

**Appendix 1****Resolving Workplace Concerns****1. Introduction**

We recognise from time to time our employees may have concerns at work. This procedure provides a structured way to deal with those concerns, and aims to address them promptly and effectively.

**2. Scope**

Employees should use this Procedure to raise work related issues that are affecting them directly.

This procedure does not apply to:

- issues that are covered by another policy e.g. an appeals process, appraisal rating disagreements, redundancy decisions etc.
- matters that are subject to collective consultation, for example where people are being consulted as a group in relation to organisational change or changes to terms and conditions.
- day to day management issues
- disagreements with Council policy

Concerns related to bullying or harassment should be raised under the Bullying and Harassment/Dignity at Work Policy.

Where a group of people have the same issue they may choose to raise a collective concern, and the group should nominate a spokesperson to take a lead in resolving the issue.

**3. Mediation**

Mediation can assist in resolving an issue and can be used at any stage of this procedure. Mediation is undertaken voluntarily with both parties agreeing to participate and is particularly effective where there are issues with a working relationship. A trained mediator will facilitate discussions and guide the participants to reach an agreed way forward. The mediator will generally be an independent member of the HR Advisory team who has had no prior involvement with the case.

Mediation can be successful where both the parties are genuinely willing to engage with the process and are open to examining their respective positions. This procedure will be put on hold to allow mediation to take place. If mediation is not successful this procedure can be re-commenced.

**4. Raising a workplace concern – Manager Resolution Meeting**

To try and resolve issues quickly, employees should raise any concerns directly with their line manager. This should be done as soon as possible and normally within 2 months of an issue arising (or within 2 months of the most recent incident if a complaint relates to a series of incidents). This ensures that the concern is considered whilst relevant information is still fresh in people's minds, and aims to prevent situations from escalating unnecessarily. The manager will arrange a meeting to discuss their

concerns. This meeting should take place as quickly as possible and should focus on understanding what the concern is and how it can be resolved.

It is crucial that the employee is specific in stating the outcome they wish to achieve as a result of this procedure.

Where an issue relates to an employee's line manager they should approach the next level of management. The line manager must inform HR Advisory of any issues raised under this procedure. HR will help support the manager in preparing for the meeting, but will not attend.

Employees requiring support to prepare for the meeting can discuss matters with their trade union representative. However the representative will not attend the meeting.

Further confidential and impartial support for all parties is also available via the Council's Employee Assistance Programme which is available free of charge 24 hours a day, 365 days per year by calling 0800 030 5182.

The manager will confirm the outcome of this meeting and any agreed actions by email or letter as soon as possible following the discussion, and advise them of their right of appeal.

## **5. Resolution Appeal Meeting**

If an employee is not satisfied with the outcome of the meeting with their line manager they can raise the issue in writing using the Resolving Workplace Concerns Appeal Form. If the appeal is raised by email/letter it should be made clear that they are doing so under this procedure.

The employee must also be clear on why they believe the issue was not resolved at the original meeting. The written appeal must be based on one or more of the following grounds:

- The manager has not followed the procedure
- Options for resolution have not been fully explored
- The outcome was not proportionate to the original issue raised
- There is new or different information that could lead to a different resolution
- Actions that were agreed by the line manager during the original meeting have not been fully undertaken.

The form should be submitted to the person with whom they originally raised the matter.

The Resolution Appeal Meeting will be conducted by a different manager from the one who held the original meeting. This will normally be the next level of manager, however where this is not possible, appropriate guidance should be sought from HR Advisory.

Wherever possible, the Resolution Appeal Meeting will be arranged by the manager within 7 calendar days of the receipt of a written concern. The manager will send a written invitation to the meeting (by letter or email), advising them of their right to be accompanied by a trade union representative or work colleague. At least 3 working days before the meeting, the employee should inform the line manager if they are being accompanied or represented at the meeting.

In preparation for the Resolution Appeal Meeting, the line manager may need to check the information provided by the employee and clarify anything that is unclear. The employee will be provided with copies of any documents that will be referred to during the meeting.

The manager will be advised at this meeting by a representative from HR. Notes will be made that record key points and actions agreed (the manager will arrange for a note taker to be present).

At the meeting the manager will:

- Ask the employee to explain the nature of their concern and why they believe their concern was not satisfactorily addressed at the original meeting
- Invite all parties to ask questions

What happens next will depend on the nature of the issue the complexity and how discussions have progressed.

Concern can be resolved	Additional information needed
<ul style="list-style-type: none"><li>• Discuss how to move forward</li><li>• Seek employee's views on what follow up/corrective action and possible preventative measures are required</li></ul>	<ul style="list-style-type: none"><li>• The manager adjourns the meeting to allow time to seek additional information.</li><li>• The meeting is reconvened. Timescales will depend on what enquiries are needed.</li></ul>

The manager will write to the employee within 7 calendar days of the meeting/reconvened meeting. The letter records the outcome of the appeal meeting and confirms any actions that were agreed. The letter will confirm that this outcome is final and that the internal processes is now closed.

We reserve the right not to proceed to a Resolution Appeal Meeting if an issue would be more appropriately dealt with under another procedure, or it is deemed from the original meeting that the issue raised is sufficiently minor in nature or is a complaint without substance.

#### **6. Interaction with other procedures/counterclaims**

This procedure should not be used to raise a counterclaim against the the application of another procedure (e.g. Disciplinary Procedure or Improving Performance Procedure). Any such concerns should be considered as part of the procedure being applied, not this procedure.

Where concerns raised lead to a disciplinary investigation against another employee, the person who raised the issue will normally be expected to act as a witness in the disciplinary investigation.

#### **7. Malicious allegations**

Employees who use this procedure to raise malicious allegations may be subject to disciplinary action. A malicious allegation may be defined as follows;

- The process has shown the issue raised to be without foundation, is vexacious or as a means of frustrating another process.
- Providing deliberately misleading or incorrect information.

## **8. Sickness absence**

Employees who raise a concern and are subsequently off sick must understand that we will not wait indefinitely to address the issue. Efforts to address the matter may proceed in the person's absence and be based on the information available to us at that time.

## **9. Leavers**

Where an employee raises a concern just before leaving the Council, wherever possible we will apply this procedure in full. Where this is not possible in the time available the approach taken will be adapted to ensure we give reasonable consideration to the issue before the person leaves our employment. Issues that have been highlighted will be addressed even if they are no longer in employment where the concerns raised may have implications for other employees.

## **10. Concerns raised against another employee**

The manager handling the issue will inform an employee that a complaint has been made against them and outline the key points of the concern. The manager will normally meet with the person named in the complaint to get their version of events. The employee making the complaint will not normally attend that meeting. Following the meeting the person named in the complaint will be informed of the outcome and any agreed follow up actions. Where disciplinary action is subsequently taken against an employee named in a complaint the person who raised the issue will be informed that disciplinary action is being taken; however it will not be appropriate to give details of the disciplinary case or the disciplinary action taken. It may be appropriate for those involved to undertake mediation to repair their working relationship.

## **11. Monitoring**

This procedure and its application will be reviewed periodically to ensure it is effectively addressing work place issues in a timely and satisfactory manner. We retain the discretion to review it at any time subject to relevant consultation.

## **11. Further information**

Employees with questions about this policy should speak to their Line Manager. Managers who need further information on how to apply this policy should contact HR Advisory.