



General Purposes Committee
30 May 2022

**Report of Director of Legal, HR,
Audit & Investigations**

REPORT TITLE: The Workplace Resolution Policy

| | |
|--|---|
| Wards Affected: | N/A |
| Key or Non-Key Decision: | N/A |
| Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act) | Open. |
| No. of Appendices: | One Appendix 1 Draft Workplace Resolution Policy |
| Background Papers: | None |
| Contact Officer(s): (Name, Title, Contact Details) | Martin Williams Head of Human Resources 020 8937 3209 Martin.Williams@Brent.Gov.UK |

1.0 Purpose of the Report

- 1.1 To provide the Committee with information on the reviewed and amended draft Grievance Policy (the policy), to be called the Workplace Resolution Policy.

2.0 Recommendations

- 2.1 To approve the new Workplace Resolution Policy – appendix 1.
- 2.2 Note the key changes to the procedure and the introduction of external mediation, with a view to resolving issues raised by employees at an early stage.

3.0 Detail

- 3.1 The current Grievance Policy was written in February 2013, though it has since had changes made to it, for example in 2016 and 2018.
- 3.2 Whilst there is a requirement in the current policy to try to resolve issues or complaints informally, current practice indicates that most grievances are dealt with under formal procedures where employees wish to raise an issue or complaint. This means that the resolution of grievances is quite resource intensive.
- 3.3 With the need for the Council to have a more open and transparent culture it has been identified that there needs to be a bigger push for direct resolution of issues with the parties concerned, at an earlier stage, whilst providing managers with the tools to support this approach.
- 3.4 Feedback on the current policy from stakeholders, for example managers and trade unions, has indicated that:
- there is not much effort to deal with issues informally, even though the policy requires employees to address issues via the informal route where possible. Cases tend to be dealt with formally, often when issues have escalated.
 - the process could be clearer in terms of expectations from management and employees, for example the sharing of documentation.
 - the process is not conducive to open, direct communication between managers and employees, including where employees are implicated in the complaint.
- 3.5 With this feedback it was felt that an updated policy and procedure with a change in language used and a shift in approach, with accompanying mediation guidance would pave the way for a shift in the way that disputes are seen and employees' issues are managed. The focus would be on resolution and open communication early on in the process.
- 3.6 The updated policy has been redrafted in a standard format which it is proposed that all policies will eventually follow.
- 3.7 The new format's features include having a policy section separated out from the procedure for ease of reference. In addition, greater clarity on the roles and responsibilities of those involved so everyone knows what is expected of them.

4.0 Summary of main changes to the policy

- 4.1 The key changes to note in the draft of the Workplace Resolution Policy are:
- 4.1.1 more emphasis on resolving matters informally before they become formal matters, similar to the ACAS early conciliation process:
- Use of the policy as a proactive mode to resolve issues at an early stage

- More emphasis on mediation as a tool for resolving issues, with outsourced mediators
- Changing the language used in the policy to be more conducive to the resolution of issues

4.1.2 more clarity on points in the policy and process and clearer expectations from management and employees including:

- how we deal with issues raised by and against agency workers
- the sharing of documents with the parties
- procedure in relation to ex-employees
- when grievances will and will not be considered
- how we deal with issues raised from members of the public against an employee/service
- when external investigators might be used
- inclusion of target timescales to provide managers with a guide on completion times and speed up resolution

4.1.3 promoting more direct, open communication between managers and employees, in order to resolve issues transparently, quickly and efficiently:

- The Resolution Manager (investigating manager) to come to a conclusion on what the outcome of the resolution request will be
- The Resolution Manager will meet with the employee to communicate the resolution request outcome following investigation, before confirming it in writing

4.2 It is expected that the use of mediators will support employees to resolve issues informally, where appropriate.

5.0 Next Steps

- 5.1 To commission a provider for mediation through a tendering process.
- 5.2 Develop and implement a plan for communicating the changes to the policy, including the use of mediation, to managers and employees.
- 5.4 Devise an evaluation process for measuring the effectiveness of mediation.

5.0 Financial Implications

- 5.1 There are no financial implications to accepting the recommendations in this report.

6.0 Legal Implications

- 6.1 Subject to the new Workforce Resolution policy following the spirit of the ACAS Disciplinary and Grievance procedures, there are no legal implications to accepting the recommendations in this report.

7.0 Equality Implications

- 7.1 The public sector equality duty, as set out in section 149 of the Equality Act 2010, requires the Council, when exercising its functions, to have “due regard” to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a “protected characteristic” and those who do not share that protected characteristic. The protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
- 7.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.3 There are currently no equality implications for the proposed policy and process change.

8.0 Human Resources Implications (if appropriate)

- 8.1 The HR implications are covered in the body of this report.

9.0 Consultation with Ward Members and Stakeholders

- 9.1 None

Report sign off:

DEBRA NORMAN

Director of Legal, HR, Audit &
Investigations