

LTB 319/24

30th September 2024

Raising Concerns Agreement

Branches will recall LTB 278/24 dated 19th August 2024, where we highlighted the main points of the agreement. This was followed by the agreement being sent to Branches on 20th August 2024, and in turn a National online Briefing was called on the matter on 22nd August 2024. (21st August 2024 for the SW/SW Branches).

On 10th September 2024, the Branches that returned their ballots voted in favour of the agreement;

59,683 FOR

12,213 AGAINST

Please find attached a copy of the signed agreement along with PDF Procedure/managers guide.

We would like to take this opportunity to remind Branches, the agreement was due to go live today, the 30th of September 2024. Unfortunately, due to work flow testing on the People Case Management System (PCM), the go live date will now be 8th October 2024. Any cases which have commenced before the 8th October 2024 will continue to be dealt with in line with the two former procedures. Any new cases logged on or after the 8th October 2024 will proceed in line with the new agreement. Furthermore, there will be a WTLL week commencing 7th October 2024 outlining the new agreement.

We firmly believe this new agreement on Raising Concerns to be of a superior nature from that which we currently have; it is an agreement that's transparent, and where timescales are a lot tighter for cases to be concluded. Our members will see the positive benefits from this agreement; an agreement that protects employees from recrimination for raising a concern.

Please bring this LTB to the attention of our representatives and members, and any queries relating to this agreement should be forwarded to the PTCS Department, email address khay@cwu.org or hmaughan@cwu.org

Bobby Weatherall
Acting Assistant Secretary

RAISING CONCERNS PROCEDURE

Agreement between Royal Mail and the CWU

Royal Mail and the CWU are committed to creating a positive workplace culture based on trust where everyone is treated fairly, with dignity and respect, and protected from inappropriate behaviour.

We know that employee concerns have not always been dealt with as we would have hoped in the past. We want Royal Mail to be a safe environment where people feel comfortable raising concerns at work without fear of recrimination. We believe every concern is important, whatever the nature and this is at the heart of our new approach. We are introducing a single Raising Concerns procedure where all concerns are treated in the same way. This will replace the Bullying and Harassment procedure and Grievance procedure.

Guiding principles

There may be times when employees are not happy with something that has happened at work. In most cases, we hope all employees are able to raise these concerns with their manager or those around them to find a solution. Managers should support all employees raising concerns in an empathetic way through appropriate discussions, investigations and actions. The key principles of the approach are:

- Employees should raise genuine concerns as soon as possible.
- Employees will be treated with dignity and respect.
- Concerns raised will be managed on an individual basis.
- All concerns raised will be taken seriously and any investigations will be completed as promptly as possible.
- Confidentiality is a fundamental principle and must be maintained throughout the process.
- Employees are encouraged to talk with their manager as soon as a concern arises.
- Where appropriate, concerns should be managed informally.
- Where informal resolution is not appropriate or successful, the concern should be managed formally.
- Employees will have a right to representation in the formal stages of the raising concerns procedure by a trade union representative or a work colleague, normally from the same work location.
- The employee raising the concern and where appropriate, the employee responding to the concern will be informed of any delay to the process.

What types of concern can an employee raise under this procedure?

- Employees will be able to raise genuine concerns about:
 - how they or others have been treated at work
 - any aspect of their work or employment
- There are only a few exceptions; typically, where there is another process being followed where the concern could be addressed (e.g., as part of the conduct process).
- Concerns relating to an aspect of an employee's work or employment could include not receiving a day off, not being paid the correctly, failure to make a reasonable adjustment, failure to follow a business process, a breach of a policy/agreement or overtime being allocated incorrectly (this list is not exhaustive).
- Concerns can be raised in instances where feedback provided to an employee about their work or performance is not handled appropriately and/or the employee is not treated with dignity and respect. For example, if such conversations are conducted using rude or insulting language or aggressive behaviour, or, if the manager has behaved otherwise inappropriately or made an unreasonable request. If a manager has provided constructive feedback to an employee, asked them to undertake their work responsibilities or carry out another reasonable request,

or, had a performance conversation in a manner where the employee has been treated with dignity and respect, we would not expect these to be raised under this procedure.

- Concerns relating to treatment at work could include bullying, harassment, victimisation or discrimination:
 - **Bullying** is intimidation that undermines someone's competence, effectiveness and integrity. A bully misuses power, position or knowledge to criticise, humiliate or otherwise harm someone.
 - **Harassment** is unwanted conduct with the purpose or effect of violating someone's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for an individual. This can include behaviour employees find offensive even if it's not directed at them specifically.
 - **Victimisation** is the unfair and selective punishment of, or discrimination against a person.
 - **Discrimination** is where an individual is treated less favourably.

Process overview



Raising a concern

- An employee can discuss any concern they have with their manager or complete a Raising Concern form.
- If the concern is not appropriate for informal resolution or it relates to treatment by their line manager, the employee should complete a Raising Concern form as a first step.
- Employees can complete the form through the People App; if they do not have access to the App, they can contact the ER Case Management team directly who will input the details into a form on their behalf. Note: the role of the team at this time is to capture details of the concern only and not to advise on the employee's concern.
- Once the form has been received, the concern will be logged on People Case Manager. Based on the answers provided and the organisational structure, an appropriate investigating manager will be assigned.

Review process ('triage')

- Where, based on the answers, it is not appropriate for the line manager to investigate, a review will take place to determine who should be assigned the case.
- The review will consider the detail of the concern and whether it is appropriate for the line manager to complete the formal investigation.
- Once reviewed, the case will be assigned to an investigating manager who will be either the line manager of the employee raising the concern, another appropriate manager or an independent case manager for complex cases or cases involving a protected characteristic - e.g. sexual harassment etc.

Investigation

Informal resolution and mediation

- Many concerns can be resolved informally or through mediation.
- Mediation can be useful in resolving concerns informally and can be enacted at any point of the process.
- An investigating manager should review the concern before any meetings to consider whether it could be resolved informally and/or through mediation. Whilst we would encourage informal resolution or mediation, this should only be considered if it is appropriate; in certain circumstances informal resolution will not be appropriate (e.g. sexual harassment).
- If the investigating manager believes the issue could be resolved informally and/or through mediation, they should discuss this with the employee who raised the concern in the initial meeting as it would be the employee's decision whether to progress in this way. They may also need to speak with others (e.g. an employee responding to the concern, witness, specific teams).
- Mediation is voluntary and both the employee raising the concern and the employee responding to the concern would need to agree to mediation for it to be considered an option.
- The manager investigating the concern will need to consider Royal Mail Group procedures and guidance before identifying and communicating any potential solution.

Formal stage

- In situations where informal resolution is not possible, or a concern needs to be addressed formally immediately, the investigating manager should start the formal investigation process and complete it as soon as possible.
- The investigating manager must invite the employee raising the concern to a meeting to discuss their concern in more detail, including how they would wish for it to be resolved.
- Where the concern involves another individual, the investigating manager should invite the employee responding to the concern to a meeting in writing. Within the meeting invitation, they should include details of the concern being raised so that the employee responding to the concern understands what the concern is about and why the meeting is being arranged.
- The investigating manager will complete a thorough impartial investigation. The investigation should include collecting evidence from witnesses as appropriate. The investigation and any meetings can be completed face to face, virtually, by e-mail or telephone as agreed by the individual.
- When meeting with anyone as part of the investigation, individuals will be advised that their meeting notes can be shared more widely should the case result in a conduct case and/or employment tribunal. Therefore, any information they provide must be truthful and relevant to the concern being investigated.
- The investigating manager will consider all the evidence gathered before making a decision.
- Following the formal investigation, the investigating manager will communicate the outcome to the employee raising the concern and to the employee responding to the concern giving their rationale for the decision. This will be set out clearly in a decision report which includes reference to how the evidence they gathered throughout the investigation supports their decision.
- Where the investigating manager concludes the concern raised is upheld the investigating manager will consider if further action is necessary; this could include recommending mediation, informal action or conduct action.
- The employee/s who raised the concern can appeal the outcome if they feel their concern has not been satisfactorily resolved.

Timescales for investigation of concern

- Royal Mail Group aims to appoint an appropriate manager to deal with the concern in a timely manner. The investigating manager should contact the employee within five days of the concern being raised; this should include an invitation to a meeting to take place within 14 days of the concern being raised.
- Concerns should be fully investigated as quickly as possible. The length of time taken to conclude the investigation will depend on the complexity of the concern raised as well as the number of parties involved. Less complex concerns should be resolved swiftly – for example, concerns relating to straightforward pay or overtime discrepancies while more complex cases will take longer and should be resolved within 50 days. We would encourage all parties to work together to conclude cases as soon as possible.
- The investigating manager should update the employee(s) on a regular basis and inform them of any delays at the very earliest opportunity.

Precautionary action

- Where the investigation could identify issues of serious misconduct and where there is a need to separate the parties pending further investigation, the investigating manager should consider whether precautionary action is appropriate; this should be considered as early in the process as possible (ideally as soon as the case is assigned)
- Precautionary action should normally be taken with the employee responding to the concern.
- Precautionary action can include temporarily moving the employee or suspension with pay.

Appeal stage

- If the employee raising the concern wishes to appeal the outcome of the decision, they should let the investigating manager know within five days of receipt of the outcome.
- The employee should set out in writing why they wish to appeal and wherever possible propose a solution that would resolve their concern.
- Once an appeal has been received, an independent appeal manager will be assigned who has the authority to change the decision made and who has not previously been involved in the case. The independent appeal manager will be a manager outside of the direct reporting line.
- The appeal manager will be responsible for the appeal.
- The appeal manager should arrange to meet with the employee who has raised the concern to understand their reasons for appeal.
- Following the meeting the appeal manager should undertake further investigations. These further investigations may include arranging to meet with the employee responding to the concern, seeking further information or contacting witnesses. The investigation can be completed face to face, virtually, by e-mail or telephone as agreed by the individual.
- The appeal manager will consider all the evidence gathered before making a decision.
- Following the appeal hearing, the investigating manager will communicate the outcome in writing to the employee raising the concern and to the employee responding to the concern, providing their rationale for the decision. This should include reference to any new evidence gathered during the appeal that supports their decision.
- The appeal manager will also consider if further action is necessary. This could include recommending mediation, informal action or conduct action.
- This concludes Royal Mail's Raising Concerns procedure.

Timescales for appeals

- Royal Mail Group aims to appoint an appropriate manager to deal with the appeal in a timely manner. Employees should be informed of the appeal manager within ten days.
- Appeals should be fully investigated as quickly as possible. The length of time taken to conclude the investigation will depend on the reason for the appeal as well as the number of parties involved. Our expectation is that the vast majority will be completed within 25 days of the appeal manager being appointed, and we would encourage all parties to work together to conclude appeals as soon as possible.
- The appeal manager should update the employee(s) on a regular basis and inform them of any delays at the very earliest opportunity.

Concerns raised inappropriately

- It is recognised that concerns are normally raised in good faith by individuals who genuinely believe they are being treated unfairly, inappropriately or less favourably than others. During or at the conclusion of a case, the investigating manager may have detected, gained evidence or established that the concern/s raised were deliberately false, fictitious or made in retaliation for personal reasons. In these cases, formal action may be taken under the conduct process, giving clear rationale for the decision.

Review of procedure

This approach will be jointly reviewed by RM and CWU three months after implementation and subsequently every six months to assess its effectiveness. The review will specifically focus on average case duration and the extent to which investigating managers are addressing and progressing cases within the agreed timescales.

Any concerns regarding the interpretation or application of these principles should be referred to the signatories for resolution. In the event of any inconsistency between this Agreement, Procedure and supporting guides, the terms of this Agreement take precedence.



Alistair Wood
Director Workforce Performance and HR Policy
Royal Mail



Bobby Weatherall
Assistant Secretary (Acting)
CWU



Raising Concerns Procedure

To print or download a PDF of this document, click on the three white lines on the bottom left of the screen.



Raising Concerns Procedure

At Royal Mail Group, we are committed to creating an inclusive culture and working environment where everyone is treated fairly and with respect and is protected from inappropriate behaviour.

We recognise that there may be times when you experience problems or have concerns about something that has happened at work. It is important that you feel comfortable raising concerns at work without fear of recrimination. In doing so, this will allow us to address and resolve concerns swiftly and effectively together.

This procedure explains how to raise concerns relating to how you or others have been treated at work, and how we will address those concerns.

This procedure:

- applies to all employees in Royal Mail Group Limited (including Parcelforce Worldwide) and Property, Facilities and Solutions Limited (PFSL);
- does not apply to agency workers, contractors, casual workers or self-employed individuals; and
- is effective from 30th September 2024.

This procedure does not form part of any employee's contract and we may amend it at any time.

In this document, 'Royal Mail Group Limited' will be referred to as 'Royal Mail Group' and Property, Facilities & Solutions Limited will be referred to as 'PFSL'.

Roles & responsibilities

- > The Chief People Officer (CPO) is accountable for the People Policy and its associated procedures and guidelines
- > The Head of HR Policy is responsible for developing and maintaining the Raising Concerns Procedure
- > Managers are responsible for the application of the Raising Concerns Procedure within their areas of responsibility, including supporting you through the process
- > You are responsible for raising any concerns at the earliest opportunity and following the relevant processes outlined within this procedure

Chief People Officer
September 2024

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Using the Raising Concerns tile



Our commitment

We are committed to treating all colleagues with courtesy, dignity, fairness and respect at all times. We will support everyone to raise genuine work-related concerns and commit to protecting everyone from inappropriate and/or bullying behaviour. We expect everyone within the business to:

- > follow Our Business Standards, policies and procedures;
- > act with integrity; and
- > respect each other and our differences.

If you raise a concern under this procedure:

- you will be treated with dignity and respect;
- your concern will be taken seriously;
- any investigations will be completed in a timely manner; and
- confidentiality will be maintained throughout the process.

We will not tolerate:

- concerns raised in retaliation against someone who raises a genuine concern in good faith; or
- deliberately false or fictitious concerns with no foundation.

If, as a result of any investigation, this is found to be the case, formal action may be taken under the Conduct Procedure, up to and including summary dismissal.



Raising concerns at work

If you're concerned about something you've seen, heard or experienced at work, we want you to feel comfortable and confident to raise these concerns.



You can use this procedure to raise concerns including (but not limited to):

- > issues relating specifically to you and your role
- > unwanted behaviours, discrimination or sexual harassment
- > conduct that is not in line with Our Business Standards, values, policies or procedures
- > security related concerns
- > wrong-doing or misconduct at work relating to illegal company practices
- > criminal activity
- > risk or damage to the environment
- > health and safety in the workplace

How to raise your concern

If you have a concern, you can raise this in one of two ways – by speaking with your manager or by using the Raising Concerns tile on the RM People App.

Speak with your manager:

If you have a concern, we encourage you to raise this with your line manager as soon as it arises, so that they can work with you to resolve your concern as soon as possible.

We believe, that by speaking with each other honestly and respectfully to resolve concerns, we can all help to build a professional, positive and productive working environment and culture.

Use the Raising Concerns tile

In some circumstances, it might be appropriate to use the Raising Concerns tile to raise your concern. For example:

- > if you have tried to resolve your concern informally by speaking with your manager and it has not been successful; or
- > if, due to the nature of the concern, you cannot resolve it locally with your manager.

Click here for more information on the Raising Concerns tile.

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Behaviour and work-related concerns

If you have a concern relating specifically to your role or a concern relating to unwanted behaviours, discrimination, harassment or sexual harassment at work, you should use the Raising Concerns Procedure to raise this. As mentioned earlier, you can either speak with your manager or use the Raising Concerns tile on the People App to do this - [click here](#) for further information on using the tile.

We hope, that in most cases, you are able to speak with your manager to address your concern(s) informally. We would always encourage informal resolution as this can often help to resolve concerns more quickly, preventing them from escalating into more serious issues.

However, we recognise that it might not always be possible or appropriate to attempt informal resolution, depending on the nature of the concern. In these instances, you should use the Raising Concerns tile to formally raise your concern.

This section covers both informal and formal resolution, explaining what they mean and what each process involves.

Please select the relevant tile below for more information:

[Informal resolution](#)

[Formal resolution](#)

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Informal resolution

Informal resolution is normally considered where a concern can be resolved by solving, explaining, clearing up or settling a matter without the need for a formal investigation.

Informal resolution can involve you, your manager, and any other individuals or teams named in the concern working together to resolve the matter. It can be a quick conversation to clarify the issue(s) raised or, it might involve some further enquiries (e.g. reviewing policy/procedure, speaking with specialist teams, reviewing personnel records etc.). It can also include mediation if all parties consent to taking part.

Raising a concern informally

If you have raised a concern informally, your manager should arrange a meeting with you as soon as possible to discuss the concern in more detail. This meeting should take place within five days of you having raised the concern. This is just an informal conversation, so you won't receive a formal meeting invite however, you can be accompanied by your Trade Union representative or a work colleague, normally from the same work location. Your manager will also create a Raising Concerns case in People Case Manager (PCM) to ensure there is a record of your concern.

Following the meeting, your manager may need to complete further enquiries such as meeting with other colleagues (i.e. if they have been named as part of your concern), seeking information from specific teams (e.g. Pay Services) or reviewing business policy or procedure(s). If the concern relates to the behaviour of others, mediation may be suggested as an option (if appropriate) - see below. Your manager may also involve your union representative to support with reaching an appropriate resolution.

Mediation

Mediation is a safe and confidential way for colleagues to resolve concerns or strained relationships occurring in the workplace. It is voluntary however, all parties must agree to engage in the mediation process and work towards a resolution. Mediation is fully supported by our trade unions. [Click here](#) to read more about mediation.



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Informal resolution outcome

Once your manager has completed their enquiries, they will verbally update you on the outcome. If you wish, they can also provide you with written confirmation of the outcome.

The outcome will either be that:

- the concern has been resolved informally; or
- despite attempting informal resolution, further action is required - in most cases, this means that the case will progress to formal resolution.

They will explain what the outcome means and confirm next steps. As part of this update, they will confirm any action(s) required as a result of their enquiries. Your manager will be responsible for ensuring that these actions are completed by the relevant individuals, in line with the agreed timescales.

If the case progresses to formal resolution, you will be contacted by the investigating manager who will invite you to a meeting to discuss your concern in more detail. You can read more about formal resolution here.

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Formal resolution

Formal resolution will normally be considered appropriate where:

- > informal resolution has not resolved the concern;
- > informal resolution was attempted but 14 days have passed and it has still not been addressed or resolved by the manager;
- > the concern is not appropriate for informal resolution (i.e. the type of concern is too serious for informal resolution - e.g. sexual harassment)

The guidance in this section has been designed to provide the relevant guidance depending on how you are involved in the concern. Please select the relevant option below as follows:

- > You have raised a behaviour and/or work-related concern
- > You have been named as part of someone's concern - i.e. you are 'an employee who the concern is about'
- > You have been named as a potential witness in someone else's concern

Select the relevant button below for more information on formal resolution:

I have raised a
behaviour or
work-related
concern

I have been
named in
someone's
concern

I have been named
as a witness
in someone's
concern

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Formal resolution:

I have formally raised a behaviour or work-related concern

If your concern is progressed under formal resolution, the investigating manager should invite you to an initial meeting to understand your concern(s) in more detail. You should receive a written invitation to this meeting within five days of raising your concern and the meeting should take place by day 14.

Initial meeting

The purpose of the meeting is for the investigating manager to understand the reasons behind your concern and any other relevant information to support their investigation (e.g. key dates and events, anyone else involved, witnesses etc.). They will also want to understand how you believe the concern could be resolved; this does not mean that this will be the resolution however, it will help the manager to better understand your concern.

You will have a right to representation, as indicated in this procedure, by a trade union representative or a work colleague, normally from the same work location (note: this cannot be a witness or anyone else named/involved in the concern).

Meeting notes

Following the meeting, they will share the meeting notes with you. You will need to review the notes within the timescales indicated and send a signed copy of the notes (and any amends) to the investigating manager. These will be recorded as part of the case file. Any further investigations that the manager needs to complete will continue whilst you review the notes. If you do not return the meeting notes within the timescales stated, it will be assumed that you are happy with the content of the notes and do not have any amends.



Please note: Even during formal resolution, there is the opportunity to consider informal resolution and/or mediation at any stage of the process. The investigating manager will discuss this with you, if appropriate. Mediation would only be considered if you and the other party(ies) involved agreed to participate.

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Investigation

The investigating manager will complete a thorough and impartial investigation based on the information you have provided. This may include further investigations such as meeting with any colleague(s) named in the concern (where relevant), meeting with witnesses, speaking with specific teams (e.g. HR Services) or reviewing business policy or procedures. They may also need to arrange a follow-up meeting with you if they need to clarify information that has emerged throughout the investigation and since their initial meeting with you.



The length of time it takes to conclude the investigation will depend on the nature and complexity of your concern as well as the number of named parties involved in the case. Our expectation is that most cases will be completed within 50 days of the concern being raised and we would encourage all those involved to work together to support a timely conclusion. This includes reviewing and returning meeting notes as soon as possible. The investigating manager should update you if there are any potential delays (e.g. annual leave).

Precautionary action

If the investigation identifies potential serious misconduct and the investigating manager believes that there is a need to separate some (or all) of the parties involved pending further investigation, they may need to consider precautionary action. Precautionary action refers to temporary arrangements – for example, moving someone to a different work location whilst the investigation is ongoing or in more serious circumstances, suspension with pay. Precautionary action is normally taken with the colleague(s) the concern is about (i.e. not the colleague who raised the concern or other named parties).

Decision

Once the investigating manager has completed their investigations, they will review the evidence and make their decision. They will confirm the outcome in writing, providing their rationale.

The outcome will be one of the following: upheld, partially upheld or not upheld. The next page explains each of these outcomes in more detail.

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- > **Upheld:** The investigating manager found the concern(s) raised to be justified
- > **Partially upheld:** The investigating manager found some elements of the concern raised to be justified however other aspects were unfounded
- > **Not upheld:** The investigating manager found the concern(s) raised to be unfounded

Where relevant, other parties involved in the concern will also be informed of the decision. For example:

- if the concern related to a procedural error (i.e. a process or procedure was not followed properly), the relevant team/colleague(s) would be informed; or
- if the concern related to another person's behaviour (i.e. the employee who the concern is about), they would also receive written confirmation of the decision along with relevant rationale.

If your concern is upheld, the investigating manager may advise on action(s) required as a result of their findings such as:

- > mediation (all parties need to agree to take part in mediation);
- > changes to working arrangements;
- > a review of working practices;
- > informal action (e.g. attending a training course); or
- > formal conduct action.

If the investigating manager believes, gains evidence or establishes that the concern (s) you raised were deliberately false or made in retaliation for personal reasons, formal action may be taken against you under the Conduct Procedure, with clear rationale provided for this decision.

If you feel your concern has not been satisfactorily resolved, you are entitled to raise an appeal against the decision - [click here for information on appeals](#).

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Formal resolution:

I have been named in someone's concern

If you have been named in a concern as the employee (or one of the employees) who the concern is about – i.e. the concern relates to your behaviour towards the employee who raised the concern – you will be contacted by the investigating manager.

Meeting with the investigating manager

The investigating manager will first meet with the employee who raised the concern to discuss it in more detail. If you have been named as the employee (or one of the employees) who the concern is about, the investigating manager will get in touch to inform you of this and invite you to a meeting to discuss this in more detail. The invitation will outline the nature of the concern that has been raised.



If the investigating manager is not your line manager, your line manager will be informed that you have been named in the concern so that they are aware of the situation.

The purpose of the meeting is for the investigating manager to obtain your perspective on the concern raised, ask questions based on their initial meeting with the employee who raised the concern and to understand more information about the situation to support their investigation. You will have a right to representation, as indicated in this procedure, by a trade union representative or a work colleague, normally from the same work location.

Following the meeting, they will share the meeting notes with you. You should review the notes to confirm they are a true reflection of the discussion that took place, provide any amends and then send a signed copy of the notes (and any amends) to the investigating manager. These will be recorded as part of the case file.

Precautionary action

If the investigation identifies potential serious misconduct and the investigating manager believes that there is a need to separate some (or all) of the parties involved

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pending further investigation, they may need to consider precautionary action. Precautionary action refers to temporary arrangements – for example, moving someone to a different work location whilst the investigation is ongoing or in more serious circumstances, suspension with pay. Precautionary action is normally taken with the colleague(s) the concern is about (i.e. not the colleague who raised the concern or other named parties).

Further enquiries

Having met with both you and the employee who raised the concern, the investigating manager may need to complete further investigations or enquiries before they are able to make their decision.

This could include meeting with any colleague(s) named in the concern (where relevant), meeting with witnesses, speaking with specific teams (e.g. HR Services) or reviewing business policy or procedures.

The length of time it takes to conclude the investigation will depend on the nature and complexity of the concern as well as the number of parties named in it. Our expectation is that most cases will be completed within 50 days of the concern being raised and we would encourage all those involved to work together to support a timely conclusion. This includes reviewing and returning meeting notes as soon as possible. The investigating manager should update you if there are any potential delays (e.g. annual leave).

Decision

Once the investigating manager has completed all their investigations, they will review the evidence and make their decision. They will confirm the outcome to both you and the employee who raised the concern. You will receive a letter confirming the outcome along with the relevant rationale.

The outcome will be one of the following:

- > **Upheld:** The investigating manager found the concern(s) raised to be justified
- > **Partially upheld:** The investigating manager found some elements of the concern raised to be justified however other aspects were unfounded
- > **Not upheld:** The investigating manager found the concern(s) raised to be unfounded

If the concern is upheld, the investigating manager may advise on action(s) required as a result of the case such as:

- > mediation (all parties need to agree to take part in mediation);
- > changes to working arrangements;
- > a review of working practices;
- > informal action (e.g. attending a training course); or
- > formal conduct action.

If the investigating manager believes, gains evidence or establishes that the concern(s) raised was deliberately false, fictitious or made in retaliation for personal reasons, formal action may be taken under the Conduct Procedure, with clear rationale provided for this decision. If the employee who raised the concern believes that their concern has not been satisfactorily resolved, they are entitled to raise an appeal against the decision - [click here for information on appeals](#).

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Formal resolution:

I have been named as a witness in someone's concern

If you have been named in a concern as a witness, you will normally be contacted by the investigating manager at some point during the investigation for a meeting to discuss the concern and your understanding of the incident.

Having met with the employee who raised the concern, the investigating manager may need to carry out further enquiries to complete their investigation. This could include:

- > meeting with any colleague(s) named in the concern (where relevant) – i.e. the employee(s) who the concern is about
- > meeting with witnesses
- > speaking with specific teams (e.g. Pay Services, People Case Advice Team)
- > reviewing business policy or procedures



The investigating manager will get in touch to inform you that you have been named as a witness in the concern. If they want to speak with you regarding the concern, they may reach out informally to do this, they may ask you to answer questions or provide a statement and, in some cases, they may send you a formal written invitation to a meeting (this could take place in person, virtually or by phone).

The purpose of speaking with you is for the investigating manager to obtain your perspective on the concern raised, ask any relevant questions and to understand more information about the situation to support their investigation.

Meeting notes

If the investigating manager records your response(s) or has a meeting with you, they will share the information they have noted with you for review. You should take time to review this, provide any feedback and send a signed copy (along with any suggested amends) to the investigating manager within the agreed timescales. These will be recorded as part of the case file. **Please note:** These meeting notes may be shared more widely should the case result in a conduct case and/or employment

tribunal. Therefore, any information you provide must be truthful and relevant to the concern being investigated.

The investigating manager may complete further investigations to enable them to make their decision. This might involve reaching out to you again in order to clarify information that has been shared with them by others as part of the investigation; if this is the case, they will follow the process set out on the previous page to do this.

The investigating manager will continue with the case and make their decision, informing the employee who raised the concern in writing. As a witness, you would not be informed of the outcome and so you would not normally be contacted by the investigating manager again after they have completed any relevant meetings with

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Appeals

If an employee who raised a concern does not believe that the concern was satisfactorily resolved as a result of the formal investigation, they can appeal.

You can raise an appeal if you originally raised the concern and if:

- > there is relevant evidence that has not been considered as part of the original case (could be new or existing evidence);
- > you believe that your concern has not been fully addressed; or
- > the investigation was procedurally flawed.

Appeal notification

If you are intending to appeal, you should inform the investigating manager in writing within five days of the decision being communicated. Your appeal should clearly state why you wish to appeal and it should include a proposed solution that you believe would resolve your concern. The investigating manager will review the information you have provided and determine whether the appeal satisfies one or more of the above reasons.



Hearing your appeal

We are committed to ensuring your appeal is heard in a timely manner and an independent appeal manager will be assigned within ten days of receiving your appeal. This manager will have the authority to change the original decision and they will be outside of your direct reporting line.

They will arrange to meet with you to fully understand your reason(s) for appeal. They will then complete any further investigations that are required which could include meeting with the colleague(s) responding to the concern (if relevant) or contacting witnesses. The independent appeal manager should update you if there are any potential delays (e.g. annual leave).

The time taken to conclude the appeal will depend on the reason for your appeal as well as the number of parties involved. Our expectation is that most appeals will be concluded within 25 days of



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the independent appeal manager being appointed. We would encourage all parties to work together to enable appeals to be concluded as soon as possible.

The independent appeal manager will consider all the evidence and communicate the outcome to you in writing, providing their rationale. Where relevant, other parties involved in the concern will also be informed of the decision. For example:

- if the concern related to a procedural error (i.e. a process or procedure was not followed properly), the relevant team/colleague(s) would be informed; or
- if the concern related to another person's behaviour (i.e. the employee who the concern is about), they would also receive written confirmation of the decision along with any rationale.

They will also consider if further action is necessary; this could include recommending mediation, informal action or formal conduct action.

The manager's decision regarding your appeal is final and this marks the end of the Raising Concerns Procedure.

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Mediation

Mediation is a safe and confidential way for colleagues to resolve concerns or strained relationships occurring in the workplace. It is voluntary and all parties must agree to engage in the mediation process and work towards a resolution. Mediation is fully supported by our trade unions.



Why would someone consider mediation?

The focus of mediation is to support the involved parties to reach solutions through open and honest communication with each other, facilitated by an independently accredited workplace mediator. This can encourage empathy and lead to a better understanding of the concern for everyone. Those involved have more control over the outcome because they work together to reach a mutually acceptable resolution, instead of this being decided by an external party (i.e. an investigating manager). It helps to resolve disputes faster than other methods and can help to preserve, and even improve, working relationships.

What is a mediator and what is their role?

In this context, a mediator is a neutral third party who supports colleagues to resolve workplace concerns or conflicts. They are not linked to any specific business area or team and do not take sides or make decisions for the parties involved; they remain impartial, ensuring that both parties have an equal opportunity to express their views. Our mediators are externally accredited in workplace mediation and trained to be independent, impartial and non-judgemental.

The mediator supports both parties before, during and after mediation. The role of the mediator is to facilitate open and effective communication and to encourage parties to speak openly and listen to each other. They guide the conversation, helping parties identify their interests, explore options, and work towards a mutually acceptable resolution; this can include framing the issue(s), clarifying information and suggesting possible solutions.

Who attends mediation?

Only the two involved parties and the mediators attend the mediation. Mediators are qualified and trained to support both parties and as such, can facilitate the discussions themselves without the need for anyone else to join.

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What happens during mediation?

Mediation usually lasts for one full day although this would depend on the circumstances and nature of the concern raised.

Normally, there are meetings at the start where the mediator meets with each party separately; each meeting is usually around an hour long. This is followed by a break, before both parties come together in a joint meeting which includes uninterrupted speaking time for each party as well as joint discussions, problem solving and action planning to reach a mutually agreed resolution.

Discussions at mediation are private and confidential; this is the responsibility of everyone in attendance. The mediator listens to what each party has to say and encourages them to talk about the issues constructively and safely. The mediator remains neutral, non-judgemental, and impartial throughout the process.

Once the resolution has been agreed, the mediator will follow-up with both parties to ensure the resolution has been successful.

Where does mediation take place?

Mediation can take place at any work location. If someone would like to avoid a specific site/office, this should be taken into account. There is normally a requirement of at least two rooms to support the session.

The most important aspect to consider is confidentiality; wherever the mediation takes place, it should be somewhere private where the conversations cannot be interrupted or overheard.

What should I do if I think mediation could support me with my concern?

If you wish to consider mediation to support resolution of your concern, you should inform your line manager or the investigating manager. They can access the service at any time during the process. It is normally a minimum of seven days before a session can be arranged however, it may be possible to arrange mediation sooner than this in certain situations.

Please remember that mediation is voluntary and both parties must agree to engage in the mediation process. Even if you wish to participate, if the other party(ies) does not wish to do so, it will not be possible to consider this approach.

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Additional information

Right to be accompanied

In this procedure, you can be accompanied during the formal stage of the procedure and the appeal process. Your manager will let you know when this applies, although it will be your decision as to whether you want to be accompanied.

You can be accompanied by a trade union representative or fellow work colleague, usually from the same work location. You should inform the manager dealing with the case of your chosen representative in advance of the relevant meeting.

The person you choose to be accompanied by will depend on the circumstances of your case. It is up to your chosen representative whether or not they decide to accompany you. Where you have chosen a fellow work colleague to act as your representative, they will not be treated detrimentally as a result.

There are only a few situations when your manager may refuse your choice of representative. If this happens, it will be because your chosen representative is someone:

- › who is not a trade union representative or fellow work colleague; or
- › whose presence would prejudice the meeting (e.g. a potential witness); or
- › who may have a conflict of interest; or
- › whose availability does not align with the required timescales for the meeting to take place (e.g. geographic location is too remote, annual leave) and there is someone suitably qualified and available locally who can attend in their place; this is to avoid any unnecessary delay to the case.

If one of the above applies, your manager will inform you of this and provide you with time to find an alternative representative.

If your nominated representative cannot attend a proposed date for a formal meeting or appeal hearing, you will have the right to request for the meeting to be rescheduled. You should suggest an alternative date that is no more than five days after the original date. Your manager will confirm any changes in date, time or location.

Your chosen representative will not receive copies of the correspondence between you and your manager unless you agree.

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In the meeting, hearing or appeal, your chosen representative can:

- › talk with you;
- › summarise and present your case;
- › respond to views expressed during the meeting;
- › take notes; and
- › sum up your case at the end.

They should not, however:

- › answer questions on your behalf;
- › address the meeting if you do not wish them to do so; or
- › prevent the investigating manager from explaining the position.

You will be encouraged to answer direct questions. Where your representative does respond to questions on your behalf during a meeting or hearing, your manager will check that you are happy with the response and will make a note in the meeting notes. If your representative takes over in the meeting or speaks over you, then they may be asked to leave.

Keeping records

Throughout this procedure, the managers involved will keep accurate and up-to-date records. This will include information from meetings, meeting notes, information you have supplied, and any notes made regarding your case. Managers should keep confidential and secure records on our secure IT systems (e.g. the People Case Manager (PCM) system which is our employee case management system).

It is important that all records are accurate. You will have the opportunity to review any notes that are taken during meetings you attend and provide your feedback. Both the original version of the meeting notes and the copy with your amendments should be retained in PCM by the manager dealing with your case.

You should be aware that we do not allow meetings to be recorded. If you make a request to record a meeting, it will be refused. It is the written record of meetings that will form the basis of the decision.

All records should be kept in accordance with UK data protection laws and our Data Protection and Privacy Policy. We respect your privacy and the confidentiality of any personal data we hold about you. When handling your personal data, the Privacy Principles will be followed.

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We will not retain your personal data for longer than necessary to achieve the business purpose or to meet minimum legal requirements. Our Corporate Retention Schedule provides further information for the different types of record; if you wish to know more information about this or the privacy principles, please ask your manager who will be able to find further detail on the Think Secure site.

Where to go for more help

If you have any questions about this procedure, please ask your manager in the first instance. Your manager can seek further advice and support from the People Case Advice Team (PCAT) in HR Services if they are unable to answer your question.

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Appendix: Using the Raising Concerns tile on the People App



The Raising Concerns tile acts as a gateway for all types of concern and will guide you in raising security, bullying, harassment and other work related concerns. It will also help you to raise concerns through Speak Up, our confidential and independent reporting helpline. By answering a few simple yes/no questions, the tile will signpost you to the appropriate channel to raise your concern:

	For:
Emergency services and/or support	Concerns indicating that you are in immediate danger
Security helpdesk (SHIELD)	Concerns relating to security including theft, fraud, counterfeit stamps, scams, violent or sexual offences, dog attacks resulting in serious injury, malicious communications, criminal damage, arson, graffiti, illegal drugs or suspicious incidents
Speak Up portal (our confidential and independent reporting helpline)	Concerns relating to illegal company practices, risk/damage to the environment, site health and safety concerns, covering up wrongdoing or reporting any of these anonymously
Behaviour or work-related concerns	Any concerns relating specifically to you and your role (e.g. work or overtime allocation, time off work, pay issues) Any concerns relating to unwanted behaviours, discrimination or sexual harassment whilst at work

Once you have accessed the appropriate channel, you should provide all the relevant information to enable your concern to be actioned accordingly.

Please note: The selections you make within the Raising Concerns tile will only be used to direct you to the appropriate channel to raise your concern; no data will be stored in respect of your selections (e.g. if you are directed to the Speak Up portal to raise your concern, there will be no record within the tile or the People App that you have accessed and submitted a Speak Up concern).

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If you can't use the People App

If you can't use the People App, you can raise your concern by phone by calling 0345 60 60 603. Please be advised that the role of this team is to capture the details of your concern to ensure a case is raised for investigation; they will not be advising on or discussing your case.

Behaviour and work-related concerns

If, based on your questions, it appears that you are raising a concern about issues specific to your role or a concern relating to unwanted behaviours, discrimination, harassment or sexual harassment, you will be asked to provide some additional information. This information will be used to determine how your concern should be progressed, so you should provide as much detail as possible, including relevant dates and names of involved parties or witnesses.

What happens next?

Based on the answers you have provided, your concern will be reviewed and progressed accordingly. This could include the concern being assigned to your manager, another appropriate manager or an independent case manager (ICM) for resolution.

If the concern is appropriate for **informal resolution**, we would expect that you will have met with your manager within five days of raising your concern.

If the concern is appropriate for **formal resolution**, the investigating manager should send you a letter, within five days of your concern being raised, inviting you to an initial meeting to discuss your concern. This meeting should take place within 14 days of the date on which you raised your concern.

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