

(AC 1.1)

Both employee involvement and participation are mechanisms for employee voice, but they differ in the influence employees have and how they shape relationships. Involvement refers to management-led communication and consultation where decision-making authority remains with management (Ellis, 2022, p.15). In contrast, participation enables employees or their representatives to exert formal influence over organisational decisions. While employees have a right to be consulted (Ellis, 2022, p.15), influence can range from information sharing to co-determination and shared control (Marchington *et al.*, 2021, p.362).

Employee involvement typically operates through direct, informal mechanisms such as internal communications, team briefings, one-to-ones and surveys (Marchington *et al.*, 2021, p.364). These practices align with a unitarist perspective, which assumes shared interests between management and employees (Armstrong, 2023, p.455). Involvement can improve day-to-day relationships by enhancing communication, reducing uncertainty and supporting psychological safety. In this organisation, involvement can help rebuild trust following change by ensuring employees feel informed and listened to. However, involvement remains consultative (employees have no authority to negotiate), and if feedback is ignored it may damage relationships. Managers should therefore clearly communicate how input has influenced decisions and provide explanations where suggestions are not implemented.

Employee participation gives employees and their representatives a more formal role over strategic decisions, reflecting the pluralist understanding that competing interests and conflict are natural in the employment relationship (Ellis, 2022, p.4). In this post-merger public sector organisation, participation mechanisms such as joint consultative committees (JCCs) and collective bargaining are critical for balancing power and supporting fairness, and sit at the higher end of Marchington *et al.*'s continuum (co-determination and control). To strengthen relationships and reduce resistance to change, the organisation should embed early and meaningful union involvement in co-designing restructuring plans and changes to working practices. For example, Crossrail's project demonstrates a "mutual gains" partnership approach (Marchington *et al.*, 2021, p.370), where employee influence over working conditions, recruitment

and cab design helped build trust and support service delivery (IPA, 2018). Drawing on this, I recommend strengthening line manager capability through training on consultation, employee voice and working with unions to ensure participation is informed and genuinely influential. Indeed, participation institutionalises shared decision-making, increasing perceptions of procedural justice and supporting industrial harmony (CIPD, 2025a).

Overall, involvement and participation build relationships in different but complementary ways. Involvement strengthens engagement, while participation promotes long-term commitment by giving employees real influence over significant decisions. In this organisation, combining both approaches can rebuild trust, manage conflict and sustain positive relationships.

(AC 1.2)

Both union and non-union employee representation aim to support employee interests, but they differ significantly in their independence, legal status, authority and influence. Understanding these differences is important in this organisation, where changes to pay, policies and management structures heighten uncertainty and the risk of conflict.

Trade Unions (TUs) are independent, employee-led bodies with legal recognition and collective bargaining power (Unison, 2025a). Unions remain prominent in the public sector (Unison, 2025b), where collective agreements are often incorporated into contracts. Their independence from management enhances trust and consistency, providing mechanisms for negotiating on restructuring, harmonisation of terms and conditions, health and safety, and changes to working practices. Employers are required to provide unions with information for bargaining purposes (Daniels, 2025, p.219).

Union representation is democratic and collective, allowing them to exert pressure (Ellis, 2022, p.7), including lawful industrial action, which gives their voice credibility and leverage, as seen in the recent Birmingham refuse worker strikes (BBC, 2025). Unions can support fair and consistent handling of grievances and disciplinaries, particularly where managers are inexperienced in public-sector ER. Furthermore, unions can support transparency and increase buy-in during change, particularly through partnership working (Gifford, 2019). Representatives are trained and supported (Dromey, 2015, p.25), however

formal processes may slow decision-making. Adversarial relationships may also arise if managers lack understanding of established arrangements or hold negative perceptions of unions. This highlights the need for targeted management training on how modern unions operate and how to work constructively with them.

Non-union representation, in contrast, is employer-led and includes staff forums and JCCs. These mechanisms facilitate direct dialogue and consultation between employees and management. In this organisation, they can be useful for gauging morale, sharing information, and addressing day-to-day issues swiftly (CIPD, 2025b). Decisions are typically made case-by-case rather than collectively, but their scope is often broader, covering topics like wellbeing and L&D (Marchington *et al.*, 2021, p.363). However, outcomes are not legally binding and representatives lack independence and often have limited training. Their influence depends largely on management commitment (Ellis, 2022, p.6). While freedom of union membership is a statutory right, non-union consultative mechanisms are not legally mandated. The ICE Regulations provide rights to information and consultation, but not to negotiation or binding outcomes (Dromey, 2015).

Overall, non-union representation can enhance communication, but unions provide an independent and legally supported collective voice. In this public-sector organisation, unions should remain central to change, supported by clear consultation policies and procedures to ensure representation is productive rather than adversarial.

(AC 1.3)

Employee voice refers to the ways employees express views and influence workplace matters (CIPD, 2025b). It is a component of good work and associated with positive outcomes such as higher engagement, wellbeing and job satisfaction, which can support organisational performance through lower absence and turnover, increased collaboration and discretionary effort. However, voice does not automatically improve performance. Its effectiveness depends on how voice is designed, managed and responded to.

In this organisation, performance is measured by service quality,

employee engagement, retention and public trust. Following a merger, employee voice is particularly valuable. Direct mechanisms should be implemented (e.g., team meetings, Q&As) to capture frontline insights about systems, processes, service users and emerging risks or opportunities (Dromey, 2015, p.7), improving decision quality and problem-solving. I recommend issuing surveys throughout system integration to identify workload stressors early, combatting sickness absence and service disruption. Research consistently links trust in management with improved organisational performance (Rambhai, 2021), suggesting that genuine voice can support smoother change and sustained performance.

Voice can also enhance perceptions of fairness and inclusion, which is particularly important in a diverse public-sector workforce. When employees see feedback leads to action, morale and engagement will likely increase, supporting service quality. Effective speak-up mechanisms can also reduce the risk of misconduct, legal breaches and reputational damage, all of which undermine performance in publicly accountable organisations (CIPD, 2017b). A reputation for ethical employment practices may also support recruitment efforts (Ellis, 2022, p.17).

However, there are limitations. Not all voice methods are equally effective, and some may consume significant resources (e.g. focus groups) without clear returns. Mechanisms that lack management commitment/capacity can create cynicism and disengagement. Psychological safety should therefore be prioritised; where employees fear repercussions or believe input is symbolic, voice may damage performance and lead to conflict (Business Wales, 2024). This risk is heightened during mergers when job insecurity can discourage speaking up. Voice that is unrepresentative may also fail to deliver positive outcomes (CIPD, 2025b). Therefore, line managers, senior leadership and people practitioners should role-model voice in everyday practice (Wilkinson et al., 2021, p.695) and monitor its effectiveness by tracking KPIs e.g. turnover.

However, correlation does not equal causation; high-performing organisations may generate stronger voice, rather than voice improving performance (Ellis, 2022, p.19). Poorly managed voice can slow decision-making, particularly where managers are inexperienced in handling data. I also recommend employees are given sufficient context about organisational strategy and sector challenges in order to contribute constructively (CIPD, 2017b).

Overall, employee voice can enhance performance in this organisation by improving trust and decision quality. However, it should be well-managed, inclusive and acted upon, supported by capable leadership and psychological safety (Jirjahn *et al.*, 2023).

(AC 1.4)

Better working lives refers to work that is “skilled, healthy and fair” (CIPD, 2023). This is important in this organisation, where uncertainty, role changes and new structures risk undermining morale, wellbeing and performance. The CIPD promotes good work as a way to help employees thrive while improving service quality.

Good work is widely understood through seven dimensions: remuneration, employment contracts; work-life balance, job design, relationships at work, employee voice, and health and wellbeing (CIPD, 2024). When designed effectively, these dimensions support engagement, inclusion and retention, helping organisations attract and retain a skilled workforce despite public-sector financial and operational pressures.

Drawing on intrinsic motivation theory, better working lives can be designed through clear job design that provides autonomy and purpose (Armstrong, 2023, p.201). I suggest employees are consulted on role design to ensure manageable workloads, sufficient variety, and opportunities to use skills. Clear reporting lines and job descriptions aligned with organisational values help employees understand how they contribute to wider goals. Fair performance management and regular feedback, as highlighted by Goal Theory, further support motivation (Armstrong, 2023, p.204).

Job security and development are highly valued in the public sector. Fair pay and income security (e.g., paying the Real Living Wage, transparent grading structures, minimising fixed-term contracts) are central to good work. TU consultation is particularly important where changes affect terms and conditions. Training, mentoring and career development opportunities can support employees in adapting to new systems, helping to maintain commitment and capability (Gov.uk, 2024).

Promoting work-life balance is also essential. Wellbeing initiatives should

be evidence-based and tailored to workforce demographics e.g. offering mental health and menopause support. Flexible working, reasonable adjustments and occupational health support should be offered to mitigate the impact of change (CIPD, 2024, p.15). Preston Community Gateway's case demonstrates how embedding a positive employee experience framework (e.g. strong communication, inclusive policies) can support wellbeing and performance (Waite *et al.*, 2021, p.137).

Given the pressures of the merger, promoting positive relationships is important. ER strategies should emphasise early, informal conflict resolution, and open, constructive communication. Training managers in handling employee voice, alongside opportunities for team-building, can support the integration of new teams, as well as clear policies on topics such as bullying and harassment (Gov.uk, 2024).

Finally, employee voice underpins better working lives. Staff surveys, union engagement and clear communication channels create feedback loops to inform decision-making. Monitoring people metrics such as absence, retention grievances helps ensure good work is sustained (CIPD, 2025e).

Overall, designing better working lives through thoughtful job design, bespoke wellbeing initiatives and proactive conflict management can promote harmony, strengthen trust, and help staff perform well during change.

(AC 2.1)

Workplace tensions may surface as organisational conflict or employee misbehaviour (Liddle, 2020). While both reflect dissatisfaction, they differ in intent, visibility, formality, and the response required. In this organisation accustomed to stability, rapid change can heighten frustration, making it essential to distinguish between the two to prevent escalation (ACAS, 2015).

Organisational **conflict** describes disagreements between individuals, groups, or employees and management, arising from differing priorities, personalities and working styles (ACAS, 2025d). It is often visible and structured, with union-led negotiations regulated through employment laws and formal procedures. It may be individual (e.g. interpersonal disputes) or collective and organised (e.g. go-slows and overtime bans). For example, conflict may arise over pay harmonisation or workloads following a merger. When managed

effectively, it can be functional, providing a legitimate form of voice that leads to improvements. Managers should be trained on appropriate responses including early dialogue, consultation, mediation, team-building, and partnership working. These approaches can help to protect long-term relationships and maintain trust during change (ACAS, 2025d). Therefore, conflict can be positive, leading to fairer workplaces. However, poorly managed conflict, particularly where managers lack experience of public-sector ER, can escalate into formal disputes, damaging morale and productivity (Cholteeva, 2023).

In contrast, employee **misbehaviour** involves deliberate actions that breach organisational rules or standards. Unlike conflict, misbehaviour is typically individual, informal and covert (ACAS, 2025d). In a post-merger environment, misbehaviour may include withdrawal of effort, absenteeism, resistance to new processes, or negative online commentary. Such behaviours often reflect frustration, disengagement or a perceived lack of voice, rather than aiming to influence change. Because misbehaviour is less visible, it can be harder to identify and may escalate if not addressed. HR responses should differ from those for conflict, and can include clear policies, performance management, disciplinary procedures and legal action. Managers should build rapport with their teams and receive guidance on recognising early indicators (e.g. declining performance or behavioural change) (Wigan 2024). However, the organisation should also address root causes, including weak communication and workload pressure, to prevent further disengagement (Ayling and Suff, 2025).

Overall, while conflict can be a constructive and legitimate mechanism that improves outcomes, misbehaviour is more likely to damage trust and performance by going unnoticed. Both can co-exist, so identifying them enables appropriate, effective responses that minimise harm to the organisation and its people.

(AC 2.2)

Industrial sanctions are actions taken by employees to exert pressure on employers during disputes over pay, terms or organisational change. In the public sector, the nature of conflict and sanctions has evolved in response to tighter legislation, changing employment relationships, union strategy and

digitalisation.

A key trend is the shift from prolonged, mass strikes towards shorter, strategically planned industrial action. Although the number of working days lost has fallen significantly (ACAS, 2025a), strikes are now more selective, involving fewer workers but timed to maximise disruption, such as during public events. This allows unions to maintain pressure while minimising pay loss for members, and reflects tighter legal requirements and cost-of-living pressures that make sustained strikes less affordable.

Alongside this, action short of strike (ASOS) like overtime bans and go-slows is increasing. These lawful sanctions reduce output but limit employers' ability to respond through disciplinary or performance procedures (ACAS, 2025b). For example, in 2025 Land Registry staff adopted a work-to-rule strategy in opposition to return-to-office requirements (Dunton, 2025). In public-sector organisations facing staff shortages and high service demand, ASOS can be particularly disruptive, reinforcing the need for partnership problem-solving and management training on lawful responses.

Another emerging trend is the individualisation of conflict, increasingly expressed through grievances, tribunal claims, and sickness absence (ACAS, 2025a). This reflects heightened awareness of employment rights and growing expectations around wellbeing. In a post-merger environment, work intensification and inexperienced managers may exacerbate stress-related absence and withdrawal behaviours, which are less visible than strikes but equally damaging to organisational performance (Marchington *et al.*, 2021, p.336). I recommend implementing proactive wellbeing support and early resolution mechanisms such as mediation.

This organisation should prioritise transparent decision-making, as conflict is increasingly unfolding online. Unions and employees now use social media, digital campaigns and petitions to mobilise support and apply public pressure. These may complement or replace traditional sanctions, and increase reputational risk for publicly funded organisations by reducing their control over narratives (Houghton and Hodder, 2021).

Employers have responded by continuing to enforce internal procedures, such as formal warnings and, increasingly, by using legal remedies such as injunctions to restrict unlawful action, particularly in essential public services such as this (Daniels, 2025, p.230). A Royal College of Nurses' strike was

shortened after being ruled partly unlawful (Guardian, 2023). Whilst injunctions can protect service continuity, overuse risks undermining trust, so they should be used selectively.

Overall, conflict has become subtler, more complex and no less disruptive. While sanctions may be effective in the short-term, they may damage employment relationships. For this organisation, particularly in light of expanding union accessibility from 2026 (ACAS, 2025c), sustainable conflict management requires balancing proportionate sanctions with partnership working (Moss, 2025), stronger management capability, and effective voice and wellbeing strategies that address underlying causes.

(AC 2.3)

Third-party dispute resolution, conciliation, mediation and arbitration, differ in their formality, third-party involvement, impact on relationships, and whether outcomes are binding. Given this organisation's ongoing change and limited management experience, choosing the right approach can prevent escalation and preserve working relationships.

Conciliation is a formal, facilitative process, typically used in individual employer-employee disputes that might otherwise progress to employment tribunal. ACAS conciliation is automatically offered prior to tribunal claims and focuses on discussions that reach a legally binding settlement, e.g., compensation (Citizens Advice, 2025), however I recommend early engagement with ACAS for preventative conciliation. The conciliator is impartial and does not recommend outcomes but helps parties reach agreements themselves (Ellis, 2022, p.23). ACAS also offers collective conciliation, enabling employers and groups of employees (often represented by a union) to resolve disputes without industrial or legal action.

Mediation, in contrast, is a relationship-focused, informal process in which an impartial mediator helps individuals to communicate and agree a way forward. Outcomes are still jointly agreed by conflicting parties (e.g. a commitment to changed behaviour), but unlike conciliation, are not legally binding (ACAS, 2022). It is best suited to interpersonal conflict, such as manager-employee tensions, team breakdowns or conflict following changes to

team dynamics. This is valuable for this organisation with managers transitioning from the private sector, but it is less suitable for disputes requiring legal determination (e.g. discrimination) (CIPD, 2025d) or collective conflicts (e.g. pay disputes) where unions require binding outcomes. Unlike conciliation and arbitration, mediation can be delivered by trained in-house mediators (Wigan, 2024), although I suggest engaging external mediators for more complex cases.

Arbitration is the most formal and differs clearly in that the arbitrator reviews all evidence and imposes a final, binding decision (Ellis, 2022, p.23). Parties relinquish control, making arbitration closer to a tribunal, though faster and more private. Unlike mediation and conciliation, where parties can withdraw at any time, once parties agree to arbitration, they must accept the decision, which replaces going to court. Its scope is narrower (e.g. unfair dismissal, flexible working disputes) (Daniels, 2025, p.32), compared with mediation. While effective for resolving a deadlock, arbitration may strain relationships, as it does not facilitate direct communication or joint problem-solving, and therefore may not solve underlying causes. In this organisation focused on long-term relationships, arbitration should be a last resort.

In summary, mediation focuses on relationship repair, conciliation prioritises lawful settlement, and arbitration a finalised solution. For this organisation, early use of mediation and conciliation, supported by trained managers and people practitioners, offers the most ethical and sustainable approach to managing conflict, reserving arbitration only where consensus cannot be achieved.

(AC 3.1)

Under the Employment Rights Act 1996, a dismissal is fair if for a fair reason and the employer acts reasonably, considering its size/resources (Marchington *et al.*, 2021, p.352). An employee must be employed for at least two years in order to claim unfair dismissal. While capability and misconduct are potentially fair reasons, employers must follow a fair procedure in line with the ACAS Code of Practice (2015), including a proper investigation, representation, opportunity to respond, and right of appeal. Failure to comply can result in tribunal awards

being adjusted by 25% (Daniels, 2025, p.178). In this organisation, embedding these principles into standardised post-merger policies and providing manager training is critical to minimise legal risk.

Capability refers to an employee's inability to perform their role due to skills, qualifications or health (Daniels, 2025, p.165). Managers must set clear expectations and address underperformance supportively, such as through training, before considering dismissal. A Performance Improvement Plan should provide reasonable time/resources, support and clear warnings of consequences (Adam-Smith and Rumbles, 2013, p.230). This is important post-merger where new systems, reporting lines and roles may temporarily affect performance.

Where capability concerns ill health, employers should obtain occupational health advice to understand the prognosis and fitness for work, and consider this alongside the organisational impact of the absence. In *O'Brien v Bolton St Catherine's Academy (2017)*, for instance, dismissal was unfair as the employer failed to properly evaluate medical evidence (Daniels, 2025, p.170).

Redeployment should be offered where possible, but if dismissal is decided then statutory notice should be provided. Where a disability is identified, the Equality Act 2010 requires reasonable adjustments to be considered, otherwise risking discrimination (ACAS, 2024).

Misconduct involves breaches of workplace rules and may be ordinary (e.g. lateness) or gross (e.g. assault). Ordinary misconduct should be addressed through a series of warnings aimed at correcting behaviour. Gross misconduct may justify summary dismissal, but only after a fair investigation. Employers must reasonably believe, based on evidence, that misconduct occurred (ACAS, 2015) and that dismissal is a proportionate response given its impact (Daniels, 2025, p.174). In *Quadrant Catering v Smith*, dismissal for swearing was unfair because a lesser penalty should have been considered first (Johnson *et al.*, 2021, p.456).

Procedural clarity is also essential. In *Celebi v Compass Group*, dismissal was unfair because allegations were unclear (Daniels, 2025, p.179). Employees must be kept informed, receive evidence in advance, have the right to be accompanied, and be able to appeal to an independent manager. Managers and HR should ensure accurate record-keeping to demonstrate fairness if challenged.

Overall, dismissal should be a last resort. HR should prioritise

management training to ensure decisions are proportionate, evidence-based, lawful and fair during this period of change.

(AC 3.2)

A grievance is a complaint raised by an employee about their work or working environment. In public-sector organisations where union membership is typically high, grievances may be raised individually or collectively. Understanding the key causes is essential to prevent escalation and maintain trust (ACAS, 2025d), particularly for this organisation experiencing structural change and incoming managers from the private sector.

One key cause is **poor management practices**, particularly where managers are unfamiliar with established policies or lack experience collective arrangements. New managers may enforce standards more strictly than their predecessors, creating perceptions of unfairness. Differences in management style (e.g. excessive monitoring) can further frustrate employees, especially where long-standing informal practices previously existed (Marchington *et al.*, 2021, p.353). Managers transitioning from the private sector may also struggle to apply public-sector policies and employment law, increasing the risk of grievances arising from poor communication, bullying, or inappropriate handling of issues. Left unaddressed, concerns can escalate into formal grievances. Therefore, mentoring managers new to the sector could help to reduce this risk.

Another cause is **inequality of treatment**. Public-sector organisations place high value on procedural fairness, often governed by collective agreements and national pay frameworks (Marchington *et al.*, 2021, p.353). In private companies, managers often vary conditions and treatment at will, therefore incoming management may apply discretion around flexible working, training access, or workload allocation, creating perceptions of favouritism or exclusion (Marchington *et al.*, 2021, p.336). Where unequal treatment involves protected characteristics, grievances may escalate into discrimination claims. For example, in *Renowden v Office for National Statistics*, the court held that male employees were favoured in promotional decisions (Baska, 2019). At a collective level, post-merger pay harmonisation can result in groups of employees identifying disparities in grading for comparable roles, leading to collective grievances and

union involvement, which undermines trust. Therefore, HR should monitor decisions for fairness and equity.

Finally, **organisational change** is a significant trigger for grievances, as it activates a threat response in the brain (CIPD, 2017a), with employees perceiving risks to status, financial security, and competence (Armstrong, 2023, p.650). Indeed, mergers often create role ambiguity and increased workloads. I highly recommend management training in union partnership-working, as inadequate communication and consultation with unions can prompt collective grievances, particularly in this sector where union relationships will be well-established. Managers who are unaware of partnership working may misinterpret union involvement as resistance, further weakening trust and escalating conflict (ACAS, 2025d).

For this organisation, addressing these key causes, through management training on fairness and effective conflict-resolution, consistent application of policy, and meaningful consultation, can help maintain positive ER, prevent escalation into formal disputes, and support staff morale during ongoing change.

(AC 3.3)

Effective grievance handling is critical for maintaining performance, trust, and lawful employment practices. In this organisation, with restructured teams and managers new to the sector, grievances can increase and, if handled poorly, can intensify conflict.

Properly managed grievances provide a constructive mechanism for employee voice and early problem-solving (ACAS, 2021). A resolution-focused approach, based on open communication, fair procedures and collaboration with trade unions can surface underlying issues, e.g. workload pressures, role ambiguity, or inconsistent management practices. Addressing these can improve morale, strengthen relationships and support innovation by challenging legacy practices. Therefore, grievances should be used as an opportunity to implement positive changes.

Delays or unfair handling of grievances can reduce commitment, increase sickness absence, resistance to change, and turnover (Chana, 2024), this is also highlighted in recent ACAS research which identified stress as the most common

impact of unresolved conflict (ACAS, 2025a). In this organisation, this can undermine team cohesion and make future change harder to implement. Poor handling can also normalise inappropriate behaviour, leading to repeated complaints and a toxic culture (Amaechi, 2021, p.150). Managers and people practitioners should therefore respond promptly and follow established, transparent procedures in all cases.

There are significant legal and financial repercussions. Employers have a duty to act fairly and reasonably, in line with the Employment Rights Act (1996) and the ACAS Code of Practice (2015). Failure to follow the Code can result in tribunal compensation being uplifted by 25%. In serious cases, mishandling grievances may lead to claims of discrimination or constructive dismissal, causing reputational damage and avoidable costs. This risk is particularly acute in the public sector, where transparency, ethical practices, and public trust are paramount. Indeed, if an employer breaches a contract in their handling of a grievance, an employee can resign and claim constructive dismissal, such as in *Nelson v Renfrewshire Council* (Newlin, 2024). Effective handling supports psychological safety, reinforces natural justice and builds confidence in management. For newly formed teams, it can help move relationships towards stability, cooperation and high performance, as per the “performing” stage of Tuckman’s theory of group development (ACAS, 2025d).

Ultimately, mishandling grievances can cause more damage to workplaces than the subject of the grievance itself, therefore it is vital that managers are trained in fair grievance handling, early conflict resolution and effective union partnerships. Organisations that manage grievances well are better placed to retain staff, sustain engagement, create an inclusive culture, and deliver high-quality services.

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