



# **NOTTINGHAMSHIRE COUNTY COUNCIL**

## **EMPLOYEE RESOLUTION PROCEDURE**

<b>Title: Employee Resolution Procedure</b>			
<b>Aim/Summary: To provide a management framework to consider employee complaints in a timely, consistent manner</b>			
<b>Document type</b> (please choose one)			
Procedure	*	Guidance	
Strategy			
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<b>Subject Areas</b> (choose all relevant)			
About the Council		Older people	
Births, Deaths, Marriages		Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	
Jobs		Employees	*
Leisure		Travel and Transport	
Libraries			

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<b>Please include any supporting documents</b>	
<b>Review date</b>	<b>Amendments</b>

## **Employee Resolution Procedure**

### **1. Introduction**

1.1 Nottinghamshire County Council recognises that employees may from time to time have complaints and grievances they wish to raise, this may include complaints of harassment or bullying. The purpose of the Employee Resolution Procedure is to provide a mechanism by which employees can raise complaints and have them resolved as quickly as possible. The procedure should only be used when all efforts to resolve a complaint informally, at the lowest possible level and as close to the source as possible, have been exhausted.

Guidance for managers on informal resolution of employee concerns is attached as Appendix 1.

### **2. Scope**

2.1 This procedure applies to all employees of Nottinghamshire County Council with the exception of teachers and staff based in schools, where schools have their own procedures.

2.2 The procedure deals with complaints that employees, on an individual or group basis, have on matters relating to their work including their management, colleagues, working practices, bullying and harassment and the working environment.

2.3 There are separate procedures which deal with:

- Discipline
- Whistleblowing
- Collective Dispute
- Complaints against Members
- Grading of Posts

### **3. Principles**

3.1 The first step, when handling an employee complaint, is always to seek an informal resolution outside of this formal procedure. Only when all efforts to resolve the matter informally have been exhausted should the Employee Resolution Procedure be considered.

3.2 A complaint should be raised by an employee immediately an issue occurs and no later than within 3 months, to enable current issues to be considered within a reasonable timescale.

3.3 Advice should be sought from the HR service throughout the process.

3.4 The employee may wish to be accompanied by a Trade Union representative or official employed by a trade union or a fellow worker at all meetings concerning their complaint.

- 3.5 If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way.
- 3.6 In raising a complaint there should be no fear of victimisation.
- 3.7 The Employee Resolution Procedure should not be used to frustrate action already being taken under other procedures, e.g. disciplinary, attendance or performance. In exceptional circumstances where an employee raises a complaint during another process, the process may be temporarily suspended in order to deal with this. However, where the complaint and other cases are related, it may be appropriate to deal with both issues concurrently. HR advice should always be sought in these circumstances.
- 3.8 In appropriate circumstances managers may consider temporary redeployment or suspension. HR advice should always be sought in these circumstances.
- 3.9 There may be circumstances where an employee leaving the Council may raise an issue that would need further investigation and time may not allow for an appropriate investigation of the issue to take place before they leave. The former employee should send in the written complaint to their former manager normally within 2 weeks of leaving employment. It may be appropriate to arrange to meet with the former employee to discuss the issue. Advice should be sought from the HR service.

#### **4. Formal Meeting**

- 4.1 Once attempts to resolve a complaint informally have been exhausted, the employee can put their complaint and desired outcome in writing within 5 working days of the outcome of the informal resolution process being communicated to them. The complaint should be submitted to the line manager, unless it directly involves them, in which case it should be submitted to a manager at the level above. The employee should clearly state the outcome/resolution they are seeking, using the pro forma provided in Appendix 2.
- 4.2 The manager with whom the complaint is now raised should convene a meeting with all parties, within 10 working days of receipt of the written notification, where possible. Either party may ask relevant witnesses to attend and give evidence. It is the responsibility of the manager convening the meeting to ensure arrangements are made for the meeting to be recorded.
- 4.3 The employee may wish to be accompanied by a Trade Union representative or official employed by the trade union or a fellow worker at all meetings concerning their complaint. If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way.
- 4.4 Following the meeting, the manager should decide on the appropriate action, if any, to take. A decision will be given to the employee, in writing, within 5 working days.

HR advice can be sought regarding the decision making process. If the employee is not satisfied with the outcome, they have the right to raise an appeal. They will be advised of how to exercise their right of appeal within the outcome letter.

## **5. Appeal**

- 5.1 Where an employee believes their complaint has not been satisfactorily resolved, they may submit an appeal. The employee should inform their Service Director of their grounds for appeal, in writing, within 5 working days of receipt of written outcome of the formal meeting, using the Appeal pro forma (insert link).
- 5.2 The appeal should be convened within 20 working days of receipt of notification and should be chaired by an independent manager nominated by the Service Director. Advice may be provided to the manager hearing the appeal by a HR Business Partner.
- 5.3 All written submissions which parties wish to rely on at the appeal, should be submitted no later than 10 working days prior to the date of the appeal to the independent chair. Submissions should then be issued to both parties 5 working days prior to the meeting.
- 5.4 The officer presenting the appeal for management, should be the manager who chaired the formal meeting under the Employee Resolution Procedure. It is their responsibility to ensure arrangements are also made for the appeal meeting to be recorded.
- 5.5 The procedure for the Appeal meeting will be as outlined in Appendix 3.
- 5.6 The outcome of the appeal will be communicated to the employee in writing within 5 working days.
- 5.7 The appeal is the final stage of the Employee Resolution Procedure. The independent manager can uphold the appeal fully or in part, dismiss the appeal or take any other appropriate action.

### **Guidance for Managers** **Informal resolution of employee concerns**

#### **Aim**

When handling a concern or problem raised by an employee, the aim is always to seek a resolution at the lowest possible level and as quickly as possible without recourse to the formal Employee Resolution Procedure. In the majority of cases complaints can be dealt with locally by the line manager at the time the concern is first raised and normally within a 4 week timeframe.

Only when all efforts to resolve the matter informally have been exhausted should the complaint be considered under the formal Employee Resolution Procedure.

#### **Informal resolution – good practice steps for managers**

- Ensure you understand the nature of the concern and the desired outcome/resolution.
- Consider if the complaint is sufficiently serious (e.g. bullying or harassment) to be immediately considered under the formal policy.
- Refer to your line manager if the employee does not feel able to discuss the matter directly with yourself.
- The appropriate manager should arrange to meet with the employee as soon as possible to discuss the matter with the aim of resolving the issue.
- The employee may wish to be accompanied by a Trade Union representative or official employed by a trade union or a fellow worker at all meetings concerning the issue raised.
- Depending on the nature of the concern and If required, the employee may request a support person to be in attendance at formal meetings. The support person is not permitted to address or intervene in the meeting in any way, and should only play a pastoral role.
- If the complaint is against a fellow worker, ensure they are appraised of the issue and arrange to meet with them either jointly with the complainant or separately.
- Consider whether any learning and development activity would help resolve the issue. (Link to BMS Learning Solutions)
- Coaching
- Keep records of the issues raised, discussions held and actions taken. Confirm your decision and any actions to all parties in writing. Keep these records on the employee's supervision file.
- Advice can be sought from the HR service throughout the process.



## **FORMAL EMPLOYEE RESOLUTION PROCEDURE PROFORMA**

**Note to Employees:** It is expected that all efforts have been made to resolve the issue informally, before the FORMAL Employee Resolution Procedure is utilised.

Name:	Post: Service: Department:
Summary of complaint:	
Please outline what actions you have taken to informally resolve the matter with the appropriate manager. (Please state manager's name and job title*).	
Please state why you are not satisfied with the outcome of the informal resolution process.	
Name(s) of employee(s) against whom the complaint has been raised, if applicable:	
Details of grievance - include dates, times, events, witnesses etc. (continue on separate sheet if necessary)	
Names of any witnesses:	
Desired Resolution/Outcome:	
Signed:	Date:

The form should be sent to the manager named above\*. A copy should also be sent to the HR service at [hrdutydesk@nottsccl.gov.uk](mailto:hrdutydesk@nottsccl.gov.uk)

## Appendix 3

The process for the Employee Resolution Procedure Meeting/Appeal is as follows:

1. The Chair introduces all parties and explains their roles.
2. The Chair explains the purpose of the meeting/appeal i.e. it is being held in accordance with Nottinghamshire County Council's Employee Resolution Procedure and is a confidential matter, which should be treated as such by all parties.
3. The Chair asks whether any adjustments are required and offers breaks where required.
4. The Employee/Representative presents their case, calling witnesses as required (witnesses should be told not to discuss the case with any other parties and that they may be subject to recall should clarification be needed on any point of their evidence).
5. The Manager asks questions of the employee and their witnesses.
6. The Chair/HR Business Partner asks questions of the employee and their witnesses.
7. The Manager presents their case, calling witnesses as required (witnesses should be told not to discuss the case with any other parties and that they may be subject to recall should clarification be needed on any point of their evidence).
8. The Employee/Representative asks questions of Management and their witnesses.
9. The Chair/HR Business Partner asks questions of the Manager and their witnesses.
10. The Manager sums up the management case.
11. The Employee/Representative sums up their case.
12. The Chair thanks all parties and calls for an adjournment to consider the evidence and reach a decision. All parties should be reminded not to discuss the proceedings with any other parties.
13. Unless further time is required for decision-making, the meeting reconvenes and the Chair informs the Employee/Representative of their decision and that this will be confirmed in writing within 5 working days, and placed on their personal file. Where further time is required, the Chair will confirm how the decision will be communicated within the 5 day timeframe.
14. The Employee is informed of their right to appeal, (except where it is an appeal meeting).

N.B. If new evidence or additional documents are produced during the meeting, the other party has the right to request an adjournment in order to consider the information. Witnesses may be re-called if the Chair makes the decision to allow new evidence.