

# Resolution Policy

The school promotes and encourages positive working relationships and seeks to create and sustain an environment that is open, inclusive and where employees feel able to raise concerns regarding their employment in an appropriate way with their Headteacher or the Chair of Governors, as appropriate.

It is healthy for all concerned to discuss issues as they arise and to work together to find appropriate solutions and resolutions to concerns that may be raised by employees during the course of their employment. This policy sets out a process to enable this to happen.

1	Scope of the policy .....	1
2	Early action.....	2
3	Informal process .....	2
4	Formal process.....	3
5	Appeal .....	5
6	Counter claims .....	5
7	Vexatious or malicious issues .....	6

## 1 Scope of the policy

This policy applies to all employees, no matter how long they have been employed by the school and deals with issues raised by an individual, a group of two or more employees or a recognised trade union on behalf of a group of employees.

### 1.1 Bullying and harassment

Bullying can be described as behaviour that is 'offensive, intimidating, malicious, or insulting, or possibly a misuse of power with the intention to undermine, humiliate, degrade or unfairly criticise'. Harassment is unwanted behaviour that can be 'intimidating, hostile, humiliating or de-grading' and that relates to a protected characteristic covered by the Equality Act 2010.

Issues of bullying and/or harassment can be raised through the Resolution Policy and, as with any other grievance issue, the aim of using the resolution process is to try and resolve any issues informally.

### 1.2 Issues outside of the policy

There are a number of issues that cannot be raised through the formal resolution process. Any issues concerning the areas listed below can be raised through separate procedures:

- Recruitment and selection;
- Restructure;
- Redundancy;
- Job evaluation;
- Disciplinary, including Letters of Management Advice;
- Performance issues;
- Attendance management;
- Pay, grading or allowance issues.

Employees cannot request a formal investigation in response to the Headteacher taking appropriate action in circumstances where their performance, attendance or conduct falls below the required standards. If an employee has a query regarding why they are being managed in a certain way, they should discuss this with the Headteacher.

Where a complaint concerns a governor, this should be raised with the Headteacher in the first instance who will then contact Education Durham Governor Support (EDGS) for options.

Employees cannot raise an issue that is the same or similar to one that has been investigated within the previous 12 months, unless any action to redress the issue has not be implemented.

## **2 Early action**

The school encourages a people-focused, empowering and collaborative working environment, and this must be the focus when looking at and engaging positively in resolving workplace issues.

Employees must take responsibility for resolving issues as and when they arise and to enable them to be resolved quickly and informally. In order to achieve this, employees are encouraged to try to resolve issues between themselves in a constructive and collaborative way or raise them during 1-1 meetings (if appropriate) if they need support from their manager or Headteacher.

## **3 Informal process**

Where discussions with their direct manager (or Headteacher as appropriate) has not resulted in an acceptable solution and the employee feels they need a more structured approach to achieving a resolution, they can raise their issues with the Headteacher (or another appropriate member of the school's Senior Leadership Team or Chair of Governors depending on the nature of the issues) through the informal process by completing the first part of the Informal Resolution Form.

Upon receiving the form, the Headteacher will meet with the employee to clarify what the issues are, establish the desired outcome and agree a strategy and action plan to resolve the situation. The discussion and agreed actions will be recorded by the Headteacher on the second part of Informal Resolution Form and a copy will be provided to the employee. More than one meeting may be required to achieve a satisfactory outcome at this stage of the process.

Whilst there is no statutory right for an employee to be accompanied to meetings by a trade union representative or work colleague during the informal stage of the process, any request from an employee at this stage will be accommodated.

Only where informal resolution has been exhausted will a formal investigation be undertaken. It is anticipated that there will be very few circumstances where a formal investigation is required.

### **3.1 Mediation**

It may be appropriate to consider at the informal stage whether mediation would help to resolve the issues. Mediation can be a useful tool to resolve a range of issues such as relationship breakdowns, communication problems, personality clashes or perceived bullying and harassment.

It involves the relevant individuals engaging in one or more facilitated discussions, guided by an impartial and independent mediator. The mediator will act neutrally and encourage the individuals to engage in a constructive dialogue and to actively listen to one another. It is a solution focused approach with the aim of helping the individuals to reach a mutually acceptable outcome.

Mediation is voluntary and can only work if all parties agree to it and it can be initiated at any point in the resolution process at the suggestion of one of the parties involved or the Headteacher dealing with the issue.

Where mediation is successful and an outcome is achieved, it will be binding upon both parties and will close the resolution procedure regarding the issue.

For more information regarding mediation, please contact the HR Advice and Support team. Headteachers should be aware that there will be a cost associated with this if an independent/external mediator is sourced.

## **4 Formal process**

A formal investigation may be required where attempts to resolve the issues informally have not been successful or where the informal process has highlighted that there are clear obstacles that prevent an employee from engaging in informal resolution. Whilst this will involve a more structured approach to resolving the issue the process must remain outcome-focused and individuals involved in the process must engage in a constructive and collaborative way to seek resolution.

The employee must set out their issues in writing, using the Formal Resolution Form wherever possible, and submit it to their Headteacher. Where the Headteacher is the subject of the complaint, they should submit it to the Chair of Governors. In certain circumstances a decision may be made by the school to follow the 'Collaboration for Governing Bodies' guide available on the extranet.

The employee should include as much detail as possible about the issues that they want to be investigated, including, but not limited to:

- Evidence of informal resolution and attempts made by the employee to address the issue;
- Why informal resolution has not resolved the issue;
- Why further informal action is not appropriate or helpful in resolving the issues;
- A timeline of main events;
- Names of individuals involved;
- Names of witnesses;
- Any relevant facts, including any available evidence;
- A realistic expectation of what the council can do to resolve the matter.

The Headteacher will acknowledge receipt of the Formal Resolution Form, in writing, within two School days of receiving it and will forward a copy to the HR Advice and Support team.

### **4.1 Investigation**

The Headteacher receiving the Formal Resolution Form may be the most appropriate person to investigate the issues, however, where they feel they may be compromised, it may be appropriate, for another member of the Senior Leadership Team to investigate. In certain circumstances the Chair of Governors, appropriate representative, or an external investigator may be appointed to investigate.

Where issues are raised against a Headteacher, the Chair of Governors should receive the Formal Resolution Form in the first instance. The Chair of Governors will then liaise with the HR Advice and Support team for advice regarding the investigation. Where the issues are raised against the Chair of Governors, it may be appropriate to enter into collaboration with another Governing Body.

The investigator will aim to conclude the investigation within 30 school days of the Formal Resolution Form being received or of them being asked to investigate where they are doing so on behalf of the Headteacher or representative. The investigator must keep the employee informed if they are unable to meet these timescales.

During the course of the investigation, should the investigator determine that informal resolution may be possible, they can make a recommendation to this effect, and with the agreement of the employee, the formal process will come to an end.

#### **4.1.1 Initial meeting**

The investigator will invite the employee, in writing, to attend a meeting in order to agree the scope of the investigation and to:

- Clarify what the issues are;
- Determine if mediation or other informal resolution is an option;
- Identify what further information is needed i.e. who they may need to speak to;
- Clarify the employee's desired outcome and proposals for resolving the issues.

The meeting should take place within 10 school days of receiving the Formal Resolution Form (or being appointed as the investigator) and the employee will normally be given at least 2 school days' notice of the date.

#### **4.1.2 Investigation meetings**

Where the issues relate to another employee, the investigator will contact the employee and write to them inviting them to a meeting to discuss the matter and enable them to put forward their version of events.

The investigator will also meet with any witnesses who may have relevant information about the issues raised, as the investigator considers appropriate.

#### **4.1.3 Final meeting**

To conclude the investigation, the investigator will arrange a final meeting with the employee who raised the issues formally. The purpose of this meeting is to enable the investigator to:

- Outline the key points of the investigation, including who has been interviewed;
- Clarify that all areas agreed in the initial meeting have been covered;
- Allow the employee to highlight any areas they feel have not been sufficiently investigated;
- Allow the employee the opportunity to respond to any key issues that have come up during the investigation.

Following the meeting, the investigator will use the information gathered throughout the investigation to formulate a report.

#### **4.1.4 Representation**

Employees are entitled to be accompanied at any meeting in the formal process by either a recognised trade union representative or work colleague of their choice. It is the employee's responsibility to arrange their attendance. If their chosen representative is not available, they may request an alternative date within 5 school days of the original date.

The individual accompanying the employee must not be someone whose presence would prejudice the meeting or who has a conflict of interest e.g. somebody affected by the investigation.

## 4.2 Outcomes

Once investigation is concluded, the Investigating Officer will communicate the outcome to the employee in writing, clearly outlining the reasons for the decision and including a copy of the investigation report. The employee will not be provided with any information relating to the outcomes of any subsequent action taken against other individuals involved in the process.

In complex cases, the investigator may feel that it is also appropriate to meet with the employee who raised the issues to talk through the findings.

<b>Upheld</b>	The complaint has been proven on the balance of probability and some remedial action may be needed to be taken. This may include mediation, formal or informal disciplinary action or an action plan which may include training and development needs.
<b>Not upheld</b>	The complaint has not been proven or it cannot be substantiated on the balance of probability. Generally, this means that no remedial action will be required, however, the investigating manager may feel that the complaint has arisen out of a misunderstanding or lack of clarity and may recommend that policies or processes are reviewed to avoid the same misunderstanding happening again.
<b>Partially upheld</b>	Where there are different aspects to the complaint, it may be that some are found to be proven whilst others are not.

Where the issues raised were against another employee, the investigator will also provide an outcome letter for them summarising the outcome of the investigation, however, they will not receive a copy of the investigation report.

There may be occasions where the school decide that it is appropriate for an independent investigator to undertake the investigation on behalf of the school. If this is the case, then it would be appropriate for the Chair of Governors (or identified person) to review the content of the report prior to the outcome being relayed to relevant parties.

## 5 Appeal

If the employee is not satisfied with the outcome of the formal investigation, they have the right to appeal and should do so by following the Appeals Policy, which is available on the extranet.

Please note that witnesses cannot attend appeals under the Resolution Policy.

## 6 Counter claims

If an employee raises issues during an ongoing formal process e.g. disciplinary or attendance management, the Headteacher or representative will determine the best way to resolve the issues raised.

If the issues are independent to the ongoing formal process, the two procedures can run concurrently. However, if the issues are related to the ongoing formal process, it may be appropriate to investigate the issues before continuing.

## **7 Vexatious or malicious issues**

Any employee raising reasonable and genuine issues through the Resolution Policy will suffer no detriment as a result of initiating the process, however, malicious or vexatious complaints will be taken very seriously.

Where there is sufficient evidence that issues were not raised in good faith, further action may be taken through the Disciplinary Policy.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Payroll and Employee Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a> Username: durham Password: council 0800 716017

<b>Author</b>	<b>Version</b>	<b>Last review</b>	<b>Next review</b>
LK	v 1.3	April 2021	January 2023

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.