

Complaints Resolution Procedure (Staff)



Mae'r ddogfen yma hefyd ar gael yn Gymraeg.

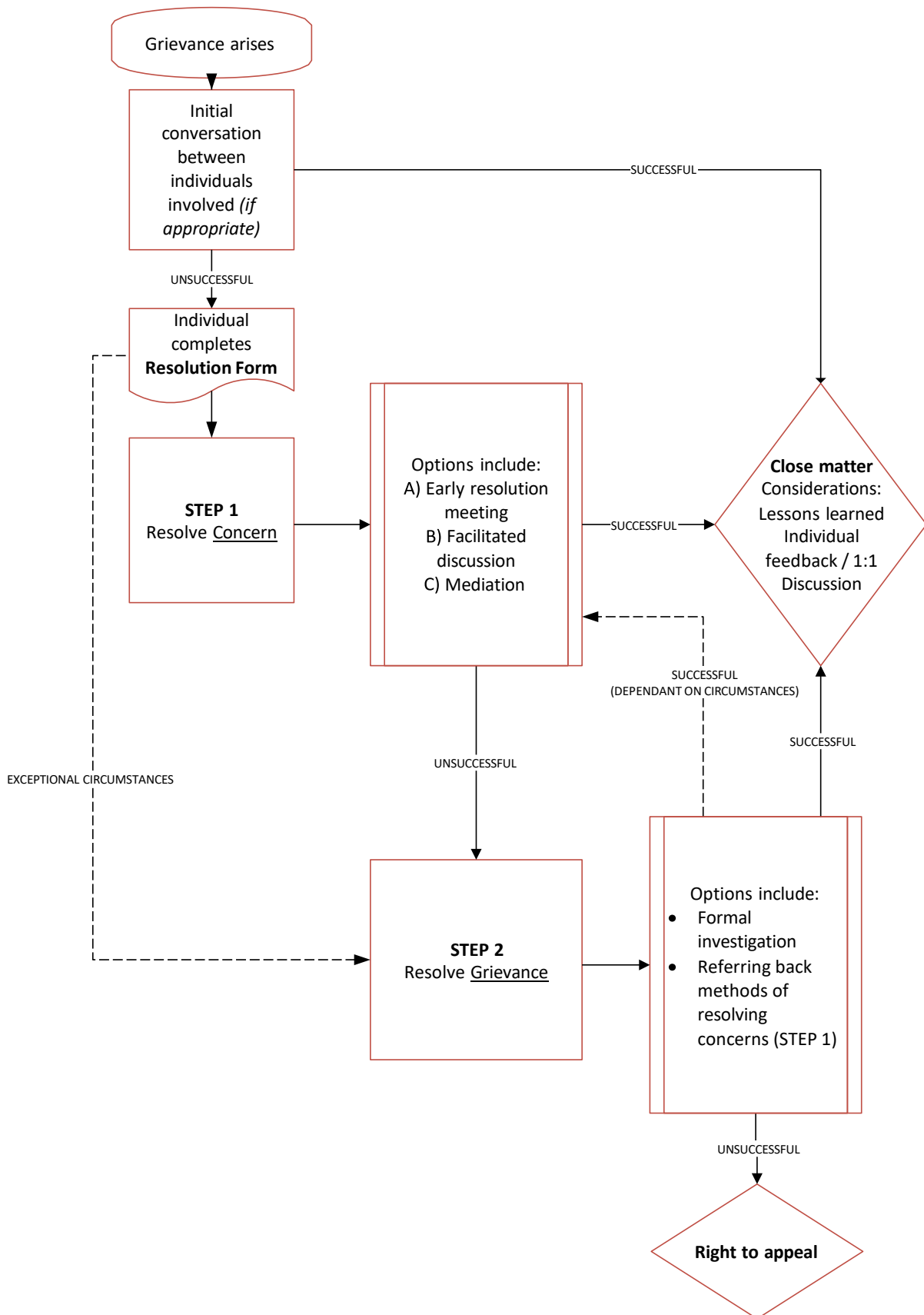


Content – Concerns and Complaints Resolution Procedure

Concerns and Complaints

Concerns and Complaints Resolution Procedure	4
1. Definitions - Resolving Concerns and Complaints	4
2. Procedure – STEP 1 (Resolving Concerns)	4
3. Methods of Resolving Concerns	5
4. Procedure - STEP 2 (Resolving Complaints)	6
5. Appeals Procedure	7
6. Version History	7
APPENDIX 1 - Complaint Resolution Sheet.....	13
APPENDIX 2 - Definitions of Bullying and/or Harassment	10
APPENDIX 3 - Suspension Risk Assessment Form	12

Flowchart – Concerns and Complaints Resolution Procedure



Concerns and Complaints Resolution Procedure

1. Definitions - Resolving Concerns and Complaints

The main intention of this procedure will be to offer a timely, supportive and proactive method for resolving concerns within the workplace in order to achieve constructive results before they escalate into complaints.

The purpose and main principles associated with this procedure are further referred to in the **Resolving Concerns and Complaints Policy**.

See definitions of behaviours that can be interpreted as **Bullying and / or Harassment** in **Appendix 2**.

See definitions of behaviours that can be construed as gross misconduct in the **Disciplinary Policy / Procedure**.

2. Procedure – STEP 1 (Resolving Concerns)

The first and most important step when looking to resolve concerns is to have a prompt and informal conversation. Doing this will avoid concerns (referred to under STEP 1 in this Procedure) escalating into official complaints (STEP 2) and reduce the risk of relationship breakdowns.

Concern which involves an individual/individuals

When appropriate, the Council encourages a member of staff to try and have an informal discussion with the individual who is causing the concern and concentrating on achieving an outcome which is acceptable for both parties.

Where the individual does not feel confident enough to do so or when circumstances are not appropriate, the member of staff should discuss with their line manager as a starting point or with a senior manager / independent party (if more appropriate).

Concern which involves processes or procedures

Where the grievance involves processes or procedures, the staff member is encouraged to discuss concerns with their line manager (or with a senior manager/independent party if more appropriate).

Resolution Form

If the matters are not resolved by following these methods or the nature of circumstances makes the discussion difficult (e.g. matter of a more serious matter), a staff member can submit a **Resolution Form (Appendix 1)** to their Line Manager as a starting point (or a senior manager / independent party if not suitable to send to manager).

On receipt of the **Resolution Form**, the manager will be expected to assess the appropriate resolution route and respond promptly. The following factors will be considered at the resolution assessment stage:

- the seriousness and complexity of the issues raised

- previous attempts to resolve the situation
- previous concerns/complaints

The manager can discuss the most appropriate method of resolving the issue(s) with the staff member. It is also possible to include a Union and / or a colleague or a Councillor to the meeting should the recommended route for resolution be unclear.

We expect those who raise the concern(s) to give serious consideration to these processes, and their role in seeking resolution, and not to dismiss resolution avenues without good reason.

See the **Flowchart** on the last page of this procedure for an outline of possible steps in trying to resolve a concern/complaint.

3. Methods of Resolving Concerns

Methods of resolving concerns may include the following:

<p>a. Early Resolution Meeting</p>
<p>Many issues can be resolved in the workplace during an Early Resolution Meeting. It provides an opportunity for managers and employees to discuss issues in a supportive and constructive forum. If the member of staff has not yet tried to resolve issues informally, the manager should encourage them to talk directly to the person of whom they wish to resolve the matter with, if appropriate to the situation.</p>
<p>b. Facilitated discussion</p>
<p>A facilitated discussion is a confidential discussion between all the parties and shares similar vision and principles to that of mediation. However, this method is shorter and less structured than mediation and allows individuals to enter discussions earlier. It provides a safe, confidential environment for handling concerns in a supportive and constructive environment. The line manager, union representative / colleague or member(s) of the Council may be present to facilitate the conversation when appropriate.</p> <p>The facilitator will create the opportunity for conversations to happen between the appropriate individuals with the aim of reaching a mutually acceptable outcome.</p> <p>Most facilitated discussions are completed in one session with facilitator(s) remaining neutral and non-judgmental throughout the process. The emphasis of the process will be on the parties involved coming to a resolution and suggesting ways forward.</p>
<p>c. Mediation</p>

Mediation as a more structured process which can be highly effective in resolving concerns in the workplace. The matter will be referred to an experienced mediator who has been formally trained. The mediator may contact both parties to explain the principles and the process.

The process includes:

- two separate private meetings between the mediator and the parties involved
- facilitated joint meeting
- meeting to close and reach an agreement

The mediation process is voluntary and confidential. The emphasis will be on the parties involved in the process coming to a solution and suggesting ways forward.

The mediator's role will involve encouraging the individuals involved to talk openly, honestly and respectfully with the aim of reaching an outcome that is acceptable to both sides. If successful, the mediator will encourage parties to enter into an agreement.

Once the mediation ends, the parties can agree to receive a copy of this final written agreement. No other party will receive feedback from the mediator about issues raised or discussed during the process unless there is agreement from both parties to do so.

4. Procedure - STEP 2 (Resolving Complaints)

Where all reasonable efforts have been made to achieve an resolve the concern, or in exceptional circumstances where STEP 1 is not relevant (e.g. when allegations are of a serious nature), then the Resolution Form may be shared with the relevant City Director, the Staffing Committee or Investigating sub-committee as appropriate.

If the allegations are serious and based on the information to hand, the Council's Staffing Committee, or nominated Investigating sub-committee may need to consider whether there are grounds to separate individuals at the workplace as a first step or otherwise suspension (eg. if there is a breakdown of relationships or if the allegation is relating to bullying and/or harassment). See **Suspension Risk Assessment (Appendix 3)** with considerations in determining this.

The City Director will normally be expected to lead on the investigation and a member of the Staffing Committee may be available to support the investigation if required. Depending on the circumstances, consideration may be given to whether more than one person is required to carry out the investigation.

If the complaint relates to or involves the City Director, the Council's staffing committee will lead the investigation.

a. Process:

- City Director will appoint an Investigating Officer. For complaint relates to or involves the City Director, the Council’s staffing committee will appoint an Investigating Officer or investigating sub-committee.
- The Investigating Officer will recognize the grievance and arrange a meeting with the complainant as soon as possible.
- Investigating Officer to conduct an investigation and interview the individual(s) who is claimed to be responsible and any relevant witnesses.
- Investigating Officer will collect all the relevant information.
- The investigation should be completed within a reasonable time from the date which the Resolution Form is presented to the City Director (or nominated deputy). The Investigating Officer should communicate with those involved if there is a delay and the reasons behind it.
- Investigating Officer to complete a report and to submit it to the City Director for consideration.
- Investigating Officer shares the result with all relevant parties. It is good practice to provide verbal feedback where possible / relevant .
- All relevant parties will receive a copy of the report and any appendices relevant to the grievance.

Following the investigation, the Council may need to consider any recommendations arising from the investigation. This may include the need to re-consider informal methods set out in the above procedure as a way of improving the relationships moving forwards.

5. Appeals Procedure

If the complainant is not happy with the outcome of the formal investigation then they will have the right to appeal in writing against the decision. This will need to be done within 7 calendar days of receiving the investigation outcome in writing and will be required to state clearly their grounds of appeal. Appeals will be heard in front of the City Director or the Council’s Staffing Committee.

6. Version History

Version	Date of Publication	Review Date	Summary of Changes
1st	14/11/24	30/11/27	New Procedure



APPENDIX 1 - COMPLAINT RESOLUTION SHEET

Name of employee:	
Job title:	
Unit:	
Department:	
Details:	
To whom/what does the complaint relate?	
Summary of the complaint:	
Please give details of your complaint (as detailed as possible, especially dates, times, locations and those involved).	
Individuals involved in the alleged incident/complaint:	
Please give the names and contact details of anyone involved in your complaint, including any witnesses.	
Informal action already taken:	
Please give details of the steps taken to resolve the matter informally and the reason you are dissatisfied with that outcome (if appropriate).	

Desired outcome:	
Please state the desired outcome to your complaint and how you anticipate that it could be resolved. Please indicate what you are willing to do/contribute to try and reach a solution.	
<i>Declaration - I confirm that the above statements are true to the best of my knowledge and belief. I understand that making false, malicious or untrue statements may be considered by the Department as gross misconduct and, if the complaint is considered malicious, the matter will be investigated under the Disciplinary Policy.</i>	
Form completed by the employee:	
Signature:	Date:
To be completed by the City Director/Council:	
Date on which the form was received:	Recipient's name and role:
Acknowledgement date:	Signature:

APPENDIX 2 - Definitions of Bullying and/or Harassment

Bullying and harassment cases can be very difficult to identify or indeed distinguish between as individuals' definitions of each vary.

Equality law offers protection to individuals from discrimination and harassment on the grounds of their 'protected characteristics'. Individuals are protected from direct and indirect discrimination when applying for a job, during their employment, and after the working relationship ends.

The law provides protection based on the following protected characteristics:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Gender
- Sexual orientation

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable and to have their feelings respected by others.

The following definitions may assist in determining the nature of a complaint:

- **Bullying** - "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient." (ACAS Guidelines, 2010)
- **Harassment** - "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 Guidelines, 2010)

The following are examples of the types of behaviours that may be interpreted as bullying or harassment; this is not an exhaustive list but is intended to give an idea of the types of conduct covered by this policy:

- spreading malicious rumours, or insulting someone by word or behaviour (particularly if relating to protected characteristics)

- distributing information that is critical about someone to others who do not need to know
- ridiculing or demeaning someone - picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, the display of offensive materials
- making threats or comments about job security without foundation
- deliberately undermining a worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- displaying offensive material, e.g. calendars, screensavers
- inappropriate jokes, gestures or other comments relating to protected characteristics
- name-calling, use of inappropriate nicknames
- excluding an individual because they are associated or connected with someone with a protected characteristic
- excluding an individual because they are perceived to have a protected characteristic when they do not.

VICTIMISATION

Victimisation is subjecting a person to a detriment because he/she has made an informal/formal complaint or supported or provided evidence for someone else who has made a complaint.

Making a complaint that you know to be untrue, or giving evidence that you know to be incorrect, may lead to disciplinary action being taken against you.

EQUALITY ACT 2010

Work-related bullying may result in claims in the Employment Tribunal for damages for discrimination and/or victimisation under the Equality Act 2010 or, if the bullied employee resigns as a result of the bullying, constructive unfair dismissal. Such bullying may also result in a common law tort claim in the civil courts (High Court or County Court) for damages for stress causing psychiatric injury, or a claim under the Protection from Harassment Act 1997. In addition to being contrary to Gwynedd Council's corporate policy, some forms of bullying could result in the perpetrator being liable to criminal prosecution.



APPENDIX 3 – SUSPENSION RISK ASSESSMENT FORM

Employee:	
Position:	
Assessment Date:	
Officer:	

Incident/Allegation:
Please provide details below...

Risks	Likelihood ✓			
	Highly Likely	Likely	Unlikely	Highly Unlikely
Could the continued presence at work be a risk to the individual (i.e. physical or emotional well-being)? Reminder – Consider Occupational Health support if required				
Could the continued presence at work be a risk to others (h.y. co-workers, external people)?				
Could the individual’s continued presence in the workplace make it difficult for a full and proper investigation of the incident/ allegation?				
Could the individual’s continued presence in the workplace cause significant disruption to Council activities (i.e. service provision, anxiety for colleagues)?				
Would the continued presence in the school pose a risk to the reputation of the Council?				
Would suspension be in the public interest?				

Is the allegation one that may lead to or involve significant legal action, e.g. fine, imprisonment, etc (and could the continued presence in the workplace compromise a criminal investigation)?				
Are there any other risks (e.g. financial)? Please specify.				

<u>Control Measures/safeguards</u>	<u>Yes</u>	<u>No</u>
Would the implementation of control measures/safeguards lessen the risks identified (e.g. relocation of employee)?		
Please provide details below...		

Proposed control measures/safeguards Include details below...	Responsible Manager
<u>1.</u>	
<u>2.</u>	
<u>3.</u>	
<u>4.</u>	

Outcome of Assessment	<u>Risk very low/low</u> <u>Suspension not required</u>	<u>Risk very high/high</u> <u>Suspension required</u>
Based on the evidence available, the decision of the Head of Department/Nominated Deputy is:		