

# Public Document Pack



To: Councillor Allan, Convener; Councillor Houghton, Vice Convener; and Councillors Al-Samarai, Cameron, Copland, Delaney, Duncan, Macdonald and Reynolds.

Trade Union Advisers: Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); 2 vacancies (SSTA); George Ferguson and Leslie Tarr (UNISON); Joe Craig and Mishelle Gray (UNITE); and Rob Stephen and 1 vacancy (VOICE).

Town House,  
ABERDEEN, 20 September 2021

## **STAFF GOVERNANCE COMMITTEE**

The Members of the **STAFF GOVERNANCE COMMITTEE** are requested to meet in **Council Chamber - Town House** on **TUESDAY, 28 SEPTEMBER 2021 at 2.00 pm.**

FRASER BELL  
CHIEF OFFICER - GOVERNANCE

## **B U S I N E S S**

### **NOTIFICATION OF URGENT BUSINESS**

1.1 There are no items at this time

### **DETERMINATION OF EXEMPT BUSINESS**

2.1 There are no items of exempt business

### **DECLARATIONS OF INTEREST**

3.1 Members are requested to declare any interests (Pages 3 - 4)

### **DEPUTATIONS**

4.1 None at this time

## **MINUTE OF PREVIOUS MEETING**

- 5.1 Minute of Previous Meeting of 7 June 2021 (Pages 5 - 8)

## **COMMITTEE PLANNER**

- 6.1 Committee Business Planner (Pages 9 - 10)

## **NOTICES OF MOTION**

- 7.1 None at this time

## **REFERRALS FROM COUNCIL, COMMITTEES AND SUB COMMITTEES**

- 8.1 None at this time

## **HEALTH, SAFETY & WELLBEING OF STAFF**

- 9.1 Corporate Health and Safety - April to June 2021 - COM/21/196 (Pages 11 - 26)

## **WORKFORCE**

- 10.1 re.cr.uit Scheme Update - RES/21/167 (Pages 27 - 36)
- 10.2 Platinum Jubilee Public Holiday - RES/21/216 (Pages 37 - 40)

## **COUNCIL POLICIES AFFECTING STAFF**

- 11.1 Managing Grievances Policy - RES/21/182 (Pages 41 - 106)
- 11.2 Dignity and Respect At Work Policy - RES/21/183 (Pages 107 - 210)

Website Address: [www.aberdeencity.gov.uk](http://www.aberdeencity.gov.uk)

Should you require any further information about this agenda, please contact Stephanie Dunsmuir, email [sdunsmuir@aberdeencity.gov.uk](mailto:sdunsmuir@aberdeencity.gov.uk)

## **DECLARATIONS OF INTEREST**

You must consider at the earliest stage possible whether you have an interest to declare in relation to any matter which is to be considered. You should consider whether reports for meetings raise any issue of declaration of interest. Your declaration of interest must be made under the standing item on the agenda, however if you do identify the need for a declaration of interest only when a particular matter is being discussed then you must declare the interest as soon as you realise it is necessary. The following wording may be helpful for you in making your declaration.

I declare an interest in item (x) for the following reasons .....

*For example, I know the applicant / I am a member of the Board of X / I am employed by...*

and I will therefore withdraw from the meeting room during any discussion and voting on that item.

**OR**

I have considered whether I require to declare an interest in item (x) for the following reasons ..... however, having applied the objective test, I consider that my interest is so remote / insignificant that it does not require me to remove myself from consideration of the item.

**OR**

I declare an interest in item (x) for the following reasons ..... however I consider that a specific exclusion applies as my interest is as a member of xxxx, which is

- (a) a devolved public body as defined in Schedule 3 to the Act;
- (b) a public body established by enactment or in pursuance of statutory powers or by the authority of statute or a statutory scheme;
- (c) a body with whom there is in force an agreement which has been made in pursuance of Section 19 of the Enterprise and New Towns (Scotland) Act 1990 by Scottish Enterprise or Highlands and Islands Enterprise for the discharge by that body of any of the functions of Scottish Enterprise or, as the case may be, Highlands and Islands Enterprise; or
- (d) a body being a company:-
  - i. established wholly or mainly for the purpose of providing services to the Councillor's local authority; and
  - ii. which has entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority.

**OR**

I declare an interest in item (x) for the following reasons.....and although the body is covered by a specific exclusion, the matter before the Committee is one that is quasi-judicial / regulatory in nature where the body I am a member of:

- is applying for a licence, a consent or an approval
- is making an objection or representation
- has a material interest concerning a licence consent or approval
- is the subject of a statutory order of a regulatory nature made or proposed to be made by the local authority.... and I will therefore withdraw from the meeting room during any discussion and voting on that item.

## STAFF GOVERNANCE COMMITTEE

ABERDEEN, 7 June 2021. Minute of Meeting of the STAFF GOVERNANCE COMMITTEE. Present:- Councillor Allan, Convener; Councillor Houghton, Vice-Convener; and Councillors Cameron, Copland, Duncan, Greig (as substitute for Councillor Delaney), Hutchison, Macdonald and Reynolds.

Trade Union Advisers present:- Ron Constable and Carole Thorpe (EIS); Kevin Masson and David Willis (GMB); George Ferguson and Leslie Tarr (UNISON); Mishelle Gray and Liam Knox (UNITE).

The agenda and reports associated with this minute can be viewed [here](#).

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered.

### DETERMINATION OF URGENT BUSINESS

1. Councillor Copland highlighted that he had contacted the Convener via email prior to the meeting to request that an item of urgent business be added to the agenda in respect of potential industrial action.

The Convener advised that the matter was not within the remit for Staff Governance Committee, but rather the Appeals Sub Committee, and that she was aware that the Director of Customer Services would be providing an update to Members outwith the meeting, and therefore in terms of Standing Order 36.3, she would not be accepting the item on to the agenda.

### DECLARATIONS OF INTEREST

2. There were no declarations of interest.

### MINUTE OF PREVIOUS MEETING

3. The Committee had before it the minute of its previous meeting of 12 April 2021 for approval.

#### The Committee resolved:-

to approve the minute as a correct record.

## **STAFF GOVERNANCE COMMITTEE**

7 June 2021

### **COMMITTEE BUSINESS PLANNER**

4. The Committee had before it the committee business planner as prepared by the Chief Officer – Governance.

**The Committee resolved:-**

- (i) to agree that item 4 (Employee Assistance Scheme Annual Report) be removed as an update had been provided at the last meeting and a further update was included in the Employee Mental Health Action Plan (Item 11.2); and
- (ii) to otherwise note the planner.

### **THE FUTURE OF WORK SURVEY - ACTION AREAS FOR CONSIDERATION - RES/21/116**

5. The Committee had before it a report by the Director of Resources which sought approval of the action plan which had been developed in response to the results of the Future of Work employee check-in survey which had been undertaken in September 2020, and requested authority for the Chief Officer – People and Organisational Development to implement the plan which was attached at Appendix 2 to the report.

**The report recommended:-**

that Committee approve the action plan set out in Appendix 2 and instruct the Chief Officer - People and Organisational Development to implement the action plan.

**The Committee resolved:-**

to approve the recommendation.

### **MANAGING DISCIPLINE POLICY - RES/21/112**

6. The Committee had before it a report by the Director of Resources which sought approval of the revised Managing Discipline Policy. The report advised that the aim of the policy was to empower and support employees to comply with the cultural norms of the Council as set out in the Guiding Principles.

It was noted that the review of the policy was part of the review of the three policies which sat at the heart of employee relations processes within the Council, namely Managing Discipline, Managing Grievances and Managing Bullying and Harassment at Work.

**The report recommended:-**

that Committee –

- (a) approve the revised Managing Discipline Policy, attached as Appendix 1 to the report;

## **STAFF GOVERNANCE COMMITTEE**

7 June 2021

- (b) agree that implementation of the revised policy be delayed until such time as the revised Managing Grievances and Dignity and Respect at Work policies were agreed (the intention being that these policies be presented to Staff Governance Committee in September 2021 for approval);
- (c) note the appended guidance document which supported the application of the policy; and
- (d) note that a generic investigations procedure was being developed to cover all three policies.

### **The Committee resolved:-**

- (i) in relation to the attached guidance, to note that the Chief Officer – People and Organisational Development would, in discussion with Trade Unions, revise the section “Life of Disciplinary Warnings” to clarify when circumstances might require these to be extended, to ensure that there was no disparity for certain members of staff (for example, term-time workers), and would circulate the revised guidance to Members for information; and
- (ii) to otherwise approve the recommendations.

## **HEALTH AND SAFETY QUARTERLY UPDATE - JANUARY TO MARCH 2021 - COM/21/135**

7. The Committee had before it a report by the Chief Officer – Governance which provided a summary of statistical health and safety performance information for the three month reporting period January to March 2021 to provide the Committee with the opportunity to monitor compliance with health and safety legislation.

### **The report recommended:-**

that Committee note the report and provide comment on the health, safety and wellbeing policy, performance, trends and improvements.

### **The Committee resolved:-**

to note the report.

## **EMPLOYEE MENTAL HEALTH ACTION PLAN ANNUAL REPORT - RES/21/119**

8. With reference to article 6 of the minute of its meeting of 3 February 2020, the Committee had before it a report by the Director of Resources which provided an update on progress in relation to the employee mental health action plan. The report advised that further analysis of the impact of the interventions and initiatives put in place prior to and during the pandemic would be undertaken over the upcoming months, and this data would be used to inform the development of the next iteration of the plan, which would be reported to Committee in due course.

**STAFF GOVERNANCE COMMITTEE**

7 June 2021

**The report recommended:-**

that Committee –

- (a) note the actions carried out so far to address and support positive employee mental health; and consider the variety of initiatives, activities, training and support made available to employees during the Covid-19 pandemic;
- (b) approve the continuing work outlined to address and improve employee mental health and wellbeing; and
- (c) note that a revised Employee Mental Health Action Plan would be reported to Committee in due course.

**The Committee resolved:-**

- (i) to request that future reports include detail on compassion fatigue; and
- (ii) to approve the recommendations.

- **COUNCILLOR YVONNE ALLAN, Convener**



	A	B	C	D	E	F	G	H	I
1	<b>STAFF GOVERNANCE COMMITTEE BUSINESS PLANNER</b> The Business Planner details the reports which have been instructed by the Committee as well as reports which the Functions expect to be submitting for the calendar year.								
2	<b>Report Title</b>	<b>Minute Reference/Committee Decision or Purpose of Report</b>	<b>Update</b>	<b>Report Author</b>	<b>Chief Officer</b>	<b>Directorate</b>	<b>Terms of Reference</b>	<b>Delayed or Recommended for removal or transfer, enter either D, R, or T</b>	<b>Explanation if delayed, removed or transferred</b>
3	<b>28 September 2021</b>								
4	EAS/OH/Sickness Absence Six Monthly Report	To present the six monthly report for the EAS/OH & Sickness Absence figures		Kirsten Foley	People & Organisational Development	Resources	2.7	D	As there were updates provided to Committee in April and June, there is nothing further to report at this stage and therefore officers have recommended that the report now be presented in November
5	re.cr.uit Scheme Update	SGC 01/10/19 - To instruct the Chief Officer - Organisational Development to submit an update report on the new approach to internal recruitment and internal movement of staff in one year's time	At its meeting in June 2021, the Committee received an update to advise that the report would be presented to the September meeting	Lesley Strachan	People & Organisational Development	Resources	2.2		
6	Platinum Jubilee Public Holiday	To seek approval of an additional public holiday to commemorate the Jubilee		Kirsten Foley	People & Organisational Development	Resources	1.2		
7	Corporate Health & Safety Quarterly Update	To present the quarterly update for April - June 2021		Colin Leaver	Governance	Commissioning	3.3		
8	Managing Grievances Policy	To seek approval of the policy		Keith Tennant	People & Organisational Development	Resources	2.5		
9	Dignity and Respect at Work Policy	To seek approval of the policy		Keith Tennant	People & Organisational Development	Resources	2.5		
10	<b>23 November 2021</b>								
11	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
12	Annual Committee Effectiveness Report	To present the annual committee effectiveness report		Isla Newcombe	People & Organisational Development	Resources	GD 8.5		
13	Corporate Health & Safety Quarterly Update	To present the quarterly update for July to Sept 2021		Colin Leaver	Governance	Commissioning	3.3		

	A	B	C	D	E	F	G	H	I
	Report Title	Minute Reference/Committee Decision or Purpose of Report	Update	Report Author	Chief Officer	Directorate	Terms of Reference	Delayed or Recommended for removal or transfer, enter either D, R, or T	Explanation if delayed, removed or transferred
2									
14	21 February 2022								
15	Risk Register - People and Organisation	To report annually on the cluster risk register		Isla Newcombe	People & Organisational Development	Resources	GD 8.4		
16	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
17	27 June 2022								
18	Mental Health Action Plan - Annual Update	To provide an update in relation to the employee mental health action plan which was approved by Staff Governance Committee on 3 February 2020		Kirsten Foley	People & Organisational Development	Resources	3.3		
19	Corporate Health & Safety Quarterly Update	To present the quarterly update for October to December 2021		Colin Leaver	Governance	Commissioning	3.3		
20	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
21	03 October 2022								
22	Corporate Health & Safety Quarterly Update	To present the quarterly update for January to March 2022		Colin Leaver	Governance	Commissioning	3.3		
23	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
24	21 November 2022								
25	Corporate Health & Safety Quarterly Update	To present the quarterly update for April to June 2022		Colin Leaver	Governance	Commissioning	3.3		
26	Policy Review	A standing item to enable presentation of any policies that require to be reviewed and approved by Committee, as a result of the review of policies to ensure that they meet the Guiding Principles	Standing item	Isla Newcombe	People & Organisational Development	Resources	2.5		
27	DATE FOR REPORT BACK TO BE CONFIRMED								
28	Increase the Distribution of Naloxone - Test of Change	SGC 12/04/21 - (a) to instruct the Chief Officer, People and Organisational Development, to report back to Staff Governance Committee, following the test of change, to indicate the lessons learned and any plans for further work and/or roll out; and (b) to request that the Chief Officer – People and Organisational Development provide information in the report back to Committee on the number of occasions where Naloxone had been administered		Isla Newcombe	People & Organisational Development	Resources	TBC		

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	28 September 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Corporate Health and Safety – April to June 2021
<b>REPORT NUMBER</b>	COM/21/196
<b>CHIEF OFFICER</b>	Fraser Bell
<b>REPORT AUTHOR</b>	Colin Leaver
<b>TERMS OF REFERENCE</b>	3.3

### 1. PURPOSE OF REPORT

- 1.1 The report summarises statistical health and safety performance information for the 3-month reporting period April to June 2021 to provide the Committee with the opportunity to monitor compliance with health and safety legislation.

### 2. RECOMMENDATIONS

- 2.1 That the Committee note the report and provide comment on the health, safety and wellbeing policy, performance, trends and improvements.

### 3. BACKGROUND

- 3.1 This report contains a review of health and safety activities for the three-month reporting period April to June 2021 and the appendix to the report contains statistical information of the same period. The statistical information is now provided as a series of charts in the appendix, which also contains an analysis of these figures at the foot of each page.

The Reporting of Injuries, Diseases and Dangerous Occurrences 2013 (RIDDOR) puts duties on employers, the self-employed and people in control of work premises (the Responsible Person) to report certain serious workplace accidents, occupational diseases and specified dangerous occurrences (near misses) to the Health and Safety Executive (HSE). This reporting duty includes incidents which result in an employee being absent from work for 7 days or longer, which have historically been the main reason for Aberdeen City Council's reports to HSE.

This report addresses the following matters:

1. Process for making Aberdeen City Council Covid-secure
2. All incidents involving employees and members of the public (serious and minor)
3. HSE Reportable Incidents
4. Reportable Diseases
5. Near Miss Information

6. Enforcement Interventions
7. Fire Risk Assessment
8. Health and Safety Audits
9. Compliance Monitoring
10. Health and Safety Policies and Guidance

### **3.2 Covid-Secure**

In this reporting period Aberdeen City Council has continued to follow Scottish Government guidance to prevent the risk of coronavirus in the workplace. During this period all staff who could work from home have continued to work from home. The Government vaccination programme has continued to be rolled out, which will provide an additional control within the process we already have developed. All staff who were identified as close contacts or were residing with a positive case have been required to self-isolate for the required 10 day period.

### **3.3 Incidents (Jan-Mar 2021)**

All incident and near miss information in this report has been provided to Cluster level in the appendix.

#### **Incident information:**

- 3.4 The figures are reported to Cluster level for both employee and third-party incidents. Causation figures are also included within the report in the appendix. The comparison period mentioned is April-June 2020.
- 3.5 There is a marked increase in reported figures from the corresponding period last year where several sections and areas had no reported incidents. This difference is due entirely to the methods of work which were employed during the Coronavirus pandemic, e.g., staff working from home including the provision of Education in a remote or hybrid manner.
- 3.6 When an incident is reported the corporate system generates an investigation report which the reporting officer is required to complete. This report highlights categories of criteria which require to be considered including root cause, actions identified and completion dates. Figures on the completion of these investigation reports are provided to the Functional Health and Safety groups with actions raised there against chief officers and service managers to ensure any issues are closed out effectively. Any outstanding issues are also escalated to the Performance Board for their assistance in achieving compliance.

#### **HSE Reportable incidents (Jan-Mar 2021)**

- 3.7 The table in the Appendix also shows the number of RIDDOR reportable incidents. During this reporting period 3 incidents involving employees required to be reported to the Health and Safety Executive, all incidents occurred between April – June 2021. The 3 reports were required as the employees were absent from work for a period of more than 7 days due to work-related incidents.

- 3.8 All RIDDOR incidents are followed up by the Corporate Health and Safety Team to get assurance that the correct causation and remedial actions have been identified; also, that any remedial actions have been implemented.

#### **Incident (reportable employee) frequency rates**

<b>Period – Quarterly</b>	<b>Reportable Incidence rate</b>	<b>Reporting period</b>
April - June 2021	0.375	2021/22

- 3.9 The above figures are calculated using the formula:

$$\text{Incidence rate} = \frac{\text{RIDDOR injuries per period}}{\text{Number of employees}} \times 1000$$

- 3.10 The figure for the corresponding period last year (Jan-Mar 2020) was 6 RIDDOR reportable incidents and a reportable incident rate of 0.75.

#### **Reportable Diseases**

- 3.11 There were no reportable diseases reported under RIDDOR; which was also the case in the corresponding reporting period last year.

#### **Near Miss Information**

- 3.12 Many safety activities are reactive, that is, they occur after an injury incident. By reporting near-miss incidents this promotes proactive safety, thereby raising awareness of potential hazards and mitigation strategies before an injury occurs. Recognising and reporting near-miss incidents can significantly improve employee safety and enhance the safety culture.

- 3.13 The appendix shows information on the number of near miss figures for the reporting period and again a comparison on April-June for the previous year. Again, as with incidents in most areas the figures are increased due to the changes in work processes last year because of the coronavirus pandemic. The exception is within Health and Social Care where staff continued to work with service users at a time in 2020 when the pandemic was in its relative infancy and where conditions were difficult for both employees and these service users.

#### **Three-year comparison**

- 3.14 Again, the figures show a dramatic reduction over the latest two years in comparison with 2019/2020 which can be attributed directly to the coronavirus pandemic, which resulted in changed work processes, remote working and virtual interventions with service users.

#### **Regulator interventions (HSE / SFRS)**

- 3.15 There are occasions where HSE and Scottish Fire and Rescue Services (SFRS) contact Aberdeen City Council to request further information or ask for action to

be taken with regard to the way Aberdeen City Council undertake their legal duties.

- 3.16 There were no interventions with HSE in this reporting period and 7 site visits from SFRS as part of their annual audit of social care properties. Any issues identified have since been remedied and closed out.

### **Fire risk assessments**

- 3.17 The fire risk assessment programme was restarted in this quarter with emphasis being placed on those higher risk assessments within social care. 7 fire risk assessments were carried out and the overall compliance rate sat at 94%.
- 3.18 An identified Officer within Corporate Landlord manages a database of required actions. It is their role to monitor progress of action and report compliance issues. The Corporate Health and Safety Team also audit this process to ensure actions are closed out in future in time.

### **Health and Safety Audits**

- 3.19 Covid 19 Compliance visits have been undertaken at various premises within the ACC estate with 18 sites being visited with an overall compliance score of 98%. All action points raised are included in an action log, which is reviewed weekly and reported to both relevant Chief Officers and the Workforce Planning and Protection Group when actions go beyond the agreed compliance date. Managers are given access to the action log to record the action taken by them and the date completed. Follow up visits are also carried out to ensure actions have been completed and the controls continue to be suitable and sufficient and are being followed.

### **Health and safety policies and guidance**

- 3.20 No policies or procedures were reviewed during this quarter.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

## **5. LEGAL IMPLICATIONS**

- 5.1 Health and safety legislation requires that an organisation has a suitably robust safety management system to ensure the health, safety and welfare of their employees. Where any incident is of sufficient seriousness there is the potential that the Enforcing Authorities will become involved and carry out their own investigation into the circumstances of the incident. Any investigation could result in prosecution of the organisation and in some cases prosecution of managers and/or employees.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	N/A	N/A	N/A
<b>Compliance</b>	There is the risk that any injury or serious health and safety incident could result in focus from the Health and Safety Executive which could result in enforcement action in the form of notices or prosecution.	M	<p>All tasks are risk assessed and the controls implemented and supervised by line managers.</p> <p>All employees are trained to a level where they are competent to carry out the work.</p> <p>Analysis of the causes of the incidents, near misses and work-related absences and resultant improvements to prevent, where possible, reoccurrences, can reduce the financial exposure to the Council.</p> <p>An effective health and safety management system in which risks are identified and either eliminated or reduced will result in a reduction of costs to the organisation.</p> <p>If the Enforcing Authorities take a case to court against Aberdeen City Council for breaches of legislation then it could leave the Council liable to pay any fine or damages imposed and also for the expenses of any subsequent civil claim, which follows where an individual has suffered personal injury.</p>
<b>Operational</b>	The risk is that any health and safety incident can lead to an injury to an employee which could have the potential to	M	If the task has been risk assessed; employees are trained, competent and supervised then there should be less likelihood of incidents.

	<p>temporarily or permanently affect either or both their employment or their life.</p> <p>The risk to our citizens is that we are unable to provide the same level of service delivery due to staff absences from illness and injury sustained during their work. Also, there is the possibility of a reduced budget due to the associated financial costs.</p>	M	Reducing the number of incidents will reduce the number of absences and the subsequent costs to the Council.
<b>Financial</b>	The risk is that any incident has the potential to bring a reduction in the overall budget in place to provide service delivery.	M	As per Compliance above
<b>Reputational</b>	Local and National press coverage of any incident can present reputational damage to the organisation.	M	Should be provided by each Function having a robust safety management system in place. There are many facets to this which are important starting from ensuring employees are trained and competent, every hazard is risk assessed and employees are up to carrying out investigation of near misses to ensure controls are reviewed to consider whether remedial actions are required.
<b>Environment / Climate</b>	N/A	N/A	N/A



## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	A healthy and safe workplace assists the overarching principles of the stretch outcomes within the LOIP by ensuring that resource is directed at the services required by the city. Removing the level of lost resource to the financial penalties incurred through the Civil and Law Courts and from the Regulators will allow the available resource to be best used to ensure funding of the growth sectors of the local economy.
Prosperous People Stretch Outcomes	The areas reported on within this report allow Clusters a further opportunity to recognise areas which when acted upon can assist with engagement of staff and service users to support the meaningful educational progress of children and young people.
<b>UK and Scottish Legislative and Policy Programmes</b>	The Health and Safety at Work etc Act 1974

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES

Quarterly staff governance Health and safety report

## 11. REPORT AUTHOR CONTACT DETAILS

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Tel: 01224 523092

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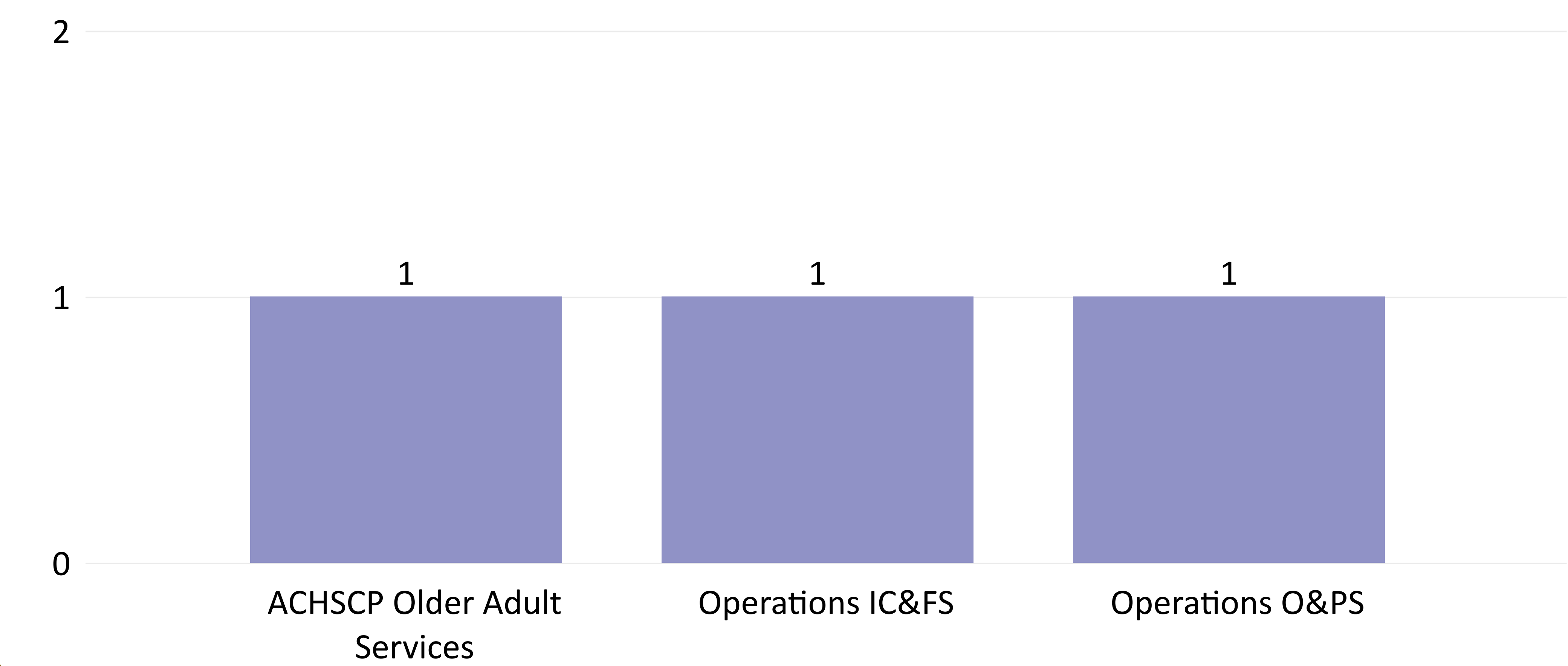
# Staff Governance Health & Safety Report

## Quarter 1 2021/2022 (April to June 21)

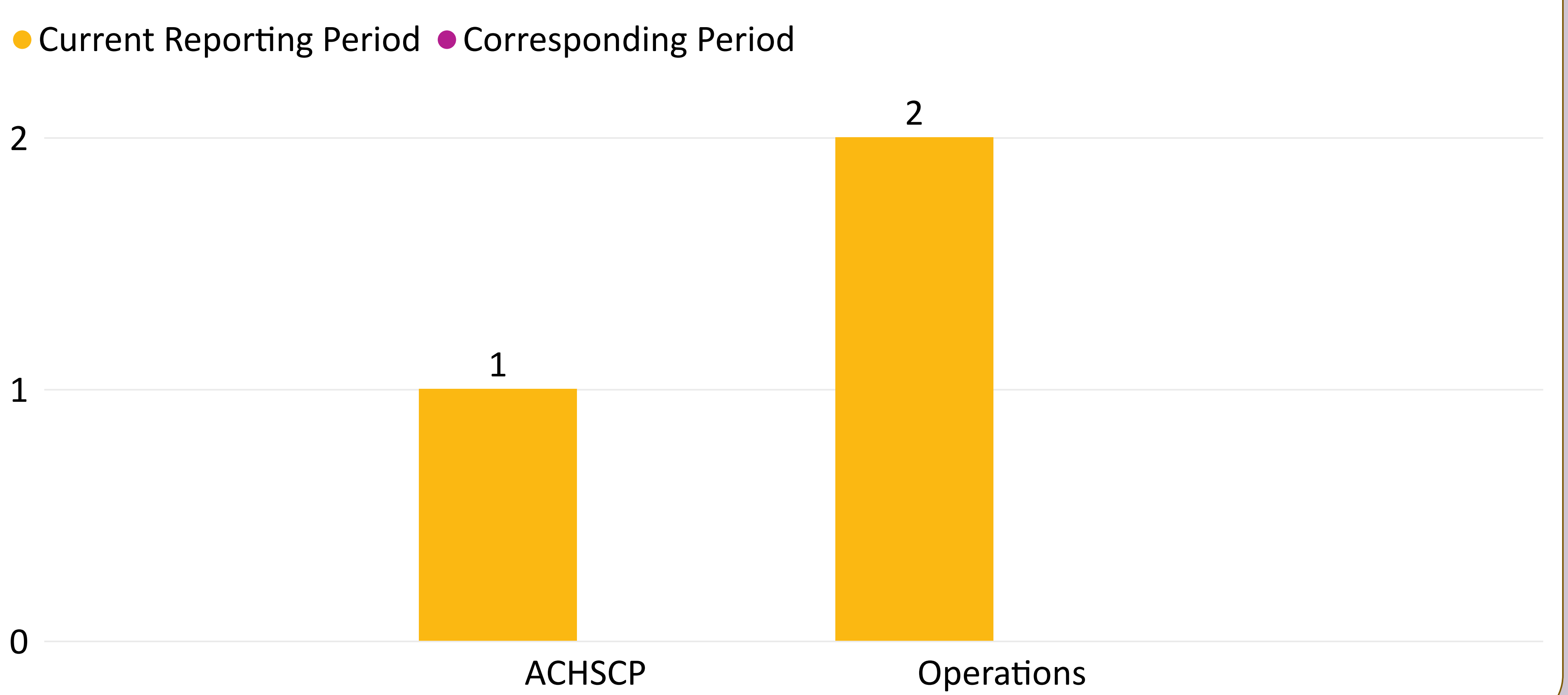
Reported H&S Incidents (Employee)  
Between April to June 2021

The following tables give breakdown of all employee incidents across all Functions and Clusters in Aberdeen City Council. The tables on the left initially show the number of incidents for each Cluster this reporting period with those on the right giving a comparison for each Function with the corresponding reporting period.

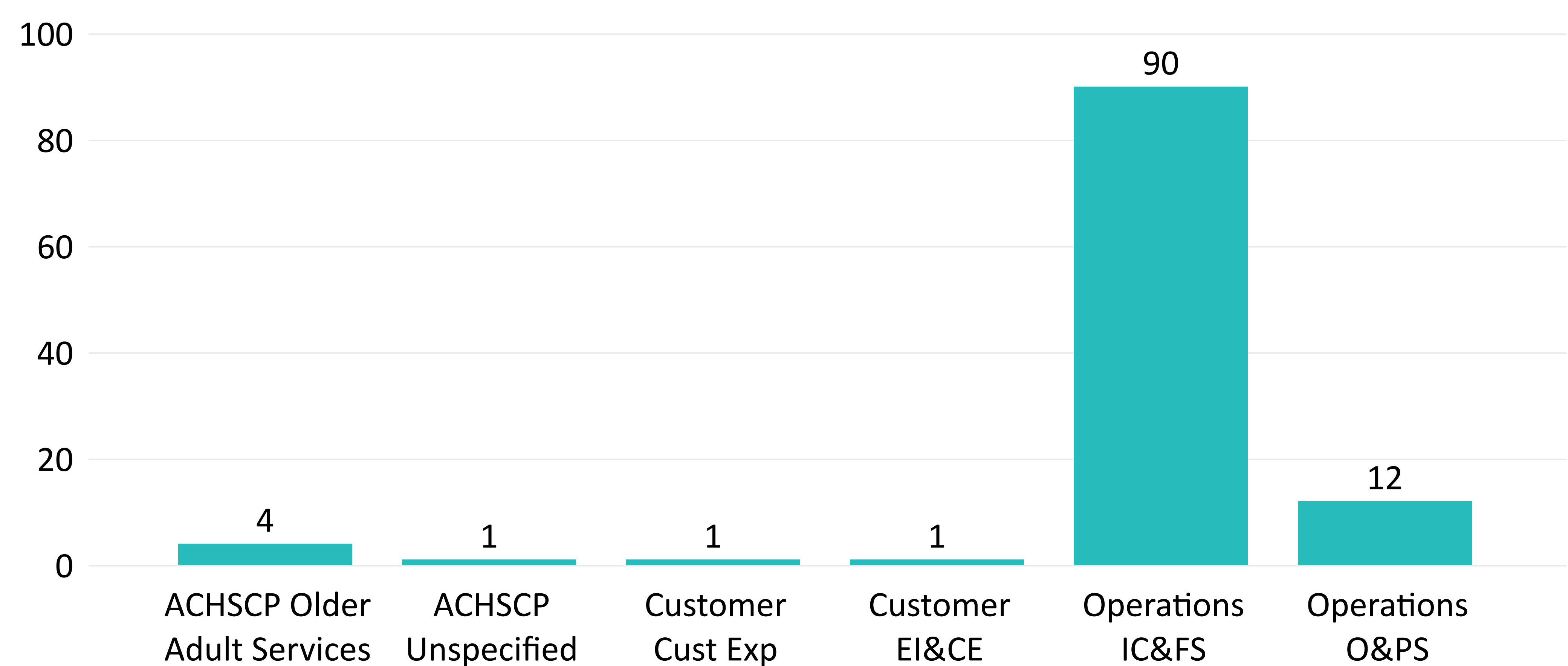
RIDDOR Reportable Employee (More than 7 Days)



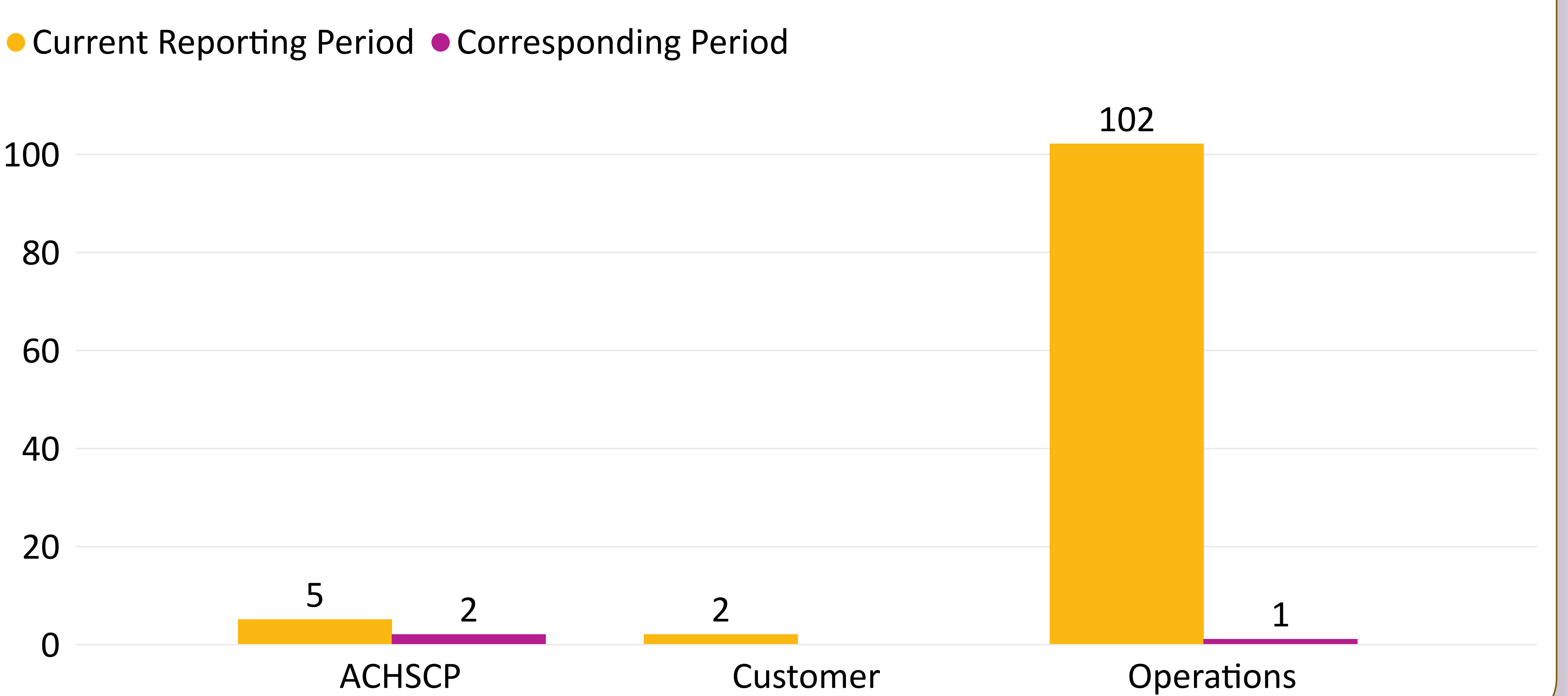
RIDDOR Reportable Employee (Comparison)



Non RIDDOR Reportable Employee (0-7 days)



Non RIDDOR Reportable Employee (Comparison)



Employee Incident Information

AH&SCP - There were 7 injuries, including 1 RIDDOR and these have been investigated by the services. The injuries were due to the complex behavioural needs of the tenants, all in supported accomodation.

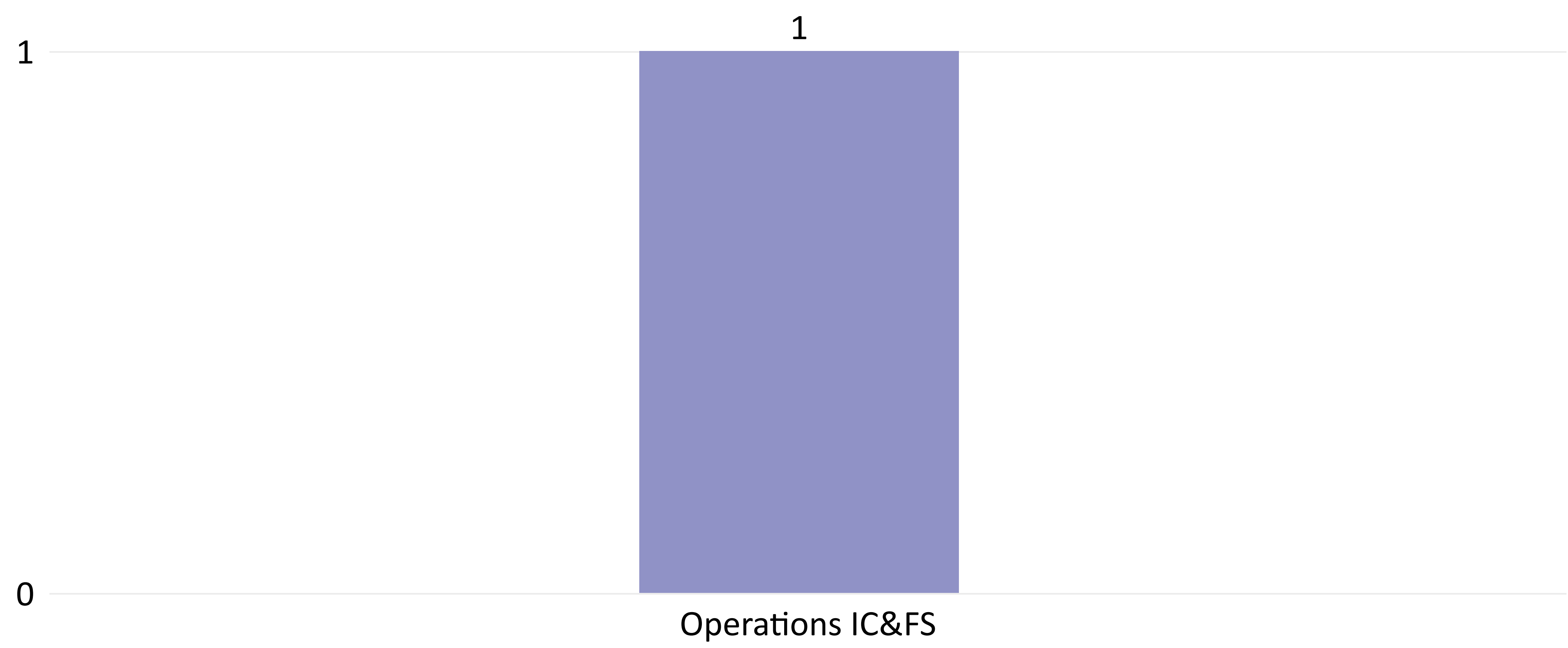
IC&FS - of 93 injuries, only 49% had written investigation reports recorded online by Line Managers. Investigation training is available and offered to Service Managers at H&S group meeting. Cluster has a process in place which requires double entry on this system as well (see incident trend analysis section)

OPS - 13 reported incidents involving employees, including 1 RIDDOR. 10 of the incidents resulted in 0-3 days absence in all incidents injuries were minor. Of all incidents, 60% were in Facilities Managment, the Team Managers have been consulted and work is progressing on addressing the issues highlighted in the trend analysis.

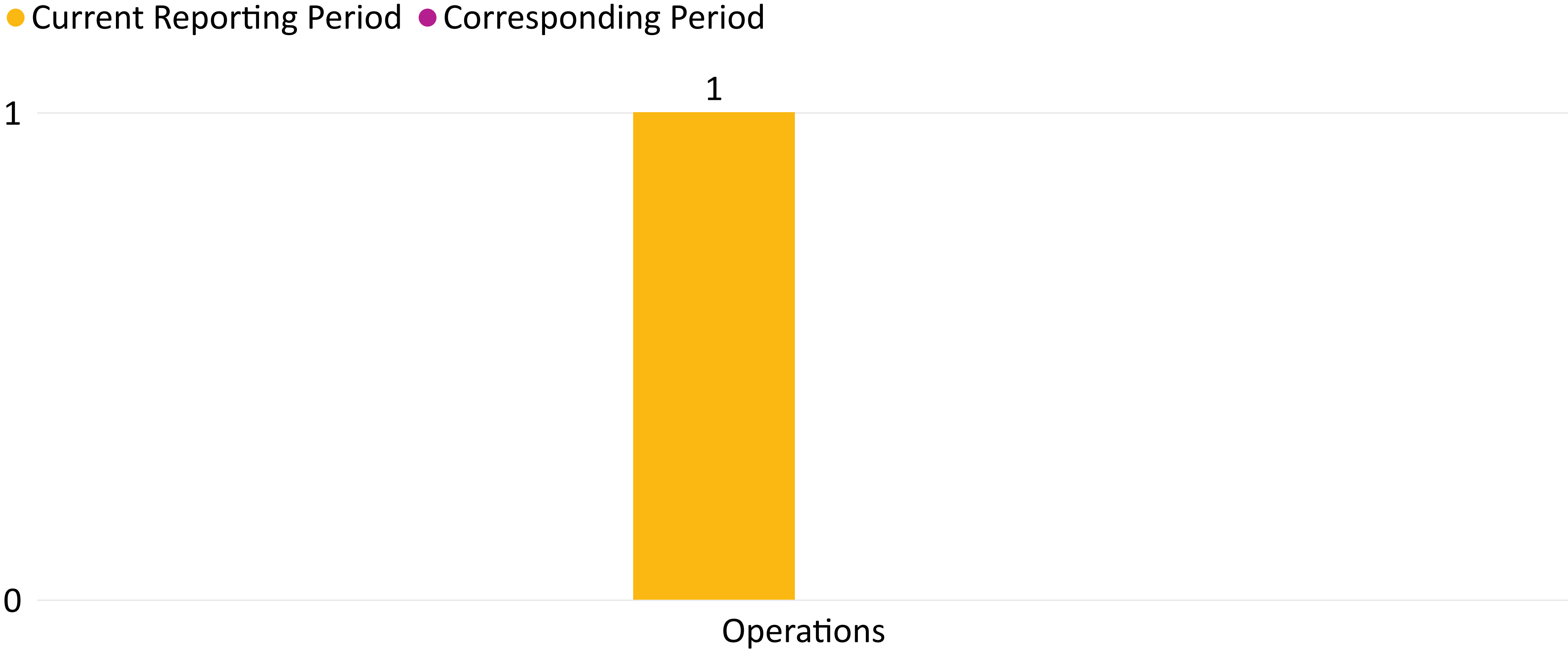
Reported H&S Incidents (Third Party)  
Between April to June 2021

The tables below give information on those non-employee incidents which happened across all Functions and Clusters. Again the tables on the left show the current period for each Cluster with a Function comparison with corresponding reporting period on the right.

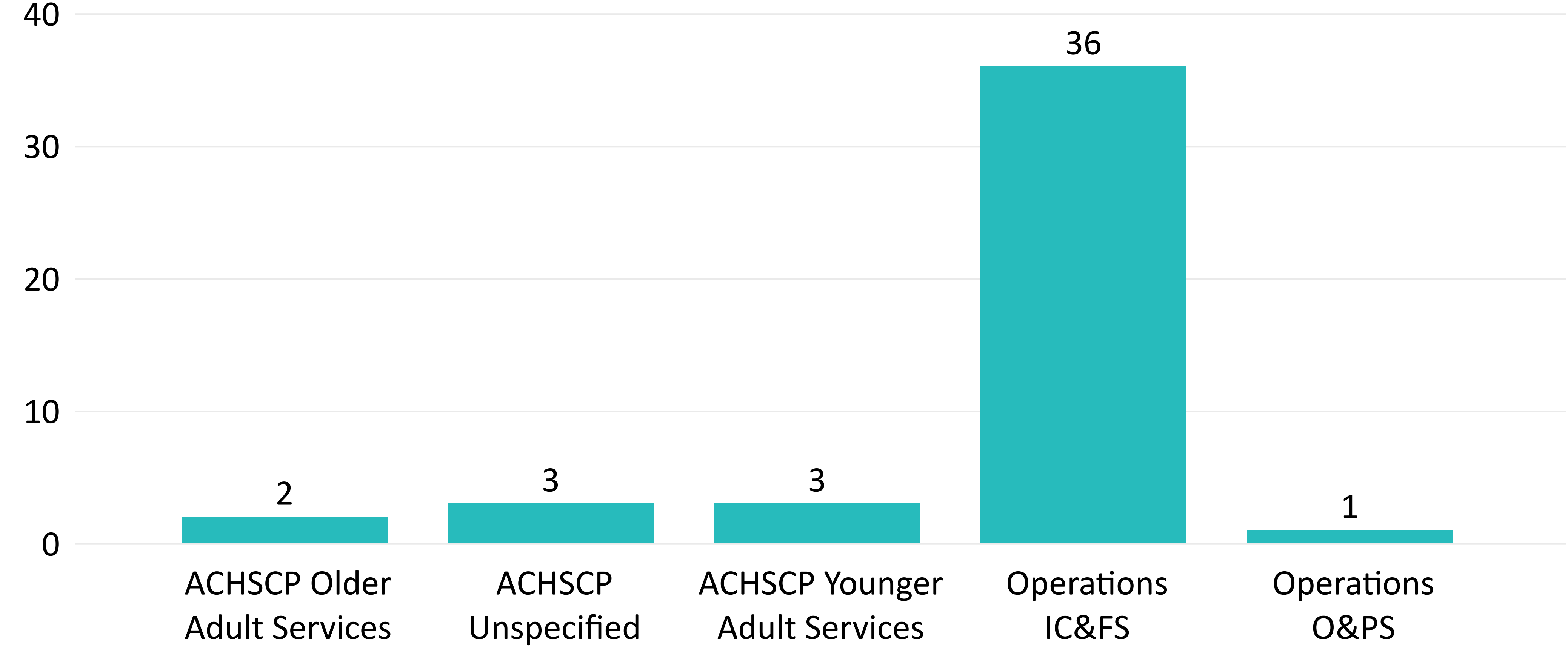
RIDDOR Reportable Non Employee (More than 7 days)



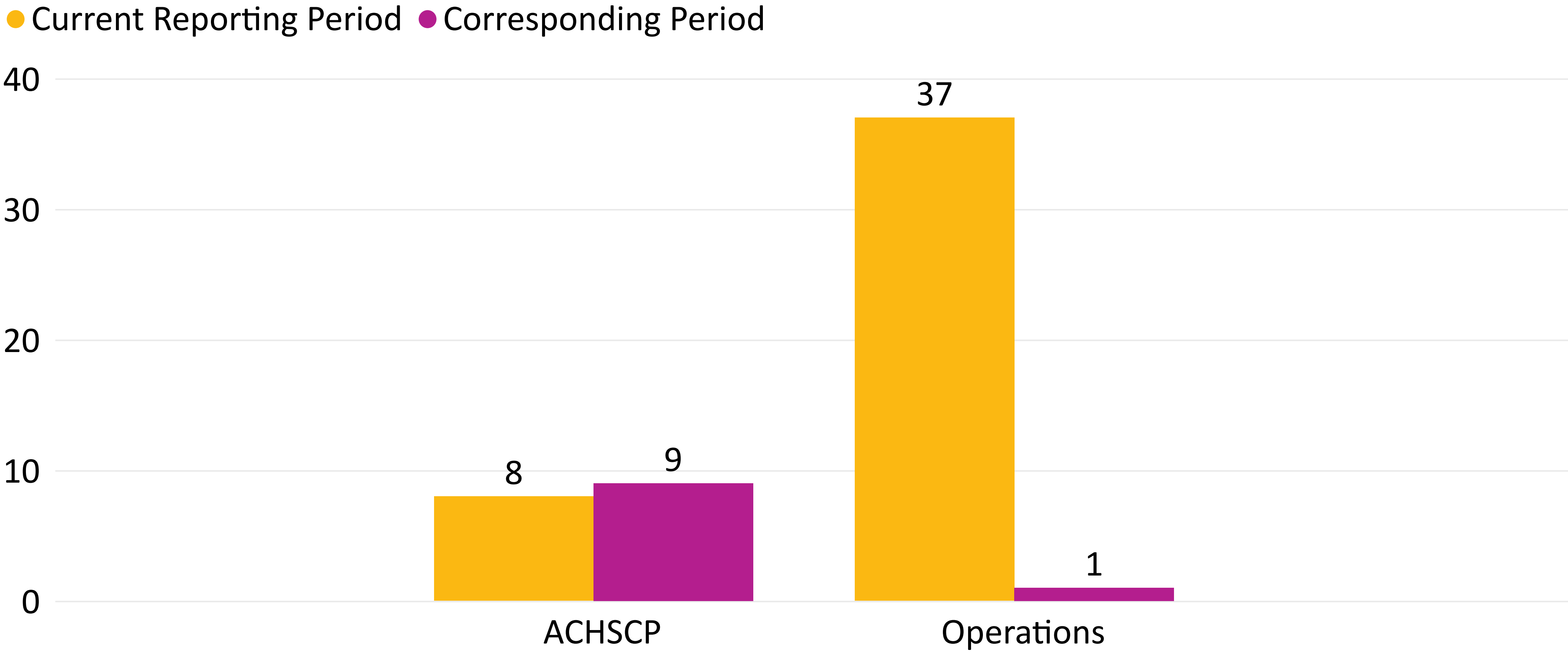
RIDDOR Reportable Non Employee (Comparison)



Non RIDDOR Reportable Non Employee (0-7 days)



Non RIDDOR Reportable Non Employee (Comparison)



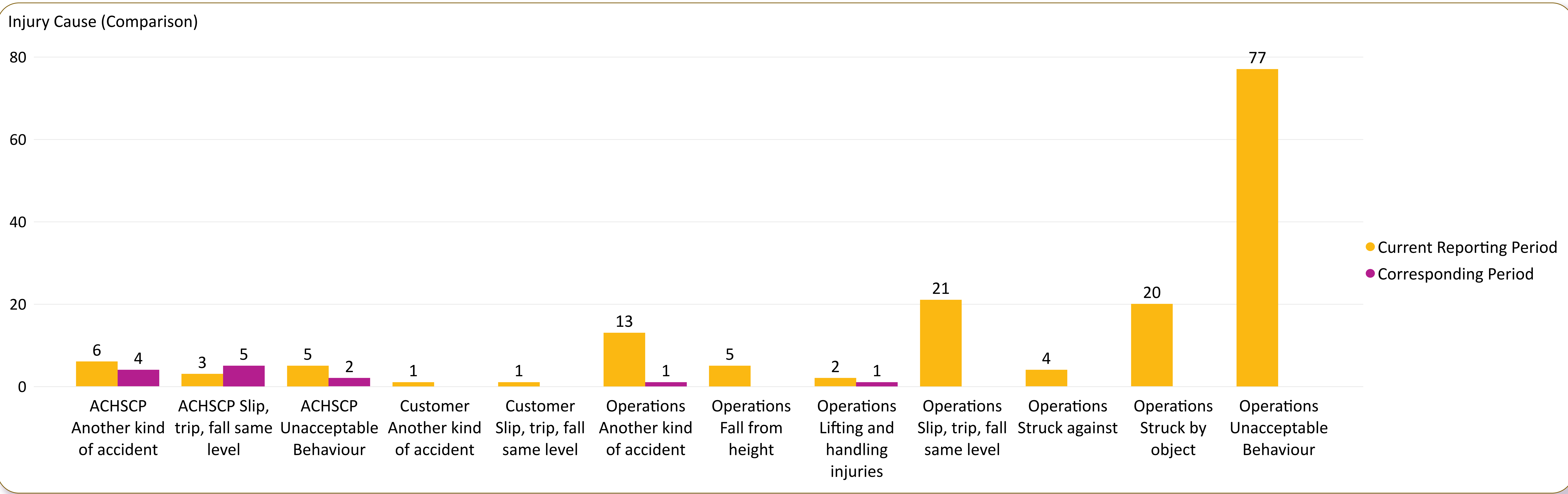
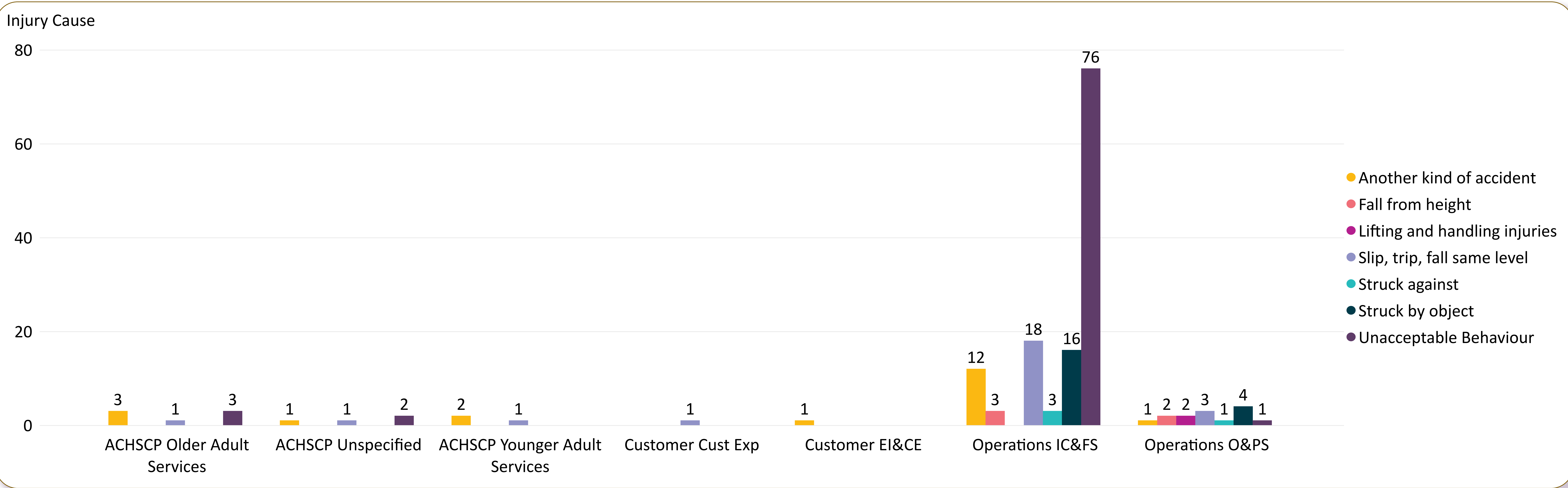
Third Party Incident Information

IC&FS - 37 Injuries to pupils. Top 3 causes are slips/trips in the playground/sports (16); struck by object (7) due to sports/playing/loose parts play; and another kind of accident (6) caused by pupil behaviour, playing/loose parts play, and glass in school grounds.



H&S Incident Causation  
Reported between April to June 2021

The top table below shows incident causation for each Cluster colour-coded against the key for this reporting period with a comparison of the types of incidents with the corresponding reporting period in the table below.



**Incident Causation**

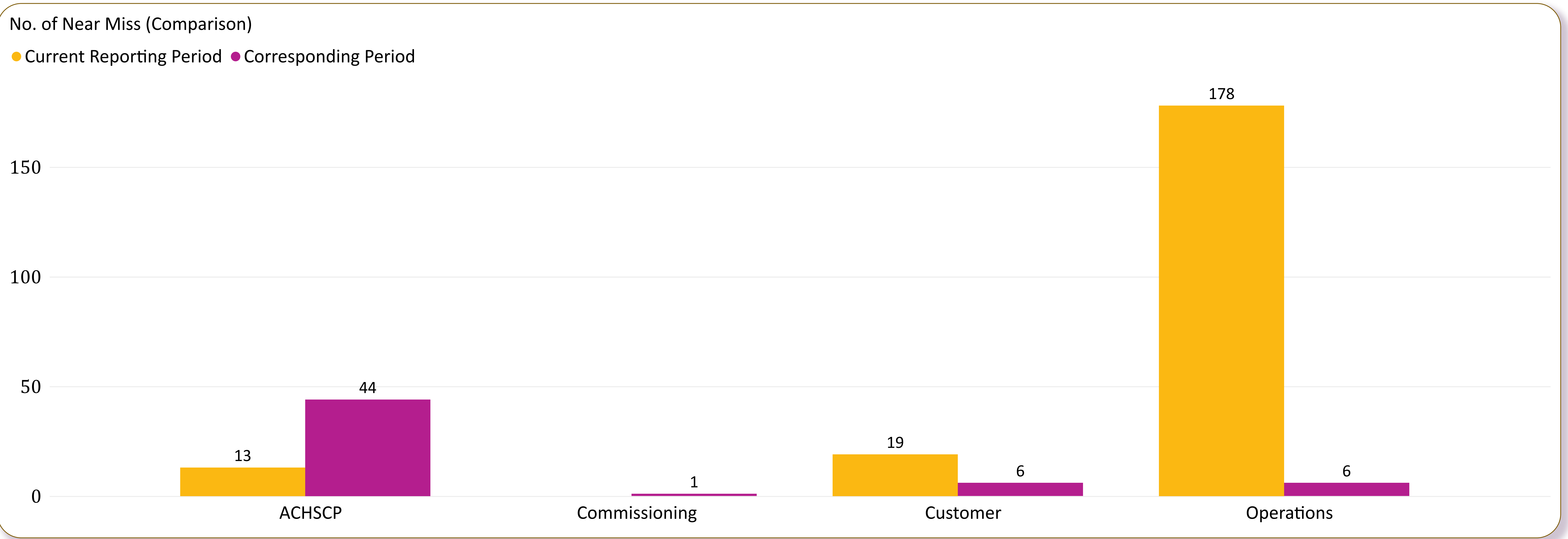
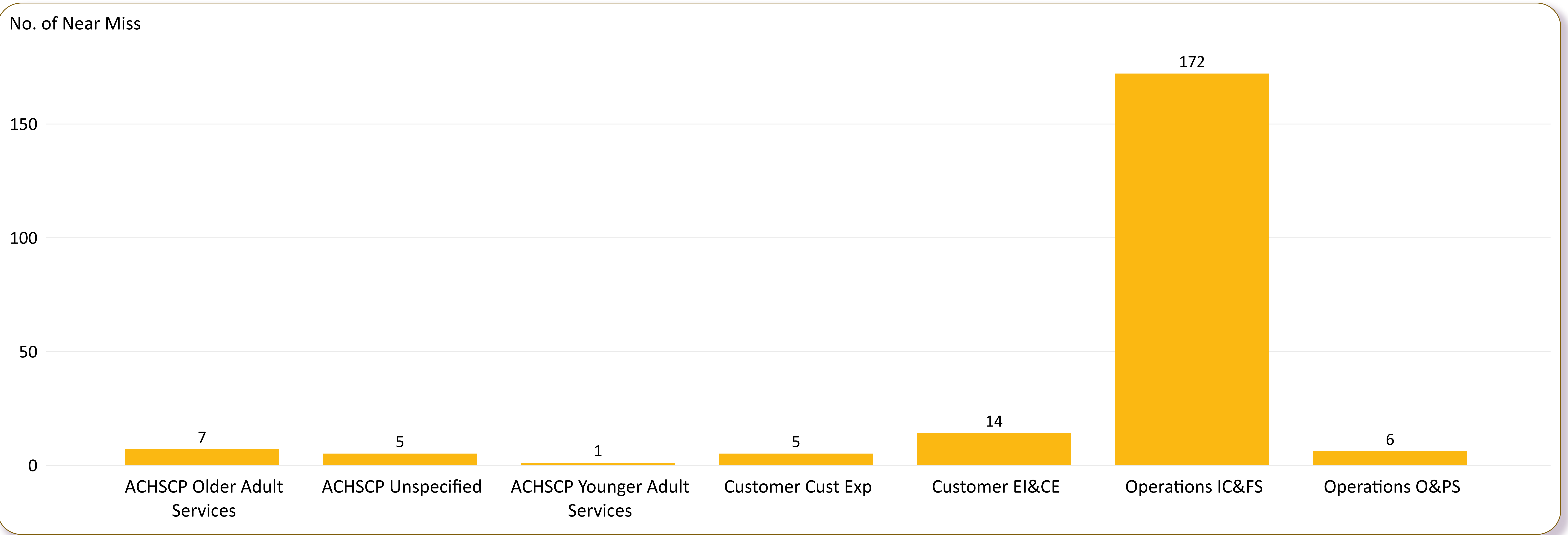
IC&FS - Unacceptable behaviour accounts for 71/93 (76%) of injuries. Pupils with Social/Emotional or Learning Needs (ASN) account for 62/71 (87%) injuries. Person Centred Risk Assessments (PCRA's) are completed for pupils following incidents and are reviewed after each incident; PCRAs identify the triggers and mitigations in place to support pupils and minimise risk to staff. There are a number of other initiatives being pursued to reduce the risks to staff such as provision of training in ASN is currently being planned for delivery to new staff in August. There is a new post 'Headteacher - ASN & Outreach' starting in August and ASN training provision for current PSA/teachers will be reviewed.

OPS - OPS - Figures indicate that 'struck by object' accounts incorrectly for a third of the reported incidents, however further analysis indicates that 'manual handling tasks' was the root cause in 5 of the incidents. A programme of refresher training is planned for these teams. Discussions are being held with Service and Team Managers for incident reporting refresher training to be delivered.

AH&SCP - Physical assaults accounted for 5 of the 7 injuries (71%) caused by 2 service users with complex and challenging behaviours who live in secure supported accommodation. Steps are being reviewed to provide appropriate remedial actions to prevent a reoccurrence.

Reported H&S Near Miss  
Between April to June 2021

The tables below show information to a Function and Cluster level for employee and non-employee near misses.  
Top table: Total near misses for this reporting period for each Cluster. Bottom table: comparison of near misses with corresponding reporting period for each Function.

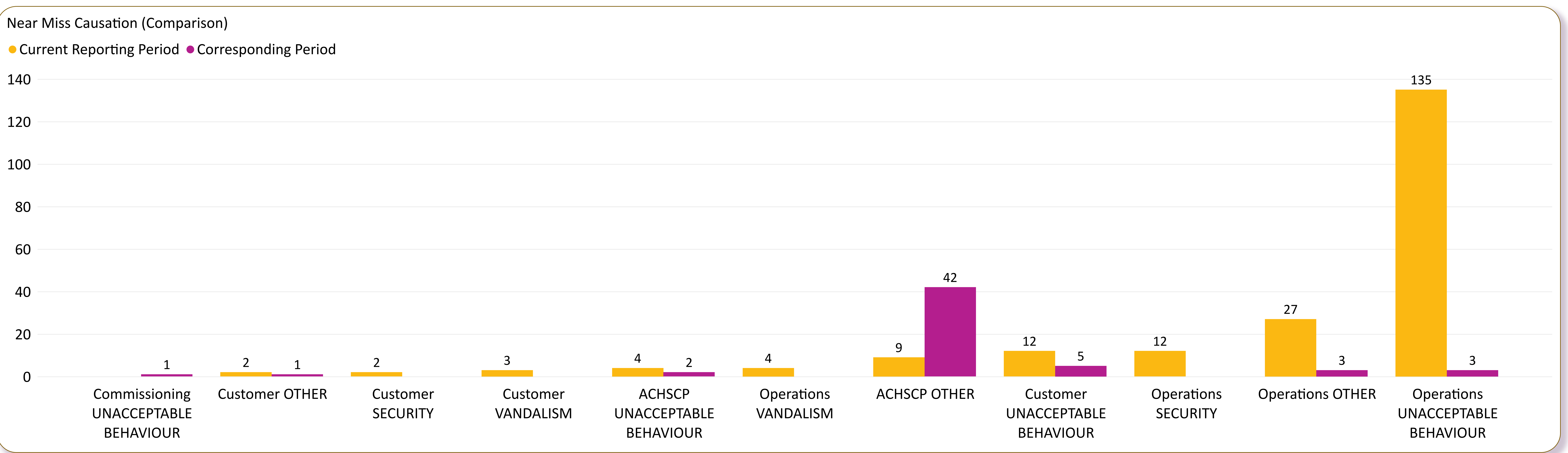
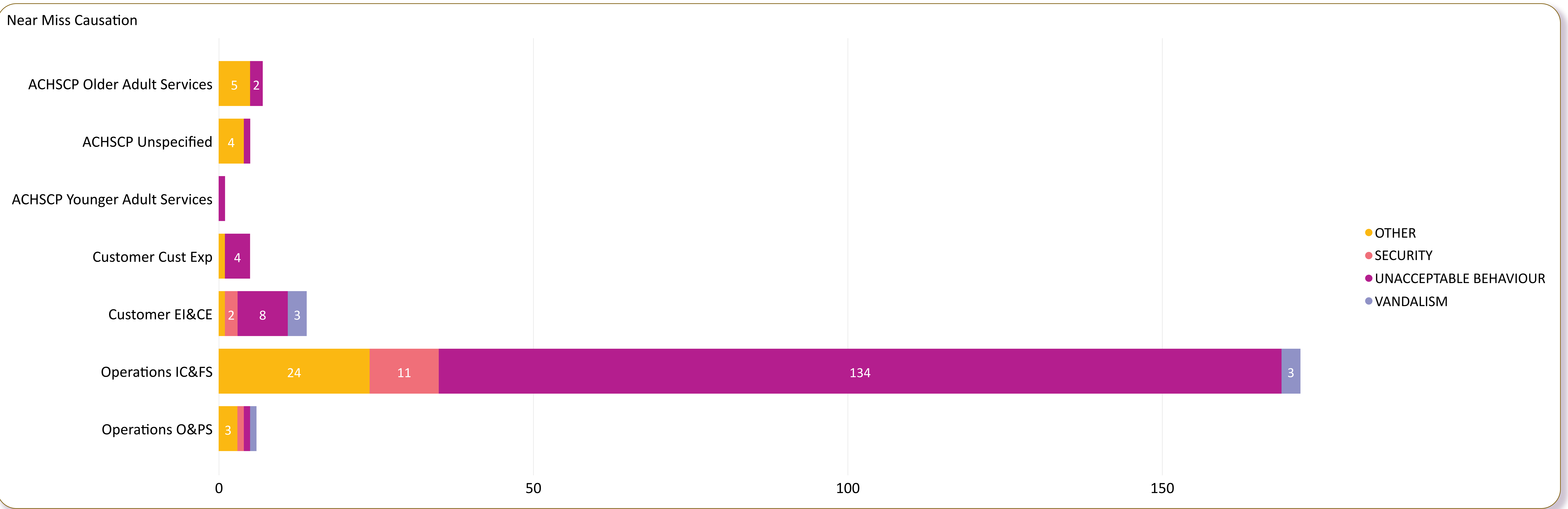




Reported H&S Near Miss (Causation)  
Between April to June 2021

The tables below show information to a Function and Cluster level for employee and non-employee near misses.

Top table: Near miss causation for reporting period for each Cluster. Bottom table: Near miss causation comparison with corresponding reporting period for each Cluster.



Near Miss

Customer - The majority of the near misses (63%) were inappropriate communications (verbal abuse and threatening behaviour) towards employees. These incidents took place at various locations involving different service users and employees. Procedures were followed by employees when dealing with the service users. Services have taken remedial actions including action in relation to the individual service users, and have where required involved the support of Police Scotland.

AH&SCP - There were 13 near misses reported. 3 related to staff due to client behaviour. Of the 10 reports from clients, 4 were due to medication issues (staff have undertaken refresher training and there are increased management checks now in place) and 6 due to 1 client in supported accommodation where a referral has been made to Occupational Therapy.

IC&FS - 142 near misses reported by staff, 121/142 (85%) were inappropriate communication/violence against school staff. 75% of these are from pupils with Social/Emotional/Additional Learning Needs, and are being dealt as detailed above (ASN training etc). Of those with no ASN identified, 14 occurred at one Primary School (majority involve referral to Social Work or the Educational Psychologist) and 15 at one Academy (where there is a mixture of restorative/relationship work or referrals to Social Work/Multi-agency meetings).

OPS had 6 near misses reported in 4 different reporting categories. Managers reviewed the risk assessment and provided additional training and support for staff in the form of toolbox talks and additional supervision. Additional training has been offered to Line managers to improve reporting and investigations.

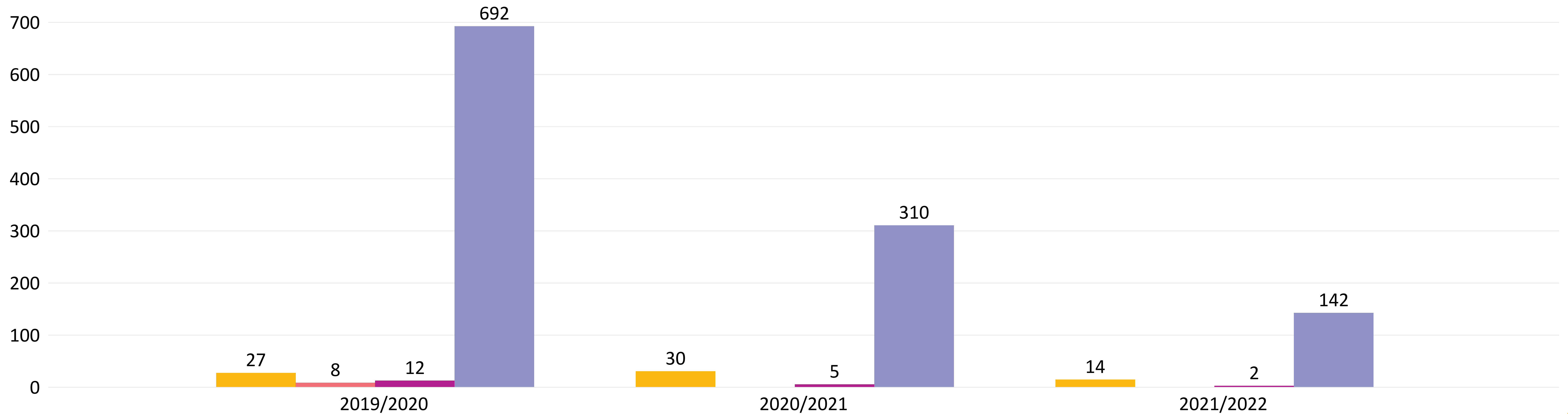


## Reported Incidents From 2019/20 to 2021/22 Q1

The table provides information on the total number of incidents for the last three reporting years to Function level.

No. of Reported Incidents

● ACHSCP ● Commissioning ● Customer ● Operations



### Incident Trend Analysis

IC&FS - Investigations are not being recorded for the majority (51%) of injury reports through the YourHR reporting system, however incidents and near misses are reviewed and documented via Person Centred Risk Assessments and Child's Plans; this information is not documented on the corporate system as it duplicates work already done and could breach data protection/children's privacy. To ensure that investigations are being carried out and mitigations are taken to reduce the risk, Quality Improvement managers (QIM's) will be provided with incident data on a quarterly basis for them to conduct their own reviews to ensure the investigation process is being followed.

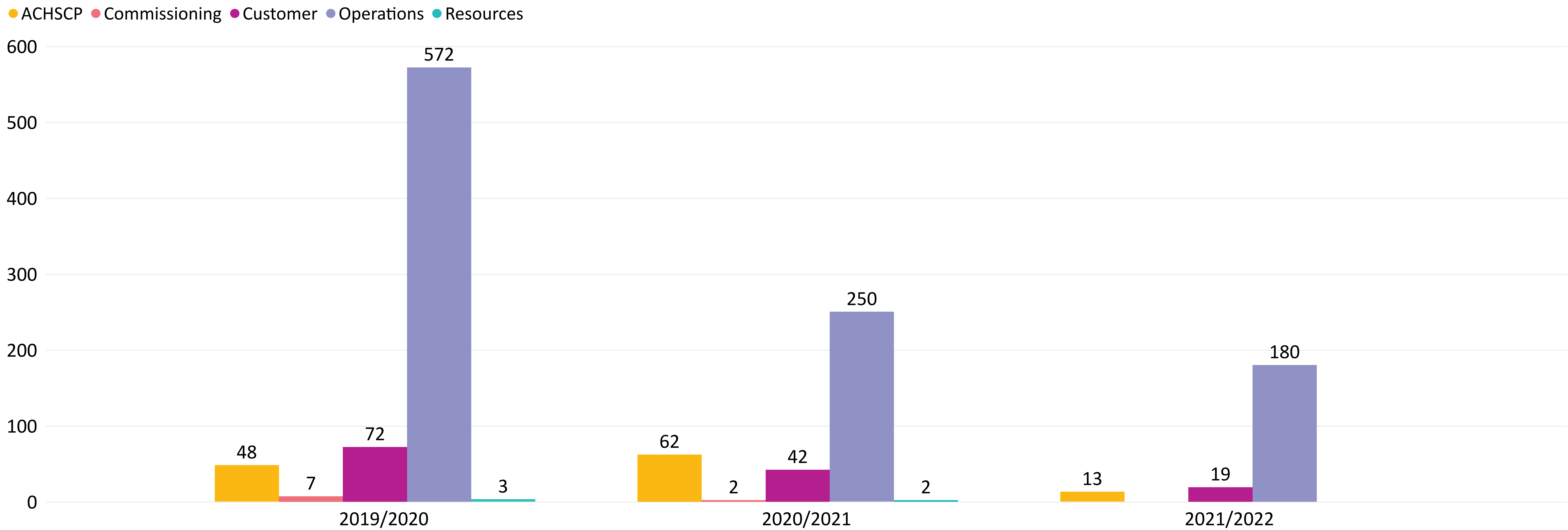
AH&SCP - Service has implemented revised procedures and guidelines for staff in relation to working with and supporting the service users involved.

Within OPS, 5 of the 0-3 day incidents involved staff from Facilities Management. Further analysis highlighted that manual handling tasks were a factor. Analysis also indicated that the root cause was not indicated on the report, for example Moving and Handling Manual task was incorrectly reported as 'Struck by object'.

Reported Near Miss  
From 2019/20 to 2021/22 Q1

The table provides information on the total number of near misses for the last three reporting years to Function level.

No. of Reported Near Miss



Near Miss Trend Analysis

Customer - Inappropriate communication (verbal abuse & threatening behaviours) towards staff accounted for 63% (12) of the near misses. They all involved different service users and employees, and took place at various locations. procedures were followed to redcue the possibility of these service users communicating similarly in future.

AH&SCP - Increased client behaviour issues due to resident who requires increased level of care, which has been iedntified and action taken to . Any need for provision of medication is a rare occurrence, however staff training and increased management oversight in place.

IC&FS - Of 100 near misses due to violence against school staff, 75 were caused by pupils with Social/Emotional/Identified Learning Needs: 4/5 (80%) Nursery, 45/63 (71%) Primary; and 26/32 (81%) Secondary.

OPS, of the 6 near miss report, 2 indicated unsafe methods of work, one indicates lack of appropriate supervison, the other incident involved an employee who was unaware of his positioning in relation to a moving vehicle. All near miss were investigated, risk assessment reviewed and appropriate remedial action considered and implemented including the issues being raised at Team meetings along with additional tool box talks on situational awareness.

The number of Near Misses reported by OPS over the last 3 years during Q1 has been declining, at the present time the number of reported is approximately 50% lower than reported in 2018/19. Services are continually reminded of the significance of reporting 'Near Misses' and the link between Incident.

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	28 September 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	re.cr.uit Scheme Update
<b>REPORT NUMBER</b>	RES/21/167
<b>DIRECTOR</b>	Steve Whyte, Director of Resources
<b>CHIEF OFFICER</b>	Isla Newcombe, Chief Officer – People and Organisational Development
<b>REPORT AUTHOR</b>	Lesley Strachan, Talent Manager
<b>TERMS OF REFERENCE</b>	2.2

### 1. PURPOSE OF REPORT

- 1.1 To update Committee on progress with the implementation of the new approach to internal recruitment – the re.cr.uit scheme. The report sets out how the new approach works in practice and outlines changes and improvements which have been made as a result of the initial learning cycle undertaken from January to March 2021.

### 2. RECOMMENDATION

- 2.1 That Committee notes progress made with the re.cr.uit scheme to date in line with the earlier Committee instruction for an update report to be provided after one year of operation.

### 3. BACKGROUND

#### 3.1 Context

- 3.1.1 As part of the ACC Workforce Plan, (approved at Staff Governance Committee in June 2019) Committee instructed the Chief Officer - People & Organisational Development to develop a new approach to the internal recruitment and movement of staff across the Council. This approach [now known as the re.cr.uit (retaining employees. changing roles. using internal talent) scheme] was subsequently approved by Staff Governance Committee in October 2019 with an instruction to provide an update report after twelve months. [RES/20/103].
- 3.1.2 From approval of the re.cr.uit scheme in October 2019, the principles of the way we recruit as an organisation began to change. Recruiting managers responded positively to the new approach to consider internal employees in a more flexible way, with an understanding that an employee may not have all the necessary qualifications, skills or experience required for the role from day one, but with development and experience will develop into the role.

- 3.1.3 The Covid-19 pandemic caused a significant delay in progress with system development and implementation as the team were diverted to develop the temporary movement of staff scheme [Recruitment Update, Staff Governance Committee - RES/21/076].
- 3.1.4 Once the temporary movement of staff scheme was operational, the team were able to focus on the development and implementation of the scheme with system training and testing with recruiting managers and employees.
- 3.1.5 Comprehensive guidance was developed to accompany the scheme, and this is available to all on the intranet on the People Anytime pages. The new approach also required a review and update of the overall recruitment and selection guidance.
- 3.1.6 The final stage was development of communications to managers and staff across the organisation to announce the launch of the full digital system from January 2021 including the 1:1 support that would be in place for colleagues who are less familiar with using technology.
- 3.1.7 Trade Union colleagues were kept informed and engaged at key stages throughout the development and implementation stages of the system and were consulted on all guidance documents.
- 3.1.8 The re.cr.uit scheme represents a new and different way of recruiting for the organisation. Employees can join the digital system to be automatically considered for roles that they have a potential alignment based on a combination of their qualifications, skills, experience and potential 'fit' to roles. ('Fit' is determined using the working preferences questionnaire (OPQ32 - occupational personality questionnaire).

## **3.2 Learning Cycle**

- 3.2.1 The period January to March 2021 has been used as a learning cycle and review period. During this time the team gathered feedback from managers and employees on their experience of the new approach and has been continuously reviewing feedback and making improvements to the system on that basis. Trade Union colleagues have continued to be engaged during this period providing any feedback from their members and on any developments / improvements in the system and scheme.
- 3.2.2 Feedback has shown that the new re.cr.uit approach to internal recruitment and internal movement has been, overall, a positive experience for employees as well as recruiting managers. Many employees have been successful in moving to new roles and opportunities across the organisation and recruiting managers have filled vacancies that they have previously found difficult to recruit internally.
- 3.2.3 At the same time, the learning cycle and feedback highlighted that there were aspects of re.cr.uit that could be improved .

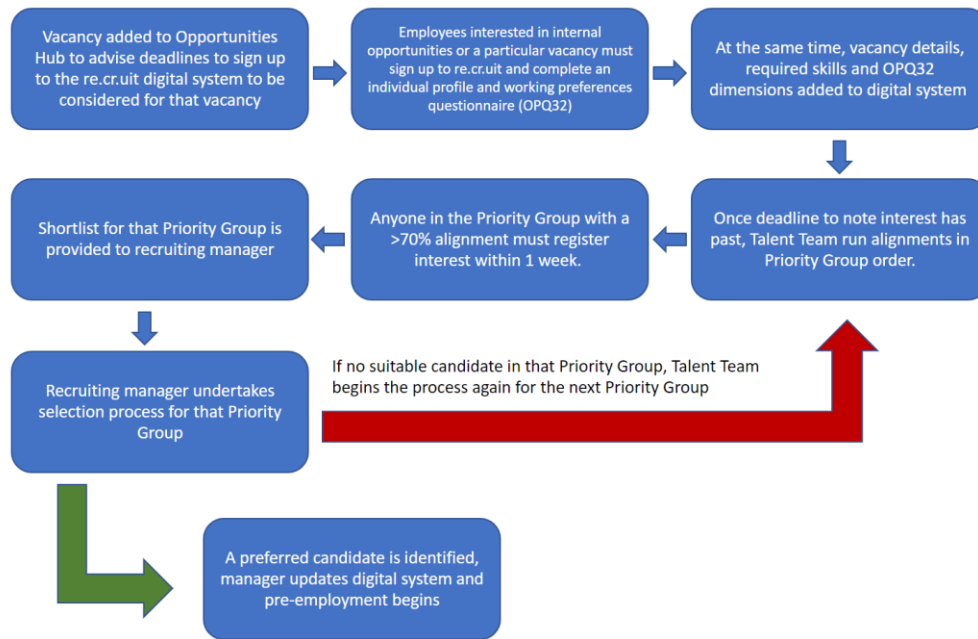
- 3.2.4 The main areas of concern highlighted as a drawback to the re.cr.uit scheme was that the only facility to be considered for internal vacancies was to join the re.cr.uit scheme and use the digital system to be aligned to vacancies. For employees who only wanted to apply for a specific vacancy rather than to be considered for opportunities across the organisation on an ongoing basis, this was felt to be a cumbersome approach. Appendix 1 summarises issues raised, and the associated action taken to address these.

### **3.3 Process Improvement**

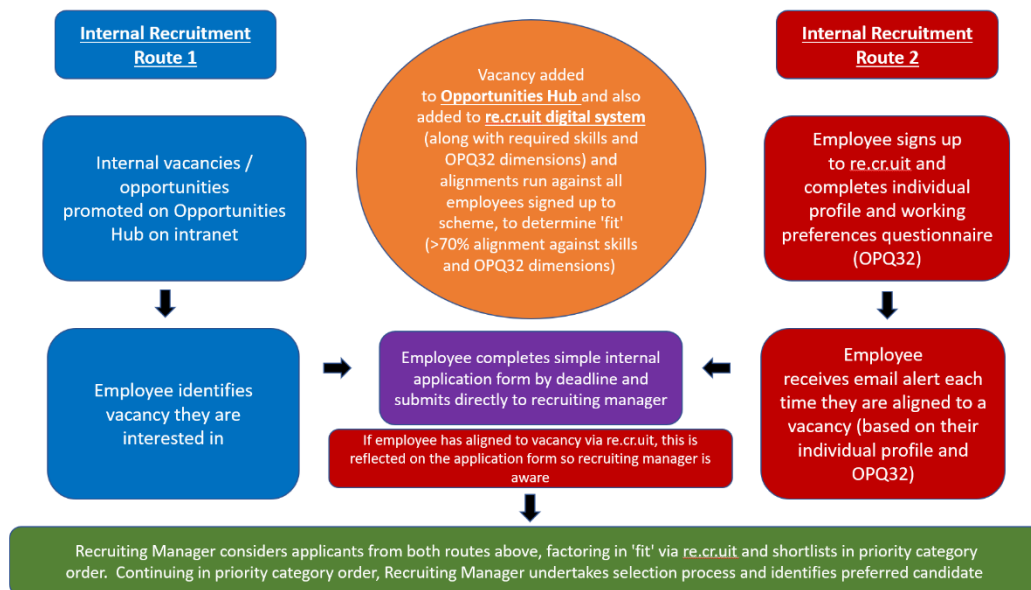
- 3.3.1 Having considered this issue together with other feedback received, improvements to the scheme have been made resulting in a simpler and streamlined process.
- 3.3.2 The revised process takes into consideration all the learning taken from the original process, including concerns about the complexity of the digital system; and retains the principles of the re.cr.uit scheme. The emphasis of the approach is very much still a focus on transferable skills and behavioural fit.
- 3.3.3 The scheme is about encouraging and supporting employees to consider new and alternative roles and careers, for which they are a good fit. Accordingly, the re.cr.uit digital system is available to employees who wish to be considered for vacancies and opportunities as they arise across the organisation and for which they may have a potential alignment.
- 3.3.4 The diagrams below set out the original re.cr.uit scheme process, where employees only had one route to be considered for internal vacancies and opportunities; and the revised scheme process where employees have two routes to apply and be considered for vacancies and opportunities.



### Original re.cr.uit scheme process



### Revised re.c.ruit scheme process



- 3.3.5 The process changes were discussed with a cross section of recruiting managers and Trade Union colleagues and the changes trialled with a sample of vacancies, before implementation in June 2021.
- 3.3.6 The new improved process has been well received with recruiting managers and employees, feedback has been very positive with improvements in time to recruit, accessibility and ease of use. There has also been a significant reduction in the level of queries coming through to the Talent team, a further indicator that the improvements are working for users.

### 3.4 Data and Outcomes

3.4.1 At the time of writing this report, over 600 employees have signed up to the re.cr.uit scheme and are actively being aligned to vacancies as they arise.

3.4.2 To provide some context on our internal recruitment approach, from January to July 2021, 475 internal requests to fill vacancies (these may include multiple roles) have been included in the re.cr.uit scheme. The table below shows the outcomes of these requests.

Outcome	vacancies	% of total vacancies
Successfully filled internally	197	41%
Redeployees undertaking trial periods	8	2%
Vacancies in process	133	28%
Moved to external recruitment	137	29%*

\* a number of vacancies moved to external recruitment are traditionally hard to fill vacancies such as Social Workers, Support Workers, Cleaners, Catering Assistants, Refuse Loaders and Environmental Operatives.

### 3.5 Success Stories / Case Studies

3.5.1 This section outlines some success stories / case studies highlighting some of our internal employees who have successfully moved from a role in one part of the organisation to a role in a different team, cluster or function through the re.cr.uit scheme.

3.5.2 **Success Story Example 1** – An employee undertaking a Housing Officer role signed up to the re.cr.uit scheme and requested feedback on their working preferences questionnaire (OPQ) to get a better understanding of the outcomes. At the same time, this employee was aligned to a Community Care Co-ordinator vacancy within the Adult Health and Social Care Partnership. The OPQ feedback session highlighted their personal attributes and preferred working styles which suited this particular role. The employee went through the selection process for the role and was successful. Feedback from this employee was: *“Woohoo!! I got the job... amazing how streamlined this new recruit system is”*.

3.5.3 **Success Story Example 2** – A Team Leader in the Customer Function had signed up to re.cr.uit and was undertaking temporary alternative duties in support of the Covid-19 pandemic response. Following an alignment on the re.cr.uit system and successful interview process, this employee was successfully appointed to the Devolved School Management Co-ordinator position within Education. Their feedback at the time was: *“I have been successful in a role. Recruit is the way forward! It has been amazing for me. Could not be happier right now”*

3.5.4 **Success Story Example 3** – An Appeals and Quality Assurance Officer in Revenue and Benefits had signed up to re.cr.uit and was particularly

interested in pursuing opportunities with an IT focus. Following alignment on the re.cr.uit system and a successful interview, the employee was appointed to the role of Systems Development Officer within the Digital and Technology Cluster. Feedback from this employee was *“I actually missed the cut off for applying due to annual leave but got in touch with the re.cr.uit team and they passed on my details to the recruiting officer. A week later and I had my interview! I found the re.cr.uit scheme to be a much quicker way of applying for jobs... overall without re.cr.uit I'd have unlikely heard about the role and remained in my former post, so I'm grateful for the scheme!”*

3.5.5 The case study examples above, together with ongoing feedback received throughout the learning cycle and to date, show the positive nature of the re.cr.uit scheme in providing opportunities for employees, for recruiting managers and for the organisation overall. The table below summarises the benefits identified for each of these categories:

	Benefits of the re.cr.uit scheme
Employees	<ul style="list-style-type: none"> <li>• Access to alternative job opportunities more easily facilitated</li> <li>• internal recruitment process using a simple application form</li> <li>• digital tool allows employees to be aligned to vacancies that they can consider and apply to be considered for</li> <li>• opportunity to be supported and developed into new roles in potentially very different parts of the organisation, that they may not otherwise have considered</li> <li>• introduction period which provides security in moving roles across the organisation</li> <li>• a positive experience for redeployees who are actively considered on the digital system for all vacancies on a priority 1 basis (before other candidates)</li> </ul>
Recruiting Managers	<ul style="list-style-type: none"> <li>• receive applications from candidates that have aligned through the digital system, that they would otherwise not have received or where they may not have had any applicants previously</li> <li>• quick and easy process to consider internal applicants for vacancies</li> <li>• preferred candidate checks streamlined, resulting in a more efficient process</li> <li>• receive applications from employees who have aligned via the digital system as having the right 'fit' for the role together with transferable skills and experience.</li> <li>• supports succession planning – an ability to enable those within teams who have been trained and</li> </ul>



	<p>developed to be considered (alongside candidates via the digital system) for vacancies</p> <ul style="list-style-type: none"> <li>• achieve internal employees who already have a good understanding of the organisation therefore reducing induction / onboarding time</li> </ul>
Organisation	<ul style="list-style-type: none"> <li>• a workforce tool to enable the organisation to move existing staff flexibly, quickly and easily into resourcing gaps and / or areas of demand across the organisation</li> <li>• a focus on developing and flexing our existing workforce rather than incurring additional headcount, employing additional external resource.</li> <li>• an approach to filling internal vacancies and opportunities that is transparent and fair with one process for all.</li> </ul>

### **3.6 Next Steps**

- 3.6.1 The re.cr.uit scheme represents a very new way of recruiting and whilst the first cycle of learning has been completed, and changes made to improve the system and the process, it is intended that it will remain under continuous review, where the team will continue to actively seek and listen to feedback and to act on this with a view to making any further amendments or improvements to the process as the need arises.
- 3.6.2 Whilst the sign-up rate to the scheme is encouraging, it is intended to undertake a programme of communication across the organisation to promote the scheme and its potential benefits to encourage more employees to get involved in the scheme. This will include roadshows (which have not been possible to date due to covid restrictions), offers of 1-2-1 sessions, webinars, sharing success stories.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 There is a cost of continuing to contract with the supplier providing the digital tool to support the re.cr.uit scheme. This cost is contained within existing budget.

## **5. LEGAL IMPLICATIONS**

- 5.1 There are no legal implications arising from this report.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None	L	None
<b>Compliance</b>	None	L	None
<b>Operational</b>	None	L	None
<b>Financial</b>	None	L	None
<b>Reputational</b>	None	L	None
<b>Environment / Climate</b>	None	L	None

## 7. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Council Policy Statement</b>	
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	<p><b>The proposals within this report support the delivery of Economy Stretch Outcome 1 and 2:</b></p> <ul style="list-style-type: none"> <li>• 10% increase in employment across priority and volume growth sectors by 2026. This includes social care. Key driver 1.2 is 'developing the talent and future workforce necessary to support diversification of business &amp; economy'. This includes employability activity and progressing the Council's Investors in Young People Programme.</li> <li>• 90% of working people in living wage employment by 2026. Key driver 2.1 is 'promoting inclusive economic growth for our most disadvantaged communities'. This includes support for young people as well as people progressing positively through the employability pipeline.</li> </ul>
Prosperous People Stretch Outcomes	<p><b>The proposals within this report support the delivery of People Stretch Outcome 6:</b></p> <ul style="list-style-type: none"> <li>• 95% of children living in our priority localities will sustain a positive destination upon leaving school by 2026.</li> </ul> <p>The key drivers for this outcome are:</p>

	<p>6.1 Improving pathways to education, employment and training for identified groups (including Care Experienced Young People and those with Additional Support Needs)</p> <p>6.2 Supporting young people, families, carers and communities to better understand the opportunities available to their children upon leaving school</p> <p>6.3 Ensuring children, young people and families understand the pathways available to them and skills required for future</p>
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## 8. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Not required
Data Protection Impact Assessment	Not required

## 9. BACKGROUND PAPERS

Reports to Staff Governance Committee as referenced above.

## 10. APPENDICES

Appendix 1 - Feedback received during Learning Period and Action Taken

## 11. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Lesley Strachan
<b>Title</b>	Talent Manager
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<b>Tel</b>	07824 335529

### Feedback received during Learning Period and Action Taken

Feedback / Issue	Action taken and reflected in new process
1 Process for applying for internal vacancies via digital system is too complex	1 candidates complete simple internal application form
2 time to recruit is too slow	2 much improved timescales by streamlining processes
3 complexities for some employees in completing their profiles on the digital system	3 1:1 support in place for employees who wish to use the digital system and applications now direct to recruiting manager on simple internal application form
4 some employees only want to apply for a specific vacancy rather than sign up to the wider re.cr.uit digital system.	4 two routes for employees to apply for vacancies. If they do not wish to sign up to the re.cr.uit digital system, they can apply for vacancies using the simple internal application form
5 delays at preferred candidate stage – getting candidates into new roles	5 reduced requirement for preferred candidate checks as existing employees

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance Committee
<b>DATE</b>	28 September 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Platinum Jubilee Public Holiday
<b>REPORT NUMBER</b>	RES/21/216
<b>DIRECTOR</b>	Steven Whyte
<b>CHIEF OFFICER</b>	Isla Newcombe
<b>REPORT AUTHOR</b>	Kirsten Foley
<b>TERMS OF REFERENCE</b>	1.2

### 1. PURPOSE OF REPORT

- 1.1 This report proposes the granting of an additional public holiday on Friday 3 June 2022 in recognition of the Queen's Platinum Jubilee celebrations.

### 2. RECOMMENDATION

- 2.1 That the Committee approves the granting of an additional public holiday on 3 June 2022.

### 3. BACKGROUND

- 3.1 The UK Government have announced that there will be an extended long weekend in June 2022 to mark the Queen's Platinum Jubilee.
- 3.2 The Scottish Government acknowledges that it is for each local authority to determine which dates will be classed as public holidays.
- 3.3 The UK Government has suggested that the May Day Bank Holiday be moved to Thursday 2 June with an additional bank holiday taking place on Friday 3 June.
- 3.4 On the Bank and Public Holidays page on the Scottish Government website, the suggestion is that the late Spring Bank holiday, which usually falls on the last Monday in May, be moved to Thursday 2 June with an additional day being given on Friday 3 June.
- 3.5 ACC recognises 7 public holidays; for the majority of staff, these fall on Good Friday, May Day, Christmas Day, Boxing Day, Hogmanay, New Year's Day and 2<sup>nd</sup> January, with days being substituted where a public holiday falls on a weekend day. Craft workers do not have a public holiday on Good Friday, and instead have an Autumn holiday on the 4<sup>th</sup> Monday of September. The rest of the public holidays are the same as for other employees.

- 3.6 Given the above, ACC does not have the option of moving the late Spring Bank Holiday.
- 3.7 COSLA undertook a survey to gather together the proposals/decisions from each Authority and the Society for Personnel and Development Scotland (SPDS) undertook some benchmarking. Responses were received from 22 LAs (including ACC). Whilst consultation is still underway in most of these Authorities, the current proposals indicate the following:

<b>Proposal</b>	<b>Number of LAs</b>
Additional Fixed Public Holiday	10
Additional Floating Day	3
No proposal made as yet	7
No public holiday or floating day awarded	1

- 3.8 A number of options were discussed with Trade Unions, ECMT and CMT.
- 3.9 The preferred option identified was that one additional day should be awarded as a public holiday, to be taken on Friday 3 June 2022.
- 3.10 The key consideration in reaching this recommendation was that the awarding of the additional public holiday is specifically to allow people to join in celebrations for the Queen's Platinum Jubilee should they wish to do so; as such, the award of an additional floating day of annual leave would not meet the reason for the day being awarded.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of paying enhanced rates for essential service delivery is estimated at £22,000 - £24,000.

Service budgets will be charged with the additional costs outlined; this growth will be reflected in budget planning for 2022/23.

#### **5. LEGAL IMPLICATIONS**

- 5.1 Regulation 5 of the Schools General (Scotland) Regulations 1975, as amended, requires schools to be open for a minimum of 190 days in a school year. However, section 133(4) of the Education (Scotland) Act 1980 allows Scottish Ministers, on application by a local authority, to modify this requirement providing they are satisfied that it would be unreasonable for Regulation 5 to apply.
- 5.2 The Scottish Government have opted not to put in place an additional day of school closure to celebrate the Platinum Jubilee. They have indicated that if an additional public holiday or leave day would cause a reduction in teaching days, a council will require to seek permission for this from the Scottish Government Learning Directorate through an e-mail request, in accordance with the statutory provisions noted in paragraph 5.1.

- 5.3 A report instructing the Chief Education Officer to make a formal request to Scottish Government for an additional closure day, subject to the Staff Governance Committee approving the recommendation at 2.1, is to be considered at the meeting of the Education Operational Delivery Committee on 23 September 2021.

## 6. MANAGEMENT OF RISK

Category	Risk	Low (L) Medium (M) High (H)	Mitigation
<b>Strategic Risk</b>	None identified		
<b>Compliance</b>	None identified		
<b>Operational</b>	There is a risk that service users will not be able to access the services they require due to the additional holiday	L	Normal public holiday service delivery levels will be applied in all essential service areas
<b>Financial</b>	There is an additional cost in respect of paying enhanced public holiday rates for staff working on the public holiday	L	Staffing levels will be the minimum to allow for safe service delivery
<b>Reputational</b>	None identified		
<b>Environment / Climate</b>	None identified		

## 7. OUTCOMES

- 7.1 The proposals in this report have no impact on the Council Delivery Plan.

## 8. IMPACT ASSESSMENTS

Assessment	Outcome
<b>Impact Assessment</b>	Full impact assessment not required
<b>Data Protection Impact Assessment</b>	Not required

## 9. BACKGROUND PAPERS

N/A

## 10. APPENDICES

N/A

## 11. REPORT AUTHOR CONTACT DETAILS

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## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	28 September 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Managing Grievances Policy
<b>REPORT NUMBER</b>	RES/21/182
<b>DIRECTOR</b>	Steven Whyte – Director of Resources
<b>CHIEF OFFICER</b>	Isla Newcombe – Chief Officer – People and Organisational Development
<b>REPORT AUTHOR</b>	Kirsten Foley – Employee Relations and Wellbeing Manager
<b>TERMS OF REFERENCE</b>	2.5

### 1. PURPOSE OF REPORT

- 1.1 To seek approval of the revised Managing Grievances policy

### 2. RECOMMENDATIONS

That the Committee: -

- 2.1 approves the revised Managing Grievances Policy, attached as Appendix 1 to this report;
- 2.2 agrees that implementation of the revised policy will be delayed until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Dignity and Respect at Work policies;
- 2.3 notes the appended procedure/guidance document which supports the application of the policy; and
- 2.4 notes that a generic investigations procedure has been developed to cover all three policies mentioned above (which is appended to the committee report on the Dignity and Respect at Work policy).

### 3. BACKGROUND

- 3.1 As an employer, the Council seeks to promote and embed a positive workplace culture in which every member of staff feels valued, is empowered to meet their full potential and in which all individual circumstances and characteristics are respected and supported.
- 3.2 This culture is embedded in our Guiding Principles, Code of Conduct and Job Profiles of all staff, and they should be supported to have a positive experience in the workplace.
- 3.3 Managers and employees alike are encouraged and supported to build good day to day communication, which is honest, constructive and based on a culture of mutual respect. Such communication will allow any concerns to be raised

quickly and effectively and addressed together as a matter of course. There may be occasions, however, when a more structured approach is required. In such cases it will be dealt with at the earliest opportunity and wherever possible this will be through the provision of informal support.

- 3.4 It is recognised that on occasion, an employee may have a concern, problem or complaint relating to work, working conditions or relationships on an individual or collective basis which they wish to raise more formally; in such circumstances it is essential that a policy and procedure are in place through which they can be encouraged and supported, as appropriate, to raise a grievance and for this to be heard.
- 3.5 The Managing Grievances policy and accompanying procedure provides a framework within which employees can raise such matters in a safe and confidential manner without fear of censure, with managers supported to make a determination regarding the required actions and recommendations to address the concern.

#### **4. Aims of the Review**

- 4.1 The review of the Managing Grievances Policy is part of a wider review of policies that sit at the heart of employee relations processes within the Council, namely Managing Discipline, Managing Grievances and Managing Bullying and Harassment at Work.
- 4.2 The key aim of this review is to promote a workplace culture based on mutual respect, in which the voices of all employees, whatever their level of responsibility within the Council, are valued and everyone has the opportunity to raise any concerns they may have easily and informally, knowing that they can be confident that their concerns will be considered seriously and addressed appropriately. Accessible, supportive policies empower employees and managers to meet the expectations set out in the Guiding Principles, Code of Conduct and job profiles.

Moreover, by fostering a workplace culture in which relationships are based on mutual respect, the likelihood of issues being escalated through formal channels is minimised, thus reducing levels of anxiety on individuals.

- 4.3 Following feedback from an initial staff survey and focus groups (including employees, trade unions and managers), a number of key areas of improvement were identified. In relation to the Managing Grievances policy, these key improvements centred around:
- increasing the use of informal processes wherever appropriate,
  - achieving early resolution,
  - the need for an investigation process, and
  - highlighting the support available to employees involved with this policy both during the application of the policy and in supporting relationships once the process has concluded.

The review aimed to address these issues and ensure that the policy continues to comply with the requirements of the ACAS Code of Practice.

- 4.4 An additional key aim of the review was to ensure that a collaborative approach was taken throughout, seeking, and addressing feedback from all stakeholders including unions, employees, and managers.

## **5 Approach**

- 5.1 A policy review group was set up in People and Organisational Development to progress the work on the revised policy, with the approach being to balance feedback from various stakeholders, working in a collaborative manner.
- 5.2 An employee survey was run to gather views on the operation of the current policy and on any proposed changes. Benchmarking was undertaken with other organisations to compare the content of their policies with the Council's.
- 5.3 Focus groups were also organised with managers, employees, and trade unions to obtain views on the operation of the current policy and what changes might be required to improve it.
- 5.4 A check was also made in relation to any legal issues to ensure that the revised policy was legislatively compliant. The ACAS Code of practice on grievance procedures and the accompanying guide on grievances at work were also referred to ensure that the policy continued to align with these.
- 5.5 Following the research phase, the information gathered was collated and evaluated.
- 5.6 A wide range of further engagement on the draft documents was undertaken including:
- 3 additional consultation events with the trade unions
  - officer attendance at all 13 Service Management Team meetings to gather feedback on the draft documents
  - further engagement with the teams within Legal and People and Organisational Development
  - feedback gathered from CMT.

## **6 Emerging Themes**

- 6.1 In addition to the key issues identified and set out in paragraph 4.3 above, other suggestions put forward were:
- a. reviewing the level of management involved in the various stages of the process in order to widen the pool of managers available to undertake the various stages and thus ensure that a larger number of employees are supported to gain the transferable skills that are developed through undertaking such tasks whilst sharing the workload among a wider group of staff;
  - b. considering a generic investigations process to avoid situations that have arisen in the past whereby a complicated case can result in a

number of investigations being undertaken under different policies at the same time;

- c. considering what role mediation and other informal measures could play in the process, thus avoiding the need for formal processes to be invoked;
- d. making more use of aids such as flow charts, which visual learners in particular find more user friendly when navigating policy and procedural documents.

6.2 If approval is given by Committee, the intention would be to delay implementation until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Dignity and Respect at Work policies and implement all three policies together.

6.3 The benefits of having a single implementation plan are that it will allow the application of the generic investigations process to all three policies and a single communication plan and training plan can be put in place. Appropriate communication and training will be undertaken during the period October – December 2021 to ensure that employees and managers are aware of the content of the policies and trained in the skillset required to apply them appropriately.

6.4 The policy documents and guidance will also be placed on the People Anytime portal on the Intranet and cascaded throughout services via ECMT and the Leadership Forum.

6.5 A separate set of guidance notes will accompany the Managing Grievances policy giving fuller details on its application, including the procedure. This document is attached for noting.

## **7. Changes to the policy**

7.1 From the employee survey, the focus groups and engagement sessions a number of issues were identified.

The table below details the issues raised, the change made to address each issue, and whether the change is part of the policy or the accompanying guidance.

Issue raised	Change proposed	Policy or Guidance
Early intervention in relation to grievances and informal resolution where possible	Emphasis placed on early intervention and on the use of informal measures to achieve grievance resolution, where appropriate e.g. 1-2-1 facilitated meetings, mediation, empathy mapping, use of reflective statement.	Policy and Guidance

Process for formal investigation of a grievance	To provide a process to undertake a formal investigation of a grievance.	Procedure
Status quo ante	To include the status quo provision relating to grievances. This is detailed in the SNCT handbook for teaching and SNCT employees; inclusion in the revised policy extends the provision to all staff groups across the Council. Status quo ante means the situation that existed previously prior to a given event.	Policy and Guidance
Collective grievances – two of more employees who share a common grievance arising from the same circumstances. This addition was requested by the trade unions.	To make provision for both individual and collective grievances, with the same stages applying for each.	Policy and Guidance
Counter grievances.	To indicate what should occur where a counter grievance is lodged by another employee.	Policy
Grievances in relation to a leaver	Clarity on what should occur where a grievance case has not been concluded prior to an employee leaving the Council.	Policy
Manager/TU survey - would like easy step by step guidance - more flowcharts with links would be welcomed as well as diagrams and less text.	A flow chart has been added giving an overall summary of the procedure. Visuals have also been included showing the key steps in each part of the process.	Policy and Guidance

Clarity around timescales	Timescales have been clearly indicated in relation to each stage of the procedure.	Guidance
More templates / 'How To' Guides / Checklist	Introduced a written statement of grievance template for employees to use to assist with consistency of format and understanding of issue and resolution being sought. Also introduced a grievance discussion note template to ensure that full records regarding grievances are retained. Checklists have been included on how to conduct a grievance hearing and a grievance appeal hearing.	Guidance
Need to recognise the impact of these processes on all involved in terms of wellbeing	A new section has been added on employee wellbeing, emphasising that the health and wellbeing of all employees involved in the process should be a priority at each stage of the procedure, and signposting to where support can be accessed.	Policy and Guidance

- 7.2 The procedural elements in the current policy have been removed from the policy document and have been put into the guidance document, so that the policy is separate and standalone in the new corporate template format. A procedural summary has been retained as an appendix to the policy.
- 7.3 Sections on manager and employee responsibilities have been added to the documents, detailing what is expected of each, as well as a section on core principles.
- 7.4 It has also been made clear that for concerns where specific provision is made within another policy or procedure to address them, that these will be dealt with under that particular policy or procedure.

- 7.5 The Council's Guiding Principles have been identified as setting the expectations in relation to the cultural norm of the organisation, thus providing a point of reference for employees when undertaking self-reflection on their behaviours.
- 7.6 Reference has been made in the policy to the ACAS Code of practice on grievance procedures.
- 7.7 Some terminology updating was required to the policy to take account of the changes in the organisation's structure.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no direct financial implications arising from the recommendations of this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 By law employers must set out a grievance procedure and share it in writing with all employees. It must include who the employee should contact about a grievance and how to contact that person. The Managing Grievances Policy, Procedure and Guidance will fulfil these requirements.
- 9.2 Section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 confers powers to Employment Tribunals to increase or decrease compensation awarded by up to 25% if they find that a party has unreasonably failed to follow relevant provisions of the ACAS code of practice on grievance procedures. By aligning this Policy and associated procedure and guidance with the ACAS code mitigates the risk of increased compensation.

## **10. MANAGEMENT OF RISK**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Strategic Risk</b>	N/A	N/A	N/A
<b>Compliance</b>	The revised policy has been examined to ensure that it is legally compliant and aligns with the ACAS Code of practice on grievance procedures, which reflects good employment practice and is often referred to in employment tribunal cases. If the revised policy was	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk as they have been checked for legal compliance and alignment to the ACAS Code.

	not applied, then there may be a risk that the most up-to-date good practice in the ACAS Code is not reflected and this could be detrimental to the Council in an employment tribunal situation.		
<b>Operational</b>	The changes made to the policy should result in its more efficient application, which will be a benefit to the operation of the Council, assisting with employee relations, and helping meet customer and service requirements. If the revised policy was not applied, then these benefits may not accrue.	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.
<b>Financial</b>	If the revised policy, which reflects up-to-date good practice was not applied, there is a risk that grievances are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council may be more likely to occur, which can be costly.	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.
<b>Reputational</b>	If the revised policy, which reflects up-to-date good practice, was not applied, there is a risk that grievances are not dealt with as efficiently as possible,	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.



	meaning that employment tribunal or other claims against the Council may be more likely to occur, which can lead to adverse publicity for the Council and also affecting the Council's reputation as a good employer.		
<b>Environment / Climate</b>	N/A	N/A	N/A

## 11. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	The Prosperous Economy theme in the LOIP makes mention of the importance of retaining talent and expertise in City organisations. This would include the Council. Having this revised policy on managing grievances in place should assist with employee relations in the organisation and with the retention of trained and valued employees. This would mean that they can continue in post and contribute to delivering effective services to citizens and businesses, indirectly contributing to the City's economy.
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Having this revised policy in place should assist with employee relations in the organisation, ensuring that any grievances are efficiently addressed and that employees are supported when undergoing the procedure. This should indirectly assist with employee mental health and wellbeing allowing them to function both in employment and at home.

## 12. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment required – an Integrated Impact Assessment has been compiled in respect of the revised policy and no negative impacts have been identified.
Data Protection Impact Assessment	Not required.

## 13. BACKGROUND PAPERS

ACAS Code of practice on grievance procedures and the Managing Grievances Procedure and Guidance are appended to provide further clarity and for noting.

## 14. APPENDICES

Appendix 1 - Managing Grievances policy

Appendix 2 - Managing Grievances Procedure and Guidance

Appendix 3 - [ACAS Code of Practice on Grievance Procedures](#)

## 15. REPORT AUTHOR CONTACT DETAILS

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# Managing Grievances Policy

Approved by Committee on xx  
2021 with an implementation date of x 2021

## Document Control

<b>Approval Date</b>	
<b>Implementation Date</b>	
<b>Policy Number</b>	
<b>Policy Author(s) and Owner</b>	Linsey Blackhurst – People and Organisational Development Advisor (Policy Author) Isla Newcombe – Chief Officer – People and Organisational Development (Policy Owner)
<b>Approval Authority</b>	Staff Governance Committee
<b>Scheduled Review</b>	Annually
<b>Changes</b>	Policy replaces the existing Managing Grievances policy and reflects the requirements of Corporate Policy Template.

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## 1. Purpose Statement

- 1.1 As an employer, Aberdeen City Council is committed to providing a positive workplace culture where every employee is clear on the impact that their actions and behaviours have on one another and, ultimately, on the people and place of Aberdeen. Such an approach places both an individual **and** collective responsibility on each employee to ensure that they conduct themselves in a way that is aligned to this culture, in accordance with the Council's Guiding Principles <https://aberdeencitycouncil0365.sharepoint.com/SitePages/Our-Guiding-Principles.aspx>
- 1.2 The Council recognises that, on occasion, an employee may have a concern, problem or complaint relating to work, working conditions or relationships on an individual or collective basis which they wish to raise. The Managing Grievances policy provides a framework within which employees can raise such matters in a safe and confidential manner without fear of censure. Managers are supported to make a determination regarding the required actions and recommendations to address the concern, and to provide a reference point which others may learn from and be supported with, to foster a culture of continuous improvement in the quality of working life.
- 1.3 The maintenance of good communication between managers and employees, the provision of constructive feedback and the early raising of concerns on an informal basis, is the preferred approach to addressing work-related issues, in line with the Council's culture and Guiding Principles.
- 1.4 The purpose of this policy is to set out the responsibilities and arrangements to allow the Council to mitigate risks which may arise from such concerns, problems, or complaints if these were not addressed. It provides a framework with an accompanying procedure to ensure that matters are addressed without unreasonable delay and in a fair and consistent way, where informal steps have failed to achieve the required outcome.
- 1.5 All employees are valued, and individual circumstances are considered. The policy therefore aims to support issues to be addressed in the most appropriate way, based on the circumstances surrounding the case, and the individuals concerned, as quickly as possible. Wherever feasible, this will be through informal resolution with the provision of support. The health and wellbeing of all employees is a priority. At the outset of any process falling within this policy, employees will be provided with details of the wellbeing support available to them, including the Employee Assistance Service and Chaplaincy. Further details can be found in the accompanying Managing Grievances Procedure and Guidance.
- 1.6 An overview of the Managing Grievances procedure can be found in Appendix A and definitions of terms in this policy are shown under section 6 below.

## 2. Application and Scope Statement

- 2.1 This policy applies to all employees of the Council; a separate policy applies to the Chief Executive, as set out in the Scottish Joint Negotiating Committee Scheme of Salaries and Conditions of Service for Chief Officials.

In cases where the policy is applied to employees under the Scottish Negotiating Committee for Teachers (SNCT) terms and conditions of employment, the provisions of Appendix 2.13 of the

SNCT Terms and Conditions of Employment, Grievance Framework, will apply. These provisions can be accessed via the following link [Appendix 2.13 – SNCT Handbook](#)

2.2 This policy does not apply to agency and casual workers. Agency workers should raise concerns through their individual agency under their own processes. Casual workers should refer to their terms of engagement letter.

2.3 The policy applies to both individual and collective grievances and the same procedural stages should be utilised for both. Where there are two or more employees who share a common grievance arising from the same circumstances, they shall be entitled to pursue their grievance in common by means of this policy.

2.4 All investigations will be carried out with sensitivity, discretion and confidentiality with formal investigations undertaken in accordance with the investigation's procedure mentioned under 4.2 below.

2.5 In using this policy, focused support will be provided for those whose first language is not English, who have difficulty expressing themselves or for people with a disability.

2.6 This policy and accompanying procedure are in accordance with the ACAS Statutory Code of Practice for grievance procedures.

2.7 For concerns where specific provision is made within another policy or procedure to address them, these will be dealt with under that policy or procedure. The employee cannot choose under which procedure their concern should be dealt with – this is solely determined by the nature of the concern. This may include issues involving:

- any matter relating to the outcome of the grading of an employee's job under the terms of the Job Evaluation Scheme or SNCT Job Sizing for Teaching Staff, which would be examined in accordance with the appropriate job evaluation process. Where the concern relates to the application of the scheme and/or process followed, the grievance procedure can be applied.
- any matter relating to the remuneration of an employee's job where the procedure for determining that level of reward and remuneration has been applied in a consistent and equitable manner, which again would be examined in accordance with the appropriate job evaluation process.
- any matter directly arising from the application of the disciplinary procedure (either at the investigation or disciplinary hearing stage) or the procedure for managing and supporting work performance. The employee involved will have the opportunity to raise any related concerns they may have at the appropriate stage in these procedures.
- any matter that is more appropriately dealt with under the Dignity and Respect at Work Policy and accompanying procedure (i.e. bullying, harassment, discrimination, victimisation or abuse).
- any matter that is more appropriately dealt with under the Whistleblowing procedures.

- administration of the pension regulations. A grievance could only be raised in relation to the way in which the regulations have been administered but not the substance of the regulations as these are a matter for the appropriate pension fund.
- administration of income tax or N.I. regulations. A grievance could only be raised in relation to the way in which the regulations have been administered but not the substance of the regulations as these are a matter for the Government.

### 3. Responsibilities

3.1 The Council will adhere to all its statutory responsibilities in relation to the provisions of this policy.

3.2 Everyone has a responsibility to work effectively and co-operatively to finding solutions. It is necessary to listen, seek to understand, and act accordingly, being open to learning from mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

3.3 Chief Officers are responsible for the application of this policy and accompanying guidance within their service delivery remit.

3.4 Line Managers have responsibility for applying this policy, its provisions and those of the accompanying Procedure and Guidance, and for managing grievances raised by their employees. Line Managers should:

- Ensure fair and consistent decision-making in relation to the application of this policy
- Maintain confidentiality
- Uphold the Council's Guiding Principles by creating an environment where concerns are raised and addressed informally, where possible
- Ensure that employees are treated with dignity and respect at all times
- Ensure that employees are aware of this policy and feel able to raise their concerns in accordance with the procedure

3.5 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy and accompanying procedure
- Co-operate with the requirements of this policy
- Raise their concerns early and informally where possible with the appropriate manager and act in accordance with the Council's culture and Guiding Principles
- Outline the resolution they seek to their grievance; this must be reasonable, achievable and within the powers of the Council to grant
- Maintain confidentiality

3.6 People and Organisational Development are responsible for providing advice to managers and employees on the application of this policy.



- 3.7 The Chairperson of the grievance hearing is responsible for determining the outcome and whether a grievance should be upheld or not and the appropriate means to resolve (with further details under 5.7 below).
- 3.8 Where a formal investigation is commissioned, the Investigating Officer is responsible for conducting a thorough investigation and making recommendations based on the evidence gathered in accordance with this policy and its accompanying procedure and guidance.
- 3.9 Non-compliance with this policy should be reported to the employee's line manager, senior manager or People and Organisational Development to allow the appropriate next steps to be determined.
- 3.10 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer– People and Organisational Development or Employee Relations and Wellbeing Manager and this will be taken into account as part of the regular review of this policy.

## 4. Supporting Procedures and Documentation

- 4.1 Accompanying guidance on Managing Grievances has been put in place to support adherence to this policy. The procedure for raising and dealing with grievance matters is detailed in this document.
- 4.2 This policy also links to other documents, including:
- Dignity and Respect at Work policy and procedure
  - Whistleblowing policy and procedure
  - Investigations Procedure
  - Framework Agreement for Industrial Relations (FAIR)
  - Managing Discipline policy and procedure
  - Managing Diversity and Equality Policy
  - The Council's Guiding Principles
  - Diversity and Equality Policy
  - Employee Code of Conduct
  - Corporate Information Policy and Handbook of Supporting Procedures

## 5. Policy Statement/s

- 5.1 This policy is not creating any specific regulations or requirements other than what is stated under section 3 above.
- 5.2 Any grievances raised will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that the appropriate steps are taken to consider whether there are sufficient and reasonable grounds to uphold a grievance, and where so, appropriate action to resolve taken.

### Policy Core Principles

- 5.3 Informal resolution will be considered in the first instance to resolve grievances raised and address these at the lowest level possible within the organisation. The formal stage of the

procedure may apply in situations where informal resolution has been unsuccessful, and where the employee feels it is more appropriate in the circumstances to raise the matter at the formal stage in the first instance

- 5.4 At all stages of the procedure the employee who raised the grievance will have the right to be accompanied by a trade union representative, or work colleague. The employee will not normally be permitted to be accompanied by a legal practitioner, partner, spouse, or family member.
- 5.5 Status Quo Ante – In the event of a formal grievance being lodged in response to a proposed change to terms and conditions of employment and when practicable, where a grievance has been lodged in response to changes to working practices, or organisational structures, no change shall be made to the relevant terms and conditions of employment until the agreed grievance procedures have been exhausted. A definition is shown under 6.7 below.
- 5.6 Employees will be provided with copies of evidence and relevant witness statements in advance of a grievance meeting, with this information being confidential to the parties within the process.
- 5.7 The chair of the formal grievance hearing will be someone at the same management level or one management level above the person who heard the grievance at the informal stage, and with no prior involvement in the case.
- 5.8 Once the hearing has been held, the chair of the hearing will consider all evidence presented before deciding on whether there are sufficient and reasonable grounds to either:
- Uphold the grievance in full
  - Uphold the grievance in part
  - Not uphold the grievance
- 5.9 Employees will receive a written outcome of their grievance at all stages of the procedure, and where relevant and appropriate, the recommendations and actions to be taken to resolve the matter detailed.
- 5.10 Employees have the right to appeal against the outcome of the formal grievance hearing.
- 5.11 An appeal will not be heard by the same person who chaired the formal hearing.
- 5.12 All matters will be dealt with promptly and in confidence.
- 5.13 Where a counter grievance is raised during a grievance process, and the cases are related, the counter grievance will normally be considered in parallel to the existing grievance. People and Organisational Development will advise to ensure this is managed appropriately.
- 5.14 On the conclusion of a grievance all reasonable measures will be taken by management to ensure the continuance of positive working relationships between the parties of the case regardless of its outcome, in accordance with the culture and Guiding Principles of the organisation.
- 5.15 Where a grievance has been raised by an employee under the formal stages of the procedure, but these stages have not concluded by the time their employment with the Council ends, their grievance will continue to be dealt with in accordance with the formal stages of the accompanying procedure.

## 6. Definitions

- 6.1 A grievance is defined as a concern, problem, or complaint that an employee has in relation to work, the working environment or working relationships that they can raise with their employer to be addressed.
- 6.2 A collective grievance is where two or more employees share a common concern, problem or complaint arising from the same circumstances and wish for their grievance to be heard together as one. Where there is a number of employees forming a group, it may be beneficial for a spokesperson to be appointed to represent the views of the group.
- 6.3 A dispute differs from a collective grievance in that it can only exist between the Council and an independent trade union recognised by the Council under the Framework Agreement for Industrial Relations (FAIR Agreement) and where the matter is identified as a 'trade dispute' as defined within the Trade Union and Labour Relations (Consolidation) Act 1992. The FAIR Agreement is used to address disputes and can be found under the link [https://peopleanytime.aberdeencity.gov.uk/wp-content/uploads/2018/01/EMP\\_IR\\_Framework\\_Agreement\\_Industrial\\_Relations.pdf](https://peopleanytime.aberdeencity.gov.uk/wp-content/uploads/2018/01/EMP_IR_Framework_Agreement_Industrial_Relations.pdf)
- 6.4 Discrimination is defined as treating someone less favorably than another because of a protected characteristic under the Equality Act 2010.
- 6.5 Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, criticize unfairly, or injure the recipient. Such behaviour should be managed under the Dignity and Respect at Work Policy.
- 6.6 Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, 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. Such behaviour should be managed under the Dignity and Respect at Work Policy.
- 6.7 For the purposes of this policy, "employee" is defined as anyone who is subject to a contract of employment with Aberdeen City Council and who falls within scope of this policy, as defined in section 2.
- 6.8 The chairperson is defined as the manager appointed to chair the hearing at the formal stage and who may instruct a formal investigation in consultation with the Employee Relations and Wellbeing Team.
- 6.9 Status Quo Ante – means the situation that existed previously, prior to a given event.

## 7. Risk

- 7.1 This policy and supporting documentation detail how the Council implements its risk management activities at all levels, to accept, reduce and/or eliminate risks across the Council arising from non-compliance with the managing grievances framework set out in paragraph 1.2.

- Health and Wellbeing – the policy puts a priority on the health and wellbeing of employees by giving them a clear route to follow to raise a work-related concern, where open dialogue and feedback are encouraged to seek early resolution of issues, mitigating the risk of any adverse impact on health or wellbeing.
- Compliance and Financial – it aims to ensure a fair and legal process is followed to mitigate the impact of failing to comply with employment law and the ACAS codes, incurring financial awards (e.g. award of expenses). The policy and supporting procedure and guidance should ensure that all grievances raised by employees are examined and responded to.
- Strategic and Operational – the policy mitigates the risk of actions that are not consistent with the culture of the organisation and of concerns being allowed to escalate. The impact of such risk can impact on the ability of the organisation to deliver the day-to-day business and the attainment of strategic objectives.
- Reputational - actions that are inconsistent with the culture of the organisation and failure to address employee concerns could have a negative impact on the reputation of the Council.

7.2 The Managing Grievances Policy and supporting documentation allow managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and, where appropriate, inclusion in operational risk registers.

7.3 There have been no unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

## 8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended are: the usage of the informal part of the policy by employees to address concerns at work and a reduction in formal grievances, the consistency in its application by managers and the satisfactory resolution of concerns for all parties involved at the lowest level.

8.2 The effectiveness of the policy will be measured through gathering data on the volume of formal grievance submissions and their outcome, and through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy as per the agreed Performance Board terms of reference, ensuring that confidentiality is maintained. The data will also be considered as part of the policy review process.

## 9. Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Operating Model of the Council in that it is concerned with organisational culture and promotion of equality in the workplace. The policy and procedure are designed so that their application helps to ensure alignment with this principle. It also links to the Council's Guiding Principles of valuing and supporting staff. The policy supports compliance with statutory obligations, employment legislation and best practice including the ACAS code of practice.

9.2 This policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the city are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having an effective policy and procedure in place for employees will help to contribute to this objective, providing a clear mechanism and supportive provisions for complaints and concerns to be raised and addressed.

## 10. Housekeeping and Maintenance

10.1 This is an update to the Managing Grievances Policy and Procedure. The policy will be reviewed annually, and any necessary updates to it and the accompanying guidance document will be proposed.

## 11. Communication and Distribution

11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with responsibilities set out in section 3.

11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.

11.3 A communication plan has been established to assist with embedding the policy into the organisation, which includes training for managers.

## 12. Information Management

12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures. Management requirements in relation to record keeping are covered in the accompanying guidance to this policy.

## Appendix A – Overview of Managing Grievances Procedure

Submitting an Informal Grievance	<ul style="list-style-type: none"> <li>• The employee tells their manager (or other appropriate manager):</li> <li>• What their grievance is - i.e. the matter in relation to work, working conditions or relationships that is causing concern</li> <li>• Any relevant information including dates, times, witnesses, documents</li> <li>• Any steps taken already to try to resolve the grievance</li> </ul>
Informal Resolution	<ul style="list-style-type: none"> <li>• The manager and employee will discuss the grievance in full and identify what the employee's preferred resolution is</li> <li>• Together the manager and employee will consider options to resolve</li> <li>• The manager may keep a note of discussions and share this with the employee</li> <li>• The manager will confirm the agreed actions and outcome to the employee</li> </ul>
Submitting a Formal Grievance	<ul style="list-style-type: none"> <li>• If informal resolution is unsuccessful or the grievance is more serious, the employee can submit a formal grievance</li> <li>• The employee should complete the Written Statement of Grievance Form including details of the resolution they seek, and submit this to their Chief Officer or Service Manager who will appoint a senior officer to chair a formal hearing</li> <li>• A formal investigation to gather evidence may be required - if so this will be undertaken in accordance with the Investigations Procedure</li> <li>• The status quo will apply during the grievance process - see 6.9</li> </ul>
Formal Hearing	<ul style="list-style-type: none"> <li>• The Chairperson will contact the employee to arrange a hearing</li> <li>• The manager who dealt with the grievance at the informal stage will attend</li> <li>• Where a formal investigation has been undertaken, the Investigating Officer will attend to present their report and answer questions</li> <li>• The employee will be asked to explain their grievance and how they would like their concern resolved. There will be discussion on the matter(s)</li> </ul>
Decision	<ul style="list-style-type: none"> <li>• The chairperson will adjourn the hearing to consider all the evidence</li> <li>• They will decide whether the grievance is upheld, partially upheld or not upheld and as appropriate the recommendations/actions to be taken</li> <li>• The employee will receive the decision in person at a reconvened hearing</li> <li>• A letter confirming the decision and the right of appeal will be issued to the employee</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• If grounds for dissatisfaction with the formal hearing decision the employee can appeal</li> <li>• An appeal should be submitted using the Written Statement of Appeal Form and submitted to the Director who will appoint a chairperson</li> <li>• An appeal hearing will be arranged with the employee and the manager who dealt with the grievance at the formal stage. The employee will be asked to explain their reasons for appeal and this will be discussed</li> </ul>
Decision	<ul style="list-style-type: none"> <li>• The chairperson will adjourn the appeal hearing to consider all the evidence</li> <li>• They will decide whether the appeal is upheld, partially upheld or not upheld and any recommendations/actions required</li> <li>• The employee will receive the decision in person at a reconvened hearing</li> <li>• A letter confirming the decision will be issued</li> </ul>

***The employee may be accompanied at all stages of the procedure by a trade union representative or work colleague.***

Appendix A is a description of the Managing Grievances Procedure. For detailed information refer to the Managing Grievance Procedure and Guidance

# **Managing Grievances Procedure and Guidance**

## DOCUMENT CONTROL

<b>Approval Date</b>	
<b>Implementation Date</b>	
<b>Guidance Number</b>	
<b>Author(s) and Owner</b>	<p>Linsey Blackhurst, People &amp; Organisational Advisor – Author</p> <p>Isla Newcombe, Chief Officer People &amp; Organisational Development - Owner</p>
<b>Approval Authority</b>	
<b>Scheduled Review</b>	Annually
<b>Changes</b>	



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## SECTION 1: INTRODUCTION

### Purpose

The purpose of this guidance is to provide managers and employees with practical advice on the way that the Managing Grievances policy and procedure applies in the workplace. It sets out the principles for handling grievances, provides details on how to carry out each stage of the procedure and provides advice and assistance on how to effectively manage grievance matters.

The procedure, which applies to all Aberdeen City Council employees (except for the Chief Executive to whom a separate policy and procedure applies), allows grievances to be raised and dealt with fairly and consistently and ensures that, as an employer, we act reasonably when dealing with grievances. Throughout the Managing Grievances policy and procedure, the ACAS Code of Practice has been taken account of.

It is recognised that dealing with employee grievances can be challenging. The maintenance of good relationships, open dialogue, listening, and addressing concerns collaboratively and early, can reduce the need to raise a formal grievance, with this approach being in accordance with the Council's Guiding Principles, as detailed below.

Where a grievance is raised, the Managing Grievances policy and procedure will help managers deal consistently with the matter and adopt a collegiate approach, with procedural advice available from the Employee Relations and Wellbeing Team, as required. Training aimed at helping managers become more confident in dealing with such matters, as well as developing skills in handling difficult conversations which will aid the effective use of the policy and procedure can also be accessed at ACC Learn.

An overview of the key stages of the procedure and the respective steps at each stage is detailed in the Grievance Procedure Flowchart (appendix 1).

### Guiding Principles

As Council employees, we expect each other to behave in a way that is aligned with our co-created Guiding Principles.

The Guiding Principles are:

- We **care** about our purpose, our city and our people.
- We take **pride** in what we do and work to make things better.
- One **team**, one Council, one city.
- We **trust** each other and take responsibility.
- We **value** each other and recognise a job well done.

These principles provide a guide to maintaining positive and constructive working relationships between employees. We all have a responsibility to set a positive example.

## **What is a grievance?**

A grievance is defined as a genuine concern, problem, or complaint that an employee has in relation to work, working conditions or relationships that they can raise with their employer to be addressed. By doing so, they are indicating that something at work is concerning them, and they would like the matter addressed and, where possible, resolved.

Any bullying behaviour and/or harassment and victimisation should specifically be managed under the Councils Dignity and Respect at Work Policy. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, 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.

## **What is a collective grievance?**

A collective grievance is where two or more employees share a genuine common concern, problem or complaint arising from the same circumstances and wish for their grievance to be heard together as one, rather than separately. The procedure detailed also applies to such collective grievances and the same stages should be followed.

Employees raising a collective grievance must agree, without any pressure being exerted on them, to join the collective process. Trade Union members have the right to be represented by their Trade Union representative. The group may wish to nominate a spokesperson to help facilitate discussions particularly where it is a large group.

Where the common complaint is raised collectively, the participating employees will be entitled to one group grievance hearing and one group appeal hearing. They will be notified individually of the outcome at each stage of the procedure. If any participating employee(s) does not agree to this process, or where it is considered that the grievances are in fact not related, arrangements will be made to hear the grievances individually.

## **Grievances about fellow employees**

There may be occasions when an employee raises a grievance about their colleague(s). These cases, which would not be viewed as bullying and harassment but could perhaps be on grounds of attitude, capability for the job or grounds of personal hygiene, must be dealt with carefully, and conversations should be handled in a way that is sensitive to the circumstances and needs of the individuals concerned. This will usually start with the relevant line manager talking privately to the employee who has raised the grievance to clarify the situation, and then talking to the employee who is the subject of the grievance.

Such counselling will hopefully resolve the grievance to the satisfaction of the employee who expressed concern on the basis that appropriate action has been taken to address the issue. It is important confidentiality is observed in regard to how the matter was addressed.

However, if matters do not improve, whether in the informal or formal stage of a grievance of this nature, the appropriate manager, in conjunction with People and Organisational

Development, may need to consider whether the matter should then be dealt with under one of the other Council policies e.g. Managing Performance, Managing Discipline or Dignity & Respect. The route chosen will depend on the nature of the complaint.

### **Links to Other Policies**

The Managing Grievances procedure has been designed to deal with genuine concerns, problems, or complaints that an employee has in relation to work, working conditions or relationships that they can raise with their employer to be addressed. There may be certain cases and issues that arise that will require special consideration in how to apply the policy. Guidance is therefore provided to help managers deal with some of the situations that may arise, with more information found in Appendix 2. The Employee Relations and Wellbeing team can also provide advice.

### **Right to be accompanied**

Employees have a right to be accompanied at all stages of the grievance procedure by a work colleague, trade union representative or official employed by a trade union, but not a spouse, partner, family member, friend or legal representative. There may however be certain circumstances where accompaniment is not appropriate, for example during mediation or facilitated meetings where these have been identified as a potential means of resolution.

Where the employee has additional support needs alternative representation may be agreed as a reasonable consideration to support the employee.

The employee's companion is permitted to address the hearing to put the employee's case forward, sum up the case and respond on the employee's behalf to any view expressed at the hearing. They must also be permitted to confer with the employee during the hearing. However, the companion does not have the right to answer questions on behalf of the employee, to address the hearing if the employee does not wish them to do so, or to prevent the employer explaining the case.

If the companion is an employee of Aberdeen City Council (whether they be a work colleague or a trade union representative), they should be allowed reasonable paid time off to prepare for and attend the meeting/hearing. This includes time for the companion to familiarise themselves with the case and confer with the employee before and after the hearing/meeting.

In advance of the grievance meeting/hearing, the employee is required to inform the person conducting the meeting who their chosen companion is. If the employee's colleague or trade union representative is unable to attend on the proposed date, the employee can suggest an alternative date and time so long as it is reasonable and not more than 5 working days after the original date. Otherwise, the employee will need to arrange for someone else to accompany them at the meeting or attend the meeting unaccompanied. Should the trade union be unable to provide representation within 5 working days of the original date, this should not delay the process. The chairperson can insist that the pre-arranged hearing goes ahead as planned.

## Employee Wellbeing

Understandably, the grievance process can be a difficult period for all involved. The health and wellbeing of all employees should be a priority at each stage. Throughout the process the manager responsible for responding to the grievance should communicate with the employee(s) regularly to update on progress and advise if there are any delays.

During each stage of the procedure the employee's health and wellbeing, and that of any employee who is the subject of a grievance, and the potential impact the grievance could have for them should be considered. Managers will act with compassion maintaining regular contact with employee(s) and ensuring support is available where needed through signposting the employee(s) to available support and avenues of advice.

### Advice

- Trade Unions
- Citizens Advice Bureau - [www.cas.org.uk](http://www.cas.org.uk)
- Grampian Region Equality Council (GREC) - [www.grec.co.uk](http://www.grec.co.uk)
- ACAS Point - [www.acas.org.uk](http://www.acas.org.uk)
- [Employee Relations and Wellbeing Team](#) – for procedural advice on the Managing Grievances policy and procedure

### Support

- Mental Health and Wellbeing Pages: these are available on [People Anytime](#) and provide a variety of support resources, skills/training information and details about the Councils Mental Health First Aiders Network.
- Counselling Service: The Council provides a free, confidential 24-hour counselling service. The service offers a helpline for general advice and guidance, psychological guidance and emotional support and/or individual counselling either face to face or over the phone. and has no role in the consideration of any complaints by Council officers/management. Further details can be accessed on People Anytime.
- Workplace Chaplaincy Service
- Mediation: may be considered at any stage of the procedure to help secure an effective resolution. When considering mediation as a tool for resolution advice should be sought from People & OD. Mediation will be used only where all parties involved in the grievance agree.
- Trade Unions

## **Keeping records**

It is important that managers keep a written record of how grievances are dealt with, including at the informal stage. The Grievance Discussion Note Form (appendix 2) is a useful tool that can be used for this purpose.

The record should include:

- the nature of the problem/grievance raised
- the key points discussed at any meetings
- any decisions and actions taken, and why
- whether there was an appeal
- the outcome of the appeal
- any subsequent developments

These records, whether relating to the informal or formal stage of the procedure, should be treated as confidential and retained in the employee's personal file in accordance with data protection legislation which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the employee where they request it, although in certain circumstances some information may be withheld, for example to protect witnesses.

## SECTION 2: THE PROCEDURE

### The Informal Stage

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Early intervention is often key to satisfactorily resolving problems at work promptly and before they become more serious and have an impact on relationships and service delivery.

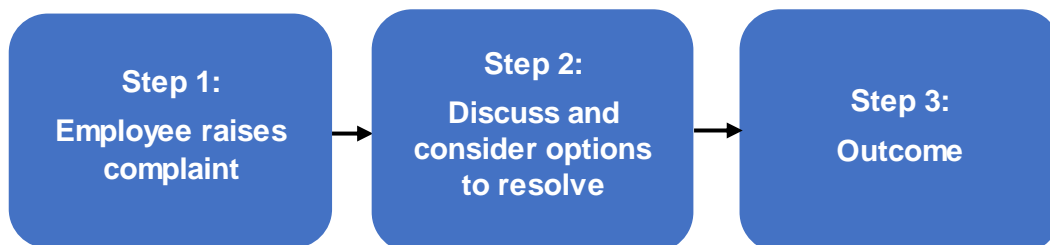
In organisations where trusting relationships have developed and there is an open policy for communication and consultation, problems and concerns are often raised and settled as a matter of course, for example through a quiet chat, which also allows for them to be resolved quickly.

Everyone has a responsibility to work effectively and co-operatively to find solutions. We must listen, seek to understand, and act accordingly, being open to learning from our mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

Employees should attempt to resolve any problems at work informally where possible, and managers should make every reasonable effort, working with the employee, to resolve the problem at this stage and try to prevent the matter from reaching the formal stage. It is recognised that the manager may not always have authority to sanction a specific resolution to the employee's problem. Should this be the case, rather than allow the matter to proceed to the next stage in the procedure, the manager involved should first consult a more senior officer to establish if authority can be given for the resolution that both parties consider will resolve the complaint.

Whilst it is encouraged to try to resolve problems informally in the first instance, an employee may raise a formal grievance at the outset if they do not want the problem dealt with informally or the concerns are of a more serious nature. In such cases managers can still suggest trying to resolve the matter informally first and discuss this option with the employee, however, must respect the employee's decision to progress under the formal stage of the procedure if this is their preference.

There are **3 key steps at the informal stage**:



## **Step 1: Employee Raises Complaint**

The employee should raise their complaint and the resolution they seek with their line manager, or more senior officer where appropriate, as soon as possible after the problem(s) has occurred. There is no need to present the complaint in writing at this stage although the employee may choose to do so, e.g., by email or a Teams message to their manager, if they feel it will help to explain their problem and resolution sought.

The employee's line manager would normally be expected to deal with and respond to the complaint. Every attempt should be made to resolve complaints at the lowest level possible within the organisation. If the line manager is the subject of the complaint, the employee can discuss the matter with a more senior manager in their Cluster.

## **Step 2: Discuss and Consider Options to Resolve**

The employee and manager, or more senior officer, should work together to find a mutually acceptable resolution to the complaint. Solving the problem should be a two-way process.

The manager should deal with the matter promptly; arranging an informal chat or meeting with the employee to discuss their complaint, where possible within 5 working days of first being notified, is recommended. Where necessary, the manager should make appropriate arrangements to cater for any additional support the employee may need. Similarly, where English is not the employee's first language translation facilities may need to be provided, in agreement with the employee.

At the meeting, the employee can explain in full what the problem is, what they think should happen and share any evidence, if necessary, for example payslips, contract, emails.

The manager will need to carry out enquiries to help determine the facts of the employee's complaint and what may resolve the matter. Such enquiries may include discussions with other relevant employees, examining documents (for example conditions of service, policies and procedures, collective agreements) and seeking specialist advice. Where children or vulnerable adults are identified as witnesses, advice should be sought from the Employee Relations and Wellbeing Team.

The manager will need to consider whether the resolution the employee seeks is reasonably achievable. Alternative or compromise solutions may need to be considered to resolve matters. At this point managers should also consider whether the issue may be better dealt with under another of the Council's formal policies and procedures – advice can be sought from the Employee Relations and Wellbeing Team.

Informal methods of dealing with problems at work are often the quickest and most effective. What will be appropriate will depend on the circumstances of the grievance; options which may be helpful to consider include informal 1-1 meeting, manager directed resolution, a facilitated meeting or perhaps mediation. Further detail on these methods and tools which may support successful resolution can be found at appendix 3.



### **Step 3: Outcome**

After full discussions and considering options to resolve the complaint, the manager should provide a written response to the employee outlining the agreed actions and outcome. Ideally this will be within 5 working days of the initial meeting with the employee, however, it is recognised that it may not always be possible to respond within this timescale (for example because of availability of people the manager needs to talk to), and where this is the case then the employee must be kept informed of any delays and the reasons for this.

The manager should keep a note, recording the key details of the complaint raised, resolution sought, discussions held, and the agreed actions and outcome. The Grievance Discussion Note Form (appendix 2) is a useful tool that can be used for this purpose and shared with the employee for their review and agreement. For reasons of confidentiality this information must not be copied to anyone else except those directly involved in the process of which may include the employee's trade union representative.

The manager should follow up on agreed actions ensuring that any next steps are completed and have been effective in resolving the problem. If the employee indicates that their complaint has not been satisfactorily resolved it may be necessary to arrange more informal discussions and find out anything else that can be done.

The employee does also have the option to raise their complaint formally if they consider that it has not been satisfactorily resolved at this informal stage. They should raise a formal grievance as soon as possible, and in writing as outlined in Step 1 of the Formal Stage of the procedure.

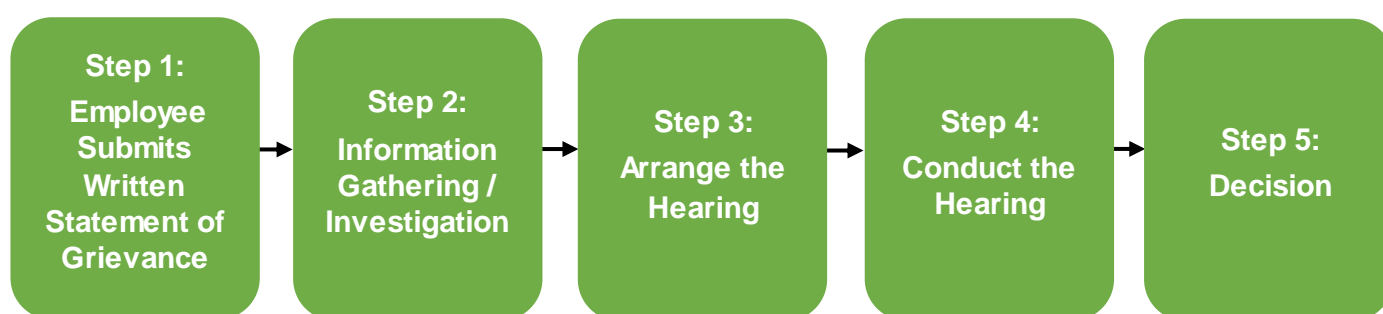
It is strongly encouraged however for the employee and manager to attempt to fully resolve the complaint informally and for this stage to be exhausted before escalating the matter to be dealt with under the formal stage of the procedure.

## The Formal Stage

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Where attempts to resolve the grievance informally have been exhausted and the employee feels their grievance remains unresolved, they may raise their complaint to be dealt with under the formal stage of the procedure. In some circumstances the employee may choose to proceed straight to this formal stage, however, it is always encouraged to exhaust the informal stage where possible.

There are **5 key steps**:



### Step 1: Employee Submits Written Statement of Grievance

The employee should complete and submit a Written Statement of Grievance Form (appendix 4) to their Chief Officer or Service Manager to lodge their formal grievance. If being submitted to a Service Manager, the Chief Officer should be copied in. For teaching staff submission should be to the Head Teacher or senior manager, or where the Head Teacher is the aggrieved party submission should be to their Chief Officer. The form should set out the grounds for the grievance, the resolution sought and details of any attempt to resolve the matter informally. Supporting documents can be provided to help explain/evidence the grievance and steps taken at the informal stage e.g., grievance note form, email communications, diary entries.

It may not be easy for the employee to set out their grievance in writing - especially for those whose first language is not English or who have difficulty expressing themselves in writing. In these circumstances, the employee is encouraged to seek help from a work colleague or a trade union representative. In exceptional circumstances, arrangements can be made for the employee to meet with the Chief Officer/ Service Manager to relay their grievance in person, with the Chief Officer/Service Manager recording it in writing.

On receipt of the written statement of grievance, the Chief Officer/Service Manager should review the employee's written statement of grievance. Where it seems there have been no attempts to resolve the grievance informally, they, or another appropriate manager, should first discuss this as an option with the employee to establish whether there is anything that can be done before instigating the formal procedure. If the employee's decision remains to progress with a formal grievance, this will be respected, and a chairperson appointed to hear

the grievance at a formal hearing. This should be a manager at the same management level or one management level above who dealt with the grievance at the informal stage.

When appointing the chairperson, it must be ensured that they have had no prior involvement in the case to demonstrate fairness, objectivity and impartiality in the process. It may be most appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice on who to appoint can be sought from the Employee Relations and Wellbeing Team.

## **Step 2: Information Gathering / Investigation**

Prior to the hearing, the chairperson will need to gather the necessary information to assist in establishing the facts of the case and support them in making an informed decision at the hearing. They will need to carry out enquiries to determine the facts of the grievance and what may resolve the matter. Such enquiries may include discussions with other relevant employees, examining documents (for example conditions of service, policies and procedures, collective agreements) and seeking specialist advice.

In exceptional cases, normally for reasons of complexity, scale, or sensitivity it may be determined that the case merits a **formal investigation** and where so the chairperson will commission this in accordance with the Council's Investigations Procedure. The chairperson will notify the employee (appendix 5) that a formal investigation is to be undertaken and that this should be completed **within 4 calendar weeks** from an investigating officer being appointed.

The investigating officer will be appointed, from a pool of trained investigators (list held by the Employee Relations and Wellbeing Team), within 3 working days from the time the need for an investigation has been identified. They will arrange to meet with the employee to discuss the grounds for the grievance, and then gather evidence and liaise with relevant witnesses as part of the investigation. Once the investigating officer is satisfied that all relevant information about the complaint has been gathered, they will produce an investigation report, detailing their findings and conclusions which they will provide to the commissioning manager.

## **Step 3: Arrange the Hearing**

The hearing should be held **within 10 working days** from receipt of the written statement of grievance, not from the date that the chairperson has been notified of the grievance, or in cases where a formal investigation has been commissioned **within 10 working days** of conclusion of the investigation.

The chairperson should write (appendix 6) to the employee **providing 5 working days' notice** to attend, however, this can be reduced if all parties agree. If for some good and sufficient reason it is not practicable to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson should:

- Arrange to hold the meeting to best accommodate the parties involved and working arrangements, this could include in a suitable private office location or via video conferencing. It is important that interruptions can be avoided, and that the employee feels comfortable in the chosen environment which allows for confidentiality.
- Where necessary, make appropriate arrangements to cater for any additional support the employee or their companion may need. Similarly, where English is not the employee's first language translation facilities may need to be provided in agreement with the employee.
- Book adequate time out in the diary and be prepared to facilitate adjournments during the hearing where these are necessary.
- Review in full the written statement of grievance and any evidence that has been submitted, including the investigation report where a formal investigation was commissioned.
- Find out whether similar grievances have been raised before, whether they were resolved and if so, how. This allows for equity and consistency.

The chairperson must ensure the following are invited to attend the hearing:

- a People & Organisational Development Advisor to provide procedural advice and guidance
- the manager who took the decision at the informal stage
- the employee who raised the grievance
- the employee's companion if they wish to be accompanied
- the Investigating Officer to present the investigation report, where a formal investigation was commissioned
- a note taker if it is felt that this would be useful

#### **Step 4: Conduct the Hearing**

The hearing should be conducted in accordance with the '**How to Conduct a Grievance Hearing**' **Checklist** (appendix 7), and the chairperson should keep a record of the key discussion points (appendix 2).

Where a formal investigation was commissioned guidance on how to present the investigation findings at a hearing can be found in the Investigations Procedure. The investigating officer will attend only to present their investigatory report and answer any questions in relation to the investigation. This involves going over their findings and how their conclusions were reached.

A grievance hearing is significantly different from a disciplinary hearing and is an opportunity for open discussion, with the aim of constructively resolving the problem. The chairperson should be careful to hear the grievance in a calm and impartial manner in the effort to find a satisfactory resolution. However, the content of the grievance may have been continuing for

some time so allowances should be offered for any reasonable "letting off steam" if an employee appears to be under stress.

On occasion the need for further information may be identified during the hearing. In such cases the hearing will be adjourned for this to be gathered and reconvened at the earliest opportunity in agreement with the employee.

### **Step 5: Decision**

Before making a decision, the chairperson may need to seek advice on how best to take matters forward, particularly if unsure how to deal with the grievance. This may involve:

- Exploring possible opportunities to resolve the grievance and checking reasonableness of potential resolutions with an appropriate manager and/or People & Organisational Development.
- Checking with People & Organisational Development whether similar grievances have been raised before and if so, how they were resolved.
- Checking with an appropriate manager and/or People & Organisational Development whether the employee's proposed resolution if reasonably achievable may render the Council vulnerable to other grievances from employees who may be potentially disadvantaged by this.

The chairperson must decide whether there are sufficient and reasonable grounds to either:

- Uphold the grievance in full
- Uphold the grievance in part
- Not uphold the grievance

Where the grievance is upheld in full or part, a decision on the appropriate action(s) to be taken to resolve the matter will be made by the Chairperson. Whilst at times this may differ to that hoped for by an employee, the resolution should always be based on balanced consideration of the facts and the specific circumstances of the grievance. The actions to be taken to resolve the grievance may have an impact on other individuals and while confidentiality is of prime importance others may need to know the outcome, or certain aspects of the outcome that will impact on them. For instance, in cases where the grievance was about a fellow employee, that individual should also be informed of any aspect of the decision that affects them and the reasons for it. In such cases, the employee who raised the grievance should be informed of who else will be told about the decision and what type of information will be given.

If the grievance highlights any issues concerning policies, procedures or conduct they should be addressed as soon as possible.

Any action to be taken should be monitored and reviewed, as appropriate, so that it deals effectively with the issues.

Where the grievance is not upheld the reasons for this will be explained.

The employee will be notified of the decision and the reasons for it at the hearing. This should then be confirmed in writing (appendix 8) to the employee **within 5 working days** of the hearing and outline their right to appeal.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected.

## SECTION 3: APPEALS

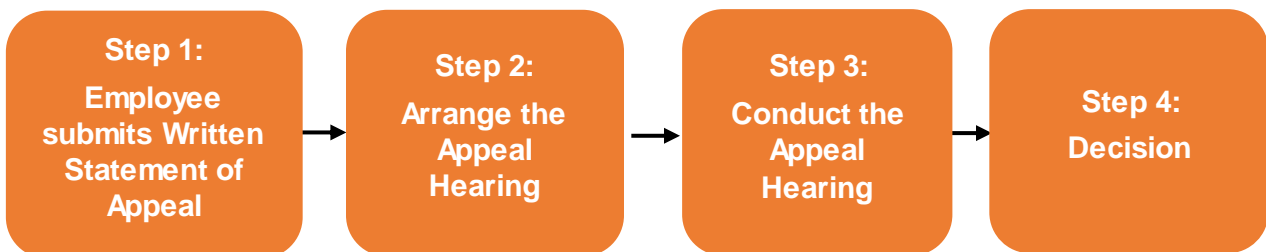
Employees can opt to appeal if they feel that their grievance has not been satisfactorily resolved at the formal stage.

Grounds for appeal may include:

- Failure to follow policy and procedure in the previous stages of the grievance process
- The decision reached at the formal hearing was not supported by the evidence presented
- The proposed action to resolve the grievance is inappropriate given the circumstances
- New information has come to light since the formal hearing which has significant impact on the decision made

The appeals process is about looking at what happened previously in the grievance process and remedying any defects, where appropriate, in the original procedure. The appeal is **not** a rehearing of the original grievance but rather an opportunity for the employee to highlight to an impartial manager, with the authority to make an alternative decision, why they believe the decision not to uphold the grievance was wrong.

There are **4 key steps**:



### Step 1: Employee submits Written Statement of Appeal

An appeal must be in writing outlining the grounds for appeal and the resolution sought. The employee should complete and submit a Written Statement of Appeal (appendix 9) to their Director **within 10 working days** of receipt of the written outcome from the formal grievance hearing to lodge an appeal. It is not sufficient for the employee to state that they wish to appeal without setting out the grounds.

On receipt of the written statement of appeal a suitable chairperson will be appointed to hear the appeal. The appeal can be heard by the Director or they can appoint an appropriate Chief Officer or Senior Manager.

When appointing the chairperson, they must have had no prior involvement in the case to demonstrate fairness, objectivity, and impartiality in the process. It may be most

appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice can be sought from the Employee Relations and Wellbeing Team.

## **Step 2: Arrange the Appeal Hearing**

The chairperson is responsible for writing (appendix 10) to the employee with the appeal arrangements **providing 5 working days' notice** to attend, however, this can be reduced if all parties agree.

The hearing should be held **within 10 working days** of receipt of the employee's written statement of appeal. If for some good and sufficient reason it is not practicable to hold the appeal hearing within this timescale then the employee must be informed as soon as this becomes apparent, provided with an explanation for the delay and advised of the date the hearing is expected to take place.

The chairperson must ensure the following are invited to attend the hearing:

- a People & Organisational Development Advisor to provide procedural advice and guidance
- the manager who took the decision at the formal stage
- the employee who lodged the appeal
- the employee's companion if they wish to be accompanied
- a note taker if it is felt that this would be useful

Where necessary, make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language translation facilities may need to be provided in agreement with the employee.

Where the grievance relates to a fellow employee, that individual should be informed that the initial decision has been appealed and the anticipated timeframe for the appeal decision. They should be provided with support where necessary.

## **Step 3: Conduct the Appeal Hearing**

The appeal hearing should be conducted in accordance with the '**How to Conduct a Grievance Appeal Hearing**' Checklist (appendix 11). It is important that the written statement of appeal and any evidence that has been submitted is reviewed in full in advance of the hearing. Where necessary adjournments should be accommodated.

The chairperson should keep a record of the key discussion points (appendix 2).

## **Step 4: Decision**

The chairperson must decide whether there are sufficient and reasonable grounds to either:



- Uphold the appeal in full
- Uphold the appeal in part
- Not uphold the appeal

Where the appeal is upheld in full or part a decision on the appropriate action(s) to be taken to resolve the matter will be made. Whilst at times this may differ to that hoped for by an employee, the remedy should always be based on balanced consideration of the facts and the specific circumstances of the grievance.

As with the formal stage, where the appeal is about a fellow employee, that individual should be informed of any aspect of the decision that affects them and the reasons for it. The employee who raised the appeal should be told if anyone else will be informed about the appeal decision and the reasons for it.

If the appeal highlights any issues concerning policies, procedures or conduct they should be addressed as soon as possible.

Any action to be taken should be monitored and reviewed, as appropriate, so that it deals effectively with the issues.

Where the appeal is not upheld the reasons for this will be explained.

In arriving at a fair and reasonable decision, the chairperson should:

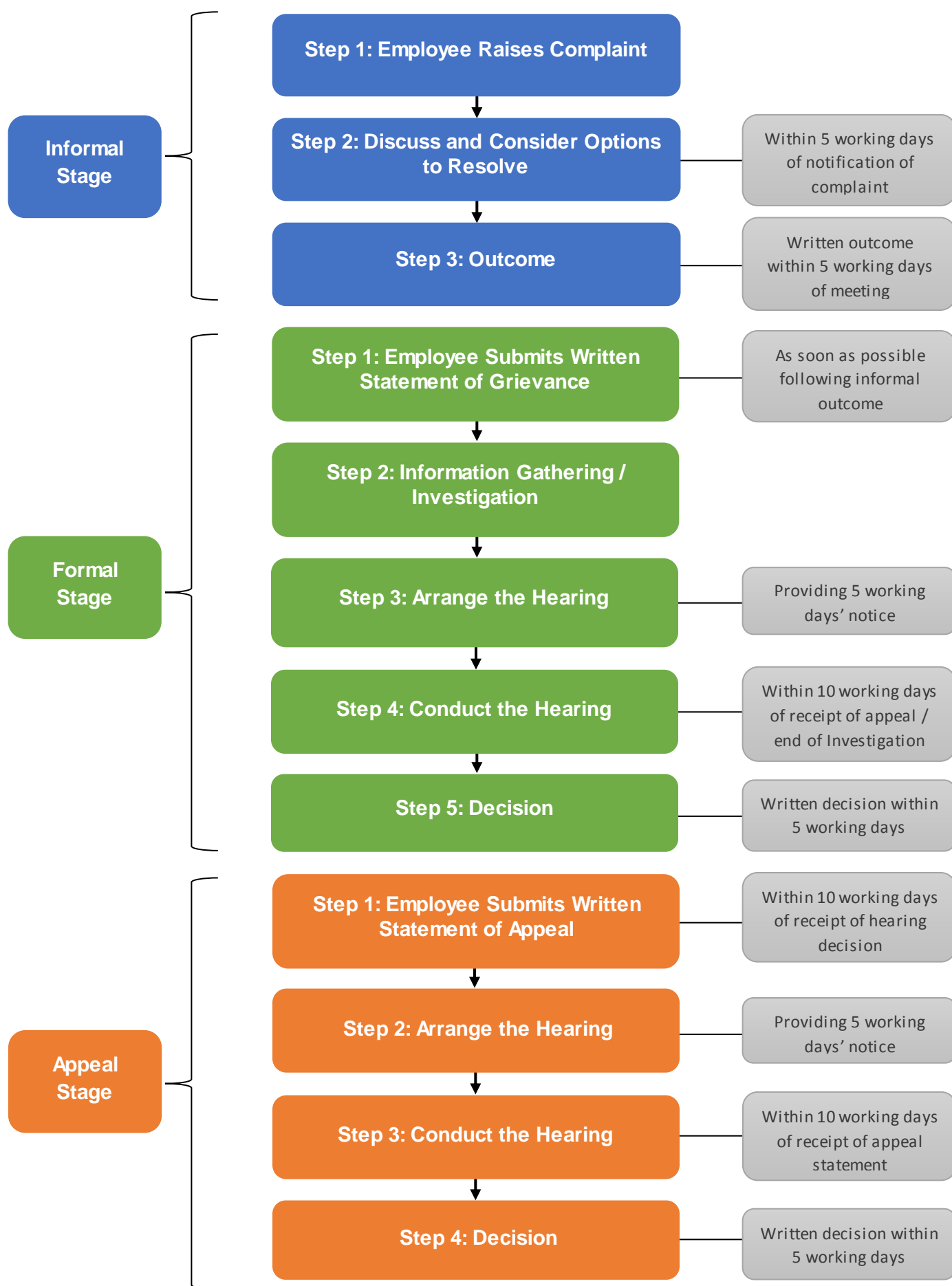
- Be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- Listen carefully to both sides of the case and make a judgement as objectively as possible.
- Satisfy themselves that no unfair bias or prejudice affected the original decision.
- Consider whether previous responses were within the band of reasonable responses.
- Consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the appellant)
- Pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the grievance hearing, whether the employee had the opportunity to raise these matters at the grievance hearing. The chair should ensure that the manager has an opportunity to comment on these.
- Check whether similar grievances have been raised before and if so, how they were resolved.
- Check whether the employee's proposed remedy is reasonably achievable and indeed, whether it may render the Council vulnerable to other grievances from employees who may potentially be disadvantaged were the grievance to be upheld (even in part)
- Explore possible opportunities to resolve the grievance and check the legitimacy of potential solutions with other managers and People and Organisational Development.

The employee should be notified of the decision and the reasons for it at the hearing. This should be confirmed in writing (appendix 12) to the employee **within 5 working days** of the hearing.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected.

The appeal decision is final and this is the final stage of the process, except in the case of teachers who have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.

## GRIEVANCE PROCEDURE FLOWCHART



## **LINKS TO OTHER POLICIES**

When dealing with a disciplinary process there may be links to other policies and procedures within Aberdeen City Council. Below are some examples and relevant information to consider.

### **Handling grievances raised during the disciplinary procedure**

There are occasions where an employee will raise a grievance when they are subject to the disciplinary process. There is no legal requirement that a disciplinary process should be postponed while the employer deals with a grievance raised by the employee. Where a grievance is raised, the following guidance is recommended, in the three scenarios below:-

#### **a. Grievances directly arising from the disciplinary process**

The Managing Grievances policy/procedure states that employees are not permitted to raise a grievance concerning any matter directly arising from the application of the disciplinary procedure (either at investigation or disciplinary hearing stage), it being regarded under that procedure as being non-competent. The employee would have the opportunity to raise any related concerns they may have at the appropriate stage in the disciplinary process.

#### **b. Grievances relating to the lead-up to the disciplinary process.**

An employee may make an allegation about the circumstances that led to the disciplinary process being initiated, rather than concerning a matter directly arising from the disciplinary case itself. This could be for example where an employee alleges that they were bullied by the manager who initiated the process. The matter can therefore be heard within the disciplinary process, if this is considered appropriate and depending on the seriousness of the allegation. The allegation would be considered to amount to either a defence to the accusation of misconduct or to a mitigating factor that the employer could take into account when considering what action to take. This may be the most efficient way of dealing with the matter especially where the issues are interrelated. An adjournment may be necessary if any issues required to be looked into in more detail with it being recommended that the same investigating officer is used who looked into the conduct allegations.

Alternatively, the disciplinary process could be postponed for the grievance to be heard and dealt with first. However, this could cause an unnecessary delay.

#### **c. Grievances that are unrelated to the discipline case**

Grievances that are unrelated to the discipline case should be held out with the disciplinary process and heard through the Managing Grievances procedure as a separate matter. They will not hold up the disciplinary process with no postponement necessary.

## GRIEVANCE DISCUSSION NOTE FORM

Use this form to take a note of any discussions with the employee relating to their grievance at any stage of the procedure and the agreed actions. This is not intended to be a minute of the meeting but used to capture the key facts.



DETAILS	
Manager Name	
Job Title	
Cluster/Service	
Stage of the Procedure	Informal <input type="checkbox"/> Hearing <input type="checkbox"/> Appeal <input type="checkbox"/>
Date of Discussion	
Employee Name & Ref No.	
Employee Job Title	
GROUNDS OF GRIEVANCE & RECORD OF DISCUSSIONS	
What is the nature of the grievance?	
What resolution is being sought?	
Key points discussed and responses.	
What are the agreed actions?	
What was the outcome?	
Manager Signature	
Employee Signature	
Date	

## METHODS AND TOOLS FOR RESOLVING GRIEVANCES

<b>Informal 1-1</b>	<p>It may be appropriate for the employee to try talking to the person who has aggrieved them as a first step. The employee may feel confident enough to discuss their complaint(s), the impact this is having on them and the resolution they are seeking. The employee may find it helpful to discuss how they would approach such a meeting in advance with their line manager or trade union representative. Sometimes individuals do not realise the effect a decision or behaviour is having on other people, so this direct approach might be quite effective in some cases.</p>
<b>Manager Directed Resolution</b>	<p>If the employee speaking 1-1 with the individual does not work to resolve the complaint or they do not feel able to approach the individual themselves, the line manager (or their line manager if they are the individual concerned) could approach the individual on the employee's behalf.</p> <p>Where appropriate managers may use a counselling form / reflective statement (appendix 3) as a record of the conversation, particularly where the complaint relates to the individuals behaviour and they have recognised that their behaviour has not been appropriate and agreed to address this.</p>
<b>Facilitated Meeting</b>	<p>A facilitated meeting is a meeting between the employee and the person who has aggrieved them, with an appropriate person present to facilitate (make it easier). The appropriate person (facilitator) might be their manager, an independent manager or a People &amp; OD representative, depending on the nature of the complaint.</p> <p>The facilitator will make sure that the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution. If necessary, more than one facilitated meeting can take place.</p>
<b>Mediation</b>	<p>Mediation is a more structured approach. It is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person who has been trained as a mediator helping two or more individuals or groups to reach a resolution that is acceptable to all.</p> <p>The overall aim is to restore and maintain the working relationship wherever possible. The focus is therefore on working together to move forward. All parties must agree to mediation. Advice can be sought from the Employee Relations and Wellbeing Team.</p>

<b>Counselling Meeting</b>	<p>A counselling meeting or discussion can be a useful tool for managers in some situations, for example:</p> <ul style="list-style-type: none"> <li>• when an employee's behaviour has fallen short of the expected standards, but is not serious enough to warrant any formal action</li> <li>• when a situation between employees is beginning to escalate</li> <li>• when an employee has not understood the expected standards but is willing to amend their behaviour</li> </ul> <p>It should not be used in circumstances where the behaviour/actions of the employee are more serious and should be managed under a formal policy.</p> <p>A counselling meeting is where the manager explains what behaviour/action has been inappropriate, why this was inappropriate and what is expected in the future. The manager may also ask the employee to complete an action, for example to familiarise themselves with the guiding principles or undertake some training in a particular area.</p>
<b>Reflective Statement</b>	<p>A reflective statement allows an employee to consider their own behaviour/actions, what the consequences were and how they would better handle similar scenarios in the future. This might be particularly useful when a disagreement between colleagues has escalated, or where the employee's actions were uncharacteristic due to them being provoked, stressed or inexperienced at dealing with the situation.</p>
<b>Empathy Mapping</b>	<p>Empathy Mapping can be a valuable tool in evaluating a situation from different perspectives. This tool puts the individuals in the position of others in order to understand their own circumstances and potential reasons behind various decisions. Key questions that can be asked include the following:</p> <ul style="list-style-type: none"> <li>• What do they think?</li> <li>• What do they feel?</li> <li>• What do they say?</li> <li>• What do they do?</li> </ul>

RECORD OF INFORMAL COUNSELLING			
Employee Name			
Manager undertaking counselling		Date of Meeting	
Why is counselling taking place?			
What is the employee's response?			
What is the required improvement?			
Additional support to be provided / any other actions?			
Employee's signature:			
Manager's signature:			



## GUIDE TO CARRYING OUT AN INFORMAL COUNSELLING MEETING

### Prior to the meeting

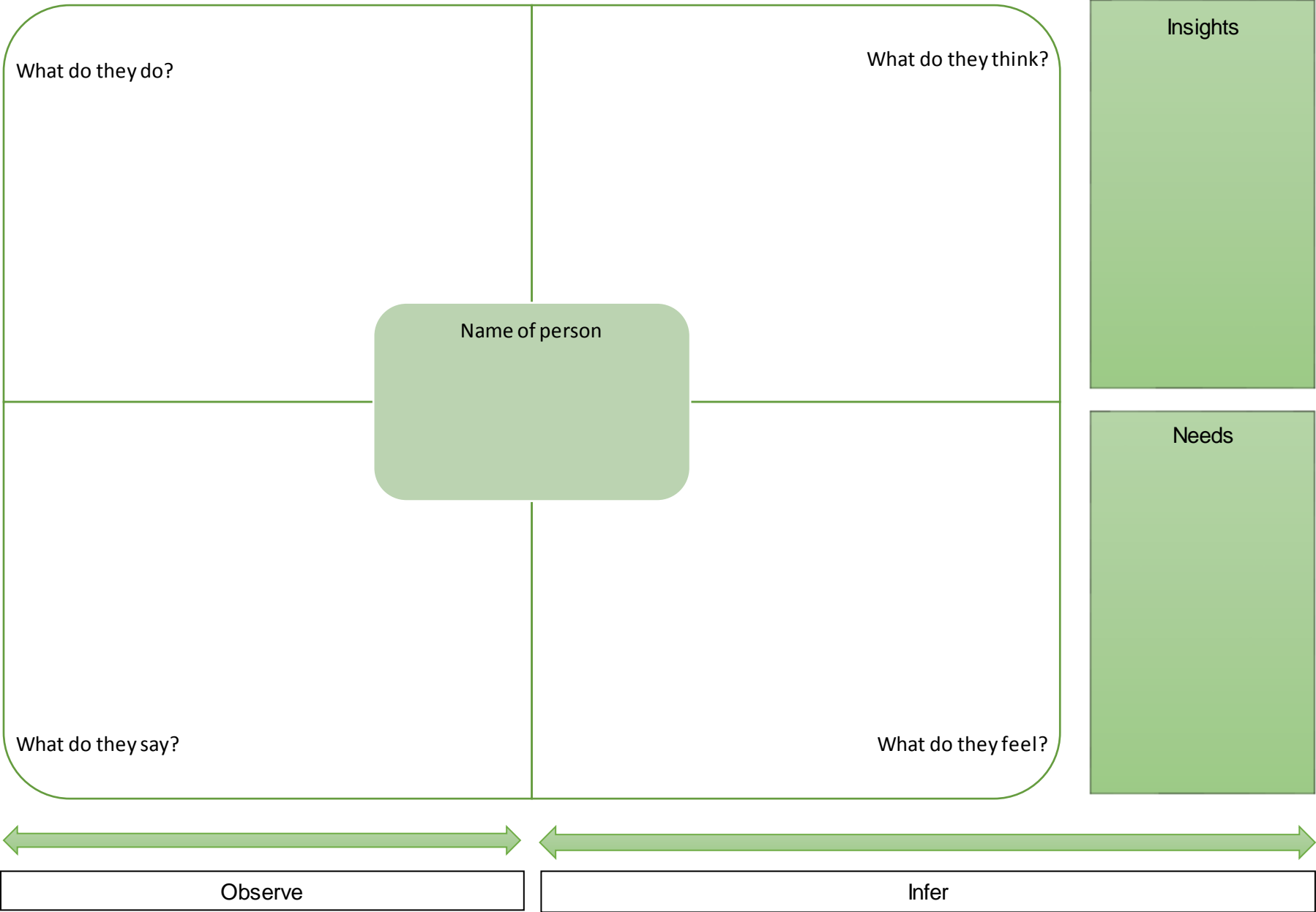
- Explain the purpose of the meeting to the employee.
- Book a private room free from potential interruptions.
- Consider any requests for support during the meeting.
- It is not appropriate for the employee or manager to be accompanied.
- Be prepared for the meeting, ensure that all relevant facts/information is available that you will need to refer to at the meeting (for example, flexi-time records, time sheets, absence records etc). Think about possible solutions and have in mind a plan for taking matters forward in a constructive and positive way that will help the employee to improve and resolve the matter.

### At the meeting

- Explain the status and purpose of the meeting and that you wish to encourage a two-way discussion that is positive and meaningful. You should make clear that the meeting is not part of any disciplinary proceeding.
- It is important that you point out the issues including any impacts to the team/wider service and why they are being counselled so they can understand fully before they give you an explanation.
- Listen to the employee's explanation, provide feedback, jointly discuss ways for the employee to improve and for that improvement to be sustained.
- If the employee raises any issues you may need to look into matters further if the employee provides information that you were unaware of or conflicts with the information you currently have (NB it may become evident that there is no case to answer and if so, make this clear to the employee).
- Agree a plan to make the required improvement.
- Once you have agreed a plan you need to inform the employee that if there are not the required improvements then further steps may need to be considered.
- If the meeting unveils that the matter is more serious than you first thought or if the employee is not prepared to take the necessary steps for improvement you need to adjourn. Should this arise, inform the employee that the matter will need to be considered further under the appropriate policy, explaining the reason why.
- Once the meeting has concluded and both parties agree to the next steps, the form should be signed by both the employee and line manager and a copy provided to the employee.

REFLECTIVE STATEMENT	
Employee Name	
Statement Date	
Describe the incident?	
Describe your own actions/behaviour?	
What were the consequences of your actions/behaviour?	
How would you handle the same incident on reflection?	
What support/training do you need to ensure the incident does not occur again?	

EMPATHY MAPPING



## WRITTEN STATEMENT OF GRIEVANCE FORM

To lodge a formal grievance, complete all sections in full as requested and ensure the form is signed and dated before submission to your Chief Officer



YOUR DETAILS	
Name	
Job Title	
Cluster/Service	
Work Location	
Line Manager	
Contact Number / Email Address	
Trade Union Representative	
Share copies of documentation with Trade Union Rep?	Yes <input type="checkbox"/> No <input type="checkbox"/>
GROUNDS OF GRIEVANCE	
<b>What is the nature of your grievance?</b> <i>Please state fully the nature of your grievance including any key dates. Attach supporting documents if required.</i>	
<b>What resolution are you seeking?</b> <i>Please indicate in your opinion how the grievance could be resolved.</i>	
INFORMAL RESOLUTION	
Have you attempted to resolve your grievance informally?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Have you discussed your grievance with a manager?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Name of Manager	
<b>Details:</b>  <i>Attach a copy of the Grievance Note Form where applicable</i>  <i>Where 'no' please explain why not explored informal resolution</i>	
By signing this form, I confirm the information provided is true to the best of my knowledge.	
Signature	
Date	

## TEMPLATE LETTER - NOTIFY EMPLOYEE FORMAL INVESTIGATION COMMISSIONED

PERSONAL

Dear

### GRIEVANCE HEARING – INVESTIGATION COMMISSIONED

I have been appointed to hear your grievance at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance informally have unfortunately proved unsuccessful and that this initial stage has now been exhausted.

On consideration of your Written Statement of Grievance I am of the view that a formal investigation of the grievance should be undertaken prior to proceeding to a hearing. I have therefore commissioned an investigation in accordance with the Council's Investigations Procedure, a copy of which is enclosed for your information.

An investigating Officer will be appointed, from a pool of trained investigators, who will arrange to meet with the you to discuss the grounds for your grievance, and then gather evidence and liaise with relevant witnesses as part of the investigation. Once the investigating officer is satisfied that all relevant information about the grievance has been gathered, they will produce an investigation report, detailing their findings and conclusions which they will provide to myself.

It is anticipated that the investigation should be completed **within 4 calendar weeks** from an investigating officer being appointed. On completion I will make arrangements to hold the hearing and a copy of the investigation report will be shared with you in advance.

I trust this satisfactorily explains next steps, however, please do not hesitate to contact me with any questions.

Yours sincerely

### NAME OF OFFICER CHAIRING THE HEARING

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

## TEMPLATE LETTER - INVITE TO GRIEVANCE HEARING

PERSONAL

Dear

### GRIEVANCE HEARING

I have been appointed to hear your grievance at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance informally have unfortunately proved unsuccessful and that this informal stage has now been exhausted.

I intend to hold the hearing on (insert date and time) at (insert location).

I understand that the grounds for your grievance are (set out briefly what you understand to be the employee's grounds for grievance as per the Written Statement of Grievance Form received).

I also understand that the resolution you seek is (repeat what the employee has stated in their Written Statement of Grievance).

**\*\*Delete following if does not apply\*\*** Please find enclosed a copy of the investigation report and appendices from the formal investigation undertaken by (insert IO name) in accordance with the Investigations Procedure. This will be considered at the hearing.

### Format of the hearing

I will conduct the hearing as follows:

1. Firstly, I will make introductions as necessary and then explain the purpose and format of the hearing, and deal with any procedural issues that may arise. I will allow adjournments during the hearing where I deem they are necessary.
2. I will then invite you to explain your grievance, why you were dissatisfied with management's response at the informal stage and how you propose matters are resolved.
3. I will then ask the manager who dealt with the grievance at the informal stage to set out their response.
4. If a formal investigation was commissioned, I will invite the Investigating Officer to attend the hearing and present their findings and answer questions. You and/or your companion will have the opportunity to question the investigating officer and any attending witnesses about evidence that has been presented. I will have the opportunity to question the investigating officer, following which the investigating officer will be asked to leave the hearing.

5. I will then question yourself and the manager in order to obtain a clear understanding of the issues and what it might take to resolve the grievance. There may be a need for more general discussion which both sides can raise relevant issues not already covered.
6. Both parties will be given an opportunity to sum up their position with a closing statement.
7. I will then summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that I have understood the issues, the resolution you seek, the arguments and any evidence presented and that nothing relevant has been missed.
8. I will then adjourn the hearing, so that I can consider all the relevant issues that have emerged, and the evidence presented. In deciding what action to take, I will consider whether the resolution you seek is reasonable and within the remit of the Council to grant.

I will decide whether there are sufficient and reasonable grounds to either:

- uphold the grievance in full
  - uphold the grievance in part
  - not uphold the grievance
9. I will re-convene the hearing and announce my decision, along with my reasons for arriving at that decision. I will thereafter confirm the decision in writing within 5 working days. I would hope to reach a decision on the date of the hearing although the length of the adjournment will of course depend on the type and complexity of the grievance that I need to consider.

### **Submission of evidence**

If there is any additional, relevant evidence you wish to have taken into account at the hearing, you must forward this to me at least 24 hours in advance of the hearing. If you wish to have witnesses called you must notify me immediately to ensure that I can contact them in plenty of time. I wish to clarify at this point that witnesses cannot be compelled or instructed to attend the hearing.

### **Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, spouse or a legal practitioner.

I will be accompanied by (insert name of officer and position).

### **Confirming your attendance**

Please contact me as soon as possible to conform that the above date, time and venue is suitable and whether you will be accompanied and if so, by whom.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

I trust this satisfactorily explains the stage we are at in the Managing Grievances Procedure and how the hearing will proceed.

Yours sincerely

**NAME OF OFFICER CHAIRING THE HEARING**

cc      People & Organisational Development Advisor  
         HR Service Centre /Employee Personal File



## HOW TO CONDUCT A GRIEVANCE HEARING CHECKLIST

The chairperson should conduct the formal hearing by following the below steps.

Step	Detail	Completed
<b>Prior to the Hearing</b>	Gather the necessary information to assist in establishing the facts of the case and support in making an informed decision at the hearing.	
	Receive finalised investigation report and appendices where a formal investigation has been commissioned.	
	Contact Employee Relations & Wellbeing Team ( <a href="mailto:employeerelations@aberdeencity.gov.uk">employeerelations@aberdeencity.gov.uk</a> ) for a People & Organisational Development Advisor to support at the hearing.	
	Book a private meeting room or arrange a Teams meeting	
	Invite employee and all relevant parties to the hearing	
<b>At the Hearing</b>		
<b>1. Introduction</b>	Make introductions and explain the purpose and format of the hearing.  Confirm that you will allow necessary adjournments during the hearing.	
<b>2. Statement of grievance and resolution sought</b>	Invite the employee to explain their grievance, why they were dissatisfied with the employer's response at the informal stage and how they would like matters resolved.	
<b>3. Response from manager who dealt with grievance at informal stage</b>	The manager who dealt with the grievance at the informal stage should then set out their response.	
<b>4. Investigating Officer presents findings (optional)</b>	If a formal investigation was commissioned, the Investigating Officer should be called to attend to present their findings and answer questions.  Give the employee and their companion the opportunity to question the investigating officer and any attending witnesses about evidence that has been presented.  You and your assisting colleague will question the investigating officer, as well as any witnesses that may be called.	

	Once all questions for the Investigating Officer are concluded ask them to leave the hearing.	
<b>5. Information gathering</b>	Question the employee and manager in order to obtain a clear understanding of the issues and what it might take to resolve the grievance.	
<b>6. Summing up</b>	Allow both parties to sum up their position.	
<b>7. Position summary</b>	Summarise the main points of the discussion that you have heard. This is to ensure that you have understood the issues, the resolution the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed.	
<b>8. Confirm employee has fully stated their concerns</b>	Ask the employee whether they feel that they have had a fair hearing and whether they have anything further to say.	
<b>9. Adjournment</b>	<p>Adjourn the hearing so that you can consider all of the relevant issues that have emerged and the evidence presented, to consider whether there are grounds to uphold the grievance and what action to take to resolve the matter. It may also be necessary to adjourn to gather additional information.</p> <p>Inform the employee at this point when they might reasonably expect a response bearing in mind the time limits set out in the procedure. Seek to reconvene on the same day or as soon as practicably possible.</p>	
<b>10. Communicate the decision</b>	Reconvene the hearing to notify the employee of your and the reasons for it. Advise that this will be confirmed in writing to the employee <b>within 5 working days</b> of the hearing and outline their right to appeal if they consider that the decision fails to satisfactorily resolve their grievance.	
<b>After the Hearing</b>	Issue outcome letter to the employee.	
	Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing.	
	Where the grievance has been upheld/partially upheld liaise with colleagues who may be required to implement actions and/or recommendations to resolve the grievance.	

## TEMPLATE LETTER - GRIEVANCE HEARING DECISION

PERSONAL

Dear

### GRIEVANCE HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Grievance Hearing held on (insert date) in the presence of (insert names of officers present, including companions if applicable)

This letter confirms my decision.

### Outcome of Hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision as notified to you on (date) to uphold/partially uphold/not to uphold (delete whichever is inappropriate) your grievance.

### Reasons for decision

The reasons for, and factors I considered in arriving at this decision are as follows:

- **Detail reasons and factors**
- **Where the appeal is upheld or partially upheld detail, where appropriate, the actions to be taken and any recommendations.**

**Include the 'Right of Appeal' paragraphs where the decision is not to uphold or to partially uphold the grievance:**

### Right of Appeal

Whilst I hope you will understand and accept my reasons for arriving at this decision, you have the right of appeal against this decision.

To lodge your appeal you must:

- submit a Written Statement of Appeal Form to the Director of Service. This should set out the grounds for appeal and the resolution that you are seeking. It is not sufficient to state that you wish to appeal without setting out the grounds.
- submit your appeal form within 10 working days of receipt of this letter.

Any appeal will be heard by the Director who in turn can appoint a suitable Chief Officer or Senior Manager who has had no prior involvement in the case to demonstrate fairness, objectivity and impartiality in the process.

The appeal hearing will normally be held within 10 working days of receipt of your written notice of appeal.

Yours sincerely

**NAME OF OFFICER WHO CHAIRED THE HEARING**

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File



## WRITTEN STATEMENT OF APPEAL

Please complete all sections in full as requested below and ensure the form is signed and dated before submission to your Director. This appeal must be submitted within 10 working days of receipt of the decision of the formal grievance hearing.

EMPLOYEE DETAILS	
Name	
Job Title	
Cluster/Service	
Work Location	
Line Manager	
Contact Number / Email Address	
Trade Union Representative	
Date of Grievance Hearing	
Name of Chairperson	
GROUNDS FOR APPEAL <i>(please tick as appropriate)</i>	
Failure to follow policy and procedure in the previous stages of the grievance process	
The decision reached at the formal hearing was not supported by the evidence presented	
The proposed action to resolve the grievance is inappropriate given the circumstances	
New information has come to light since the formal hearing which has significant impact on the decision made	
Other, please specify	
DETAILS OF APPEAL	
<b>What are the specific reasons you remain dissatisfied with the formal grievance hearing outcome?</b> <i>Please continue on a separate sheet if required</i>	
<b>What resolution are you seeking?</b>	
Signature	
Date	

## TEMPLATE LETTER - INVITE EMPLOYEE TO APPEAL HEARING

PERSONAL

Dear

### APPEAL HEARING

I have been appointed to hear your appeal against the decision reached at the formal stage of the Managing Grievances Procedure. I understand that attempts to resolve your grievance at the informal and formal stage have unfortunately proved unsuccessful and that these stages have now been exhausted.

I intend to hold the hearing on (insert date and time) at (insert location).

I understand that the grounds for your appeal are (set out briefly what you understand to be the employee's grounds for appeal as per the Written Statement of Appeal Form received).

I also understand that the resolution you seek is (repeat what the employee has stated in their written statement of appeal).

### Format of the appeal hearing

I will conduct the hearing as follows:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise. The appeal is **not** however a rehearing of the original case.
2. I will ask you and/or your companion to state your grounds and reasons for the appeal.
3. I will then ask the manager who took the decision at the grievance hearing stage to respond.
4. I and my assisting colleague will then question both the manager and yourself.
5. I will give both parties the opportunity to make a closing statement, firstly the manager and then yourself.
6. I will allow adjournments during the hearing where they are necessary.
7. I will then summarise the facts heard before adjourning the meeting.
8. During the adjournment I will consider all of the relevant issues that have emerged from the hearing to make my decision.

I will decide whether there are sufficient and reasonable grounds to either:

- uphold the appeal in full
- uphold the appeal in part
- reject the appeal

9. I will then re-convene the hearing and announce my decision, along with my reasons for arriving at that decision. I will thereafter confirm the decision in writing within 5 working days. The appeal decision will be final, and this is the final stage under the Councils Managing Grievances Policy and Procedure.

**< For teaching staff there are additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework and this must be outlined >**

### **Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, spouse or a legal practitioner.

I will be accompanied by (insert name and position).

### **Confirming your attendance**

Please contact me by (email and/or telephone) as soon as possible to confirm that the above date and time are suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely

### **NAME OF OFFICER WHO CHAIRED THE HEARING**

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

## HOW TO CONDUCT A GRIEVANCE APPEAL HEARING CHECKLIST

The chairperson should conduct the formal hearing by following the below steps. Please be advised, these steps are detailed in the Template Letter to Invite Employee to an Appeal Hearing

Step	Detail	Completed
<b>Prior to the Hearing</b>	Received grounds for appeal from employee	
	Contact Employee Relations & Wellbeing team ( <a href="mailto:employeerelations@aberdeencity.gov.uk">employeerelations@aberdeencity.gov.uk</a> ) for a People & Organisational Development Advisor to support at the hearing.	
	Book a private meeting room or arrange a Teams meeting.	
	Invite employee and all relevant parties to the hearing.	
<b>1. Introduction</b>	<p>Make introductions as necessary and explain the purpose and format of the hearing. Confirm that the appeal is <b>not</b> a rehearing of the original case.</p> <p>Deal with any procedural issues that may arise and confirm that you will allow adjournments during the hearing where they are necessary.</p>	
<b>2. Employee states grounds for appeal</b>	Ask the employee and/or their companion to state their grounds and reasons for appeal.	
<b>3. Response from manager who dealt with grievance at the formal stage</b>	Ask the manager who took the decision at the formal stage to respond.	
<b>4. Information gathering</b>	Question both parties in order to obtain a clear understanding of the issues and what it might take to resolve the grievance.	
<b>5. Closing Statements</b>	Give both parties the opportunity to make a closing statement, firstly the manager and then the employee.	
<b>6. Position summary</b>	Summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that you have understood the issues, the resolution the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed.	



<b>7. Adjournment</b>	Adjourn the meeting so that you can consider all of the relevant issues that have emerged from the hearing to make a decision.	
<b>8. Communicate the decision</b>	<p>Reconvene the hearing with the employee and manager to notify of your decision, along with the reasons for arriving at that decision.</p> <p>Where the decision is to fully or partially uphold the grievance outline where appropriate the actions to be taken to resolve the grievance and any recommendations.</p> <p>Advise the employee that the decision will be confirmed in writing <b>within 5 working days</b> of the hearing.</p> <p>Confirm your decision is final and there is no further right of appeal, with exception of teachers who have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.</p> <p>If unable to come to decision on the day, confirm to the employee you will notify them of your decision in person whenever possible and confirm it in writing, along with the reasons for arriving at that decision. Advise you would hope to reach a decision within 24 hours of the hearing although the length of the adjournment will depend on the type and extent of the range of issues that you need to consider.</p>	
<b>After the Hearing</b>	Issue outcome letter to employee.	
	Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing.	

## TEMPLATE LETTER - APPEAL HEARING DECISION

PERSONAL

Dear

### APPEAL HEARING – FORMAL NOTIFICATION OF DECISION

Thank you for attending the Appeal Hearing held on (date) in the presence of (insert names of officers present, including companions if applicable)

This letter confirms my decision.

### Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision as notified to you on (date) to **uphold/partially uphold/not to uphold** (delete whichever is inappropriate) your grievance.

### Reasons for decision

The reasons for, and factors I considered in arriving at this decision are as follows:

- **Detail reasons and factors**
- **Where the appeal is upheld or partially upheld detail, where appropriate, the actions to be taken and any recommendations.**

Whilst I hope you will understand and accept the reasons for arriving at this decision. You have now exercised your right of appeal under the Council's Managing Grievances policy and procedure and my decision is final.

**For Teaching staff please include - teachers have additional appeal rights under the Scottish Negotiating Committee for Teachers terms and conditions of employment, the provisions of Appendix 2.13 of the SNCT Terms and Conditions of Employment, Grievance Framework.**

Yours sincerely

### NAME OF OFFICER WHO CHAIRED THE HEARING

cc People & Organisational Development Advisor  
HR Service Centre /Employee Personal File

## ABERDEEN CITY COUNCIL

<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	28 September 2021
<b>EXEMPT</b>	No
<b>CONFIDENTIAL</b>	No
<b>REPORT TITLE</b>	Dignity and Respect at Work Policy
<b>REPORT NUMBER</b>	RES/21/183
<b>DIRECTOR</b>	Steven Whyte – Director of Resources
<b>CHIEF OFFICER</b>	Isla Newcombe – Chief Officer – People and Organisational Development
<b>REPORT AUTHOR</b>	Kirsten Foley – Employee Relations and Wellbeing Manager
<b>TERMS OF REFERENCE</b>	2.5

### 1. PURPOSE OF REPORT

- 1.1 To seek approval of the Dignity and Respect at Work policy, which replaces the Managing Bullying and Harassment at Work policy.

### 2. RECOMMENDATIONS

That the Committee: -

- 2.1 approves the Dignity and Respect at Work Policy, attached as Appendix 1 to this report to replace the Managing Bullying and Harassment at Work policy;
- 2.2 agrees that implementation of this policy will be delayed until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Managing Grievances policies;
- 2.3 notes the appended procedure/guidance document which supports the application of the policy; and
- 2.4 notes that a generic investigations procedure has been developed to cover all three policies mentioned above, also appended to this report.

### 3. BACKGROUND

- 3.1 As an employer, the Council seeks to promote and embed a positive workplace culture in which every member of staff feels valued, is empowered to meet their full potential and in which all individual circumstances and characteristics are respected and supported.
- 3.2 This culture is embedded in our Guiding Principles, Code of Conduct and Job Profiles of all staff, and staff should be supported to have a positive experience in the workplace and are not subjected to any inappropriate behaviour such as bullying, harassment, discrimination, or abuse.
- 3.3 Managers and employees alike are encouraged and supported to build good day to day communication which is honest, constructive and based on a culture

of mutual respect. Such communication will allow any concerns regarding behaviours set out in 3.2 above to be raised quickly and effectively. There may be occasions, however, when a more structured approach is required. In such circumstances it is essential that a policy and procedure are in place through which staff can be encouraged and supported, as appropriate, to raise a complaint and for this to be heard.

- 3.4 The Dignity and Respect at Work policy and accompanying procedure and guidance provides a framework within which employees can raise such matters in a safe and confidential manner without fear of censure, with managers supported to make a determination regarding the required actions and recommendations to address the concern.
- 3.5 In the policy reassurance is given that employees raising such issues will not be subjected to unfavourable treatment or victimization as a result of making a complaint in good faith.
- 3.6 Issues will be dealt with at the earliest opportunity and wherever possible, and appropriate, this will be through the provision of informal support.
- 3.7 The policy recognises the importance of ensuring that appropriate support is provided for individuals not just at the outset and during the application of the policy, but crucially also to promote and rebuild positive working relationships once the process has been exhausted.

#### **4. Aims of the Review**

- 4.1 The replacement of the Managing Bullying and Harassment policy with the Dignity and Respect at Work policy is part of a wider review of policies that sit at the heart of employee relations processes within the Council, the other two policies being Managing Discipline and Managing Grievances. Renaming the policy emphasises the positive behaviours expected from each other in the workplace and avoids unhelpful labelling of individuals as “bullies”.
- 4.2 The key aim of this review is to promote a workplace culture based on mutual respect, in which all employees, whatever their level of responsibility within the Council, are valued and have the opportunity to raise any concerns they may have easily and informally, knowing that they can be confident that their concerns will be considered seriously and addressed appropriately. Accessible, supportive policies empower employees to meet the expectations set out in the Guiding Principles, Code of Conduct and job profiles. Moreover, by fostering a workplace in which relationships are based on mutual respect, the likelihood of issues being escalated through formal channels is reduced, thus reducing levels of anxiety on individuals and reducing workload demands on managers.
- 4.3 Following feedback from an initial staff survey and focus groups (including employees, trade unions and managers), a number of key areas of improvement were identified. In relation to the Dignity and Respect at Work policy, these key improvements centred around:

- increasing the use of informal processes and support through early intervention wherever appropriate,
- achieving early resolution,
- the need for a clear investigation process, and
- highlighting the support available to all employees involved with the policy both during the application of the policy and in supporting relationships once the process has concluded.

The review aimed to address these issues and ensure that the policy is legally compliant.

- 4.4 An additional key aim of the review was to ensure that a collaborative approach was taken throughout, seeking, and addressing feedback from all stakeholders including unions, employees, and managers.

## **5 Approach**

- 5.1 A policy review group was set up in People and Organisational Development to progress the work on the revised policy, with the approach being to balance feedback from various stakeholders, working in a collaborative manner.
- 5.2 An employee survey was run to gather views on the operation of the current policy and on any proposed changes. Benchmarking was undertaken with other organisations to compare the content of their policies with the Council's.
- 5.3 Focus groups were also organised with managers, employees, and trade unions to obtain views on the operation of the current policy and what changes might be required to improve it.
- 5.4 A check was also made in relation to any legal issues to ensure that the revised policy was legislatively compliant.
- 5.5 Following the research phase, the information gathered was collated and evaluated.
- 5.6 A wide range of further engagement on the draft documents was undertaken including:
- 3 additional consultation events with the trade unions
  - officer attendance at all 13 Service Management Team meetings to gather feedback on the draft documents
  - further engagement with the teams within Legal and People and Organisational Development
  - feedback gathered from CMT.

## **6 Emerging Themes**

- 6.1 In addition to the key issues identified and set out in paragraph 4.3 above, other suggestions put forward were:
- a. reviewing the level of management involved in the various stages of the process in order to widen the pool of managers available to undertake the various stages and thus ensure that a larger number of employees

are supported to gain the transferable skills that are developed through undertaking such tasks whilst sharing the workload among a wider group of staff;

- b. considering a generic investigations process to avoid situations that have arisen in the past whereby a complicated case can result in a number of investigations being undertaken under different policies at the same time;
- c. considering what role mediation and other informal measures could play in the process, thus avoiding the need for formal processes to be invoked;
- d. making more use of aids such as flow charts, which visual learners in particular find more user friendly when navigating policy and procedural documents.
- e. greater emphasis on restorative practice and support for individuals, managers and teams once the process has concluded.

6.2 If approval is given by Committee, the intention would be to delay implementation until such time as the required training and communication has been undertaken on this policy and on the Managing Discipline and Managing Grievances policies and implement all three policies together.

6.3 The benefits of having a single implementation plan are that it will allow the application of the generic investigations process to all three policies and a single communication plan and training plan can be put in place. Appropriate communication and training will be undertaken during the period October – December 2021 to ensure that employees and managers are aware of their content and trained in the skillset required to apply them appropriately.

6.4 The policy documents and guidance will also be placed on the People Anytime portal on the Intranet and cascaded throughout services via ECMT and the Leadership Forum.

6.5 A separate set of guidance notes will accompany the Dignity and Respect at Work policy giving fuller details on its application, including the procedure. This document is attached for noting.

## **7. Changes to the policy**

7.1 From the employee survey, the focus groups and engagement sessions a number of issues were identified.

The table below details the issues raised, the change made to address the issue, and whether the change is part of the policy or the accompanying guidance.

Issue raised	Change proposed	Policy or Guidance
Changing the title of the policy to better align with the culture of the Council.	The new title of 'Dignity and Respect at Work' better reflects the current culture of	Policy and Guidance

	the organisation and links to the Council's Guiding Principles.	
Early intervention in relation to bullying and harassment issues and informal resolution where possible.	Emphasis placed on early intervention and on the use of informal measures to achieve resolution, where appropriate e.g. 1-2-1 facilitated meetings, mediation, empathy mapping, use of reflective statement.	Policy and Guidance
Clear process for formal investigation of a case.	A generic investigation procedure has been compiled to undertake a formal investigation of a bullying and/or harassment issue.	Procedure
Reflecting the fact that bullying and harassment can be undertaken on-line as well as face to face.	The term 'Cyber Bullying' has been included in the policy and guidance to clarify the expected behaviours when using technology.	Policy and Guidance
Considering a range of options for resolution of a bullying and harassment issue.	There is a focus on a range of recommendations for resolution of an issue following a formal investigation, in addition to any disciplinary outcome. The employee will have the right of appeal against any such recommendations.	Policy and Guidance
Counter complaints.	To indicate what should occur where a counter complaint of bullying and/or harassment is	Guidance

	submitted by another employee.	
Manager/TU survey - would like easy step by step guidance - more flowcharts with links would be welcomed as well as diagrams and less text.	A flow chart has been added giving an overall summary of the procedure. Visuals have also been included showing the key steps in each part of the process.	Policy and Guidance
Clarity around timescales.	Timescales have been clearly indicated in relation to each stage of the procedure.	Guidance
More templates / 'How To' Guides / Checklist.	Introduced a template form for employees to use to lodge a complaint. The form will assist with consistency of format and understanding of the issue and resolution being sought. A checklist has been included on how to conduct an appeal hearing under the procedure.	Guidance
Need to recognise the impact of these processes on all involved in terms of wellbeing.	A new section has been added on employee wellbeing, emphasising that the health and wellbeing of all employees involved in the process should be a priority at each stage of the procedure, and signposting to where support can be accessed.	Policy and Guidance



- 7.2 The procedural elements in the current policy have been removed from the policy document and have been put into the guidance document, so that the policy is separate and standalone in the new corporate template format. A procedural summary has been retained as an appendix to the policy.
- 7.3 Sections on manager and employee responsibilities have been added to the documents, detailing what is expected of each, as well as a section on core principles.
- 7.4 The Council's Guiding Principles have been identified as setting the expectations in relation to the cultural norm of the organisation, thus providing a point of reference for employees when undertaking self-reflection on their behaviours.
- 7.5 Some terminology updating was required to the policy to take account of the changes in the organisation's structure.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no direct financial implications arising from the recommendations of this report.

## **9. LEGAL IMPLICATIONS**

- 9.1 By law employers must set out a procedure for employees to make complaints, including complaints about the behaviour of other employees, and share it in writing with all employees. It must include who the employee should contact about a complaint and how to contact that person. The Dignity and Respect at Work policy and the accompanying Procedure and Guidance will fulfil these requirements.

## **10. MANAGEMENT OF RISK**

<b>Category</b>	<b>Risk</b>	<b>Low (L) Medium (M) High (H)</b>	<b>Mitigation</b>
<b>Strategic Risk</b>	N/A	N/A	N/A
<b>Compliance</b>	The policy has been examined to ensure that it is legally compliant. If the revised policy was not applied, then there may be a risk that the most up-to-date good practice is not reflected, and this could be detrimental to the Council in an	M	The approval and implementation of the new policy and accompanying procedure and guidance should help to mitigate this risk as they have been checked for legal compliance.

	employment tribunal situation.		
<b>Operational</b>	The changes made in the new policy should result in its more efficient application, which will be a benefit to the operation of the Council, assisting with employee relations, and helping meet customer and service requirements. If the revised policy was not applied, then these benefits may not accrue.	M	The approval and implementation of the new policy and accompanying procedure and guidance should help to mitigate this risk.
<b>Financial</b>	If the new policy, which reflects up-to-date good practice was not applied, there is a risk that bullying and harassment complaints are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council may be more likely to occur, which can be costly.	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.
<b>Reputational</b>	If the new policy, which reflects up-to-date good practice, was not applied, there is a risk that bullying and harassment complaints are not dealt with as efficiently as possible, meaning that employment tribunal or other claims against the Council	M	The approval and implementation of the revised policy and accompanying procedure and guidance should help to mitigate this risk.

	may be more likely to occur, which can lead to adverse publicity for the Council and also affecting the Council's reputation as a good employer.		
<b>Environment / Climate</b>	N/A	N/A	N/A

## 11. OUTCOMES

<b><u>COUNCIL DELIVERY PLAN</u></b>	
	<b>Impact of Report</b>
<b>Aberdeen City Local Outcome Improvement Plan</b>	
Prosperous Economy Stretch Outcomes	The Prosperous Economy theme in the LOIP makes mention of the importance of retaining talent and expertise in City organisations. This would include the Council. Having this policy in place should assist with employee relations in the organisation and with the retention of trained and valued employees. This would mean that they can continue in post and contribute to delivering effective services to citizens and businesses, indirectly contributing to the City's economy.
Prosperous People Stretch Outcomes	The Prosperous People theme in the LOIP indicates that all people in the City are entitled to feel safe, protected from harm and supported where necessary, which would include employees of the Council. Having this revised policy in place should assist with employee relations in the organisation, ensuring that any bullying and harassment complaints are efficiently addressed and that employees are supported when undergoing the procedure. This should indirectly assist with employee mental health and wellbeing allowing them to function both in employment and at home.

## 12. IMPACT ASSESSMENTS

Assessment	Outcome
Impact Assessment	Full impact assessment required – an Integrated Impact Assessment has been compiled in respect of the revised policy and no negative impacts have been identified.
Data Protection Impact Assessment	Not required.

## 13. BACKGROUND PAPERS

The Dignity and Respect at Work Procedure and Guidance and the Investigations Procedure are appended to provide further clarity and for noting.

## 14. APPENDICES

Appendix 1 - Dignity and Respect at Work policy

Appendix 2 - Dignity and Respect at Work Procedure and Guidance

Appendix 3 – Investigations Procedure

## 15. REPORT AUTHOR CONTACT DETAILS

<b>Name</b>	Kirsten Foley
<b>Title</b>	Employee Relations and Wellbeing Manager
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# Dignity and Respect at Work Policy

Approved by Committee on xx  
2021 with an implementation date of xx 2021

## Document Control

<b>Approval Date</b>	
<b>Implementation Date</b>	
<b>Policy Number</b>	
<b>Policy Author(s) and Owner</b>	Sharon Robb – People & Organisational Development Advisor (Policy Author) Isla Newcombe – Chief Officer People & Organisational Development (Policy Owner)
<b>Approval Authority</b>	Staff Governance Committee
<b>Scheduled Review</b>	
<b>Changes</b>	Replacing the Managing Bullying and Harassment Policy

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## 1. Purpose Statement

- 1.1 The Council is committed to providing a work environment which promotes dignity and respect for everyone and a culture which is safe, healthy, fair, and aligned with the Council's Guiding Principles.
- 1.2 The Council is committed to promoting an inclusive and supportive environment where employees are treated with dignity and respect, free from inappropriate behaviour such as bullying (including Cyber-bullying), harassment, discrimination, or abuse. This policy provides a mechanism to report concerns of unacceptable behaviour if they occur and gives reassurance that employees will not be subjected to unfavourable treatment or victimisation as a result of making a complaint in good faith.
- 1.3 The Dignity and Respect at Work policy provides a framework within which employees are supported to raise any concerns raised about the behaviour of others and supports managers and employees in maintaining good working relationships.
- 1.4 The purpose of this policy is to set out the responsibilities and arrangements which will allow the Council to mitigate the risks (including risk to employees health and wellbeing and financial and reputational risk to the Council) which may arise from circumstances where an employee's behaviour has fallen short of the expected standards. Expected standards are determined through the code of conduct, contract of employment, job profile, Guiding Principles and other relevant organisational policies, procedures, and guidance or through reasonable expectations set by the manager. The Dignity and Respect at Work policy provides a framework with an accompanying procedure to ensure that matters are addressed without unreasonable delay and in a fair and consistent way, including where informal support has failed to achieve the required results.
- 1.5 All employees are valued, and individual circumstances are considered. The policy therefore aims to support issues to be addressed in the most appropriate way, based on the circumstances surrounding the case and the individuals concerned and as quickly as possible. Wherever possible, this will be through the provision of informal support. The health and wellbeing of all employees is a priority. At the outset of any process falling within this policy employees will be provided with details of the wellbeing support available to them, including the Employee Assistance Service and Chaplaincy. Further details can be found in the accompanying Dignity and Respect at Work Procedure and Guidance
- 1.6 An overview of the Dignity and Respect at Work Procedure can be found at Appendix A

## 2. Application and Scope Statement

- 2.1 This policy applies to all employees in the Council. This policy does not apply to agency and casual workers. Agency workers should raise concerns through their individual



agency under their own processes. Casual workers should refer to their terms of engagement letter.

2.2 The Council recognises its legal responsibilities under the Equality Act 2010 to prevent discrimination in relation to protected characteristics (see paragraph 6.7).

2.3 The Council does not tolerate bullying (including Cyber-bullying), harassment, victimization, or discrimination in any form.

2.4 The primary aims of the policy are to positively resolve working relationship difficulties between employees where possible and address any unacceptable behaviour. Issues raised will be taken seriously, resolved promptly and confidentially at the lowest level of management practicable.

### 3. Responsibilities

3.1 The Council will adhere to its statutory and contractual responsibilities in relation to the implementation of this policy.

3.2 Everyone has a responsibility to work effectively and co-operatively to finding solutions. It is necessary to listen, seek to understand, and act accordingly, being open to learning from mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve grievances recognising that there is not necessarily a 'one size fits all' solution. Outcomes and decisions made must be a balance between what is reasonable, whilst also being supportive of employees being successful at work.

3.3 Chief Officers are responsible for the application of the policy and associated guidance within the service delivery remit.

3.4 Line managers have responsibility for applying this policy, its provisions and managing complaints submitted by their employees. They should specifically:

- Ensure employees are aware of this policy
- Create an environment where employees feel able to raise any concerns
- Make every effort to ensure fairness and consistency in relation to the provisions of this policy
- Maintain confidentiality
- Endeavour to try to resolve complaints at an informal stage where possible
- Ensure that employees are treated with dignity and respect throughout

3.5 Employees have a responsibility to:

- Familiarise themselves with the contents of this policy
- Co-operate with the requirements of the policy
- Maintain confidentiality

- Raise their concerns informally in the first instance, where possible, with the appropriate manager
- Co-operate with management in attending meetings and providing information in relation to any concerns raised

3.6 The investigating Officer is responsible for conducting a thorough investigation and making recommendations based on the evidence gathered.

3.7 People and Organisational Development is responsible for providing advice to managers and employees on the application of the policy.

3.8 A breach or misuse of this policy may result in the potential use of a corporate policy e.g. Managing Discipline policy.

3.9 Non-compliance with this policy should be reported to the employee's line manager, a more senior manager or People and Organisational Development.

3.10 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer – People and Organisational Development or Employee Relations and Wellbeing Manager and this will be taken into account as part of the regular review of this policy.

## 4. Supporting Procedures & Documentation

4.1 Accompanying guidance on Dignity and Respect at Work has been put in place to support adherence to this policy. The process for raising and addressing complaints under this policy are detailed in the accompanying procedure and guidance.

4.2 This policy also links to:

- Employee Code of Conduct
- Managing Discipline policy
- Managing Grievances policy
- Investigations Procedure
- Diversity and Equality Policy
- Social Media Guidance
- The Council's Guiding Principles
- ICT Acceptable Use Policy
- Handling Allegations Against School Staff
- Whistleblowing policy and procedure
- Framework Agreement for Industrial Relations (FAIR)
- Member - Officer Relations Protocol

## 5. Policy Statement

- 5.1 The policy is not creating any specific regulations or requirements other than what is stated under the core principles below.
- 5.2 Any complaints raised will be addressed by applying the principles of this policy and the guidance document associated with it. This is to ensure that the appropriate steps are taken to consider whether there are sufficient and reasonable grounds to uphold a complaint and any appropriate action to resolve taken.

### **Policy Core Principles**

- 5.3 Acceptable standards of behaviour aligned with the Council's Guiding Principles and Code of Conduct are required of all individuals in the workplace to promote positive working relationships, and an organisational culture and environment where everyone is treated with dignity and respect at work.
- 5.4 Every individual is responsible for their own behaviour and has a duty to support a positive working environment promoting dignity and respect and which is free from bullying and harassment for themselves and colleagues.
- 5.5 The Council will not tolerate unfair treatment of individuals and anyone who is found to have bullied or harassed another person in the organisation may be subject to disciplinary action, which could include dismissal. Apart from being unacceptable, such behaviour may be unlawful.
- 5.6 Managers have a duty to manage employees and workers effectively, giving reasonable instructions when required and effective management does not contravene an employee's dignity and respect at work or constitute bullying and/or harassment. Effective management includes dealing with shortcomings in performance, conduct, attendance, and behaviour.
- 5.7 When dealing with a complaint under the Dignity and Respect at Work Policy, the principle of fairness applies equally to the complainant and the subject of the complaint.
- 5.8 Both the complainant and the subject of the complaint will be offered the opportunity to be accompanied by a trade union representative or work colleague at all stages of the procedure, including investigatory meetings, where appropriate (see guidance). Employees will not be permitted to be accompanied by a legal practitioner, spouse, family member or a friend.
- 5.9 In using this policy, reasonable allowance should be made for employees whose first language is not English or who have difficulty expressing themselves. Reasonable adjustments should be made for those with a disability.

- 5.10 Where complaints cannot be resolved informally, formal complaints made under the policy will be investigated promptly and confidentially within agreed timescales. Where timescales cannot be met, these matters should be resolved as quickly as possible.
- 5.11 All investigations will be carried out with sensitivity, discretion, and confidentiality.
- 5.12 A confidential record of the investigation and any recommendations will be kept. Both the complainant and the subject of the complaint will be informed of the outcome of the investigation.
- 5.13 Where the investigation has established that there is sufficient evidence to conclude that there is a case to answer on conduct grounds, the complaint will progress to a disciplinary hearing under the Council's Managing Discipline policy.

## 6. Definitions

### 6.1 Unacceptable/Inappropriate Behaviour

Unacceptable behaviour includes any form of conduct or behaviour of a physical, verbal or non-verbal (e.g. psychological or emotional) kind which:

- is unwanted, unsolicited, unreasonable, and personally offensive to the recipient(s) (irrespective of the intentions)
- creates an uncomfortable, intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work
- fails to both respect the rights and recognise the impact that such behaviour may have on the recipient(s) and other employees
- threatens job security, creates instability in the workplace or disadvantages the recipient(s) in some way

### 6.2 Harassment

Harassment is defined under the Equality Act 2010 as unwanted conduct related to a relevant protected characteristic, or on other grounds, 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.

Such behaviour may be physical, verbal, or non-verbal.

### 6.3 Bullying

Bullying is defined by ACAS as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient.

### 6.4 Discrimination

Discrimination is defined as actions which result in an individual being treated less favourably (either directly or indirectly) because of a protected characteristic(s) under the Equality Act 2010.

## 6.5 Victimisation

Victimisation is defined as treating someone unfairly because they made or supported a complaint in relation to a 'protected characteristic', or someone thinks they did or may do so.

## 6.6 Cyber Bullying

Cyber bullying can be defined as bullying, harassment and other unacceptable behaviour conducted online through for example social media sites, messaging apps, blogs, e-mail or online forums.

## 6.7 Protected Characteristics

The protected characteristics (defined under the Equality Act 2010) are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Further descriptions and examples of the above definitions are included in the accompanying procedure and guidance.

# 7. Risk

7.1 This policy and supporting documentation details how the Council shall mitigate against risk arising from non-compliance with the Dignity and Respect at Work framework set out in paragraph 1.2.

- Health and Wellbeing – the policy promotes and supports all employees to conduct themselves in compliance with the culture of the organisation and thus mitigates the risk of inconsistent actions impacting negatively on the health and wellbeing of individuals and colleagues.
- Compliance and Financial – it aims to ensure a fair and legal process is followed to mitigate the impact of failing to comply with employment law and the ACAS codes, incurring financial awards (e.g. award of compensation by the Employment Tribunal).
- Strategic and Operational – the policy mitigates the risk of actions that are not consistent with the culture of the organisation and of concerns being allowed to escalate. The impact of such risk can impact on the ability of the organisation to deliver the day-to-day business and the attainment of strategic objectives.

- Reputational - Actions that are inconsistent with the culture of the organisation and failure to address employee concerns could have a negative impact on the reputation of the Council.

7.2 The Dignity and Respect at Work Policy and supporting documentation allows managers to identify and manage risks through effective mitigation controls, including monitoring of data through the People Performance Dashboard and where appropriate inclusion in operational risk registers.

7.3 There are no anticipated unintended effects, consequences and risks identified resulting from the introduction of the policy. This will continue to be monitored as the policy is applied.

## 8. Policy Performance

8.1 The main factors determining the effectiveness of the policy and whether it adds the value intended is the usage of the policy by employees who have a concern at work, the consistency in its application by managers and the satisfactory resolution of concerns for all parties involved at the lowest level.

8.2 The effectiveness of the policy will be measured through gathering data on the volume of formal Dignity and Respect at Work complaints submitted and their outcomes, and through collecting feedback from users of the policy.

8.3 The Chief Officer – People and Organisational Development will decide where and when data is reported on the effectiveness of the policy, ensuring that confidentiality is maintained.

## 9. Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Operating Model in that it is concerned with organisational culture and promotion of equality in the workplace. It also accords with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting employees. The policy supports compliance with statutory obligations, employment legislation and best practice including ACAS code of practice.

9.2 This policy also links to the 'Prosperous People' theme in the Local Outcome Improvement Plan (LOIP) which indicates that all people in the city are entitled to live in a manner in which they feel safe and protected from harm and supported where necessary. All citizens are equally entitled to enjoy these aspirations, including employees of the Council. Having a Dignity and Respect at Work policy in place for staff will help to contribute to this objective, providing a mechanism and supportive provisions for complaints and concerns to be raised and addressed.

## 10. Housekeeping and Maintenance

- 10.1 The policy will be monitored annually by People and Organisational Development, and any necessary updates will be proposed to the Staff Governance Committee where required, following agreed consultation arrangements.

## 11. Communication and Distribution

- 11.1 This policy and supporting documentation will be shared directly with the Extended Corporate Management Team to enable communication and distribution in accordance with the responsibilities set out in section 3.
- 11.2 The policy and documentation will be available for review on the organisation's shared areas on the intranet.
- 11.3 A communication plan is developed to assist with embedding the policy into the organisation, which includes training for managers.

## 12. Information Management

- 12.1 Information generated by the application of this policy will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

## Appendix A - Overview of the Dignity and Respect at Work procedure

### Employee raises a complaint

- An employee raises an issue regarding someone's behaviour with their manager (or more senior manager)
- Manager/employee consult the Dignity and Respect at Work Guidance to determine how to proceed, either through informal support or a formal investigation. If in doubt, or the decision is to move to a formal investigation, advice should be sought from the Employee Relations & Wellbeing Team.
- For more information refer to examples in this document.

### Informal Process

- Early intervention is often key to satisfactorily resolving Dignity and Respect complaints promptly.
- Informal 1-1, manager directed resolution, facilitated meeting or mediation may be used to resolve the issues
- The employee may consider the case to be resolved after the informal process has concluded. However, if unsuccessful, or the issues are more serious or complex, it may be determined that a formal investigation is needed to move forward.

### Formal Process

- If during discussion with the Employee Relations and Wellbeing team it has been decided that a formal investigation should commence the next step is to appoint an Investigating Officer from a pool of trained investigators (list held by Employee Relations and Wellbeing team, who will make the appointment)
- Normal working conditions should be maintained wherever possible.

### 1. Investigation

- Refer to the **Investigations Procedure** for detailed information.
- The investigating officer will commence their investigation by meeting with the complainant and subject of the complaint, contacting relevant witnesses and gathering relevant evidence in order to write an investigation report including their findings, decision and recommendations.
- If allegations are upheld the case will go to a disciplinary hearing, and if they have not been upheld the case will end at this point.

### 2. Decision and Recommendations

- The investigating officer will decide if a disciplinary hearing is required under the Managing Discipline policy
- The investigating officer should also put forward recommendations to resolve the complaint and reconcile working relationships
- The investigating Officer informs both parties of their decision and recommendations.

### 3. Appeal

- The complainant has the right to appeal any recommendations and the decision, should the case **not** be proceeding to a disciplinary hearing
- The subject of the complaint has the right to appeal against the recommendations only under this policy, but **not** the decision to progress to a disciplinary hearing (right of appeal is outlined under the Managing Discipline policy)
- An appeal must be in writing outlining the grounds for appeal.
- An impartial chairperson is appointed and an appeal hearing takes place.



# **Dignity and Respect at Work**

## **Procedure and Guidance**

for Managers and Employees



## Document Control

<b>Approval Date</b>	
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Appendix 8	Model Letter/Email – Invite to Appeal Hearing
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Appendix 10	Model Letter/Email – To Confirm Outcome of Appeal Hearing

### Purpose of the Guidance

The purpose of this guidance is to provide managers and employees with practical advice on how to apply the Council's Dignity and Respect at Work policy. The guidance gives details on how to carry out each stage of the procedure and provide general advice and assistance on how to effectively manage complaints of unacceptable behaviour towards employees, including any complaints of bullying or harassment.

The procedure, which applies to all Aberdeen City Council employees (except for the Chief Executive to whom a separate policy and procedure applies), allows complaints to be raised and dealt with fairly and consistently and ensures that, as an employer, we act reasonably when dealing with complaints under the Dignity and Respect at Work Policy. Throughout the Dignity and Respect at Work policy and procedure, the ACAS Code of Practice has been taken account of.

It is recognised that this can be a challenging area to manage, therefore managers are advised to consult the Employee Relations and Wellbeing team for advice where circumstances arise which are not specifically covered in the guidance.

### What is Meant by Dignity and Respect?

All employees have the right to be treated with consideration, dignity, and respect. Behaviour which is contrary to the Guiding Principles is likely to be considered unacceptable or inappropriate and does not reflect or support a strong and positive workplace culture.

### Guiding Principles

As Council employees, we expect each other to behave in a way that is aligned with our co-created Guiding Principles.

The Guiding Principles are:

- We **care** about our purpose, our city and our people.
- We take **pride** in what we do and work to make things better.
- One **team**, one Council, one city.
- We **trust** each other and take responsibility.
- We **value** each other and recognise a job well done.

These principles provide a guide to maintaining positive and constructive working relationships between employees. We all have a responsibility to set a positive example.

### Responsibility of Managers

Managers have a responsibility to promote a positive atmosphere of dignity and respect in the workplace. They should proactively address any action that may cause offence or distress and be supportive of any employees who come to them with concerns about unacceptable behaviour.

## Responsibility of Employees

Each employee is responsible for their own behaviour and is expected to meet the standards defined within the Guiding Principles, the relevant performance or professional review and development process and in relevant codes of conduct for their role. Everyone has a duty to support a working environment which promotes dignity and respect for everyone and is free from bullying, harassment and victimisation for themselves and their colleagues.

Unfair treatment of individuals will not be tolerated and anyone who is found to have bullied or harassed another person in the organisation or victimised anyone as a result of their making a complaint will likely be subject to disciplinary action.

## What Constitutes Inappropriate/Unacceptable Behaviour

Inappropriate or unacceptable behaviour includes any form of conduct or behaviour of a physical, verbal, or non-verbal (e.g. psychological or emotional) kind which:

- is unwanted, unsolicited, unreasonable, and personally offensive to the recipient(s) (irrespective of the intentions)
- creates an uncomfortable, intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work
- fails to both respect the rights and recognise the impact that such behaviour may have on the recipient(s) and other employees
- undermines job security, creates instability in the workplace or disadvantages the recipient(s) in some way

Behaviours deemed to be unacceptable, bullying, harassment or victimisation can take place face to face or through other forms of communication, such as over the phone or online (often referred to as cyber bullying).

### Bullying

Bullying is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. It can be persistent or one-off behaviour, overt or subtle, face to face or via other communication channels (see cyber-bullying below) and may cause considerable distress.

Specific examples of bullying may include:

- making offensive or prejudicial jokes, using abusive language, slander, sectarian songs
- spreading malicious rumours or insulting someone.
- isolation, non-co-operation, exclusion, or marginalisation

- unfair treatment including unfair treatment on grounds prohibited by the Equality Act 2010
- misuse of power or position
- unwelcome sexual advances – touching, standing too close, displaying offensive material, sending overly personal messages
- intrusion by pestering, spying and stalking
- making threats about job security
- deliberately undermining a competent worker by making excessive workload demands and/or constant criticism
- failing to safeguard private, personal or confidential information

## Harassment

Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, 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.

## Victimisation

Victimisation is treating someone unfairly because they made or supported a complaint in relation to a 'protected characteristic', or someone thinks they did or may do so.

## Cyber bullying

Where unacceptable behaviour, bullying, or harassment is conducted online, this is referred to as Cyber bullying. This could take place using Council equipment and systems or using employees own personal devices/accounts, for example on social media sites, messaging apps, blogs, e-mail or online forums.

Examples of cyber-bullying/harassment include:

- Posting offensive or threatening comments directed at a member of staff
- Posting inappropriate photographs, or the posting of sensitive personal information of or about a member of staff
- Sending members of staff unwanted personal messages or unsolicited media (e.g. explicit images or videos)
- Pressuring members of staff to join online groups
- Indirectly intimidating a member of staff by targeting friends or family with any of the above behaviour

Aberdeen City Council is committed to a more inclusive and supportive working environment for all of our staff. This includes providing an environment free from harassment, bullying, discrimination or abuse from colleagues or service users. The Council will not tolerate bullying, harassment or discrimination in any form. It recognises that it has legal responsibilities to prevent harassment related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The above examples of behaviours are neither exhaustive nor exclusive but are intended to illustrate behaviour that is unwarranted, unwelcome and is therefore unacceptable.

Conversely, some behaviour may be misconstrued as bullying or harassment, but does not fall under this distinction. People are bound to have occasional differences of opinion and these are a normal part of working life. Disagreements may leave people feeling upset, but they should not be confused with unacceptable or bullying behaviour. However, disagreements can escalate and conflicts should not be ignored - if left unresolved, normal conflict may develop into a more serious situation.

### Employees

If you believe that you are being bullied or harassed, or that someone's behaviour towards you is otherwise unacceptable:

- Do not ignore it and assume it will stop without intervention.
- Seek advice from your line manager (or another manager), your trade union representative and/or the sources of advice below.
- Access the sources of support listed below if the behaviour is impacting your wellbeing
- Keep records of the behaviour – emails, messages, screenshots, or take notes of any remarks - record dates and times. These can be useful if you need to raise the matter further.
- Use both informal (wherever possible) and formal processes to seek an end to the unacceptable behaviour.

### Managers

If unacceptable behaviour is not tackled, it can create serious difficulties for an organisation including poor morale and employee relationships, loss of respect for managers and supervisors, poor performance, absence, resignations and may damage the employer's reputation. Ultimately, the Council could face an employment tribunal where unlimited compensation may be payable (where the behaviour is linked to a protected characteristic).

It is, therefore, not only the duty of the manager to promote a safe, healthy and fair environment for people to work, where unacceptable behaviour, bullying and harassment will not be tolerated, it is also in their best interests to do so as this inspires effective and high performing teams.

Further advice on identifying what is and is not unacceptable behaviour can be found in appendix 2.



## Employee Wellbeing

Understandably, contraventions (whether actual or perceived) of dignity and respect at work can result in a difficult period for all involved and advice and support are available for employees and managers who may require additional assistance. This may be particularly useful for employees who are involved in the formal procedure, both for any employee who has raised a complaint and any employee who is the subject of a complaint.

Managers should be particularly understanding and ensure support is offered to both parties, remaining neutral while any ongoing process is concluded.

### Advice

An individual may wish to seek advice to help them determine whether the behaviour they are experiencing or has been claimed they are committing constitutes bullying or harassment and if so, what options could be available to them so that they can take appropriate action.

The following points of contact may be of assistance:

- Trade Unions
- Citizens Advice Bureau - [www.cas.org.uk](http://www.cas.org.uk)
- Grampian Region Equality Council (GREC) - [www.grec.co.uk](http://www.grec.co.uk)
- ACAS Point - [www.acas.org.uk](http://www.acas.org.uk)
- Equality and Human Rights Commission - [www.equalityhumanrights.com](http://www.equalityhumanrights.com)
- Stonewall – [www.stonewall.org.uk](http://www.stonewall.org.uk)
- [Employee Relations and Wellbeing Team](#) – for procedural advice on the Dignity and Respect at Work policy and procedure

### Support

- **Mental Health and Wellbeing Pages** – these are available on [People Anytime](#) and provide a variety of support resources, skills/training information and details about the Councils Mental Health First Aiders Network.
- **Counselling Service** - The Council provides a free, confidential 24-hour counselling service. The service offers a helpline for general advice and guidance, psychological guidance and emotional support and/or individual counselling either face to face or over the phone. and has no role in the consideration of any complaints by Council officers/management. Contact details are tel: 0800 970 3980 or email [admin@timefortalking.co.uk](mailto:admin@timefortalking.co.uk) and further details can be accessed on [People Anytime](#).

The Council will receive information on the number of referrals made to the counselling service which are related to bullying and/or harassment. This is for monitoring and statistical purposes only and will not include information on individual referrals or any information that would allow identification of anyone using the counselling service.

- **Workplace Chaplaincy Service**

- **Mediation** may be considered at any stage of the procedure to help secure an effective resolution. When considering mediation as a tool for resolution advice should be sought from People & Organisational Development. Mediation will be used only where all parties involved in the complaint agree.
- **Trade Unions**

## Statutory Requirements

The Equality Act 2010 makes harassment related to a protected characteristic unlawful. These are:

- age;
- disability;
- gender reassignment;
- race;
- religion or belief;
- marriage and civil partnership;
- pregnancy and maternity.
- sex;
- sexual orientation;

Also covered by the Equality Act 2010 is:

- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment;
- less favourable treatment of someone because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

## The Employee's Right to be Accompanied

Employees (whether the complainant or subject of the complaint) have a right to be accompanied at all stages of the Dignity and Respect at Work procedure by a work colleague, trade union representative or official employed by a trade union, but not a spouse, partner, family member, friend, or legal representative. There may however be certain circumstances where accompaniment is not appropriate, for example during mediation or facilitated meetings where these have been identified as a potential means of resolution.

Where the employee has additional support needs, alternative representation may be agreed as a reasonable consideration to support the employee.

The employee's companion is permitted to put the employee's case forward, sum up the case and respond on the employee's behalf to any view expressed during the

formal stages. They must also be permitted to confer with the employee during any formal meeting/hearing. However, the companion does not have the right to answer questions on behalf of the employee, to address the meeting/hearing if the employee does not wish them to do so, or to prevent the employer explaining its case.

If the companion is an employee of Aberdeen City Council (whether they be a work colleague or a trade union representative), they should be allowed reasonable paid time off to prepare for and attend the meeting/hearing. This includes time for the companion to familiarise themselves with the case and confer with the employee before and after the meeting/hearing.

In advance of the meeting/hearing, the employee is required to inform the person conducting the meeting who their chosen companion is. If the employee's colleague or trade union representative is unable to attend on the proposed date, the employee can suggest an alternative date and time so long as it is reasonable and not more than 5 working days after the original date. Otherwise, the employee will need to arrange for someone else to accompany them at the meeting or attend the meeting unaccompanied. Should the trade union be unable to provide representation within 5 working days of the original date, this should not delay the process. The chairperson/investigating officer can insist that the pre-arranged hearing goes ahead as planned.

## **Keeping Records**

It is important that line managers maintain a written record of any complaint raised. The Complaint Form (appendix 4) is a useful tool that can be used to ensure records are retained detailing:

- The nature of the complaint raised
- Management's response
- Any action taken and the reasons for it
- Whether there was an appeal and if so, the outcome

These records should be kept confidential and retained in the employee's personal file in accordance with data protection legislation which requires the release of certain data to individuals on their request.

Copies of any meeting records should be given to the employee concerned where they request it although in certain circumstances some information may be withheld, for example to protect witnesses.

## **Restoring Relationships After a Complaint**

After conclusion of any complaint made under the Dignity and Respect at Work policy, the focus should be on restoring any damaged relationships within teams and working collaboratively towards an agreed outcome(s). Managers should be conscious of **all** employees affected by the complaint and the overall team dynamic, but in particular the complainant, the subject of the complaint and any witnesses who may have been involved.

Where multiple teams have been affected, line managers should work jointly to restore relationships within their respective teams, overseen by the Service Manager or Chief Officer where appropriate.

Specific areas to consider are:

- Any recommendations that have been outlined by the Investigating Officer (including any amendments made at the appeal stage) should be implemented as timeously as possible. If it is not possible to implement any recommendation, this should be communicated to both the complainant and subject of the complaint in writing with clear reasons why it has not been implemented.
- Focus on future goals/work and aspirations rather than dwelling on past issues.
- Ensure job profiles are current and reflective of both the expected tasks/outcomes of the job and the overall culture.
- Ensure that all team members are being treated fairly and set clear expectations, particularly with respect to workload, areas of responsibility, development opportunities, 1-2-1 time, etc.
- Ensure all team members are aware of and have access to any relevant policies or guidance (for example, the Council's Guiding Principles, Code of Conduct, Social Media Guidance).
- Ensure regular 'check ins' separately with those involved. This can be done as part of regular 1-2-1s, supervision, etc.
- Address any support needs to ensure Employee Wellbeing (see section above for more information)
- Ensure any identified training needs are addressed and consider whether additional development would be beneficial both on an individual and team basis.

This can be a challenging area of management, so managers are encouraged to ensure their own development and any support needs are equally addressed or maintained. Further advice can also be sought from relevant teams within People and Organisational Development where required.

## SECTION 2 – THE PROCEDURE

### Employee raises a complaint

- An employee raises an issue regarding someone's behaviour with their manager (or more senior manager)
- Manager/employee consult the Dignity and Respect at Work Guidance to determine how to proceed, either through informal support or a formal investigation. If in doubt, or the decision is to move to a formal investigation, advice should be sought from the Employee Relations & Wellbeing Team.
- For more information refer to examples in this document.

### Informal Process

- Early intervention is often key to satisfactorily resolving Dignity and Respect complaints promptly.
- Informal 1-1, manager directed resolution, facilitated meeting or mediation may be used to resolve the issues
- The employee may consider the case to be resolved after the informal process has concluded. However, if unsuccessful, or the issues are more serious or complex, it may be determined that a formal investigation is needed to move forward.

### Formal Process

- If during discussion with the Employee Relations and Wellbeing team it has been decided that a formal investigation should commence the next step is to appoint an Investigating Officer from a pool of trained investigators (list held by Employee Relations and Wellbeing team, who will make the appointment)
- Normal working conditions should be maintained wherever possible.

### 1. Investigation

- Refer to the **Investigations Procedure** for detailed information.
- The investigating officer will commence their investigation by meeting with the complainant and subject of the complaint, contacting relevant witnesses and gathering relevant evidence in order to write an investigation report including their findings, decision and recommendations.
- If allegations are upheld the case will go to a disciplinary hearing, and if they have not been upheld the case will end at this point.

### 2. Decision and Recommendations

- The investigating officer will decide if a disciplinary hearing is required under the Managing Discipline policy
- The investigating officer should also put forward recommendations to resolve the complaint and reconcile working relationships
- The investigating Officer informs both parties of their decision and recommendations.

### 3. Appeal

- The complainant has the right to appeal any recommendations, and the decision, should the case **not** be proceeding to a disciplinary hearing
- The subject of the complaint has the right to appeal against the recommendations only under this policy, but **not** the decision to progress to a disciplinary hearing (right of appeal is under the Managing Discipline policy)
- An appeal must be in writing outlining the grounds for appeal.
- An impartial chairperson is appointed and an appeal hearing takes place.

## **Making a Complaint**

A short employee guide to raising a complaint can be found at appendix 5. The guide also explains the steps for employees who are the subject of a complaint.

## **Receiving a Complaint**

If a manager is approached by an employee who feels they may have a complaint, the manager should:

- make the employee aware of the sources of advice and support available to them (listed above).
- Direct the employee to the Dignity and Respect at Work policy and procedure/guidance
- Discuss the informal options that are available to them to resolve any conflict at the earliest opportunity.
- Check if the employee wishes to deal with the person on a one to one basis
- If not, ask the employee to provide detail of
  - The name of the person who the complaint is against.
  - The behaviour that is causing distress.
  - Records of dates, times, witnesses and any other relevant information.
  - Any actions taken at the informal stage, where applicable.

In most cases the above steps should be raised with the employee's line manager, however, if the complaint is against their line manager, the employee may raise their complaint with another manager at the same or higher level.

The complaint form at appendix 4 is a useful means of recording both the complaint and any steps taken to resolve the issue; however, the complaint does not have to be in writing at this stage.

For reasons of confidentiality this information must not be copied to anyone else except those directly involved in the process which may include a trade union representative.

## **INFORMAL STAGE**

### **Early Intervention**

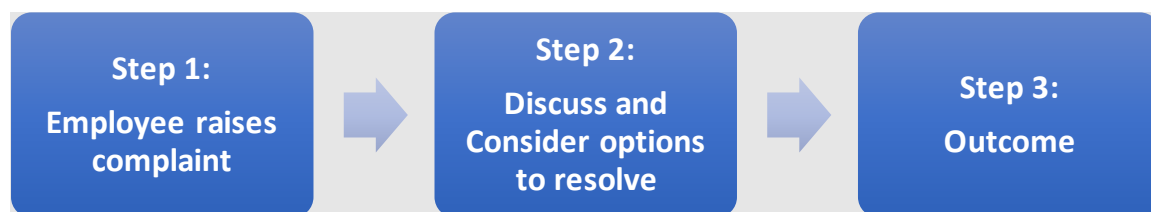
Early intervention is often key to satisfactorily resolving Dignity and Respect complaints promptly and before they become more serious for all concerned and have a negative impact on relationships and service delivery.

Good working relationships are important. Open, honest, and transparent communication is important at all levels and everyone has a responsibility to work effectively and co-operatively to find solutions. We must listen, seek to understand, and act accordingly, and be open to learning from our mistakes and making changes to improve where this is required. Taking a flexible approach is encouraged in trying to resolve complaints, recognising that there is not necessarily a 'one size fits all' solution. Resolution outcomes and decisions made must be a balance between what

is fair and reasonable, what is realistic, and also be supportive of employees being successful at work.

Before progressing to the formal stage of the procedure, an individual who believes that they are being subjected to unacceptable behaviour should consider attempting to resolve the matter informally where possible. However, employees may raise the matter at the formal stage, where they or the manager who has received the complaint determines the complaint to be sufficiently serious or where the informal steps taken have been unsuccessful in finding a resolution.

There are **3 key steps**:



### **Step 1: Employee Raises Complaint**

The employee should raise their complaint and the resolution they seek with their line manager, or another manager where appropriate, as soon as possible after the problem(s) has occurred. There is no need to present the complaint in writing at this stage although the employee may choose to do so, e.g., by email or a Teams message to their manager, if they feel it will help to explain their problem and resolution sought.

The employee's line manager would normally be expected to deal with and respond to the complaint. Every attempt should be made to resolve complaints at the lowest level possible within the organisation. If the line manager is the subject of the complaint, the employee can discuss the matter with a more senior manager in their Cluster.

### **Step 2: Discuss and Consider Options to Resolve**

The manager should deal with the matter promptly; arranging an informal chat or meeting with the employee to discuss their complaint, where possible within 5 working days of first being notified, is recommended. Where necessary, the manager should make appropriate arrangements to cater for any additional support the employee may need. Similarly, where English is not the employee's first language translation facilities may need to be provided, in agreement with the employee.

At the meeting, the employee can explain in full what the problem is, what they think should happen and share any evidence, if necessary, for example, emails, Teams messages, etc.

Informal methods of dealing with unacceptable behaviour are often the quickest and most effective. The individual can seek a resolution at the informal stage through one or more of the following:

<b>Informal 1-1</b>	If you think that someone is bullying you or behaving in another way which is not acceptable and you feel confident that you can
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	<p>talk to them about it, explain to them how they are making you feel and ask them to stop. You may find it helpful to discuss how you would approach such a meeting in advance with your line manager or trade union representative.</p> <p>Sometimes individuals don't realise the effect their behaviour is having on other people, so this direct approach might be quite effective in some cases, but only where the behaviours are relatively minor.</p>
<b>Manager Directed resolution</b>	<p>If asking the individual to stop the behaviour does not work or you feel that you cannot confidently approach the individual yourself, you should raise the issue with your line manager (or their line manager if they are the individual concerned) and ask them to approach the individual on your behalf.</p> <p>Managers may use a counselling form / reflective statement / Empathy Mapping (appendix 3) as a record of the conversation, particularly where the employee has recognised their behaviour has not been appropriate and has agreed to amend their behaviour.</p> <p>The manager should keep you informed of the discussion and any progress.</p>
<b>Facilitated Meeting</b>	<p>A facilitated meeting is a meeting between the complainant and the subject of the complaint, with an appropriate person present to facilitate. The facilitator might be their manager, an independent manager or a People &amp; OD representative, depending on the nature of the complaint.</p> <p>The facilitator will make sure that the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution. If necessary, more than one facilitated meeting can take place.</p> <p>Where at all possible this would be the preferred way of resolving the matter in the most timely way and with the least distress and disruption to those involved.</p>
<b>Mediation</b>	<p>Mediation is a more structured approach. It is completely voluntary and a confidential approach for alternative dispute resolution. It involves an independent, impartial person who has been trained as a mediator helping two or more individuals or groups to reach a solution that is acceptable to all.</p> <p>The overall aim of workplace mediation is to restore and maintain the working relationship wherever possible. This focus is therefore on working together to go forward. All parties must agree to mediation.</p> <p>However mediation is not appropriate in all circumstances and advice can be sought from the Employee Relations and Wellbeing team.</p>

### Step 3: Outcome



After full discussions and considering options to resolve the complaint, the manager should provide a response to the employee outlining the agreed actions and outcome. Ideally this will be within 5 working days of the initial meeting with the employee, however, it is recognised that it may not always be possible to respond within this timescale (for example because of availability of people the manager needs to talk to), and where this is the case then the employee must be kept informed of any delays and the reasons for this.

The manager should keep a note, recording the key details of the complaint raised, attempted resolutions, discussions held, and any agreed actions and outcome. The Complaint under Dignity and Respect at Work Form (appendix 4) is a useful tool that can be used for this purpose and shared with the employee for their review and agreement. For reasons of confidentiality this information must not be copied to anyone else except those directly involved in the process of which may include the employee's trade union representative.

The manager should follow up on agreed actions ensuring that any next steps are completed and have been effective in resolving the complaint. If the employee indicates that their complaint has not been satisfactorily resolved it may be necessary to arrange more informal discussions and attempt further methods of resolving the complaint.

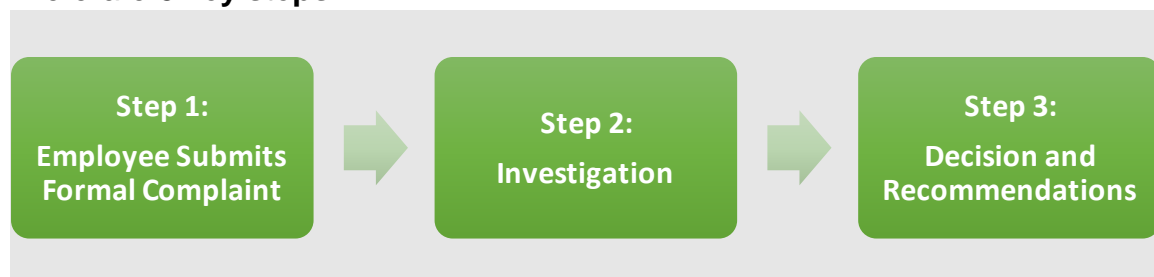
The employee does also have the option to raise their complaint formally if they consider that it has not been satisfactorily resolved at this informal stage. They should raise a formal complaint as soon as possible, and in writing as outlined in Step 1 of the Formal Stage of the procedure.

It is strongly encouraged however for the employee and manager to attempt to fully resolve the complaint informally and for this stage to be exhausted before escalating the matter to be dealt with under the formal stage of the procedure.

## FORMAL STAGE

Whilst every effort should be made to resolve the complaint informally, in some instances the complaint will need to be investigated at the formal stage using the Council's investigations procedure.

There are **3 key steps**:



### Step 1: Submitting a Formal complaint

The complaint form at appendix 4 should be used for this purpose, detailing any steps taken at the informal stage or the reasons for progressing the complaint straight to the formal part of the procedure.

It may not be easy for the employee to set out their complaint in writing - especially for those whose first language is not English or who have difficulty expressing themselves in writing. In these circumstances, the employee is encouraged to seek help from a work colleague or a trade union representative. In exceptional circumstances, arrangements can be made for the employee to meet with the Chief Officer/ Service Manager to relay their complaint in person, with the Chief Officer/Service Manager recording it in writing.

The formal complaint should be submitted to the employee's line manager (or more senior manager if the complaint concerns their manager).

## Step 2: Investigation

Management will acknowledge receipt of the formal complaint **within 5 working days** and arrange for it to be investigated in accordance with the Council's Investigations Procedure [\[add link\]](#) with a view to reaching a conclusion within a reasonable timescale, ideally within 4 calendar weeks.

### Counter Complaints

Where the subject of a complaint under the Dignity and Respect at Work policy makes a counter complaint against the complainant, then the investigating officer will consider the counter allegation at the same time as the initial complaint.

The investigating officer should consider all the information in relation to both complaints and make an overall judgement before reaching a decision on the outcomes of each complaint.

### Anonymous Complaints

Employees who are the subject of a complaint of unacceptable or inappropriate behaviour must be given sufficient information to allow them to understand the complaint against them so that they have the opportunity to answer any allegation(s) and give a full account of their actions. In most cases this will involve identifying the individual who has made the complaint.

Some individuals may raise a complaint but may do this anonymously or may not wish to be identified. The manager should offer reassurance and support in relation to any concerns about participating in the Dignity and Respect at Work policy. Anonymous complaints are often difficult to investigate fully and may be ineffective in addressing unacceptable behaviour or resolving issues between colleagues. Advice should be taken from the Employee Relations and Wellbeing Team if the individual continues to refuse to be identified, or it appears that an individual is raising complaints anonymously for malicious, vexatious or capricious reasons.

Where an anonymous complaint is received and the identity of the complainant is unknown, the manager should conduct an informal preliminary investigation. If it is determined that there is no substance to the issue(s) raised or insufficient evidence, the matter against the employee will go no further. If evidence is found that there may be a case to answer, advice should be sought from the Employee Relations and Wellbeing Team before proceeding further.

If anonymous complaints of a collective, organisational or cultural nature are identified the matter may need to be referred to the Service Manager or Chief Officer who would be required to assess this in more depth, identify any root causes and develop an action plan to address these.

### Working Arrangements Following Receipt of a Formal Complaint

Normal working arrangements/locations of both the complainant and subject of the complaint should be maintained where possible while the investigation is ongoing so as not to prejudice any wrongdoing and to ensure any conflict resolution between employees can be implemented more easily. It is recognised that where the complaint is of a more serious nature, continued working proximity may be detrimental to either party and there may be a requirement to separate employees. Further advice should be sought from the Employee Relations and Wellbeing Team before taking any action in this regard.

## Step 3: The Decision and Recommendations

### Decision

The investigating officer will decide whether there is sufficient evidence to conclude that there is a case to answer and how the matter should be dealt with. The possible outcomes are:

- The investigation has established that there are sufficient grounds to conclude that there is a case to answer on conduct grounds and the matter will progress to a disciplinary hearing under the Managing Discipline policy.
- The investigation has established that there is insufficient evidence or there is no case to answer on conduct grounds because
  - actions have been misconstrued as inappropriate behaviour, bullying and/or harassment;
  - the allegations are unfounded;
  - after consideration of the available evidence, it cannot reasonably be concluded that there is a case to answer.

Where the complainant appears to have made unfounded allegations for vexatious, malicious or capricious reasons they will be subject to investigation and possible disciplinary action. Advice should be sought from the Employee Relations and Wellbeing Team in this instance.

### Recommendations

In addition to the decision, following an investigation, the investigating officer should also put forward any recommendations they believe might resolve the complaint and reconcile any damaged relationships between employees/within the team. These may include (but are not limited to) the methods listed under the Informal Stage of this guidance. In addition, these may also include individual or wider team training, mentoring, etc. The implementation of any recommendations will be the responsibility of the commissioning manager.

Should the complaint be upheld, it may be necessary to relocate or transfer one party on a permanent basis. This will be dependent on the nature of each case and normally only where put forward as a recommendation following the investigation. Wherever possible, the subject of the complaint should be moved, however, this may be considered impracticable and alternatively, the complainant may be moved. In either case, then every effort will be made to identify a suitable transfer and employees should not suffer any detriment as a result of any move.

All parties should be fully briefed of any move and the necessary arrangements should be put in place without delay. Every effort should be made to allow the transition to be as smooth as is reasonably practicable.

Where the concerns are due to collective, organisational or cultural causes the matter may need to be referred to the Service Manager or Chief Officer who would be required to assess this in more depth, identify the root causes and develop an action plan to address these.

### Informing the parties

The investigating officer will provide both the complainant and subject of the complaint with a written summary of their findings, their decision and the reason(s) for it, and explain how their recommendations will be taken forward, taking care to ensure that confidentiality is maintained.

A copy of their investigation report will also be provided to both parties but will not include any statements provided by witnesses, in order to protect working relationships. If the matter is proceeding to a disciplinary hearing, the full report will be issued to the subject of the complaint by the hearing chair, which will include any witness statements.

## APPEAL STAGE

### Who can Appeal?

Where the complainant or subject of the complaint is dissatisfied with the outcome of the investigation, they may have the right to appeal the outcome. A summary of when the right to appeal applies is below:

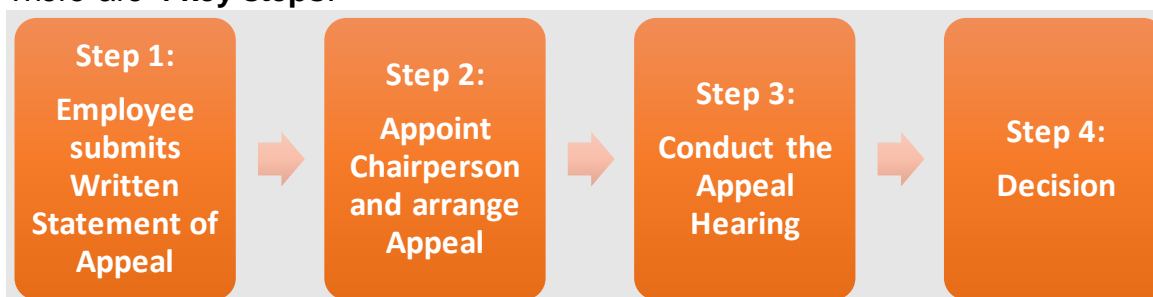
Outcome	Complainant	Subject of complaint
The case should proceed to a disciplinary hearing	No right of appeal	No right of appeal under this policy. <i>(Where disciplinary action is taken, the employee will have the right to appeal against the decision under the appeals process set out under the Managing Discipline procedure.)</i>
Recommendations have been put forward by the investigating officer	Has a right to appeal the recommendations subject to the grounds below.	Has a right to appeal the recommendations subject to the grounds below.

There is no case to answer and is not proceeding to a disciplinary hearing	Has a right to appeal the decision subject to the grounds below.	No right of appeal
--	--	--------------------

An appeal is about looking at what happened previously in the investigatory process and remedying any defects. The appeal is **NOT** a re-investigation of the original complaint but rather an opportunity for the employee to highlight to an independent manager, with the authority to make an alternative decision, why they believe the decision was wrong.

Where the decision comprises more than one outcome (for example where the case is to proceed to a disciplinary hearing AND the investigating officer has put forward recommendations to resolve concerns), the employee can only appeal against the part of the decision that they have a right to appeal against.

There are **4 key steps**:



### **Step 1: Employee submits Written Statement of Appeal**

Where either party is dissatisfied with the outcome, an appeal may be made to their Director. The statement of complaint form found at appendix 4 can be used for this purpose. The notice of appeal must be made in writing **within 10 working days** of receiving the investigating officer's written confirmation of their decision and must set out the grounds for appeal, demonstrating why they consider the decision to be unreasonable.

An appeal can only be made on one or more of the following grounds. The employee considers:

1. That it was unreasonable for the investigating officer to have reached that conclusion on the basis of the evidence and information obtained,
2. That the investigation was fundamentally flawed,
3. That the procedure was not followed, and this has adversely affected the outcome of the complaint.

### **Step 2: Appoint Chairperson and arrange Appeal Hearing**

The appeal can be heard by the Director or they can appoint an appropriate Chief Officer or Senior Manager.

Where the investigation was conducted by a Head Teacher, then the appeal will be heard by a manager at Quality Improvement Officer level or above.

When appointing the chairperson, the Director must ensure that the Chief Officer or Senior Manager has had no prior involvement in the case to demonstrate fairness, objectivity, and impartiality in the process. It may be most appropriate to appoint a chairperson from out with the employee's service/cluster, however, this should be balanced with the requirement for any specialist knowledge and expertise, and the complexities of the case. Advice can be sought from the Employee Relations and Wellbeing Team.

The chairperson should write (appendix 8) to the employee with the appeal arrangements **providing 5 working days' notice** to attend, however, this can be reduced if all parties agree. The hearing should be held **within 10 working days** of receipt of the employee's written statement of appeal. If for some good and sufficient reason it is not practicable to hold the appeal hearing within this timescale then the employee must be informed as soon as this becomes apparent, provided with an explanation for the delay and advised of the date the hearing is expected to take place. This should be within a few days of the 10-day timescale.

The chairperson should also notify the other party that the complainant / subject of complaint has lodged an appeal against the investigating officer's decision using the letter at appendix 6. If both the complainant and subject of complaint appeal the decision, two separate appeal hearings should be arranged by the same chairperson, with no more than 5 working days between each other to ensure the outcome is not unduly delayed for either party.

The chairperson should ensure the following are also invited to attend the hearing:

- A People & Organisational Development Advisor to provide procedural advice and guidance.
- The investigating officer who investigated the complaint.
- The employee's companion, if they wish to be accompanied.
- A note taker if it is felt that this would be useful.

Where necessary, make appropriate arrangements to cater for any disability the employee or their companion may have. Similarly, where English is not the employee's first language translation facilities may need to be provided.

### **Step 3: Conduct the Appeal Hearing**

The appeal hearing should be conducted in accordance with the '**How to Conduct an Appeal Hearing**' Checklist (appendix 8). It is important that the written statement of appeal and any evidence that has been submitted is reviewed in full in advance of the hearing. Where necessary adjournments should be accommodated.

### **Step 4: Decision**

The chairperson must decide whether there are sufficient and reasonable grounds to either:

- Uphold the appeal against the outcome (in which case should proceed to a disciplinary hearing) – **complainant appeal only**



- Uphold the appeal against the recommendations (in which case the recommendations should be amended)
- Uphold the appeal in part (in which case offer the employee a compromise solution)
- Reject the appeal (in which case the outcome and recommendations proposed by the investigating officer stand)

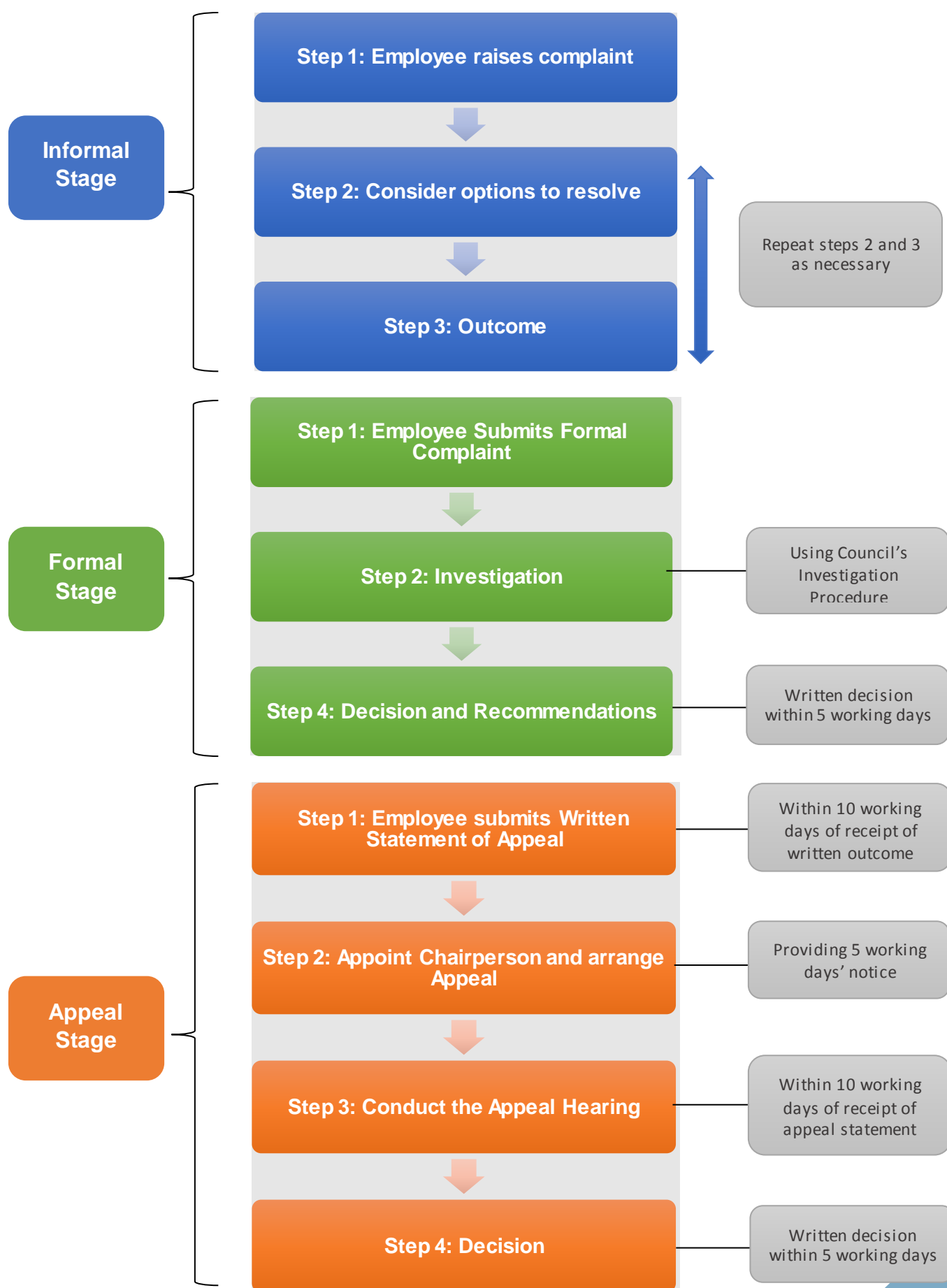
In arriving at a fair and reasonable decision, the chairperson should:

- be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- listen carefully to both sides of the case and make a judgement as objectively as possible.
- satisfy themselves that no unfair bias or prejudice affected the original decision.
- consider whether previous responses were within the band of reasonable responses.
- consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the appellant)
- pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the investigation, whether the employee had the opportunity to raise these matters during the investigation. The chair should ensure that Investigating Officer has an opportunity to comment on these.
- check whether similar complaints have been raised before and if so, how they were resolved.
- check whether the employee's proposed remedy is reasonably achievable and indeed, whether it may render the Council vulnerable to other complaints or grievances from employees who may potentially be disadvantaged were the appeal to be upheld (even in part)
- explore possible opportunities to resolve the complaint and check the legitimacy of potential solutions with other managers and People and Organisational Development.

The employee should be notified of the decision and the reasons for it at or soon after the hearing. This should be confirmed in writing (appendix 9) to the employee **within 5 working days** of the hearing, and it made clear that this decision is final.

If exceptional circumstances exist whereby it is not possible to respond by this deadline (for example where there is a need to discuss the matter with other officers) then the employee must be given an explanation for the delay and told when a response can be expected. If the outcome is unreasonably delayed due to the requirement to hold 2 hearings and 1 party being unavailable, it may be necessary to hold an appeal hearing in the absence of the employee and base the decision on the available information. Advice should be sought from the Employee Relations and Wellbeing Team in these circumstances.

## Dignity and Respect at work Flowchart





## What is/is not Unacceptable Behaviour or Bullying?

Sometimes behaviours and actions which cause us to feel distressed are not examples of bullying, even though they are unpleasant and often require action by an employer or manager. There are some common situations that can be confused with bullying:

### Fair, firm management, or unacceptable behaviour?

The differences between a manager who is firm and fair and a manager who is bullying or behaving unacceptably towards employees can sometimes seem ambiguous. The table below offers examples of the types of behaviour which distinguish between these:

Firm and fair management	Unacceptable behaviour *
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results but is reasonable and flexible	Determined to achieve the best results but unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but is willing to consult with colleagues and staff before drawing up proposals	Believes that they are <b>always</b> right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists on high standards of service in quality of work and behaviour in the team	Insists on high standards of service and behaviour, but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame to others when things go wrong	Loses temper, degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Always tells people what is happening, never listens
Shares credit appropriately	Plagiarises, takes credit for other people's work/ideas
Respectful and considerate	Disrespectful and inconsiderate
Demonstrably values others and their contributions.	Devalues or ignores the contribution of others

\* Please note that the above examples are only indicators of unacceptable behaviour and should always be considered in context.

## What is/is not Unacceptable Behaviour or Bullying?

### Healthy conflict between colleagues, or unacceptable behaviour?

People are bound to have occasional differences of opinion and these are a normal part of working life. Disagreements may leave people feeling unhappy, but they should not be confused with bullying behaviour. However, these should also not be ignored - if left unresolved, normal conflict may escalate into a bullying situation.

Normal Conflict	Unacceptable behaviour *
Consistent and fair	Aggressive, inconsistent and unfair
Recognises when conflict cannot be resolved and “agrees to disagree”	Continues to escalate a disagreement unnecessarily
Looks for solutions to resolve problems	Looks for someone to blame
Sets high standards for themselves and their work	Expects their colleagues to meet unreasonable standards whilst not doing so themselves
Focuses on the task at hand during a disagreement	Resorts to name-calling, undermining and belittling others
Knows their own mind and is clear about their own ideas but is willing to discuss alternative options with others.	Believes that they are always right, has fixed opinions, believes they know best and does not value other people’s opinions
Will discuss in private any perceived issues in working relationships	Loses temper, degrades people in front of others or gangs up on individuals
Asks for people’s views, listens and assimilates feedback	Tells people what is “right”, does not listen
Shares credit appropriately.	Plagiarises, takes credit for other people’s work/ideas.
Respectful and considerate	Disrespectful and inconsiderate
Demonstrably values others and their contributions.	Devalues or ignores the contribution of others.

\* Please note that the above examples are only indicators of unacceptable behaviour and should always be considered in context.

## METHODS AND TOOLS FOR RESOLVING COMPLAINTS

<b>Informal 1-1</b>	<p>It may be appropriate for the employee to try talking to the person who has aggrieved them as a first step. The employee may feel confident enough to discuss their complaint(s), the impact this is having on them and the resolution they are seeking. The employee may find it helpful to discuss how they would approach such a meeting in advance with their line manager or trade union representative. Sometimes individuals do not realise the effect a decision or behaviour is having on other people, so this direct approach might be quite effective in some cases.</p>
<b>Manager Directed Resolution</b>	<p>If the employee speaking 1-1 with the individual does not work to resolve the complaint or they do not feel able to approach the individual themselves, the line manager (or their line manager if they are the individual concerned) could approach the individual on the employee's behalf.</p> <p>Where appropriate managers may use a counselling form / reflective statement (appendix 3) as a record of the conversation, particularly where the complaint relates to the individuals behaviour and they have recognised that their behaviour has not been appropriate and agreed to address this.</p>
<b>Facilitated Meeting</b>	<p>A facilitated meeting is a meeting between the employee and the person who has aggrieved them, with an appropriate person present to facilitate (make it easier). The appropriate person (facilitator) might be their manager, an independent manager or a People &amp; OD representative, depending on the nature of the complaint.</p> <p>The facilitator will make sure that the issues are discussed in a safe, confidential and supported way with the aim of reaching a resolution. If necessary, more than one facilitated meeting can take place.</p>
<b>Mediation</b>	<p>Mediation is a more structured approach. It is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person who has been trained as a mediator helping two or more individuals or groups to reach a resolution that is acceptable to all.</p> <p>The overall aim is to restore and maintain the working relationship wherever possible. The focus is therefore on working together to move forward. All parties must agree to mediation. Advice can be sought from the Employee Relations and Wellbeing Team.</p>

## METHODS AND TOOLS FOR RESOLVING COMPLAINTS

<b>Counselling Meeting</b>	<p>A counselling meeting or discussion can be a useful tool for managers in some situations, for example:</p> <ul style="list-style-type: none"> <li>• when an employee's behaviour has fallen short of the expected standards, but is not serious enough to warrant any formal action</li> <li>• when a situation between employees is beginning to escalate</li> <li>• when an employee has not understood the expected standards but is willing to amend their behaviour</li> </ul> <p>It should not be used in circumstances where the behaviour/actions of the employee are more serious and should be managed under a formal policy.</p> <p>A counselling meeting is where the manager explains what behaviour/action has been inappropriate, why this was inappropriate and what is expected in the future. The manager may also ask the employee to complete an action, for example to familiarise themselves with the guiding principles or undertake some training in a particular area.</p>
<b>Reflective Statement</b>	<p>A reflective statement allows an employee to consider their own behaviour/actions, what the consequences were and how they would better handle similar scenarios in the future. This might be particularly useful when a disagreement between colleagues has escalated, or where the employee's actions were uncharacteristic due to them being provoked, stressed or inexperienced at dealing with the situation.</p>
<b>Empathy Mapping</b>	<p>Empathy Mapping can be a valuable tool in evaluating a situation from different perspectives. This tool puts the individuals in the position of others in order to understand their own circumstances and potential reasons behind various decisions. Key questions that can be asked include the following:</p> <ul style="list-style-type: none"> <li>• What do they think?</li> <li>• What do they feel?</li> <li>• What do they say?</li> <li>• What do they do?</li> </ul>

RECORD OF INFORMAL COUNSELLING			
Employee Name			
Manager undertaking counselling		Date of Meeting	
Why is counselling taking place?			
What is the employee's response?			
What is the required improvement?			
Additional support to be provided / any other actions?			
Employee's signature:			
Manager's signature:			

## GUIDE TO CARRYING OUT AN INFORMAL COUNSELLING MEETING

### Prior to the meeting

- Explain the purpose of the meeting to the employee.
- Book a private room free from potential interruptions.
- Consider any requests for support during the meeting.
- It is not appropriate for the employee or manager to be accompanied.
- Be prepared for the meeting, ensure that all relevant facts/information is available that you will need to refer to at the meeting (for example, flexi-time records, time sheets, absence records etc). Think about possible solutions and have in mind a plan for taking matters forward in a constructive and positive way that will help the employee to improve and resolve the matter.

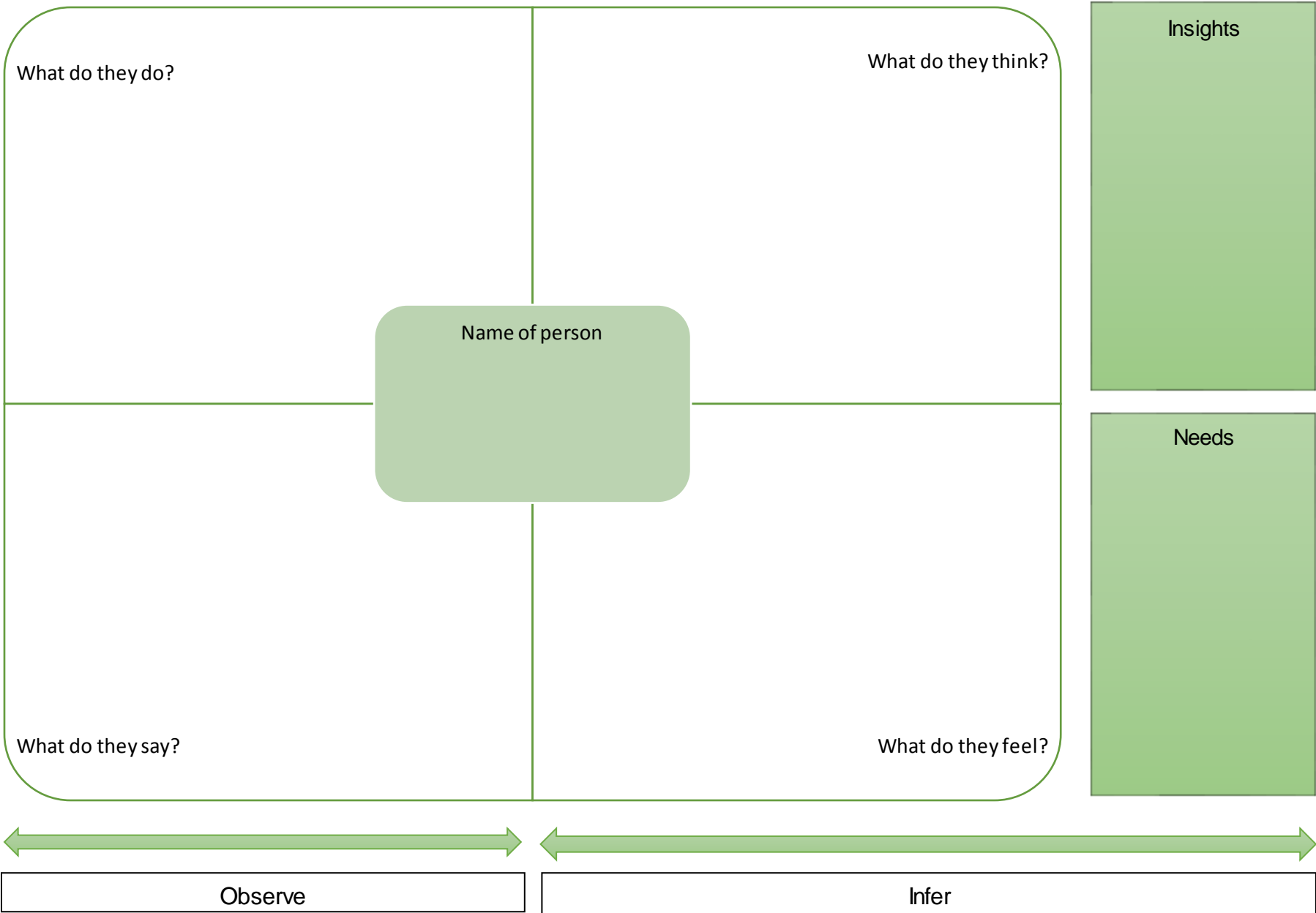
### At the meeting

- Explain the status and purpose of the meeting and that you wish to encourage a two-way discussion that is positive and meaningful. You should make clear that the meeting is not part of any disciplinary proceeding.
- It is important that you point out the issues including impacts to the team/wider service and why they are being counselled so they can understand fully before they give you an explanation.
- Listen to the employee's explanation, provide feedback, jointly discuss ways for the employee to improve and for that improvement to be sustained.
- If the employee raises any issues you may need to look into matters further if the employee provides information that you were unaware of or conflicts with the information you currently have (NB it may become evident that there is no case to answer and if so, make this clear to the employee).
- Agree a plan to make the required improvement.
- Once you have agreed a plan you need to inform the employee that if they do not improve to the required standard then further steps may need to be considered under the appropriate policy.
- If the meeting unveils that the matter is more serious than you first thought or if the employee is not prepared to take the necessary steps for improvement you need to adjourn. Should this arise, inform the employee that the matter will need to be considered under the appropriate policy, explaining the reasons why.
- Once the meeting has concluded and both parties agree to the next steps, the form should be signed by both the employee and line manager and a copy provided to the employee.

## Reflective Statement

REFLECTIVE STATEMENT	
<b>Employee Name</b>	
<b>Statement Date</b>	
<b>Describe the incident?</b>	
<b>Describe your own actions/behaviour?</b>	
<b>What were the consequences of your actions/behaviour?</b>	
<b>How would you handle the same incident on reflection?</b>	
<b>What support/training do you need to ensure the incident does not occur again?</b>	

# Empathy Mapping





**COMPLAINT UNDER DIGNITY AND RESPECT AT WORK FORM**

To lodge a complaint, complete all sections in full as requested below and ensure the form is signed and dated before submission to your Manager



YOUR DETAILS			
Name		Employee No.	
Job Title			
Cluster/Service			
Work Location			
Line Manager			
Contact Number / Email Address			
DETAILS OF COMPLAINT			
<b>At what stage do you wish to raise a complaint</b> Informal <input type="checkbox"/> Formal <input type="checkbox"/>			
<b>Who is the complaint against?</b> <i>Please give the name of the individual and your relationship (manager/colleague/subordinate)</i>			
<b>What is the nature of your complaint?</b> <i>Please state fully the nature of your complaint including any key dates. Attach supporting documents if required.</i>			
<b>What is the impact of the behaviour on your working relationship/wellbeing?</b>			

<b>What resolution are you seeking?</b> <i>Please indicate in your opinion how the complaint could be resolved.</i>	
<b>INFORMAL RESOLUTION</b>	
<b>Have you attempted to resolve your complaint informally?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Have you discussed your complaint with a manager?</b>	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Name of Manager</b>	
<b>Details of informal resolution(s) attempted:</b>  <i>Where you have replied 'no' to either of the above, please explain why</i>	
<b>By signing this form, I confirm the information provided is true to the best of my knowledge.</b>	
<b>Signature</b>	
<b>Date</b>	

## Employee Guide - If you have a complaint

Submitting an informal complaint	<ul style="list-style-type: none"> <li>• Tell your manager (or other appropriate manager)</li> <li>• Who your complaint is against.</li> <li>• The behaviour that is causing distress.</li> <li>• Records of dates, times, witnesses and any other relevant information.</li> <li>• Any steps you have taken already.</li> </ul>
Informal resolution	<ul style="list-style-type: none"> <li>• Your manager will discuss and consider ways to help resolve your complaint.</li> <li>• It may take some time and more than 1 method to resolve this</li> </ul>
Formal complaint	<ul style="list-style-type: none"> <li>• If this is unsuccessful or you feel your complaint is more serious, you can submit a formal complaint</li> <li>• Submit your complaint using the complaint form to your manager or a more senior manager</li> </ul>
Investigation	<ul style="list-style-type: none"> <li>• The manager will acknowledge your complaint and arrange an investigation</li> <li>• The investigating Officer (IO) will contact you to get more information</li> <li>• The IO will also talk to the person you made a complaint against and any other relevant witnesses</li> </ul>
Decision and Recommendations	<ul style="list-style-type: none"> <li>• The IO will let you know the outcome of their investigation and confirm this in writing</li> <li>• They will decide if your complaint should go to a disciplinary hearing</li> <li>• The IO may also make other recommendations about how your complaint and working relationships should be resolved</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>• If you are unhappy with the IO's decision and/or the recommendations, you can appeal against them</li> <li>• Submit your appeal using the next part of the complaint form</li> <li>• A more senior manager will arrange to hear your appeal</li> <li>• The chair will confirm the outcome in writing</li> </ul>
Next steps	<ul style="list-style-type: none"> <li>• Any recommendations that have been proposed will be implemented by your manager or at a more senior level</li> <li>• If there has been a disciplinary hearing, you won't be told what action is taken against the person your complaint is against</li> </ul>

## If a complaint is made against you

Informal complaint submitted	<ul style="list-style-type: none"> <li>•Your manager will let you know that someone has raised a complaint and what it is about</li> <li>•If you have taken steps to resolve the issue with the person already, you should tell your manager what has happened</li> </ul>
Informal resolution	<ul style="list-style-type: none"> <li>•Your manager will discuss and consider ways to help resolve the person's complaint.</li> <li>•It may take some time and more than 1 method to resolve this</li> </ul>
Formal complaint	<ul style="list-style-type: none"> <li>•If this is unsuccessful or the complaint is more serious, the person may submit a formal complaint</li> <li>•Your manager will advise you if a formal complaint has been submitted</li> <li>•Formal complaints are investigated using <b>the Investigations procedure</b></li> </ul>
Investigation	<ul style="list-style-type: none"> <li>•The IO will talk to the person who made a complaint against you first to get more information</li> <li>•The IO will then contact you in writing to get your perspective/supporting evidence</li> <li>•They may also speak to any relevant witnesses</li> </ul>
Decision and Recommendations	<ul style="list-style-type: none"> <li>•The IO will let you know the outcome of their investigation and confirm this in writing</li> <li>•They will decide if the complaint should go to a disciplinary hearing</li> <li>•The IO will also make recommendations about how the complaint should be resolved</li> </ul>
Appeal	<ul style="list-style-type: none"> <li>•If you are unhappy with the IO's recommendations, you can appeal against them. You cannot appeal against the decision to hold a disciplinary hearing</li> <li>•Submit your appeal using the complaint form</li> <li>•A more senior manager will arrange to hear your appeal</li> <li>•The chair will confirm the outcome in writing</li> </ul>
Next steps	<ul style="list-style-type: none"> <li>•Any recommendations that have been proposed will be implemented by your manager or at a more senior level</li> <li>•If a disciplinary hearing is required, this will move to the Managing Discipline policy and a hearing will be arranged under that process</li> </ul>

**MODEL LETTER/EMAIL CONFIRMING RECEIPT OF COMPLAINT****PERSONAL**

Dear

**COMPLAINT: DIGNITY AND RESPECT AT WORK**

I write to confirm receipt of the complaint(s) you have raised against **<name>**, **<job title>**, under the formal stage of the above procedure.

An investigating Officer will be appointed, from a pool of trained investigators, who will arrange to meet with the you to discuss your complaint, and then gather evidence and liaise with the subject of your complaint and any relevant witnesses as part of the investigation. Once the investigating officer is satisfied that all relevant information about the complaint has been gathered, they will produce an investigation report, detailing their findings and conclusions, along with any recommendations, which they will provide to myself.

A copy of their investigation report will also be provided to both you and the subject of your complaint, but will not include any statements provided by witnesses, in order to protect working relationships. If the matter is proceeding to a disciplinary hearing, the full report will be issued to the subject of the complaint by the hearing chair, which will include any witness statements.

It is anticipated that the investigation should be completed within 4 calendar weeks from an investigating officer being appointed.

On completion, I will make arrangements for any next steps recommended by the Investigating Officer to be undertaken.

I trust this satisfactorily explains next steps, however, please do not hesitate to contact me with any questions.

Yours sincerely

**<name>**  
**<post title>**

Cc P&OD Advisor  
Investigating Officer

## MODEL LETTER/EMAIL – ADVISING EMPLOYEE THAT OTHER PARTY HAS LODGED AN APPEAL

### PERSONAL

Dear

#### NOTICE OF APPEAL BEING LODGED: DIGNITY AND RESPECT AT WORK

I write to advise you that **<name of complainant/subject of complaint>** has appealed against the *outcome and/or recommendations\** (*delete as appropriate*) of the investigation.

#### Potential outcome of appeal hearing

I will carefully consider the grounds for appeal, and the response made by the investigating officer who took the decision and made their recommendations, and then decide whether there are sufficient and reasonable grounds to either:

- Uphold the appeal against the outcome (in which case should proceed to a disciplinary hearing) – **complainant appeal only\* delete if N/A**
- Uphold the appeal against the recommendations (in which case the recommendations will be amended)
- Uphold the appeal in part (in which case a compromise solution will be offered)
- Reject the appeal (in which case the outcome and recommendations proposed by the investigating officer stand)

I will hear the appeal on **<date>** and will advise you of the outcome, and any implications for you, in due course.

Yours sincerely

#### NAME OF OFFICER CONDUCTING APPEAL HEARING

cc P&OD Advisor

## MODEL LETTER/EMAIL – INVITE TO APPEAL HEARING

### PERSONAL

Dear

### NOTICE OF APPEAL HEARING: DIGNITY AND RESPECT AT WORK

I have been nominated to hear your appeal against the decision which was confirmed to you in writing on **<date>**.

I understand that the grounds for your appeal are:

***<set out briefly what you understand to be the employee's grounds for appeal>***

I intend to hear your appeal on **<date, time and location>**. I will be accompanied by **<name and job title>**

### Format of the appeal hearing

I intend to conduct the appeal hearing as follows:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.
2. I will then ask you to state your grounds and reasons for the appeal.
3. I will then ask the investigating officer to respond.
4. I will question both the investigating officer and yourself. My colleague(s) may also do so as a means of clarifying matters.
5. I will give both parties the opportunity to make a closing statement, firstly the investigating officer, then yourself.
6. At the end of the hearing, I will summarise the facts and adjourn the meeting. I will then consider all of the relevant issues that have emerged from the hearing and make my decision
7. I will then reconvene the meeting, **within 5 working days of the hearing**, and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing

### Potential outcome of hearing

I will carefully consider your grounds for appeal, and the response made by the investigating officer who took the decision not to uphold your complaint(s), and then decide whether there are sufficient and reasonable grounds to either:

- Uphold the appeal against the outcome (in which case should proceed to a disciplinary hearing) – **complainant appeal only\* delete if N/A**
- Uphold the appeal against the recommendations (in which case the recommendations will be amended)
- Uphold the appeal in part (in which case a compromise solution will be offered)
- Reject the appeal (in which case the outcome and recommendations proposed by the investigating officer stand)

### **Your right to be accompanied**

You have the right to be accompanied by a work colleague or trade union representative if you so wish. Please note, however, that you are not permitted to be accompanied by your partner, spouse or legal representative.

I will be accompanied by (insert name of officer and position).

The decision of this appeal hearing is final and there is no further right of appeal.

### **Confirming your attendance**

Please contact me as soon as possible to confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

I trust this satisfactorily explains the stage we are at in the Dignity and Respect at Work Procedure and how the hearing will proceed.

Yours sincerely

### **NAME OF OFFICER CONDUCTING HEARING**

cc P&OD Advisor  
HR Service Centre /Employee Personal File



## HOW TO CONDUCT A DIGNITY AND RESPECT AT WORK APPEAL HEARING CHECKLIST

The chairperson should conduct the formal hearing by following the below steps.  
Please be advised, these steps are detailed in the Template Letter to Invite  
Employee to an Appeal Hearing

Step	Detail	Complete
<b>Prior to the Hearing</b>	Received grounds for appeal from employee	
	Contact Employee Relations & Wellbeing team ( <a href="mailto:employeerelations@aberdeencity.gov.uk">employeerelations@aberdeencity.gov.uk</a> ) for a People & Organisational Development Advisor to support at the hearing.	
	Book a private meeting room or arrange a Teams meeting.	
	Invite employee and all relevant parties to the hearing.	
<b>1. Introduction</b>	Make introductions as necessary and explain the purpose and format of the hearing. Deal with any procedural issues that may arise. Confirm that you will allow necessary adjournments.	
<b>2. Statement of grounds for appeal</b>	Invite the employee to state their grounds and reasons for appeal.	
<b>3. Response from Investigating Officer who investigated the complaint at the formal stage</b>	Ask the Investigating Officer who investigated the complaint at the formal stage to respond.	
<b>4. Information gathering</b>	Question both parties in order to obtain a clear understanding of the issues and what it might take to resolve the complaint.	
<b>5. Closing Statements</b>	Allow both parties to make closing statements, firstly the Investigating Officer and then the employee.	
<b>6. Position summary</b>	Summarise the main points of the discussion after questioning is, and closing statements are, completed. This is to ensure that you have understood the issues, the resolution the employee seeks, the arguments and any evidence presented and that nothing relevant has been missed.	
<b>7. Adjournment</b>	Adjourn the hearing so that you can consider all of the relevant issues that have emerged and the evidence presented and make a decision.	

	Where both parties have appealed, you should adjourn until after both appeals have been heard.	
<b>8. Communicate the decision</b>	Reconvene the hearing to notify the employee of your decision and the reasons for it. Advise that this will be confirmed in writing to the employee <b>within 5 working days</b> of the hearing, and that this decision is final.	
<b>After the Hearing</b>	Issue outcome letter to employee.	
	Send the paperwork to the People and Organisational Development Advisor supporting you in the case for recording and filing.	

**MODEL LETTER/EMAIL – TO CONFIRM OUTCOME OF APPEAL HEARING****PERSONAL**

Dear

**CONFIRMATION OF OUTCOME OF APPEAL HEARING: DIGNITY AND RESPECT AT WORK**

*Choose appropriate paragraph*

Thank you for attending the appeal hearing which was held on **<date of hearing>** in the presence of **<names of officers present, including companions if applicable>**. This letter confirms my decision.

As you are aware an appeal hearing was held on **<date of hearing>** in the presence of **<names of officers present, including companions if applicable>**. This letter confirms my decision.

**Outcome of appeal hearing**

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision, namely that I

*Choose appropriate outcome*

Uphold the appeal against the outcome of the investigation (in which case should proceed to a disciplinary hearing)

Uphold the appeal against the recommendations of the investigation (in which case the recommendations will be amended)

Uphold the appeal in part (in which case a compromise solution has been offered)

Reject the appeal (in which case the outcome and recommendations proposed by the investigating officer stand)

**Reasons for my decision**

My reasons for arriving at this decision are **<insert details of reasons>** and the factors that I considered relevant were **<insert details of factors>**.

**Where the case is not proceeding to a disciplinary hearing**

This matter will not, therefore, proceed any further. I hope you will understand and accept my reasons for arriving at this decision. I have to inform you that you have now exercised your right of appeal under the Council's Dignity and Respect at Work Policy and my decision is final. There is no further right of appeal.

**Where the case is now proceeding to a disciplinary hearing**

This matter will, therefore, be addressed through the appropriate Council procedure(s).

*For complainant insert the following*

For reasons of confidentiality, I cannot provide you with further details.

*For Subject of complaint insert the following*

A disciplinary hearing will now be convened and you will be contacted with details in due course.

I trust this explains the outcome of the appeal.

Yours sincerely

**NAME OF OFFICER CONDUCTING APPEAL HEARING**

cc P&OD Advisor  
HR Service Centre /Employee Personal File

# Investigations Procedure

## DOCUMENT CONTROL

<b>Approval Date</b>	
<b>Implementation Date</b>	
<b>Procedure/guidance Number</b>	
<b>Author(s) and Owner</b>	Keith Tennant – Policy Lead – Author Isla Newcombe – Chief Officer – People and Organisational Development - Owner
<b>Approval Authority</b>	
<b>Scheduled Review</b>	
<b>Changes</b>	

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## 1.0 INTRODUCTION

- 1.1.1 This procedure applies in relation to investigations being conducted under the Managing Discipline, Dignity and Respect at Work, Managing Grievances policies and procedures, and the Handling Allegations Against School Staff procedure.
- 1.1.2 Its aim is to ensure a consistent and fair approach in how investigations are conducted in respect of the policies and procedures in 1.1.1 above.
- 1.1.3 It will be used where a need has been identified for an investigation under the formal part of the respective policy and procedure, where the matter cannot be addressed informally.

## 2.0 PROCEDURE

### 2.1 Step 1 - Preliminary Assessment of the case

- 2.11 At the outset, where a formal investigation is being considered, the \*commissioning manager will undertake any necessary discussion with the Employee Relations & Wellbeing Manager or an Advisor identified by that manager to verify that a formal investigation is in fact required, or whether the matter could be addressed through informal means. The preliminary assessment of the case will be recorded using the template at Appendix A. In respect of serious misconduct allegations, a formal investigation would be required.

Note - The informal part of the procedure may already have been applied by the line manager and further consideration at that stage ruled out before the matter has reached this point. The commissioning manager will confirm whether that is the case before proceeding.

\*The commissioning manager is the person in the Cluster who decides on the need for a formal investigation.

- Commissioning Manager discusses with Employee Relations to verify if a formal investigation is needed, or if matter can be addressed informally.



- Commissioning Manager records outcome of preliminary assessment of case on form at Appendix A.

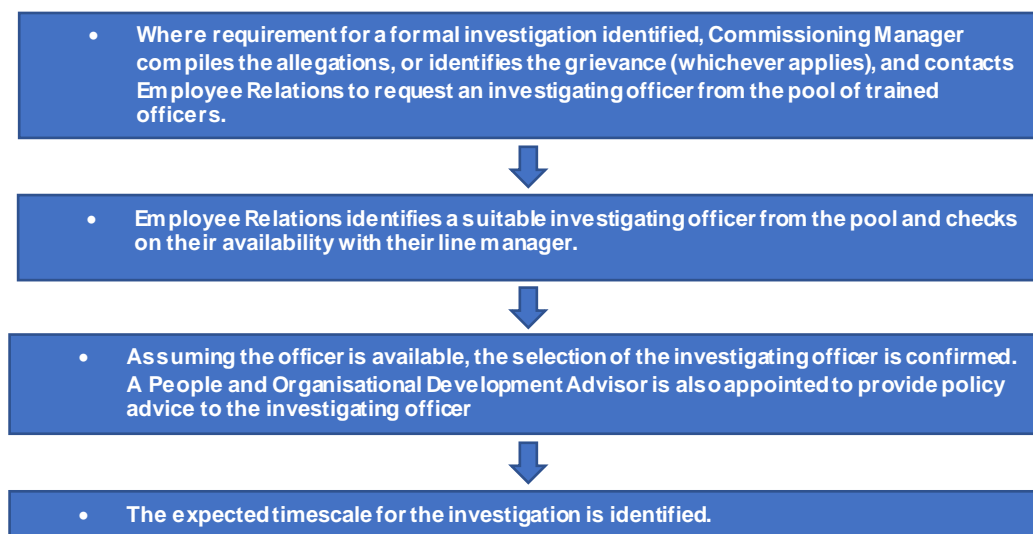
### 2.2 Step 2 - Appointment of Investigating Officer

- 2.21 Where the commissioning manager is satisfied of the requirement for a formal investigation, they will formulate the allegations to be investigated and then contact the Employee Relations & Wellbeing Team to request an investigating officer. The Employee Relations & Wellbeing Team will engage an investigating officer from the pool of trained investigators in line with the guidance set out in Appendix G. A People



and Organisational Development Advisor will also be appointed to provide policy advice to the investigating officer during the investigation stage.

- 2.22 The overall timescale for the appointment of an investigating officer should be no longer than 3 working days from the time the template at Appendix A has been submitted.
- 2.23 The investigation will immediately commence on the appointment of the investigating officer, with the officer made aware of the need to complete the investigation as quickly as possible, but also ensuring that it is thoroughly carried out. The expected timescale for completion of an investigation will be up to 4 calendar weeks. Where an investigation is to take longer than this, the investigating officer is responsible for keeping all the relevant parties informed of the likely timescale and any reason(s) that may have caused a delay. Nonetheless regular updates will be given by the investigating officer to the parties, (including the People and Organisational Development Advisor), keeping them informed of progress, with these recorded on Appendix H.

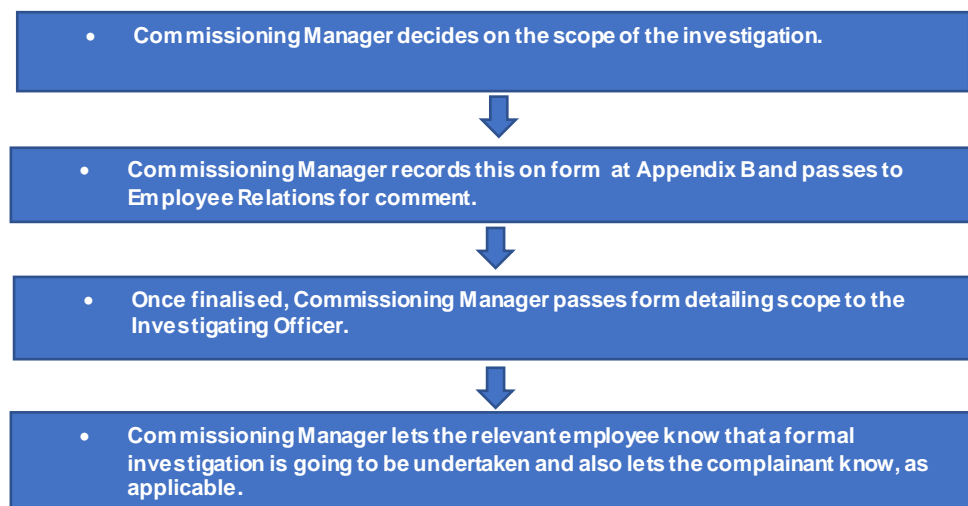


### **2.3 Step 3 - Identifying the scope of the investigation and notifying the employee(s)**

- 2.31 The commissioning manager will decide on the scope of the investigation, establishing what requires to be investigated, also identifying the allegation(s) or complaint(s) against the employee; or the grievance(s) raised by an employee
- 2.32 The scope of the investigation should be recorded using the standard template (see Appendix B attached), with this initially passed to the Employee Relations & Wellbeing Team for any comment. Once finalised, the form will be given to the

investigating officer by the commissioning manager. The investigating officer should also receive the grievance/complaint form.

- 2.33 In the case of conduct investigations, the commissioning manager will arrange to let the employee subject to the allegation(s) or complaint(s) know that the matter(s) is to be formally investigated and the reason why, and that the investigating officer will write to them in the near future to call them to an investigatory meeting. In cases where there is a complainant, that person will also be communicated with, to let them know that matters will be progressed through the appropriate procedure/policy.
- 2.34 In the case of grievance investigations, the chairperson of the grievance hearing will arrange to let the employee who has raised the grievance know that the matter is to be formally investigated and that the investigating officer will be writing to them to invite them to an investigatory meeting.



## **2.4 Step 4 - Commencing and undertaking the Investigation**

### **Conduct and grievance investigations**

- 2.41 The investigating officer will begin by compiling an investigation plan. See template at Appendix C.
- 2.42 For conduct (Discipline or Dignity and Respect) and grievance investigations, the investigating officer will issue a formal letter:
- to the employee who is subject to the allegation(s) or complaint(s),
  - to the employee who raised the grievance or complaint

inviting them to a formal meeting/invite them to submit a statement, detailing the allegation(s), complaint(s), or grievance(s), whichever applies (see letters at

Appendices 1 and 2 for conduct investigations, and letter at Appendix 4 for grievance investigations).

The employee(s) will have the right to be accompanied by a trade union representative or a work colleague at the meeting.

- 2.43 The investigatory meeting will be held, with the investigating officer seeking a response to the allegation(s), complaint(s), or details of the grievance(s) from the employee, giving them every opportunity to respond/provide details.
- 2.44 The investigating officer will either take a notetaker to this and the other meetings to compile a record or can opt to take notes themselves (see Appendix D for Interview Record template). A copy of the record of the meeting will be given to the employee following the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated. Sufficient time will be given to the employee to check over and finalise the record of their statement.
- 2.45 The investigating officer may choose to meet the employee who made the complaint first, before the employee who is under investigation. The employee who made the complaint will also have the right to be accompanied if they wish. A copy of the record of the meeting will be given to the employee after the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated (see template at Appendix D). Sufficient time will be given to the employee to check over and finalise the record of their statement.
- 2.46 The investigating officer will arrange to contact relevant witnesses, to gather details of their accounts, including any highlighted by the employee who is subject to the allegation(s) or complaint(s), or who raised the grievance/complaint. A letter of invitation will be issued to each witness asking them to attend a meeting (see letter at Appendix 3 for conduct cases, and letter at Appendix 5 for grievance cases). They will also have the right to be accompanied if they wish. A copy of the record of the meeting will be given to the witness after the meeting for them to agree, sign (or verify electronically) and date as an accurate record of what was stated (see template at Appendix D). Sufficient time will be given to the witnesses to check over and finalise the record of their statements.

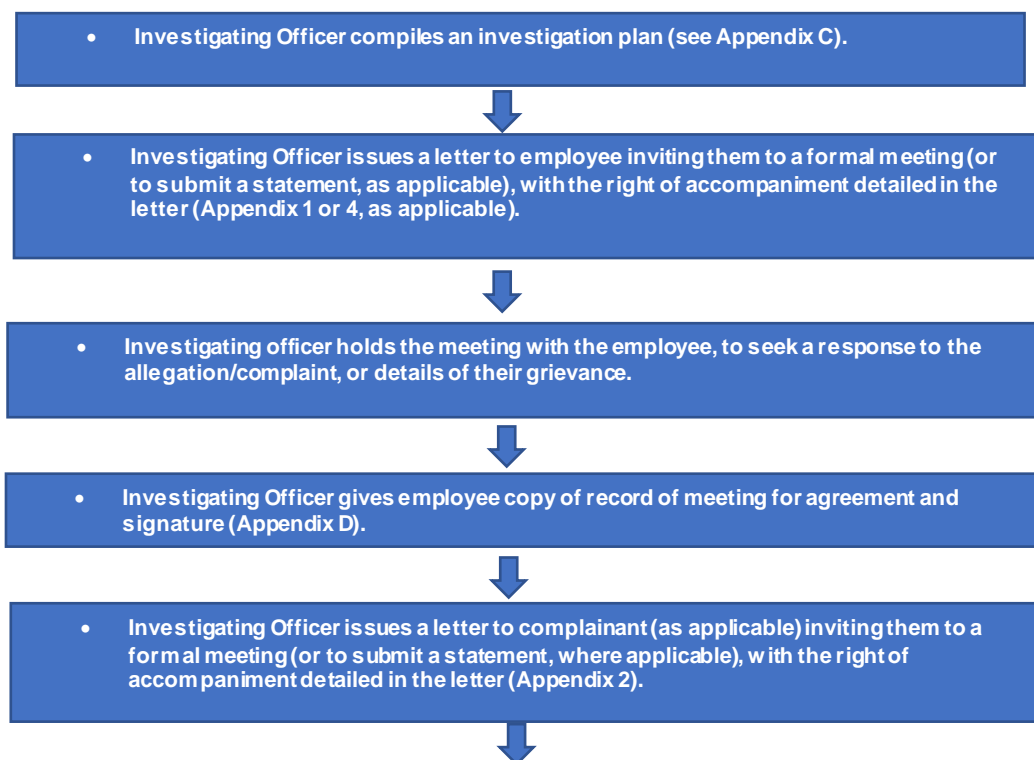
*Note – There may be occasions where the witnesses are met with first by the investigating officer before the employee who is subject to the allegation(s) or complaint(s), or who raised the grievance. Witnesses cannot be compelled to participate in an investigation and any non-cooperation will be noted in the investigation report, although the names of the relevant witnesses may require to be omitted for reasons of confidentiality.*

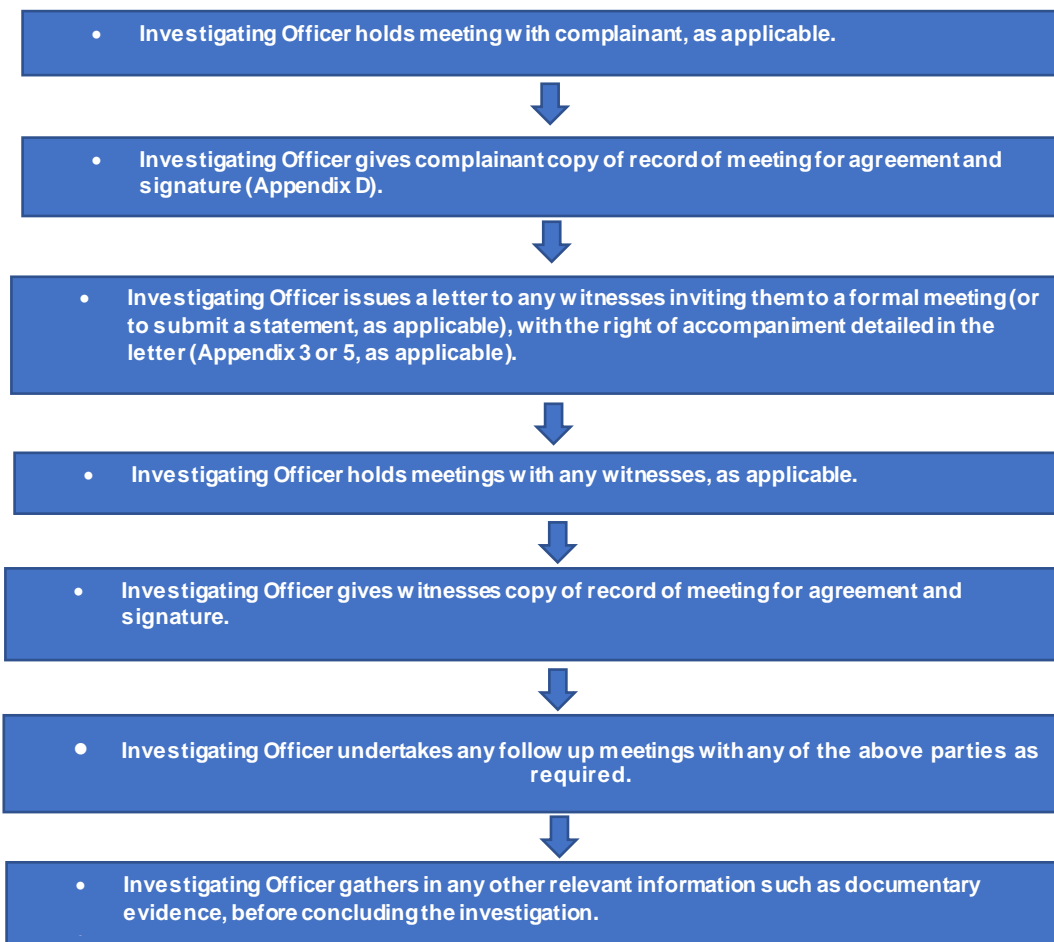
- 2.47 The investigating officer will inform each person who provides a statement that it may be used in a disciplinary hearing (including dignity and respect at work

investigations and disciplinary investigations that are progressed to a disciplinary hearing) or grievance hearing (as applicable) and, if so, that the employee under investigation, or the employee whose grievance is being investigated, will be given a copy. Those providing statements should also be made aware that if the matter is referred to a Regulatory Body e.g. SSSC, GTCS, those bodies may request sight of the full unredacted investigatory documentation including any witness statements provided.

2.48 An alternative to interviewing the employee, complainant, or some or all the witnesses, is to offer them the option of providing a written statement of their evidence. This option would only be used in exceptional circumstances where an early meeting with the employee, complainant, or witness was not possible. In this case the investigating officer would issue the employee, complainant, or witness(es), with a list of questions to respond to/ask for a statement to be provided, also informing them that a meeting/follow up statement may still be necessary if there was a need to clarify any points in the statement. The employee, complainant and witnesses would sign (or verify electronically) and date their statement prior to its submission.

2.49 The investigating officer may need to gather further information as part of the investigation such as relevant documentary evidence (e.g. timesheets, login information from IT, CCTV footage etc.), and this should be listed in the investigation report and included as appendices. It may also be necessary to have a follow up meeting with any one of those involved, before the investigation is completed.





**Note:** the order in which the parties above are interviewed by the investigating officer may vary.

## **2.5 Step 5 - Compiling the Investigation Report**

- 2.51 Once the investigating officer is satisfied that all relevant information about the case has been gathered, they will proceed to write an investigation report, using the appropriate standard template, detailing their findings, conclusions, and recommendations (see template at Appendix E for Conduct report, and template at Appendix F for Grievance report).
- 2.52 Copies of the evidence, including record of meeting(s) with the employee, record of meeting(s) with a complainant and/or any witnesses, any written statements, and any documentary evidence, will be attached as appendices to the report, as will the completed Appendix A, Preliminary Assessment of the Case, Appendix B Scope of Investigation, and Appendix C, Investigation Plan. In the case of conduct investigations, the report should indicate whether the evidence suggests that the act(s) amount potentially to 'gross misconduct' or 'misconduct', where there has

been evidence found to substantiate the allegation(s) or complaint(s). In the case of grievance investigations, the report will indicate whether evidence has been identified to support the grievance(s) raised by the employee.

- 2.53 For complaints made under the Dignity and Respect at Work policy and procedure, the investigating officer should also put forward their recommendations for resolution of the complaint. This may include, but should not be limited to, progressing to a disciplinary hearing. The implementation of recommendations will be the responsibility of the commissioning manager.
- 2.54 Once the investigating officer has drafted their report, complete with signed witness statements, it should be passed to the relevant People and Organisational Development Advisor for comment, prior to being finalised.
- 2.55 Once finalised the completed report will be passed to the commissioning manager who will make a decision on how the case will be progressed based on the recommendation of the Investigating Officer. In grievance cases the commissioning manager will be the chairperson of the grievance hearing. A copy of the final version should be provided to the People and Organisational Development Advisor for the case file and to be shared with the employee under the relevant procedure as set out at paragraph 1.1.1.



## 2.6 Step 6 - Outcome of the Investigation

- 2.61 The investigating officer notifies the employee of the outcome of the investigation in writing using the appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.
- 2.62 Where a case is proceeding to a disciplinary hearing, or to a grievance hearing, whichever applies, it will be necessary for the investigating officer to attend the hearing to present their investigatory report and answer any questions in relation to the investigation. This will involve going over their findings from the evidence

gathered and how their conclusion(s) and recommendation(s) was reached. The chairperson of the appropriate hearing will arrange for the investigating officer to be present at the hearing (as well as any witnesses, where relevant). It should be noted that all grievance investigations will proceed to a grievance hearing.

- Investigating Officer notifies employee of the outcome of the investigation in writing using appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.

*Note 1: A checklist is provided at Appendix H for a record to be kept of the progress of the various steps of the investigation. The dates of completion of each task should be recorded on this form by the commissioning manager and investigating officer, respectively.*

*Note 2: Where the chairperson of a disciplinary hearing or a grievance hearing considers that the investigation has not covered a certain issue(s), the investigating officer may be requested by the commissioning manager to go back and undertake some further investigating and resubmit their revised report (with the appropriate hearing postponed until this has been carried out). This need should only arise in exceptional circumstances.*

**CONDUCT INVESTIGATIONS (I.E. THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST EMPLOYEE RESPONSE TO ALLEGATION(S)/COMPLAINT(S)**

\* delete as appropriate

**PERSONAL**

Dear

**INVESTIGATION**

I am investigating an allegation(s)/complaint(s) that has been made against you and wish to discuss the matter(s) with you.

1. **Insert allegation(s)/complaint(s)** (number if more than 1- include dates/times)

My role as Investigating Officer is to establish the facts and in doing so, it is important that I gather all relevant information before deciding whether there is any substance to the allegation(s)/complaint(s) made against you and whether the matter(s) should be dealt with at a disciplinary hearing. My investigation may involve obtaining statements from witnesses and examining relevant documents.

*\*Attend an investigatory meeting (allow 3 working days' notice – extend where appropriate)*

You are required to attend an investigatory meeting on *(date, time and location)* so that I can hear your response to the allegation(s)/complaint(s). You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, a spouse or legal practitioner. I will be accompanied by *(name)*.

I wish to emphasise that the meeting is investigatory and should not be confused with a disciplinary hearing.

*\*Request written statement (allow 3 working days' to complete – extend where appropriate)*

You are required to provide a written response to the allegation(s)/complaint(s) against you. Please provide your response to the allegation(s)/complaint(s) and questions stated in the attached document to the following address *[post address]* or email address *[email address]*\* by *[date]*.

You are entitled to seek support from a colleague or trade union representative to complete your written statement.



Should you prefer to meet and discuss your response to the allegation(s)/complaint(s) please contact me on the above telephone number or email address to request.

On conclusion of my investigation I will consider all relevant facts and information that have emerged; consider whether there is any substance to the allegation(s)/complaint(s); and make a recommendation(s). This could include that the matter be progressed to a disciplinary hearing, or a decision to take no action. \*Other appropriate recommendations could also apply in relation to investigations under the Dignity and Respect at Work policy and procedure.

I will confirm my decision in writing to you.

You are expected to co-operate fully with the investigation. I have to advise that should you fail to provide a response to the allegation(s)/complaint(s) or attend the meeting without good and sufficient reason, then I will be required to make a decision on the investigation based on the relevant facts and information gathered.

To ensure that the investigation can be conducted as fairly as possible, I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Please note that if you are a member of a registered body including GTC or SSSC, Aberdeen City Council may be required to inform them dependent on their notification rules. They may require sight of the full disciplinary papers, including witness statements which may impact on your registration.

I trust this satisfactorily explains how the investigatory process will proceed.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

Enc. Copy of relevant policy and procedure.

cc P&OD Advisor  
AskHR / Employee Personal File ID Number XXXX

**CONDUCT INVESTIGATIONS - (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST FOR STATEMENT FROM A COMPLAINANT EMPLOYEE**

\* delete as appropriate

**PERSONAL**

Dear

**INVESTIGATION OF COMPLAINT(S) - ?? POLICY AND PROCEDURE**

I write regarding the complaint(s) you have raised against **<name>**, under the formal stage of the above policy and procedure. I note that the nature of your complaint(s) is/are as follows: -

***Enter summary of the complaint(s)***

My role as investigating officer is to establish the facts. It is therefore important that I gather all the relevant information before deciding whether there is any substance to the complaint(s) you have made. My investigation will involve taking a statement from you, the employee who is the subject of the complaint(s) and may also involve taking statements from relevant witnesses and examining relevant documents.

***\*Attend a meeting (allow 3 working days' notice – extend where appropriate) –***

I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide will be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish.

***\*Request written statement (allow 3 working days' to complete – extend where appropriate)***

-

I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]\* by [date]. The information you provide will be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

After I complete my investigation, I will consider all the relevant issues that have emerged; conclude whether there is any substance to the complaint(s). I will compile a report on my investigation detailing findings, conclusions, and recommendations and whether evidence has been found of a case to answer.

I trust this explains to you how this matter will proceed.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc      P&OD Advisor  
AskHR / Employee Personal File Employee ID Number

**CONDUCT INVESTIGATIONS - (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) – REQUEST FOR WITNESS STATEMENT**

**\* delete as appropriate**

**PERSONAL**

Dear

**Witness Statement**

I am writing to you as you have been identified as a potential witness in a conduct investigation that I have been assigned to investigate.

The investigation concerns ?? *insert brief details of the subject of the investigation.*

***\*Attend a meeting (allow 3 working days' notice – extend where appropriate) –***

You may have information that will assist in my investigation and I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish.

***\*Request written statement (allow 3 working days' to complete – extend where appropriate)***

You may have information that will assist in my investigation and I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]\* by [date]. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you treat the matter as confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

**GRIEVANCE INVESTIGATION – REQUEST EMPLOYEE TO PROVIDE FULL DETAILS OF THEIR GRIEVANCE(S)**

\* delete as appropriate

**PERSONAL**

Dear

**GREIVANCE INVESTIGATION**

I have been assigned as the investigating officer to examine and gather details in relation to your grievance(s) and wish to meet with you to discuss the matter(s).

**Insert the grievance(s) raised** (number if more than 1)

My role as Investigating Officer is to establish the facts and in doing so, it is important that I gather all relevant information before deciding whether there is evidence to substantiate your grievance. My investigation may involve obtaining statements from witnesses and examining relevant documents.

*\*Attend an investigatory meeting (allow 3 working days' notice – extend where appropriate)*

You are invited to attend a meeting with me on (*date, time and location*) so that I can obtain full details of your grievance. You have the right to be accompanied by a work colleague or trade union representative if you so wish. You are not permitted to be accompanied by your partner, a spouse or legal practitioner. I will be accompanied by (*name*).

*\*Request written statement (allow 3 working days' to complete – extend where appropriate)*

You are requested to provide written details of your grievance. Please provide full details of your grievance and a response to the questions stated in the attached document to the following address [*post address*] or email address [*email address*]\* by [*date*].

You are entitled to seek support from a colleague or trade union representative to complete your written statement.

Should you prefer to meet and discuss your response please contact me on the above telephone number or email address to request.

On conclusion of my investigation I will consider all relevant facts and information that have emerged; consider whether there is evidence to substantiate your grievance; and make a recommendation(s).

I will confirm the outcome of the grievance investigation in writing to you.

To ensure that the investigation can be conducted as fairly as possible, I request that you keep the matter confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

I trust this satisfactorily explains how the investigatory process will proceed.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

Enc. Copy of relevant policy and procedure.

cc P&OD Advisor  
AskHR / Employee Personal File Employee ID Number

## **GRIEVANCE INVESTIGATION – REQUEST FOR WITNESS STATEMENT**

\* delete as appropriate

### **PERSONAL**

Dear

#### **Witness Statement – Grievance Investigation**

I am writing to you as you have been identified as a potential witness in a grievance investigation that I have been assigned to investigate.

The investigation concerns ?? *insert brief details of the subject of the investigation.*

*\*Attend a meeting (allow 3 working days' notice – extend where appropriate) –*

You may have information that will assist in my investigation and I would appreciate if could you meet with me on [date, time, location]. I will ask you for information and take your statement. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You have the right to be accompanied by a work colleague or trade union representative if you so wish.

*\*Request written statement (allow 3 working days' to complete – extend where appropriate)*

-  
You may have information that will assist in my investigation and I would appreciate if you could provide a written statement with your response to the questions stated in the attached document to the following address [post address] or email address [email address]\* by [date]. The information you provide may be included in my investigation report and may be seen by the party/parties involved.

You are entitled to seek support from a colleague or trade union representative to complete your witness statement.

Should you prefer to meet and discuss your witness statement please contact me on the above telephone number or email address to request.

To ensure that the investigation can be conducted as fairly as possible I request that you keep the matter confidential. Any breach of confidentiality may be considered to be a disciplinary matter.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

Appendix 6

**OUTCOME OF A CONDUCT INVESTIGATION (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) - PROGRESSING TO A HEARING**

*\*delete as appropriate*

**DATE**

**PERSONAL**

**Dear**

**OUTCOME OF INVESTIGATION**

I write to inform you of the outcome of my investigation into the following \*allegation(s) or complaint(s):

***1. Insert allegation(s)/complaint(s) (number if more than 1)***

***\*All allegations -***

Having carefully considered the facts and evidence I gathered during my investigation; I recommend that all allegation(s)/complaint(s) are progressed to a disciplinary hearing.

**OR**

***\*Not all allegation(s)/complaint(s) progressing to hearing -***

Having carefully considered the facts and evidence I gathered during my investigation, I recommend that allegation(s)/complaint(s) 1, 2 etc. is/are\* progressed to a disciplinary hearing. Allegation(s)/complaint(s) 1, 2 etc. will not be taken further.

The hearing will be conducted by another manager who will write to you confirming the arrangements; the \*allegation(s)/complaint(s) you will be required to answer; the format of the hearing and your right to be accompanied. The letter will be accompanied by a copy of my investigatory report along with any appendices.

The hearing will be held without unreasonable delay whilst allowing you reasonable time to prepare your case and arrange to be accompanied.

At the hearing, I will present the findings of my investigation.

After hearing and considering our respective cases, the manager conducting the hearing will consider whether disciplinary action should be taken.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc. P&OD Adviser  
AskHR / Employee Personal File Employee ID Number



**OUTCOME OF A CONDUCT INVESTIGATION (I.E THOSE UNDER THE MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT WORK POLICIES/PROCEDURES) - NOT PROGRESSING TO A HEARING / INFORMAL ACTION RECOMMENDED**

**\*delete as appropriate.**

**DATE**

**PERSONAL**

**Dear**

**OUTCOME OF INVESTIGATION**

I write to inform you of the outcome of my investigation into the following  
\*allegation(s)/complaint(s):

***1. Insert \*allegation(s)/complaint(s) (number if more than 1)***

Having carefully considered the facts and evidence I gathered during my investigation, I have concluded that there is no disciplinary case to answer and as such will not be arranging for the matter to be progressed to a disciplinary hearing.

\*Optional paragraphs:

I have instead concluded that the matter should be dealt with informally and have arranged for you to have a counselling meeting with your line manager to discuss the required improvement.

Or

I have instead concluded that the matter should be dealt with informally and I recommend alternative solutions such as \*training, mentoring, attending specific workshops.

I would take this opportunity to thank you for your co-operation with my investigation.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc. P&OD Adviser  
AskHR / Employee Personal File Employee ID Number

## OUTCOME OF A GRIEVANCE INVESTIGATION

~~\*delete as appropriate~~

DATE

### PERSONAL

Dear

## OUTCOME OF GRIEVANCE INVESTIGATION

I write to inform you of the outcome of my investigation into the following grievance(s):

*Insert details of grievance(s) (number if more than 1 – amend appropriate para below as required)*

\*Having carefully considered the facts and evidence I gathered during my investigation; I consider there to be sufficient evidence in support of your grievance(s).

OR

\*Having carefully considered the facts and evidence I gathered during my investigation; I consider that there was partial evidence in support of your grievance.

OR

\*Having carefully considered the facts and evidence I gathered during my investigation; I consider there to be insufficient evidence in support of your grievance(s).

The case will now be considered further at a grievance hearing and the appointed chairperson will write to you confirming the arrangements and format of the hearing, and your right to be accompanied. The letter will be accompanied by a copy of my investigatory report along with any appendices.

The hearing will be held without unreasonable delay whilst allowing you reasonable time to prepare your case and arrange to be accompanied.

At the hearing, I will present the findings of my investigation.

Yours sincerely

**NAME OF INVESTIGATING OFFICER**

cc. P&OD Advisor  
AskHR / Employee Personal File Employee ID Number

## Preliminary Assessment of the Case

This form should be completed to record the preliminary assessment of the case to identify whether there is scope to address the matter informally, or whether a formal investigation is required.

Where applicable, to indicate below any measures taken to date to address the matter(s) informally.

--

To indicate below whether there is scope to consider addressing the matter(s) through informal means. If so, to indicate what measure(s) will be taken.

--

If there is not scope to consider addressing the matter(s) informally, to indicate the reason(s) for this and hence the need to formally investigate the matter(s).

--

### Tick one box below

Following a preliminary assessment of the case, it has been decided to: -

Consider/further consider the case through informal means ☐

Progress to a formal investigation ☐

<b>Name of manager undertaking preliminary assessment of case</b>	
<b>Job Title</b>	
<b>Cluster</b>	
<b>Signature (electronic where possible)</b>	
<b>Date preliminary assessment of case was undertaken</b>	

## **SCOPE OF INVESTIGATION**

This form should be used to record the details of the scope of the proposed investigation, so that the investigating officer understands the terms of reference and what is expected of them. It will also detail the estimated timescale. It should be completed by the Commissioning Manager and passed to the investigating officer.

### **IF A CONDUCT INVESTIGATION (I.E. UNDER THE MANAGING DISCIPLINE OR THE DIGNITY AND RESPECT AT WORK POLICY/PROCEDURE**

The name, job title and Team/Cluster of the employee to be investigated.

--

Details of the allegation(s) or complaint(s)

--

Description of what requires to be investigated and how it should be undertaken.

--

Agreed estimated timescale to complete the investigation.

--

**Note – if the timescale changes, the Investigating Officer should inform the relevant parties.**

### **IF A GRIEVANCE INVESTIGATION**

The name, job title and Team/Cluster of the employee who has raised the grievance.

--

Details of the grievance.

--

Description of what requires to be investigated and how it should be undertaken.

--

Agreed estimated timescale to complete the investigation.

--

### **COMMISSIONING MANAGER'S DETAILS**

Name		Job title	
Team/Cluster			

### **INVESTIGATING OFFICER'S DETAILS**

Name		Job title	
Team/Cluster			

## Investigation Plan

[Amend headings as required]

Name of Investigating Officer	
Name of Commissioning Manager	
Summary of background to the issue(s)	
Summary of scope of investigation	
Any specific issues that require to be explored/clarified as part of the investigation	
Start date of investigation and provisional time-frame	
Persons to be interviewed (employee, complainant (as applicable), witnesses, any others), including planned order of interviews, with dates, times and locations and who will take notes (invite letter to be sent to each)	
Any documentary or other evidence to be collected and where this can be sourced (including policy and procedural documents)	
Any persons from whom a written statement will be required (by exception only)	
Investigation meetings to be completed by (provisional)	

Collection of documentary and other evidence to be completed by (provisional)	
Investigation report to be completed by (including receiving any comments from People and Organisational Development Advisor)	
Date finalised report passed to commissioning manager	
Any other considerations	

<b>INTERVIEW RECORD</b>	
<b>Name of employee (or other e.g. witness)</b>	
<b>Job Title of employee (where applicable)</b>	
<b>Team/Cluster/Function of employee (where applicable)</b>	
<b>Name of Investigating Officer</b>	
<b>Purpose of interview</b>	
<b>Date</b>	
<b>Points that the Investigating Officer should cover at the beginning of the interview</b>	
<ul style="list-style-type: none"> <li>• Confirm accompaniment at interview and undertake introductions.</li> <li>• Explain purpose of interview and any necessary background.</li> <li>• Explain interview structure/format.</li> <li>• Explain what the statement is to be used for.</li> <li>• Explain that if a regulatory body e.g. SSSC, SGTC required sight of the statement(s) then the Council would require to provide this in connection with any hearing on professional registration.</li> <li>• Emphasise the need for strict confidentiality in the process.</li> <li>• Explain the requirement for the person to check, sign and date the statement at a point soon after the interview.</li> <li>• Ask if any questions before beginning the interview.</li> </ul>	
<b>List of questions (with space for responses)</b>	
<p>Question 1 -</p> <p>Response -</p> <p>Question 2 -</p> <p>Response -</p> <p>Etc....</p>	
By signing this form, I confirm the information provided is true to the best of my knowledge.	
<b>Signature of employee (or other)</b>	
<b>Date</b>	



**INVESTIGATORY REPORT**  
**CONDUCT INVESTIGATIONS (I.E THOSE UNDER THE**  
**MANAGING DISCIPLINE AND DIGNITY AND RESPECT AT**  
**WORK POLICIES/PROCEDURES)**

**EMPLOYEE DETAILS**

Name		Employee Number	
Job Title			
Employing Team and Cluster			

**STATEMENT OF ALLEGATION(S) OR COMPLAINT(S)**

*Set out the allegation(s) or complaint(s) and attach letter(s) of complaint if applicable. This will be the allegation(s) or complaint(s) the employee will have to respond to at the disciplinary hearing should you consider that disciplinary action is merited.*

*The allegation or complaint wording should be consistent with previous communications.*

**INVESTIGATION TIMELINE**

Investigation allocated	<i>Insert dates</i>	Draft report sent to P&OD	
Employee response received		Report completed	
P&OD Advisor Consulted	<i>Insert name</i>		

**PROVISION OF STATEMENTS**

	Name	Job title	Date of Statement
<i>Statement 1</i>	<i>Employee</i>		
<i>Statement 2</i>	<i>Witness</i>		

*Under this heading, list who provided statements. Statements must be given a statement number and this number should be referred to in the main body of the report and included as an actual appendix at the end of the report.*

## **OTHER DOCUMENTARY EVIDENCE**

	Description
Appendix 1	
Appendix 2	

*Under this heading, specify any other documentary evidence that you referred to (e.g. timesheets, claim forms, audit records, codes of practice, terms and conditions etc)*

*E.g, Appendix 2, Time sheets for period 1 January to 31 March*

## **EMPLOYEE'S RESPONSE TO THE ALLEGATION(S) OR COMPLAINT(S)**

*You should attach the employee's written statement as Statement 1 (where provided). If a face to face meeting was carried out, you should attach a detailed summary of the meeting.*

*This section should clearly summarise the employee's response – it is not enough to say they deny the allegation(s) or complaint(s) without giving detail. Give detail of their key response(s) and any reasons/clarity given or evidence presented to counteract/mitigate the allegation(s) or complaint(s).*

## **SUMMARY OF EVIDENCE**

*There should be a summary of all findings from the investigation taking into consideration the employee's response compared with witness statements (considering their credibility) and any other evidence presented e.g. facts, figures, documentation considered.*

*Give clear reasons for arriving at the conclusions, taking each allegation or complaint in turn, detailing the evidence that both supports/does not support the allegation or complaint. Remain factual and objective.*

*Conclude the outcome of the investigation, what you as the Investigating Officer decide based on the evidence gathered.*

## **OUTCOME OF INVESTIGATION**

Allegation or Complaint 1	Case to Answer/No Case to Answer
Allegation or Complaint 2	Case to Answer/No case to Answer

Outcomes <i>(tick applicable box(es))</i>			
No further action.	<input type="checkbox"/>	Progress to a disciplinary hearing heard by a 3 <sup>rd</sup> tier manager (or higher).	<input type="checkbox"/>
Progress to a disciplinary hearing.	<input type="checkbox"/>	For cases under the Dignity and Respect at Work policy and procedure – other recommendations for resolution (see below, where applicable).	<input type="checkbox"/>

For complaints made under the Dignity and Respect at Work policy and procedure, the investigating officer should also put forward any recommendations for resolution of the complaint. Any such recommendations should be entered in the box below, as applicable.

<b>Recommendations</b>

#### INVESTIGATING OFFICER'S DETAILS

Name		Job title	
Cluster			
Tel		Email	

#### COMMISSIONING MANAGER'S DETAILS

Name		Job title	
Cluster			

## **INVESTIGATORY REPORT** **GRIEVANCE INVESTIGATIONS**

### **EMPLOYEE DETAILS**

Name		Employee Number	
Job Title			
Employing Team and Cluster			

### **STATEMENT OF GRIEVANCE(S)**

*Set out the grievance(s) and attach the grievance form submitted by the employee, as applicable. This will be the subject of the grievance hearing following the investigation.*

### **INVESTIGATION TIMELINE**

Investigation allocated	<i>Insert dates</i>	Draft report sent to P&OD	
Employee response received		Report completed	
P&OD Advisor Consulted	<i>Insert name</i>		

### **PROVISION OF STATEMENTS**

	<b>Name</b>	<b>Job title</b>	<b>Date of Statement</b>
<i>Statement 1</i>	<i>Employee</i>		
<i>Statement 2</i>	<i>Witness</i>		

*Under this heading, list who provided statements. Statements must be given a statement number and this number should be referred to in the main body of the report and included as an actual appendix at the end of the report.*

### **OTHER DOCUMENTARY EVIDENCE**

	<b>Description</b>
<i>Appendix 1</i>	
<i>Appendix 2</i>	

*Under this heading, specify any other documentary evidence that you referred to (e.g. timesheets, claim forms, audit records, codes of practice, terms and conditions etc)*

*E.g, Appendix 2, Time sheets for period 1 January to 31 March*

## **EMPLOYEE'S RESPONSE TO QUESTIONS ASKED ABOUT THE GRIEVANCE AND ANY OTHER DETAILS THEY PUT FORWARD IN SUPPORT OF THEIR GRIEVANCE**

*Where a face to face meeting was carried out, you should attach a detailed summary of the meeting. Where a statement was provided, you should attach the employee's written statement as Statement 1.*

*This section should clearly summarise the employee's response and any other details they put forward in support of their grievance.*

## **SUMMARY OF EVIDENCE AND OUTCOME OF INVESTIGATION**

*There should be a summary of all findings from the investigation taking into consideration the employee's response to the questions asked compared with witness statements (considering their credibility) and any other evidence presented e.g. facts, figures, documentation considered.*

*Give clear reasons for arriving at the conclusions, taking each grievance in turn (where more than one grievance was lodged), detailing the evidence that both supports/does not support the grievance(s). Remain factual and objective.*

*Conclude the outcome of the investigation, what you as the Investigating Officer think based on the evidence gathered i.e. whether you consider that there is sufficient evidence in support, or otherwise, of the grievance(s).*

*Note: it will ultimately be the decision of the Chairperson of the grievance hearing whether the grievance is upheld.*

## **INVESTIGATING OFFICER'S DETAILS**

Name		Job title	
Cluster			
Tel		Email	

## **COMMISSIONING MANAGER'S DETAILS**

Name		Job title	
Cluster			

## **Guidance on the appointment of an investigating officer**

The points below are guidance in relation to paragraph 2.2 in the investigations procedure, on the appointment of an investigating officer.

The following should be adhered to: -

- Depending on the apparent complexity of the case, consideration will be given as to whether an experienced investigating officer is required, or whether it could be undertaken by a less experienced officer.
- Consideration will also be given to the nature of the investigation and whether any special knowledge or skills are required on the part of the investigator.
- The aim will be to choose an appropriate officer for each case and to share the investigations around the trained investigators pool as equally as possible.
- The person chosen will have had no prior involvement in the case to date.
- It may also be appropriate for a less experienced investigating officer to be appointed to “buddy an experienced officer as part of the learning process.
- Once an investigating officer has been provisionally identified, the Employee Relations & Wellbeing Team will inform that person and check with their line manager that they can be provided with sufficient ‘dedicated time’ to undertake the investigation.
- Current operational needs and the estimated time commitment for the investigation will be considered before a decision is made.
- It will also be necessary to verify the person’s availability including taking account of any annual leave or other commitments.

## Checklist – Investigations Procedure

(The Commissioning Manager populates sections 1-3 and the Investigating Officer sections 4-6 of this checklist, entering date completed of each part of the procedure).

Step	Detail	Date Completed
1. Preliminary Assessment of the case	Commissioning Manager discusses with Employee Relations to verify if a formal investigation is needed, or if matter can be addressed informally.	
	Commissioning Manager records outcome of preliminary assessment of case on form at Appendix A.	
2. Appointment of Investigating Officer	Where requirement for a formal investigation identified, Commissioning Manager compiles the allegations, or identifies the grievance (whichever applies), and contacts Employee Relations to request an investigating officer from the pool of trained officers.	
	Employee Relations identifies a suitable investigating officer from the pool and checks on their availability with their line manager.	
	Selection of the investigating officer is confirmed.	
	The expected timescale for the investigation is identified.	
3. Identifying the scope of the investigation and notifying the employee(s)	Commissioning Manager decides on the scope of the investigation and records this on form at Appendix B and passes to Employee Relations for comment.	
	Once finalised, Commissioning Manager passes form detailing scope to the Investigating Officer.	
	Commissioning Manager lets the relevant employee know that a formal investigation is going to be undertaken and also lets the complainant know, as applicable.	

<b>4. Commencing and undertaking the Investigation</b>		
	Investigating Officer compiles an investigation plan (see Appendix C).	
	Investigating Officer commits to keeping the key parties informed of the progress of the investigation on a weekly 'check-in' basis (the various dates to be entered in the box on the right).	
	Investigating Officer issues a letter to employee inviting them to a formal meeting (or to submit a statement, as applicable), with the right of accompaniment detailed in the letter (Appendix 1 for conduct and Appendix 4 for grievance cases).	
	Investigating officer holds the meeting with the employee, to seek a response to the allegation/complaint, or details of their grievance.	
	Investigating Officer gives employee copy of record of meeting for agreement and signature (Appendix D).	
	Investigating Officer issues a letter to complainant (as applicable) inviting them to a formal meeting (or to submit a statement, where applicable), with the right of accompaniment detailed in the letter (Appendix 2).	
	Investigating Officer holds meeting with complainant, as applicable.	
	Investigating Officer gives complainant copy of record of meeting for agreement and signature (Appendix D).	
	Investigating Officer issues a letter to any witnesses inviting them to a formal meeting (or to submit a statement, as applicable), with the right of accompaniment detailed in the letter (Appendix 3 for conduct cases and Appendix 5 for grievance cases).	
	Investigating Officer holds meetings with any witnesses, as applicable.	
	Investigating Officer gives witnesses copy of record of meeting for agreement and signature.	



<b>5. Compiling the Investigation Report</b>	<b>Investigating Officer undertakes any follow up meetings with any of the above parties as required.</b>	
	<b>Investigating Officer gathers in any other relevant information such as documentary evidence, before concluding the investigation.</b>	
	<b>Investigating Officer compiles the investigation report (Appendix E for conduct and Appendix F for grievance cases), attaches copies of all relevant evidence to the report and includes any recommendations in the report, as applicable.</b>	
	<b>Investigating Officer passes their completed draft report to their assigned People and Organisational Development Adviser for any comment.</b>	
	<b>Investigating Officer passes their finalised investigation report to the Commissioning Manager, and a copy is given to the People and Organisational Development Adviser.</b>	
<b>6. Outcome of the Investigation</b>		
	<b>Investigating Officer notifies employee of the outcome of the investigation in writing using appropriate letter at either Appendix 6 or Appendix 7 if a conduct investigation, or letter at Appendix 8 if a grievance investigation.</b>	

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