

Dispute Resolution: Guide for Individuals Raising a Complaint

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This guide has been designed to assist individuals who want to raise a complaint as part of the dispute resolution process.

Introduction

Good communications and a culture where individuals are not afraid to come forward with their concerns can help resolve issues before they escalate. Common problems which cause individuals to raise a dispute include a breakdown of relationships with colleagues, or the way individuals are affected by organisational or management decisions.

Here are some practical steps you can take to resolving issues you may encounter at work.

What should I do when an incident occurs?

Wherever people work together, disagreement and conflict can occur from time to time. Being clear on standards of behaviour and conduct expected can help, but when issues arise it is important that matters are dealt with sensitively and constructively in a way that helps those affected to move forward.

You should come forward and raise issues and concerns when they happen. Think about what has happened to you and consider discussing how you are feeling with your Line Manager, a work colleague, your [Trade Union representative](#) or [Employee Assistance Provider](#). This can help you get some perspective on the issue and help

you gather your thoughts before deciding how you want to resolve it.

It is important that you make a note of the date the incident(s) took place and brief details of what happened. That way you will have a record that you can refer to whilst resolving the issue

Although you should be able to take action to resolve an issue at the time it took place, there may be times when this is not possible. This should not stop you from raising the incident when you feel you are able to do so. If you have made a brief note of the details of the incident it avoids having to rely on your memory to recall the specific details later on.

If I raise an issue will it be treated in confidence?

Yes, your issue will always be treated confidentially and only those colleagues involved in resolving it will be made aware of what is happening. Confidentiality is one of the key elements of the dispute resolution process.

How can I resolve an issue?

There are a number of options available to you, including:

- Local resolution (talking direct to the other person if you feel you are able to, or talking to your Line Manager or another manager you trust)
- [Workplace Mediation](#)
- And, if discussion and workplace mediation have been unsuccessful, or are not appropriate in resolving the issue, an investigation can be initiated.

Local resolution

Where you are uncomfortable with someone's behaviour, you should try to have an honest and open discussion with the colleague concerned. If it is not possible to talk directly with the colleague, you should discuss the issue with your Line Manager as they may be able to act as a facilitator and/or may suggest other ways in which to resolve the issue, for example, through [mediation](#). Many problems can often be settled or resolved quickly by having a quiet word. Sorting things out at an early stage may stop any issues from getting worse, and may remove the need for any investigative action.

If you are unhappy about a management or organisational decision, you should discuss the issue with your Line Manager or your Line Manager's manager as soon as you become aware of the impact. Line Managers may be quickly able to resolve

the issue by discussing it with the individual. By taking time to have a discussion together as soon as the problem or complaint is identified, and allowing an opportunity to talk through the issues, the matter could be quickly resolved. This could also help if someone is experiencing difficulties in a work relationship.

Workplace Mediation

You can also try to resolve issues through [Workplace Mediation](#). Although mediation is voluntary, it is strongly recommended that individuals attempt mediation as part of the dispute resolution process. Mediation is most effective when used earlier in a dispute, before people become fixed in their position, as it provides a positive opportunity to resolve practical problems and is time efficient. It empowers people to work together to resolve issues, and can therefore be less stressful and have a less negative impact on morale. Mediation can also be successful in later stages after an investigation has concluded to help people rebuild relationships.

Mediation can take place between colleagues or Line Managers and their team member(s). It is usually between two parties, but mediation can also work for groups. Mediation can be used to resolve a range of issues including breakdown in relationships.

Mediation can help two or more people in dispute attempt to reach an agreement. If two or more people agree that there is conflict, the steps in the process are to:

- agree to attend mediation as an option for resolving the issue;
- individually attend a meeting with independent trained mediators;
- collectively attend a meeting to state how each party sees the problem and how it might be resolved; and
- engage with the mediator who will work through the issues confidentially and confirm agreements with everyone as they are reached.

Investigation

It is expected that you will try to resolve issues through local resolution and/or mediation in the first instance. If all other avenues have been exhausted and/or are deemed inappropriate (for example, due to the serious nature of the issue), the next step is to initiate an investigation.

In most cases, the dispute must be raised within three months of the event or issue taking place, or within three months of the previous steps (i.e. local resolution and/or mediation) concluding.

In cases of sexual harassment or severe forms of alleged bullying, harassment and

discrimination (BH&D), you may not feel able to come forward and report the issue until some time after the event. Be assured that when you do raise this issue, it will still be considered and dealt with appropriately. It is advised that you keep a record of what has happened to you. The more detailed the account you keep the better, including dates, times and names of any witnesses. If you are in need of support, you can access services at the bottom of this page.

To request an investigation, you must:

- raise a written complaint using [Form 1 – Requesting an Investigation \(Word\)](#)
- submit the complaint within three months (unless in certain circumstances, as outlined above);
- be clear about the grounds for the dispute;
- describe what you have done so far to resolve the complaint through local resolution and/or mediation, if appropriate;
- state whether you would like an Investigator from outside of your business unit to investigate the complaint (in cases of BH&D, an Investigator from outside of the complainant and the subject of the complaint's business unit/s must be assigned);
- stick to the facts;
- avoid using language which might be considered insulting or abusive;
- state what outcome is being sought.

In most cases the dispute should be raised, in writing, with your Line Manager. If the dispute concerns the Line Manager, it should be sent to the Line Manager's manager. If neither are appropriate, due to implication within the dispute, it should be sent to a Senior Manager in the business area, or another Senior Manager in a different business area who will appoint an independent manager to deal with the case. If in doubt, you should speak to your HR Business Partner. If an individual is unsure who their HR Business Partner is, they should contact the Cabinet Office [Casework Lead](#).

Whichever manager you send it to will decide who should become the Decision Maker. Once the Decision Maker receives your written complaint they will consider the best way to resolve the issue and discuss this with you. It is worth noting that they may ask that the complaint be addressed through local resolution and/or mediation in the first instance. In very serious cases of sexual harassment, bullying or harassment they may take the view that the case should be handled through discipline or misconduct procedures. If this is the case they will write to tell you. You will still be entitled to receive a written outcome of your complaint.

If an investigation is the best way to resolve the matter, the Decision Maker will decide whether an independent Investigator needs to be assigned or in straightforward cases, the Decision Maker may complete a simple fact-finding exercise themselves. This will depend whether or not the facts are easily able to be established. Some investigations will only require the collection of written or physical evidence, and no investigation meetings will be required. If you have been informed

that this is the case, please skip to 'What happens when the investigation has been completed?' Where an investigation meeting is required, it is important to remember that this is an information-gathering exercise and never a decision-making process.

Where an independent Investigator is required, a Terms of Reference for the investigation will be shared with you, so that you can understand what is in scope of the investigation from the outset.

What happens at the investigation meeting?

If an independent Investigator has been assigned, the Investigator will arrange a suitable date and time for an investigation meeting to take place. The aim of the investigation meeting is to provide evidence to the Investigator to allow them to analyse all relevant evidence and to conclude whether there is a case or not.

You should make every effort to attend the meeting. However, if you can't reasonably attend the meeting, you should propose new dates to the Investigator as soon as possible, to allow the meeting to take place within five days of the original meeting date.

The prospect of a meeting of this sort might feel daunting, and if it does you might want to be accompanied by your [Trade Union representative](#) or a work colleague. There may be some circumstances where you can ask that a non-work friend or family member accompany you to the meeting; for example, in cases of extreme bullying, harassment or discrimination. Investigators will sympathetically consider the reasons for the request before making a decision. In addition to offering moral support, with your agreement, your companion can:

- put forward and sum up your case at the meeting;
- respond on your behalf to any views expressed at the meeting;
- confer with you.

It might also help you to gather your thoughts if you discuss any points you want to get across at the meeting with your companion in advance. Everyone involved in the dispute resolution process must maintain confidentiality at all times, including once the outcome has been communicated.

There will be a note-taker present at the meeting who will make a record of the conversation. You will be provided with a copy of the notes within 5 working days of the meeting, to check and confirm that they are accurate.

What happens when the investigation has been

completed?

The Investigator will communicate their findings to the Decision Maker, and it is the Decision Maker's responsibility to decide the outcome of the case. The Decision Maker will invite you to a meeting, giving you at least five working days' notice to ensure you have time to prepare.

The dispute resolution meeting is to give you the opportunity to explain to the Decision Maker the events that have caused you to raise your dispute. The Decision Maker will also ask you to say what outcome you are seeking. It also gives the Decision Maker the opportunity to clarify or confirm any aspect of the dispute before they give a considered decision.

As in the investigation meeting, you may want to be accompanied by your Trade Union representative or a work colleague, and a note taker will be present to make a record of the conversation. You will receive a copy of the meeting notes along with written confirmation of the decision within five working days of the meeting.

What happens if I am dissatisfied with the outcome of my complaint?

It isn't always possible to resolve an issue and if the outcome of the meeting isn't what you expected, you may want to reflect on it and discuss it with your Trade Union representative or work colleague. You will then be able to consider whether pursuing the dispute would make a difference to the outcome, or whether it is likely that the outcome will be the same. You can then make an informed decision on what you should do next.

In certain circumstances, you could appeal against the outcome; this is usually if there is some additional evidence that the Decision Maker wasn't aware of when they made their original decision, or you do not believe that the resolution process was correctly followed. If this is the case you should write to the Appeal Manager with your reasons for making an appeal. The contact details of your Appeal Manager will be provided on the outcome letter. Again, it is often helpful for a work colleague or Trade Union representative to help you with this.

What can I expect to happen next?

The Appeal Manager, who will be independent to the Decision Maker, will want to meet with you to give you the opportunity to say why you have appealed and give you the opportunity to present any new evidence to them. You can be accompanied

to the meeting with a work colleague or Trade Union representative.

Once the Appeal Manager has talked to you and gathered all the facts they will then make their decision before writing to you with the outcome.

How to access support

There are various sources of support available throughout the process.

Line Manager	Can signpost to available support.
Fair Treatment Confidant	Offers listening, support and advice to staff who are feeling worried, anxious or stressed. This may be because of bullying or harassment, being accused of bullying or harassment or associated issues that are causing them concern.
Employee Assistance Programme (EAP)	Provide advice, counselling and legal services.
Mental Health First Aider	Can offer initial support through non-judgemental listening and guidance to those who are experiencing a mental health issue or emotional distress.
Workplace Early Resolution Helpline	Confidentially discuss issues that may feel uncomfortable and identify options to ensure the best early positive action is taken.
Trade Unions	Members can seek advice from their representatives.

Staff Networks	Different networks may be able to offer additional support.
ACAS	Acas provides free and impartial advice on a range of workplace issues. Access their website at acas.org.uk or call their helpline on 0300 123 1100.