



## **RESOLUTION OF DIFFICULTIES POLICY**

**Policy Classification: Staff**

**Status: Approved**

<b>Policy Lead:</b>	Chief Executive Officer
<b>Date Approved:</b>	January 2013
<b>Last Review Date:</b>	January 2019
<b>Review Due Date:</b>	January 2022
<b>Review Period:</b>	3 years unless required earlier due to changes in the law, regulation, best practice or requirement of the Association

**REFERENCE PAGE**

<b>Document Title:</b>	Resolution of Difficulties Policies
<b>Aim:</b>	To provide a framework for all staff to resolve employment difficulties
<b>Objective:</b>	6 The Eildon Group will further develop its organisational capacity by reviewing existing practices and investing in its people and the technical infrastructure
<b>Scope of Policy:</b>	Staff
<b>Nominated Officer:</b>	HR Manager
<b>Approval Source:</b>	Executive Team
<b>Legal and Regulatory References:</b>	<ul style="list-style-type: none"> <li>• Trade Union and Labour Relations (Consolidation) Act 1992</li> <li>• Employment Rights Act 1996</li> <li>• Employment Relations Act 1999</li> <li>• The Employment Act 2008</li> <li>• ACAS Code of Practice (March 2015)</li> <li>• The Equality Act 2010</li> </ul>
<b>Procedural References:</b>	<ul style="list-style-type: none"> <li>• Investigation Procedure</li> <li>• Disciplinary Procedure</li> <li>• Grievance Procedure</li> <li>• Performance Improvement Procedure</li> <li>• Whistleblowing Procedure</li> <li>• Appeals Procedure</li> <li>• Performance Management Review Policy</li> <li>• Sickness Absence and Attendance Management Policy and Procedures</li> </ul>
<b>Consultation Completed:</b>	N/A
<b>Risk Implications:</b>	1- Existing policy, minimal change

<p><b>Equalities Assessment:</b></p>	<p>All Eildon policies and key documents are developed with the clear objective of ensuring that they do not discriminate against any person and have negative impacts for equality groups. We will always welcome comments on the impact of a policy on particular groups of people in respect of, but not limited to, age, disability, gender reassignment, race, religion, sex or sexual orientation, being pregnant or on maternity leave and children's rights and wellbeing.</p>
<p><b>Accessibility:</b></p>	<p>Accessible electronically/online and in print. All documents can be translated and made available in audio, braille and large print versions upon request.</p>

## **INTRODUCTION**

The highest possible standards of professionalism are essential for the efficient operation of the organisation and for the safety and wellbeing of all its employees. Eildon Housing Association is committed to encouraging all staff to achieve and maintain a high standard of conduct and performance. This Policy comprises the following Procedures, which apply to all employees, to help resolve employment difficulties:

- Investigation Procedure
- Disciplinary Procedure
- Grievance Procedure
- Performance Improvement Procedure
- Whistleblowing Procedure
- Appeals Procedure

Further information relating to the management of performance can also be found in the:

- Performance Management Review Policy, and the
- Sickness Absence and Attendance Management Policy and Procedures

## **CONTEXT**

There is a wide range of Legislation, Regulations, Guidance and Codes of Practice relating to the Resolution of Difficulties within the workplace:

- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996
- Employment Relations Act 1999
- The Employment Act 2008
- ACAS Code of Practice (March 2015)
- The Equality Act 2010

## GENERAL PRINCIPLES

- Staff should raise and deal with issues promptly, act consistently, and not unreasonably delay meetings, decisions or confirmation of those decisions.
- Where possible, Line Managers will make every effort to resolve minor matters by informal discussions with staff. Only when this fails to bring about a desired outcome will formal procedures be implemented.
- The Association will carry out any necessary investigations, to establish the facts of a case. (Investigation Procedure)
- Employees have the statutory right to be accompanied at any formal disciplinary, grievance, performance improvement or appeal meeting, by a fellow employee or by a trade union official (even though the Association does not recognise a trade union). The employee's companion may address the meeting and confer with the employee during the meeting but may not answer questions on behalf of the employee. **There is no statutory right for an employee to be accompanied at a formal investigatory meeting.**
- Employees will be informed in writing of the basis of any problem and given an opportunity to put their case in response before any decisions are made.
- Employees will have the opportunity to appeal against any formal decision made. (Appeal Procedure)
- Notes taken at formal meetings will be made available to employees, if requested. Notes taken will not be verbatim but a summary representation of the meeting.
- Proceedings will be in confidence and retention of documentation will comply with the Data Protection Act 2018 and the General Data Protection Regulation 2018.
- A member of the HR Department will be available to offer confidential guidance on the Association's Policy and Procedures to all employees.
- Timescales in all procedures are indicative targets only and are subject to what is reasonably practicable at the time.

## **COMPLIANCE**

This Policy and Procedures apply to all employees and relief workers and to conduct or incidents which occur during work hours or out with working hours and which bring the Association into disrepute or have a bearing on the employee's employment status. Responsibility for implementing this policy rests with the Executive Team and the HR Department.

Failure to comply with the Policy and Procedures will be viewed as misconduct and will be dealt with in accordance with Eildon Housing Association's Disciplinary Procedure.

The Association may have an obligation to inform the Care Inspectorate, the SSSC, the Scottish Housing Regulator, or any other relevant body, of investigations/dismissals/grievances/whistleblowing in respect of regulated activities.

## **FURTHER INFORMATION**

Information regarding the resolution of difficulties can be found on the ACAS website. ACAS has over 30 years of experience in helping organisations of all sizes to avoid and resolve problems with relationships at work.

<http://www.acas.org.uk/index.aspx?articleid=1364>

## **COMMUNICATION & TRAINING**

This Policy and Procedures are included in the Eildon Staff Handbook, which is accessible to all employees via the Association's Intranet. This Policy will be discussed at Induction. If an employee has a query with regards to this policy and procedures they are to contact their Line Manager or the HR Department for further information.

## **EQUALITIES**

In operating this policy, Eildon Housing Association will not discriminate between persons or groups of persons on the grounds of: sex, sexual orientation or marital status, race, nationality, language or social/ethnic origin, disability, age, or other personal attributes, including religious belief or political opinions.

## **REVIEW**

This Policy and Procedures will be routinely reviewed by the HR Department and the Executive Team according to the Eildon Policy Framework.