

# **Dignity and Respect at Work**

## **Procedure and Guidance**

### **for Managers and Employees**



## Document Control

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## SECTION 1 – INTRODUCTION

### 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

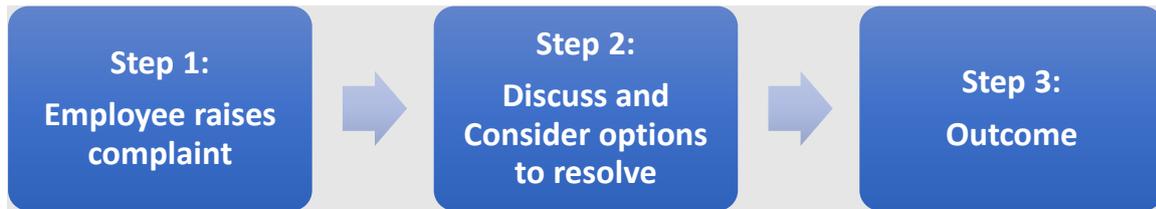
Early intervention is often key to satisfactorily resolving Dignity and Respect complaints promptly and before they become more serious for all concerned and have a negative impact on relationships and service delivery.

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**

Where attempts to resolve the complaint informally have been exhausted and the employee feels their complaint remains unresolved, they may raise their complaint to be dealt with under the formal stage of the procedure.

Whilst it is encouraged to try to resolve problems informally in the first instance, in some circumstances the employee may choose to proceed straight to this formal stage and raise a formal complaint at the outset. 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. The manager who has received the complaint may also determine the complaint to be sufficiently serious to proceed straight to the formal stage.

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)

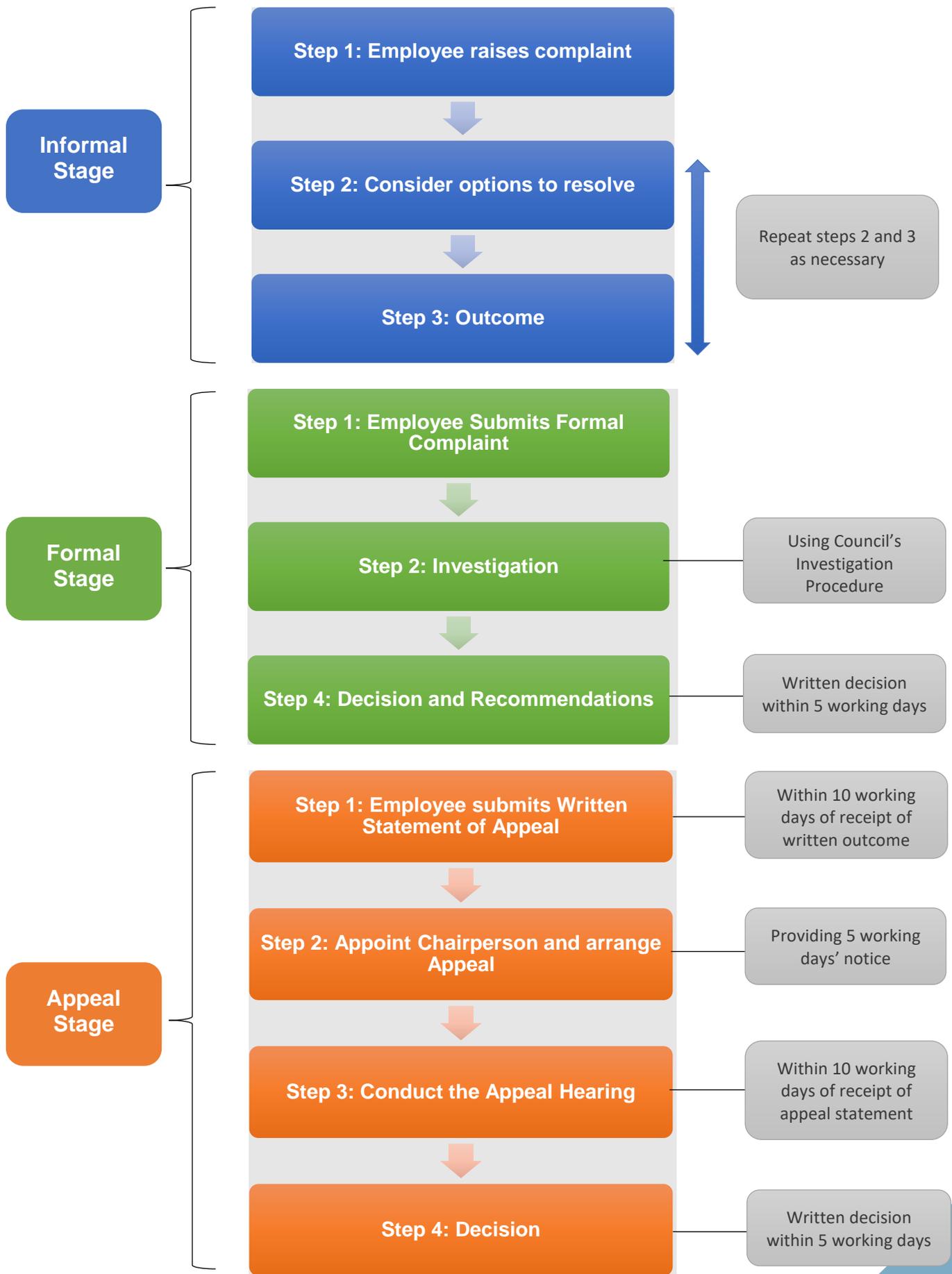
In arriving at a fair and reasonable decision, the chairperson should:

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

## 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.

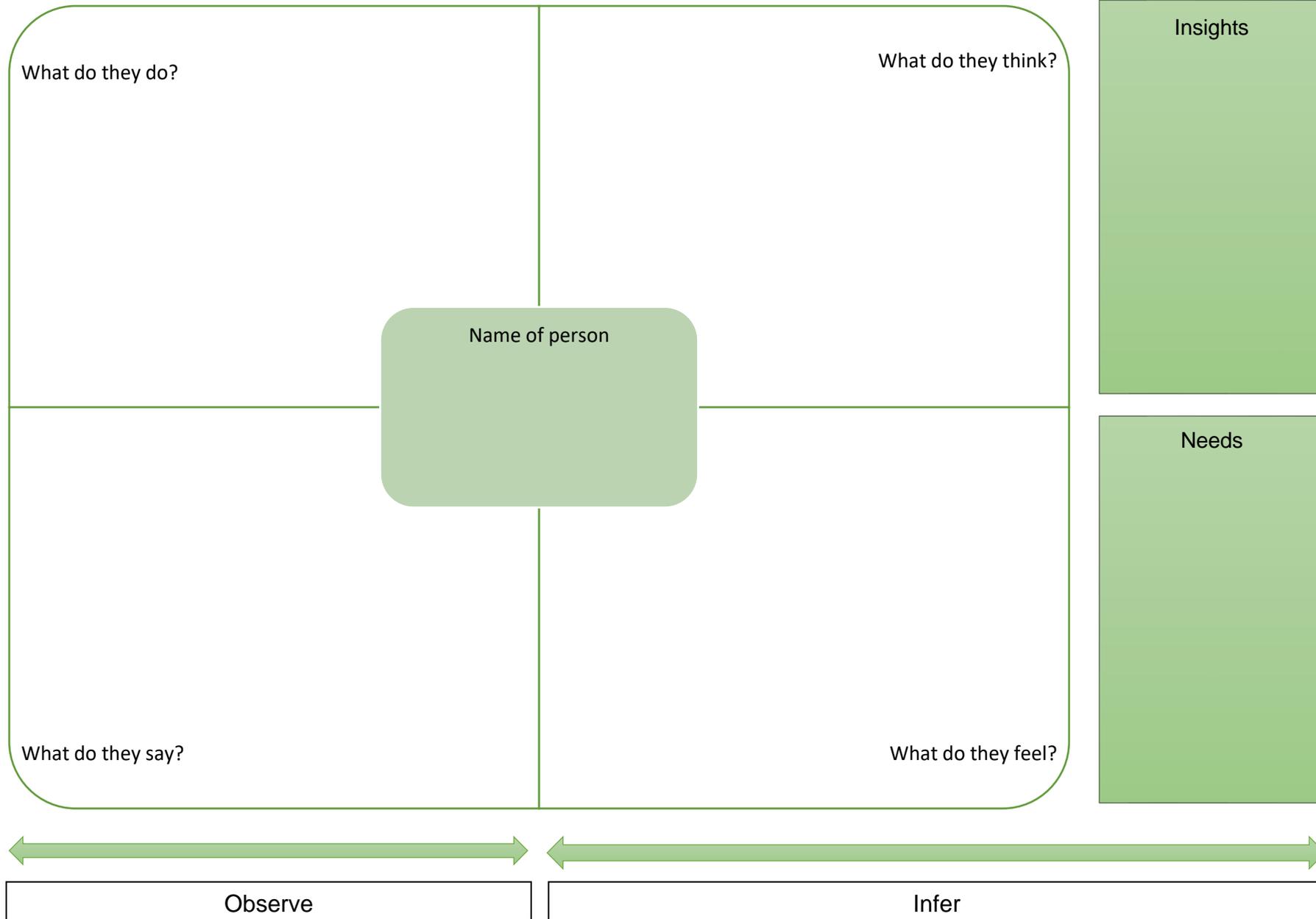
### At the meeting

- 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	
Employee Name	
Statement Date	
<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**

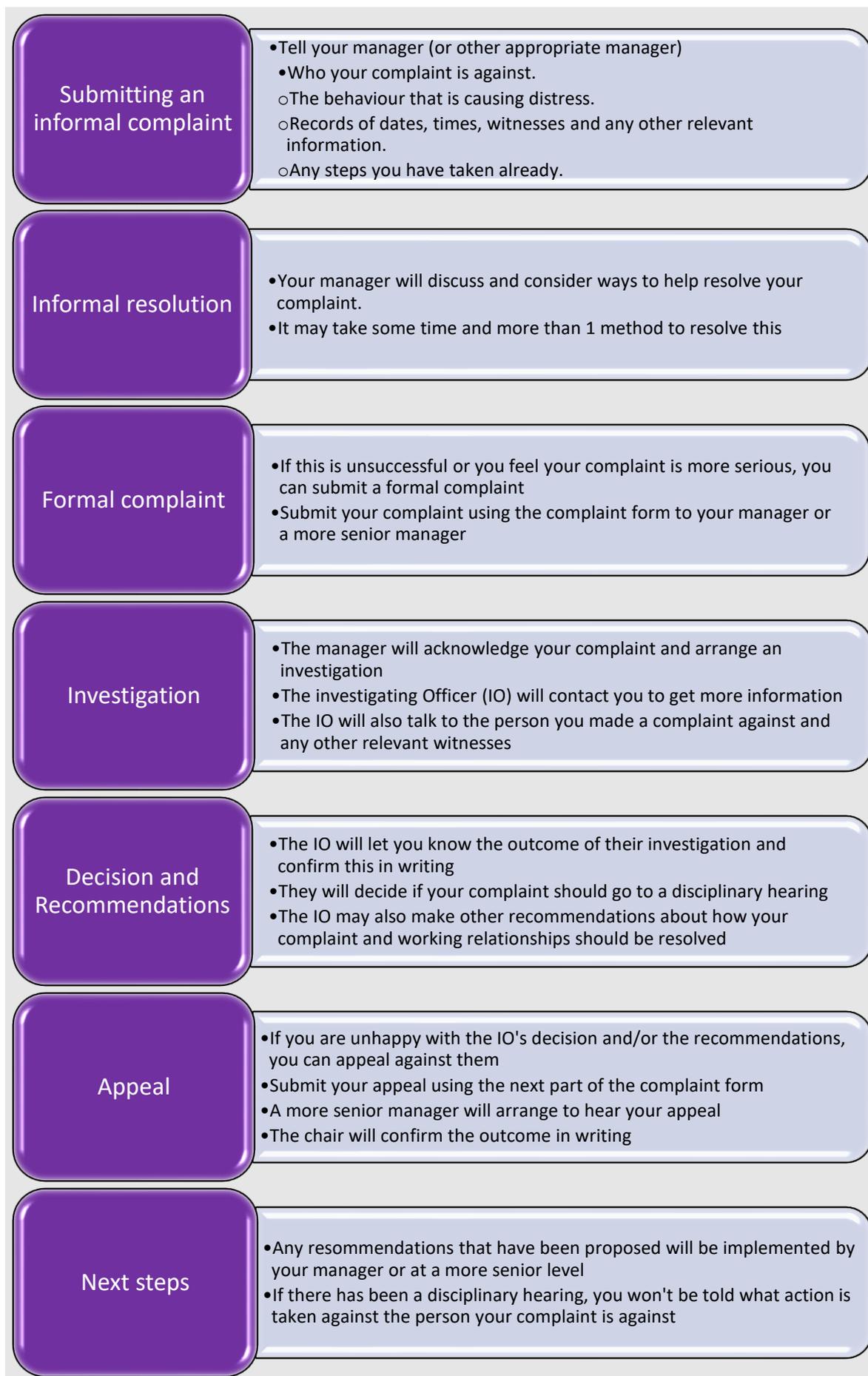
To lodge a complaint, complete all sections in full as requested below and ensure the form is signed and dated before submission to your Manager



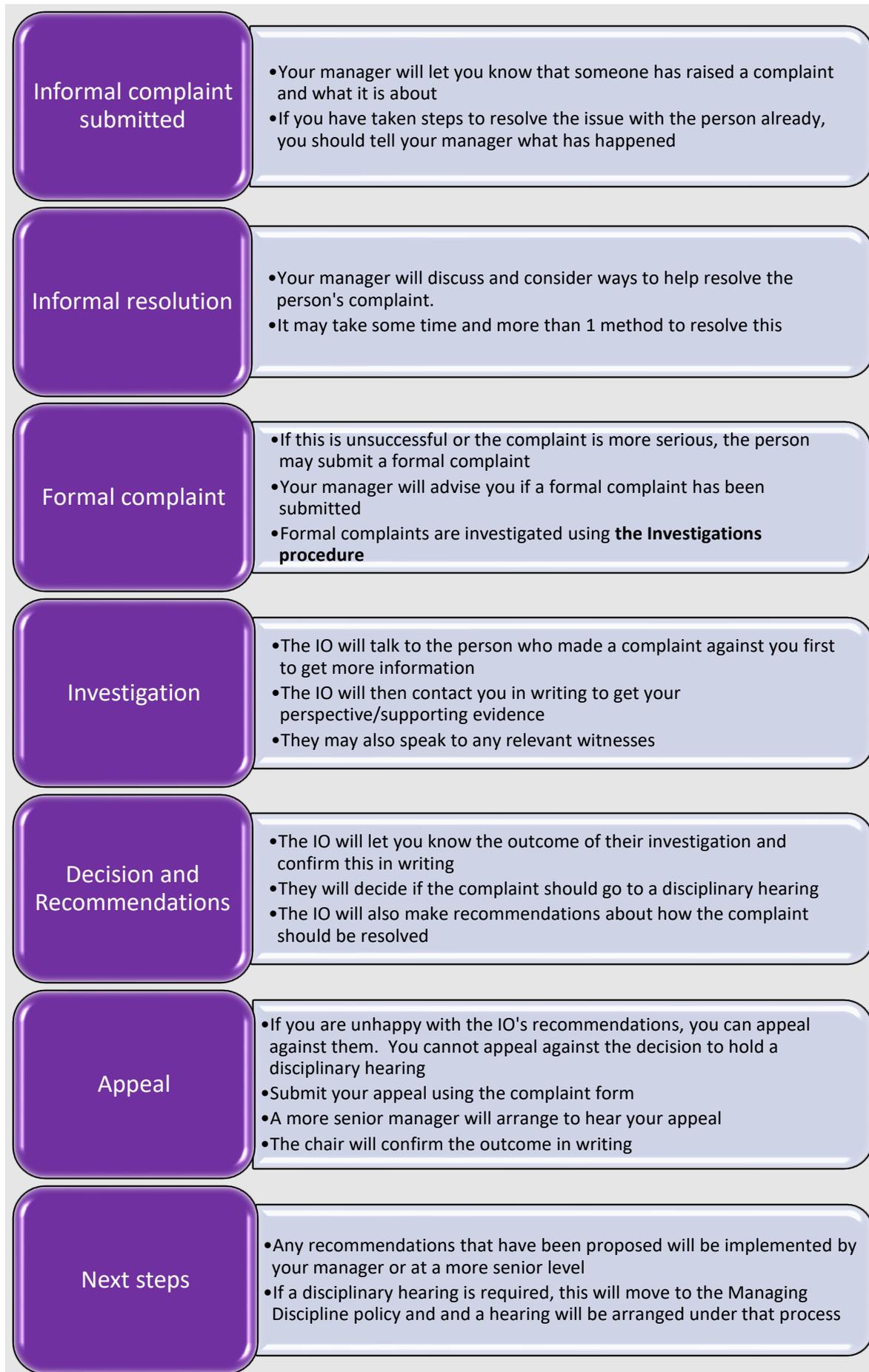
YOUR DETAILS			
Name		Employee No.	
Job Title			
Cluster/Service			
Work Location			
Line Manager			
Contact Number / Email Address			
DETAILS OF COMPLAINT			
<b>At what stage do you wish to raise a complaint</b> Informal <input type="checkbox"/> Formal <input type="checkbox"/>			
<b>Who is the complaint 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>			

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

## Employee Guide - If you have a complaint



## If a complaint is made against you



**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