

Managers' How to Guide..... **Resolving Workplace Issues**

Policy statement	The Office of the Police and Crime Commissioner (OPCC) is committed to providing a workplace where employees feel valued and fairly treated. The Resolving Workplace Issues Policy defines the OPCC's approach to the management of concerns, complaints or problems from employees about their employment and the process to resolve concerns.
Scope	All employees of the OPCC
How to use this document	This document is not part of the formal policy. Instead it provides additional information to help you as a manager in the practical day to day application of the policy. It is expected that you will have an understanding of the Resolving Workplace Issues Policy prior to using this guide.

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Roles and responsibilities

As the responsible person who is managing the workplace issue you are responsible for:

- resolving workplace issues as quickly and effectively as possible
- applying the Resolving Workplace Issues Policy accurately
- completing relevant sections of the workplace issue resolution form as necessary
- maintaining regular contact with parties during the process
- escalating, as appropriate, where either party requires additional support
- maintaining appropriate standards of confidentiality
- positively working to implement agreed resolutions as quickly and effectively as possible
- following up on outcomes with the employee to ensure they are working
- tracking and progressing the management of workplace issues through case management
- drafting and issuing of letters, reports and documentation with HR support as necessary

The employee who has raised the workplace issue is responsible for:

- positively working to implement agreed resolutions as quickly and effectively as possible
- applying the Resolving Workplace Issues Policy accurately
- raising concerns within 3 months of the event
- using the informal stage of the policy to resolve the workplace issue in the first instance
- completing the workplace issue resolution form as necessary
- behaving in a professional manner during all relevant stages of the policy
- arranging their own trade union representative or work companion if desired and advising management of this
- maintaining appropriate standards of confidentiality

The HR person who is supporting the responsible person is responsible for:

- attending relevant meetings in an advisory capacity
- providing advice on policy application and case management
- advising on the completion of letters, reports and relevant documentation
- commissioning conciliation support where appropriate
- arranging mediation where appropriate
- maintaining confidentiality

- HR does not perform a decision making role

The OPCC work colleague or trade union representative is responsible for:

- supporting their member/ colleague
- attending meetings or ensuring meetings are covered and not delayed
- ensuring the procedure is fairly and equitably applied
- maintaining appropriate standards of confidentiality

They may make representations, submit papers, ask questions and address a meeting on behalf of the employee.

They may not answer questions on behalf of the employee.

Types of workplace issue

You may receive workplace issues for reasons such as:

- difficulties in relationships with colleagues or management
- bullying and harassment
- discrimination
- changes to working practices
- working environment
- health and safety
- organisational change

Bullying and harassment

You must address bullying and harassment complaints by;

- advising the employee to keep a record of any incidents that occur, noting dates, times, circumstances and witnesses (if any)
- advising the employee to ask the person(s) involved to stop whatever they are doing which is upsetting or unpleasant, as they may be unaware of their actions. Employees may want to do this with the support of a companion
- ensuring the employee advises you (or a more senior manager if their concerns are about you) if the unacceptable behaviour continues

You should manage allegations of bullying and harassment using the Resolving Workplace Issues Policy and have an understanding of the Dignity at Work Policy.

Effective resolution of workplace issues

The Resolving Workplace Issues Policy is a far more flexible policy than other HR policies where set actions must happen. In the case of workplace issues the objective is to find a way to resolve the employees issue and as every case is different, how you manage it will also be different.

Timely and effective handling of workplace issues helps you to ensure that employees feel valued and able to perform their duties to their full potential.

If you allow a concern to escalate and remain unresolved, it may lead to:

- reduced motivation
- reduced efficiency and effectiveness
- poor attendance
- reduced team effectiveness

A workplace issue is as much about an employee's feelings and emotions as the facts involved and, as such is unlikely to be resolved if you try purely to establish whether the employee is right or wrong. You need to approach workplace issues with a problem solving focus and work towards solutions with the employee in as many circumstances as possible.

Recognising when employees may need to discuss something that is bothering them, having an open approach to talking things through and working together to resolve issues can prevent many workplace issues from escalating. If you feel that an employee may have a workplace issue, approach them to discuss it, you don't always need to wait for them to raise it with you.

Your employees are encouraged to raise matters of concern with you as soon as possible and within **3 months** of the event and you have a joint responsibility to attempt to find a resolution that works for the business and for the employee.

You should ideally hold a discussion with the employee, and where possible address the issue together, within one week of it being raised or identified.

It may not always be possible to find a suitable solution to a workplace issue, particularly where it relates to a management instruction or request such as an office move or a team change. In such cases you will need to communicate this to the employee.

Managing the conversation in a fair, kind and honest way, providing the employee with an explanation and working together to see if there is anything else that can be done will help the employee to understand the context of why a suitable resolution cannot be found.

At any stage of the policy you or the employee can suggest conciliation or mediation as a possible tool to help resolve the issue.

Conciliation

Conciliation is an informal, open process involving an internal, impartial individual whose aim is to bring parties together to help them to reach a suitable resolution. This process may be more suited to practical solutions to workplace issues.

The overriding aim of conciliation is to restore and maintain the employment relationship. This means the focus is on parties working together to go forward, not determining who was right or wrong in the past.

Conciliation can be provided internally as an informal process to seek to resolve issues at a lower level where both parties agree there would be benefit in having a discussion in the presence of a third party.

Conciliation can be suggested at any stage of managing a workplace issue; however the employee is not obliged to participate in the process.

Mediation

Mediation is a formal process involving a trained mediator to support parties to resolve a conflict and to reach a compromise. This process may be more suited to the breakdown of a relationship with a colleague or manager.

A trained mediator uses their skills and training to help facilitate a compromise where issues may otherwise escalate to a more serious state.

Mediation can be suggested at any stage of managing a workplace issue; however the employee is not obliged to participate in the process.

Resolving workplace issues informally

How to run an informal workplace issue meeting

You must:

- meet with the employee as soon as possible
- allow the employee to explain their workplace issue
- establish what the employee feels could be done to address the issue
- discuss and implement possible solutions if they are apparent at the time
- advise if you need some time to make further enquiries before being able to discuss possible solutions
- confirm the next steps and timescales

If you need to undertake further enquiries, you must meet with the employee again to confirm the outcome of your enquiries and discuss any possible resolutions that have been identified.

Possible outcomes for an informal workplace issue

- workplace issue resolved – a resolution is agreed by you and the employee, the solutions are put into place and a follow up period is agreed to review outcomes
- workplace issue resolved, further action needed – for example you need to implement a change that may take time to arrange, or further action is needed against parties involved e.g. disciplinary action
- conciliation or mediation is recommended
- workplace issue is not resolved or is unfounded i.e. there is no identified resolution possible. You must communicate this to the employee in a fair, kind and honest way, providing an explanation and working together to see if there is anything else that can be done that will help the employee to understand the context of why a resolution cannot be found
- workplace issue not resolved – the employee or line manager/ colleague do not agree with the resolutions
- workplace issue cannot be resolved within a reasonable timescale

You must advise the employee of the next stage of the policy if they do not agree with the resolutions that are proposed or do not feel that they work when put into practice.

You should keep some form of audit trail in case the situation reoccurs (emails or other documentation of discussions and agreements).

Further enquiries You may need to complete further enquiries to ensure you have an informed and balanced view prior to discussing possible solutions with the employee. The requirement for and the level of further enquiries is decided by you and is to be proportionate to the nature/severity of the issue.

When conducting further enquiries you may:

- gather further information confidentially
- meet with other parties to discuss the issue
- obtain written responses from other relevant parties
- produce a management report/ further enquiries summary/ level of documentation relevant to the issue
- if appropriate, share your initial findings/recommendations with the employee and the line manager/ parties involved to test whether they feel they would work in practice

Resolving workplace issues formally

Receiving a formal workplace issue

You must check that the employee has used the resolving workplace issues informally section of the policy before submitting a formal workplace issue. You can do this by reviewing the audit trail and relevant documentation recorded by the manager at the informal stage.

If an employee wishes to move directly to submitting a formal workplace issue, they do have the right to do this. However, as the intention of the policy is solution based rather than an adversarial, you should discuss the benefits of using the informal stage with the employee to ensure they understand the principles of what the policy is trying to achieve.

Ideally employees will submit their formal workplace issue using the workplace issue resolution form; however they do have the right to submit a letter or alternative written format if they want to.

You, in conjunction with your line manager if this is helpful, decide who is the most appropriate person to manage the formal workplace issue. This person is referred to as the responsible person'. If you have attempted to resolve the issue at the informal stage, it will be appropriate to identify an alternative responsible person to manage the formal workplace issue process.

The responsible person must contact HR Operations to advise of the formal workplace issue and arrange a suitable time to plan how the case will be managed.

You must maintain contact with the responsible person, when it is not you, and ensure that you are aware of the agreed resolutions or alternative outcome.

It is your responsibility to ensure that further enquiries are completed promptly to enable the relevant meeting to take place within **26 calendar days** of the workplace issue being raised formally. In exceptional circumstances, where this timeframe cannot be achieved, i.e. if the issue relates in some way to a police investigation or where there are extenuating personal circumstances, then an alternative timescale may need to be agreed. Where this is the case, the reasons should be documented and all parties updated immediately (while maintaining appropriate levels of confidentiality).

How to invite an employee to a formal workplace issue meeting

The responsible person must write to the employee to invite them to a workplace issue meeting. There may be more than one meeting held at this stage and the employee must receive a written invite to all formal meetings.

The letter will include:

- **up to 9 calendar** days notice of the meeting
- the date, time and venue for the meeting
- who will be attending
- the employee's right to be accompanied
- copies of any relevant papers – see sharing information
- a copy of the Resolving Workplace Issues Policy

The responsible person and the employee are expected to provide details of any significant issues and relevant papers in advance of the meeting.

Right to be accompanied

The employee has the right to be accompanied at a formal workplace issue meeting or workplace issue appeal meeting by an OPCC work colleague or trade union representative.

It is the employee's responsibility to arrange their own companion and to advise management of this.

Alternative date

An alternative date is automatically scheduled for within **9 calendars days** of the first. All reasonable efforts should be made by the employee and their companion to attend the first scheduled date but where this is not possible due to availability, the alternative date will be used.

If the employee is unable to attend or fails to attend the re-arranged meeting, this will normally go ahead in the employee's absence.

Who manages the process at each stage

Stage	Who manages?	Adviser at the meeting
Informal workplace issue	Responsible person	None
Formal workplace issue	Responsible person	HR
Workplace issue appeal	Employee's Second Line Manager or other nominated manager	HR

Other meeting attendees

Dependent on the circumstances, other attendees may be present at the meetings as follows:

- parties involved
- where you are not the responsible person and are not chairing the meeting, you may be invited to attend to provide relevant information
- an OPCC work colleague or trade union representative
- an HR caseworker
- witnesses (in exceptional circumstances)
- responsible person (at appeal state)

What information should be shared

You and the employee are expected to share any relevant information that may help with further enquiries throughout the process and at the earliest opportunity. You must provide details of any significant issues and relevant papers in advance of the meeting. These documents are normally supplied with the invitation letter.

The employee, or their companion, must submit any significant issues or papers that have not been shared at previous opportunities that are appropriate to the workplace issue, **4 calendar days** before the formal meeting.

You must provide the employee with two copies of any documents that will be used in advance of the meeting, one for them and one for their companion.

How to run formal workplace issue meeting(s)

The responsible person must hold an initial meeting with the employee to explore the workplace issue and identify whether any resolutions can be put in place to resolve the issue at this stage.

If a resolution is identified at this stage, the responsible person may need to check with the employee and manager/ colleagues to determine whether the suggested resolutions would be agreeable and acceptable in line with business and operational needs.

If a resolution is not identified, the responsible person may need to complete [further enquiries](#) in order to reach an informed and balanced view.

After any further enquiries have been completed, the responsible person must meet with the employee and manager/ colleague again to confirm the outcome of the enquiries and discuss any possible resolutions that have been identified.

Possible outcomes of a formal workplace issue meeting

- workplace issue resolved – a resolution is proposed and is agreed by the employee and you / colleague, the solutions are put into place and a follow up period is agreed
- workplace issue resolved, further action needed – for example implementing a change that may take time to arrange, or further action is needed against other parties involved e.g. disciplinary action
- mediation / conciliation is recommended
- workplace issue not resolved - there is no resolution and the responsible person must communicate this to the employee in a fair, kind and honest way, providing an explanation and working together to see if there is anything else that can be done that will help the employee to understand the context of why a resolution cannot be found
- workplace issue not resolved – however there is a reasonable management instruction which the employee is expected to adhere to
- workplace issue cannot be resolved within a reasonable timescale

The responsible person must advise the employee of their right of appeal if they do not agree with the resolutions that are proposed.

The responsible person must complete the relevant section of the workplace issue form, where the form has been used, to confirm the outcome that was agreed at this stage.

The responsible person must keep a written record of any meetings.

How to confirm the decision

The responsible person must send a letter to the employee which includes the following:

- the outcome of the meeting and an explanation
- where resolutions are agreed, what they are and the timescales for implementing them
- the employee's right of appeal
- the date by which an appeal must be submitted which is within **10 calendar days** starting from the day after the meeting

The letter will be sent ideally on the same day as the meeting but if not, within **4 calendar days** and a copy placed on the personnel file or ePF.

Managing workplace issue appeals

Receiving a workplace issues appeal

The responsible person who receives the appeal must refer the appeal to the relevant manager, referred to as the chair of the meeting.

The chair of the meeting must contact HR Operations to advise of the workplace issue appeal and arrange a suitable time to plan how the appeal will be managed.

If the grounds for the appeal are unclear, the chair of the meeting must ask the employee to clarify the specific reasons and evidence and signpost them to the relevant sections of the workplace issue resolution form.

You must maintain contact with the chair of the meeting to ensure that you are aware of the agreed resolutions or alternative outcome.

How to invite an employee to an appeal meeting

The chair of the meeting must write to the employee to invite them to a workplace issue appeal meeting.

The letter will include:

- **up to 9 calendar days** notice of the meeting
- the date, time and venue for the meeting
- who will be attending
- the employees right to be accompanied
- copies of any relevant papers – see sharing information

The responsible person and employee are expected to provide details of any significant issues and relevant papers in advance of the meeting, only if they are new and not as previously supplied.

How to run a workplace issue appeal meeting

At the meeting the chair must:

- introduce all parties
- ask the employee to describe their workplace issue (using the workplace issue resolution form), summarise the steps taken to resolve the workplace issue to date, explain why the resolutions have not worked and confirm the solution they are seeking
- ask any questions of attendees, refer to any material as appropriate, summarise the workplace issue to confirm understanding and summarise what has been done to previously try to resolve the issue
- adjourn the meeting if necessary to consider the evidence and decide on the possible solutions

- reconvene the meeting if necessary and inform the employee of the possible solutions or decision

There is a requirement to keep a written record at this stage.

Outcome of an appeal meeting

- Workplace issue resolved – a resolution is proposed and is agreed by the employee and line manager/ colleague, the solutions are put into place and a follow up period is agreed
- Workplace issue resolved, further action needed – for example implementing a change that may take time to arrange, or further action is needed against other parties involved e.g. disciplinary action
- Mediation/ conciliation is recommended
- Workplace issue not resolved - there is no alternative resolution identified and the chair of the meeting must communicate this to the employee in a fair, kind and honest way, providing an explanation and working together to see if there is anything else that can be done that will help the employee to understand the context of why a resolution cannot be found
- Workplace issue not resolved – the employee or line manager/ colleague do not agree with the resolutions
- Workplace issue cannot be resolved within a reasonable timescale

The chair of the meeting must complete their section of the workplace issue resolution form, where the form has been used, to confirm the outcome that was agreed at the workplace issue appeal meeting.

Collective workplace issues

Collective workplace issues will be managed in the same way as individual workplace issues. If the group of employees are members of more than one department the responsible person is decided by the Chief Executive.

The responsible person must ensure that the nominated spokesperson has been accepted by all employees who have raised the collective workplace issue and that the group has access to any relevant information and outcomes. Outcomes of a collective workplace issue apply to all employees.

Support

Managers:

Any queries can be directed to HR Operations on 01962 813915 or hradvice@hants.gov.uk.

A confidential Employee Support service is available on freephone **0800 030 5182** (or 0161 836 9498 if calling from a mobile) at any time. Further information is available at <http://www3.hants.gov.uk/employee-support>

How to guidance Governance

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