**Introduction**

We are committed to maintaining a positive and respectful working environment for all colleagues. While concerns may occasionally arise in relation to work, the workplace, or interactions with others, colleagues are encouraged to resolve such matters informally wherever appropriate. Where informal resolution is not possible or suitable, this policy sets out the procedure for raising and addressing formal complaints.

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# Purpose

This policy sets out the framework for raising, addressing and resolving concerns promptly, fairly and consistently.

It outlines the informal and formal resolution processes for all forms of concerns including those arising from the Dignity at Work Policy.

# Scope

This policy applies to all University colleagues engaged on any contract type.

# Informal Resolution Process

In the first instance, concerns should be raised informally with your line manager. If the concern relates directly to them, you should raise it with their manager.

The manager will meet with you to:

* Listen to your concerns.
* Discuss potential approaches for resolving the issue.
* Provide an indicative plan and timescale within which the informal process will be progressed.
* Agree and document any actions in writing, normally by email.

In some circumstances it may be appropriate for the manager to hold an individual case conference which may involve a representative from the People Team, and a work colleague or trade union representative, accompanying you, to explore how the concerns may be resolved.

A possible outcome of a case conference may be to engage in a facilitated discussion or mediation. These processes are voluntary and can only take place if all parties agree.

All attempts to exhaust the informal approach must be undertaken before commencing the formal procedure, unless it is not appropriate to use the informal approach due to the seriousness of the issue being raised e.g. harassment, bullying or victimisation.

# Formal Resolution Process



## Request for Formal Resolution

If you wish to raise the matter formally, you should complete the Request for Resolution Form and submit it to your manager. Normally, formal complaints must be raised within three months of the matter to which the complaint relates, or within three months of the last incident, if there has been a series of incidents.

You have the right to be to be accompanied by a work colleague or a trade union representative at any stage in the formal resolution process, including any appeal. Legal representation or any other representation is not permitted.

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## Formal Resolution Meeting

An appropriate manager will be appointed as the Hearing Manager. This manager will not have had any involvement with the matter being raised.

A meeting will be arranged without unreasonable delay, normally within 10 working days of receipt of the formal resolution request. At the meeting you will be given the opportunity to fully state your case and how you think it could be resolved.

If the complaint is against another colleague(s), the Hearing Manager will share the written Request for a Resolution Form with them and meet with them separately to give them an opportunity to respond.



## Investigation

Depending on the circumstances, it may be necessary for an investigation to be undertaken; this will be carried out thoroughly and without unreasonable delay. You will be informed if interviews with others are to take place and when you might reasonably expect the investigation to conclude.

The Hearing Manager may wish to meet with you again to clarify any points before concluding the investigation.

## Outcome

Once the Hearing Manager is satisfied that all the facts have been established, they will notify you of the outcome, in writing, normally within 10 working days of the conclusion of the investigation or your resolution meeting, depending on the circumstances.

The following are potential outcomes of the formal stage of the resolution procedure:

* Not upheld
* Partially upheld
* Upheld

Where the complaint is fully or partially upheld, appropriate actions will be determined. Recommendations can also be made, where appropriate, even when a complaint is not upheld to prevent similar complaints being raised in the future.

If the complaint has been against another colleague(s), they will also be advised of the outcome.

# Appeals Process

If you raise the complaint and are not satisfied with the outcome, you have the right to appeal.

The appeal should be made in writing to the People Team. The appeal will be acknowledged and heard within a reasonable timeframe, normally within 10 working days from the date of receipt of the appeal.

The appeal process is not a re-hearing, therefore the grounds for appeal must be based on:

* New evidence coming to light which could have materially affected the outcome.
* A flaw in the procedure which could have influenced the outcome.
* Unfairness of the outcome.

The appeal will be heard by a manager who has had no previous involvement in the case.

At the Appeal Hearing, you will be given the opportunity to state your appeal grounds. The Appeal Manager may adjourn the meeting to undertake further investigations or seek advice/further information if necessary, ensuring that they inform you of any delay and any additional information that is considered, in making their decision.

The Appeal Manager will make a final decision and will notify of their decision in writing within 10 working days of the Appeal Hearing, unless otherwise notified.

The following are potential outcomes of the appeal stage:

* **Appeal upheld or partially upheld** – recommend other appropriate action.
* **Appeal not upheld** - the original decision stands.

There is only one level of appeal within the University and therefore the decision taken following the appeal is final.

# Collective Complaints

In circumstances where a complaint applies to more than one colleague, the details of the complaint must be set out in writing and signed by all who are party to the complaint. Normally, one colleague will be nominated to be the spokesperson at the resolution meeting and represent the group.

In the event of a trade union raising a collective complaint on behalf of their members, individual members need not be named on the Request for Resolution Form.

Where there is not full agreement to collective complaints, for example in cases where they might not be identical or if any of the colleagues wish their trade union to represent them on an individual basis, the complaints will be managed individually.

Following conclusion of the formal resolution process, all colleagues will be notified in writing of the outcome. If some colleagues wish to appeal the outcome and others are satisfied with the outcome, the appeal should clearly state those who are withdrawing from the process and those wishing to pursue an appeal.

# Complaint Raised During Another Formal Process

A complaint raised during another formal process may exceptionally result in proceedings being suspended for a short period while it is fully considered. Where matters are related, they can be dealt with concurrently or managed within the resolution methods of the other ongoing process.

# Management Investigations

In exceptional circumstances, should you raise an issue yet be reluctant to pursue a formal complaint or there has been a series of issues raised, the University may have a duty of care to conduct their own investigation into the matter where the issue is serious or may have a broader impact.

# Right of Delay

It is expected that attendance at formal meetings will be prioritised. However, if for genuine reasons, any party cannot attend a formal meeting, the meeting will be rescheduled and held without unreasonable delay.

If any party cannot attend the rescheduled meeting, then consideration will be given to holding the meeting in their absence with a decision made on the information available.

# Records

Confidential records will be kept of all appropriate documentation generated during the formal process and retained by the People Team in line with the University’s retention schedule.

A People Team representative will take a summary note (not verbatim) of the formal meetings. Written records of the Resolution and Investigation meetings will be given to the colleague/witness to review, sign and return.

In some circumstances information may be redacted, for example, to protect a witness.

No parties are permitted to attend a formal or informal meeting with a recording device nor would the recording function on Teams be utilised during meetings. This is to encourage openness and full participation by all parties during meetings.

# Support

* [ACAS Code of Practice on Disciplinary & Grievance Procedures](https://www.acas.org.uk/acas-code-of-practice-on-disciplinary-and-grievance-procedures)
* [Employee Assistance Programme](https://intranet.napier.ac.uk/working-here/health-and-wellbeing/employee-assistance-programme)
* [Health and Wellbeing Intranet Resources](https://intranet.napier.ac.uk/working-here/health-and-wellbeing)
* If you are a member of a Trade Union, you can receive support and advice from your trade union representative.
* The [Citizens Advice Bureau](https://www.citizensadvice.org.uk/) can provide impartial and knowledgeable support and advice.

# Document Detail

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| --- | --- |
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| Author/Owner | People Team |
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| Equality Analysis Completed | Completed |
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