

## REQUEST FOR DIRECTOR DECISION – DD2357

### Title: Resourcing and implementing a Resolution Policy at the GLA

#### Executive Summary:

Following on from the Greater London Authority (GLA) staff survey in late 2017, three executive-led Working Groups were set up in 2018 to engage with staff and recommend actions to address issues that were raised. The Performance, Diversity and Inclusion Working Group included a Bullying and Harassment workstream and further surveys were undertaken in this area to get a better understanding of the issues with staff and Unison engagement.

Feedback and recommendations from the Working Groups were presented to the GLA's Corporate Management Team (CMT) in late 2018 and, in one of the actions, CMT committed to reviewing the current GLA Grievance Procedure and setting up an 'allies and buddies' scheme. Human Resources (HR) researched alternative conflict resolution processes, engaged with Unison and proposed that a Resolution Policy could replace the current Grievance Procedure. Such an approach would address the issues identified and also still meet statutory requirements. CMT agreed to the proposals in early 2019.

Successful implementation will require consultancy and training of staff over an initial three-year period which will be funded by the Chief Officer's Transformation Budget.

This decision form requests approval of expenditure of up to £100k on consultancy and training services over a three-year period. These resources are required to implement the proposed Resolution Policy. These consultancy services will be procured via an Invitation to Tender (ITT) which will be sent to four organisations to ensure good market value for the work and that the required expertise is gained.

#### Decision:

That the Chief Officer approves expenditure of up to £100k on consultancy and training services for staff over a three-year period to resource and implement a Resolution Policy at the GLA.

#### AUTHORISING DIRECTOR

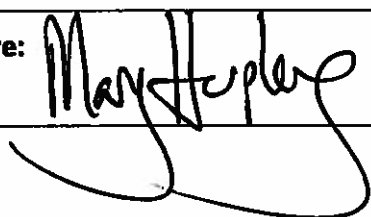
I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: Mary Harpley

Position: Chief Officer

Signature:



Date: 9 May 2019

## PART 1 - NON-CONFIDENTIAL FACTS AND ADVICE

### Decision required – supporting report

#### 1. Introduction and background

- 1.1. Results from the staff survey at the end of 2017, identified three key areas of action for the organisation;
  - Reward and Recognition,
  - Resources and Wellbeing,
  - Performance, Diversity and Inclusion.
- 1.2. Three corresponding Working Groups were set up, each with an Executive Sponsor and two SMT leads. The brief for the SMT's was to consult with staff across the GLA via small groups and staff networks, to identify and address issues with some quick wins and longer-term action.
- 1.3. As part of the Performance, Diversity and Inclusion workstream, 500 staff completed a follow-up survey focussing on Bullying and Harassment. Further qualitative feedback was also gathered during two staff feedback sessions which included staff networks and Unison. Working Groups presented their findings to CMT in November 2018.
- 1.4. Results from the bullying and harassment surveys, identified issues with the Grievance Procedure, as summarised below;

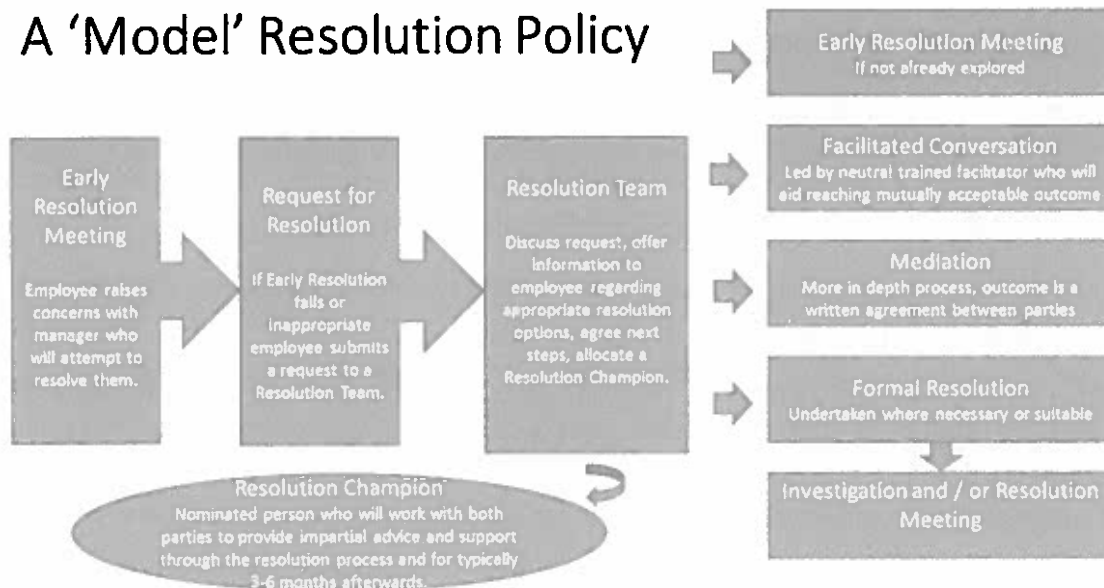
### Internal Issues Identified with the Grievance Procedure

The current Grievance Procedure meets the legal requirements BUT .....



- 1.5. Reviewing the findings, CMT committed to two actions in early 2019; a review of the current Grievance Procedure, in particular how issues could be more quickly tackled, and setting up an 'allies and buddies' scheme to support peers.
- 1.6. HR undertook extensive research on alternative conflict resolution processes, engaged with Unison to seek their views and presented proposals for a Resolution Policy to CMT in February 2019.
- 1.7. A Resolution Policy still meets the statutory requirements and the ACAS Code of Practice on Dispute Resolution. It will enhance the current Grievance Procedure by adding more informal routes of resolution, more support for staff, a specialised pool of staff trained in conflict resolution techniques and training for all line managers to better equip them to handle difficult conversations using key skills from mediation and facilitation techniques.

1.8. A 'model' Resolution Policy is summarised below.



- 1.9. Early engagement with Unison identified that they were supportive of a Resolution Policy approach.
- 1.10. Reviewing HR recommendations and Unison feedback, agreement was given by CMT in February 2019 to implement such a model in the GLA (which includes a 'Resolution Champion' or 'allies and buddies' role), subject to the requirements for consultation as set out in the Recognition Agreement with Unison and the HOPS Scheme of Delegation.
- 1.11. To successfully implement the Resolution Policy at the GLA will necessitate upskilling of staff and line managers to undertake specific roles within the policy and to undertake a programme of communication and engagement with staff so that they understand the scheme and how they can use it.
- 1.12. The request for budget of up to £100k is to procure consultancy and training over a three-year period to resource and implement a Resolution Policy at the GLA.
- 1.13. The estimated cost of this budget request is based on the requirements set out in the specification section of the ITT and based on standard industry day rates. Tendered rates maybe different as will be part of a package bid and may include discounts for economies of scale.
- 1.14. The fee is one of four evaluation criteria of the ITT and given a 20% weighting. In line with TfL procurement advice, the contract value has not been shared with potential suppliers to ensure best value.

## 2 Objectives and expected outcomes

### Objectives:

- 2.1. Design an end to end Resolution Policy and Procedure, which encompasses both informal and formal resolution.

- 2.2. Ensure that this process is appropriate for the GLA and fits in with other existing processes.
- 2.3. Design all roles, structures and processes in the new Resolution Policy.
- 2.4. Design and deliver all training needs for the new Resolution Policy over an initial 3-year period.
- 2.5. Design and deliver a clear communications plan for the organisation to launch and embed the new policy and enable the culture change required.

Expected outcome of the consultancy service:

- 2.6. Data gathering and analysis of the organisational context, regarding conflict, and understanding of the current grievance procedure and its use and application.
- 2.7. Design an end to end Resolution Policy and Procedure, which encompasses both informal and formal resolution.
- 2.8. Within the procedure to include the following roles, structures and processes, however this is not an exhaustive list and we expect interested consultancies to include in their proposals other additional elements:
  - a) A clear way for employees to raise their concerns and to request support in seeking a resolution.
  - b) When a request is received, a process and group of appropriate individuals within HR (and potentially other stakeholders) to determine the appropriate resolution routes to consider, and whether informal or formal resolution should be sought.
  - c) 'Resolution Champion/ Ally/ Buddy'- a pool of independent (outside of HR) internal colleagues who signpost the process and provide support, but who do not act to solve or take responsibility for the problem/ issues. The employee, who has requested support in seeking a resolution, would then have a dedicated Resolution Buddy for a defined period of time.
  - d) Internal facilitators- a pool of internal colleagues who would provide facilitation support where there is a conflict.
  - e) Mediators- initially these roles are to remain being carried out by an external provider (we have a current arrangement in place) but would review annually.
  - f) A review of the current formal grievance procedure.
  - g) A GLA case management system to be designed for all requests for resolution.
- 2.9. Design and delivery of training for all new responsibilities and processes in the new Resolution Policy.
- 2.10 Design communications and engagement for the organisation, on the new Resolution Policy.
- 2.11 Design and delivery of a 1-day training programme for all line managers (c.300) on the new process, and to equip with facilitation and conflict management skills.
- 2.12 The initial programme will run over a 3-year period to maintain the pool of staff with specific roles, to complete delivery of training for all line managers and to review and evaluate the process.

### **3 Equality comments.**

- 3.1 Equality, diversity and inclusion (EDI) considerations need to be taken into consideration in the design of this proposed new policy and process, the likely potential impacts, both positive and negative.

- 3.2 The Mayor's Equality Diversity & Inclusion Strategy outlines that the GLA needs to be 'Leading by example', specifically, we should be an inclusive employer. The objective which directly links to this decision is: *To take the steps needed to ensure that all organisations within the GLA group have open and inclusive cultures and are great places to work.* This is further reflected in the Mayor's Good Work Standard which sets out in an organisation *everyone feels able to speak up and contribute.*
- 3.3 The proposed new Resolution Policy will support all colleagues to more effectively raise concerns, resolve conflict and have greater trust and belief in the resolution process. This directly links to the aim of an open and inclusive working culture. Concerns and conflict may be linked to protected characteristics, this policy and process will provide staff with the appropriate channels, support and process to raise their concerns, and for all parties to work towards a positive resolution.
- 3.4 To ensure that there is no potential for discrimination against specific groups, in the procurement and design of this proposed new process, Unison and Staff Network representatives will be invited, alongside HR, to form the evaluation panel to appoint the successful bid for the work. HR will also continue to work collaboratively with Unison and the Staff Networks on the design and rollout, this will be above and beyond the formal consultation with staff.
- 3.5 It is therefore concluded that there is no potential for this project to discriminate against specific groups. The end outcome of a new Resolution Policy is expected to have a positive impact for staff and will directly support the fostering of good relations between people who share a protected characteristic and those who do not (in line with our Public Sector Equality Duty).

#### **4 Other considerations: Key risks and issues**

- 4.1 Timeline not being achieved. The procurement will be for a 3-year contract and the GLA Officers will hold regular contract meetings with the supplier to ensure that the project is delivered as set out in the specification and project plan to agreed timeframes. Where potential issues are identified which may affect the timeline these will be highlighted to the supplier and solutions sought. The project/Transformation Team will be kept informed of project progress, issues and solutions at all times.
- 4.2 Staff and line managers not understanding or engaging with the new process. This will be mitigated by a comprehensive implementation and communications plan which will include line manager upskilling over a 3-year period. Regular evaluation of the Resolution Policy implementation with the supplier and those in key roles, will enable early identification of any difficulties.
- 4.3 Current grievance cases falling between the change in process. This will be mitigated by an assessment of all 'live' grievance(s) and review of their status with relevant staff. Depending on the stage reached and where practical, a meeting with the individual who raised the grievance will occur with other relevant stakeholders to agree whether the case continues via the 'old' or 'new' policy.
- 4.4 Staff survey results do not reflect investment in the Resolution Policy. Evaluation of the Resolution Policy is built in to the tender specification and includes quantitative analysis through the case management system, feedback from participants and reflective practice for those holding positions within the policy. Evaluation will be complex as a rise in grievance or number of informal cases may not be indicative of the Resolution Policy failing and could be viewed more positively in that staff feel better able to raise concerns.
- 4.5 Links to Mayoral strategies and priorities - this has been addressed in section 3: Equality comments.
- 4.6 Change to the Grievance Procedure is a change to Terms and Conditions and employment policies and will therefore require consultation with Unison, the GLA Oversight Committee via the HOPS protocol and the Mayor. It is anticipated that consultation with Unison and the Mayor will take place in June 2019 and the Oversight Committee will be consulted at the 16 July 2019 meeting.

- 4.7 The proposal includes the requirement of a GLA case management system to be designed for all requests for resolution. This will ensure that all data submitted is processed appropriately and in line with GDPR requirements. All roles will have training, to ensure that they understand their responsibilities, including consideration for data protection and health and safeguarding concerns.

## **5 Financial comments**

- 5.1 Approval is being sought for expenditure of up to £100,000 over a three-year period to fund the procurement of consultancy and training services as part of the new Resolution Policy to replace the current Grievance Procedure. The costs will be met from the Chief Officer's Transformation Fund.

## **6 Legal comments**

- 6.1 The foregoing sections of this report indicate that the activity in respect of which approval is sought may be considered to be facilitative of and conducive to the GLA's discharge of its general functions and officers have complied with the GLA's related statutory duties to:
- Pay due regard to the principle that there should be equality of opportunity for all people;
  - Consider how those proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
  - Consult with appropriate bodies.
- 6.2 The services required must be procured in accordance with the GLA's Contracts and Funding Code, in liaison by TfL Procurement who will determine the procurement strategy and officers must ensure that appropriate contract documentation is put in place and executed by the successful bidder(s) and the GLA before the commencement of the services.
- 6.3 In taking the decisions requested, the Chief Officer must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). To this end, the Chief Officer should have particular regard to section 3 (above) of this report.
- 6.4 Under the Greater London Authority Act 1999 (as amended), the Head of Paid Service may, after consultation with the Mayor and the Assembly and having regard to the resources available and priorities of the Authority:
- appoint such staff as she considers necessary for the proper discharge of the functions of the Authority (section 67(2)); and
  - make such appointments on such terms and conditions as the Head of Paid Service thinks fit (section 70(2)).
- 6.5 The Assembly has delegated its powers of consultation on staffing matters to the Assembly's staffing committee, currently the GLA Oversight Committee.
- 6.6 After consultation with the Mayor and the Assembly, the GLA Head of Paid Service Staffing Protocol and Scheme of Delegation (the "Staffing Protocol") was adopted by the Head of Paid Service in November 2009 and revised in July 2018. The Staffing Protocol sets out the Authority's agreed approach as to how the Head of Paid Service will discharge her staffing powers contained in sections 67(2) and 70(2) of the Greater London Authority Act 1999 (as amended).

- 6.7 Paragraph 7.2 of the Staffing Protocol says that, *"The HOPS is responsible for determining terms and conditions for GLA staff (outside of the statutory officers and the Mayoral appointees) with the exclusion of staff transferred under a statutory transfer (TUPE)."* Paragraph 7.1 of the Staffing Protocol says that *"Terms and conditions for the purposes of this Protocol means terms and conditions of employment that apply to all GLA staff appointed by the HoPS and includes all employment policies and procedures (whether contractual or not)."*
- 6.8 The decision set out above falls within the definition of 'determining terms and conditions' contained within the Staffing Protocol so requires approval from the Head of Paid Service (who must be satisfied that the proposals are appropriate taking into account the priorities of the Authority, need for the Authority to properly discharge its functions, available resources of the Authority and need to comply with legislative changes/ statutory requirements). Unison must also be consulted and the Head of Paid Service must take its views into consideration when making her decision. A report must also be sent to the Chief of Staff (on behalf of the Mayor) and to the Assembly's staffing committee, currently the GLA Oversight Committee, (on behalf of the Assembly) containing the proposed changes and appropriate background information.

## 7 Planned delivery approach and next steps

Activity	Timeline
Procurement of contract	May 2019
Announcement (internally of procurement outcome and next steps)	June 2019
Consultation with staff, Unison, Mayor and Assembly over new policy	July 2019
Commencement of training	August 2019
Delivery End Date	May 2022
Project Closure	June 2022

### Appendices and supporting papers:

None.

### Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

### Part 1 - Deferral

**Is the publication of Part 1 of this approval to be deferred? YES**

If YES, for what reason: The DD contains information the disclosure of which, before the conclusion of procurement activity, would prejudice the commercial interests of the GLA, impacting upon its ability to secure value for money which would not be in the public interest.

Until what date: 31 May 2019

### Part 2 - Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

**Is there a part 2 form - NO**

### ORIGINATING OFFICER DECLARATION:

Drafting officer to  
confirm the  
following (✓)

#### Drafting officer:

Laura Heywood has drafted this report in accordance with GLA procedures and confirms the following:

✓

#### Assistant Director/Head of Service:

Charmaine DeSouza has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

#### Financial and Legal advice:

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

#### Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 7 May 2019.

### EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

Date

9.5.19