Staff Conflict and Complaints Resolution Policy

Status	Approved
Consultation with JCC	25 February 2013 – 29 August 2013
Final Approval JCC	16 September 2013
Final Approval EB	29 October 2013
Final Approval SPC	13 November 2013
Court Approval	28 November 2013
Publication on Web Site	November 2017
Last review date	May 2026
Next review date	May 2027

This policy should be read in conjunction with the Resolving Problems guidance.

Contents

1 Purpose and Coverage 1
2 General Principles 1
3 Confidentiality 2
4 Conflicts and Complaints Resolution Policy 2
4.1 Raising a Formal Complaint 3
4.2 Agreeing a resolution 4
4.3 Appeal Process 4
5 Use of Mediation 5
6 Formal Panel Composition 5
7 Policy Links 5
8 Vexatious Complaints 6
9 Equality and Diversity Impact 6
10 Potential Risks 6
11 Review & Monitoring 6
12 Implementation 6
Appendix 1: Complaint Form 7
Appendix 2: Complaint Appeal Form 8
Appendix 3: Process Map and Timescales 9
Appendix 4: Equality Impact Assessment 10

1 Purpose and Coverage

1.1 Glasgow Caledonian University is committed to provide a positive and effective learning and working environment based around positive and effective working relationships so that members of staff have a better experience to enable them to deliver a better student experience.

1.2 However it is recognised that from time to time situations arise where members of staff have concerns regarding their work, working environment, relationships with colleagues or behaviour of others towards them, including harassment, discrimination and victimisation.

1.3 This Policy aims to ensure that all members of staff have an opportunity to raise concerns using a process which resolves issues confidentially, quickly, fairly, with respect and with an emphasis on informal, open communication and local resolution through the line management structure to promote positive working relations while observing the spirit of promoting equality and valuing diversity. To support the application of this policy the University will maintain a pool of trained Harassment Contacts to help staff by listening to concerns and then outlining different options, including provision of information and signposting to other resources and services.

1.4 This Policy applies to all staff of Glasgow Caledonian University, whether in full-time or part-time employment, and whether on permanent or fixed-term contracts and does not cover formal collective disputes, complaints from or against students/ members of the public or applicants to the University, or public disclosure interest, ("whistleblowing") there are separate policies that cover those topics.

The guidance associated with this policy includes the definitions, roles and responsibilities and support.

2 General Principles

The following principles underpin this Policy:

2.1 The process is simple, transparent and clearly defines the procedures for all involved.

2.2 All complaints are thoroughly considered, including any statements of response from the other party/ parties and, in some circumstances, any investigation reports which may inform any formal process.

2.3 All members of staff have the right to be represented or accompanied at the investigation, hearing and the appeal hearing. The person may be:-

- A recognised trades union representative
- or a University colleague

The nominated representative may address the hearing to put forward and sum up the member of staff's case, respond to any views expressed at the meeting and confer with the member of staff during the hearing. The member of staff should be aware that they may be expected to respond directly to questions from the panel members at the hearing or appeal.

2.4 Due regard will be given to the rights of all parties throughout the application of this Policy. This would include all individuals involved in the process being afforded a reasonable amount of time to prepare for, and attend hearings.

3 Confidentiality

3.1 The University aims to deal with matters sensitively and with due respect for the privacy of the individuals involved. All members of staff must treat as confidential any information communicated to them in relation to matters being addressed under this Policy.

3.2 Where it is necessary to disclose information provided by a member of staff in confidence to allow a matter to be fully investigated, or to enable necessary advice to be obtained, the member of staff will, wherever possible, be notified of the intention to disclose information in advance.

3.3 A member of staff subject to these procedures will normally be told the names of any witnesses whose evidence is relevant to any allegations against them, unless the University believes that a witness's identity should remain confidential.

3.4 The member of staff, and their representative (including witnesses), must not make electronic or other forms of audio recordings of any meetings or hearings conducted under this Policy.

4 Conflict & Complaints Resolution Procedure

This section outlines the University's formal Conflict and Complaints Resolution procedure.

The formal process should take between two to four weeks, but there may be occasions where these time limits cannot be adhered to due to circumstances out with the control of any party. There will be consultation on extension of the timescales with both parties if this situation occurs.

Both the member of staff and line manager should have made genuine attempts to find a mutually acceptable solution to the complaint during informal discussions, depending on the nature of the complaint. This may include mediation or the involvement of People Services following any attempts by line management as a method of reaching a resolution informally. Local and informal resolution of conflict and complaint cases should normally take no longer than two weeks to bring to a conclusion from the time the issue has been first raised. The formal process should be regarded as a ‘last resort’. Only where it is agreed that the matter cannot be resolved informally or where a complaint is serious and informal resolution is inappropriate, should the following formal process be used.

A member of staff may withdraw the complaint at any stage of the process, in writing, and opt to resolve the matter informally.

Where a member of staff raises a complaint under this Policy during a separate disciplinary process, the disciplinary process may be temporarily suspended in order to deal with the complaint. Alternatively if the University considers it appropriate, the complaint and the disciplinary matter may be dealt with concurrently.

4.1 Raising a Formal Complaint

4.1.1 If attempts to resolve an issue informally are unsuccessful, or if the issue is regarded as serious and the informal approach would be inappropriate, the member of staff should raise the matter formally in writing by completing the attached Complaint Form in Appendix 1 without unreasonable delay, to People Services. The written notification, which can be delivered electronically, should clearly detail the following:

- the nature of the complaint,
- all relevant facts,
- provide details of attempts to resolve it locally (if appropriate),
- specify the proposed resolution that the member of staff is seeking and
- include any supporting documentation that the member of staff wishes to be considered as part of the case. Supporting documentation should be concise and relevant to the specific issues raised.

4.1.2 People Services will acknowledge receipt of the complaint, and confirm in writing, normally within five working days of receiving the complaint the date, time and place for a hearing to take place, unless any of the circumstances in the following paragraph apply.

4.1.3 On receipt of the complaint, People Services or the Line Manager may suggest a further attempt is made to seek an informal resolution if, in their opinion, the informal process has not been exhausted or there may be an alternative resolution. It may also be necessary to request further information or clarification of the papers at this stage before confirming the arrangements for the hearing.

4.1.4 All paperwork (including the complaint form, any additional information and any response from the other party/ parties) will normally be submitted 10 days prior to the hearing and will be circulated to all parties 5 working days before the hearing. Normally, written information which is not provided to the panel in advance of the hearing may not be considered.

4.1.5 A panel of 3 individuals (as detailed in Section 6) will be set up and supported by a People Services representative. All cases will go straight to the panel who will consider the complaint. Occasionally, the panel may decide that there is a requirement to carry out a formal investigation into the complaint i.e. in complex/ sensitive cases. The investigation procedure should then be invoked.

4.1.6 At the hearing, the member of staff raising the complaint will have an opportunity to explain their concern and say how they recommend it should be resolved.

4.1.7 Where a complaint has been raised against another member of staff, they will be provided with details of the complaint and will be invited to respond. To explain or respond to the complaint both parties may bring forward any witnesses to the hearing and provide documentary evidence if required and as appropriate.

This will usually involve attending the hearing in order to allow the position of both parties to be explored openly with the panel and to avoid the requirement for a succession of individual meetings. The complainant will be informed of this and if uncomfortable with this approach, for example in sensitive claims of bullying, harassment or discrimination, then separate meetings may be arranged.

4.1.8 The panel may adjourn the hearing to make further investigations or seek advice/further information as necessary.

4.2 Agreeing a Resolution

4.2.1 After the panel is satisfied that it has heard the full facts, the hearing will be adjourned before a decision on the outcome of the complaint, specifically in response to the proposed resolution. This allows the panel time to reflect on the case and give full consideration to the facts. The panel must decide whether to:

- Uphold the complaint in full;
- Partially uphold the complaint, or
- Not uphold the complaint,

4.2.2 The decision of the panel will be communicated in writing within 5 working days of the hearing concluded and will indicate the right to appeal within 5 working days of receipt of the outcome.

4.2.3 Where the complaint is not upheld, the reasons should be explained in writing to the member of staff.

4.2.4 In addition to communicating the outcome about the specific complaint/s, it is within the panel's remit if it wishes to do so, to make recommendations about any course of action which it feels may help to resolve the situation under consideration, or to avoid it recurring. This may include recommending that disciplinary action is considered, where appropriate. Where the panel makes recommendations, or highlights any issues regarding policies or procedures, these will be monitored by People Services and reviewed to ensure that they are effectively dealt with. Recommendations will be reported to the next scheduled meeting of the Staff Policy Committee.

4.2.6 If the complaint is against another member of staff, the outcome must also be communicated to them.

4.3 Appeal Process

4.3.1 If either party feels that the complaint has not been satisfactorily resolved, the complaint Appeal Form (Appendix 2) should be completed and submitted to the Director of People within 5 working days of receipt of the outcome. The appeal should set out the specific grounds for appeal which may include:

- Procedural error
- Perverse or unfair decision by the Panel
- Evidence that was not available at the time of the hearing.

The appeal will not be a re-hearing of the original complaint. The appeal will be heard by a panel of 3 individuals (as detailed in Section 6) and supported by a People Services representative.

4.3.2 The appeal hearing will normally be convened within 10 working days of receipt of the appeal. The member of staff must make all reasonable steps to attend the appeal meeting.

4.3.3 At the appeal hearing, the member of staff will be given the opportunity to explain the reasons why they are dissatisfied with the outcome of the formal process. The panel will consider the information presented and may adjourn the hearing to

make further investigations or seek advice/further information if necessary. The appeal decision is final and the member of staff will be notified of the outcome in writing.

4.3.4 The outcome of the appeal will be communicated in writing, normally within 5 working days of the appeal hearing.

5 Use of Mediation

5.1 Depending upon the nature of the issue, and by mutual consent, an independent third party or mediator (either a trained University member of staff, or an external mediator) can sometimes help resolve issues. Mediation is a voluntary process, where a mediator helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator.

5.2 Mediators may be used in helping to resolve conflict involving colleagues of a similar job or grade, or between a line manager and member of staff; to rebuild relationships after a formal dispute has been resolved or to address a range of issues, including relationship breakdown, personality clashes, communication problems etc.

5.3 The Conflict & Complaints Resolution procedure may be suspended if mediation is deemed to be an appropriate method of resolving the dispute.

5.4 Mediation should not be used as a first resort and a member of staff should be encouraged to talk to their manager before they seek a solution via mediation. It should not be used by a manager to avoid their managerial responsibilities or where a member of staff raises a discrimination or harassment case (due to the sensitivities involved) or if one party is unwilling to compromise and using mediation will only raise unrealistic expectations of a positive outcome. Participation in mediation is entirely voluntary, and both parties should approach mediation with a willingness to participate and with the aim of finding a solution to the issue.

6 Formal Panel Composition

6.1 Formal matters will be heard by a panel consisting of three members. The panel will be chaired by a member of Senior Management and will also include a Senior Lecturer, a Senior Research Fellow, a Reader or a Professional Manager and a member of staff selected from the Independent Staff Pool.

6.2 A representative from People Services will attend the hearing to advise the panel on matters of procedure and/or legislation. The People Services representative will not participate in the panel's decision-making.

6.3 In appeal hearings the formal panel will consist of individuals who have had no prior involvement in the matter.

7 Policy Links

7.1 This Policy and process should not be used to bypass other agreed University policies and procedures.

7.2 This Policy should not be used to deal with issues covered by separate policies, specifically appeals against non-promotion or grading review which are covered under separate processes.

7.3 This policy has been written in accordance with the University's Dignity at Work and Study Policy.

8 Vexatious Complaints

If the panel finds that the complaint(s) is vexatious or the Director of People finds the complaint(s) habitual with no substance behind them, appropriate action, including disciplinary action, will be taken against the individuals making the complaint.

9 Equality Impact

An equality impact assessment has been completed for this process and is attached at Appendix 3.

10 Potential Risks

The main risk relates to a failure to resolve an issue quickly resulting in difficult working relationships in the period up to resolution and potential additional stress for the individuals involved. This risk will be mitigated by adherence to the agreed process and timescales.

11 Review & Monitoring

11.1 This Policy is not contractual and the University reserves the right to alter or withdraw it at any time. This Policy is not intended to create rights beyond the Employer's statutory obligations.

11.2 This Policy will be reviewed on an annual basis, within the Policy Review Framework, and at the discretion of the University Executive Board. Additionally, it will be reviewed in line with changes to relevant employment legislation.

12 Implementation

12.1 The Policy will be subject to consultation and approval via the agreed Policy Approval Process.

12.2 Approved policies will be published as part of the suite of staff policies. Briefing sessions will be available for Managers and recognised Trade Union representatives. People Services Advisors will continue to provide support to Managers and staff.

Appendix 1. **Complaint Form**

This form should be completed in full when an employee has fully exhausted any local attempts at resolution of the matters and now wishes to raise a formal complaint. The completed form should be sent to People Services along with any supporting documented evidence.

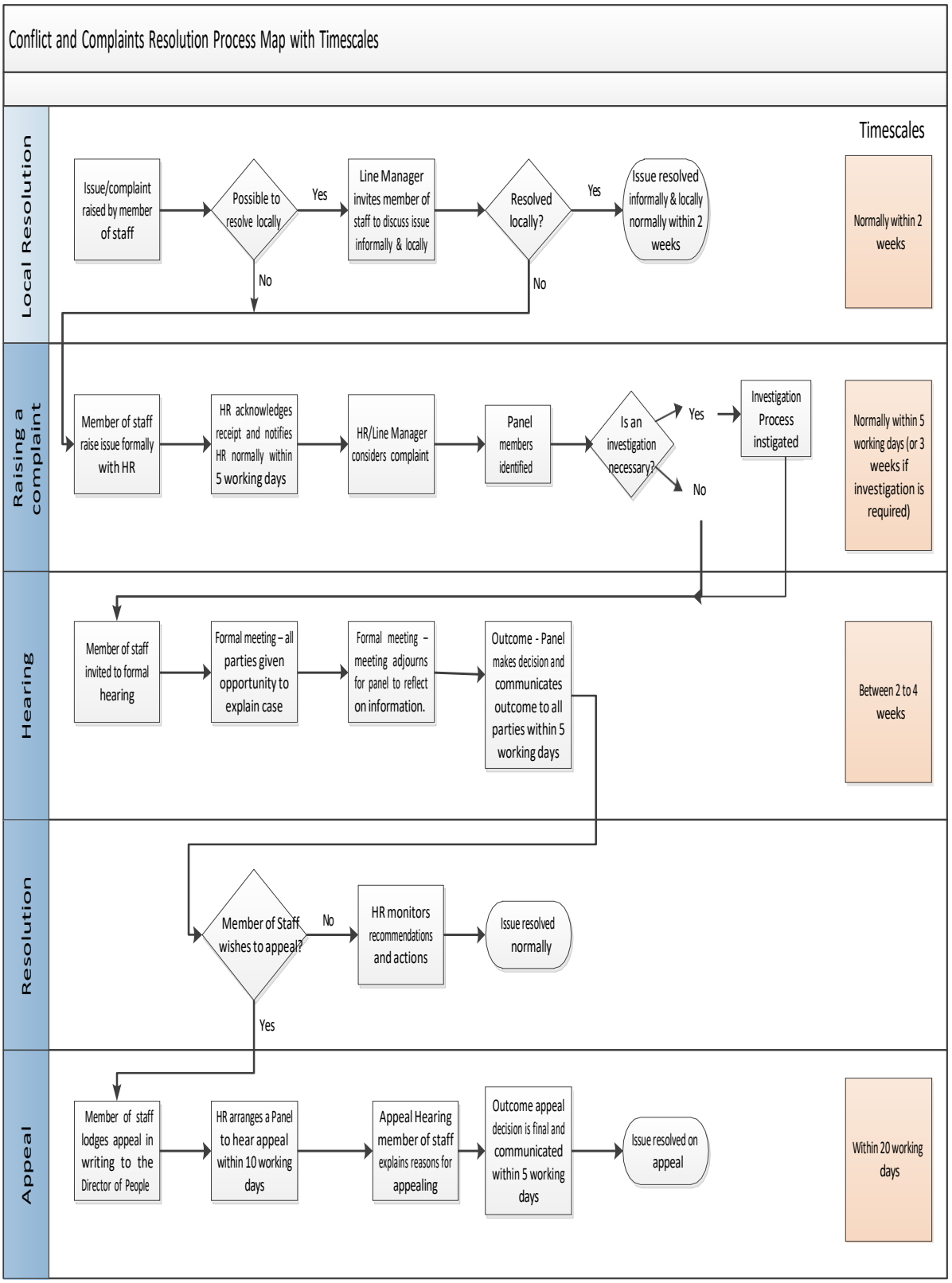
NAME: _____ **DEPARTMENT:** _____
NATURE OF CONFLICT OR COMPLAINT:
GROUNDS FOR COMPLAINT: Please indicate any supporting documented evidence at this stage. Note this evidence has to be submitted 10 days before the hearing.
ATTEMPT(S) AT LOCAL RESOLUTION:
PROPOSED RESOLUTION:
I consent to a copy of this form being given to individuals named/required to respond to the complaint **YES/NO** (delete as appropriate) **SIGNATURE:** _____ **DATE:** _____
DATE RECEIVED BY PEOPLE SERVICES: _____ **SIGNATURE OF PEOPLE SERVICES:** _____

Appendix 2. **Complaint Appeal Form**

This form should be completed in full when an employee wishes to lodge an appeal against the decision detailed in the complaint resolution outcome letter. The completed form should be sent to People Services.

NAME: _____ **DEPARTMENT:** _____
GROUNDS FOR APPEAL: (Must be one or more of the following: (1) Procedural error and/or (2) New evidence which could not have been made available at the original Hearing and/or (3) Unfair or perverse decision by the Panel.)
PROPOSED RESOLUTION:
I consent to a copy of this form being given to individuals named/required to respond to the appeal **YES/NO** (delete as appropriate) **SIGNATURE:** _____ **DATE:** _____
DATE RECEIVED BY PEOPLE SERVICES: _____ **SIGNATURE OF PEOPLE SERVICES:** _____

Appendix 3. **Process Map and Timescales**



Appendix 4. **Equality Impact Assessment**

Name of policy/procedure/strategy: Conflict & Complaints Resolution	
School/Directorate: Director of People	
Name of policy/procedure/strategy owner: Kathleen Cleary, Professional Services Manager	
Date of Assessment: April 2013	
1. Briefly describe the aims, objectives and purpose of the policy/procedure/strategy.	To formally address and resolve staff complaints in a fair, equitable, and consistent manner.
2. What are the intended outcomes?	To ensure fairness, equity and transparency in dealing with complaints.
3. Who are the main stakeholders? (e.g. staff, students, visitors)	Court, Executive, Management, Staff and Staff representatives.
4. How does the policy/procedure/strategy take into account different needs and circumstances (e.g. Ethnicity: cultural sensitivities, plain English; Disability: Alternate/ accessible formats; Gender: inclusive to women and men; Sexual Orientation; Faith or Belief, religious practices; Age: needs of younger and older people)?	This policy aims to support the principles of equality and diversity, and ensure that staff and students are not discriminated against through addressing complaints. This policy applies to all staff and students irrespective of personal characteristics or circumstances. However, the policy appears flexible in terms of taking into account the different needs of staff and students.
5. What is the likely impact on the general duty to have *due regard* to the need to **eliminate unlawful discrimination, harassment, victimisation** and any other conduct prohibited by the Equality Act? *E.g. Is there evidence to indicate that the policy may result in less favourable treatment for particular groups?*	There is likely to be a positive impact as the Policy supports staff who may have experienced harassment and discrimination.

6. What is the likely impact on the general duty to have *due regard* to the need to **advance equality of opportunity** between people who share a protected characteristic and people who do not share it? *E.g. Is there evidence to show that the policy helps to remove disadvantage or encourages the participation of particular groups?*	There is likely to be a positive impact as the Policy supports staff who may have experienced harassment and discrimination.
7. What is the likely impact on the general duty to have *due regard* to the need to **foster good relations** between people who share a protected characteristic, or not? *E.g. Is there evidence to illustrate that the policy helps to tackle prejudice or promote understanding?*	There is likely to be no impact.
8. How will any negative impact identified above be addressed?	Although the policy itself is free from discrimination overall, ultimately it is the application and implementation of the policy that provides the scope for discrimination e.g. prejudices or attitudes of those involved in the decision making process. Therefore, there is potentially a training and development issue for those involved in implementing the policy and making judgments on claims.
9. What is the overall impact rating? (Choose one rating)	Low - There is little or no evidence that some people from different groups are (or could be) differently affected (positively or negatively).
10. How will the results of the equality impact assessment be published?	
11. How will the implementation of the policy, procedure, strategy and its impact on equality be monitored and reviewed?	