Resolution
POLICY & PROCEDURE

Bassetlaw DISTRICT COUNCIL
North Nottinghamshire
1. Our Policy

1. What is this policy about?

a) Bassetlaw District Council is committed to fostering mutual respect and understanding between all employees, including between colleagues, colleagues and managers, and within teams. We recognise that a positive working environment and good working relationships have a positive impact on employee wellbeing, employee engagement and customer experience. They can also lead to better performance, improved employee retention and reduced stress-related sickness absence.

b) This is even more important when we experience a conflict or a dispute in the workplace. Some conflict in the workplace from time to time is normal; in many cases it is inevitable and when managed well it leads to healthy, resilient and positive relationships.

c) The aims of this Resolution Policy and Procedure are:

i) To promote a culture where dialogue is recognised as the primary route to resolution and encourage adult-to-adult dialogue. It recognises the complexity of workplace relationships and that sometimes people can make mistakes, and it promotes a spectrum of resolution methods that enable these to be put right quickly, rather than escalating into an entrenched conflict.

ii) To bring conflicts or disputes to a satisfactory and constructive resolution speedily and effectively. It recognises that a resolution achieved and owned by the parties themselves is more likely to be mutually acceptable and endure over the longer term than one that is imposed.

iii) Where possible, to avoid categorising individuals in a way that creates further conflict whilst at the same time trying to find a positive resolution, and instead create an environment where the parties can work together to resolve conflict. Therefore, when a complaint or request for resolution is received, it will be considered in accordance with this Policy and Procedure and not immediately by reference to the descriptive terms that may be used by the employee to explain how they feel (for example, use of the terms “victim” or “bully” which can be counter-productive to resolution).

d) This Policy and Procedure has been informed by an analysis of complaints received and dealt with in accordance with the Council’s relevant Harassment and Bullying Policies and Procedures that have been in place over a 14 year period which showed that only one case investigated led to a finding of harassment. The vast majority of cases were found to be relationship conflict between parties. Nevertheless there may be occasions where this Resolution Policy, either initially or following investigation, is not deemed to be an appropriate approach because of issues of misconduct, in which case the Disciplinary Policy and Procedure may be invoked.
2. Who does it apply to?

a) All staff are responsible for maintaining positive working relationships with colleagues, managers and within teams, and this includes responsibility for the resolution of conflicts and disputes.

b) This policy is a formal method for resolving disputes, conflicts and allegations of bullying or harassment. It may be used in individual disputes, team disputes and in collective disputes. This policy meets and exceeds the minimum standards set out in all relevant legislation and in the ACAS Code on Discipline and Grievance. The Policy also reflects our corporate values, which are:

- Ethical
- Collective Action & Participation
- Co-operation
- Empowerment
- Enterprise
- Listening, Open & Transparent

c) This Resolution Policy is suitable for the following types of issues:

i) Disagreements and disputes between colleagues;
ii) Disagreements and disputes within or between teams;
iii) Disagreements and disputes between managers and members of their team.
iv) Allegations of bullying or harassment.

d) This Policy and Procedure replaces the Harassment and Bullying Policy and Procedure and should be used in place of the Grievance Procedure for complaints relating to matters falling within the parameters set out within this document.

e) Matters that have already been addressed via another route, prior to the introduction of this Policy, are excluded.
3. What are the policy intentions?

a) To foster a culture and a workplace where all parties can engage with each other constructively.

b) To support staff and managers to work together to resolve any disputes and conflicts constructively and speedily.

c) To encourage early resolution and provide a collaborative system of dispute resolution that balances the rights of the parties with their interests and needs.

d) To bring the core principles of mediation to the forefront of dispute resolution and encourage constructive resolution at every stage of a dispute.

e) To treat disputes in a fair and consistent way so they are dealt with quickly and supportively.

f) This policy draws on five core principles:

i) Dialogue – building dialogue between people to help them to resolve disputes, conflicts and complaints.

ii) Fairness – giving all employees access to a fair and dignified approach for managing disputes, conflicts and complaints.

iii) Mutual respect – recognising that disputes, conflicts and complaints can be challenging and that we encourage a respectful approach at all times to assist with their resolution.

iv) Collaboration – we actively encourage the parties in a dispute, conflict or complaint to work together to identify, agree and implement a shared solution.

v) Timeliness – we will seek to facilitate the resolution of all workplace disputes, conflicts and complaints in a timely manner and will, wherever possible, avoid any unnecessary delays.

g) All staff are expected to adhere to these principles at all times.
2. Our Procedure

4. Initial Action

a) It is recognised that staff will typically seek to resolve any issues directly with colleagues, in accordance with the core principles set out above. It is expected that most workplace disagreements, disputes and conflicts can be resolved directly between the parties without the need to involve other parties.

b) Appendix 1 sets out some tips and guidance on how to address issues directly in a way that results in positive outcomes.

c) Managers who observe dysfunctional conflict in the workplace should consider what action is appropriate to address the conflict at an early stage. This may include consulting with and taking advice from an HR professional.

d) Should one or more of the parties involved feel that, despite taking initial action, the matter has not been resolved, or that they are not able to deal with the matter directly and need assistance, then a request for resolution can be made.

5. Making a Request for Resolution

e) A request for resolution should be made to an appropriate person: an HR professional or your line manager (or your line manager’s manager if the issue is with your line manager) or a trade union official. This can be done using the form at Appendix 2.

f) The HR Team administer the Resolution Policy and Procedure, and requests for resolution will be communicated to the HR team and a copy of the request for resolution should be provided to them. The request for resolution may result in one (or more) of the following courses of action:

i) Encouragement to the employee or parties to engage in an early resolution meeting (direct face-to-face talks) between the parties. This may also include the manager where this is appropriate. The early resolution meeting is an early attempt to identify and resolve a disagreement, conflict or dispute. It provides an opportunity for managers, employees and colleagues to discuss situations in a supportive, constructive and empathetic forum.

The outcome of the early resolution meeting will be summarised by the parties during the meeting and shared in writing afterwards.

ii) An assessment of the case whereby the manager and HR professional will identify the most suitable route to resolution. The process commences once the employee has submitted a request for resolution, and where an early resolution meeting has been unsuccessful or has not been attempted. During the assessment, emphasis will be placed on early resolution options as set out in this policy, which will be discussed with the parties. The assessment will include consideration of:

(1) The different parties’ views of the situation and willingness to find a resolution;
(2) The seriousness of the issues being raised;
(3) The impact of the situation;
(4) Previous attempts to resolve the situation;
(5) Any previous complaints.

iii) A **structured conversation** facilitated by one of the organisation’s HR professionals. This is a confidential discussion between all parties that draws on the same principles as mediation (see iv below). However it is less formal than mediation and can be used to bring parties together at an early stage of a dispute. The facilitator acts neutrally and creates the conditions for dialogue. The parties will be encouraged to engage in a constructive dialogue and to actively listen. It is a solution-focussed process with the aim of helping the parties to reach a mutually acceptable outcome which they own and are committed to implementing.

The outcome of the early resolution meeting will be summarised by the parties during the meeting and shared in writing afterwards.

iv) **Independent mediation** delivered by a fully trained and accredited mediator. Mediation is a non-adversarial way of resolving difficult situations. The mediator is an impartial third party who helps the parties have an open and honest dialogue, with the aim of identifying a mutually acceptable outcome. The mediator will typically be a trained officer of the Council, but may be a trained external person. The purpose of mediation is to collaborate, rather than allocate blame. Any agreement made during mediation comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other is wrong, or to tell those involved what to do. Mediation is both voluntary and confidential. However employees are expected to consider using it and not reject it out of hand.

The outcome of a successful mediation will be an agreement signed by the parties setting out the resolution adopted.

v) **A team conference** in the case of team / collective disputes. Team conferencing is a non-adversarial process used for resolving disputes within teams or as part of collective grievances, and to resolve allegations of bullying or mobbing within a team. Team conferencing can be defined by four core principles:

1. It is fully inclusive, ie everyone who is affected by the situation is involved in the conference.
2. It is non-adversarial and promotes collaborative and interest-based problem solving.
3. It is led by a neutral facilitator who manages the process and ensures that all participants have a full and equal stake in the process. This will typically be a HR professional or manager with appropriate skills and training.
4. It is confidential, ie nothing that is said during the team conference should be disclosed to anyone else.

The outcome of the team conference will be summarised by the facilitator during the conference and confirmed in writing.

vi) **A formal resolution meeting** to determine the case, in the event that the above steps are unsuccessful or the matter is considered through assessment to be appropriate to progress to this stage. This is an opportunity for the employee to meet with his or her manager and HR representative to try and identify a suitable resolution to the situation. The outcome of the meeting will be a formal recommendation for resolution issued by the manager. Ideally this will be a resolution agreed by the parties during the meeting. Employees are entitled to be supported at the formal resolution meeting by a trade union official or work colleague, if they wish.
Employees have the right to appeal the outcome of the formal resolution meeting which should be lodged in writing with the HR Service Manager within five working days of being issued with the written formal recommendation for resolution. The HR Service Manager will then make arrangements for the appeal to be heard by a Chief Officer/Deputy Chief Officer who has not been previously involved in the case, advised by an independent HR professional.

vii) An investigation may be invoked as a result of the assessment stage, or where matters have not been resolved by a resolution meeting, a facilitated conversation or through mediation. If deemed suitable and necessary, the organisation will investigate in order to discover all the relevant facts and information in a fair, reasonable and objective manner. Investigations will take place in accordance with the Council’s internal investigation processes to ensure a quality framework for all workplace investigations. Investigations may precede a formal resolution meeting to ensure that all salient facts are available for the parties to consider.

g) In all of the above courses of action, it is important that the parties in dispute recognise their own responsibilities to ensure positive working relationships, including adherence to the core principles set out in this Policy, and that they are committed to resolving the issue and reaching agreement.

6. Definitions of Conflict, Bullying and Harassment

6.1 Introduction

a) This Resolution Policy and Procedure recognises that conflict is part of normal working life and can be constructive. As such, not all conflict is bullying and the labels of ‘bullied’ and ‘bully’ are often misleading and can create further conflict rather than assist resolution.

b) Nonetheless, when people perceive they are being bullied or harassed, this Policy provides a framework within which people can speak out and challenge bad behaviour, and for staff involved in conflict to be supported and assisted to resolve matters. It provides for appropriate organisational intervention including formal action where this is appropriate.

c) The definitions set out in this section will be referred to as part of the assessment process, to determine an appropriate course of action when a resolution is requested.

6.2 Functional Workplace Conflict

a) Conflict arises from differences between people, and it is that diversity that can make teams more effective. Functional workplace conflict is constructive and is a key component of high performing teams. It happens when two or more parties are engaged in dialogue, and focussed on achieving an outcome that is mutually acceptable. Functional conflict can generate enhanced levels of insight, understanding and learning and lead to better, more informed outcomes for service delivery. It requires open and honest dialogue, empathy, self-awareness and a willingness to change.

6.3 Dysfunctional Workplace Conflict

a) This is destructive conflict which generates little if any benefit for the individuals, colleagues or the organisation. The terms harassment and bullying are, often mistakenly, used as proxy terms to describe what is actually dysfunctional workplace conflict. This may stem, for example, from a breakdown in communication, a misunderstanding, a poorly delivered management instruction,
a clash of working styles, or a perceived slight about someone’s personal characteristics. It results in two or more people engaged in a conflict with all of the associated negativity and complexity that it creates. It is important that dysfunctional conflict is addressed through mechanisms provided for in this document.

6.4 Bullying

a) There is no standard definition of bullying. According to ACAS (2014):

‘Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’.

b) ACAS also states:

‘Behaviour that is considered bullying by one person may be considered firm management by another.’

c) It is important to note that bullying can be up, down, sideways and diagonal, and that in some cases bullying allegations may themselves be an example of bullying. Bullying that relates to a protected characteristic under the Equality Act 2010 can be deemed as harassment.

6.5 Harassment

a) Harassment is specifically defined in the Equality Act 2010 as:

‘Unwanted conduct, related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive working environment for that individual’.

b) There are nine ‘protected characteristics’ defined in the Equality Act 2010 for which seven are protected from harassment as follows: age, disability, sex, gender reassignment, race, sexual orientation, and religion or belief. Pregnancy and maternity are excluded, where any unfavourable treatment may be considered discrimination, and marriage and civil partnership are excluded because there is no significant evidence that it is needed.

c) Forms of harassment include many kinds of unacceptable behaviour. For example:

i) uninvited, unreciprocated and unwelcome behaviour of a sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, or embarrassed.

ii) action, behaviour or comment related to a protected characteristic which is found objectionable or which causes offence, including: offensive jokes, language, graffiti or literature of a racist or sectarian nature, or offensive remarks about a person’s, age, sexual orientation, ethnic origin.

d) It is important to note that under the Equality Act, employees can complain of behaviour that they find offensive even if it is not directed at them, the complainant need not possess the relevant characteristic themselves, and behaviour may be deemed to be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.
6.6 Responsibilities

a) All employees have a personal responsibility not to harass or bully other members of staff, or to condone harassment or bullying by others. Harassment and bullying are examples of misconduct and action may be taken under the disciplinary procedure against any employee found to have harassed or bullied an individual at work. Employees should also be aware that they could also be personally liable in law if they harass anyone at work.

b) All employees have a duty to assist in the creation of a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour, ensuring their own behaviour does not contribute to or collude with unacceptable behaviour, and cooperating fully in any investigation undertaken by Bassetlaw District Council. Any employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her manager.

c) Managers must promote a workplace where individuals are treated with dignity and respect. They should be aware of behaviour which may cause offence, if necessary reminding employees of expected standards.

d) Managers have an obligation to prevent harassment or bullying and to take immediate action once it has been identified, whether or not a complaint has been made. It is intended that the resolution spectrum set out in sections 4 and 5 offers a wide range of means for resolving issues quickly and decisively, and in a way that is most appropriate. It includes mechanisms for investigation of issues including those related to allegations of bullying and harassment, where this is deemed appropriate. Where such investigations conclude that misconduct has occurred, the matter will be referred to the Disciplinary Policy and Procedure.
Does this policy and procedure link closely with any others?

Depending on the particular details of the situation, it may be necessary to consider it alongside the following policies and procedures:

- Disciplinary Policy and Procedure
- Grievance Policy and Procedure
- Appeals Procedure

Need more information or support?

Professional support/advice: If you have read this document and relevant linked guidance/documents and you find you then need further clarification and/or support or advice, including if an alternative format or adjustment to this procedure is needed, to enable a particular need to be met (e.g. due to a disability) the following is available

For Managers: Contact the Human Resources Team

For Employees: Contact your Manager initially, who should be able to help you. If you need further support after this, contact the Human Resources Team. If you are a member of a trade union you can also get support and advice from your trade union representative.

The ‘small print’…..

Legal and General points:
This Policy and Procedure is effective from …

Nothing in this policy will override related prevailing legislation and/or regulations.

This policy and procedure is written in compliance with the following legislation/regulations and codes of practice:
• Equality Act 2010
• ACAS Code of Practice

This policy and procedure will be monitored and reviewed and may be subject to further change and amendment (following appropriate consultation and approval).

Forms attached to or supporting this policy and procedure do not form an integral part of it and may be modified at any time to ensure that the correct information is gathered/provided.

The latest version of this policy and procedure, and any accompanying documentation, will be available on the intranet.

Document control information:
Endorsed by: JEC 18 April 2018
Approved by: Cabinet 10 July 2018

Go live date : 1 August 2018
Resolution Tips

PREPARE FOR THE CONVERSATION

Getting into the right frame of mind

• Think about a time when the relationship was working well.
• What elements of your working relationship make you feel proud?
• What elements of your working relationship have you enjoyed?
• How do you think the other person is feeling right now?
• Are you ready to hear the other person’s side of the story? If not, what needs to happen to help you prepare to do so?
• What do you need to resolve this conflict – your needs and goals?
• What changes are you willing to make to resolve the conflict?

Planning for what you are going to say

• What have you observed occurring in the relationship?
• Are there any relevant facts to support what you are saying?
• What impact is the situation having on you and how has it made you feel?
• If the other person were sat there right now, what would you like to say to them to help them understand how you feel?
• What is your perception of the other person’s intentions?
• How will you express your needs and goals?
• What requests would you like to make to the other person to help move the situation forward?
• How will you start the meeting – what will you say?
• How will you close the meeting?

Planning for how you will respond

• What could stop you being impartial and objective during the meeting?
• How will you handle any strong emotions?
• How will you react if the other person criticises you?
• How will you demonstrate empathy?
• How will you ensure the other person knows you are properly listening to them?
HAVE THE CONVERSATION

- Find a neutral, quiet venue.
- Remember the other person is probably feeling as nervous as you are.
- Be courteous to each other at all times.
- Give each other time to talk and avoid interrupting.
- Listen actively when the other person is speaking.
- Speak from the “I” – start your sentences with “I” rather than “You”.
- Avoid using “always” or “never” – “you never make me a drink”, or “you always ignore me”.
- Try to remain objective and impartial. This will prevent you from responding in a defensive way as you are less likely to feel “attacked”.
- Be honest about your feelings, needs and concerns (remember to speak from the “I”).
- Try to see the situation from the other person’s point of view as well as your own.
- When you are answering questions, be open and honest. This helps to build trust between you.
- Seek areas for agreement.

TRY THIS TECHNIQUE FOR DESCRIBING THE ISSUE

Describe the behaviour : When you … (talk over me)
Express your response : I feel … (you are not interested in what I have to say)
Specify what you want : I would like … (to be listened to)
State why: So that … (we can sort things out)
Contact us

01909 533 533
www.bassetlaw.gov.uk
customer.services@bassetlaw.gov.uk
Text us on 07797 800 573
Find us on Facebook - BassetlawDC
Twitter @BassetlawDC
Visit us at:
Retford One Stop Shop
17B The Square, Retford DN22 6DB
Worksop One Stop Shop
Queens Buildings, Potter Street, Worksop S80 2AH
All offices are open: Monday to Friday 9:00am to 5:00pm

If you need any help communicating with us or understanding any of our documents, please contact us on 01909 533 533.

We can arrange for a copy of this document in large print, audiotape, Braille or for a Language Line interpreter to help you.