



Human Resources

RESOLUTION PROCEDURE

This procedure details how an employee can seek to resolve any concerns they have regarding their employment.

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1 PURPOSE AND SCOPE

- 1.1 The aim of the procedure is to encourage consistency, transparency, and fairness in the handling of any workplace problems or complaints and, wherever possible, to encourage and facilitate a timely resolution to such concerns.
- 1.2 The procedure detailed below is applicable to all University staff, except for the Vice Chancellor and Chief Executive, the Clerk to the Board of Governors and holders of senior posts appointed by the Board. Concerns raised by such individuals will instead be dealt with by the Board of Governors in accordance with the University's Articles of Government.
- 1.3 This procedure is not contractual but is intended as a statement of current University policy and its commitment to operate a fair procedure in relation to all its employees, taking account of the current ACAS Code of Practice on Disciplinary and Grievance Procedures and associated guidance. The University therefore reserves the right to amend this procedure as necessary to meet any changing requirements or where it is appropriate in any particular case.
- 1.4 Agency workers, contractors and any individuals working for the University on a self-employed basis are not covered by this procedure.
- 1.5 The University has a separate procedure for dealing with matters which may relate to Whistleblowing, when the concern relates to suspected malpractice or wrongdoing within the workplace [<https://www2.worc.ac.uk/personnel/689.htm>].
- 1.6 Individuals whose concerns relate to actions or behaviour that may reasonably be deemed to amount to bullying and harassment may also wish to refer to the University's Harassment and Bullying policy [<https://www2.worc.ac.uk/personnel/774.htm>]. All formal complaints of alleged bullying and harassment will be investigated in accordance with Stages 2 and 3 of the Resolution Procedure detailed below.
- 1.7 Concerns relating to the handling or outcome of any other HR process, and in particular where such a process provides a right of appeal, including in respect of disciplinary action or dismissal, should be dealt with in accordance with the relevant procedure and will not be considered separately under the Resolution Procedure detailed below.
- 1.8 This procedure does not apply to collective grievances raised on behalf of a group of employees, by a representative of a recognised trade union, which fall within the scope of being dealt with in accordance with the dispute procedure contained within the University's Trade Union Recognition Agreement.
- 1.9 Where more than one individual from the same area of the University submits a formal complaint or concern at or around the same time, and the content of such concerns are of a

similar nature, the University will determine whether the appropriate course of action is for the matters to be considered separately or together, depending on the circumstances of the case. Please note that in such cases, this does not constitute a collective grievance, please refer to 1.8 for definition of a collective grievance.

- 1.10 Any formal concerns or complaints raised by an individual under this procedure will be placed on their HR file along with a record of any decisions taken, resolution achieved and any notes or other documents compiled during the process. These will be processed in accordance with the University's Data Protection Policy.
- 1.11 Electronic recordings of any meetings under this procedure are not permitted without the express permission of all parties in attendance. Failure to abide by this may be treated as an act of gross misconduct under the Staff Disciplinary Policy.
- 1.12 The submission of a formal complaint or concern which, following further investigation, is found to have been raised maliciously, may be deemed to be misconduct and therefore subject to disciplinary action.
- 1.13 The fact that an employee has invoked the resolution procedure will not preclude the University from commencing, continuing with or concluding another substantive University process or procedure (e.g. disciplinary or poor performance proceedings). Please also see paragraph 7 of this procedure.

2 RESPONSIBILITIES AND TIMESCALES

- 2.1 All relevant parties must co-operate fully and promptly in the resolution procedure, including the employee raising the concern and any colleagues and managers involved in seeking to resolve the matter.
- 2.2 Employees must endeavour to raise any concerns they have in a prompt and timely fashion (ideally within no more than 3 months of their concern arising) so as to try and facilitate a resolution as soon as possible. Employees are also asked to consider and explain from the outset the sort of resolution they ideally seek from raising a concern. It is proven that determining and focusing on the desired outcome from the start is more likely to lead to a swift, positive and achievable resolution.
- 2.3 In return, at each stage of the procedure detailed below the University will seek to consider and respond to all cases within no more than a 6-8 week period. Recognising that each case is different however, adherence to this timeframe will depend on matters such as the complexity of the case, the amount of witnesses involved and so on. Should additional time be required at

any stage then the employee concerned will be kept informed of progress and notified of any reasons for delay.

2.4 All relevant parties are expected to:

- try to resolve the issue informally wherever possible; and
- show respect for others by communicating professionally, clearly and fairly, listening to each other's perspectives and views, with the intention of seeking to mutually resolve the issue as soon as possible.

3 SUPPORT AVAILABLE

3.1 It is advisable to talk to someone before taking any action either informally or formally.

Managers and colleagues who are involved in seeking to resolve the matter may also benefit from support at various times during the process. Support and advice is available for all parties from the following sources:

- Human Resources – All employees can seek support and advice from the relevant HR Business Partner on the application of this policy and procedure at any stage, including after a resolution has been reached if necessary.
- Trade Unions - During the informal stages of this procedure, trade union representatives are available to provide support including suggestions on how to resolve complaint(s), and at the formal stages of this procedure employees have the right to be accompanied and assisted by a trade union representative (or a workplace colleague) if they wish to.
- Counselling Support - Confidential counselling is available to all employees through the University's Employee Assistance Programme (EAP) helpline, provided by PAM Assist. PAM Assist provide a 24-hours a day, 365 days a year confidential counselling telephone helpline (0800 884 4102), which is free and staffed by trained counsellors. Details of any conversations had are not disclosed to anyone at the University. Alternatively, employees can also access other helpful resources on www.pamassist.co.uk or via the PAM Assist app. Further details of the service are available on the HR website: <https://www2.worc.ac.uk/personnel/658.htm>.
- Resolution Support Officers – Volunteers will be sought from our staff population to act as an additional point of contact and source of confidential support for other employees who have concerns. Resolution Support Officers will act as a signpost for staff to sources of guidance and support, as well as acting as a 'friendly ear' when an individual first identifies that they have a concern and may wish to talk through their perspective of the matter with an impartial individual. Discussions with Resolution Support Officers will remain confidential and will not be disclosed to anyone else without the employee's consent.

Employees should be aware that, unlike investigation interviews, there will be no agreed written record of any discussion with the Resolution Support Officer, nor will any written record be permitted to be used in any subsequent formal process.

4 STAGE 1 – INFORMAL RESOLUTION

- 4.1 Concerns or complaints are a natural issue in every day life. Focusing on resolving workplace issues constructively and in a timely fashion when they arise helps to create and sustain a positive working environment for all. Most issues can be resolved through informal dialogue and we encourage all employees to use the informal resolution methods prior to the use of the formal process, wherever it is possible and appropriate to do so. Raising issues at the earliest possible opportunity can help to prevent positions becoming entrenched and avoid the situation escalating.
- 4.2 Where an individual has not first explored informal resolution they will be encouraged to do so before the formal process is instigated, noting however that an attempt at informal resolution may not always be appropriate due to the nature, severity or extent of the concern or complaint.
- 4.3 There are three main options for resolution at informal stage and those are: -
- Informal one-to-one discussion – this provides an opportunity for fellow colleagues or for managers and employees to raise their concerns directly with each other through a supportive and constructive forum. If an individual does not feel comfortable raising an issue directly with the other person involved, they should discuss their concerns directly with their line manager. Where the concerns are in relation to their line manager, the individual should instead arrange to discuss their concerns with the next most senior person, normally the line manager’s manager. Where a manager is informed of the concerns at this stage, they should seek to offer solutions to resolve the problem (e.g. by offering advice on how to approach a discussion with the colleague concerned; by offering to speak to the colleague on the individual’s behalf or as part of a facilitated conversation (see below) or by suggesting other appropriate strategies, approaches or solutions to resolve the matter). Following any discussions, the manager concerned should provide to the individual a written summary of the meeting, including what was discussed and any proposed actions or resolutions identified.
 - Facilitated conversation - where the concern relates to a potential breakdown in working relationships or disagreement, an individual may feel anxious about raising the matter directly with the other person involved. In such situations a facilitated conversation may be an appropriate alternative. A facilitated conversation is a confidential discussion between all parties concerned and provides a safe, confidential, environment to discuss concerns in

a supportive, constructive way. Such a conversation may be facilitated by a line manager, another senior manager from within the same department/business area or a member of Human Resources. The purpose of the meeting is to try to ensure that, through the involvement of the facilitator, all parties are given the chance to explain the situation from their perspective, are encouraged to listen and seek to understand each others perspectives and, wherever possible, seek to find a mutually acceptable resolution. The facilitator may seek to offer solutions to resolve the problem should they feel able and it is appropriate for them to do so. Following any discussions, the facilitator concerned should provide to the individual/s a written summary of the meeting, including what was discussed and any proposed actions or resolutions identified.

- **Mediation** – mediation is a more in-depth and structured resolution process which is proven to be highly effective at resolving workplace disputes, complaints or concerns, in particular where such an issue relates to a breakdown in working relationships. It could also be a recommended action from, or pursued as a means of resolution during, any stage of the formal procedure. If all parties concerned agree to take part in mediation, the issue will be referred to an external, accredited mediator. The mediator will contact both parties and explain the principles and processes of mediation. The mediation process will include, in the first instance, a separate private meeting with the mediator and each concerned party followed by a facilitated face to face meeting with all parties concerned. Mediation is a voluntary and confidential process. The mediator will help the parties have an open and honest conversation with the aim of identifying a mutually acceptable outcome. If this is the case, the mediator will encourage parties to draw up an agreement. After mediation has finished individuals concerned may agree that, if appropriate, others can receive a copy of this final written agreement. However, the University will not receive any other feedback from the mediator about issues raised and discussed or any other factors raised during the mediation process – only confirmation as to whether mediation was successful in resolving the issue or not.

- 4.4 If the matter is not resolved or cannot be otherwise concluded informally, or where an attempt at informal resolution is not appropriate due to the nature, severity or extent of the concern or complaint, the matter should be dealt with in accordance with the formal resolution procedure detailed in Sections 5 and 6 below.

5 STAGE 2 – FORMAL RESOLUTION PROCEDURE

- 5.1 Where a concern or complaint is to be raised formally, the employee should send to their line manager, without unreasonable delay and noting the timescale specified in 2.2 above, a written

statement making clear that it is a formal complaint detailing: the nature of their concerns (including any relevant facts, dates and names of individuals involved), any actions taken to date to attempt to resolve those concerns informally, the preferred resolution sought and their rationale for their preferred resolution. A copy should also be sent to the Human Resources department for their information, normally addressed for the attention of the designated HR Business Partner for the department in which the employee is based.

- 5.2 Where the concerns relate to an individual's line manager, the individual should instead submit their written statement to the next most senior person, normally the line manager's manager.
- 5.3 Upon receiving the written complaint, the manager will arrange for a formal resolution meeting to be held as soon as is reasonably practicable and without unreasonable delay (noting the anticipated timescales for seeking resolution at each stage, detailed in clause 2.3 above). In some circumstances, an employee might be asked for further information before this happens, and/or an investigation may be initiated before the manager arranges to speak with the employee, if appropriate. The employee will be contacted as soon as possible to inform them of the timescale in which the meeting will take place.
- 5.4 The employee and their companion (if any) should make every effort to attend the formal resolution meetings. Please refer to 5.6 for definition of companion. If the employee or their companion cannot attend at the time specified, they should inform the manager immediately and the University will try to agree an alternative time. All necessary parties should endeavour to be as flexible as possible in order to try and facilitate a rescheduled meeting taking place as soon as possible. If the employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, they may be asked to choose someone else.
- 5.5 A representative from HR will be in attendance at the meeting, and at any subsequent investigation meetings required, to support the process and ensure that is conducted fairly, in accordance with the University's procedure, and to ensure that an accurate record is kept of the matters discussed.
- 5.6 The employee has the right to be accompanied to the meeting by a trade union representative or work colleague. The manager has the right to refuse to allow the employee to bring a companion whose presence could compromise the resolution process - for example, where a companion may also need to be spoken to as a potential witness and therefore may pose a conflict of interest. Where the presence of a requested companion is not deemed appropriate by the manager seeking to resolve the case, the employee will be informed of the reasons why that decision has been reached and advised of their right to source an alternative.

- 5.7 At the meeting, an employee's companion may make representations and ask questions, but should not answer questions on the employee's behalf. An employee may talk privately with their companion at any time during the meeting.
- 5.8 At the meeting, the employee will be invited to explain the nature of the concern or complaint, what action they consider should be taken to resolve the matter and why they believe such a resolution to be appropriate. Noting that the purpose of the resolution procedure is to seek to try and resolve any concerns or complaints, the meeting will focus on both seeking to understand the concern in more detail and also moving towards a resolution. This may require the manager to seek to understand in more detail the rationale behind the resolution sought, and to manage the employee's expectations where such a resolution may not be deemed entirely appropriate or achievable. If the employee is aware of any potential witnesses to their concerns, or they have or are aware of any supporting evidence, details should be provided to the manager prior to or during the meeting.
- 5.9 Following the meeting, the manager considering the matter will carry out any further investigations as appropriate, which may include speaking to any potential witnesses identified.
- 5.10 Witnesses who need to be spoken to as part of the resolution process will be invited to meet with the manager considering the matter as soon as possible. They also have the right to be accompanied by a companion (see paragraph 5.6 for definition of companion) should they wish to do so. Prior to the meeting, they will be provided with, as deemed necessary and appropriate to do so, sufficient and relevant information to assist them with understanding the nature of the employee's concern and to therefore try and facilitate an appropriate resolution to that concern wherever possible.
- 5.11 As soon as reasonably practicable, and once all necessary investigations are complete, the manager will provide the employee with written confirmation of the outcome of their complaint, including where deemed appropriate to do so copies of any relevant supporting evidence considered during the course of the investigation, and detailing any necessary actions or recommendations they have identified to resolve the matter (if appropriate).
- 5.12 The employee will also be offered the opportunity to have a feedback meeting with the manager, either before or after the written outcome is issued to them, should they wish to do so. The purpose of the feedback meeting will not be to further discuss the matter before any decision is reached and resolution identified, but is an opportunity for the manager to provide the employee with further context and rationale behind the conclusions they reached, in the interests of facilitating a successful resolution. For the same reasons, and where deemed appropriate and potentially beneficial to do so, feedback meetings will also be offered to any

other relevant parties (e.g. managers or colleagues who need to understand and facilitate the resolution/s identified).

5.13 The manager shall also inform the employee of their right of appeal, including the name of the individual to whom they need to submit their appeal (which will normally be an appropriate member of the University's senior management team), should they remain unsatisfied with the outcome or action taken.

5.14 When a complaint of bullying, discrimination, harassment, victimisation or other inappropriate behaviour is upheld or partially upheld against a specific individual/s, the case will normally be referred to a disciplinary hearing without the need for further investigation. In such circumstances the employee who raised the complaint will be advised that a disciplinary process is to take place, but will not normally be privy to the outcome of that subsequent process.

6 STAGE 3 - APPEAL

6.1 If the employee feels that their formal complaint has not been satisfactorily resolved, they may appeal within 10 working days of being sent the written outcome. The appeal should be submitted in writing to the individual stipulated within the Stage 2 outcome letter (which will normally be an appropriate member of the University's senior management team), copied to the Human Resources department for information (usually to the designated HR Business Partner for the department in which the employee is based), and should include the grounds of the appeal, details of the resolution sought and why they believe such a resolution to be appropriate.

6.2 Grounds for appeal are limited to: -

- potential procedural failings that may have had an impact on the outcome;
- concerns regarding the consideration of the evidence (i.e. insufficient or too much weight being placed on the evidence available); or,
- new information that has come to light subsequent to the decision being made and that is potentially relevant to the case in hand.

6.3 The manager in receipt of the appeal documentation will arrange to meet with the employee as soon as is reasonably practicable and without unreasonable delay. The employee will be contacted as soon as possible to inform them of the timescale in which that meeting will take place.

6.4 A representative from HR will be in attendance at the appeal hearing, and at any subsequent investigation meetings that may be required, to support the process and ensure that is

conducted fairly, in accordance with the University's procedure, and to ensure that an accurate record is kept of the matters discussed.

- 6.5 The employee has the right to be accompanied to the hearing by a trade union representative or work colleague. As at Stage 2, the manager hearing the appeal has the right to refuse to allow the employee to bring a companion whose presence could compromise the appeal process - for example, where a companion may also need to be spoken to or has already been spoken to as a witness. If the employee or their companion cannot attend at the time specified, they should inform the manager hearing the appeal as soon as possible and the University will try to agree an alternative time. All necessary parties should endeavour to be as flexible as possible in order to try and facilitate a rescheduled meeting taking place as soon as possible. If the employee's chosen companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days afterwards, they may be asked to choose someone else.
- 6.6 At the hearing, the employee will be invited to explain the grounds of appeal, what action they consider should be taken to resolve the matter and why they believe such a resolution to be appropriate. Noting that the purpose of the resolution procedure is to seek to try and resolve any concerns or complaints, the meeting will focus on both seeking to understand the concern in more detail and also moving towards a resolution. This may require the manager to seek to understand in more detail the rationale behind the resolution sought, and to manage the employee's expectations where such a resolution may not be deemed entirely appropriate or achievable. If they are aware of any further potential witnesses to their concerns, or they have or are aware of any new supporting evidence, details should be provided to the manager no less than 2 working days prior to the hearing.
- 6.7 The manager hearing the appeal will carry out further investigations as appropriate and, as soon as reasonably practicable following the appeal hearing, they will provide the employee with written confirmation of the outcome of their appeal, including where deemed appropriate to do so copies of any new and/or relevant supporting evidence considered, and detailing any necessary actions or recommendations they have identified to resolve the matter (if appropriate).
- 6.8 There will be no further right of appeal.

7 OVERLAPPING COMPLAINTS AND OTHER CASES

- 7.1 Where an employee raises a complaint during the course of another substantive University process or procedure (such as a disciplinary or performance management process): -
- If the complaint relates to the operation, handling or outcome of that other process / procedure, or could be deemed to be representations in response to the matters being

dealt with as part of the other process / procedure, the issues raised will be considered as part of the other procedure (e.g. in relation to a disciplinary case, concerns regarding the investigation process can be raised at any subsequent disciplinary hearing, potential mitigation can be considered at any stage of the disciplinary process and concerns about the outcome can be heard as part of any appeal);

- Where the complaint and other substantive process are unrelated, both processes will continue to be progressed as appropriate and both matters will be dealt with separately.

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| Related Policies, Procedures, Guidance, Forms or Templates | Whistleblowing Policy Harassment and Bullying Policy |
| Policy/Policies Superseded by this document | University of Worcester – Employee Grievance Procedure – October 2001 |