



# **MANAGING CONFLICT**

## **POLICY**

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## NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

### MANAGING CONFLICT POLICY

#### **1. Introduction**

- 1.1 Newcastle-Under-Lyme Borough Council recognises that from time to time conflict exists and to a certain extent indicates a healthy exchange of ideas and creativity. However counterproductive conflict can result in employee dissatisfaction relating to their employment resulting in reduced productivity, absenteeism and increased work related stress.
- 1.2 In this respect, the Council's policy is to encourage free communication between employees and their managers to ensure that questions and problems arising during the course of employment can be aired and when possible, resolved quickly and to the satisfaction of all concerned.
- 1.3 This policy is designed to allow employees to raise concerns, problems or complaints and to allow the Council to deal with the concern fairly, consistently and speedily. The aim will be to resolve an employee's dissatisfaction without recourse and promotes open communication and fosters a safe environment for addressing differences of opinion.
- 1.4 The Council's aim is to use this policy prior to the Grievance Policy and Procedure.
- 1.5 ~~Employees will not be victimised as a result of having invoked the Managing Conflict Policy although any employee found to have made a deliberately false, exaggerated or misleading complaint may be subject to the Council's disciplinary procedure.~~
- 1.6 This policy has been written in line with the ACAS Code of Practice (ACAS, 2015) whereby the aim is to settle or resolve areas of dissatisfaction and recognises that an individual who raises an expression of dissatisfaction is doing so with a view to resolve or remove the dissatisfaction.

#### **2. Scope**

- 2.1 This policy applies to all Council employees including Chief Officers except for the Chief Executive for whom separate arrangements exist within their national conditions of service.

#### **3. Definition of a Dissatisfaction**

- 3.1 The policy will apply in cases where an employee has an expression of dissatisfaction about an act (or omission) taken by the Council or a representative of the Council where an employee claims that the action came about wholly or mainly for a reason unrelated to their conduct or capability.

The policy should be considered appropriate in cases of conflict in working relationships to enable an amicable settlement of dissatisfaction.

#### **4. Principles**

- 4.1 The Council would prefer to hear expressions of dissatisfaction at an early stage prior to a matter becoming complex or long standing. Therefore all matters relating to an expression of dissatisfaction should be raised within 10 working days of the employee becoming aware of the matter giving rise to the dissatisfaction.
- 4.2 Employees should discuss matters informally with their immediate manager in the first instance unless this is not practical, for example if the concern relates to the immediate manager. In such cases a member of the HR team should be involved.
- 4.3 Each step and action of the policy must be taken without unreasonable delay.
- 4.4 The time and location of the resolution meetings must be reasonable.
- 4.5 Employees should note that if they have a work-related personal problem which they feel unable to discuss with their supervisor/line manager, they can contact staff in Human Resources or their trade union representative for advice and assistance.

#### **5. Reporting a Dissatisfaction**

- 5.1 The employee and their line manager must attempt to resolve any expression of dissatisfaction in the first instance. The following process should be followed:
  - Employees are encourage to raise and resolve areas of dissatisfaction informally where possible
  - The employee and the line manager will agree to meet to discuss and resolve the matter giving rise to the concerns.
  - The employee will have full rein to explain the nature of the dissatisfaction and in the interest of obtaining clarity and openness questioning may be required by the line manager.
  - There will be no formal written decision issued by the Council but the Council will attempt to verbally agree a way to resolve the areas of dissatisfaction with the employee.
  - Where the dissatisfaction is against an employee's line manager, the matter should be raised with a more senior manager.

#### **6. Resolution**

Following a formal expression of dissatisfaction the Council will look to resolve matters where appropriate through Mediation. (See Appendix A)

- 6.1 Mediation is a voluntary and confidential process which can be used at any point when there is conflict.
- 6.2 The aim of Mediation is to restore and maintain the employment relationship and not to focus on what is right and what is wrong.

- 6.3 The Council will ensure a suitable mediator is appointed to resolve areas of dissatisfaction. The Mediator will be independent and impartial and will aim to help both parties to identify underlying problems, help to improve and resolve differences.
- 6.4 At the end of the mediation process the Mediator will ensure that a non-legally binding agreement is implemented. Both parties will be asked to abide by the written agreement. ~~Failure to do so may result in further investigation and in some circumstances disciplinary action in line with the Council's Disciplinary Procedure.~~

## **7. Unresolved Issues**

- 7.1 The employee and line manager should have made every attempt to resolve the matter directly between themselves and where necessary with a Mediator prior to progressing to the Grievance Procedure.
- 7.2 In instances that employees are not satisfied with the written response following a formal expression of dissatisfaction employees may progress to the Council's Grievance Procedure.
- 7.3 Employees will be notified in writing of a further meeting in line with the Council's Grievance Procedure.

## Appendix A

### **What is Mediation?**

Mediation is a key part of the Councils Managing Conflict Policy. Whilst mediation is a voluntary and confidential process which can be used at any point when there is conflict it will be primarily used, where appropriate, as part of this Policy.

### **What is the aim of Mediation?**

In line with this Policy the aim of Mediation is to restore and maintain the employment relationship, and not to focus on what is right and what is wrong.

### **Do I have to take part in Mediation?**

Whilst mediation is a voluntary process it does form part of the Councils Managing Conflict Policy. It does not form part of a legally binding outcome. Therefore the Council does encourage that in the first instance of an expression of dissatisfaction being raised that Mediation should be the first stage of managing conflict where possible. ~~It may not be possible to take the issue to the next stage where this has not occurred.~~

### **How long will it take?**

Mediation will be different for all parties; therefore it is difficult to put timescales on it. Mediation is not however a quick solution and does require effort from both parties.

### **Do I have to go to Mediation with the person I am having the conflict with?**

No. Mediation can be adapted to suit all situations. Where appropriate; Mediation can be held separately.

### **What is the role of the mediator?**

This is an independent and impartial role. The mediator will help both parties to identify the underlying problems, help to resolve differences, and to come up with ideas to improve things. Information will not be passed onto the other party without prior consent.

### **What will the outcome of Mediation be?**

There will be no official outcome but we will aim for an agreement, in writing where appropriate, that both parties will be asked to try and stick to.