

# FAIRNESS AT WORK

## 1. POLICY STATEMENT

Perth & Kinross Council is committed to valuing diversity, promoting good relations between groups and encouraging rapid resolution of employee complaints at an early stage.

The desired outcome from the application of this policy and procedure is fair and consistent treatment of all employees.

This policy and procedure applies to all employees of Perth & Kinross Council, with the exception of Teachers and the Chief Executive who are covered by similar procedures.

### 1.1 Principles

Perth & Kinross Council will:

- Promote a working environment which encourages positive behaviour and transparent communication between managers, employees and elected members.
- Ensure employees are treated in a fair and consistent manner.
- Ensure that all employees are aware of the standards of behaviour expected of them.
- Ensure that all managers and employees engage in, and attempt to resolve complaints at the earliest opportunity.
- Use mediation or facilitated discussions as a means of resolving complaints and improving communication.
- Provide information and education on issues relating to dignity at work.
- Provide advice and support for employees who are considering a complaint relating to harassment, bullying or victimisation from [Fairness at Work Contacts](#).
- Treat complaints under this procedure sensitively and confidentially.
- Ensure that employee illness, complaints, etc will not normally prevent the progression or completion of action under this or other policies.
- Ensure that, at all stages of the formal procedure, employees will have the right to be accompanied by a trade union representative or work colleague.

## **2. PROMOTING A POSITIVE WORK ENVIRONMENT**

The most effective way of promoting a supportive environment for promoting fairness at work requires regular, effective and transparent communication between managers, employees and elected members. This will ensure that, as part of day to day operations and supervision, employees are aware of the standards of behaviour expected and engage in resolution of complaints at an early opportunity.

It is in everyone's interests for complaints to be addressed and progressed. Open, transparent and early communication will allow these matters to be concluded as swiftly as possible. Where a complaint is being progressed and employee illness or further complaints arise, this will not normally prevent progression of this action. It may be appropriate for these matters to run concurrently or together under one process. Advice is available from HR Operations Team.

### **2.1. Standards of Behaviour**

All employees are responsible for their own conduct in the workplace and are expected to adopt positive behaviour which include:

- Treat others with dignity and respect, value individual differences and promote mutual trust and confidence in the workplace.
- Promote fairness, integrity, trust, respect, transparency and openness throughout the Council.
- Promote equality of opportunity, value diversity and promote good relations between all employees.
- Be a team player and develop effective working relationships within and outwith the Council.
- Be prepared to review performance, celebrate success, show flexibility and be willing to adapt to change.

All employees must adhere to the standards set out in the Employee Code of Conduct which is shown in [Appendix 1](#). Elected members must comply with the principles of good conduct and the Protocol for Relations between Councillors and Employees contained in the Code of Conduct for Councillors.

## **3. TYPES OF COMPLAINT**

Examples of complaints that can normally be considered under this procedure are related to:

- Working conditions, i.e. terms and conditions of employment, health and safety, working practices/environment or equality issues, i.e. non-grade related issues.
- The application of a National Agreement or local agreement reached between the Council and its recognised trade unions.

- Harassment which is defined as unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment, at the place of work, in the course of employment and/or where it has a significant adverse impact on employee relationships
- Bullying or victimisation which is defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient, at the place of work, in the course of employment and/or where it has a significant adverse impact on the employee relationships.

In cases of all complaints, in particular those regarding harassment, bullying or victimisation, there should be a reasonable basis for the complaint.

Complaints about Council employees from external agencies, customers or contractors should be made in accordance with the [Corporate Complaints Procedure](#) or [Social Work Complaints Procedure](#).

Employees who have complaints about external agencies, partners, customers or contractors must, in the first instance, discuss their concerns with their manager who will take appropriate action. An Inter-Employer Complaints Protocol is shown in [Appendix 2](#). Complaints from employees about elected members must also be discussed with their manager who will take advice from their Executive Director and the Head of Legal Service (as the Council's Monitoring Officer) on taking appropriate action.

This procedure does not apply to complaints relating to grading, pension, disciplinary, performance or recruitment and selection issues. Further detail of how complaints of this nature should be progressed is shown in [Appendix 3](#).

This procedure applies to both individual and collective complaints.

### **3.1 Informal Complaint**

Every effort must be made to resolve a complaint informally in the first instance.

Employees must raise an informal complaint with the person concerned or immediate manager without unreasonable delay, detailing the grounds of their complaint, resolution and reasonable redress. The informal complaint may be verbal or in writing and should fully detail the grounds of the employee's complaint resolution and/or reasonable redress. Where the complaint concerns a manager, and the employee feels unable to approach them, the complaint must be raised with an alternative manager, normally at an equivalent level, within the employing Service.

Where the complaint concerns the actions or conduct of another employee, that employee will be made aware of the complaint, as soon as practicable and how this will be progressed.

Efforts will be made to respond to and resolve an informal complaint without unreasonable delay.

Employees who are dissatisfied with action taken to resolve their informal complaint will normally have recourse to the formal procedure.

## 3.2 Making a Complaint

When raising a complaint, at an informal or formal level, the employee should fully detail the grounds of their complaint, resolution and reasonable redress.

Every effort must be made to resolve a complaint informally in the first instance. The formal procedure will only be initiated where the employee has attempted to resolve the complaint on an informal level. It cannot be initiated as an alternative to informal action.

Formal complaints will be made, in writing, to the appropriate Head of Service within 10 working days of receipt of response from the informal process. The Head of Service may nominate another officer to consider the complaint.

There is no access to the formal procedure for complaints made by ex-employees. Employees, who have an outstanding complaint when they resign, or make a complaint during their notice period, will have limited access to the formal procedure. These will be considered on an individual basis.

## 3.3 Initial Assessment

Upon receipt of a formal complaint, an initial assessment will be carried out to ascertain whether the complaint is competent and whether the informal route has been exhausted. This may require a meeting to be held with the employee. Where the complaint is deemed not to fall within scope of this procedure, this process will end. Where further action can be taken to resolve the complaint informally, the informal stage will recommence. If the complaint is deemed to be competent and no further informal action is appropriate, a Hearing will be arranged.

Where there is evidence that a complaint has been submitted with malicious or frivolous intent which can include counter complaints which are found to have no foundation, this matter will be considered as a disciplinary issue under the [Achieving and Maintaining Standards Procedure](#).

# 4. PROCEDURE

## 4.1 Arranging a Hearing/Appeal

A Hearing or Appeal Hearing will be arranged without unreasonable delay. In normal circumstances (with the exception of any meetings as part of an investigation) employees will be provided with a minimum of 5 working days notice of any Hearing/Appeal.

If an employee is unable to attend a scheduled Hearing/Appeal, the chairperson must be informed in advance. If the employee fails to attend without reasonable explanation or, if they fail to attend a rescheduled Hearing/Appeal, this will result in the Hearing/Appeal proceeding in their absence.

Where a representative or work colleague is not available for an arranged Hearing/Appeal, the employee must make alternative arrangements for another trade union representative or work colleague and take all reasonable steps to ensure the Hearing/Appeal can proceed without unreasonable delay. Where appropriate, an alternative manager may be nominated to chair a Hearing to enable it to progress at the earliest opportunity. An alternative date

can be agreed by mutual consent, normally, within 5 working days of the original proposed date.

## 4.2 Conducting a Hearing or Appeal Hearing

The purpose of a Hearing to consider a formal complaint/appeal is to:

- Clarify the detail of the complaint/appeal, resolution and reasonable redress
- Allow the employee to present their complaint, including presentation of relevant and reasonable evidence
- Consider if there is a reasonable basis for the complaint or appeal. If not, consider appropriate alternative action
- Consider if further information can be gathered or a formal investigation be completed to consider the complaint. In either event, the Hearing can be adjourned to allow collection of the relevant information and reconvened upon its completion. The need for confidentiality will be considered
- Evaluate the complaint and consider what action is appropriate
- Provide the employee with a response or conclusion to the complaint or appeal. This will normally be provided, in writing, without unreasonable delay following conclusion of the Hearing process.

## 5. ACTION

### 5.1 Outcome of complaint

The outcome of the complaint at the conclusion of the Hearing/Appeal will

be: **Either**

The complaint is upheld. There is evidence that the decision or action that prompted the complaint is not appropriate

**Or**

The complaint is not upheld. There is evidence that the decision or action that prompted the complaint is appropriate

**Or**

The complaint is upheld in part. There is evidence that some action will be necessary in relation to the original decision or action but not all aspects of the complaint were found to be upheld

**Or**

There is insufficient information on which to make a decision or proceed.

## **5.2 Reasonable redress and potential action may include:**

- No action is required
- Training for either or both parties
- Mediation between parties
- Counselling for either or both parties
- Referring the matter for consideration in accordance with the Council's [Achieving and Maintaining Standards procedure](#).

This list is not exhaustive and other actions can be considered in individual cases.

Mediation or facilitated discussions will be considered as a means of resolution for all complaints, both informal and formal. Where an employee has unreasonably refused to engage in mediation as a means of resolving their complaint, access to the formal procedure will be withheld.

## **6. COMMUNICATION**

Employees will be provided with a response to an informal complaint and confirmation of how this will be progressed, without unreasonable delay. Written records will be placed in the employee's file.

Employees will be advised of action taken in respect of a formal complaint without unreasonable delay. This will be confirmed in writing.

## **7. APPEAL**

An employee has a right of appeal against action taken following a Hearing. An appeal must be lodged, in writing to the relevant Executive Director, outlining the grounds of appeal, within 10 working days of receipt of response from the Hearing. The Executive Director may nominate another officer to chair the Appeal Hearing. Appeals will take place without unreasonable delay ([Appendix 4](#) details arrangements for hearing appeals under this procedure).

Where an appeal has been lodged, there will be no delay in implementing action from a Hearing, although the decisions may be subsequently amended as a result of the appeal process.

## **8. REVIEW**

The Fairness at Work Policy and Procedure will be monitored and reviewed on a regular basis to ensure it continues to meet the needs of the Council and to ensure compliance with relevant legislation.



# Employee Code of Conduct

Working for Perth and Kinross Council means we all provide services that make a difference to the lives of individuals, families and our local communities. As public service workers, we have additional responsibilities because of our public accountability and statutory obligations. The public expects and deserves a high standard of conduct from all local government employees.

The Council has high aspirations for our communities and relies on our employees to deliver the best possible services and value for money. Our local communities expect us to be committed and dedicated; to be creative and innovative in service design and delivery; to embrace new ways of working and work collaboratively with others to achieve common goals.

Our **Employee Code of Conduct** encourages us all to work in this way and sets out clear and helpful advice on the standards the Council expects from you as an employee.

To support the code we have a framework of policies, procedures, standards and guidance on a range of topics which provides information on your rights and responsibilities at work. It does not affect the rights and responsibilities you have by law.

Our **Employee Code of Conduct** reminds us to ensure that when carrying out our duties we must at all times:

Be **Open** and **Honest**

Be **Objective** and act with **Integrity**

Be **Selfless** and treat others with **Respect**

Be **Leaders** and be **Accountable** for our actions

The Code applies to everyone who works for the Council, including casual workers, agency workers and self-employed consultants i.e. everyone who carries out work for or on behalf of the Council.

The standards set out in this document are consistent with the Councillors Code of Conduct and the Values and Standards of Public Life included within the Nolan Committee Report 1996.

**We expect you to meet any codes of practice or professional standards that are relevant to your job.**

As a representative of Perth and Kinross Council we also expect you to embrace and promote the standards which are set out within this code.



As representatives of Perth and Kinross Council **everyone** will:

- *act with integrity, trust, respect, openness and transparency*
- *put your customers first; be a team player, build effective relationships*
- *treat others with dignity, value diversity; promote fairness and equality of opportunity*
- *be impartial and not to let any private interest or personal relationship influence your decisions or actions. You must not use your position to further your own private interests nor further the interests of others inappropriately*
- *lead by example to promote a culture of pride in working for a high performing Council*
- *comply with all legislative requirements and to take all reasonable action to protect the Council's interests*
- *value everyone's contribution and celebrate success*
- *engage, involve and be supportive through change; be open to new ways of working and offer your own ideas for change*
- *promote wellbeing within a healthy and safe workplace*
- *remember you serve the public and have a duty to provide value for money when using Council equipment, materials and resources; return all Council property when you leave the Organisation*
- *maintain the confidentiality of Council information. You need to know when and how access to information should be restricted and when information should be disclosed*
- *take time to understand how you and your team contribute to the corporate objectives; adopt a 'can do' approach; continually try to improve your own performance; learn from mistakes, and actively participate in your personal development*
- *take care that your conduct, in and out of work, does not bring the Council into disrepute*
- *take care not to publicly criticise the Council in your working life except in accordance with the Public Interest Disclosure Act 1998. Only designated employees and trade union officials are authorised to speak to the media*
- *take care not to publicly criticise the Council in your private life, including the use of social media. You may however, wish to express your views as a Perth and Kinross resident in response to public consultations*
- *recognise that we all have the capacity to influence people by our behaviour, to achieve a common goal*
- *notify your Executive Director or Head of Service as soon as practicable if you have been convicted of a criminal offence; are being investigated for, or have been charged with a criminal offence as this may affect your work or working relationship with the Council*
- *notify your Executive Director or Head of Service as soon as practicable if you become involved in a civil dispute if this could affect your work or working relationship with the Council*
- *fulfil your duty to make any payments due to the Council in good time, including Council Tax, and inform your line manager or the Council's Chief Exchequer Officer by emailing [chiefexchequerofficer@pkc.gov.uk](mailto:chiefexchequerofficer@pkc.gov.uk) or by telephoning 01738 475570 immediately if for any reason this does not happen*
- *serve the Council and all Councillors, regardless of your own political outlook*

**This Employee Code of Conduct is designed to support you in your role. Failure to adhere to this Code could result in disciplinary action being taken against you. Where appropriate, you should read it in conjunction with other documentation referred to in the Code.**



## Council Policies, Procedures, Standards and Guidance

The key policies, procedures, standards and guidance which are relevant to the **Employee Code of Conduct** are shown below and will be updated as and when required.

You line manager is responsible for ensuring you familiarise yourself with the Code and that you are updated on any changes to the key policies, procedures, standards and guidance relevant to your role.

Equally, it is your responsibility to ensure you understand your responsibilities under the Code and if you have any questions about the Code or the implications of the key policies, procedures, standards and guidance, you should discuss these with your line manager in the first instance.

- ◆ [Achieving and Maintaining Standards Policy \(excludes Teachers\)](#)
- ◆ [Arrestment Guidance](#)
- ◆ [Communications Security Policy](#)
- ◆ [Conflict of Interest Procedure](#)
- ◆ [Contract Rules](#)
- ◆ [Corporate Equalities Policy](#)
- ◆ [Corporate Media Policy](#)
- ◆ [Corporate and Service Operational Financial Regulations](#)
- ◆ [Data Protection Policy](#)
- ◆ [Disciplinary Procedure \(for Teachers\)](#)
- ◆ [Employee Health and Attendance Procedure \(for Teachers\)](#)
- ◆ [Fraud and Corruption Policy](#)
- ◆ [Freedom of Information Policy](#)
- ◆ [Gifts and Hospitality Policy and Procedure](#)
- ◆ [Information Security Policy and Standards](#)
- ◆ [Maximising Attendance Policy and Procedure \(excludes Teachers\)](#)
- ◆ [Occupational Health and Safety Policy](#)
- ◆ [Other Work Policy](#)
- ◆ [Political Neutrality Guidelines](#)
- ◆ [Private Interest Guidelines](#)
- ◆ [Procedure for Employees to Report Concerns \(Whistleblowing\)](#)
- ◆ [Protocol for Member/Officer Relations](#)
- ◆ [Protocol for Relations between Councillors and Employees in Scottish Councils](#)
- ◆ [Recruitment and Selection Policy](#)
- ◆ [Social Media Guidelines](#)

The Council's policies, procedures, standards and guidance are available on the Council's intranet, **eric**, under Employment Information and the A to Z of Resources. School based employees may also access these via GLOW, the Scottish Schools intranet.

Alternatively, if you are unable to access **eric**, or have any queries about the contents of the policies, you should contact the Employee Support Team on 75555 or via email at [HR@pkc.gov.uk](mailto:HR@pkc.gov.uk).

## CROSS-EMPLOYER COMPLAINTS PROTOCOL

This protocol is intended to manage situations where an employee of one organisation (e.g. the Council) wishes to raise concerns or make a complaint regarding an individual employed by a partner or another organisation with whom they work.

### Scope

This protocol aims to address any inter-employer complaints, where there is no pre-existing agreement in place regarding how complaints of this nature should be progressed. This protocol will apply to all employees of the Council engaged in a relevant partnership, with the exception of Teachers and the Chief Executive.

This protocol should be used where an employee from one organisation within a PKC partnership or joint approach wishes to make a complaint regarding another work colleague who is employed by a partner organisation.

### Protocol

If a Council employee wishes to raise a complaint with regard to the conduct of an employee of another organisation within a partnership, this matter should be referred to a nominated Perth & Kinross Council manager from within the partnership in the first instance. Where the matter cannot be resolved informally, Perth & Kinross Council's Fairness at Work procedures may apply.

If an employee of another organisation within the partnership wishes to raise a complaint regarding the conduct of a Perth & Kinross Council employee, the matter should be referred to a nominated officer from that organisation from within the partnership in the first instance. Where the matter cannot be resolved informally, the grievance or dignity at work procedures of that organisation may apply,

In all cases, where an investigation, Hearing or Appeal Hearing is required to progress a complaint, in accordance with relevant employment policies, there will be involvement of officers from each relevant employer. The partnership Board will have involvement in the appointment of appropriate officers.

## COMPLAINTS THAT CANNOT BE CONSIDERED UNDER FAIRNESS AT WORK

### ***Grading***

Complaints relating to grade should be referred to the relevant Head of Service to be dealt with in accordance with the Single Status Job Evaluation Scheme or National Joint Council Terms and Conditions of Service, whichever is appropriate.

### ***Pension***

Complaints should be made in writing to the Head of Finance in the first instance.

### ***Disciplinary***

Complaints relating to the conduct of a disciplinary investigation or Hearing, under the Council's [Achieving and Maintaining Standards Procedure](#), will be dealt with as an appeal under that procedure. Appeals against any disciplinary action will be dealt with in accordance with the Council's Achieving and Maintaining Standards Procedure,

### ***Performance***

Complaints relating to the conduct of a performance Hearing or performance review Hearing, under the Council's [Achieving and Maintaining Standards Procedure](#), will be dealt with as an appeal under that procedure.

### ***Recruitment & Selection***

Complaints relating to Recruitment & Selection processes should be dealt with under the [Recruitment & Selection Policy](#).

## APPEALS

### FAIRNESS AT WORK

For employees engaged under single status and craft terms and conditions of employment, complaints or appeals under this procedure will be heard as follows:

Hearing held by	Appeal heard by *
Head of Service or other nominated officer	Executive Director or other nominated officer

\* In normal circumstances, Human Resources will also be represented on Appeal Hearing Panels.

For employees engaged under Chief Officer terms and conditions of employment, complaints or appeals under this procedure will normally be heard at the following levels:

Role of Chief Official raising complaint	Hearing held by	Appeal heard by
Head of Service or Depute Executive Director	Executive Director	Depute Chief Executive or Appeals Sub Committee
Executive Director or Depute Chief Executive	Depute Chief Executive or Chief Executive as appropriate	Chief Executive or Appeals Sub Committee

All appeals will be conducted as an Appeal Hearing.

The appeal process ends after the Appeal Hearing and there is no further right of appeal. In limited circumstances and with the agreement of both parties, the various National Terms and Conditions of Service allow referral of certain appeals to national level.

If an employee considers that he/she has a dispute with the Council regarding the application and/or interpretation of any locally negotiated procedure or conditions of service, he/she must exhaust the internal procedures in the first instance.

If the employee is dissatisfied with the outcome then he/she may ask their trade union representative to submit their case for consideration to the Head of Legal Services (Monitoring Officer) and Head of Human Resources for the case to be considered/reviewed.

**PERTH & KINROSS COUNCIL and NHS TAYSIDE**

**HEALTH & SOCIAL CARE PARTNERSHIP**

**Fairness at Work in Integration Protocol**

**Introduction**

Day to day management of employees engaged within the Health & Social Care Partnership will be undertaken in accordance with the management policies and procedures of each organisation e.g. NHS or Council. The most effective management of people requires employees and managers to demonstrate a proactive approach as part of day-to-day operations, wherever possible. Early recognition, discussion and intervention can help to identify any underlying issues, for which action or support can be taken, and which can ensure that employees are aware of the standards of behaviour expected. Early intervention examples include facilitated discussions and involvement of Organisational Development mediation.

It is the duty of all managers who have responsibility for employees from the other organisation to ensure they have access to, and are familiar with, the relevant policies and procedures that apply as part of their normal day to day management concerning employees from the other partner body.

The purpose of the document is to highlight arrangements that will be put in place in the Health & Social Care Partnership where a group of employees from either/ or both NHS and Council raise a collective fairness at work/grievance complaint. The document excludes grievances which relate to an employee's own employer.

Consideration, on a case by case basis, will also be given to applying this protocol for cross-employer complaints relating to bullying and harassment by an individual of either NHS or Council within the Partnership.

**Principles**

The desired outcome from the application of this protocol is fair and consistent treatment of all employees and as such the following principles will be adhered to:

- Ensure all parties are treated with dignity and respect
- When any fairness at work/grievance complaints are raised joint agreement of the process to be applied will be formally set out at the outset and will continue to apply throughout the stages should early resolution not be achieved.
- Respond in a timely manner to ensure the fairness at work/grievance complaints is responded to promptly and reasonably.
- Seek early and informal resolution, at the lowest possible level, to all issues in the first instance.

- Use facilitated discussions, involvement of OD or mediation to seek early resolution.
- If the complaint gives rise to disciplinary action being invoked this will be undertaken in accordance with the policies and procedures of the employee's employing organisation e.g. NHS or Council.

## **Types of Complaint**

It is not possible to specify all of the issues which may give rise to a complaint but examples of collective complaints that can normally be considered under this protocol would include:

- Working conditions i.e. health and safety, working practices/environment or equality issues, i.e. non-grade related issues.
- Dignity at work issues i.e. bullying and harassment

Harassment is defined as unwanted conduct at the place of work and/or in the course of employment that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. For a complaint to be considered under this protocol it must relate to harassment on the grounds of a protected equalities characteristic, i.e. gender, race, disability, religion or belief, sexual orientation, age, marital status, pregnancy or gender reassignment.

Bullying or victimisation is defined as persistent, offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient, at the place of work and/or in the course of employment.

Each employing body uses different terminology in describing what constitutes a grievance, fairness at work, bullying or harassment issue. Although some of these terms are used within the protocol the exact definition for each employer will be contained within their respective policy to which reference should be made. This protocol excludes matters which would normally fall under a collective dispute resolution procedure.



## **Protocol for inter-employer Fairness at Work/Grievance or similar Complaints**

Where a grievance has been raised the following principles will apply:

Informal or formal complaints relating to grievance/fairness at work issues must be raised by an employee in accordance with the policies and procedures of their employing organisation i.e. NHS or Council.

Every effort must be made to resolve the complaint informally in the first instance.

All employees are expected to participate in both employer's grievance and/or fairness at work processes when necessary.

All parties must treat others with dignity and respect, value individual differences and promote mutual trust and confidence in the workplace.

Employees must raise an informal complaint with the person concerned or immediate manager without unreasonable delay, detailing the grounds of their complaint, resolution and reasonable redress being sought. At this stage it will be for the immediate manager to determine with the complainant/s as to the process or actions which would achieve resolution of the matter. Where the complaint concerns a manager, and the employee feels unable to approach them, the complaint must be raised with an alternative manager, normally at an equivalent level, or level above if employees unsure who at an equivalent level to approach.

### **Joint Complaints – a complaint from employees of both employers within the partnership**

Employees who have submitted a joint complaint should provide details of their complaint, what steps they may have taken to resolve their complaint informally so far and the resolution and reasonable redress sought.

On receipt of a joint complaint the line manager will discuss the complaint with nominated representatives on behalf of the employees and where represented the relevant trade union/staff side of those making the complaint to ascertain what, if any, steps they have taken to resolve the complaint with the employee concerned. Both NHS and Council HR departments will be involved in these discussions.

The purpose of this initial discussion/meeting will be to:

- Advise the employees that the information they have provided including the details of the reasonable redress sought will be reviewed and an agreement to proceed with an informal approach outlined.
- Identify if the employees are unwilling to approach the subject of the complaint, and if so, the manager will make the subject of the complaint aware of the issue.
- Discuss and agree, in advance, with all parties involved which Grievance/Fairness at Work process will be applied i.e. NHS or Council should the matter not be resolved at the lowest possible level. This can be

determined by considering the majority of employees from one of the partnership bodies who raised the complaint and the other employees agreeing to such; or, if relevant, by applying the procedure applicable to the employee being complained of.

- Reach mutual agreement of all parties involved at this meeting to confirm the relevant procedure, ongoing identified Trade Union representative/staff side involvement and communication. Where mutual agreement cannot be reached then the individual or the union/staff side representing a particular group must withdraw, in writing, from the joint process and consider if they wish to raise a separate complaint using their respective employer's procedure.
- Establish if an investigation is deemed appropriate and if so, confirm and agree, in advance, with all parties involved the investigatory process to be applied.

#### **Notes:**

**The outcome of the initial meeting can vary depending on each individual case and will set out the agreed approach to be applied, the nominated lead of any investigation, if applicable, and the composition of any subsequent Panels/Hearings. It should be noted that once the process has been agreed this will continue to be applied throughout all stages of the fairness at work/grievance procedure should early resolution not be achieved.**

**Any investigation arising from the initial meeting will be undertaken using one employer process with the lead employer chairing any panels and it could be an employee from a different organisation that is involved at that stage. There will be one investigation report prepared by the person undertaking the investigation and this investigation report will be used at all other subsequent stages and/or any other procedures that may be invoked by either NHS or Council.**

**Should there be a need to consider any other Policy arising from the complaint then reference would be made to the Policy of the employee concerned.**

## **Communication**

When progressing a joint complaint consideration should be given to the means of involving all concerned employees in the process.

Individual outcome letters from meetings/hearings/appeal hearings will be sent directly to all complainants named in the initial complaint.

## **Written Submission**

Only those named in the initial joint complaint will be involved in the process as it progresses. Additional names cannot be included at later stages. All those named in the joint complaint should indicate that they are willing to put their name to the complaint either by signing the initial letter or at least providing email confirmation.

## **Representation**

If there has been one joint complaint submitted it may be appropriate to request that one or two representatives of the group be nominated to attend any meetings/hearings. Those nominated can change at different stages depending on availability etc.

The Trade Union Representatives/Staff Side will be represented as per the relevant employer grievance/fairness at work process. Both employers will agree, for the purposes of this process, to recognise the relevant trade unions/professional organisations of the employing bodies within the partnership.

## **Early Intervention/Resolution**

In order to resolve the issue at the lowest possible level all parties to the complaint should consider facilitated discussions, involvement of OD or mediation as an option for resolving the situation.

Further information on early resolution can be obtained from the respective Human Resources' Departments.