

# **Beltane Fire Society Resolution Procedure**



- 1. INTRODUCTION**
- 2. PURPOSE**
- 3. SCOPE**
- 4. GENERAL PRINCIPLES**
  - 4.1. Confidentiality**
  - 4.2. Right to be Accompanied**
  - 4.3. Types of Issues**
  - 4.4. Resolution Stages**
  - 4.5. Meetings**
  - 4.6. Outcomes and Timescales**
  - 4.7. Other Considerations**
- 5. RESOLUTION PROCEDURE**
  - 5.1. Initiating the Resolution Process**
  - 5.2. Informal Resolution Meeting**
  - 5.3. Formal Resolution Meeting**
  - 5.4. Formal Grievance Investigation**
- 6. APPEAL MECHANISMS**

**APPENDIX 1: The Equality Act 2010**

**APPENDIX 2: Frequently Asked Questions**

**APPENDIX 3: Volunteer/Member Welfare**

**APPENDIX 4: Initial Resolution Request Form**

**APPENDIX 5: Record of Resolution Meeting**

# **Beltane Fire Society Resolution Procedure**



## **1. Introduction**

Beltane Fire Society (BFS) is a community of volunteers, and we are committed to encouraging a positive environment and good working relationships across our community. We recognise that volunteers and members may sometimes wish to raise concerns relating to their terms and conditions of engagement, changes to working practices, working relationships, the environment they volunteer in, bullying, harassment or discriminatory behaviour.

Most disagreements and concerns can be resolved at an early stage through open, honest and forward-looking dialogue. A 'facilitated conversation' is one way to achieve this. A facilitated conversation is particularly useful when there has been a misunderstanding or miscommunication.

The aim is a positive and constructive outcome which has a long lasting result for all parties and draws on the principles of fairness, mutual respect, empathy, dignity and open discussion. This is inline with the BFS Principles of Participation and helps to minimise any long term damage to working relationships. It can also improve the likelihood of maintaining good and productive relationships in the longer term.

We recognise that formal procedures are still needed for some circumstances. With that in mind, this Procedure feeds into the Grievance procedure which details how BFS can formally investigate matters when required and includes the mechanism for appeal.

BFS is confident that the majority of issues raised are genuine and made in good faith. However, if it is found that an issue raised is deliberately vexatious or malicious this will be subject to the BFS Disciplinary Procedure.

## **2. Purpose of Procedure**

The aim of this procedure is to provide:

- a means of dealing with conflict/disagreements quickly and effectively;
- guidance on how to deal with issues with sensitivity and respect;
- a process to help uphold the values of the Principles of Participation

This Procedure is intended to comply with the provisions of the ACAS Code of Practice on Disciplinary and Grievance Procedures and the ACAS Guide on Discipline and Grievances at Work.

## **3. Scope of Procedure**

This Procedure applies to all current BFS volunteers and members including festival volunteers, festival helpers, and Trustees. Collective complaints may also be raised and addressed via a Resolution.

# Beltane Fire Society Resolution Procedure



The Resolution Procedure cannot be used by those whose membership has expired or been terminated - in such instances please refer to the BFS Grievance Procedure. The procedure cannot be applied to situations outwith a BFS context.

This Procedure also cannot be used to complain about the following (for which there are separate appeal processes within the relevant policies and procedures):

- Disciplinary outcomes
- Grievance outcomes
- Organisational change

We recommend that the Resolution Procedure is used to attempt to resolve issues informally prior to initiating the formal Grievance Procedure. Where applicable, the procedure should be used in conjunction with the Principles of Participation.

## 4. General Principles

### 4.1. Confidentiality

Everyone involved in the Resolution Process should keep all details confidential until the case is concluded or, if there is an appeal, until the conclusion of the appeal proceedings. Information about an ongoing investigation may only be shared, where appropriate, with those involved in resolution discussions, discussion facilitators and the BFS Board of Directors.

Requests for continuing anonymity and confidentiality once the issue has been concluded by either party must be respected.

### 4.2. Right to be Accompanied

Volunteers/members are entitled to be accompanied at any formal meeting under this procedure by a Group Organiser (GO), fellow group member, or another trusted person. A request to be accompanied must be 'reasonable', ie the companion should not be someone who will prejudice the meeting.

A companion may:

- Request pauses or breaks in the meeting; and
- Take care of the wellbeing of the person they are accompanying through the process.

A companion may not:

- Answer questions on behalf of the person they are accompanying;
- Address the meeting against the wishes of the person they are accompanying;

# **Beltane Fire Society Resolution Procedure**



- Prevent either party or the facilitator from explaining their point.

Legal representation will not normally be permitted. Such representation will only be permitted in exceptional circumstances at the discretion of the discussion facilitator in consultation with the Board.

## **4.3. Types of Issues**

The BFS Principles of Participation encourages volunteers and members to be respectful, to collaborate, and to take ownership for their actions. It also encourages respectful discussion and resolution seeking.

Examples of issues that may need resolution are:

- Issues relating to bullying, harassment or discrimination;
- Disagreements between individual members or teams;
- Disagreements between Group Organisers (GOs) and group members;
- Issues relating to changes to working practices or the working environment;
- Concerns or complaints about the allocation or distribution of resources;
- Issues relating to recruitment and selection within the BFS.

Appendix 1 details bullying and harassment as defined by the Equality Act 2010. Where the issue raised involves allegations of bullying, harassment or discrimination then additional support may be offered to the individual raising the issue.

## **4.4. Resolution Stages**

The following steps for reaching a resolution should normally be followed in this order:

1. An informal resolution meeting (normally led by a Group Organiser or Blue during festival times);
2. Formal resolution meeting (normally led by a Trustee);
3. Formal Grievance investigation;

The decision not to follow the steps in order can be taken by the Board if they feel it is warranted by the circumstances.

## **4.5. Meetings**

As part of the resolution process, there is a requirement to hold meetings with the person raising the issue and the person that issue is about. If either party has a disability (as defined by the Equality Act

# **Beltane Fire Society Resolution Procedure**



2010) then it is strongly recommended that they make this known at the outset of this procedure and arrangements for any formal meeting under this procedure will include consideration of any requirements for reasonable adjustments.

The Board may discuss and review the case in Board meetings. Any such meetings will be minuted and marked 'confidential'. Public versions of the minutes will omit confidential information.

The use of any form of electronic recording device is strictly prohibited during any meeting under this procedure unless agreed in advance. Any recordings made are subject to confidentiality as stated under section 4.1 of this procedure. Should BFS later find that any recording devices were used without proper knowledge or consent, this will be regarded as a serious breach of trust and confidence and can result in disciplinary action.

All parties should be aware that not engaging with any aspect of the resolution process may result in a formal investigation under the relevant procedure. Behaviour during an meetings of an abusive or violent nature can result in the early termination of the interview and/or disciplinary action.

## **4.6. Outcomes and Timescales**

Outcomes will be agreed by all parties and documented during Resolution meetings.

At any stage of the process, the request to resolve an issue can lead to one of the following outcomes:

- An agreed resolution between the relevant parties;
- No further action;
- Formal investigation (see section 5.5).

In the event that a Resolution case is likely to carry over to a new board term, the Board will be required to discuss the facilitators engaged in the Resolution discussions. They may choose to appoint new facilitators at the start of the next Board term or, if appropriate, they may choose to retain the existing facilitator (even if they will no longer continue to hold the same role in BFS). If new facilitators are appointed, the outgoing facilitators will be required to conduct a handover meeting. The relevant parties should be notified of any changes to the facilitators.

## **4.7. Other Considerations**

If, after the Resolution Procedure has begun, the Board considers that the issue should have been dealt with or could be better dealt with under an alternative policy or procedure, the case can be transferred to that different policy or procedure and the relevant parties should be informed accordingly.



## 5. Resolution Procedure

### 5.1. Initiating the Resolution Process

Resolution requests can be made either in person (verbally) or in writing. A Resolution request can be raised through the following routes:

Resolution Route	Complainant	When to use this route
Group Organisers	Volunteers	Current festival periods
Blues	Volunteers and Members	Any time
Board of Directors	Volunteers, Members, Partners and Service Users	Any time
Chair of the Board	Volunteers, Members, Partners and Service Users	Any time

Once the resolution process has begun, the person dealing with the request should contact the board for guidance and provide an outline of the key concerns and desired outcomes to the board, completing and submitting the form in Appendix 4.

On receipt of a complaint/resolution request, the recipient will determine if:

- The issue can be resolved at an informal resolution meeting (section 5.3);
- The issue should be dealt with at a formal resolution meeting (section 5.4); or
- The issue should be formally investigated (section 5.5).

The Board may also choose to initiate the Resolution Procedure on receipt of a Grievance if they feel that it may be more suitable to try to resolve the issue through the Resolution process. GOs and Blues who receive complaints or concerns should discuss the option of a resolution meeting with the complainant prior to them submitting a Grievance.

### 5.2. Informal Resolution Meeting

The volunteer/member will first be encouraged to approach the person responsible and make them aware of the issue (such as that their behaviour is unwelcome or offensive) and ask them to stop. They may choose to seek support from a fellow volunteer/member. If they do not feel comfortable approaching the person directly then they can seek support via an informal resolution meeting.

**Facilitator:** The Informal resolution meeting will normally be managed by either a GO or Blue, with support and guidance from the Board as required. The Board should be kept informed of Resolution requests, progress and outcomes.

# **Beltane Fire Society Resolution Procedure**



**Number of meetings:** Depending upon the circumstances, it may be necessary to meet with parties individually first and then bring both parties together.

**Right to be accompanied:** meeting attendees may choose to be accompanied, as specified in Section 4.2 of this procedure.

**Documenting Meetings:** The discussion between the two parties and the agreed actions should be recorded using the form in Appendix 5 and sent to the Board. This information will be treated as confidential and should not be shared with anyone not directly involved in resolution discussions.

**Outcomes & Progress:** If agreed actions are reached, a progress check by the facilitator should take place within approximately two to four weeks of the date of the informal resolution meeting. A further reasonable review period may then be agreed e.g. 3 months or 6 months depending on the progress to date and the circumstances. If the issue persists after an informal resolution meeting has taken place then the facilitator/GO/Blue should contact the Board to request a formal resolution meeting be organised.

## **5.3. Formal Resolution Meeting**

Where the informal resolution meeting does not resolve the issue or an informal resolution is not a recommended option, a formal resolution meeting will be arranged. GOs/Blues should contact the Board for advice, guidance and support if they believe a Formal Resolution is required.

**Facilitator:** Formal resolution meetings will be facilitated by a neutral and impartial member of the Board of Directors who will encourage all parties involved to reach a mutually acceptable agreement. If there is no impartial Board member available, another suitable facilitator may be nominated.

**Documenting Meetings:** All discussions which take place at the formal resolution meeting will be documented but are confidential and will not be fed back to any third party. The only feedback given to a referring GO/Blue will be whether the meeting has resulted in successful resolution to the issue and any agreed actions to ensure resolution is maintained.

**Outcomes Implementation:** During festival periods, the GO/Blue may choose to meet with the volunteers/members concerned once advised of the Resolution outcome to discuss the way forward and how to implement any actions agreed at the resolution session. The GO/Blue should take a supportive and encouraging approach.

**Progress:** Where relevant there may be a follow up session arranged with the parties concerned, held by one or more the individuals who assisted in the reaching of an agreement.

# Beltane Fire Society

## Resolution Procedure



### 5.4. Formal Investigation

If the issue remains unresolved following a formal resolution meeting, the Board of Directors will consider whether it is necessary to carry out a formal investigation under the relevant BFS Procedure, such as Grievance or Disciplinary.

Only in exceptional circumstances will it be deemed appropriate to proceed immediately from receipt of a complaint to a formal investigation without first having progressed through the informal steps outlined above in steps 5.2 and 5.3 above.

### 5.5. Appeal Mechanisms

In the event that the employee is dissatisfied with the final outcome of the Resolution process then they can submit a written appeal to the Board of Directors within 6 months of the conclusion of the final resolution meeting.

An appeal can only be submitted on the following grounds:

- That the procedure followed was not a fair process or not followed correctly;
- Evidence was not considered, or was considered but misinterpreted;
- Further instances of the issue have taken place since the final Resolution meeting.

The appeal must state:

- The original issues being addressed via the Resolution Procedure
- The reason(s) why they are making the appeal;
- Make reference to one or more of the grounds for the appeal; and
- The outcome they are seeking to achieve as a result of the appeal

The appeal will be presented to the BFS Board of Directors at the next Board meeting for deliberation. Any members of the board implicated in the appeal or original issue will be required to leave the room during the discussion.

If appropriate, the Board may choose to either:

- Hold further resolution meetings;
- Initiate a formal investigation as stated in section 5.4

The outcome of the meeting will be provided to the complainant in writing within 1 week.

THIS POLICY WAS FORMALLY APPROVED BY THE BFS BOARD ON:	10 JULY 2017
LAST REVIEWED:	10 JULY 2017





## APPENDIX 1

### The Equality Act 2010

This Procedure aims to prevent discrimination, bullying, harassment, victimisation, intimidation and other unacceptable behaviour in relation to the following protected characteristics under the Equality Act 2010. These are:

- Age
- Sex
- Sexual orientation
- Pregnancy and maternity
- Gender reassignment
- Race
- Religion or belief
- Disability
- Marriage and civil partnership

#### Definition of Harassment

Harassment is defined under the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'

.

Harassment can take many forms, including violence, bullying and intimidation as well as more subtle forms such as ignoring an individual, undermining her/his confidence, jokes or suggestions that may be viewed as demeaning and unacceptable to the recipient. It is behaviour which hurts a person's pride or is offensive.

#### Is Sexual Harassment Different?

Sexual harassment is one of the most common forms of harassment and is specifically prohibited by the Equality Act 2010, as is harassment of a sexual nature related to gender reassignment.

#### Definition of Bullying

Bullying is not specifically defined in law but Acas give the following definition:

*Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.*

Bullying can be clearly distinguished from legitimate and fair criticism of a member's performance and behaviour at work. Criticism made after taking all the circumstances into account, if applied

# **Beltane Fire Society Resolution Procedure**



fairly and consistently, can be a constructive management tool. Bullying is, however, destructive rather than constructive.

## **Definition of Cyber Bullying**

Cyber bullying is a form of bullying which is conducted via social networking e.g. the sending of detrimental texts via mobile devices or posting images of BFS members on social media sites following BFS events. As this would be seen to have its origins in BFS, BFS could be deemed to be liable.

## **What Is NOT Termed Workplace Bullying & Harassment**

Directors, Blues and GOs are expected to lead and manage BFS volunteers and members, and this can involve setting performance and behaviour standards and ensuring members/volunteers understand the standards which are expected of them. However, the setting of standards which are unfair or unachievable and could in itself constitute bullying and/or harassment.

As part of the Board's commitment to provide effective management of BFS, organisational change may be necessary. It is recognised that during these periods of change, members may feel apprehensive, upset and unsettled. The Board are committed to treating all BFS members fairly and with dignity through this unsettling period. Organisational change, in itself, does not constitute bullying and harassing behaviour.



## APPENDIX 2

### Frequently Asked Questions

#### How is a resolution meeting organised?

An informal resolution meeting is usually organised by either a GO or Blue during festival periods, or by a Board member outwith festival periods. GOs/Blues can refer the issue for formal resolution by completing the referral form (Appendix 5).

#### How long does the session last for?

The length of time depends on the complexity of the case and the numbers of people involved.

#### Does the facilitator meet parties separately?

It is advisable to hold separate meetings with all parties individually first and then a group session will be organised (if agreed to).

#### Do the facilitators tell people what to do?

No they do not judge who is right or wrong and do not impose anything on the parties involved.

#### Can someone come with me to the session?

Yes but only as a companion, no participation in the session is allowed. The facilitator will create a relaxed and supportive environment.

#### Is a resolution meeting voluntary?

It works better if both parties are in agreement. However, the Board reserve the right to insist that the meeting takes place to address and hopefully resolve the issue.

#### Is the session confidential?

Yes it is. As the service is internal to BFS, any conflicts of interest will be addressed at the outset.

#### Where does the resolution meeting take place?

All resolution meetings should take place in a neutral, appropriate venue which allows open discussion to take place.

#### What happens at the end of session?

Hopefully by the end all parties involved will have reached a resolution to their dispute and agreed a way forward. This will then be followed up within an agreed timescale by the facilitator.

#### Does conflict resolution really work?

Yes in most cases it does work. Commitment from all parties is key to its success.

A willingness to listen, to be respectful towards each other, and to seek a new way of working together is absolutely paramount.



## **APPENDIX 3**

### **Volunteer/Member Welfare**

BFS is mindful of the emotional welfare of those involved in disputes. During resolution meeting, the facilitator is responsible for creating a relaxed and supportive environment. To do this they should:

- Listen actively without bias;
- Be non judgemental;
- Remain objective when hearing points of view that do not match your own;
- Ask open and probing questions;
- Show empathy;
- Avoid expressing emotional reactions;
- Be direct and honest without alienating the employee;
- Reassure the employee you will do whatever is reasonable and practicable to resolve the issue they have;
- Not be afraid to point out any discrepancies or to question what the employee is saying; and
- At the end of the meeting confirm what has been discussed, check understanding and advise what will happen next.

Any support mechanisms offered during the course of the Resolution process will be in line with the relevant BFS procedure.

# Beltane Fire Society Resolution Procedure



## APPENDIX 4

### Initial Resolution Request (Strictly Private and Confidential)

Complainant/Complainee Information			
Party A Name(s)		Contact Info	
Party B Name(s)		Contact Info	

Resolution Request Details
Issues Raised
Discussions/Actions Undertaken So Far
Desired Outcome
Any Other Relevant Info

**PLEASE NOTE:** Beltane Fire Society takes the personal safety of its members and volunteers seriously. Please make sure you include any information that facilitators should be aware of in this regard. You may be contacted to discuss this further.

Board Use Only: Facilitator Information							
Name				Group (if applicable)			
Role	GO		Blue		Board		



**APPENDIX 5**

**Record of Resolution Meeting (Strictly Private and Confidential)**

Location		Date	
Attendees		Festival Group (if applicable)	
Facilitator		Festival Group (if applicable)	

Summary of Issues Under Discussion

Agreed Outcome	Timescale	Follow-up Actions/Support