

**By:** Gary Cooke – Cabinet Member for Corporate & Democratic Services  
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**To:** Personnel Committee

**Date:** 4 June 2014

**Subject:** Resolution Policy

**Classification:** **Unrestricted**

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**SUMMARY:** The report sets out the proposed Resolution Policy and Procedure and asks the Committee to agree it.

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## **1. INTRODUCTION**

- 1.1 On 28 November 2013 Personnel Committee received a report detailing the intention to replace the Council's Grievance procedure and Harassment Procedure with a Resolution Policy. This would shift the focus in dealing with these matters more towards finding mutually acceptable outcomes for all parties rather than using formal hearings in which managers preside over a solution. Personnel Committee endorsed this approach.
- 1.2 The new Resolution Policy and Procedure are set out in this paper (appendices 1 & 2).

## **2. BACKGROUND**

- 2.1 The emphasis of the Resolution Policy and Procedure is on using early meetings with management - including mediation - to resolve disputes. Formal resolution meetings (akin to hearings under the current procedure) are only used when a resolution cannot be found via the earlier stages, the issue is such that a mediation approach will not resolve the matter or the local manager does not have jurisdiction over the issue at hand.
- 2.2 The approach set out in this paper is based on a model policy produced by the TCM Group (an organisation with experience of working in this field with large private and public sector bodies). This approach also fits well with ACAS's code of practice on discipline and grievance and mirrors the recent changes introduced by the government which encourages conciliation to avoid tribunal claims progressing to a hearing.
- 2.3 The benefits of the approach set out in the Resolution Policy and Procedure are:
- speedier resolution achieved through greater emphasis on early intervention by the line manager and a mediation approach
  - provides for a less adversarial approach to resolving conflicts

- reduces the likelihood of further damaging working relationships between the parties involved.

2.4 This approach also readily supports the self sufficient manager by helping them resolve matters more readily at the point the disputes arise. It also reinforces KCC's values in that it encourages people to be open, it means people have to be more open to challenge and accountable for the remedies identified.

### **3 RESOLUTION POLICY & PROCEDURE**

3.1 The Resolution Policy and Procedure provide the means for an employee (or a group of employees) to seek a resolution to an issue which has led to them experiencing a disadvantage or anticipating that it will do so. The issues may be the result of:

- actions taken or proposed by KCC
- actions by another employee (or group of employees)
- actions of a third party (this only applies to circumstances where KCC has the ability to intervene in the actions of the third party)
- a failure to act by management
- a failure to act by another employee (or group of employees).

3.2 The aims of the policy are to provide a constructive and effective approach to resolving issues at the earliest opportunity, wherever possible this is done without resort to a more formal process and to ensure that employees receive fair and consistent treatment.

3.3 Issues regarding bullying and harassment are also covered by the Resolution Policy. However, as with the Grievance Procedure, it is not intended that such matters as redundancy appeals, job evaluation appeals and whistleblowing are covered as other procedures apply.

3.4 There is an expectation under the policy that all parties will participate in the informal aspect of the procedure, where appropriate. All employees will be protected from intimidation, victimisation or discrimination for raising issues and managers will be expected to ensure this happens.

3.5 In order to ensure the currency of any complaints the policy introduces a three month timeframe for the raising of resolution requests by employees.

3.6 The policy and procedure enable groups of employees to raise collective resolution requests.

3.7 The operation of the procedure requires a manager to initially consider a resolution request submitted by an employee to assess how best to resolve the matter raised. For complex cases HR support is available to assist in the triage process. The expectation is that the issue will be addressed via a meeting with the line manager, followed by mediation if the issue remains unresolved, unless the nature of the issue means that this route is not appropriate.

3.8 The process will normally involve a resolution meeting with the parties and mediation may form part of the approach to enable early resolution of the

issue/s. The latter stages of the approach may involve an investigation and/or a formal resolution hearing if a resolution via an initial meeting and mediation cannot be found. The outcome of a formal resolution meeting can be appealed. There is also the opportunity for matters of substance and/or principle that may affect all staff in the Authority or groups of employees across Directorates to be considered by the Corporate Director Human Resources.

- 3.9 Whilst the Grievance Procedure promotes early resolution of disputes by managers there is not a significant emphasis on this and mediation, when used, tends to come later in the process when positions have become entrenched. The Resolution Policy and Procedure also reduces the number of hearings involved in the process compared to the Grievance Procedure and looks to find mutually acceptable solutions rather than have one imposed by managers. The process for the consideration of post employment grievances has also been removed in line with changes in the law.

#### **4. PREPARATION FOR IMPLEMENTATION**

- 4.1 In the work on the policy and procedure an event was held for managers, HR professionals, unions and representatives from KCC's staff groups to look at the documents to fully understand what issues might arise from their application and to help a greater understanding of what is proposed and the role parties to the procedure will play. There is support from HR and those managers who have seen the proposal. Also, as the Grievance and Harassment Procedures are collective agreements, the documents before the Committee have been agreed with the recognised trades unions who advocate the resolution approach as it supports those taken by the unions in supporting their members when disputes arise.
- 4.2 If Personnel Committee agrees the policy and procedure it is intended to build on the above event in order to support their implementation. This work will include:
- training a network of mediators (utilising the existing Coaching Network)
  - work with union stewards regarding the application of the policy and procedure
  - further training for HR staff, particularly to support their understanding of how to triage resolution requests
  - range of support for managers
  - organisation wide communication about the policy and procedure.

#### **5. RECOMMENDATION**

- 5.1 Personnel Committee agree the Resolution Policy and Procedure and that it replaces the current Grievance and Harassment Procedures.

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