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Stephenie also works as an HR consultant for HR4VETS and is a qualified mediator. Her articles have been published in a number of health and social care sector publications and she often presents at seminars and webinars, as well as offering training on a variety of employment topics.



**Suggested Personal & Professional Development (PPD)*

Team member disputes – managing difficult employment relationships before they affect the wider practice

Difference and diversity of views and approaches to workplace tasks is widely acknowledged as a sign of a rounded workforce. Managed well, those different views and styles of work will not affect colleagues’ ability to work harmoniously in delivering excellent clinical care.

A certain degree of conflict is ordinary in any working environment; with challenge and the questioning of process often a catalyst for ongoing improvement. However, within the busy and often demanding confines of veterinary practice, friction can build and the creation of larger and ongoing disputes can occur. Whilst time and reflection commonly heal minor issues, tensions can reach boiling point – often quickly. Without action to address the conflict, the practice can be affected more widely and to a deeper extent.

Faced with an internal dispute situation, the practice management team may be uncertain as to which path to take. Whilst it may be best to observe from afar to determine if the team members will work out their own solutions, frequently a lack of action will only store-up greater issues for the future.

Entrenched disputes left unchallenged can become toxic; leading to lost revenue, reduced productivity and increases in staff absence and turnover. They are a drain on management time and resources when left to fester. Experienced practice managers will have seen workplace conflict arise in many different ways, and each

individual set of circumstances will need a different approach.

The options largely fall into the following categories:

- do nothing
- treat as a disciplinary issue
- hear as a grievance
- try informal resolution.

Let’s look at these options more closely:

Do nothing

Can the practice afford to leave staff who work unhappily alongside each other in conflict to fester? Yes, the issue may go away on its own, or one party may leave (which leads to recruitment and retention concerns).

Frequently, small issues left unaddressed will snowball over time, and eventually end in complex grievances arising out of differences in personality or working style – or claims of bullying and harassment. If management are aware of the frictions and are seen to do nothing, they too may be cited as part of the issue or seen to condone one party’s conduct over that of the other party.

Treat as a disciplinary issue

As a dispute develops, it may become apparent that the conduct of one or both parties has crossed the boundary of

acceptable behaviour within each particular practice environment.

Failing to tackle issues of misconduct – particularly if they are significant and potentially amount to serious or gross misconduct – is a recipe for the dispute to escalate further or act as a catalyst for other staffing issues. Colleagues may not wish to work with those staff members, they may leave, or they might raise their own complaint. Likewise, clients may complain, or the matter may stray into a regulatory issue. Foresight is therefore wise to enable the dispute to be ‘nipped in the bud’.

It is essential to remember that any decision to take – or not to take – disciplinary action will set a precedent and be judged in future situations for consistency of treatment. Consider and reflect upon whether any of the incidents – or a cumulative effect of a string of incidents – would be treated differently if it were in another context or if different employees were involved.

If a decision is made to begin a disciplinary process, give meaningful thought as to whether both employees should be subject to disciplinary action or whether the behaviour of one party was not of a nature that would normally trigger a disciplinary process. Fairness in the circumstances is not

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necessarily equality of treatment.

As with any disciplinary process, ensure that you follow a fair and reasonable process in accordance with your disciplinary procedure. Taking full and detailed notes of your decision-making rationale is key to ensure you can justify an approach should a challenge be made.

Hear as a grievance

One party to the conflict may raise a complaint – either as a formal grievance or on an informal basis. Do not be blinded by it appearing to be a one-sided issue and immediately launch into a limited grievance investigation or conversely fail to address the issue because it is perceived to be low-level grumbling or moaning about a colleague.

If formal grievance action is launched, it is essential to investigate all strands to the grievance; including any counter-grievance subsequently lodged by the other party. If multiple or

counter-grievances are lodged, consider how best to handle the processes – either as a conjoined investigation into both matters or as distinct but parallel processes.

As before, remember to exercise your decision-making processes with fairness and reasonableness.

Try informal resolution

Grievances and disciplinary matters take up valuable practice management time and resources. The size of the practice doesn't matter. Differences between colleagues in a smaller business can have just as much of a detrimental impact as in a larger organisation.

In smaller practices, finding appropriate senior staff to handle grievance and disciplinary matters can be challenging – especially if there are multiple processes to manage and impartial and independent decision-making is difficult to establish.

Even in practices of a larger size, deploying your senior clinicians

or practice management team to handle the processes leads to lost revenue and reduced productivity.

Depending on the nature of the staff conflict, employers are able to consider informal dispute resolution processes to address workplace tensions between colleagues or managers and their employees.

Some situations lend themselves to avoiding protracted grievance investigations by use of swift action to address ongoing tensions. An early intervention strategy can be of particular benefit where the issues at play are, in essence, differences in personality or working style rather than wrong-doing or matters of misconduct.

Commonly, differences in approach to work – particularly in managerial/line report interactions – are inaccurately interpreted as

bullying. Had discussions taken place at any earlier stage, such perceptions could have been addressed and the friction halted at an early stage.

The option for practices faced with these issues is workplace mediation. This is discussed below.

Workplace mediation

Workplace mediation is a confidential, impartial, non-judgemental and voluntary process to address workplace disputes quickly; and where a neutral third party assists colleagues to understand their differences and find their own solutions.

The mediator will not take sides or impose any of their own views or solutions (or those of the practice's) on the parties. They are present to encourage communication and discussion between the parties, with the aim of

“Fairness in the circumstances is not necessarily equality of treatment”

“Mediation may act as a catalyst for change”

them developing their own solutions.

If a party wishes to withdraw from mediation they are free to do so, but the mediator will encourage them to think through the implications of doing so before they walk away.

When to use it?

Mediation works for conflict in relationships between two colleagues; either peer/peer or supervisor/supervisee. It is not appropriate for team issues. It is also not suitable for serious disciplinary matters, such as potential gross misconduct situations or serious allegations of discrimination.

How workplace mediation works

The employees partake as ‘participants’ to set the agenda for the issues to feature in their discussions. The comparison against disciplinary or grievance outcomes being imposed by the employer empowers the employees to make their own commitments as to how their working relationship will operate in the future.

Practices considering mediation may choose to appoint an internal mediator or an external consultant. Practices may prefer to use an external mediator if they see the situation and dynamics as necessitating entirely independent involvement.

Regardless of who is appointed, the mediator must demonstrate that they are independent, neutral and – crucially – impartial, and is not there to act as an advocate for either participant or to further the practice’s desired path to resolution. The mediator should be transparent with the participants in that they are not acting on instructions

from the practice to steer the participants towards a desired outcome.

The appointed mediator will assist in facilitating the discussions and moving the participants from the issues at play to potential resolutions.

It is a forward-looking process, with the participants encouraged to devise their own outcomes to work together more effectively moving forwards. The mediator is not there to set an agenda, offer solutions or stipulate an outcome. It is therefore completely participant-led.

It is commonplace for participants to develop some form of agreed outcomes for the future management of their working relationships. On occasion, however, mediation may act as a catalyst for change. A participant may not feel able to complete the mediation process if they feel the gulf between themselves and their co-worker is too wide; thus in their opinion rendering the relationship unsalvageable.

Post-mediation, the mediator will not monitor participant’s adherence to their agreed outcomes by way of ‘policing’ any formal agreements reached. As with the process as a whole, the participants are empowered to decide the next course of action. ■

PPD Questions

- Which is not a usual or advisable course of action for a practice faced with staff disputes?
 - informal mediation
 - grievance process
 - immediate dismissal of all staff involved
 - disciplinary action if appropriate.
- Should mediation run in parallel with another dispute resolution process?
 - yes, where both parties have raised formal grievances
 - no, it is independent to any other formal process
 - yes, if the matter would otherwise result in a dismissal
 - no, but the parties can ask for the mediator to make a grievance or disciplinary finding.
- When can a participant withdraw from mediation?
 - at any time – it is voluntary
 - only if both parties agree to end the mediation
 - if they accept a disciplinary sanction instead
 - they cannot.
- When should mediation be offered?
 - for any dispute
 - only for group disputes
 - between two individuals
 - where grievances or disciplinary matters have already reached an outcome.
- Who is best placed to act as a mediator?
 - a trained, experienced mediator – either an external party or a current practice employee
 - the line manager of those involved
 - a senior manager with detailed knowledge of the dispute
 - anyone so long as they are an employee.

Answers
1.C 2.B 3.A 4.C 5.A