

Resolution Policy

Version: 1.0

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1.0 Introduction

This Policy forms part of every Council employee's contract of employment, however it is not intended to be prescriptive or exhaustive and may be amended at any time.

The Council recognises the impact a positive working environment has on its colleagues¹, which can lead to better performance, promote colleague wellbeing and help to reduce occupational stress-related sickness absence. On occasion, disagreements and/or conflict between colleagues and/or their manager can arise and it is important that such concerns and/or issues are resolved at the earliest opportunity. Where this happens the Council wants to support colleagues and managers to work together swiftly to resolve any concerns and/or issues and at the earliest opportunity.

In the course of their employment, all colleagues are expected to uphold the Council Values and act in accordance with the Council's Code of Conduct and be reasonable, professional and courteous and have the proper care and concern for other colleagues.

Focusing on resolving any concerns and/or issues is a more productive and positive way of dealing with workplace matters rather than apportioning blame, ignoring or seeking to retaliate.

This Policy and the supporting Resolution Procedure provide a consistent framework in which to do this.

2.0 Background

The Council believes a more constructive and forward thinking approach to resolving colleague concerns and/or issues is needed, which enables discussion and joint working between all parties involved and helps to support the swift restoration of good workplace relations.

The ideal outcome will always be one that enables a safe working environment where dignity, respect and future working relationships are upheld and a long lasting remedy is achieved. It is believed that this can be achieved through the application of this Policy.

2.1 Bullying, Harassment and Victimisation

The Council is committed to ensuring the workplace is an inclusive environment where concerns and/or issues involving allegations of bullying, harassment and victimisation can be raised openly and freely. All colleagues have the right to be treated with fairness, respect and dignity at work and are expected to act

¹ For the purposes of this Policy the terms "employee and colleague" extends to apprentices and casual workers

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appropriately and with the proper care and concern for others and in accordance with the Council's Dignity at Work Statement.

Concerns and/or issues involving allegations of bullying, harassment or victimisation should initially be dealt with under this Policy and supporting Procedure. Where during the initial fact-find it is identified that there is an immediate substantiation of serious allegations the matter may be referred for management action in accordance with the Council's [Disciplinary Policy](#) (without recourse to the Resolution Policy) for further and formal investigation.

The Council have colleagues who are trained in 'resolution support' and who have a developed awareness of the different policies available for resolving workplace concerns and/or issues and who are available to listen non-judgmentally and signpost/support colleagues impartially should they need help to raise and resolve dignity at work concerns and/or issues. Find out more about colleagues who are trained in resolution support [here](#).

When dealing with concerns and/or issues involving allegations of bullying, harassment or victimisation, managers should consider offering informal support to all parties, recognising that being the subject of allegations of this nature is distressing, whilst also maintaining the need for confidentiality and support for the person raising the allegations.

3.0 Scope

This Policy and its supporting Procedure apply to all Council colleagues with the exception of:

- those who are specifically covered by separate policies, for example (but not limited to) employees working in schools under the direction of a Governing Body;
- employees of West Yorkshire Joint Services (WYJS) who have a contract of employment with the Council (unless this Policy is adopted by WYJS following local consultation); and
- employees at Yorkshire Purchasing Organisation (YPO) who have a contract of employment with the Council (unless the Policy is adopted by YPO following local consultation).
- employees based in a school who are managed centrally from within the Council and are not under the direction of a Governing Body.

Self-employed contractors, agency workers and volunteers do not fall within the scope of this Policy; however, the Council will consider the issues raised and if appropriate take action in circumstances where such contractors, agency workers or volunteers raise a concern and/or issue about the behaviour of a Council employee towards them.

3.1 Examples of concerns and/or issues which may be raised under this Policy:

- application of terms and conditions of employment;
- working environment;
- working practices;
- procedural non-compliance (i.e. a manager's failure to apply procedures consistently and fairly to colleagues)
- health and safety;
- working relationships with colleagues/teams/managers;
- concerns and/or issues arising through the Dignity at Work Statement
- harassment, bullying and victimisation; and
- discrimination inc. concerns relating to Equality Diversity and Inclusion (EDI).

3.2 Examples of concerns and/or issues which cannot be raised under this Policy:

- matters relating to organisational change, pay and re-grading;
- termination of employment, including but not limited to redundancy and the non-renewal of a fixed term contract;
- challenging or opposing a management decision to invoke / commence the Council's [Disciplinary Policy](#), the Council's Capability Procedure or the Council's [Sickness Absence Procedure](#) provided the correct procedures are followed and that procedure allows for an appeal;
- outcomes from the application of the [Disciplinary Policy](#), the Capability Procedure, [Probation Procedure](#) or the [Sickness Absence Procedure](#);
- any other Policy / Procedure which has its own appeal mechanism;
- payroll matters relating to tax or pensions;
- whistleblowing; and
- personal relationship issues with colleagues outside work.

Concerns and/or issues relating to the above will be dealt with under the relevant Council Policy and/or Procedure.

The Corporate Director (or their nominee), in consultation with the Service Director – HR and Organisational Development (or their nominee) reserves the right to determine whether a concern and/or issue or part of a concern and/or issue is not appropriate to be dealt with under this Policy. Any decision on this matter will be notified to the colleague with an explanation as to why this is the case. There is no right of appeal against this decision, however it may be open to review if it can be shown that the initial decision was misjudged.

Colleagues will not suffer any detriment as a result of raising a concern and/or issue or having an unfounded concern and/or issue raised against them. All colleagues will be treated fairly, reasonably and sympathetically in accordance with the Council's Equality Framework.

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4.0 Aims

The aims of this Policy are:

- to help to develop constructive and long lasting remedies to concerns and/or issues in the workplace;
- to encourage a collaborative solution focused approach;
- to achieve resolution wherever possible by Informal Resolution Discussions, or through use of Mediation; and
- to clearly set out the roles and responsibilities of colleagues and management in seeking to resolve issues.

5.0 Responsibilities

Managers should:

- Ensure all colleagues have an awareness of this Policy and its supporting Procedure;
- Promote open and honest relations which are founded on constructive dialogue;
- Take steps to address concerns and/or issues raised in a timely manner and without unnecessary delay
- Treat all colleagues fairly, consistently, sensitively and with respect;
- Maintain confidentiality² at all times;
- Make reasonable attempts to resolve any concerns and/or issues directly with colleagues by Informal Resolution Discussions in the first instance;
- Attempt to see things from the colleague's point of view in an effort to resolve their concerns and/or issues amicably;
- Provide or ensure support for colleagues raising concerns and/or issues under this Policy and also for those against whom concerns and/or issues have been raised;
- Where applicable, seek to make reasonable adjustments to accommodate attendance at discussions, meetings and appeals and any mediation sessions held under this Policy and its supporting Procedure; and;
- Seek advice from HR as appropriate throughout the application of this Policy and its supporting Procedure.

Colleagues should:

- Raise concerns swiftly and without delay and no later than the timescales referred to in Section 6.3 of this Policy;
- Make reasonable attempts to resolve any concerns and/or issues by Informal Resolution Discussions prior to using the Formal Resolution Stage of this Policy and its supporting Procedure;

² Information will be shared appropriately and with necessary management and HR advisors to facilitate resolution. Information relating to the request for resolution will be kept confidential to the process and only relevant information shared with appropriate parties in order to facilitate resolution. If the concern(s) and/or issues(s) raised relate to the safeguarding of a child or vulnerable adult the Council may have a duty to act which negates the guarantee of confidentiality.

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- Clearly identify what will resolve their concerns and/or issues;
- Attempt to see things from the other persons' point of view in an effort to resolve concerns and/or issues amicably;
- Be open to finding a resolution;
- Treat colleagues with sensitivity and respect throughout the process
- Provide enough notice to management of any requested adjustments that may be needed to facilitate attendance at discussions, meetings and appeals and any mediation sessions held under this Policy and its supporting Procedure;
- Maintain confidentiality at all times, and;
- Not raise complaints maliciously, or give false information and/or statements in support of a concern and/or issue.

In seeking to resolve concerns and/or issues **all** colleagues are expected to:

- Uphold behaviours and standards in line with Council [values](#) and the Employee Code of Conduct;
- Have open, honest and constructive dialogue;
- Be respectful and prepared to listen carefully to the other person's point of view;
- Be open to consideration of ways of working differently and developing joint solutions;
- Fully co-operate with any fact finding and provide accurate information and/or statements about what has happened;
- Attend all discussions, meetings and appeals and any mediation sessions arranged under this Policy and its supporting Procedure; and
- Agree and own the outcome(s) decided upon at Informal Resolution Discussions and/or the Formal Resolution Stage.

Discussions involving the concerns and/or issues should only take place with those directly involved

Concerns and/or issues raised will be dealt with sensitively and with the proper care and consideration to the nature of the concern and/or issue raised. Issues should be discussed in a safe and supportive way with the aim of reaching a resolution. Appropriate information may be shared with management and HR to facilitate resolution.

6.0 Resolution Model

6.1 Informal Resolution Discussions

Colleagues are encouraged in all instances to make early informal attempts to explore how any concern and/or issue can be resolved.

The manager handling/responding to the matter should attempt to resolve the concerns and/or issues by Informal Resolution Discussions where it is hoped that early resolution will be achieved.

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An informal attempt to resolve an issue through day to day contact does not require any formal documentation, HR involvement, Trade Union representation or specific timescales to be implemented and can usually be done quickly and by agreement between the parties concerned.

Where required, fact finding will be undertaken thoroughly and objectively to ensure the facts of the concerns and/or issues are clearly established.

6.2 Formal Resolution Stage

If a colleague is unable to resolve an issue through Informal Resolution Discussions they may seek resolution through the Formal Resolution Stage. In making a request for this, the colleague must be clear about their concerns and/or issues, provide any relevant information and clearly state what actions/outcomes will resolve these for them. Timescales for the Formal Resolution Stage are detailed within the Resolution Procedure.

Where resolution is not achieved by Informal Resolution Discussions and the colleague seeks to raise their concerns and/or issues at the Formal Resolution Stage, the manager responsible for considering the issue at this stage should arrange a formal meeting with the colleague (and any other colleague involved in the concerns and/or issues) in order to make an assessment of the information provided to then consider which of the options listed below will be the most appropriate in arriving at a fair and equitable outcome:

- An adjournment of the formal meeting and a request for further fact finding prior to the formal meeting being re-convened;
- A recommendation for resolution;
- A referral of the concerns and/or issues to be dealt with under another Council Policy or Procedure³;
- A recommendation that consideration is given to mediation ;
- A conclusion that no further action is necessary.

Once a decision has been made, the outcome(s) will be confirmed in writing within 5 working days unless otherwise notified to the colleague and any representative.

6.3 Timescales

Colleagues are expected to raise concerns and/or issues without any undue delay and must in any event make any requests for the application of the Formal Resolution Stage no later than 4 weeks from the date of the specific event(s) occurring which caused the colleague's concern and/or issue, unless a longer timeframe for this has been agreed during Informal Resolution Discussions.

If a colleague's concerns and/or issues arise from an historical build-up of concerns and/or issues then any request for the application of the Formal Resolution Stage

³ Where the concern/issue is referred to another Council policy/procedure, the application of the alternative policy/procedure will take precedent and will conclude the application of the Resolution Policy and Procedure.

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must be submitted no later than 3 months from the first incidence of the specific event(s) occurring which caused the colleague's concern and/or issue, unless a longer timeframe for this has been agreed during Informal Resolution Discussions.

Only in exceptional circumstances will a request to move to the Formal Resolution Stage be considered, when it has been submitted later than the timescales set out above. The receiving manager should refer such "out of time" requests to the Service Director – HR & Organisational Development for consideration.

Requests to move to the Formal Resolution Stage will be acknowledged within 5 working days. Subsequent timescales for completing the Formal Resolution Stage will be discussed and agreed between all parties. In the first instance, any concerns regarding timescales should be raised with the Service Manager of the colleague raising the request.

7.0 Appeal

The colleague raising the concern/issue at the Formal Resolution Stage has the right to appeal if they are not satisfied with the outcome of the Formal Resolution Stage.

Colleagues must set out the reason for their appeal in writing. In particular, the colleague must clearly specify, where applicable:

- any aspects of the Resolution Procedure they consider have not been correctly followed;
- any facts/evidence they consider to have been improperly considered;
- which recommendations for resolution they consider to be inappropriate and why; and,
- a restatement of the outcome they are seeking, to resolve their concerns and/or issues.

The appeal must be received by the Service Director - HR & Organisational Development within 10 working days of the colleague's receipt of the letter setting out the outcome of the Formal Resolution Stage.

The colleague's appeal will be acknowledged within 5 working days. Subsequent timescales for the Appeal Hearing will be discussed and agreed between all parties. In the first instance, any concerns regarding timescales should be raised with the Service Manager of the colleague submitting the appeal.

The colleague will then be invited to attend an Appeal Hearing, at which they will be given the opportunity to further explain the grounds for their appeal.

The outcome of the Appeal Hearing is final.

8.0 The right to be accompanied

8.1 Informal Resolution Discussions – discussions at this stage will occur directly between the manager and colleague(s) in accordance with day to day management

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activity. Colleagues do not therefore have the statutory right to be accompanied by a Trade Union Representative or a work colleague at such discussion meetings. Where, however, in exceptional circumstances all parties agree it will be beneficial to aid resolution, this can be agreed.

8.2 Formal Resolution Stage and Appeal – these are formal meetings and as such colleagues have a statutory right to be accompanied by a Trade Union Representative or a work colleague.

Formal meetings and appeals will only be re-arranged in exceptional circumstances where a meeting date has previously been set. The new date for the meeting/appeal will be within 5 working days of the original date.

8.3 Mediation – colleagues do not have the statutory right to be accompanied by a Trade Union Representative or a work colleague at a mediation session. Where, however, all parties agree it will be beneficial to aid resolution, this can be agreed.

9.0 Vexatious, Malicious and/or Persistent Concerns and/or Issues

Management action may be taken in accordance with the Council's [Disciplinary Policy](#) where the conclusions from this Policy and its supporting Procedure determine the concerns and/or issues raised are vexatious (without reasonable cause), and / or malicious.

Where the same, or a related concern and/or issue is being submitted repeatedly, the Council has the right to refuse to hear, or re-hear, the concern and/or issue again.

10.0 Whistleblowing

Colleagues wishing to raise [concerns](#) in the public interest about the following:

- potentially dangerous and/or illegal activity; or
- professional, regulatory and/or organisational malpractice; or
- serious and/or fundamental wrongdoing

should refer to the Council's [Whistleblowing Policy](#) for further information.

11.0 Other Circumstances

11.1 Counter Concerns and/or issues

Colleagues are not permitted to raise a counter concern and/or issue as a separate entity in response to a concern and/or issue made against them. This is not considered necessary and could undermine the whole process of finding a successful resolution. Any concerns and/or issues raised by a colleague will be considered as part of the overall resolution request alongside the original concern and/or issue.

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11.2 Collective Concerns and/or Issues

In circumstances where two or more colleagues raise the same concerns and/or issues (including collective disputes), a Trade Union or other workplace representative group or body (with the colleagues' agreement) may pursue the matter on behalf of the colleagues in accordance with this Policy and its supporting Procedure. Similarly, the Council reserves the right to deal with any concerns and/or issues directly with a Trade Union or other workplace representative group or body (wherever possible) where it believes that to do so will be a more appropriate way of finding an agreed resolution.

11.3 Leaving Council employment before a concern and/or issue is resolved

Every effort should be made to achieve a resolution to concerns and/or issues raised at the earliest possible opportunity. In circumstances where a colleague makes a request for the application of the Formal Resolution Stage and subsequently leaves the Council's employment before the matter is concluded, management should agree with the former employee, on a case by case basis the most appropriate way to conclude the matter.

11.4 Concerns and/or issues raised by former employees

Concerns and/or issues raised after an employee's contract of employment with the Council has ended will not be dealt with under this Policy. However, if appropriate senior management may decide to consider the concern/issue and provide a response with advice from HR. If so, there is no right of appeal to such a response.

12.0 Data Protection

The Council processes personal information/data collected in the application of this Resolution Policy in accordance with its legal obligations set out in the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA) which are confirmed within the Council's [Data Protection Policy](#).

Information/data specifically obtained to address issues raised under this Resolution Policy is held securely and accessed by, and disclosed to, individuals only for the purposes of addressing these issues. Inappropriate access or disclosure of a colleague's personal information/data constitutes an information security incident and should be reported in accordance with the Council's [Information Security Policy](#) immediately. It may also constitute a matter which will be considered in accordance with the Council's [Disciplinary Policy](#).

13.0 Relevant Legislation

Equality Act 2010

ACAS Code of Practice on Disciplinary and Grievances

Employment Act 2002, 2008

Employment Relations Act 1999

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General Data Protection Regulation (GDPR) and Data Protection Act 2018

Employment Rights Act 1996

Working Time Regulations 1998

Protection from Harassment Act 1997

Trade Union and Labour Relations (Consolidation) Act 1992

Health and Safety at Work Act 1974

Management of Health and Safety Regulations 1992

14.0 Associated Documents

Dignity at Work Statement

Disciplinary Policy / Procedure

Whistleblowing Policy

Equality Framework