

Resolution Procedure Issued by HR

April 2014



Introduction

This document sets out the procedure that KCC will apply where an employee (or group of employees) seeks assistance in resolving issues regarding their working environment or working relationships (including harassment). The Procedure should be read in conjunction with the Resolution Policy.

Resolution Requests

If an employee (or group of employees) has a complaint relating to their work or those they work with they have the right to raise this with their line manager* in order to seek a resolution. The resolution request does not have to be made in writing.

For the majority of resolution requests it is expected that lasting solutions will be achieved through informal actions - including the use of mediation - as outlined in the resolution meeting information below.

* or grandparent manager if the identified issue/s relate to the line manager

Assessment of the Resolution Request

Based on the nature of the complaint, the manager will assess how best to seek to resolve the identified issue/s. In the case of more complex matters the manager may wish to seek advice from HR during the assessment process.

When deciding on the best way to resolve the identified issue/s the manager will take into account:

- the seriousness of what has been raised
- the parties' willingness to engage in a resolution meeting or a mediation process
- previous attempts to resolve the situation
- the number or frequency of previous formal or informal complaints.

The available informal resolution methods are:

- resolution meeting with the parties involved in the issue/s
- mediation.

Formal resolution methods can be used if the resolution meeting and mediation does not achieve an agreed outcome or if the nature of the identified issue/s is of a more serious nature. Formal resolution methods can involve:

- an investigation to find out more detailed information regarding the identified issue/s
- a formal meeting with the parties involved.

Resolution Meeting

The resolution meeting is an early attempt to resolve the issue/s identified by an employee (or group of employees). It provides an opportunity for the situation to be discussed in a supportive, constructive and empathetic manner to assist in finding an early resolution.

At the meeting the manager and employee will discuss the identified issue/s and will explore how they can be resolved. If the employee's resolution request is raised with the assistance/support of a trade union representative it may be beneficial to involve the representative in discussions ahead of a resolution meeting. The employee may be accompanied by a trade union representative (or workplace colleague) at the meeting.

There are two main potential outcomes to the resolution meeting:

Outcome 1

Having listened to the matters raised, the manager is able to agree with the employee some actions to resolve the identified issue/s. In the case of working relationship difficulties this may involve the manager helping the people involved to understand how their behaviour and/or comments have been perceived by the other person and looking at how to achieve a better working relationship.

Complaints of harassment may be able to be resolved by the employee raising their concerns directly with the other person/s involved. It is possible that the other person/s may be unaware that their behaviour is causing any offence and once they are made aware of this it will cease. Where an employee does not feel confident or comfortable in raising the matter directly with the other person/s involved, the line manager can assist with this.

As the approach to addressing the identified issue/s is based on informal day to day management, it does not require:

- the participation of HR at the resolution meeting
- as a matter of course the participation of a trade union representative (or workplace colleague) at the resolution meeting, unless it is felt this would help with an earlier resolution
- any specific formal documentation to be completed regarding the issue. However, a brief note regarding the issue and the agreed resolution should be made on the local supervision/one to one meeting records.

- a set timescale for responding to the identified issue/s. However, it is expected that this will be dealt with as quickly as possible (generally this will not take more than ten working days)

Outcome 2

The discussions during the resolution meeting may identify that mediation could provide a beneficial approach to seeking to resolve the issue/s raised by the employee. In determining whether mediation is the most appropriate way to seek a resolution the manager will need to take account of:

- the nature of the issue/s identified on the resolution request
- whether other informal approaches may be able to resolve the identified issue/s
- whether the parties involved recognise that there is an issue and want to have it resolved
- whether the parties involved will be willing to participate in the mediation process.

Mediation

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 mediation is carried out on a confidential basis by an impartial third party who helps the people involved attempt to reach an agreement. The mediator is in charge of the process of seeking to resolve the issue but not the outcome. For mediation to be successful it needs to be agreed to by all of the people involved in the situation.

The manager dealing with the resolution request will contact * the HR Advisory Change Management Team (***insert /e-mail address or tel number for the team***) to arrange for a mediator to work with the parties involved.

The mediation process is carried out by trained mediators and involves the mediator:

- confirming the parties have entered into the mediation process voluntarily
- meeting separately with the parties involved in the issue/s
- helping the parties to identify the root cause of the issue/s
- encouraging communication between the parties, to promote understanding, empathy and changing perceptions
- holding a joint meeting where the parties are able to communicate their feelings and work on a jointly agreed solution.

Mediation meetings will tend to last for one full day. However, in more complex cases or cases involving more than two parties, it may last for up to two or three days. The mediation process from start to finish will not normally take more than four weeks.

As the mediation process involves only the mediator and the two (or more) parties involved in the situation, the employees involved are not able to be accompanied by a workplace colleague or trade union representative during mediation meetings.

At the conclusion of the mediation process the manager dealing with the resolution request will meet with the employee to establish if they are satisfied with the outcome. If the employee is satisfied that the matter has been resolved this will be noted in the employee's local supervision, or one to one meeting, records.

If, during the course of the mediation process, the mediator feels that the people involved aren't going to be able to find an agreed solution, this view will be shared with the manager dealing with the resolution request and the HR Advisory Team. Should the mediation process be unable to achieve a successful resolution, a formal resolution meeting will be held (see below).

Formal Process

The formal process should be used if:

- informal action - including mediation - has not successfully resolved the identified issue/s
- the nature of the identified issue/s are more serious and require a more detailed examination.

Investigation

Where the resolution meeting or mediation process has not been able to satisfactorily resolve the identified issue/s, the manager dealing with the resolution request may decide that an investigation needs to be carried out to find out more detailed information.

With less complex matters, the manager dealing with the resolution request may carry out the investigation process. However, depending on the nature of the issue/s it may be more appropriate for an independent investigating officer to be appointed. The HR Advisory Team can provide advice to managers regarding the investigation process.

The parties involved in the issue/s under investigation will have the right to be accompanied at any investigation meetings by a trade union representative or workplace colleague.

The investigation process should be carried out as quickly as possible, ideally within twenty-eight days. However, there may be circumstances where it is necessary for the timescale to be extended. If an extension is required it will be discussed with the parties involved.

If mediation has not already been attempted, the investigating officer/s may recommend that, based on the information presented to them, its use may help with finding an agreed resolution.

In the case of an investigation into allegations of harassment, if the investigation finds evidence which supports the allegations the disciplinary process will be used to address this with the employee/s concerned.

Formal Resolution Meeting

For cases where the informal approach has not successfully resolved the issue/s raised by an employee or where the informal approach was not felt to be appropriate, a formal resolution meeting will be held.

The nature of the issue/s under consideration will determine what level of management will be required to chair the meeting. In many cases this can be carried out by the line manager or grandparent. However, it will be necessary for the chair to have the appropriate level of authority to be able to take decisions on the issue/s that have been raised.

As with the informal resolution meeting the purpose of the meeting will be to seek to find an agreed resolution with the employee. However, where this is not possible the chair of the meeting will reach a decision on the best way to resolve the issue/s.

Managers will normally hold the meeting within ten working days of the end of the informal stage. Where the resolution request assessment process identifies that a formal resolution meeting is required, this will, where possible, be arranged to take place within ten working days of receipt of the resolution request or at the end of a formal investigation if this has been required.

The employee has a right to be accompanied at the formal resolution meeting by a trade union representative or workplace colleague. HR will be present to advise the manager chairing the meeting.

If the employee and/or their representative are unable to attend the resolution meeting, it can be postponed by up to five working days. If the employee is unable or unwilling to attend a rescheduled hearing, it may be the case that the meeting will be held in their absence; if this situation arises they will be notified in advance.

The manager chairing the meeting will normally communicate their decision at the end of the meeting. However, on occasions the decision may not be given on the day of the meeting, but will be subsequently confirmed in writing. The decision of the chair will be confirmed in writing within five working days, together with information on the right of appeal.

Appeal Against the Outcome of Formal Resolution Meeting

The appeal must be submitted in writing within ten working days of the receipt of the written confirmation of the outcome of the formal resolution meeting. The appeal notification must identify the grounds on which the appeal is being made.

The appeal meeting will be chaired by an appropriate manager, more senior than the manager who made the formal resolution decision, and should take place within ten working days of the receipt of the appeal notification.

The employee has a right to be accompanied at the appeal by a trade union representative or workplace colleague. HR will be present to advise the manager hearing the appeal.

If the appeal relates to a matter of substance and/or principle the Corporate Director Human Resources and/or another Corporate Director or senior manager will hear the appeal. Matters of substance and principle include:

- issues which affect a wider group of staff
- terms and conditions of employment
- KCC policies, practice or procedures
- an issue which has a fundamental impact on the relationship between KCC as an employer and the employee.

Where possible the manager will, at the end of the appeal, advise the employee whether or not their appeal has been upheld. However, the manager may defer their decision for up to five working days. The employee will receive a full written response from the manager explaining their decision.

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

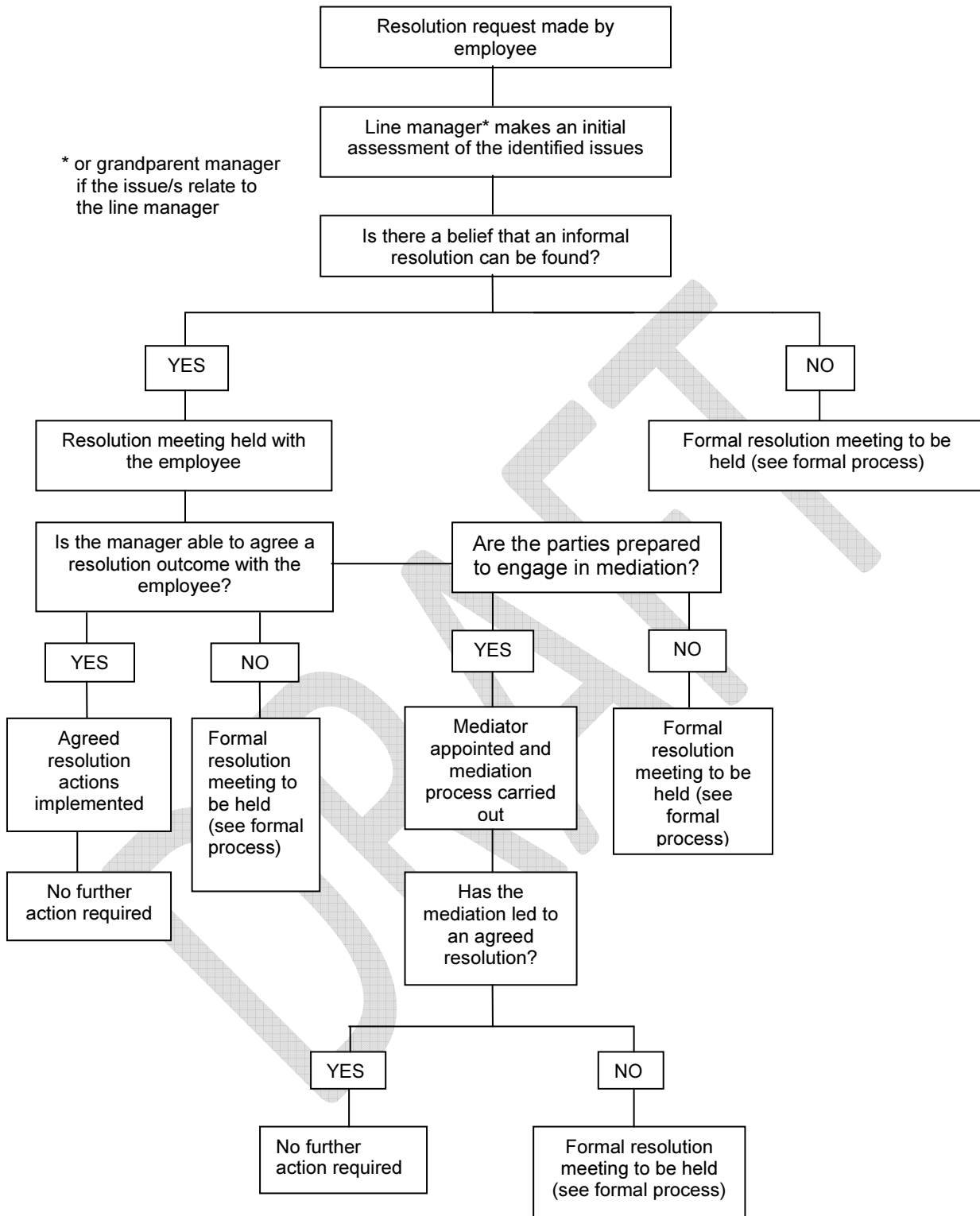
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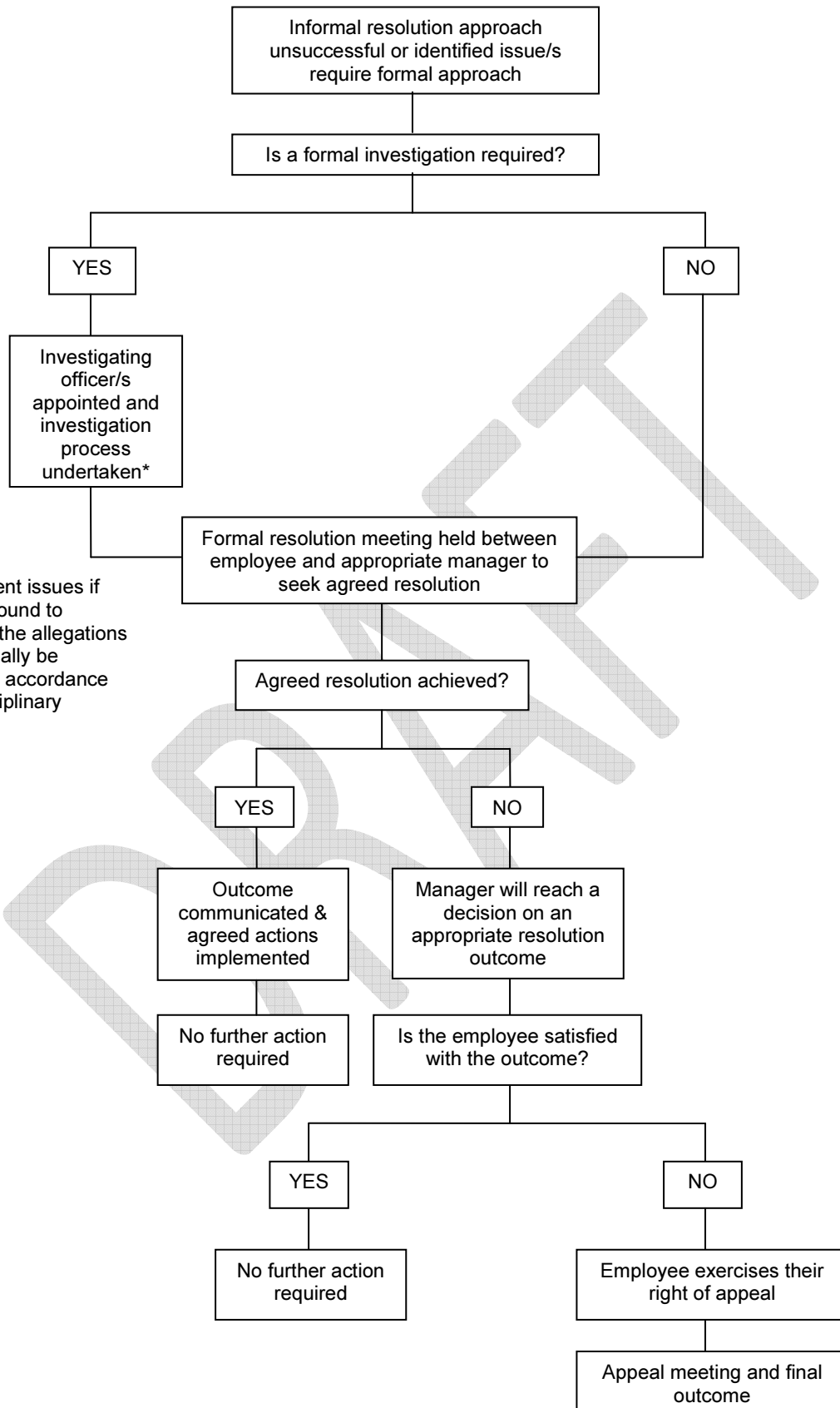
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To contact us via Text Relay please call 18001 03000 41 41 41

Resolution Process Flowchart – Informal Process



Resolution Process Flowchart – Formal Process



* for harassment issues if evidence is found to substantiate the allegations this will normally be addressed in accordance with the Disciplinary Procedure