

COMPLAINTS RESOLUTION PROCEDURE

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Overview

This procedure and accompanying guidance have been drafted to provide information on the University's arrangements for managing employee relations complaints.

Developed by the Legal Services and Employee Relations Unit, September 2023

Contents	Page Number
1. Introduction	2
2. Principles	2
3. Scope	2
4. Application	3
5. Informal resolution and mediation	4
6. Formal complaints resolution procedure	4
7. Institutional investigation	7
8. Other provisions	7
9. Equality and Diversity statement	8
10. Legal obligations	8
11. Data protection	8
12. Procedure review	8
13. Equality screening	8

Complaints Resolution Procedure

1 Introduction

- 1.1 This procedure has been developed to reflect our core values and associated behaviours as described in our [Staff Charter](#).
- 1.2 This procedure does not form part of any employee's contractual terms of employment, or any student's terms and conditions of study. It has been implemented following consultation with the University's recognised trade unions (UCU, NIPSA and Unite) and staff networks.
- 1.3 This procedure will be used to address formal complaints raised under the [Grievance Policy](#) and the [Anti-Bullying and Harassment Policy](#) and should be read in conjunction with these policies and supporting guidance documents.
- 1.4 The University will ensure that line managers (or nominees), involved in the complaints resolution procedure do not have a conflict of interest.

2 Principles

- 2.1 The purpose and objectives of this procedure are to set out a cohesive, fair and consistent framework to address complaints against University staff and to provide an opportunity for resolution of those complaints in a proportionate, straightforward and non-discriminatory manner. This procedure will be kept under regular review by the University to make sure that it is meeting its purpose and objectives.
- 2.2 This procedure brings together a number of previous procedures and regulations, including the Grievance Procedure (for grades 1-5), the Grievance Regulation (for grades 6/AC1 and above) and the Bullying and Harassment Complaints Procedure.

3 Scope

- 3.1 When a formal complaint is raised by an employee under the [Grievance Policy](#) or by an employee or a student under the [Anti-Bullying and Harassment Policy](#) it will be addressed utilising this procedure.
- 3.2 References in this procedure to 'Complainant' refer to the student or employee raising the complaint.
- 3.3 In general, the complaints resolution procedure does not apply to Workers, however where a complaint of bullying or harassment is raised by a Worker, the most appropriate means of dealing with the complaint will be determined by a Case Manager, on the basis of reasonableness, fairness and proportionality.

4 Application

- 4.1 Before raising a formal complaint every effort must be made to reach an informal resolution of the problem, where it is possible and appropriate to do so. (Please refer to the Guide to Informal Resolution).
- 4.2 Complaints brought and concluded within a reasonable timeframe have increased prospects of a satisfactory resolution. Complaints should be raised without unreasonable delay and at the earliest opportunity and will be dealt with promptly. This includes not unreasonably delaying meetings or decisions.
- 4.3 The extent to which historic complaints can be investigated will necessarily be limited by the passage of time and, in some circumstances, it may not be possible to reach a finding. Any formal complaint relating to matters that occurred more than six months ago is likely to be rejected unless there are special and exceptional circumstances justifying a longer timescale.
- 4.4 Only in exceptional circumstances will the University consider allowing meetings under this procedure to be put on hold due to one of the participants being on long term sickness absence. Employees who are unfit for work may still be fit to participate in complaints (and other management) procedures. The University will be informed and guided by its occupational health advice, but in many cases unresolved or prolonged workplace disputes can have a greater negative impact on employee wellbeing than addressing and seeking resolution to the dispute.
- 4.5 References in this procedure to 'line manager' are not limited to the direct line manager and include a nominee. The nominee may be a colleague more senior than the Complainant, or about whom the complaint is raised (i.e. with supervisory or managerial responsibility). In certain circumstances, the University may appoint a suitably trained third party such as an external investigator/consultant to investigate complaints.
- 4.6 Initially the complaint will be triaged by a 'Case Manager' (normally a member of the HR Business Partnering team) who will determine the most appropriate policy under which the complaint should be addressed. Where there is a more appropriate policy or procedure for dealing with a complaint e.g. the Disciplinary Policy, Misconduct in Research, or the Raising Concerns Policy (whistleblowing), the matter will be dealt with under that policy and the Complainant will be advised accordingly.
- 4.7 The University expects employees to co-operate as witnesses in line with the expectations of their contract of employment. All witnesses are required to provide evidence and information to the best of their ability and/or knowledge, and to actively participate in the process.
- 4.8 It is recognised that involvement in this procedure may be challenging, and individuals concerned may wish to avail of support from the Employee Assistance Programme via Wellbeing at Queen's or through the student wellbeing service.

- 4.9 Employees are encouraged to raise any complaints during the course of their employment and the University is under no obligation to investigate employee complaints raised post-employment. However, it may appropriate to accept a complaint from a former employee in limited circumstances, and raised within six months of the incident complained of. The Case Manager will decide whether it is appropriate to accept a complaint from a former employee, and the manner in which it will be dealt with on the basis of reasonableness, fairness, and proportionality.
- 4.10 University documents relating to this procedure will be retained on the employee's personnel file in accordance with the University Records Retention Guidance.

5 Informal resolution and mediation

- 5.1 Informal resolution and mediation should be considered, where appropriate, before a formal complaint is raised. An informal approach often results in early resolution and a positive outcome for the Complainant, with minimal detrimental impact on work relationships and/or the work environment. Please refer to the Guide to Informal Resolution.
- 5.2 Mediation is a voluntary process which facilitates discussion and assists the parties involved to resolve issues in dispute. Mediation will be available at every stage of the Complaints Resolution Procedure where it offers an appropriate means of resolution, and both parties agree to engage.
- 5.3 The formal complaints resolution process may be suspended at any stage to facilitate mediation or other informal resolution measures. Where resolution is achieved, the formal complaints resolution procedure will conclude, and the informal resolution will be recorded as the outcome of the complaint. Where resolution is not achieved the formal complaints resolution procedure will resume.

6 Formal complaints resolution procedure

- 6.1 Where prior attempts at informal resolution have been unsuccessful, or where the Complainant has not availed of the informal process, the complaint should be raised under this formal procedure without delay (that is within six months of the event or incident complained of).
- 6.2 The formal complaint must be made in writing, clearly and concisely setting out the nature of the issue and how the Complainant believes it might be reasonably resolved. The written complaint, along with any available relevant supporting evidence, should be submitted to the HR Business Partner and copied to the line manager. A [formal complaints template](#) is available to assist with compiling the written complaint.
- 6.3 A Case Manager will triage the written complaint. Matters for the Case Manager to consider at triage will include determining whether the complaint will be

progressed and identifying the appropriate policy under which to address the complaint. If at any stage the Complainant wishes to withdraw the formal complaint this must be confirmed in writing to the Case Manager. (See section on Institutional Investigation)

- 6.4 Where it is determined by the Case Manager that the complaint will not be taken forward, (such as where the complaint is historic and there are no exceptional circumstances meriting its acceptance) the Complainant will be notified of this decision. The Complainant will be informed that, within five working days of receipt of the determination not to progress the complaint, they may make a request to the Head of HR Business Partnering or nominee to review the Case Manager's decision.
- 6.5 At triage the Case Manager will identify a suitable line manager i.e.:
 - 6.5.1 A manager more senior than the Complainant will be appointed to investigate and hear the matter, under the relevant policy or procedure. In general, this will be the complainant's immediate line manager, however, where the line manager is conflicted (e.g. is a potential witness, or unavailable to investigate the complaint in a timely manner) the Case Manager will designate an alternate manager to deal with the complaint.
 - 6.5.2 Where the matter is of a particularly serious or complex nature, a nominee will be appointed to investigate in place of, or alongside that manager. In such cases the detailed findings and conclusions of the investigation will be compiled in a report to the Case Manager. The Case Manager will provide the report to the line manager who will proceed with the complaints resolution procedure and then make a determination.
- 6.6 Following triage the Complainant will be invited to a formal complaints resolution meeting, normally to be held within ten working days of submission of the complaint. The Case Manager will notify the Complainant in writing of the date, time and location of the Complaints Resolution meeting, normally giving five working days' notice. All relevant documentation will be provided by the Case Manager (at least three working days prior to the meeting). Requests for reasonable adjustments should be made to the Case Manager.
- 6.7 The Complainant may be accompanied to formal meetings held under this procedure:
 - 6.7.1 Employees will be advised of their right to be accompanied by a trade union official (as defined by the Labour Relations Agency (LRA) Code of Practice on Disciplinary and Grievance Procedures) or a University colleague.
 - 6.7.2 Students will be permitted to be accompanied by a registered student of the University (including a Sabbatical Officer from the Student's Union), or by a member of staff of the University or University Chaplaincy.

- 6.8 The Complainant must inform the Case Manager of the identity of the chosen companion in advance of the meeting. If a chosen companion is not available at the scheduled meeting time, or for more than five working days afterwards, then the Case Manager may ask the Complainant to choose someone else. The meeting will not be unreasonably delayed due to the unavailability of the chosen companion.
- 6.9 The Case Manager will be present at formal meetings held under this procedure to provide advice and guidance on University policy and legal obligations, and to signpost wellbeing and support systems available.
- 6.10 At the complaints resolution meeting the Complainant, or their companion, will have an opportunity to explain their complaint and any evidence they have provided, and to propose how they think the matter should be resolved. A companion may make representations and ask questions but should not answer questions on the Complainant's behalf. The Complainant may talk privately with their companion at any time during the meeting.
- 6.11 Where it is determined that further investigation is required the terms of reference will be agreed between the Complainant and the line manager.
- 6.12 Employees who have witnessed an incident or issue under investigation, or who are aware of, or involved in a matter related to the investigation, or are deemed to hold information that would be beneficial to the investigation, will be asked to participate in the investigation process.
- 6.13 The amount of investigation required will depend on the nature of the complaint and will vary from case to case. The investigation may involve speaking to the subject of the complaint, witnesses, further meeting(s) with the complainant, and consideration of documents or other evidence as deemed appropriate, to conduct a reasonable, fair and proportionate investigation of the complaint.
- 6.14 Normally within ten working days of the date of the complaints resolution meeting, the conclusion of any further investigation, or the receipt of the Investigation Report (whichever is the latter as applicable), the Complainant will receive written confirmation of the reasoned decision of the line manager as follows:
- Complaint upheld in full;
 - Complaint partially upheld, or
 - Complaint not upheld.

In addition to communicating the decision, there may be recommendations for action(s) which may help to resolve the situation under consideration, or to avoid it recurring. The written decision will also detail the right to appeal the decision within ten working days in accordance with the University's Appeals Procedure.

- 6.15 Where the allegations have been made against another member of staff, that individual will also be notified in writing of the decision of the line manager.

7 Institutional Investigation

- 7.1 As a general principle, the decision whether to progress a complaint is up to the Complainant. However, the University has a duty to protect all staff and it may pursue the matter independently of this procedure if, in all the circumstances, it is considered appropriate and necessary to do so. Examples include where the complaint involves allegations of bullying and harassment, or where serious issues have been raised which are deemed to pose a risk to health and safety of staff, or others, or a threat to property.
- 7.2 Anonymous complaints will not normally be considered however the University may independently investigate any concerns it may have where it is considered necessary and appropriate to do so.

8 Other provisions

- 8.1 No employee or student should suffer any form of retaliation, detriment or other less favourable treatment as a result of having raised a complaint, supported a complaint or cooperated in an investigation, or as the result of the belief that they have done, so or are likely to do so. Allegations of such treatment are taken seriously and may result in disciplinary action.
- 8.2 Where a complaints investigation identifies evidence of unacceptable behaviour this may result in action being taken under the Disciplinary Policy. In these circumstances, the evidence gathered during the complaints investigation may form the basis of the disciplinary investigation. Employees should refer to the Disciplinary Policy and Procedure for further information.
- 8.3 All parties involved in the Complaints Resolution Procedure must act in good faith to seek resolution as soon as possible. Any employee or student found to have raised a malicious or vexatious complaint, or to have given deliberately misleading information to a Complaint resolution process, may be subject to disciplinary action.
- 8.4 The Complaints Resolution Procedure is confidential and all those involved (including witnesses) are required to maintain this confidentiality and respect the privacy of others. Breach of confidentiality may compromise the integrity of this process and any employee or student found to have shared confidential information outside of the Complaints Resolution Procedure may be subject to disciplinary action.
- 8.5 Electronic recordings of any interviews or meetings conducted under this policy will not be permitted, unless agreed in advance as a reasonable adjustment due to disability or a medical condition. Any employee or student found to have made a covert recording of interviews or meetings may be subject to disciplinary action.
- 8.6 Any information, documentation or evidence related to the investigation of a complaint under this procedure may be shared as appropriate within this process, within another internal process, or where there is a legal or other regulatory, or contractual requirement to disclose the information.

9 Equality and Diversity statement

The University is opposed to all forms of unlawful and unfair discrimination. It values and promotes equality and diversity and will seek to ensure that it treats all individuals fairly and with dignity and respect in accordance with the Equality Diversity and Inclusion policy.

10 Legal obligations

10.1 None of the provisions in this procedure are contractual but it conforms to the requirements set out in the Labour Relations Agency Code of Practice on Disciplinary and Grievance Procedures, including the right of appeal if dissatisfied with the outcome.

10.2 The University reserves the right to digress from this published procedure in so far as it may be inconsistent with its legal obligations as an employer and/or the legal rights of individual employees. Any such changes will be subject to consultation with the recognised trade unions.

11 Data protection

Personal data will be managed in line with the University Staff Privacy Notice and Student Privacy Notice.

12 Procedure review

This procedure will be kept under regular review to ensure it is meeting its purpose and objectives and may be varied following consultation with the University's recognised trade unions.

13 Equality screening

This procedure has been screened out with mitigation as per the Equality Commission's guidance on screening with no adverse impact with regard to equality of opportunity and/or good relations for people within the equality and good relations categories.