

Isle of Wight Council

RESOLUTION POLICY

(Including Grievance)

1 Document Information

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3 Introduction

Understandably, from time to time giving the varying nature of people, areas etc. issues can arise between colleagues and/or managers and this happens across all workforces and organisations.

Most concerns can be resolved informally, and this guidance and policy supports the culture that informal measures should be the first point of call and are very often also the most effective method.

If you have put your concern in writing (regardless of the level) this may be shared with the individual who it relates to.

3.1 Concern relates too

If the concern relates to:

- a work colleague - you should raise it with them directly in the first instance (or in rare circumstances where you are unable to do so, you should speak with your manager)
- your manager - you should raise it with the next level of management (within the same management chain i.e., your managers manager).
- Someone elsewhere in the organisation (be it colleague, director etc) - you should raise it with them directly (as above) and/or via your manager.
- Headteacher or a member of the School Governing Body - the matter should be raised with the Chair of Governors.
- Chair of Governors - then the matter should be raised via HR

3.2 Left employment.

Employees who have left employment do not have any statutory right to raise a post-employment grievance. However, a modified procedure, in consultation with the individual, may be allowed – see below.

3.3 Wrongdoing/persistent/vexatious

Where wrongdoing by any individual is discovered during this process, the Council may take appropriate action under the Disciplinary Policy. This includes action discovered by those mentioned and concerned and/or, retaliation or victimisation as a result of raising a concern.

Likewise, where persistent or vexatious concerns/grievances are raised, the Council reserves the right to take action against perpetrators under its Disciplinary Policy. What action is reasonable or justified will depend on all the circumstances of the particular case.

3.4 Equality

The councils [Equality Policy and Statement](#) sets out not only a commitment statement but also wider informative information in respect of:

- Equality
- Diversity
- Inclusion
- Values and Behaviours
- Protected Characteristics
- Discrimination
- Harassment

4 Myth busting

Myth - Raising it formally gets it dealt with by the most senior people and will be resolved.

Fact - The formal process takes it 'out of the hands' of the person that has raised it, puts it into the hands of an investigator who may not understand the nature, area and wider context of the concerns. Everyone (including the aggrieved) will be interviewed to ascertain the facts and circumstances. The chair will chair a meeting and they (not the aggrieved) will make a decision on what happens next (the aggrieved person is not the decision maker).

Myth - A person will be moved if the issue is raised.

Fact - This is not always the case, in fact this rarely happens as it can often create a bigger gap between the parties. In the rare cases this does happen, it is not always the person who the concern is raised against that is moved.

Myth - By raising a grievance there is a guarantee that the aggrieved will get their preferred outcome.

Fact - Whilst the individual raising the concern may be asked during the informal stages (or the investigator at the formal stage) what the intended solution is, there is no guarantee this will be granted as it will need to be looked at informally if the individuals can work together to achieve a solution or holistically if it is formal.

Myth - If an employee submits a grievance during a disciplinary, you must halt proceedings and deal with the grievance first.

Fact - Generally, a concern/grievance will be heard after the Disciplinary process has concluded unless the HR Advisor feels that it is appropriate to run it in parallel.

Myth - If an employee goes off sick during a grievance investigation or process, you cannot continue the process.

Fact - The process can continue as depending on the stage, other facts/evidence/processes can take place without the individual being present.

Myth - Even if the process is submitted formally, it can't revert back to the informal process.

Fact - HR will gatekeep to ensure that the informal process has been fully exhausted before it is moved to the formal stage. It may be that steps are reintroduced or repeated at different stages to ensure the outcome remains focussed on resolving the issues.

Myth -All people directly involved will know the outcome.

Fact - This will be based on the appropriateness of the actions needing to take place.

Myth - The Investigator is independent to the council and external.

Fact - This is extremely rare and would usually only happen if the grievance is against the Chief Executive. Even in cases of Directors, another Director could investigate.

5 Support Available

Regardless of which stage in the process you are at or which role you fill in the process, it is important to set out the support available to you.

Your manager – your manager will play a vital role in supporting you directly. It is advised that even if you have resolved matters informally with someone, that you let your manager know so they understand and can continue to support you. Whether you are resolving matters informally or in the rare instances using the formal stage, they can continue to support you throughout. This may include, checking in with you more regularly to discuss your wellbeing, altering 121's to focus more on this specifically, signposting you to appropriate support, looking through the policy with you and escalating any questions you may have where needed etc.

Colleagues – It is often difficult to know what you can and cannot say to colleagues and it is especially important that information and concerns you may have are not discussed more widely than those directly involved. This avoids other personalities, opinions, viewpoints etc being brought into a personal concern and escalating it higher than necessary. Colleagues however should be there to support you around your wellbeing (and can be done without sharing any specific details and breaching confidentiality/conflict).

Managers manager – in instances where the concern is about your manager, your managers manager would take on the role as described above in being that first point of call for your support.

'Buddy' – in some circumstances (largely when it moves to formal) a buddy may be agreed for either person so that they have someone to go to when support is needed. It is important this person is chosen carefully to avoid any conflict.

Wellbeing pages – there is a plethora of wellbeing support available via the council's wightnet pages including:

- Employee Assistant Programme (EAP)
- Mental health first aiders
- Maximus – mental health support

All of which can be accessed if you are off work by going to - [myAccount - Login \(iow.gov.uk\)](#) - to access Wightnet Extra, use your personal email address and password that you would've used at the time of applying to your role

Union – if you are a member, union support is available and therefore, you may wish to contact them to advise and support you in addition to your manager.

HR – whilst HR can provide you with overall HR advice, it is important that they gatekeep and support the process itself to help to facilitate the most beneficial outcome and not provide personal advice directly to those raising the concern.

6 A moment to pause

It is especially important regardless of the level of the concern being raised, that a pause is taken to reflect on what has happened so far before any consideration on what action needs to happen going forwards is taken. Often in the moment or the immediate aftermath is not the most productive time to decide on next steps. As concerns are raised based on how someone *feels* or has been *treated*, it is critical to allow a period of pause and reflection.

This pause will allow a sense check and to review that:

- You do indeed wish to move it forwards
- Concerns have not been formally raised without the informal stage being fully exhausted.
- Concerns are not being raised against the policy/process which the individual doesn't agree is correct for example being allocated equipment suitable for your role, refusing annual leave requests for a valid reason etc.
- Concerns are not being raised against a management instruction which the individual doesn't agree is correct.
- Fact find – where needed the manager and/or HR may invoke a 'fact find' to establish what has happened so far (including where issues have arisen over some time)

Concerns should relate only to how you believe you have been treated by the Council, School or other service or managers acting on their behalf, colleagues or any aspect of your work and **not** against a decision that has been taken that you may not agree with.

HR reserve the right to gatekeep this decision and not to progress the concern where they feel it does not fit within the scope and confines of this policy.

7 Informal Resolution

Where an issue arises, **all** individuals involved should make every effort to resolve the concern at the earliest opportunity in order to maintain and repair good working relationships. By delaying this step or not giving it adequate thought and/or time can often mean that relationships or viewpoints become more entrenched and have a greater emotional impact on the parties involved.

Resolving issues as soon as possible avoids them escalating to the formal process unnecessarily. It is much harder to re-establish good working relationships when the issues escalate to the formal process as positions can become entrenched, formalities have set in and other viewpoints aside those directly involved have been shared and the breath of the issues can become greater. This is particularly relevant in cases involving employees who work together; the sooner the issues are resolved the sooner the working relationship can begin to improve.

Benefits of informal resolution;

- You can often have more open conversations about what happened and the impact on you.
- It can be dealt with in day-to-day work/management.
- Is quicker than formal procedures and therefore, can seek to improve relationships before they become too entrenched or damaged over time.
- The individual can hear how it affected you firsthand before matters escalate and are often very remorseful for their actions as they were unaware previously how they came across.
- It allows for a 2-way conversation to take place often leading to a good conversation between parties and greater working relationship (in some instances, greater than they had before)
- Other people are not involved or bought into the process so reputation/integrity/wider relationships are not conflicted in any way.
- Less timely than a formal process.
- The individual raising the concern remains in 'control' of the process and is not treated as being one off a list of people where someone independent would make a decision that directly impact upon them.

How to resolve matters informally:

- Having a **quiet word** directly with the person who the concern is against. This can be beneficial as often the person can then hear directly how their behaviour comes across and can immediately be changed to avoid the situation happening again without any wider involvement. This often allows the individual to apologise and reflect too.
- Having a **lower-level meeting** with those involved to give everyone the chance to speak about the concern and 'iron out' the issues concerned, apologise where needed and reflect having heard the issue directly. Things to consider would be: ensuring that everyone has enough space, everyone is listening to the concerns raised and importantly the impact on them, adequate time is set,

out so the meeting is not rushed. If you cannot agree an outcome in the meeting, you should continue to try to resolve the issue afterwards. For example, you might approach everyone again and suggest a different way to resolve the issue.

- **Facilitated conversation** - this can be facilitated by the person's manager or appropriate person to allow a productive discussion to happen with a view to not only hearing what has happened and the impact but also moving the concern forwards in a way that is beneficial to all parties. Although this is slightly more structured than the above, the control and lead is still taken by the people involved and the focus should be on a 2-way conversation taking place to encourage and allow the concern to be 'bottomed out' and agreement on how to move forwards.
- **Mediation** - this is held by a 'mediator' (neutral person). The mediator is impartial. This means they do not take sides or give personal or professional opinions. They are there to help everyone involved to find a solution between themselves that they can all agree to and are a part of. Mediation is not about judging who was right or wrong, it looks at how to agree on working together in the future positively. The mediator will meet with both parties individually before determining if joint mediation is suitable. There are 2 trained mediators within the HR team who can (where appropriate) have an initial outline discussion with the person to set out further details around the mediation process before a decision is made.

Please see below appendix for Mediation FAQ's.

Any of these informal stages can be revisited or repeated at any time (where they are deemed to move the issue in the right direction) however consideration will need to be given to the appropriateness at the given time. It is important to remain focussed that the goal is to resolve matters and not to escalate concerns higher than necessary.

8 Formal Resolution

Where all attempts to raise a concern have been exhausted through the informal steps and despite the best efforts of all parties, a resolution has not been possible, a formal written concern (grievance) may be appropriate. If a written grievance has been submitted before the informal stages have been exhausted, it will be pushed back to the prior stages. HR may (at this stage or prior to) invoke a 'fact find' to ascertain the situation so far and decide the appropriateness of the next steps.

Before submitting a formal grievance for resolution, you may wish to reflect and ensure that you have considered **all** of the following steps:

Any submission should be raised in writing and preferably within 20 days (not including weekends or bank holidays) of the incidence occurring (any submitted based on events more than 2 months ago will not normally be accepted), it should clearly set out the nature of your grievance (i.e. full details of what has happened), indicate the outcome you are seeking (being realistic in what you are requesting) and what actions have already been taken to try to resolve it by yourself, the other individual and management etc. and why these steps have not been successful to date.

Where a grievance raised relates to another employee, the manager has a responsibility to inform that employee that a grievance has been raised against them (or a redacted version if third parties are also named). They will be provided with a copy of the written grievance. Therefore, consider that when submitting your grievance, once it has been shared with the individual, it cannot be redacted or removed.

If full information has not been received and/or HR feel that the informal stages of the process have not been thoroughly explored, the process will be pushed back until that has taken place.

8.1 Next steps

Where all efforts by all parties have been unsuccessful in resolving the concern, an investigator will need to be appointed to;

- Review the *issues* to date
- Review all *actions* taken so far
- Review all the information and evidence already available
- Formally interview all individuals involved (including the aggrieved) where needed
- Write and compile an investigation report based on the information and evidence provided and gathered during the course of their investigation.
- Determine what concerns from the grievance have been upheld/supported/dismissed based on their findings and evidence
- Outline their recommendations/observations and actions as a result of their findings (this is based on the findings themselves and not in discussion with the aggrieved) that they outline.

The investigators findings are final.

8.2 Appointment of investigator (appropriate person)

Where the concern relates to work colleague(s), the manager will be the investigator providing they have not been closely involved with the matters of concern. If the concerns relate to the manager, the manager's manager will be the nominated investigator. If either of these are not appropriate (as agreed with HR) an independent investigator will be appointed. This simply needs to be someone independent from the concerns raised and not independent from the Council. Therefore, this could be someone outside the team, service area etc.

Consideration will need to be given to the working relationships between the parties themselves and the investigator in order to maintain reputation, dignity and respect of all parties involved in the process and to maintain confidentiality also. HR reserve the right to make the final decision on the appropriately appointed individual.

8.3 Investigation

The investigation should be completed as soon as is practicable, taking into account diary commitments, availability of witnesses etc. Usually this would be completed within 20 working days however the timing will depend on the complexity and circumstances of the individual scenario.

The investigator will speak with you to discuss your grievance in greater detail. They will also collate all evidence which may include speaking to other individuals too to allow them to fully respond to the concerns. It may also involve interviewing other people, gathering data/policies/evidence etc.

You have the right to be accompanied by a work colleague or trade union official at any grievance meeting and every effort should be made to attend this meeting.

8.4 Investigation report

Once the investigation is completed (regardless of the outcome), the investigating officer will prepare a report and include their recommendations to resolve the grievance. The full report and all evidence will be sent to the Line Manager and HR.

In advance of any next steps, a decision will be made by HR as to whether;

- The report will be sent to both parties
- The report is sent to just the person who raised the grievance
- The conclusion and/or recommendations are shared (and to who)
- The summary of the process and advised next steps are shared within the context of the invite letter only

This decision will be based on the best interests of the council / school to ensure the integrity, reputation etc. can be maintained and the focus remaining on moving the process forwards positively.

9 Moving Forwards

Regardless of whether the concerns have been upheld or not by the investigator, it is important to consider the next steps needed for all individuals involved in the process. Given the varying nature of grievances, it may not always conclude as substantiated or unsubstantiated as the wider context will need to be considered as well as other factors, observations, specific and perhaps more broader recommendations etc. The focus should be on the recommendations moving forwards. The next steps could be (but not excluded too) any of the following based on the appropriateness;

9.1.1 Disciplinary action if misconduct/gross misconduct has occurred

This will be referred to the council's Disciplinary Policy including any appeals. If an individual is deemed to have breached a professional work standard, then the person's manager will discuss this with the senior person in the service, and HR to determine whether a report should be made to the relevant professional body e.g. Social Work England. The manager will then gather all relevant information and make the referral.

And/or

9.1.2 An individual meeting with the person who raised the concern -

The individual's line manager ('chair') will call a meeting with the individual and they will have an opportunity for a representative (union representative or work colleague). The person's chosen representative will be allowed to address the meeting, respond on the individual's behalf to any view expressed in the meeting, and summarise the case on their behalf. However, essentially the meeting is between the chair and the individual, so any questions put directly to the individual should be answered by them and not their representative. If your representative is not available, an adjournment may take place. HR may also attend. The investigator may attend where appropriate and if there are queries surrounding the report.

The meeting will set out and review the recommendations in the investigation report and will discuss these in detail and how these will work practically. Even in instances where the investigator concludes no action, the meeting is essential to ensure that the process can properly and appropriately conclude the process.

The chair will write to the employee within five days (not including weekends or bank holidays) of the hearing to inform them of their decision. A decision may not always be given on the day of the hearing.

It is essential that a key aspect of the meeting also covers wellbeing given the nature of grievances both now and also the wellbeing going forwards. It may be helpful to agree any future actions/agreement for wellbeing between the chair and employee. This includes if any further check ins/catch ups are needed specifically focussing around wellbeing.

Notes of this meeting will need to be taken. The decision of the report is final however, if the individual does not agree, they may appeal via the below grounds and process.

This meeting or a follow up meeting may occur to review the actions/agreements (if needed).

And/or

9.1.3 An individual meeting with the person whom the concern was raised about –

The line manager of the person who the concern was against will 'chair' the meeting (as above) with the person who the grievance was raised about. The individual will have an opportunity for a representative (union representative or work colleague). The person's chosen representative will be allowed to address the meeting, respond on the individual's behalf to any view expressed in the meeting, and sum up the case on their behalf. However, essentially the meeting is between the chair and the individual, so any questions put directly to the individual should be answered by them and not their representative. If your representative is not available, an adjournment may take place. HR may also attend. The investigator may also attend where appropriate and if there are queries surrounding the report.

The meeting will set out and review the recommendations of the investigation report and will discuss these in detail and how these will work practically. Even in instances where the investigator concludes no action, the meeting is essential to ensure that the process can properly and appropriately conclude the process.

The chair will write to the employee within five days (not including weekends or bank holidays) of the hearing to inform them of their decision. A decision may not always be given on the day of the hearing.

It is essential that a key aspect of the meeting also covers wellbeing given the nature of grievances both now and also the wellbeing going forwards also. It may be helpful to agree between the chair and employee any future actions/agreements for wellbeing including if any further check in's/catch up's are needed specifically focussing around wellbeing.

Notes of this meeting will need to be taken. The decision of the report is final however, if the individual does not agree, they may appeal via the below grounds and process.

This meeting or a follow up meeting may occur to review the actions/agreements (if needed).

And/or

9.1.4 Joint meeting with both individuals –

The line manager of the person who raised the grievance will 'chair' the joint meeting. Both the person who raised the grievance and the person it relates to will need to attend the meeting. Both parties are allowed a representative (a union representative or work colleague).

The process remains the same as outlined in 5.5.2. If both parties wish to present a 'case', the structure should be used as outlined in appendix C.

Again, the focus should remain on positively moving matters forwards.

10 Appeal

You have the right to appeal against the decision of the manager chairing the meeting if you do not agree with the outcome. This appeal should be made within five days (not including weekends or bank holidays) of receipt of the letter giving you the decision and should be sent to HR or the Clerk to the Governors in the case of schools.

Your reasons for appealing must be under one of the following grounds **and** must include an explanation as to how it falls under this category:

- the decision: the evidence did not support the conclusion of the manager; and / or
- new evidence: evidence has come to light since the grievance resolution meeting and was not reasonably available at the time of that meeting; and / or
- it is considered that the resolution procedure was not followed correctly

10.1 Arranging the appeal meeting

The meeting will be chaired by a manager more senior than or of equivalent level to the original meeting manager and HR will work with that person to arrange the appeal which will normally be within 15 days (not including weekends or bank holidays) of receipt of the written notice of appeal, taking into account the availability of the parties attending. This process will not be unduly delayed and if there are extenuating circumstances that mean that there is a delay, this will be explained to you. Where the grievance has been raised by a Chief Officer, the right of appeal will be to another panel of members.

The employee will have the right to be accompanied by a trade union representative or work colleague. They must take all reasonable steps to attend.

Where either the employee and / or their representative is unable to attend the appeal meeting for good reason, the meeting will be reconvened no more than five working days of the original meeting date or on another date which is mutually agreed by the parties where this is not possible for good reason.

The employee must provide any further supporting evidence (in addition to the evidence and information at the submission of the appeal) for the basis of their appeal to HR at least seven days (not including weekends or bank holidays) prior to the appeal meeting date. The employee must also provide the names of any witnesses they wish to call within this timeframe too.

10.2 Schools appeals procedure

The procedure for schools is as above however with the following additions / amendments.

In the case of schools, the appeal will be heard by an Appeals Committee consisting of three Governors, who will not have been involved in any part of the proceedings to date. Staff, governors and others who participated in previous proceedings may attend

to give evidence but must be excluded during consideration of the decision by the committee.

Members who participated in previous proceedings may attend to give evidence but must be excluded during the consideration of the decision by the Committee. The Clerk to the Governors will write to the employee to invite them to attend an appeal meeting.

The employee must provide any supporting evidence for the basis of their appeal to the School's Clerk to the Governors, at least seven days (not including weekends or bank holidays) prior to the appeal meeting date. The employee must also provide the names of any witnesses they wish to call within this timeframe also.

11 Conclusion

The council thanks all those who have participated with good faith in the process and appreciates that it is difficult regardless of the role you play within it. All employees regardless of submitting a grievance are valued and this is supported by the council's commitment to the [Behaviour Framework](#) and the [Equality Policy Statement and Guidance](#).

Please also continue to remember the support pages above and the council's [Wellbeing Pages](#).

It is important to not only consider working relationships during this process but continually afterwards too to promote a positive working environment and culture.

12 Appendix A – Grievance Resolution Form

Name of Employee:	
Job Title & Team:	
Please outline the nature of your grievance. Give examples and background details, such as names of witnesses, dates and places and any other relevant information which may be helpful. Please continue on additional sheet(s) if required.	
When did you discuss this with your manager?	
What was the outcome?	
What informal steps have been taken to date?	
Why were the informal steps (listing each) not successful?	
Please state how and why the grievance affects you.	
What would you like to happen now as a result of your grievance?	
What is your proposed resolution	

Signed: Date:

Print name:

13 Appendix B – Modified Procedure for Post-Employment Grievances

A modified grievance process will be used where an eligible grievance is submitted;

- In close proximity of an exit (notice period or otherwise)
- During your exit (notice period or other otherwise)
- After you have left employment

The employee must set out their grievance using the grievance resolution form ([appendix A](#)) within 20 days of the incidence occurring (any submitted based on events more than 2 months ago will not normally be accepted),

The employee must send the completed form or a copy of it to their HR Adviser.

The HR Adviser must set out their response in writing and send the response or a copy of it to the employee within 28 days (not including weekends or bank holidays) of receipt of the grievance.

There is no right of appeal under the modified procedure.

14 Appendix C – Concerns Raised Regarding Councillors

The procedure outlined below should be followed in all cases where you feel it necessary to raise an allegation against a Councillor. The full grievance procedure does not make provision for complaints to be made against Councillors and therefore does not apply.

The Council's Constitution contains a protocol for Member/Officer relationships and expects any dialogue between the two to be 'mutually respectful'. The Constitution also states that complaints about Councillors should be made to the Monitoring Officer.

In cases of complaints of harassment of staff by Elected Member(s), the following procedure, agreed by the Assistant Director of Corporate Services, is to be followed:

Step 1

If you feel that you have been subjected to harassment by a Councillor, you should inform your manager. Your manager will ask for a written account of the incident(s) in question.

Step 2

Your manager will inform their Head of Service, who, in turn, will inform the Assistant Director of Corporate Services. The Assistant Director of Corporate Services will decide whether:

- The matter is relatively low level and therefore may be progressed by the relevant Head of Service/Director arranging a meeting with the Councillor concerned to discuss the complaint on an informal basis and, request that any unacceptable behaviour ceases. In such cases the relevant Strategic Manager will be informed of the matter and where appropriate become involved in the management of the situation in consultation with the Assistant Director of Corporate Services and/or Head of Service. It would be helpful at this stage if an apology can be obtained from the Councillor, this can then be relayed to you.

If the meeting with the Councillor does not result in an appropriate outcome, the Head of Service/Director will refer the matter back to the Assistant Director of Corporate Services, who will assume responsibility for the process.

- The matter appears to be of a more serious nature and therefore the Assistant Director of Corporate Services will assume responsibility for the process but will keep the Head of Service informed of progress. The relevant Strategic Manager will be informed and consulted on appropriate action to be taken which may include a formal complaint against the Member. At all stages, you will be kept informed by the Assistant Director of Corporate Services.

15 Appendix D – Concerns raised by the Monitoring Officer

This is the same as outlined above for 'concerns raised about councillors' however, rather than referring to the Monitoring Officer, concerns should be raised directly with the Director of Corporate Services and/or the Chief. They will then consider in light of the concern, who will lead on the matter directly.

16 Resolution Meeting Agenda

The format for grievance resolution outcome and appeal meetings will normally be as follows:

The Chair will introduce the parties and explain the purpose of the meeting and how it will be conducted. The Chair will state that the meeting is being conducted as part of the Council's formal grievance procedure and confirm that a written record of the meeting is being made.

The Chair will invite the employee who raised the grievance to state their case. The employee's representative may do this on their behalf. As part of the employee's presentation any witnesses may be called into the hearing one at a time. The Chair, Committee or Panel members and other parties (e.g. the manager, case investigator and / or any other appropriate parties named in the grievance) may ask any questions about the circumstances of the case to each witness in turn.

When the employee or their representative has completed their presentation, the Chair and the other parties may ask any questions about the circumstances of the grievance in order to establish all the relevant facts, background and surrounding circumstances.

The Chair will invite the individual whom the grievance was raised in respect of to present their case. As part of the presentation any witnesses may be called into the meeting one at a time. The Chair, Committee or Panel members, and the employee and / or their representative may ask any questions about the circumstances of the case to each witness in turn.

When the the individual whom the grievance was raised in respect of has completed their presentation, the Chair, Committee or Panel members, and the employee and / or employee's representative may ask any questions about the circumstances of the case.

At any point during the meeting, the Chair may adjourn the proceedings to gather further information or investigate any allegations made. Any party may also make a request to the Chair for an adjournment at any time during the grievance resolution meeting. A date and time to reconvene should be agreed between the parties.

Once all the evidence has been heard, the Chair may sum up the key points of the meeting, or invite the parties to do so, allowing the employee to have the final word after which there should be an adjournment for the panel to consider all the information.

The Chair will try to reach a decision on the day of the meeting. However, if this is not possible, the Chair will inform the employee of their decision, in writing, within five days (not including weekends or bank holidays).

The employee will have the right of appeal against the decision of the Chair. This should be made within 5 days (not including weekends or bank holidays) of receipt of

the outcome letter. If at Appeal stage, the decision will be final and there will be no further right of appeal.

A record of the decision will be kept on the employee's record as per the relevant GDPR legislation.

17 Mediation FAQ's

What kinds of disagreement are suitable for mediation?

Mediation is appropriate where there are difficulties in a working relationship; whether the staff members involved are of a similar job or grade, or different jobs and levels of seniority. It can also be used to address personality clashes, communication problems, and allegations of bullying and harassment.

Workplace mediation can be used at any stage in a dispute but is often most effective early on.

When would mediation not be appropriate?

- Mediation may not be suitable if:
- Either party is not willing to participate or has been coerced to do so
- The disagreement does not relate to a relationship with another member of staff, but a management decision, such as disputes over pay or contractual terms
- A decision about right or wrong is needed, e.g. cases of alleged criminal activity or overt abuse, when the disciplinary procedure would be more appropriate
- An individual has a mental health condition or learning difficulty that would potentially make a joint meeting inappropriate (please check with your mediator)

Why should I bother with mediation, we have already tried to resolve our differences through conversations between ourselves and with our manager?

Mediation is a structured process, carried out by an independent, impartial professional who has been trained specifically in workplace conflict resolution. The mediator will create a confidential safe space to help you both to re-establish the channels of communication in a productive manner.

The joint mediation meeting will be a different experience to any informal conversations you may have already had – the conversation will be facilitated by the mediator.

Wouldn't it be easier and less stressful for me to just submit a formal grievance?

Mediation is actually less stressful and time consuming than following a formal procedure or involving courts and employment tribunals. Additionally mediation allows you to be in control and involved in finding a resolution to the dispute; whereas by following a formal process you are asking a third party to decide the outcome for you. Escalating an issue to a formal procedure, before exhausting the informal options, can reduce the likelihood of amicably resolving the dispute and can even create a greater divide in the employment relationship. You also need to consider that a potential outcome of a formal dispute is the recommendation of mediation to attempt to rebuild the working relationship, so why not give it a try first?

What does the mediator do?

A mediator is an independent, impartial person, who is trained in workplace conflict resolution. The mediator will work with staff members who have a disagreement to

help them find their own solution/s and reach an agreement on a way forward that will improve the situation.

The mediator will support both parties and won't take sides or judge who is right or wrong.

What happens in mediation?

There are distinct phases in mediation. Firstly, the mediator will meet with both individuals separately, to find out the background to the situation and each person's account of events. In this initial meeting the mediator will help you to start thinking about what you want, what the other person might want and how things might be improved.

The mediator won't take sides or make any judgements as to who is right or wrong. The mediator will encourage you to focus on the future, not the past, because the aim is to repair the working relationship going forward.

The individual meetings are confidential and the mediator will not pass any information you share with them, to the other party without your agreement. If, following the initial individual meetings, everyone is in agreement then the next stage will be a joint meeting all together.

In the joint meeting you will both be given a period of uninterrupted air time to explain exactly how you feel, and in turn you will be expected to listen to the other person without interrupting. The mediator will then assist you to explore the issues together and work towards a mutually acceptable way forward.

Finally, the mediator will bring the meeting to a close and often the individuals build a written account of their agreement/s for future reference.

The commissioner will only be told whether a mediated agreement was reached or not. They will not be told what was discussed or the outcome.

How confidential is mediation?

Confidentiality is a key aspect of mediation. Both individuals will be asked by the mediator at the outset to agree to the confidential nature of the meetings and the premise that no information is to be shared more widely, unless by prior agreement of both parties.

There may be extenuating occasions, such as safeguarding risks, when it is necessary for the mediator to breach the confidentiality agreement. The mediator will further explain the limitations of confidentiality in the initial individual meetings. T

he mediator will only inform the commissioner whether a mediation agreement has been reached or not, and will not share any further information unless by mutual prior agreement or both parties. The mediator will destroy any notes they may have taken during the mediation meetings after the process has finished.

The discussions that have taken place in mediation meetings cannot be used as evidence in any future informal or formal proceedings. Additionally, the mediator cannot be asked to give evidence on the content of the mediation at a later date.

I have agreed to mediation. What should I do to prepare?

There is not anything in particular that you will need to do in advance. You may wish to have a think about the issue you would like to discuss with the mediator and the main events that have happened to date, so this is clear in your mind for your first meeting with the mediator.

Where will mediation be held?

Mediation meetings will usually be held within Council premises – wherever possible this is somewhere away from the immediate workplace, to ensure all parties feel comfortable and away from distractions. There will be at least two private rooms available for mediation sessions, in case there is a need for adornment/s – allowing one room for each side in the dispute.

In circumstance where face to face mediation meetings are not possible, mediation can be carried out remotely via Microsoft Teams.

What if I don't want to be in the same room as the person I am in dispute with?

When you are involved in a conflict, talking face-to-face with the person you are in disagreement with can seem impossible. Please be assured that the mediator will create a safe space for you to openly share your thoughts and concerns. An open and frank discussion of the issues, controlled by the mediator, is key to resolving disagreements.

Prior to commencing the joint mediation meeting the mediator will agree ground rules with both parties, to set out the expected behaviours. The mediator will ensure fairness and appropriate behaviour throughout the process, and should it be necessary to do so they will suspend or adjourn the meeting. You can also ask to adjourn or suspend a joint meeting at any time.

I don't want to come to the mediation on my own. Can I bring a representative or friend?

The most successful format of mediation is when those in conflict work directly with the mediator to resolve their differences, rather than involving other parties, especially if you need to work together in future. You are the best person to explain how you feel and the mediator will create a safe space in which you can do so.

Furthermore, mediation is an informal process. Bringing a representative or friend with you can give the feeling of elevating the meetings to a more formal level and potentially change the dynamic. For these reasons your mediator is likely to discourage you from being accompanied, especially to the joint meeting.

Will the mediator report back to my manager on the details of the mediation?

The mediator will only tell the commissioner whether a mediated agreement was reached or not. They will not be told what was discussed or the outcome.

Towards the end of the mediation process you will jointly agree what you wish to tell your manager and/or colleagues about the process, if anything at all.

If the mediator is employed by the Isle of Wight Council, how can they be impartial?

The mediator will be a trained and accredited professional, who is bound to adhere to the ACAS standards of mediation, which includes total impartiality. Whether the mediator is a member of Council staff or an external provider, they will wish to maintain their credibility and reputation in the field of mediation.

My manager has asked me to take part in mediation. Do I have to agree?

Mediation is entirely voluntary. In the initial individual meeting with you, the mediator will provide you with more information on mediation so you can decide if it is for you. If, after the initial meeting, you decide you do not want to participate in mediation then the mediator will cancel the provisional joint meeting and tell the commissioner that mediation is not possible.

Can I bring evidence along with me to the mediation session?

It is not appropriate to bring evidence along with you to any of the mediation meetings and the mediator will discourage you from doing so. The reason for this is that mediation is not about proving who is right and who is wrong, or dwelling too heavily on events and experiences that have gone before, but focusing on what you would like to happen now and in the future.

Can I be forced to keep an agreement made in mediation?

Any agreements reached in mediation will be voluntarily derived and decided between you and the other party; you will not be forced into making any agreements against your wishes. For this reason, you must take ownership of the outcomes and be committed to what is finally agreed.

The mediator will check with both parties, at the end of the joint meeting, their intention to stick to any agreements made and decide the format of the agreement/s, e.g. whether they will be purely verbal, written down for future reference, shared with management, etc. As mediation is confidential, any outcomes and/or agreements can only be shared if everyone agrees.

Agreements reached in workplace mediation are not legally binding and rely on the commitment of the individuals to stick to them in order to maintain a positive working relationship.

What happens if we don't reach an agreement?

In the event that mediation is unsuccessful, you can still choose to follow any relevant formal workplace policies or procedures.

Please be aware that it is a condition of mediation that the process remains strictly confidential and therefore the discussions that have taken place in mediation meetings cannot be used as evidence in any future proceedings. Additionally, the mediator cannot be asked to give evidence on the content of the mediation at a later date.

What happens if mediation is successful but we have another disagreement in future – can we contact or arrange to see the mediator again?

Mediation is intended to be a one-off conflict resolution intervention, where you and the member of staff you are in dispute with jointly decide and agree on your own method/s of moving forward. Mediation relies on the commitment of both parties to

take ownership of the outcomes and stick to the agreed actions. For these reasons, once the mediation process has finished, there should be no need for the mediator to have any involvement in maintaining your ongoing working relationship.