

## Resolution Policy Issued by HR

April 2014



### Introduction

This policy and the associated procedure set out KCC's approach to achieving lasting solutions to issue/s raised by employees regarding their working environment or working relationships (including harassment). The policy and procedure take into account the important role that mediation can have in the process of resolving issues.

Mediation is a non-adversarial way of resolving difficult situations and it can play an important role in responding to a resolution request from an employee. The mediator is an impartial third party and will help the parties involved to have an open and honest dialogue with the aim of identifying an agreed outcome. Any agreement made during the mediation comes from the parties involved, not from the mediator.

The policy draws on five core principles:

- fairness
- mutual respect
- empathy
- dignity
- dialogue

It is expected that all parties in the process will adhere to these principles.

For this policy KCC has adopted the Acas definition of harassment. Acas define harassment 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.'*

Acas identify that bullying can be characterised as:

*'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.'*

Harassment may take the form of either repeated or single incidents. Critically, if a behaviour or action is considered to be offensive by the person who receives it, it may constitute harassment whether intentional or otherwise. However the issue of whether a behaviour or action was intentional is relevant when examining the most appropriate and effective way to resolve the situation.

Further information regarding the different forms of harassment can be found in Dignity & Respect at Work Policy Statement which is available on KNet.

\* Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, sexual orientation

### **Scope**

KCC is committed to providing a working environment where all individuals are treated with fairness, dignity and respect. A positive working environment is beneficial to employee wellbeing and engagement which can influence performance, retention and result in the decrease in certain types of absences.

Within workplaces it is normal for there to be some disagreement, conflict or dispute. In many cases these matters can be successfully and speedily resolved by managers on an informal basis as part of their day to day responsibilities.

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)

### **Aims**

Through the Resolution Policy and the associated Procedure KCC aims to:

- provide employees and managers with a constructive and effective approach to resolving the identified issue/s at the earliest opportunity
- to, wherever possible, achieve successful resolution through an informal approach (including mediation)
- ensure consistency and fairness of treatment for employees

## **Employee Entitlements**

KCC employees are entitled to:

- raise a resolution request with their manager\*\*
- have an initial resolution discussion with their manager\*\* to explore how the identified issue/s can be resolved
- have a formal resolution meeting if the issue/s cannot be resolved informally
- a right of appeal against the outcome of the formal resolution meeting
- be accompanied at formal resolution and appeal meetings by a trade union representative or workplace colleague

**\*\* or grandparent manager if the issue/s relate to their direct line manager**

## **KCC Standards**

- Resolution requests must be raised within three months of the event/incident occurring
- Issues will be dealt with in confidence
- Harassment and bullying are not tolerated
- All issues raised will be assessed to explore how they can be resolved in the most effective way
- There is an expectation that all parties will, wherever possible, engage with the informal resolution approaches before the formal elements of the resolution process are used
- There is an expectation that all parties will give reasonable consideration to engaging in mediation
- Mediation is voluntary and is a confidential process
- Where resolution requests are able to be addressed informally a brief note of the outcome will be made on the local supervision record/s
- Written confirmation will be provided regarding the outcome of any formal process required to resolve the identified issue/s
- If there is a need to vary any of the timescales set out in the Resolution Procedure this will be discussed with the employee
- Employees will be protected from intimidation, victimisation or discrimination for raising issues via the Resolution Policy. Any form of retaliation against an employee raising a complaint will be dealt with in accordance with the Disciplinary Policy
- Resolution requests which relate to a disciplinary or capability process will, where possible, be considered as part of the operation of that procedure. If this is not possible the disciplinary or capability process will not be suspended and the request will be addressed in parallel to it. However, each case will be considered on its merits.
- Where a group of employees have raised a collective resolution request, the presentation of information during a formal resolution meeting or appeal should be handled by a spokesperson and/or representative. Other employees in the group will speak only as witnesses unless otherwise agreed

- Where the matters raised in a resolution request are unsubstantiated and found to be vexatious or maliciously made, this will be addressed in accordance with the Disciplinary Policy

### **Partnership working**

It could be the case that an issue impacts on more than one employer. Every effort will be made to agree an approach that reflects best practice across the agencies concerned.

Managers from partner organisations will be expected to implement KCC policies and procedures where they are managing KCC employees with support from KCC management or KCC HR.

### **Matters outside of the Resolution Policy**

This policy does not cover matters where there are separate KCC policies and procedures which apply, these include:

- Redundancy appeals
- Job evaluation appeals
- Disciplinary Policy
- Performance and Capability Policy
- Whistle Blowing Policy

KCC's Resolution Policy is based upon ***The Total Conflict Management (TCM) Model Resolution Policy*** designed by The TCM Group. For more details, please visit [www.thetcmgroup.com](http://www.thetcmgroup.com)

### **Alternative Formats**

This document is available in other formats. Call 01622 694778 or email Employment Policy Team for further details.

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