this policy will be obtained, processed and destroyed in line with Data Protection requirements.

## Appendix 1

## Request for Resolution



First Name:	Surname:
Service Area:	Job Title:

**1. Request for Resolution**

Please state clearly the full nature of your complaint, conflict or dispute in as much detail as necessary.

**2. Resolution Approach**

Have you attempted to resolve the matter? Y / N

If YES, what was the approach taken, outcome reached and why you are not satisfied with this?

If NO, why not?

Please continue on another sheet if necessary.

**3. Resolution Sought**

What resolution do you need?

Please continue on another sheet if necessary.

**4. Employee Statement**

I have read the Resolution Policy and submit this request for resolution in accordance with its provisions.

Signature:	Date:
------------	-------

On Completion, please return this form to either your line manager or Human Resources.



## Electronic Meeting guidance

Where the Chair decides that a meeting should take place using alternative arrangements (e.g. by telephone or video conference) that have been previously agreed then the following will apply:

- the usual notice and arrangements for issuing papers continues except where the Chair has exercised their right to waive the usual notice;
- all participants will receive clear instructions regarding how to access the meeting including where they can access support if they experience difficulty;
- all participants will be given advance notice of the meeting in line with current policy procedures so that they can declare if they have a disability or other accessibility issues that might affect their ability to use video technology, and whether any reasonable adjustments might be needed;
- all participants must attend the meeting with webcams enabled at all times;
- where there is a requirement for an adjournment / breakout for any participant this will be carried out either at a different physical location or separate independent virtual meeting;
- all participants will note and follow any instructions given on how to manage their participation at the meeting. For example confirming attendance, speaking through the Chair of the meeting, etc;
- all panel members will abide by their normal rules, procedures and code of conduct adopted by the Council in relation to holding hearings, giving particular regard to the duty to maintain confidentiality;
- the panel will contribute towards a safe and secure environment for the meeting by giving due regard to the Council policies relating to Data Protection and the appropriate use of ICT;
- a minute taker may be nominated to take notes of the meeting – but it will not ordinarily be recorded;
- under no circumstances can a recording take place without all parties being aware.