

Resolution Policy & Guidance

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Senior owner	Assistant Director of HR & OD
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Resolution Policy

1 Introduction

The GLA believes that a positive working environment and good working relationships have a substantial impact on our well-being and engagement leading to better performance, improved colleague retention and reduced stress and absence. We are committed to ensuring that all our employees are treated with dignity and respect.

Disputes, concerns or complaints are a natural and inevitable factor for any organisation. Focusing on resolving workplace issues constructively will help us to create and sustain a positive working environment where we can all thrive. Resolution that is secured by the people involved is more likely to be mutually acceptable and to endure over the longer term than one that is imposed.

Our Resolution Policy enhances and replaces the Grievance Procedure. It offers a timely, supportive and proactive approach for resolving workplace issues and is designed to secure constructive and lasting outcomes.

This policy includes both informal and formal resolution processes. Most issues can be resolved through informal dialogue and we encourage you to use the informal resolution methods first and will support you to do so. We may recommend formal resolution where the informal processes do not resolve matters or in more serious cases.

We are working to create a culture of inclusivity where all staff are engaged, but this cannot be achieved if anyone feels excluded. We believe the Resolution Policy and Procedure provides an accessible process and level of support to enable everyone to constructively resolve any issues they have.

2 Scope

This policy applies to all current Members and employees (excluding temporary agency staff). There are modifications for Mayoral appointees, Executive Directors and Statutory Officers which are covered in the Special Circumstances section.

It can be used to resolve all types of issue including concerns, problems, disagreements, disputes, complaints or grievances. In the policy and procedure, we may use one of these terms to mean any or all of them and also use the general term "issues". It is for individual or collective (group) complaints.

A complaint or concern related to action taken under another policy and procedure will be managed through the related appeals process. This includes the disciplinary procedure, capability procedure, sickness absence policy, probation procedure, job evaluation scheme, management of change procedure.

In order that issues are addressed promptly, you must raise it as soon as possible and within **three** months of the matter complained about taking place.

3 Key principles

We aim to ensure good working relationships and to settle issues promptly, fairly and as close as possible to the point of origin. We will:

- encourage managers and employees to seek early resolution to issues
- ensure that these issues are treated fairly and consistently
- encourage positive employee relations and help resolve conflict, in all its forms, constructively and effectively
- encourage open communication between employees, their colleagues, and managers so that questions and problems can be aired and, where possible, resolved quickly and to the satisfaction of all concerned
- keep you informed about progress and any delays
- provide the following to help resolve issues:
 - early resolution meetings between the parties concerned
 - facilitated conversation
 - mediation
 - investigation/fact finding
 - formal resolution meeting
 - final appeal.

This guidance takes account of employment legislation, statutory obligations and relevant codes of practice and ongoing internal developments.

4 Roles and responsibilities

Everyone is expected to:

- try to resolve the issue informally
- show respect for others
- work together to resolve the issue
- feel confident that by raising an issue it will not impact negatively on themselves or their career when the issue is raised in good faith; anyone who does victimise another employee for raising an issue or concern may be subject to disciplinary action
- maintain confidentiality at all times - including once the process has been concluded.

We understand that being in conflict and the prospect of talking to somebody about this can be stressful and unsettling. However, we believe that a conversation, whether it is directly with the other person or with the help of a third party (a mediator or a facilitator) is the most effective way of resolving disputes, concerns and complaints. We have put systems in place to support and guide you through the process and you also have 24/7 confidential access to the Employee Assistance Programme ([insert link](#)).

Employee responsibilities

Issues should be raised at the earliest possible opportunity in order that positions don't become entrenched and the situation does not escalate. We expect you to speak to the person concerned to resolve any differences you encounter in the workplace and to raise with your manager any concerns that you are not able to resolve directly yourself (or a senior manager as appropriate).

Line manager responsibilities

The role of the manager is central in resolving conflict in the workplace, both at informal and formal stages. We expect our managers to create and sustain a positive working environment where employees feel able to come to them direct with their concerns and where issues can be resolved quickly, cooperatively and amicably – we call this Early Resolution. As such, we expect all managers to:

- encourage and engage in respectful conversation
- actively seek out opportunities to resolve problems before they escalate
- engage actively and fully in facilitation and mediation processes, when required.

Our managers need the confidence to have difficult conversations and the Resolution Team is available to coach and support managers to help them to achieve positive and lasting outcomes from disputes, concerns or complaints.

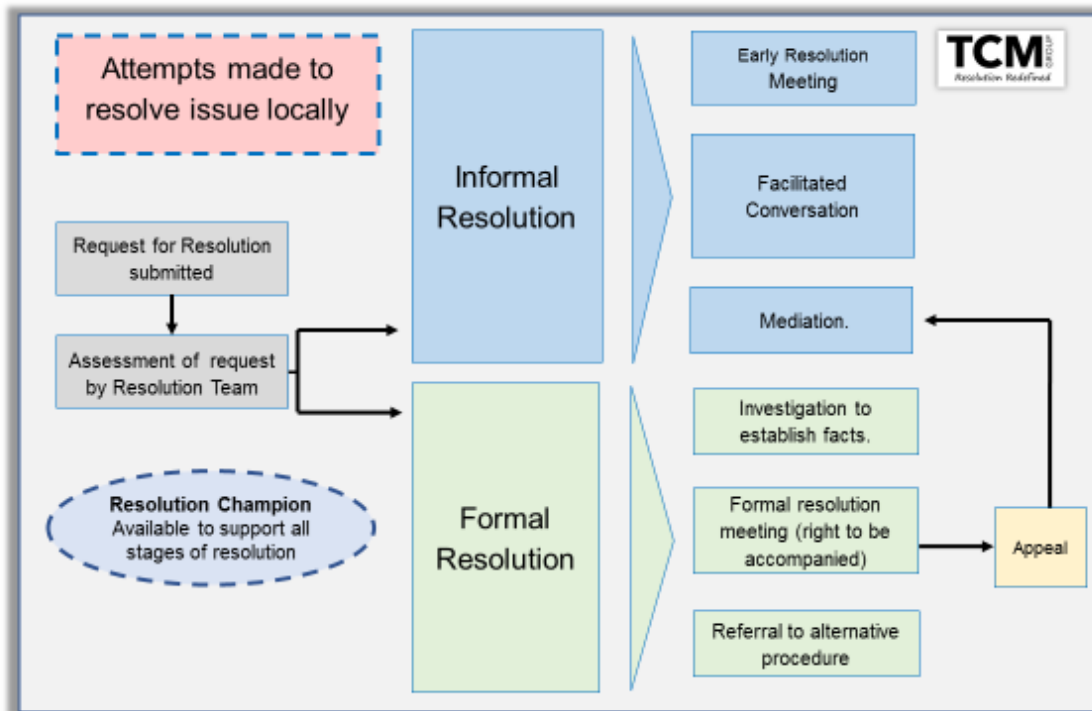
Resolution Procedure

5 Introduction

The Resolution Procedure follows the principles as set out in the ACAS Code of Practice on Discipline and Grievance.

The process map below provides an overview of the procedure. Each of the elements of the Resolution Pathway are explained in more detail below the flowchart.

Resolution procedure overview



Developed with the TCM Group.

We aim to foster a culture and workplace where all parties engage with one another constructively. This will enable the majority of issues to be resolved locally and without the need for further elements of the pathway.

Rather than submitting a grievance, we now refer to the initial stage of the procedure as submitting a Request for Resolution. The 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 one (or more) of our Resolution Team
- independent mediation delivered by a fully trained and accredited external mediator
- a formal resolution meeting to offer determination of the case in the event the above steps are unsuitable or unsuccessful
- right to appeal following formal resolution meeting outcome.

6 Resolution Team

The Resolution Team is a multidisciplinary team representative of the organisation and includes trade union representatives. Resolution Team members are experts in the resolution process and will have specific roles including case assessment, support of resolution by chairing facilitated conversations or undertaking investigations. The Resolution Team will meet on a six-monthly basis for reflective practice, to review case management and policy effectiveness.

7 Resolution Champions

Our Champions are a multidisciplinary staff group, separate to the Resolution Team, who are available at any stage of resolution to provide peer support and impartial advice and guidance for all parties where it is required. Often it can be helpful to discuss an issue with someone not directly involved, as it can help gain a different perspective on the issue and help you decide on the best course of action.

Resolution Champions do not give legal advice, undertake analysis of the merits of the case or resolve issues. They will be able to answer your questions about the policy and procedure, signpost you to additional sources of support and maintain contact throughout the resolution process and for a period afterwards (typically 3-6 months). The aim of providing this level of aftercare is to help embed the agreed solution. They can also act as a support in instances where further issues come to light.

You can contact a Resolution Champion at any time and if you have not already made contact. Once a request for resolution is submitted, a Resolution Champion will be assigned to all parties. For a list of current Resolution Champions and their role profile, please see xxx

8 Resolving issues locally

We believe the first and most important step in resolving conflict at work is to have a prompt, informal conversation with the person that is causing the concern, to try to find an outcome that is acceptable to both parties. Where you can't resolve concerns in this way, discuss this with your manager for advice or with your senior manager where appropriate.

You may need help in preparing for conversations and a Resolution Champion or trade union representative can provide advice. Further guidance is contained in XXX

9 Request for Resolution

If you have raised the issue with your line manager and don't feel the issue is resolved or the nature of the issue makes this difficult, you and/or the other party can submit a Request for Resolution. To do this, please email the Resolution Team at resolution@london.gov.uk you may wish to copy your line manager, or senior manager as appropriate.

You can keep your email quite brief, but it would be helpful if it covers the following points in order to give the Resolution Team an outline of the issue;

- explain the areas that you wish to have resolved and what you hope to achieve through resolution including what a fair outcome might look like
- explain the impact of the situation on you
- set out how you have tried to resolve the issue to date.

On receipt of the email, a member of the Resolution Team will contact the manager, to assess the appropriate route of resolution. The following factors will be considered at the resolution assessment stage:

- the seriousness and complexity of the issues being raised
- the parties' willingness to engage in a resolution meeting, a facilitated conversation or a mediation process
- previous attempts to resolve the situation
- previous complaints.

Following this assessment, a member of the Resolution Team will contact you and suggest the most appropriate route to resolution. Emphasis will be placed on informal resolution which could be early resolution, facilitation or mediation.

Whilst facilitation and mediation remain voluntary, they are proven to be highly effective. We expect you to give these processes serious consideration and not to rule them out without good reason. For more information about the role of the Resolution Team and current members please refer to XXX.

10 Informal Resolution

Early Resolution Meeting

Many workplace issues can be resolved at the Early Resolution Meeting stage. It provides an opportunity for managers and employees to discuss issues in a supportive and constructive forum. If you have not already tried to informally resolve your issue locally, you may be encouraged to have a direct conversation with the other person to try to resolve the issue. If you need to involve somebody else, the options are explained below.

Facilitated Conversations

The Facilitated Conversation is a confidential discussion between all parties which draws on the same principles as mediation. However, it is shorter and less structured than mediation and brings people together at an earlier stage of the dispute. It provides a safe, confidential, environment for you to discuss your concerns in a supportive, constructive way. It will be led by one of the members of the Resolution Team who are trained facilitators.

The facilitator – usually just one, but there may be two - will create the opportunity for a conversation between yourself and the party you have an issue with in order to reach a mutually acceptable outcome. The facilitation process may include:

- a separate private meeting with the facilitator(s)
- a facilitated face to face meeting
- reaching agreement and closing the meeting

Most facilitated conversations are completed in half a day. The facilitation process is confidential, and the facilitators are trained to a high standard. They will remain neutral and non-judgmental throughout the process. Information to help you prepare for a facilitated meeting is given in Appendix XXX

Mediation

Mediation is a more in-depth resolution process which is proven to be highly effective at resolving workplace disputes, disagreements, complaints or concerns. If all parties

agree to take part in mediation, your issue will be referred to one of our external, accredited mediators. The mediator will contact both parties by phone and explain the principles and processes of mediation. The mediation process includes:

- a phone call with the mediator(s)
- two separate private meetings with the mediators(s)
- a facilitated face to face meeting
- reaching agreement and closing the meeting

Most mediations are completed in one full day, it may take longer if more than two people are involved. Mediation is a voluntary and confidential process.

The mediator will help the parties have an open and honest conversation with the aim of identifying a mutually acceptable outcome. If this is the case, the mediator will encourage parties to draw up an agreement.

After mediation has finished you may agree that, if appropriate, others can receive a copy of this final written agreement. However, we will not receive any other feedback from the mediator about issues raised and discussed or any other factors raised during the mediation process. Information on mediation is given in Appendix xxx.

11 Formal Resolution

We encourage you to try and resolve workplace issues through the options described above. A formal process is available where it has not been possible to resolve matters informally, either due to the complexity or serious nature of the complaint, or there may be occasional issues where formal resolution is the only viable option.

If you feel your issue can not be resolved informally, despite all efforts to do so, you should email your immediate line manager, or senior manager, as appropriate, setting out your request for formal resolution. Your email should include:

- confirmation that you want to use the formal stage of the grievance process
- what informal steps have been taken to resolve the issue
- a full statement of the reasons for the complaint, including any relevant facts, dates, names of individuals involved and the documentation to be referred to
- what outcome you are seeking.

The manager, together with the Resolution Team, will appoint a management colleague as the chair for the formal stages of the process. The chair will be at an appropriate management level to the parties involved in the issue and from outside the team or unit concerned. With the Resolution Team they will advise on the appropriate steps of Formal Resolution which will involve one or more of the following:

- investigation/fact finding
- formal Resolution with the right to appeal the outcome
- referral to an alternative policy/procedure.

The chair will oversee the formal resolution process and decide the outcome of that process in terms of a formal recommendation for resolution.

What you can expect during formal resolution

The following provisions apply to all formal meetings at the investigation, formal resolution meeting or appeal stage:

- You will be invited in writing to the investigation and/or formal resolution meeting
- Either party may bring a trade union representative or GLA colleague to any formal meeting. The person accompanying you can address the meeting to put your case, sum up the case, respond on your behalf to any view expressed at the meeting but not respond to any questions asked directly of you.
- Information provided by either party will be shared with the other party and their representative. If an investigation report has been produced, this will be available to the person raising the complaint and the subject of the complaint ahead of the resolution meeting. This will also include any witness statements to ensure openness and transparency in the investigation process. Witnesses would not normally attend the resolution meeting.
- A copy of the Resolution Policy will be made available to all parties before the meeting.
- A note-taker may attend the meeting. Notes will be sent following the meeting and without unreasonable delay. If you have changes, we will attach them to the original.
- Where possible, meeting times will be agreed with all parties. You must make every effort to attend. If you or your representative can't attend, you can suggest another date which must be within 5 working days of the original date. This may be extended by mutual agreement.
- If you do not attend, due to circumstances outside your control, the manager will re-arrange the meeting. In the case of illness, we may refer you to Occupational Health for their advice as to whether you are well enough to attend the meeting.
- If you do not attend and do not have a good reason, the chair may make a decision in your absence based on the information they have available.
- The outcome of a formal resolution hearing or appeal will be confirmed in writing after the meeting and without unreasonable delay
- Arrangements and timescales may be varied by the chair in consultation with the Resolution Team to deal with any practicalities, sensitivities or equality considerations. If timescales are varied, you will be informed of progress.

Investigation/fact finding

If your issue is particularly sensitive or complex, an investigation may be appropriate prior to the formal meeting. The purpose of the investigation is to discover all the relevant facts and information in a fair, reasonable and objective manner. An investigator will be appointed by the chair and will be supported by a member of the Resolution Team who is trained in investigation skills. Investigators will be unbiased and neutral without personal or close professional links with the main parties or any other perceived conflict of interest with the case. They must also have the time available to reach a timely conclusion to the investigation.

The chair will make the terms of reference for the investigation clear to the investigator from the start, e.g. the incident(s), who was involved, the format of the final report, who they are reporting back to.

Once the investigation is concluded, the investigator will analyse all the evidence objectively and with impartiality and will write an investigation report for use by the

chair. Further guidance on investigations is contained in Appendix XXX.

Formal resolution meeting with the right to appeal the outcome

At a formal resolution meeting, the chair will meet you and the other party, either separately or together, without unreasonable delay. You will be able to talk about your concerns and explain how you would like them to be resolved.

At the meeting the decision maker will confirm the known facts and decide if any further action will be taken. The chair will:

- Clarify points which aren't clear to ensure a common understanding and to establish the facts.
- Ask what attempts have been made to resolve the issue informally.
- Use open questions (what, how, why) to encourage more information to be shared.
- Use precise closed questions only where specific information is needed.
- Avoid leading questions.
- Allow you to ask questions and present evidence.
- At any point during the meeting, allow those present to ask for a short break, e.g. if the employee would like to speak to their representative. In exceptional circumstances the chair may need to make further enquiries (in these cases it would normally be better to break at the end of the meeting and continue at a later date).
- Summarise the main points of the case and let you know when they will make their decision.

Deciding the outcome

Following the meeting, the chair will review the facts and decide the outcome and recommendations for resolution. The chair will write to you to let you know the decision without unreasonable delay and, where appropriate, will set out what action we intend to take to resolve the issue, which may include a recommendation for mediation. You will be informed that you can appeal the decision if you are not content with the action taken.

Referral to an alternative policy/procedure

In some cases, the issue may relate to another policy or procedure. For example, where behaviour is clearly misconduct, the issue would be considered via the disciplinary procedure. Investigation evidence from the resolution investigation will be used in the disciplinary investigation.

The employee who raised the complaint will be notified of this outcome and see the resolution investigation report, including witness statements, where appropriate. The employee can also share these with the companion who supported them at the meeting. Decision makers taking forward the disciplinary investigation or disciplinary meeting will also see the reports.

However, if there is a further investigation under the disciplinary procedure, the employee who raised the original complaint will not be given details of the process. They will not see the discipline investigation report or know the decision - this is personal and confidential to the person undergoing the disciplinary process.

Right of appeal

You have the right of appeal against the outcome of the formal resolution meeting within 10 working days from the date you are notified of the outcome. You should write to the Assistant Director of Human Resources and Organisational Development (HR&OD) and confirm which of the following grounds your appeal is based on:

- procedural errors where there is evidence the process was incorrectly followed
- new evidence has come to light that may change the outcome of the original decision
- fairness and reasonableness of the outcome.

Your written appeal must:

- make clear the grounds for the appeal and include all relevant new information or supporting evidence
- outline which of your issues you feel haven't been properly considered and why
- clearly state the desired outcome from the appeal.

Your appeal will be heard without unreasonable delay, where possible, by a manager who is senior to the chair who made the original decision and from a different part of the organisation. The Assistant Director of HR&OD will appoint an appeal manager.

The appeal will not re-hear your original issues, unless they were not properly considered. At the appeal meeting, the appeal manager will clarify their understanding of the basis for your appeal and ask relevant questions. Through discussion, they will explore solutions with you and attempt to resolve the issue. The appeal manager will write to you to let you know the decision. This will be the final stage of the process.

12 Special Circumstances

Mayoral, Executive and Statutory Officers

The Resolution Policy and Procedure applies to all employees and members with modifications for Mayoral appointees, Executive Directors and Statutory Officers as follows:

- The Head of Paid Service (Chief Officer), the Monitoring Officer and the Chief Finance Officer ("the Statutory Officers") – where this policy will be modified by the terms of the Statutory Officers Staffing Protocol.
- Staff appointed by the Mayor under s 67(1) of the GLA Act 1999 (as amended) - where this policy will be modified by the terms of the Protocol on Mayoral appointments.
- Where a complaint is raised by a director against the Head of Paid Service, this must be dealt with in accordance with the Statutory Officers Staffing Protocol.
- Where a complaint is raised by a director against any employee other than a Statutory Officer or in respect of any other matter, the Monitoring Officer or the Chief Finance Officer will act as the director's line manager for all stages of this procedure. The Head of Paid Service will hear any formal resolution appeal.

If you leave the GLA

You should raise your complaint without unreasonable delay and normally within three months of the incident. If you leave the GLA part way through the resolution procedure, the process will continue, and a written response will be given when the investigation has been completed. If the person who is the subject of the complaint leaves the department, but remains within the GLA, the resolution process will also continue to conclusion. However, if they leave the GLA, the chair will need to review whether it is possible to continue with the resolution process, as someone who has left cannot be compelled to participate in the ongoing process. They will let you know their decision.

For former employees, the following modified approach will apply and contains two steps:

- the former employee sends a written complaint to the Assistant Director of HR&OD
- a chair is appointed as set out in the formal resolution process
- following any necessary investigation, the chair will write to the former employee without unreasonable delay informing them of the decision.

The chair's decision is final and there is no right of appeal.

Collective Disputes

Where a complaint applies to more than one person, the details of the complaint must be set out in writing and signed by all who are party to the complaint. Normally one person should be nominated to represent the group. Details of a collective grievance will only be considered at one resolution meeting and (if applicable) one appeal hearing.

Where employee complaints are not identical or where there is not a full voluntary agreement amongst the complainants, the issue will be dealt with on an individual basis in line with this procedure.

13 Case and Records Management

Records will be kept detailing the nature of issues raised, managers' responses, the action taken and reason for the action. Records will be kept confidentially and in accordance with the GLA's policy on retention of records and data protection legislation.