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PD 603	Dispute Resolution
Type of Document:	Procedure
Version:	1.0
Registered Owner:	Head of People Services and Organisational Development
Author:	Jasvir Ginda
Effective Date:	May 2019
Review Date:	May 2022
Replaces document (if applicable)	PD 603 Grievance Procedure
Linked Documents:	PS 141 Dispute Resolution Policy PG 027 Dispute Resolution - Managers' Guide PS 151 Harassment and Bullying Policy PS148 Staff Misconduct Policy & Procedure

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SECTION 1 VERSION CONTROL

Version No.	Date	Post Holder/Author	Post	Reason for Issue
V1.0	April 2019	Jasvir Ginda	Policy & Wellbeing Partner	Replacement of PD 603 Grievance Procedure

SECTION 2 BACKGROUND

This procedure covers police officers, police staff, OPCC staff and special constables and offers them the opportunity to have their concerns about fairness at work reviewed on an impartial basis. The overriding principle is to resolve matters as quickly as possible at the appropriate local level.

This should be read in conjunction with the PS 141 Dispute Resolution Policy and PS 151 Harassment and Bullying Policy. The procedure is also supported by PG 027 Dispute Resolution – Managers’ Guide.

SECTION 3 AIMS/OBJECTIVES

Nottinghamshire Police and Nottinghamshire OPCC are committed to being an employer of choice and providing equality of opportunity for everyone who works for us. We recognise that a positive working environment and good working relationships have a positive impact on staff wellbeing and engagement.

A positive working environment can lead to better performance, improved staff retention and reduced stress related sickness absence. Focusing on resolution is good for our organisation, for our workforce and for the community it serves.

This procedure is based on the principle of early resolution and supports Nottinghamshire Police's and Nottinghamshire OPCC's values and mission. It requires staff and managers to deal with issues informally at a local level when they first arise and to work at achieving a resolution to prevent escalation into a formal procedure.

The aim of this procedure is to provide a framework for addressing work-related issues or concerns with a fair, consistent and proportionate approach.

SECTION 4 DETAILS

4.1 Informal resolution

It should be possible to resolve issues informally as part of day to day business. Managers and staff should make every effort to resolve issues when they first arise through dialogue with the person who may be causing an issue/s, an appropriate line manager or other suitable person who may be able to achieve an informal resolution.

In many disputes the informal stage is the first stage as many conflicts can be sorted by simply talking and listening to each other. Giving people the time and space to express their feelings and concerns can often help to clear the air.

Any issues should be brought to the attention of the line manager in the first instance and as soon as possible, at the very latest within 3 months of the issue arising.

Where an individual feels they cannot speak directly to the person concerned they should discuss the issue with their first line manager. If this is not possible the issue should be raised with the second line manager.

Once the concern is raised, the manager or equivalent person will try to deal with concerns swiftly and as a priority. They will do this by holding honest and open conversations with the individual. They may encourage them to consider the views of others. They may also manage their expectations if the outcome they are seeking is unrealistic or is focused on punishment. The manager may take notes of what is discussed during those conversations.

The manager will aim to find a positive resolution that meets the needs of all parties, make the necessary enquires and take appropriate action. They will update the individual raising the complaint and tell them what they have done to try to resolve the issue/s. It is recommended that they confirm what they have done in an email or this can be done in person if that is preferable.

Informal resolutions may include, for example, one or more of the following:-

- Clarification of a misunderstanding
- Exchange and acceptance of differing perspectives/feelings
- Agreement to disagree
- Agreement to provide feedback to someone on their behaviour
- Acceptance of an explanation or apology
- Agreement to implement a development plan or action plan
- Agreement to modify a practice or behaviour

This list is not exhaustive and other resolutions may be identified.

Should, after an issue has been raised, a resolution not been reached within 4 weeks then the individual may proceed to the formal process.

4.2 Mediation

When issues are raised informally it is important to consider the use of mediation. Most types of dispute can be resolved through mediation and it is particularly effective if used early on and in maintaining employee relationships.

We recognise that mediation is voluntary and confidential and will only take place with agreement of all parties. Where mediation is recommended and declined, the force retain the right to consider this when deciding on whether to instigate formal proceedings.

It is accepted that if used correctly, mediation can create an environment in which the individuals involved can jointly discuss the issues and find a mutually agreeable solution. It can reduce the impact on the workplace and in the longer term reduce costs both financially and to mental health and well-being.

The role of the mediator is to use an impartial structured process of facilitated communication between those in dispute with the aim of reaching a mutual understanding and establish a future working relationship.

Ultimately, however the mediator will decide if the issue is suitable for mediation as not all issues are suitable to be dealt with in this way. This will be done at the earliest opportunity.

Mediation should be arranged as soon as practically possible through a People Services Advisor. It can be used at any stage of the procedure, even if it was initially refused. For further information on mediation please see the force intranet, under Mediation.

4.3 Formal Stage

This stage should only be commenced as a last option and only when all other avenues to resolve the complaint/dispute have been explored and have been unsuccessful. Once the formal stage has commenced mediation can still be undertaken at any point.

The formal dispute resolution procedure cannot be invoked where a procedure has its own mechanisms for appeal such as, recruitment, job evaluation, management of change, disciplinary (the list is not exhaustive) and where the Chief Officer Team has made a decision under their rights contained within the Police Regulations, for example, in relation to transfers, postings and lawful orders.

The force and the OPCC reserves the right not to accept a dispute where a resolution is not achievable or where the dispute is malicious, frivolous or punitive to another member of the organisation.

If an issue has not been able to be resolved informally and/or mediation is not successful the formal procedure could be instigated. This should be done in writing (appendix A can be used as a template) without unreasonable delay. In setting out their concern the individual needs to provide a clear, concise summary of: -

- The issue(s), when the issue occurred, who was involved, whether there were any witnesses to the issue
- Any relevant information or documentation
- A description of the desired outcomes
- An explanation/rationale of why the matter is being raised through the formal route

This document should be submitted to the HR Support 31 via service request or People Services email inbox, who will acknowledge receipt as soon as practically possible. The People Services Advisor/Co-ordinator may contact the individual who has raised the concerns to discuss if the issues can be resolved in an informal way.

Where an informal resolution has not been possible a dispute resolution handler will be appointed whose role is to carry out any necessary investigation to establish the facts of the case. The dispute resolution handler will invite the complainant to an investigation meeting without unreasonable delay. A member of People Services may attend this meeting.

Following the investigation meeting with the individual, the dispute resolution handler will review the complaint and decide on the appropriate action. The dispute resolution handler will feedback in writing or arrange a meeting to provide an outcome within a reasonable timescale. It is anticipated that the feedback will be given within 4 weeks of the investigation meeting. If there is going to be a delay in meeting the timescales given by the dispute handler, they will keep the individual updated of these delays.

4.4 Appeal

The individual will have the right to appeal against the findings of the complaint if they are not satisfied and/or where they feel that procedure has not been adhered to. They will be expected to confirm in writing the reasoning behind their decision and state the grounds of appeal. This should be done within 5 working days of receipt of the dispute outcome letter.

The appeal is not an opportunity to get the dispute re-investigated by a more senior person. It is an opportunity for the individual, if they do not feel that their complaint has been satisfactorily resolved, to raise it to the next level.

Before appealing the individual may wish to consider mediation and they may wish to withdraw their complaint following mediation.

The appeal should be sent to the People Services Support email inbox. The appeal will be acknowledged. An independent appeal official will be appointed to look into the appeal. They will write to the individual to arrange a meeting to hear the appeal.

The appeal official will be the manager more senior than the dispute resolution handler who handled the complaint at the first formal stage.

4.5 Representation

At any stage of the process the complainant has the right to consult with and be accompanied by a work colleague, staff association or trade union representative.

4.6 Temporary moves

Where an individual's complaint is of harassment or bullying nature, it may be appropriate that while the matter is under investigation, one party is temporarily moved to a different part of the force.

In most cases it will be the alleged bully or harasser that will be moved. However depending on the circumstances the individual who has made the complaint may be temporarily moved to a different part of the force. Any decisions to move individuals will be discussed and explained to them before any moves are made and the reason for temporary moves will remain confidential.

4.7 Complaints that Result in a Police Staff Disciplinary Investigation or Professional Standards Directorate (PSD) Misconduct Investigation

There may be occasions when it becomes apparent that, due to the seriousness of the issue detailed by the complainant, a police or OPCC staff disciplinary investigation by Professional Standards Directorate (PSD) should be instigated.

If the line manager or dispute resolution handler believes it would be appropriate to suspend the investigation about the complaint, they must, in the first instance,

discuss the case with a People Services Advisor. The dispute resolution handler/People Services Advisor will liaise, as appropriate, with PSD. Each case will stand on its own merits.

If it is agreed by PSD to instigate a police or OPCC staff disciplinary investigation then the investigation about the complaint should be suspended.

The complainant should be notified in writing that the investigation is suspended pending a police staff disciplinary investigation as soon as practicable. Interviews undertaken during the complaint investigation should not be used in the police staff disciplinary investigation or PSD misconduct investigation.

Witnesses would need to be interviewed under the provisions of Police Regulations or Police or OPCC Staff Misconduct policy/procedure. Other additional information collated may be used in the police staff disciplinary investigation.

When the Police or OPCC Staff Disciplinary investigation and any subsequent meetings, hearings and appeals are concluded, then the investigation about the original complaint should be reopened and completed as appropriate.

SECTION 5 LEGISLATIVE COMPLIANCE

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; Data Protection Act; Freedom of Information Act; European Convention of Human Rights and other legislation relevant to policing.

Nottinghamshire Police Dispute Resolution policy and procedure comply with the Acas Code of Practice. The code is issued under section 199 of the Trade Union and Labour Relations (Consolidation) Act 1992 and was laid before both Houses of Parliament on 9 December 2008. It came into effect by order of the Secretary of State on 6 April 2009 and replaces the Code issued in 2004.