

# Subject: Consultation on New Resolution Policy

Report to: GLA Oversight Committee

Report of: Chief Officer

Date: 3 September 2019

This report will be considered in public

## 1. Summary

- 1.1 In this report, the Chief Officer outlines proposals to replace the existing Grievance Procedure with a new draft Resolution Policy and Procedure (**Appendix 1**). The changes proposed build on the Grievance Procedure Review 'direction of travel' paper presented to the GLA Oversight Committee on 16 July 2019 (Background Paper 1) and incorporate the feedback received to date.

## 2. Recommendation

- 2.1 **That the Committee responds to the Chief Officer on the proposal to introduce a new draft Resolution Policy and Procedure.**

## 3. Background

- 3.1 The Grievance Procedure Review 'direction of travel' paper presented to the GLA Oversight Committee on 16 July 2019, sets out the background and rationale for considering a change to a resolution focussed policy. The proposals were in response to several internally identified needs and also in keeping with external conflict resolution developments in terms of theory and practice.
- 3.2 Building on the 'direction of travel' work, informal engagement has continued with key stakeholders and included:
- *Process Mapping Event* – a working party (including representative colleagues from Unison, staff networks, HR business partner teams, diversity and inclusion team and management) met to discuss the resolution policy in more detail and give feedback on key areas of the procedure;
  - *Policy round table discussion and 1-2-1s* – staff were invited to attend a round table discussion or to a private 1-2-1 discussion with our partner consultants TCM to share their experience of the existing grievance procedure and comment on changes to a resolution focussed procedure.
- 3.3 Overwhelmingly, feedback from these events was that the shift to resolution would be welcome and staff appreciated the focus on this topic. Staff agreed that there would always be cases that needed to go through the formal processes and felt the advantages of increased means of informal resolution were:
- A variety of accessible informal routes so that issues didn't have to be made formal;

- That a diverse population of staff would be involved either as champions or on the resolution team;
- That issues could be processed in a timelier way – TCM reported that the time gaps in resolving issues under the Grievance Procedure was felt to be very problematic by participants and was a recurring theme in their research.

There were some areas of debate which included:

- Whether submission of a Request for Resolution Form at the informal stage of the process made it seem too formal;
- Whether Resolution Champions should be accessible without submitting a Request for Resolution;
- Whether there would be sufficient interest from staff to undertake the resolution roles, in particular the Resolution Champion;
- The role of the line manager in the resolution process.

3.4 The draft Resolution Policy and Procedure presented with this paper, takes account of all the informal feedback gathered from stakeholders to date. Where there were areas of debate, the authors of the draft procedure have taken the majority view as a starting point and will review again following feedback from the formal consultation processes.

## **4. Issues for Consideration**

4.1 The Committee is asked to review and consider the new draft Resolution Policy and Procedure.

### **Key Changes**

4.2 To assist the Committee, the key changes are as follows:

- The language of the Resolution Policy and Procedure has been simplified and resolution focused terminology has been used throughout.
- To supplement the informal stages of the procedure, the draft procedure introduces:
  - a) a Resolution Team – a small multi-disciplinary team comprised of the following roles: case assessor, facilitator and investigator. Mediators will also be part of this team and in the short-term, we intend to continue to use accredited external mediators with a review in 12-months;
  - b) a multi-disciplinary pool of Resolution Champions who will sit outside of the resolution processes, and offer peer-to-peer support and signposting;
  - c) Facilitated Conversation – this is a new stage of informal resolution and potentially will be the most widely used part of the procedure. The facilitated conversation will be led by one or two trained members of the Resolution Team and the process draws on the principles of mediation but is shorter and less structured;

d) Support and education to line managers to be able to deal confidently with difficult conversations and issues that arise in the workplace.

- Review of formal stages – the process has been simplified to more closely reflect the language and steps of the ACAS Code of Practice on Discipline and Grievance Procedures. A chair will be appointed by the line manager in conjunction with the Resolution Team and will, where possible, be from a different part of the organisation from the person raising the complaint. Depending on the circumstances, the formal meeting may be with one or both parties.
- A number of appendices to the policy are still being drafted and will include role profiles, guidance documents, toolkits and a Frequently Asked Questions.

- 4.3 To support the implementation of the policy, a large investment in upskilling is planned to include facilitation and investigation skills training, 1-day training for the Resolution Champion members and conflict management training for all line managers.
- 4.4 Development of the current HR database system is planned to enable documentation of the key stages of resolution process.
- 4.5 A communication and engagement plan is in development in conjunction with the Internal Communication and Learning & Organisational Development Managers to support and embed the policy once agreed.
- 4.6 Based on these revisions, the new draft Resolution Policy and Procedure meets the original requirements of the Corporate Management Team for more informal and quicker means of resolution plus the additional peer support for employees that was identified. It further meets statutory obligations and the relevant ACAS Code of Practice.
- 4.7 It is anticipated that the new Resolution Policy and procedure would reach wider than simply being a new document. It is envisaged that the policy will help improve workforce dialogue, improve employee relations and ensure managers and supervisors are confident in managing conflict and holding difficult conversations. This work would contribute towards our aim to be an exemplar employer and assist our organisational self-assessment of the Skills and Development Pillar of the Mayor's Good Work Standard.

### **Equality, diversity and inclusion**

- 4.8 Equality, diversity and inclusion considerations are central to all of the policy and procedure 'root and branch' reviews as part of the transformation programme and due diligence undertaken to ensure compliance with the Equality Act 2010.
- 4.9 One of aims of the Resolution Policy and Procedure is to make the process of raising a concern less onerous, with more routes of informal resolution and support. It is hoped that through these changes, the procedure will be accessible to all - in particular, employees with a protected characteristic who may not have felt confident to address the issues they are facing. In addition, at implementation, it is envisaged that consideration will be given to the pool of employees holding positions within the policy to ensure they are reflective of the GLA's diversity as far as possible.
- 4.10 To ensure that there is no potential for discrimination against specific groups, Unison and Staff Network representatives (including the newly formed GLA staff Disability network) have been invited to informally collaborate on the policy revisions. Formal consultation with Unison will follow.

## **5. Next Steps**

- 5.1 In accordance with the GLA Head of Paid Service Staffing Protocol and Scheme of Delegation (the "Staffing Protocol"), formal consultation with Unison is required for the proposal to introduce a new Resolution Policy and Procedure as it relates to changing the terms and conditions of employment of existing employees. Unison will therefore be consulted about the proposal to introduce a new Resolution Policy and Procedure.
- 5.2 In accordance with paragraph 7.4 of the Staffing Protocol, this report sets out the proposal to introduce a new Resolution Policy and Procedure and appropriate background information. The GLA Oversight Committee is therefore asked to review and consider the proposed new Resolution Policy and Procedure and note that progress will continue to engage Unison and staff.

## **6. Legal implications**

- 6.1 Under the Greater London Authority Act 1999 (as amended), the Head of Paid Service (the "HoPS") 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 the HoPS considers necessary for proper discharge of the functions of the Authority (section 67(2)); and
  - make such appointments on such terms and conditions as the HoPS thinks fit (section 70(2)).
- 6.2 The Assembly has delegated its powers of consultation on staffing matters to the Assembly's staffing committee, currently the GLA Oversight Committee.
- 6.3 After consultation with the Mayor and the Assembly the Staffing Protocol was adopted by the HoPS in November 2009 and revised in July 2018. The Staffing Protocol sets out the Authority's agreed approach as to how the HoPS will discharge the staffing powers contained in sections 67(2) and 70(2) of the GLA Act 1999 (as amended).
- 6.4 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." 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)."
- 6.5 The introduction of a new Resolution Policy and Procedure would fall within the definition of 'determining terms and conditions' contained in the Staffing Protocol so would require approval from the HoPS and formal consultation with Unison. This report contains the proposed changes and appropriate background information and is required to be submitted to the GLA Oversight Committee (on behalf of the Assembly) under paragraph 7.4 of the Staffing Protocol.

## 7. Financial implications

- 7.1 Approval was given under Director's decision 2357 for expenditure of £100,000 over a three-year period in relation to a new GLA dispute resolution policy. The costs arising will be met from the Chief Officer's Transformation Fund.

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### List of appendices to this report:

Appendix 1 – New draft Resolution Policy and Procedure

Appendix 2 – Existing Grievance Procedure

<b>Local Government (Access to Information) Act 1985</b>
List of Background Papers: <a href="#">Review of Grievance Procedure</a> , 16 July 2019 – GLA Oversight Committee
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