

HR Policy

WORKPLACE RESOLUTION POLICY AND PROCEDURE

May 2022



Human Resources

Table of Contents

WORKPLACE RESOLUTION POLICY & PROCEDURE	3
1. Purpose	3
2. Scope	4
3. Policy statement	5
4. Support	6
5. Record keeping	6
6. Responsibilities	6
6.1 Employees	6
6.2 HR	7
6.3 Resolution Manager	7
6.4 Trade Union Representative	8
7. Definitions	8
8. Related legislation	9
8.1 The Equality Act (2010)	9
PROCEDURE	9
1. The resolution request	9
2. How to handle a resolution request	9
3. Informal Resolution Meeting	10
4. Mediation	10
5. Representation	11
6. Formal Resolution	11
6.1 Gathering facts & information	11
6.2 Temporary Redeployment	12
6.3 The Formal Resolution Meeting with employee	12
6.4 The Formal Resolution Meeting with witnesses	13
6.5 Deciding on appropriate action	13
6.6 Resolution outcome meeting	14
6.7 Actions arising out of the resolution	15
7. Appeals	15
8. Resolution requests: Members	17
9. Post-employment resolution requests	17
10. Collective resolution requests	17
10.3 Procedure for collective resolution requests	17
11. External complaints	18

WORKPLACE RESOLUTION POLICY & PROCEDURE

The Council is committed to fostering a positive, supportive and empowering working environment for employees and expects all employees and third parties to treat each other with dignity and respect. It recognises that at any point employees may have issues which they wish to discuss with their managers and if possible, resolve. It also recognises that the quicker issues are resolved, the less difficulties employees, managers and the Council will experience.

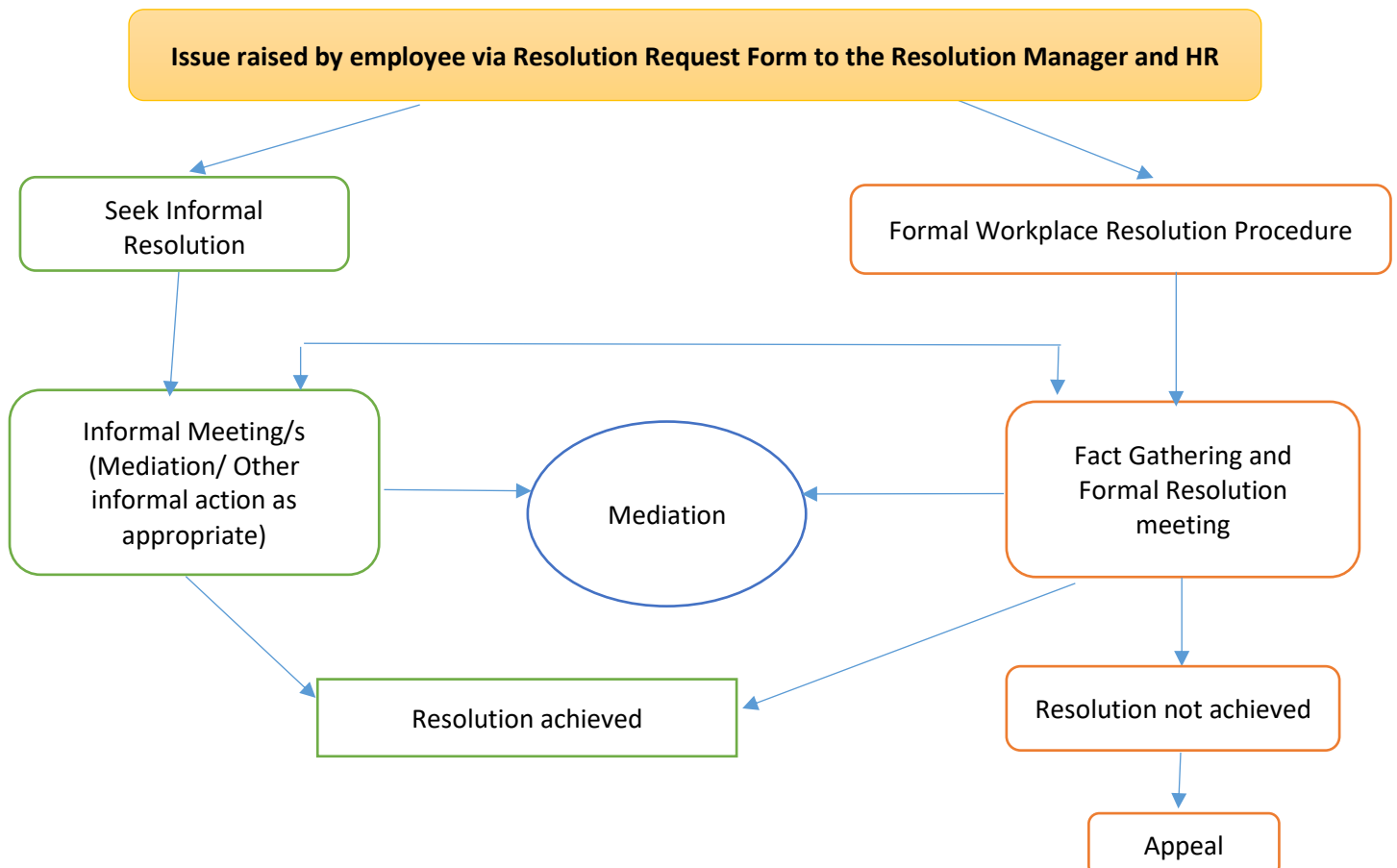
The Council will not tolerate any acts of bullying, harassment (including sexual harassment), victimisation and unlawful discrimination on the grounds of age, disability, race, sex, religion and belief, sexual orientation, gender identity/ expression, marriage and civil partnership, from employees or third parties or customers and will not tolerate any malicious or vexatious claims.

The Council will deal with all matters fairly and consistently in line with its policies without undermining the implied duty of mutual trust and confidence.

1. Purpose

- 1.1 This policy outlines the informal and formal process to follow where employees have a concern, problem or complaint at work which affects them personally. The aim of the policy is to support employees to achieve a resolution at an early stage before any formal process is considered.

Workplace Resolution Process



2. Scope

2.1 The policy applies to:

- All employees
- Ex-employees who raise a resolution request within 3 months of the issue or event giving rise to it

2.2 The policy doesn't apply to:

- Teachers in schools and school-based non-teaching staff where the schools have separately agreed processes
- Workers who are not directly employed by the Council

2.3 Concerns at work can include but are not limited to:

- Sexual harassment or harassment on the grounds of gender, gender reassignment, marriage and civil partnership, age, race, disability, religion or belief, sex or sexual orientation
- Unlawful discrimination or less favorable treatment on any of the above grounds
- Victimisation as a result of raising any of the above
- Bullying at work
- Unfair work or working arrangements
- Working relations
- A policy or procedure has not been applied correctly

2.4 Outside scope:

The policy is not applicable for concerns relating to:

- The same or similar issues that have previously been addressed and closed under the old grievance procedure or current resolution procedure within the last 12 months, unless there is new, significant information which provides substance or merit to the case.
- Incidents which happened more than 3 months before the resolution request is submitted.
- Issues that should be dealt with under other Council policies, and/ or procedures such as the Whistleblowing Policy.
- Issues which should be addressed by other local or national appeals procedures.
- A statutory scheme or Council policy, such as the Employee Performance Management Policy, though employees may raise a resolution request relating to the application of such policies or schemes.
- Collective negotiation or consultation with recognised Trade Unions.
- A dismissal or possible dismissal as this will be dealt with under the relevant applicable procedure and/ or policy.
- Concerns or complaints against any Members.

3. Policy statement

- 3.1 The Council encourages employees to raise any concerns openly and respectfully with their line manager as soon as they arise, aiming to resolve matters informally where possible. Where informal resolution is not achieved, the formal procedure will be used.
- 3.2 All concerns will be taken seriously and handled sensitively, fairly and promptly at all stages, ensuring any reasonable adjustments are considered, where requested. HR advice and involvement should be sought by management where appropriate.
- 3.3 Where employees are looking to resolve an issue through a formal process as a first measure, this should be discussed with the Resolution Manager or HR. Any meeting/s at the informal stage will typically involve the employee and the Resolution Manager.
- 3.4 Employees should approach their line manager's manager, where their line manager is the subject of the concern.
- 3.5 Where a concern is in relation to discrimination, bullying, harassment or victimisation, the formal resolution procedure will usually be instigated.
- 3.6 Where allegations are found to be malicious, vexatious or false employees may be subject to disciplinary action.
- 3.7 Employees should clearly set out the nature of their concern and the resolution sought in writing.
- 3.8 Where there is insufficient information or where it lacks clarity, every effort will be made to obtain the necessary information. However, where employees do not engage within a reasonable timeframe, their concern may not be considered.
- 3.9 Where employees do not co-operate with the procedure or unnecessarily delay the process, the procedure may be progressed without their input.
- 3.10 Employees have the right to be accompanied either by a Trade Union representative or a work colleague at any formal meetings.
- 3.11 Should either party take leave of absence on grounds of sickness, the Council may continue with the proceedings as far as possible in their absence.
- 3.12 In the event of long-term sickness, a decision on how to proceed with the request will be determined, taking into account the individual's wellbeing and considering whether resolution of the request may assist in the individual's recovery where the absence is related.
- 3.13 If at any stage the evidence and circumstances of a case indicate that the issue is potentially a disciplinary offence, the matter should be dealt with using the Disciplinary Policy and Procedure, and may result in disciplinary action, up to and including dismissal.
- 3.14 Where the employee formally raises a resolution request or concern in response to an action or proposed action by management, a decision will be made by the relevant Operational Director, in consultation with HR as to whether it is appropriate or not to delay the action by management pending conclusion of the resolution request process.
- 3.15 Employees who have left the Council may raise a post-employment resolution request, which will be

dealt with in writing subject to certain conditions – see section 9.

- 3.16 Where there is any disagreement concerning the post-employment resolution procedure, (e.g. where there are exceptional circumstances justifying the complaint being raised more than 3 months after the event), the Head of HR will decide on the way forward and their decision shall be final.
- 3.17 In exceptional circumstances, such as where the resolution request involves senior managers, the use of an external Resolution Manager will be considered. Such decisions will be made by the relevant manager in consultation with HR.
- 3.18 The Council reserves the right to amend this policy from time to time, after consultation with Trade Unions recognised by the Council for collective bargaining purposes.

4. Support

- 4.1 Employees who believe they have been the victim of bullying, harassment or discrimination, have been accused of unfair behaviour or who are impacted by issues discussed under this policy can access support available through the Employee Assistance Programme using the following:
- Helpline number: 0808 168 2143 anytime
 - Access to Lifestyle support: www.carefirst-lifestyle.co.uk
 - Username: brent (case sensitive)
 - Password: employee (case sensitive)

5. Record keeping

- 5.1 All records connected to the grievance procedure must be retained and kept securely on the employee's personnel file. These records will be retained in accordance with the Council's Record Retention Policy.
- 5.2 Forms to be used are listed below and can be accessed by following the links.

Forms to be used:
Resolution Request Form -LINK
Mediation Referral Form LINK
Resolution Appeal Form

6. Responsibilities

6.1 Employees

- Adopt appropriate standards of behaviour towards employees, members and customers and read, understand and comply with the Code of Conduct and other such policies that apply in relation to behaviour at work.
- Adopt open, honest communication when discussing concerns.
- Raise any concern/s at the earliest opportunity and seek to resolve the issue/s informally

where possible.

- Arrange for a representative or work colleague to attend any formal meetings as scheduled where they would like to be accompanied.
- Organise representation on the relevant date, keep the representative informed of the case and provide them with copies of any relevant documentation.
- Inform the Resolution Manager at the earliest opportunity where for a valid reason, their work colleague or Trade Union representative is unable to attend a meeting.
- Co-operate and take part in the mediation process, where agreed.

6.2 HR

- Provide general advice and guidance to the Resolution Manager, as and where required.
- Provide advice on informal resolution options such as mediation where appropriate.

6.3 Resolution Manager

- Manage any concern/s under this policy promptly, objectively, and transparently.
- Be sensitive to the feelings of those involved and focused on resolution.
- Support the employee through informal resolution, where appropriate, by talking the issue through as part of day-to-day discussions.
- Arrange for a note taker to attend formal resolution meetings and ask employees and witnesses to sign and date notes made. Where the employee does not sign the notes, the notes will be used in the same way.
- Keep written notes of all formal meetings held with the employee. All formal notes and letters must be sent by managers to HR.
- Ensure meetings are concluded within the time allocated, where possible.
- Ensure that any reasonable adjustments are considered during the process.
- Write to the employee in consultation with HR, where a resolution request does not fall within the scope of this policy explaining the reason why.
- Plan and gather information during a formal resolution procedure.
- Meet with the employee who raised concern/s and any relevant individuals, including those named on the request form, as necessary.
- Ensure credible and reliable evidence is gathered including physical evidence where necessary based on the nature of resolution request.
- Decide on whether concerns are founded and make recommendations on any action/s arising out of the resolution. Hold Resolution outcome meeting, providing an outcome letter within a reasonable timescale.
- Liaise with HR during the course of the process for advice as appropriate.
- Update the employee on progress, especially where timescales in line with this policy are unlikely to be met

6.4 Trade Union Representative

- Assist in bringing about a speedy resolution to workplace related concerns raised by the employee.
- Encourage Trade Union members to resolve concerns informally where possible.
- Provide support to and represent employees during the formal work resolution process.

7. Definitions

- 7.1 Resolution request:** A concern, problem or complaint that an employee raises with their manager or their manager's manager about any work related matters to be resolved.
- 7.2 Collective requests:** Where the same or broadly similar concern/s are raised by more than one employee and they will be dealt with as one.
- 7.3 Harassment:** Any unwanted behaviour usually linked to protected characteristics whether intentional or not, that violates the dignity of people in the workplace or creates an intimidating, hostile, degrading, humiliating or offensive environment for another person. Something can still be considered harassment even if the alleged harasser didn't mean for it to be.
- 7.4 Bullying:** Any offensive, intimidating, malicious or insulting behaviour, an abusive or misuse of power through means that undermine, humiliate, denigrate or injure the person being bullied.
- 7.5 Victimisation:** Treating someone adversely or unfavourably because they have made or helped someone else make a claim of discrimination or another such 'protected act'.
- 7.6 Mediation:** A way of resolving a dispute. It is an intervention whereby a neutral and impartial third party intervenes and assists individuals to reach an agreement acceptable to both sides. It is a voluntary process to be utilised by employees including managers, where they are involved in the resolution request, to communicate with each other and reach a resolution.
- 7.7 Mediator:** An independent and impartial third party who is from outside the Council. The role of the mediator is to help those involved to resolve the problem.
- 7.8 Vexatious / malicious complaint:** Complaints that are 'unfounded' with a malicious intent i.e. considered as a complaint not made in good faith, or done in order to "get at" the particular employee.
- 7.9 Implied duty:** The rights and duties of both the employer (the Council) and employees are found in the contract of employment e.g. duty of mutual trust and confidence.
- 7.10 Reasonable adjustments:** The Equality Act 2010 places a duty on employers to make "reasonable adjustments" to any provision, criterion or practice that they apply and to physical features of their premises, to accommodate the needs of disabled employees and job applicants.
- 7.11 Resolution Manager:** The line manager or the line manager's manager, where the line manager is the subject of the resolution request. Where necessary, this may be a manager from another service.

8. Related legislation

8.1 The Equality Act (2010)

The Equality Act (2010) prohibits discrimination (whether direct or indirect) against people who possess protected characteristics such as age, race, disability, sexual orientation, marriage and civil partnership, religion or belief, sex, pregnancy and maternity, gender reassignment. It also prohibits the harassment and victimisation of such people.

PROCEDURE

The procedure sets out a framework for both employees and managers to address and resolve concern/s and ensure the Council acts in a fair, reasonable and consistent manner when dealing with these.

1. The resolution request

- 1.1 Employees can make a resolution request by filling out the Resolution Request Form and submitting it to the Resolution Manager. If the request is in relation to their line manager, the form should be submitted to the line manager's manager.
- 1.2 The resolution request should:
 - Set out clearly in a factual way, the details of the circumstances which have led to a request being made
 - Include information on the resolution the employee is seeking
 - Include the name of any employee/s who are the subject of their request
- 1.3 Where a Trade Union member is the subject of the concern, managers must consult with HR before taking any action.

2. How to handle a resolution request

- 2.1 The Resolution Manager should acknowledge receipt of the Resolution Request Form normally within 5 working days of receipt.
- 2.2 The Resolution Manager should then make an informal assessment in conjunction with HR to identify the main issues and decide with the employee, usually via an informal meeting, the next course of action. The courses of action will be one or more of the following:
 - **Informal resolution meeting between the person who is the subject of the concern or complaint and the employee** – *this may be the first of more than one meeting to resolve the issue informally and will be applicable as a first step for most resolution requests*
 - **Mediation between the parties involved (upon agreement from all parties)** - *especially where there has been a breakdown of relationships and/or communication*
 - **Start the formal resolution procedure** – *usually in cases of discrimination, bullying, harassment or victimisation and where informal resolution or mediation has not been successful*

or is not appropriate

- **Start the disciplinary procedure** – *this will usually be where there has been some formal information gathering under this procedure and the case would be better dealt with as misconduct under the Disciplinary procedure e.g. involving sexual harassment, or following conclusion of the resolution request under this procedure*
- **No further action** – *for example, where the same issue has been dealt with before within the previous 12 months or should be dealt with under another policy*

3. Informal Resolution Meeting

- 3.1 Where informal resolution is considered the most appropriate route, the Resolution Manager must arrange this as soon as possible.
- 3.2 Neither the manager nor the employee will be accompanied during informal meetings.
- 3.3 Where the resolution request involves working relationships, including where the line manager is the subject of the resolution request, the Resolution Manager will encourage the employee to resolve issues through mediation where appropriate.
- 3.4 The Resolution Manager will be expected to hold a constructive conversation, actively listen to the concern, take accurate notes and remain objective.
- 3.5 The informal resolution process will-
- Be co-operative and collaborative
 - Not usually involve bringing documents to the meeting/s, unless this is necessary to aid discussion or demonstrate issues in a constructive way
 - Include more than one informal meeting, where necessary
 - Record any recommendations or actions arising out of the informal meetings
 - Point to sources of further support – see section 4 of the policy

4. Mediation

- 4.1 The main purpose of mediation is to work collaboratively to achieve a mutually acceptable outcome. The process would involve the appointment of a third party impartial mediator who would set up and facilitate confidential discussions in a neutral venue.
- 4.2 Mediation is always a voluntary and confidential process undertaken with agreement from all parties. It can be appropriate at any stage or during any route for resolving concern/s. For example, it can be used to resolve issues at the informal resolution stage, be used to help the parties work together in a constructive way during suspension of the formal process or even be used to help employees improve their working relationship following conclusion of the formal process.
- 4.3 The mediator is not there to judge, decide who is right or wrong, nor tell parties involved in the mediation what they should do. Any agreement comes from those in dispute, not the mediator. The mediator is in charge of the process to help others to resolve the problem but not to determine the outcome.
- 4.4 For more information on mediation or when deciding whether mediation is the best form of resolution, managers should contact HR and refer to the relevant guide. [LINK](#)

5. Representation

- 5.1 The employee who has raised the concern, the person who is the subject of concern or complaint and any witnesses must be advised that they may choose to be accompanied at any formal meeting by either:
- A Trade Union representative or
 - A work colleague (a person who is a Council worker) but not a legal representative.
- 5.2 Employees must provide the details of the person who will be accompanying them at least 3 working days before the meeting.
- 5.3 Where the TU representative is not one from the Council's recognised Trade Unions, they must provide evidence of their training/competence in representation.
- 5.4 If the employee's chosen representative cannot attend the scheduled meeting and cannot propose a reasonable alternative date and time for the meeting within 5 working days of the original date set for the meeting then the meeting will normally proceed without the representative. Alternatively, the employee may elect to bring another representative.
- 5.5 The representative can put forward a case on behalf of the employee and can give advice and support during the process. The representative cannot however, answer questions for the employee.

6. Formal Resolution

The formal resolution procedure will apply where the employee has not been able to resolve their concerns informally, or where it is not appropriate to resolve the resolution request via an informal route and the employee wishes to progress the matter formally.

6.1 Gathering facts & information

- 6.1.1 The Resolution Manager should write to the employee to acknowledge the resolution request, let them know that they will be looking into the resolution request and arrange to meet with the employee in a formal resolution meeting to discuss the concern/s providing 5 working days' notice of the meeting.
- 6.1.2 The person who is the subject of a concern or complaint (who can be a line manager) should be informed in writing of how matters will proceed. They should be provided with a copy of the Resolution Request Form (redacting the names of others, where appropriate), including any supporting evidence.
- 6.1.3 Where the concern or complaint involves more than one employee or where the identity of another employee who is not the subject of the request would be disclosed, each person should only be provided with the details of the concern that relate to them or on a need-to-know basis.
- 6.1.4 In preparation of the gathering of facts and information, the Resolution Manager should consider:
- The issues outlined in the resolution request

- How the fact gathering exercise will be conducted
- In what order information and evidence will be collected

6.1.5 The Resolution Manager should check whether there are any reasonable adjustments to be considered and, where appropriate, arrange for these to be put in place.

6.2 Temporary Redeployment

In some exceptional cases, for example where the resolution request involves the line manager, it may be necessary to consider moving the employee to another team to be managed by another manager. Any requests to be moved and such decisions will be considered on a case by case basis by the Head of Service and in consultation with HR. The purpose of temporary redeployment will be for example, for all parties to remain neutral and for work not to be affected.

6.3 The Formal Resolution Meeting with employee

6.3.1 The purpose of the formal resolution meeting is for the Resolution Manager to establish and collect the relevant facts and information in relation to the concern/s raised in an objective manner and by speaking with all relevant named employees in the Resolution Request Form to understand key issues.

6.3.2 Formal resolution meetings will usually involve open discussion for information gathering, which may result in the resolution request being resolved amicably. Resolution Managers must actively listen and explore objectively with the possibility that issues may not be as they seem.

6.3.3 Resolution Managers should aim to come to a conclusion as soon as possible although this will depend on the number and nature of the issue/s raised and the number of meetings with witnesses. Where the resolution process does not include meetings with multiple witnesses, it is expected the process should be complete recommendations within 20 working days of the letter acknowledging the resolution request or sooner if no witness meetings are required. Once the Resolution Manager has determined what information is required and if/ how many witness meetings are required, they should provide the employee with an indication of how long the process is likely to take.

6.3.4 Where for a valid reason, the employee who raised the resolution request cannot attend the meeting, they must inform the Resolution Manager or HR at the earliest opportunity. The Resolution Manager will arrange another meeting, usually within 5 working days. Failure to attend the meeting for any valid reason may mean the process will be carried out in the absence of the employee.

6.3.5 At the meeting, the Resolution Manager should cover the following:

- The format and process of the meeting including signing and dating of meeting notes
- The role of the Trade Union representative or work colleague
- Clarify details of the concern or complaint where necessary
- Clarification of anyone cited on the Resolution Request Form
- Check any document/s submitted by the employee with the form

- Resolution requested by the employee
- Timescales & process if any delay
- Adjournment where necessary e.g. where new information is available
- Support on offer e.g. Employee Assistance Programme
- Occupational Health (OH) referral for any alternative process/support if showing signs of extreme distress
- Next steps

6.4 The Formal Resolution Meeting with witnesses

6.4.1 When having meetings with witnesses named in the resolution request, the Resolution Manager must:

- Provide 5 working days' notice of the requirement to attend the meeting
- Be careful when sharing documents to protect witnesses named
- Confirm the format and meeting protocols including that they will be asked to sign and date meeting notes
- Provide details of the Employee Assistance Programme for further support

6.4.2 Where the issue involves more than one employee or where the identity of another employee who is not the subject of the request would be disclosed, each worker should only be provided with the aspects of the issues which relate to them or on a need-to-know basis.

6.5 Deciding on appropriate action

6.5.1 At the end of the information gathering exercise, the actions can be either:

- Formal action
- Informal action
- No further action

6.5.2 Once the Resolution Manager has considered all the information, in the context of the resolution being sought and has decided on next steps they should then draft a letter, with HR input, to be sent to the employee with their conclusion on the resolution sought and the appropriate actions.

6.5.3 Factors which the manager must consider when deciding on the outcome will include:

- Information submitted by the employee
- Information collated by the Resolution Manager
- Information obtained from any witnesses
- Council policy
- Mitigating factors

6.5.4 When writing the outcome letter, the Resolution Manager must take into account the following:

- The letter should include all the manager's findings and state whether some, all or none of the resolution being sought can possibly or reasonably be provided, with reasons fully explained.
- The conclusions reached for each of the concern/s raised should be noted and explained, stating whether they are:
 - Upheld
 - Partially upheld
 - Not upheld
- Where the resolution being sought cannot reasonably be provided, the Resolution Manager must consider if any other action is possible or appropriate.
- Where the Resolution Manager is making specific recommendations for action involving another employee, for example disciplinary action, these should not be included in the letter. In such instances, the letter should include a general statement that relevant management action will be considered. The letter should attach the original Resolution Request Form submitted by the employee.
- The decision should be confined to the issues raised in the original Resolution Request Form.

6.5.5. The letter should be sent to the employee following a Resolution Outcome Meeting with the employee to discuss the outcome.

6.5.6 Where the Resolution Manager is not the line manager (or the line manager's manager) they should discuss the outcome and any agreed actions with the relevant manager/s before holding the Resolution Outcome Meeting and issuing the resolution outcome letter to the employee.

6.6 Resolution outcome meeting

6.6.1 This meeting will be held with the employee who submitted the resolution request. The purpose of this meeting is to discuss the conclusion reached by the Resolution Manager and bring the process to a close for the employee.

6.6.2 The manager should arrange to meet with the employee as soon as possible.

6.6.3 The employee must be informed that they can appeal if their issues or concerns remain unresolved.

6.6.4 Where the resolution request involves another employee/s who is the subject of the request and may be impacted by the outcome of the information gathering, the employee who raised the request must be told that the employee named will be informed of the outcome/s relevant to them and any actions which impact them via a separate letter.

6.6.5 Following the meeting, the Resolution Manager must send the employee the resolution outcome letter, together with the original Resolution Request Form, providing details of the right to appeal, within 5 working days.

6.7 Actions arising out of the resolution

- 6.7.1 The Resolution Manager should consult with HR where they have made recommendations for action arising out of the resolution.
- 6.7.2 Where another employee is the subject of the resolution request the Resolution Manager should write to them to let them know the relevant aspects of the resolution outcome, often a copy of the outcome letter. Any personal or sensitive information not relating to the subject of the resolution request should be taken out.
- 6.7.3 The Resolution Manager should ensure that any actions involving formal procedures which they are recommending are communicated confidentially to the relevant manager/s to consider, as appropriate. In such cases, the Resolution Manager should provide the relevant manager/s with a copy of the outcome letter.
- 6.7.4 Where the Resolution Manager is recommending other action for the relevant manager to consider, they should communicate this in a timely manner.
- 6.7.5 Any manager/s receiving recommendations from the Resolution Manager should consider these and take any appropriate action as soon as possible.
- 6.7.6 The Resolution Manager is responsible for following up any other actions and where appropriate, ensuring they are carried out. Where there is an external Resolution Manager, or where the Resolution Manager is from outside the relevant service, conclusions and actions must be communicated to and reviewed by the relevant manager.

7. Appeals

Where employees are dissatisfied with the outcome of the formal resolution, they can appeal any decisions made within 10 working days of the date of the letter confirming the outcome of the investigation. The appeal is the final stage of resolution within the Council.

- 7.1 Appeals should be submitted to the Resolution Manager via the Resolution Appeal Form, clearly setting out the grounds for appeal.
- 7.2 The Resolution Appeal Form will be sent to the Appeal Manager when they have been appointed. The Appeal Manager will normally be a more senior manager than the Resolution Manager who considered the findings of the investigation or a manager at the same level. They will not have been previously involved, directly or indirectly, with the case.
- 7.3 An appeal will only be considered if the below grounds are covered in the written appeal. There may be one or more of the following grounds showing a detailed basis for each:
 - **Procedure** – there was a failure to follow procedure and this had a material effect on the decision
 - **Resolution** – where no reasonable person, on the facts presented, would have decided on that outcome
 - **Evidence** - New evidence is available that could not have reasonably have been raised during the investigation and the absence of which had a material effect on the decision.

7.4 Appeal meeting

7.4.1 The purpose of the appeal meeting is for the Appeal Manager to review the information from the investigation, in light of the grounds of appeal submitted and to hear the views of the employee and the Resolution Manager, to make a decision. It is not to re-consider the issues.

7.4.2 The Resolution Appeal Manager must write to the employee to:

- Acknowledge receipt of the Resolution Appeal form.
- Let the employee know that they will be hearing the appeal.
- Arrange to meet with the employee to discuss the Resolution Appeal, with 5 working days' notice to attend.
- Inform them that they may wish to be represented (see section 7.2).
- Inform them that in cases where new evidence has come to light, they must submit supporting documents and any names of witnesses to be received by at least 3 working days before the meeting and also provide reasons why this information was not submitted prior to this stage.
- Inform them that following the appeal, there is no further right of appeal.

7.4.3 The Appeal Manager must also write to any employee/s or person who is the subject of the concern or complaint to inform them that the initial decision was appealed and the likely timescales for the outcome of the meeting.

7.4.4 The Appeal Manager will chair the meeting.

7.4.5 The Resolution Manager who investigated the issues will usually attend the appeal meeting to present the information they gathered and the decision they made.

7.4.6 The employee may be accompanied by a Trade Union representative or work colleague.

7.4.7 The Appeal Manager conducting the appeal has the authority to confirm, vary or overturn the original decision. The outcome could:

1. Uphold the appeal in full
2. Uphold the appeal in part
3. Not uphold the appeal

7.4.8 Where the Appeal Manager decides to uphold the appeal on grounds of new evidence the Appeal Manager will consider the new evidence in the context of the original resolution request and the investigation. Where necessary, the Appeal manager will adjourn the meeting to gather further facts.

7.4.9 The Appeal Manager with support from HR, should aim to confirm their decision in writing to the employee with reasons, any evidence used and any actions, within 10 working days of the appeal meeting.

7.4.10 The outcome letter to the employee should confirm that where another employee is the subject of their resolution request, they will be informed of the outcome of the appeal involving them, together with reasons for these. It is the responsibility of the Appeal Manager to write to the named employee/s or the subject/s of the resolution request.

7.4.11 The decision of the Appeal Manager is final and there shall be no further right of appeal.

8. Resolution requests: Members

8.1 The behaviour of elected members is governed by provisions set out in Part 5 of the [Brent Constitution](#).

9. Post-employment resolution requests

9.1 Post-employment concern/s may be raised by ex-employees up to 3 months after the occurrence of an incident which gives rise to the request.

9.2 In some circumstances, it may not be appropriate for the Council to deal with concern/s from ex-employees. If this is the case, the Council will inform the former employee in writing.

9.3 Where an ex-employee has submitted a resolution request, they will receive a response in writing, whilst following the normal procedure as far as possible.

9.4 The Resolution Manager will:

- Acknowledge the resolution request and agree the contact details they will use to correspond with the ex-employee
- Request any further information to be considered as part of an the fact and information gathering stage
- Collate all the information, keeping notes and records of any meetings held with witnesses
- Write a letter to the employee with the outcome of the information gathering and their decision, explaining their reasons in full.

9.5 The decision of the Resolution Manager will be final and there shall be no right of appeal.

10. Collective resolution requests

10.1 Collective resolution requests may be raised in the event where for example, multiple employees collectively raise the same/broadly similar issues regarding an individual member of staff or a particular aspect of their employment.

10.2 Where a number of employees raise separate/unrelated issues, these will be dealt with as individual resolution requests.

10.3 Informal resolution of any potential collective resolution request is encouraged through normal line management arrangements.

10.3 Procedure for collective resolution requests

10.4 The Resolution Manager will convene a formal resolution meeting with the appropriate parties to discuss the resolution request and gather information. If the employees are not represented by a Trade

Union, they can nominate a staff representative. Whether or not an agreement is reached, written outcomes will be provided to all parties.

- 10.5 Where a collective resolution request is submitted by employees and does not involve an industrial dispute the same procedure will be followed as for individual concern/s. However, it should be noted that only one collective meeting including all parties at each stage of the process, including the appeal, will be provided.

11. External complaints

- 11.1 Where employees raise complaints or resolution requests relating to third parties external to the Council, for example agency workers, managers must follow this resolution procedure as far as possible and make clear to the third party that the Council takes such matters seriously. Such cases must be brought to the attention of HR.
- 11.2 Where agency workers wish to raise concerns in relation to employees of the Council, they must do so with their employer. In such cases, the Council will cooperate with the agency as far as possible to help resolve concerns.
- 11.3 Any complaints received from members of the public must be redirected to the Corporate Complaints Process via the following webpage: <https://www.brent.gov.uk/your-council/complaints/>