

## THE MINISTRY OF DEFENCE POLICE HARASSMENT COMPLAINT PROCEDURE

### 1. INTRODUCTION

1.1 The Ministry of Defence Police and Guarding Agency's Dignity at Work Policy makes clear the Agency's commitment to providing a working environment free from harassment, bullying and other unacceptable behaviour. These procedures complement the Dignity at Work Policy and set out the arrangements for handling complaints about behaviour which breaches that policy.

1.2 These procedures can be used by any member of the Agency for dealing with complaints of harassment or bullying **in cases where the alleged offender is a Ministry of Defence Police officer.**

1.3 Complaints by any individual who is not a member of the Agency of harassment or bullying by an MOD Police officer should be made to the line manager of that officer or to the Professional Standards Department (PSD) at MDPGA HQ. Such complaints will be handled in accordance with the Statutory Guidance prepared by the Independent Police Complaints Commission (which is available on request from PSD).

1.4 These MDP Harassment and Bullying Complaints procedures **do not** cover complaints where the alleged offender is an MOD Guard Service officer, a member of the Agency's civilian staff, another MOD civilian or a member of the Armed Services. Such complaints should be handled under the procedures set out in JSP 763.

1.5 These procedures align as far as possible with the arrangements for dealing with complaints of harassment or bullying which apply to other MOD staff, whilst remaining consistent with the police conduct regulations. For ease of comparison, these procedures generally refer to any person bringing a complaint of harassment or bullying as "the complainant"; to any person whose behaviour is the subject of a complaint as "the respondent"; and to any person who has responsibility for deciding whether or not a complaint should be upheld as the "deciding officer".

### 2. SCOPE OF THE PROCEDURE

2.1 Definitions of harassment and bullying are included in the Dignity At Work Policy together with examples of unacceptable behaviour. That list should not be regarded as exhaustive.

2.2 The Agency's definitions are consistent with those applied by the wider MOD and published in JSP 763:

- **Harassment** is unwanted behaviour by one or more people, whether intentional or not, which violates a person's dignity and creates feelings of anxiety, humiliation, awkwardness, distress or discomfort which can have devastating consequences for that person.
- **Bullying** is also a form of harassment and describes a threatening or intimidating environment in which one or more people may become fearful or intimidated because of the negative or hostile behaviour of one or more people. It often involves a misuse of power or position. It is usually persistent, often unpredictable, and may be vindictive, cruel or malicious. However, it can also arise without intent ie when a person is unaware of the impact of his or her behaviour on someone else.

2.3 Aside from the fact that breaches of the Dignity At Work policy may be deemed to be misconduct and, therefore, potentially breaches of the police code of conduct (Schedule 1 of the MDP (Conduct) Regulations 2004), harassment can be unlawful under various statutes. It may also lead to civil claims for personal injury, negligence or breach of contract or criminal prosecution for assault. Harassment at work may also be a criminal offence under the Public Order Act 1986 or the Protection from Harassment Act 1997.

2.4 These procedures do not cover every instance where people perceive they have been unfairly treated. Complaints which arise through managers reasonably carrying out normal staff management responsibilities, such as giving feedback on performance, allocating work, approving leave or taking restoring efficiency action may be more appropriately pursued as grievances under the MOD or MDP grievance procedures or through appeals processes where these exist separately.

### 3. UNDERPINNING PRINCIPLES

3.1 The procedures rest on some underpinning principles. First, the Agency has a policy of zero tolerance of harassment or bullying. The Agency's Dignity at Work policy makes it clear that everyone has a right to expect to work in an environment which is free of harassment, bullying or any other inappropriate or unacceptable behaviour. There is an expectation that all members of the Agency will ensure that their behaviour does not breach the Dignity at Work policy. Where an individual's behaviour does fall short of the required standard, it is expected that some action will normally be taken, whether these procedures or those in JSP 763 apply.

3.2 Second, there is a recognition that harassment and bullying has the effect of disempowering those on the receiving end of it. An aim of our policy and procedure is to give a measure of power and control back to those who

experience harassment or bullying. It is therefore important that the person who makes a complaint of harassment or bullying should, wherever possible, be allowed to decide how they wish their complaint to be handled. This may not be possible in some cases, generally where more serious allegations are made, nor can there be a guarantee that, were a formal complaint is made, this will be the subject of an investigation or inquiry.

3.3 Third, the Agency acknowledges that the key issue when considering harassment or bullying is the impact it has on the individual. In practical terms this means that an individual has the right to complain about behaviour which they find unacceptable even if others do not object to it. Similarly, it is not important whether or not the person whose behaviour is causing offence intended this to be the case: **it is the impact not the intention that is most important.**

3.4 Fourth, reports of harassment or bullying must be dealt with properly and thoroughly. This includes an obligation upon anyone who is dealing with a case at any stage to try, wherever possible, to bring about a facilitated or mediated outcome that enables the people concerned to continue to work together in a professional manner.

3.5 Finally, complaints of harassment or bullying will be regarded as having been made in good faith unless there is evidence that a complaint is vexatious or malicious. Nevertheless, submission by anyone of a complaint does not guarantee that it will be upheld.

#### **4. RESPONSIBILITIES OF STAFF AND MANAGERS**

4.1 Whilst these procedures set out the arrangements for dealing with complaints of harassment or bullying, prevention is clearly desirable. All staff should ensure that the working environment is free from harassment and bullying and that the dignity of others is respected. Staff should:

- ensure that their own conduct does not cause offence;
- discourage colleagues from harassing or bullying others;
- be prepared to offer support to those who suffer harassment or bullying.

4.2 Managers must ensure that their staff are aware of, and adhere to, the Dignity At Work policy. Managers should prevent harassment or bullying occurring within their work areas. They should support any member of staff who complains about harassment, respond speedily to resolve the problem, maintain confidentiality, and make certain that there is no further harassment or victimisation.

## **5. SOURCES OF ADVICE AND SUPPORT**

5.1 Advice can be obtained from the Agency's Diversity and Equality Unit (DEU):

01371 854503  
01371 854547  
01371 854123  
01371 854525

5.2 DEU staff are able to offer advice on how to bring or deal with a complaint of harassment or bullying. Advice is available to recipients of harassment or bullying, witnesses, those accused of harassment or bullying, line managers and personnel staff.

### **Contact Officers**

5.3 Advice and support is also available from the Agency's network of Contact Officers, from MOD Welfare Officers and personnel staff.

5.4 The Agency has a network of trained Contact Officers who can give advice on these procedures and support to those who are involved with them. Contact Officers are volunteers who carry out the role as a secondary task and may be police officers, MGS officers or civilian staff. The Contact Officer service is available to all members of the MDPGA.

5.5 The aim of every Contact Officer is to provide a confidential and informal avenue to enable any of their colleagues who believe they have been harassed, discriminated against, victimised, bullied at work or treated unfairly or who have been accused of any such behaviour to:

- talk through what has happened, and
- decide what, if anything, they wish to do about it

Further details of the responsibilities of Contact Officers and a list of Contact Officers is at Annex A; details of current Contact Officers are also available from the DEU and from the DEU pages within the Personnel section of the Agency intranet site.

### **Assisting Officers**

5.6 An individual may also be supported by another member of staff, who will, in accordance with JSP 763, be referred to as an Assisting Officer. This role is

entirely voluntary and anyone asked by a complainant or respondent for help is entitled to decline, or to cease at any time.

5.7 Potential sources of Assisting Officers for MDPGA staff include Defence Police Federation or Trades Union representatives, line managers (unless they are directly involved in the complaint or likely to be involved in any subsequent process), trusted colleagues, personnel staff, DEU staff or other staff with responsibility for diversity and equality issues and MOD Occupational Welfare Officers. It should be noted that, whilst Welfare Officers are trained to give advice and support as harassment counsellors, they are not able to accompany or represent clients at investigation interviews or at any subsequent disciplinary hearings.

## **6. DEALING WITH HARASSMENT OR BULLYING**

6.1 Harassment and bullying continue to exist partly because people who experience them choose to take no action and to suffer in silence. Obviously, individuals have the right to decide to do nothing but the Agency encourages all recipients of harassment or bullying to take some action.

6.2 Action on harassment or bullying can be either informal or formal. The informal procedure involves a settlement being sought without a formal investigation and is normally the most effective way of dealing with minor acts of harassment or bullying. The formal procedure involves a full examination of the complaint being carried out which may result in disciplinary action. The formal procedure should be used when the complaint involves more serious allegations of harassment or bullying, or when the informal procedure has not been effective. The harassment and bullying complaints procedures do not affect the rights of individuals to pursue complaints under the various discrimination laws.

## **7. INFORMAL PROCEDURE**

7.1 Most people who experience harassment or bullying want the behaviour to stop and do not want to get involved in formal procedures. It is also often the case that people whose behaviour is causing offence or making others feel uncomfortable are not aware that this is so, and they will stop as soon as they do become aware. It follows that a highly effective way of dealing with harassment or bullying can be to let the individual who is causing offence know that their behaviour is causing a problem and that they need to stop it. It is strongly recommended that anyone who believes they have experienced harassment or bullying tries to resolve the issue informally in the first instance, unless there are compelling reasons for taking formal action immediately. There are a number of ways in which an informal complaint of harassment or bullying can be made.

## **Direct challenge**

7.2 The first option is to make a **direct challenge**. Quite simply this involves the person who has experienced harassment or bullying speaking to the person whose behaviour has caused offence. It is important when making a direct challenge that it is made clear to the respondent what the behaviour is that has caused offence and what resolution the complainant is seeking.

7.3 This can best be achieved by stating briefly, calmly and without judging or evaluating:

- what was said or done (eg “when you said/did...”)
- what impact that had on the complainant (eg “I felt...”)
- what the complainant wants to happen next (eg “I don’t want you to do/say that again” or “I’d expect you to apologise”)

Further advice on making effective direct challenges is at Annex B.

## **Assisted direct challenge**

7.4 Some individuals may find it easier to speak to a person who has caused offence if they are supported by someone else and so a further option is to make an **assisted direct challenge**. When doing so, the complainant can be accompanied by a colleague or a Defence Police Federation (DPF) representative (or, if appropriate a Trade Union (TU) representative) or any other Assisting Officer. Staff who are members of the MDPGA may alternatively be accompanied by a Contact Officer.

7.5 The advice outlined above for making a direct challenge applies equally to assisted direct challenges. The respondent will need to be clear what they have done which has caused offence, what the impact has been and what resolution or remedy the complainant is seeking. It is more effective if this comes from the complainant, but the person accompanying them may speak on their behalf if requested to.

## **Written direct challenge**

7.6 If the complainant prefers they might alternatively make a **written direct challenge**. This may be appropriate where the complainant feels particularly uncomfortable in talking directly to the respondent. Again, the advice outlined above for making a direct challenge applies equally well. It is recommended that the complainant keeps a copy of the letter they write and of any response they get in case any further action is necessary.

## **Informal management intercession**

7.7 An individual who has experienced harassment or bullying can also ask their line manager to intercede on their behalf. **Informal management intercession** involves the line manager informally drawing to the attention of the person being complained about that their behaviour has caused offence. It should be noted that, in doing so, the line manager is not taking action under the police misconduct procedures. They are merely drawing attention to a possible gap in performance which the individual may need or wish to address. The manager's action is, therefore, no different from that which would be taken in any case where an individual's performance might fall short of what is expected.

7.8 To initiate informal management intercession, the complainant will need to give the line manager details of the behaviour being complained of and of any desired remedy. Since the line manager is not taking action under the police conduct procedures, the remedy cannot include any form of penalty.

7.9 The line manager should discuss the allegation with the respondent and, if they accept that their behaviour may have caused offence (unintentionally or not), help them develop an action plan to ensure this is not repeated. Often this will involve nothing more than not behaving again in the way which provoked the complaint but the manager should also consider whether any specific training or development need exists. Any training or development need which is identified should be addressed as soon as possible, to avoid any possible repetition.

7.10 It should also be made clear to the respondent that further incidents may result in the complainant bringing a formal complaint and that the manager would, in any case, reserve the right to handle further incidents in a more formal manner.

7.11 If the respondent confirms that the behaviour which is being complained of did take place, but is not able to accept that this has caused offence, the manager will need to help them understand the feelings of the complainant. It may be necessary to remind the respondent of the importance placed on impact rather than intent when considering harassment or bullying. Given that understanding the feelings and opinions of others is a core competence for police officers, a continued refusal to recognise the feelings of the complainant may indicate a specific developmental need. Again, where a specific developmental need is identified, action should be taken as soon as possible to meet this to avoid repetition.

7.12 If the respondent denies that the behaviour being complained of took place, the manager should not attempt to investigate the matter, since to do so

might suggest that the complaint is being handled formally. However, they should advise the individual that the complainant will be notified that informal management intercession has not been successful, which may result in the complainant making a formal complaint.

7.13 Where the line managers of the complainant and the respondent are different, the complainant's line manager should contact the alleged respondent's line manager and pass on details of the allegation and any desired remedy. The respondent's line manager will then carry out the actions at paras 7.9 to 7.12 above and will report the outcome to the complainant's line manager.

### **Manager assisted informal dispute resolution**

7.14 A further option for resolving a complaint of harassment or bullying informally is for a line manager to bring together the complainant and the respondent to discuss the issue and seek a mutually acceptable resolution. If the complainant asks for this **manager assisted informal dispute resolution** option to be pursued, the line manager should contact the respondent to inform them of the complaint which has been made against them and to ask if they are prepared to participate in an informal dispute resolution meeting.

7.15 Line managers are strongly advised to ensure that both parties approach informal dispute resolution voluntarily. However, it is appropriate to ensure that a respondent who is not willing to participate in an informal dispute resolution meeting recognises that, if informal resolution is not possible, the complainant may choose to pursue a more formal route.

7.16 In any case, the line manager must ensure that all parties are clear about what the process will entail before they take part in it. The process is intended to promote clear understanding of the issue by all parties and to seek the way forward. The process is not intended to prove guilt or apportion blame and it follows that it cannot result in the award of any penalty. However, it is entirely possible that an outcome might include the respondent making an apology and giving an undertaking not to repeat the behaviour which led to the complaint.

7.17 Where informal dispute resolution is to go ahead, the line manager should arrange a date and time for the meeting which is convenient to both parties. Unless there are particular circumstances which prevent it, the meeting should take place within 21 days of the parties agreeing to it.

7.18 Where the complainant and the respondent do not have the same line manager, the complainant's line manager should contact the respondent's line manager to inform them that the complainant wishes to pursue this option. The respondent's line manager then has responsibility for inviting them to participate and for taking all the other actions outlined in this section. Further advice on the effective handling of informal dispute resolution is at Annex B.

## **Mediation**

7.19 In some circumstances it may be appropriate to involve someone independent to carry out **mediation**. The Agency is currently considering how a formal mediation scheme might be introduced, including the possible use of external mediators. For the present, any Agency line manager who believes that an informal harassment complaint which has been brought to their attention would most appropriately be resolved by using independent mediation should seek advice from the DEU on how this might be achieved.

7.20 Whilst every case will be regarded on its merits, it might generally be expected that independent mediation will only be approved where it is clear that manager assisted informal dispute resolution is not appropriate. Independent mediation will not be approved solely because line management is uncomfortable in carrying out a dispute resolution meeting.

## **Recording resolution**

7.21 If a complaint of harassment or bullying has been successfully resolved using an informal process, the complainant should record this using the form at Annex C. This should be forwarded to the DEU when completed along with any notes or correspondence documented during the process. The form at Annex C should also be copied to the respondent. The record will be held securely by the DEU and will not be placed on the personal file of either the complainant or the subject of the complaint. The information will generally only be used for monitoring and statistical purposes. The DEU will advise management of any patterns in informally resolved complaints, such as different complainants citing the same respondent, numbers of complaints from the same work area, or multiple complaints made by the same person, in order that appropriate management action can be considered.

## **8. FORMAL PROCEDURE**

8.1 An individual who believes they have experienced harassment or bullying can seek to have their complaint resolved through formal procedures. The use of formal procedures may be appropriate where the complainant has tried unsuccessfully to resolve the complaint informally or where the allegations are of a serious nature. It should be noted that if, having made a formal complaint, the complainant subsequently decides to try for the first time, or re-try, any informal resolution option, this is perfectly acceptable. Flow diagrams of the main steps in handling a formal complaint are at Annex D.

## **Making a complaint**

8.2 A formal complaint must be made in writing, using the form at Annex E. The complainant should complete the form and pass it to their line manager, unless that person is the subject of, or implicated in, the complaint, in which case it should be passed directly to the next manager in the line management chain. Where the complainant and the respondent are in different line management areas, the complainant's line manager must pass the complaint to the respondent's line manager for action.

## **Initial management action**

8.3 The complainant's line manager should, on receiving the complaint, arrange to interview the complainant as soon as possible to check on their welfare and ascertain whether any support, other than that which the line manager might offer, is required. The line manager who receives the complaint for action should also interview the complainant to ensure they have a clear and complete picture of the allegations being made, including details of anyone identified by the complainant as a witness to the behaviour being complained of, and an understanding of the remedy being sought by the complainant. This is important since the line manager is required to initially assess the complaint to decide whether they are able to dispose of it themselves.

8.4 In some cases, generally where the allegations are of a minor nature but informal resolution has not been successful, the line manager will be able to reach this decision without seeking advice. However, PSD must be advised that this is the line manager's decision by completing Part B of the complaint form and no action should be taken, other than interviewing the complainant, until PSD has confirmed that they are content with this approach.

8.5 Advice will be sought by completing the relevant section of the complaint form and forwarding it, through the respondent's Divisional Commander or Head of HQ Department, to PSD. Whether or not the line manager seeks advice, the form must be copied to PSD, to the respondent's Divisional Commander or Head of HQ Department, who has overall responsibility for the handling of the complaint, and to the DEU for monitoring purposes.

8.6 In cases where PSD guidance is sought, PSD will inform the Divisional Commander or HQ Head of Department whether or not they intend to appoint an Investigating Officer and carry out a formal investigation. If it is decided to carry out a police misconduct investigation, the police misconduct procedures will be followed. If PSD decide not to carry out a police misconduct investigation, they may recommend that a **management inquiry** is carried out. If at any stage in

considering a formal complaint it appears to PSD, the Divisional Commander or HQ Head of department that an informal resolution might be possible, they should explore this possibility with the complainant.

### **Management inquiry**

8.7 A management inquiry follows good practice in the examination of allegations/concerns, ie:

- the complainant is interviewed first to ensure that a complete picture is obtained, including the details of any witnesses to acts being complained about;
- the respondent is interviewed to secure their account and, again, details of any witnesses; the individual will be given a copy of the allegations at least three days in advance of the interview;
- any witnesses named by either party are interviewed to obtain their account;
- anybody who is interviewed may be accompanied by a DPF (or, if appropriate TU) representative or by a colleague, and members of the MDPGA may be accompanied by a Contact Officer;
- a record of each interview is made (not taped) which gives an accurate, but not verbatim, account of the interview and the interviewer and interviewee sign the record to confirm that it is accurate;
- the person carrying out the inquiry keeps the Divisional Commander or HQ Head of Department and the parties informed of progress: such progress reports might be expected to be made at fortnightly intervals.

8.8 Whilst staff have the right to make a formal harassment complaint, the decision on whether or not to investigate it formally rests with PSD. Decisions on carrying out management inquiries will generally be made by Divisional Commanders or HQ Heads of Department, on the basis of advice from PSD and, as necessary, from the DEU. Where it is decided not to carry out a formal investigation or a management inquiry, the Divisional Commander or HQ Head of Department will interview the complainant to notify them of this and to specify the reasons for this decision and will confirm the decision and reasons in writing.

8.9 In cases where the line manager decides that they are able to dispose of the complaint themselves or the complaint is referred back to them by PSD for disposal, they will still carry out a management inquiry. Where the line manager carries out a management inquiry themselves, the original interview with the complainant as outlined in para 8.3 above should generally be sufficient to meet

the requirements for a complainant interview, provided that a record has been made which has been agreed by the complainant.

8.10 It must be made clear to all staff who are interviewed as part of a management inquiry that they are not being interviewed as part of a formal conduct investigation.

8.11 Unless special conditions apply, such as sickness absence or delay caused by attempts to resolve an issue informally, complaints about incidents occurring more than three months prior to the formal complaint being made will not normally be the subject of a management inquiry. However, if a complaint is made within this time limit about an incident which is alleged to be the latest in a pattern of harassment or bullying, all incidents will be considered, since this pattern may constitute a continuing act. Once a decision has been made to carry out a management inquiry, the procedure should normally begin within one week and be completed within one month, although it is recognised that, in some cases, a longer period may be unavoidable. Any reasons for a delay should be notified to the deciding officer as early as possible. Even during a management inquiry the deciding officer should continue to be alert to the possibility of informal resolution being attempted or re-tried. If the complainant chooses to pursue an informal resolution option after a management inquiry has commenced, the inquiry will be suspended and will not start again unless the complainant confirms that informal resolution has not been successful.

8.12 Where the Divisional Commander or HQ Head of Department does decide to authorise a management inquiry, they will appoint a suitable member of staff to conduct this on their behalf, which might be the line manager of the respondent. The Divisional Commander or HQ Head of Department, as deciding officer must ensure that the person they appoint is fully conversant with the guidelines for handling a management inquiry at Annex F. The appointed person will normally be at least one rank or equivalent grade above the rank of the respondent and should be substantive in that rank or grade.

8.13 A management inquiry will be carried out following the principles and good practice outlined in para 8.7 above and amplified in Annex F. If, during the course of the inquiry, it appears that a criminal offence or a more serious misconduct issue might be involved, which PSD were not originally aware of, the inquiry will be suspended and PSD will be consulted to confirm that an inquiry remains the appropriate way forward. PSD will make a decision on this as quickly as possible bearing in mind the possibility that the complainant might subsequently wish to make an application to an Employment Tribunal.

### **Responsibilities of the deciding officer**

8.14 Whoever carries out a management inquiry, the deciding officer retains overall responsibility for its handling. Specifically they are responsible for

ensuring that it is conducted speedily and satisfactorily concluded in accordance with these procedures; deciding, in consultation with the complainant and the personnel authority, whether the respondent or the complainant should be moved to a new working environment either during or after the inquiry, and how this can be achieved; formally advising the parties of the outcome of the inquiry; awarding a sanction available to them under the police misconduct regulations, if appropriate; and, ensuring that the outcome of the inquiry is recorded and reported in accordance with these procedures.

8.15 If the complainant and the respondent work together it may be necessary for line managers to reallocate tasks, move staff or allow special paid leave while the inquiry is carried out. It should not be automatically assumed that the complainant will wish to be the subject of such action and any proposal involving the complainant should only be enacted with their prior agreement in order to avoid any claim of victimisation.

### **Completing a management inquiry**

8.16 Counter allegations made by the respondent about the incidents which are the subject of the complaint will not be considered as a separate complaint but should be made known to the person carrying out the inquiry as a part of the respondent's representations.

8.17 In the interests of ensuring timely completion of the inquiry, interviewees will be given a suitable deadline for return of the signed record of interview. If an interviewee is not satisfied that the record is accurate they may propose specific amendments and, if these are accepted by the person carrying out the inquiry, an amended record will be issued for signature. Where the person carrying out the inquiry is unable to agree any proposed amendments, both the original unsigned record and the proposed amendments will be included in the report to ensure that the deciding officer is in possession of all the relevant evidence

8.18 In cases where the line manager made the decision to carry out a management inquiry themselves, they should ensure that the inquiry enables them to reach a fair and reasoned judgement on whether the complaint is, on the balance of probabilities, founded and, if so, to decide what action to take. The line manager should compile a report of the inquiry, which will include the signed records of interviews and a record of their decision on the complaint. This report should be forwarded to the Divisional Commander or HQ Head of Department who will ensure that action in accordance with Section 10 of these procedures is taken.

8.19 At the conclusion of any other management inquiry a report should be prepared which will enable the deciding officer to decide whether the complaint was founded. The report will contain an analysis of the evidence obtained during

the inquiry and will include the signed records of interviews. The parties will be informed when a final report has been submitted to the deciding officer.

## **9. OUTCOMES AND ACTION**

9.1 At the conclusion of a management inquiry a decision will be taken as to whether, on the balance of probabilities, the alleged behaviour occurred. The decision will be recorded by the deciding officer in a note separate from the inquiry report. This note should confirm that the inquiry has been carried out satisfactorily and should record separately for each incident in the complaint that either there is sufficient evidence to substantiate the complaint, or that there is insufficient or no evidence to substantiate it.

9.2 In rare cases, it may be concluded that there is evidence that the complaint is not only unfounded but was also made maliciously. This should be recorded in the decision note.

9.3 Where a complaint is held to be proven following a management inquiry, two possible sanctions are available. For less serious cases, the offender's line manager may record the incident and give informal advice and guidance to the offender. They might also suggest appropriate training or other development to help prevent a re-occurrence of the officer's misconduct.

9.4 More serious cases (which, nevertheless remain not serious enough to warrant a formal investigation) which are held to be proven may be dealt with by way of a written warning. Such a warning, which will be recorded, may only be given where the offender has admitted that they failed to meet the standards and can only be administered by an officer of Superintending rank.

9.5 If the offender refuses to accept that their behaviour fell below the standards expected in the police code of conduct, a written warning cannot be administered and instead the case must be remitted to PSD for a formal investigation. It should be made clear to the offender that this course of action is going to be taken and line management should satisfy themselves that the offender is aware that, if after a formal investigation they appear before a misconduct panel and are found to have breached the Code of Conduct, they may be awarded a more serious sanction.

9.6 In all cases where the complaint is held to be proven following a management inquiry the complainant should be made aware of any action taken by management against the offender. Where cases are referred to PSD for misconduct investigation it will fall to that department to provide the complainant with information about the outcome, consistent with the normal rules on disclosure of information on police misconduct cases.

9.7 Where there is insufficient or no evidence to uphold a complaint, both the complainant and the respondent should be informed of the outcome but both should be made aware that the position will be monitored for a period of time to ensure that police conduct standards continue to be met and that no victimisation of the complainant takes place. This will apply equally whether the case is the subject of a management inquiry or of a misconduct investigation.

9.8 If a management inquiry concludes that there is evidence that a complaint has been made maliciously, the case must be referred to PSD for possible investigation, since this may represent a relatively serious misconduct issue. The respondent should be advised that this action has been taken

9.9 Regardless of the outcome of a management inquiry or a formal investigation, line managers may need to consider other actions such as additional training or separating the parties. A period of monitoring will generally be advisable where the parties work together. It is recognised that bringing a complaint of harassment or bullying can be stressful and managers should discuss with the complainant whether additional support is required, which might include referral to the MOD occupational welfare service. A similar discussion should take place with the respondent to a complaint.

## 10. RECORDS

10.1 Records of **informal** complaints and resolutions will not be held on personal files. The DEU will maintain a record of informally resolved complaints, using the information supplied by the complainant in the form at Annex C. Access to this record will be limited to DEU staff, except for in the circumstances laid out in para 7.21 above.

10.2 Where a **formal** complaint is the subject of a management inquiry, the report of the inquiry will be retained and records maintained as follows:

- If the complaint is held to be proven, the report will be held on the offender's personal file for 5 years and a record of the complaint and outcome will be maintained by the DEU. If a disciplinary sanction or written warning is awarded, records will be kept by PSD in accordance with the MDP (Conduct) Regulations 2004. The respondent's Divisional Commander or HQ Head of Department will arrange for a copy of the report and record of outcome to be placed on the respondent's personal file and for copies to be passed to the DEU and PSD.
- If the complaint is not held to be proven, the report will be held by the DEU with access limited to DEU staff, except where there is a requirement for disclosure (eg at the direction of an Employment Tribunal). Nothing will be recorded on the personal files of either the complainant or the respondent.

The respondent's Divisional Commander or HQ Head of Department will arrange for a copy of the report and record of outcome to be passed to the DEU.

- In the event that the complaint is found to be malicious, but is not the subject of a formal investigation, the report will be held on the complainant's personal file and a record of the complaint and outcome will be maintained by the DEU and, if a disciplinary sanction or written warning is awarded, records will be kept by PSD in accordance with the MDP (Conduct) Regulations 2004.. The respondent's Divisional Commander or HQ Head of Department will arrange for a copy of the report and record of outcome to be placed on the complainant's personal file and for copies to be passed to the DEU and PSD.

10.3 Where a complaint is the subject of a misconduct investigation, the investigation papers will be held in accordance with the misconduct procedures. However, to ensure that there is a more complete picture of harassment and bullying in the MDPGA, records of such complaints and outcomes will be maintained by the DEU, based on advice from PSD.

10.4 The DEU will prepare an annual report on harassment and bullying for the Agency Management Board. The report will mainly show statistical information but, where particular lessons have been learned in cases, these will be included, with all details anonymised.

## **11. FURTHER ACTION**

11.1 If the complainant or respondent is dissatisfied with the way in which the complaint has been dealt with, this should be pursued through the grievance procedure. Grievances must be dealt with expeditiously and it is particularly important that the timescales set out in the grievance procedure are met. In cases where the grounds for dissatisfaction may amount to a breach of the Code of Conduct, advice should be sought from PSD.

11.2 Where the grievance relates to a management inquiry, the aggrieved party should normally try to resolve this through informal discussion with the person who carried out the inquiry. If this is not possible, the grievance should be passed to the Divisional Commander or HQ Head of Department who had overall responsibility for the inquiry who will act as Grievance Deciding Officer. If resolution is not possible at this stage, the grievance may be passed to either the line manager of the Divisional Commander or HQ Head of Department or to a Grievance Appeal Panel.

11.3 If the grievance relates to a misconduct investigation, any attempt to resolve it informally should be carried out through Deputy Head of PSD and not

the individual investigator. If a formal grievance is needed, the Grievance Deciding Officer will be Head of PSD. Any grievance appeal will be dealt with by the Appropriate (Discipline) Authority or by a Grievance Appeal Panel.

11.4 Grievances by complainants which are concerned solely with the level of any sanction awarded are unlikely to be successful. Complaints by offenders about the level of sanction will be dealt with through the normal appeals process and cannot be the subject of grievances.

## **12. COMPLAINTS AGAINST SENIOR OFFICERS**

12.1 A complaint of harassment against a senior officer will be handled in accordance with the procedures outlined above, except that the deciding officer will be at a more senior rank than shown.

12.2 The deciding officer for a Superintendent will be their Divisional Commander or HQ Head of Department, provided that the latter is at least at Chief Superintendent level. The deciding officer for complaints made against Chief Superintendents will be the first ACPO rank officer in their line management chain, except for officers for whom this would be the Appropriate (Discipline) Authority, where the deciding officer will be the most appropriate other ACPO rank officer. The deciding officer for complaints against Assistant Chief Constables or the Deputy Chief Constable will be the Chief Constable. Complaints against the Chief Constable will be decided upon by 2<sup>nd</sup> PUS.

12.3 Where a management inquiry is conducted into a complaint against an officer at Superintending rank, the person appointed to carry out the inquiry will normally be at least at the same rank or equivalent grade as the respondent. Management inquiries into complaints made against Assistant Chief Constables or the Deputy Chief Constable will be conducted by an appropriate individual appointed by the Chief Constable. 2<sup>nd</sup> PUS will appoint an appropriate individual to carry out any management inquiry into a complaint against the Chief Constable.

## Contact Officer Responsibilities

The responsibilities of the Contact Officer are to:

- listen in confidence to what has happened
- provide advice and guidance which will assist the client to identify options and allow them to make an informed decision on appropriate action to be taken
- provide advice and guidance on the harassment and bullying procedures and other options for dealing with workplace disputes or grievances, where appropriate
- offer time and support to enable the client to deal with their issue
- support the client in their preferred course of action
- informally draw issues to the attention of line management, senior management or other key organisational personnel, if the client wishes

Whilst Contact Officers are able to accompany their clients to offer support at formal meetings, interviews or hearings in connection with complaints, they are not able to represent or speak on behalf of their clients. A Contact Officer may only support one party to a complaint: if a Contact Officer is already supporting one party and is approached by the other, they will refer that person to another Contact Officer.

Contact Officers can provide a service to clients by telephone or face to face and a member of staff may approach any Contact Officer in the network for support. However, where a face to face meeting is needed, it is generally expected that an individual will approach the Contact Officer geographically closest, unless there are specific reasons to use another Contact Officer.

## Contact Officers

<u>Division</u>	<u>Contact Officer</u>
<b>AWE</b>	<b>Dave REEVES</b> AWE BURGHELD      Tel No: 0118 983 7204
	<b>Margaret SHIELDS-RAE</b> AWE BURGHELD      Tel No: 0118 983 7204
	<b>Lorraine WILSON</b> AWE ALDERMASTON      Tel No: 0118 982 6136
	<b>Paul WILSON</b> AWE ALDERMASTON      Tel No: 0118 982 6136

**NORTH  
EASTERN**

**Ken JACKSON**  
RAF ALCONBURY

Tel No: 01480 413457

**Helenor MAY**  
NE DIV HQ

Tel No: 01904 665026

**SCOTLAND**

**Jennifer FLYNN**  
RNAD COULPORT

Tel No: 01436 674321 X6429

**Brenda LAWSON**  
RNAD BEITH

Tel No: 01505 506532 X4401

**Paul O'NEILL**  
DPF OFFICE

Tel No: 01292 500382

**Colin PATERSON**  
RNAD COULPORT

Tel No: 01436 674321 X6429

**SOUTH  
EASTERN**

**Tony ALLEN**  
DLO ANDOVER

Tel No: 01264 382111

**Peter CLOUT**  
DRA FORT HALSTEAD

Tel No: 01959 514464

**Lesley HICKMAN**  
RH HASLAR &  
FORT BLOCKHOUSE

Tel No: 023 9276 5755

**Yvonne PARR**  
CID PORTSMOUTH

Tel No: 023 927 22423

**Sue RUSSO**  
DRA FORT HALSTEAD

Tel No: 01959 892734

**Bill WILSON**  
HMNB PORTSMOUTH

Tel No: 02392 824561

**WESTERN**

**Trena FLEMING**  
HMNB DEVONPORT

Tel No: 01752 553384

**Dave WHITSON**  
HMNB DEVONPORT

Tel No: 01752 553384

**MDP HQ**

**Anna GORST**  
MDPGA HQ

Tel No: 01371 854189

**Avrina MONTGOMERY**

MDPGA HQ ATC

Tel No: 01371 854506

**Pat SCULLION**

FRAUD SQUAD

Tel No: 01371 854437

**Jane UNDERWOOD**

MDPGA HQ ATC

Tel No: 01371 854728

Note that details of Contact Officers change from time to time but an up to date list is available from the DEU intranet pages.

## **Additional guidance on handling informal complaints**

### **Direct challenges**

A useful way of structuring a direct challenge is to use a three-part message, saying what was said or done; the impact this had on the complainant; and what the complainant wants to happen next or in future.

When making a direct challenge, sticking to the facts of what was actually done or said should help avoid an argument ensuing. If a very factual description is given, without trying to interpret the behaviour or use judgemental language, it is difficult for the person to disagree that they did what is described!

The next step is to tell them what impact the behaviour had, particularly on the complainant's feelings. It is also difficult for anyone to dispute how someone else says they feel (although not everyone will be able to see why someone will have been affected the way they have).

Finally, the respondent should be told what action is required in future. This could be as simple as "please don't do that again" or a request for an apology. Remember that here is more chance of success if the desired resolution of the complainant is realistic and reasonable.

It is suggested that the individual who makes a direct challenge keeps a record of doing so, in case further action is needed in the future.

This advice is also relevant to assisted direct challenges and written direct challenges.

### **Manager assisted informal dispute resolution**

Without willing participation there is a distinct possibility that the process will be impaired. For example, a complainant may not be comfortable discussing their complaint with the respondent and if pressured into participating may feel forced to withdraw the complaint or treat it more lightly than they might prefer. Indeed, pressurising a complainant to take this route might be seen as harassment or bullying in itself. Conversely, if the respondent does not willingly participate they may not be prepared to work towards a meaningful and mutually acceptable resolution.

Some objections to, or concerns about, the informal dispute resolution process can be overcome by making clear what the process is – and isn't – about. In any case, the line manager must ensure that all parties are clear about what the process will entail before they take part in it.

The process is intended to promote clear understanding of the issue by all parties and to seek the way forward. Whilst it is essential to examine what has led to the complaint being made, the emphasis of discussion will be on the future. The process can, therefore, be highly effective in restoring good working relationships. The process is not intended to prove guilt or apportion blame and it therefore follows that it cannot result in the award of any penalty. However, it is entirely possible that an outcome might include the respondent making an apology and giving an undertaking not to repeat the behaviour which led to the complaint.

The essential ingredients are that the participants must be willing to listen to each other, be prepared not to take up unmovable positions about the issue in hand and be ready to find a way forward that is mutually acceptable. It is important to stress that the line manager's role in the process is to facilitate discussion and not to arbitrate or impose solutions on the parties.

The meeting should be held in a private place where the participants will not be disturbed. Wherever possible, the venue should be "neutral" to both parties. Sufficient time should be put aside by all participants, who need to recognise that the process can sometimes be lengthy. The intention should always be to conclude the process in one meeting; the need to meet more than once should be extremely rare.

**RECORD OF INFORMAL COMPLAINT OF HARASSMENT OR BULLYING**

This form is to be completed by the person making the complaint, once it has been resolved informally.

**1. Your details:**

Name:

Rank/Grade:

Unit:

**2. Details of person about whom the complaint was made (respondent):**

Name:

Rank:

Unit:

**3. How the complaint was resolved (tick box to indicate method used):**

Direct challenge

Assisted direct challenge

Written direct challenge

Informal management intercession

Manager assisted informal dispute resolution

Independent mediation

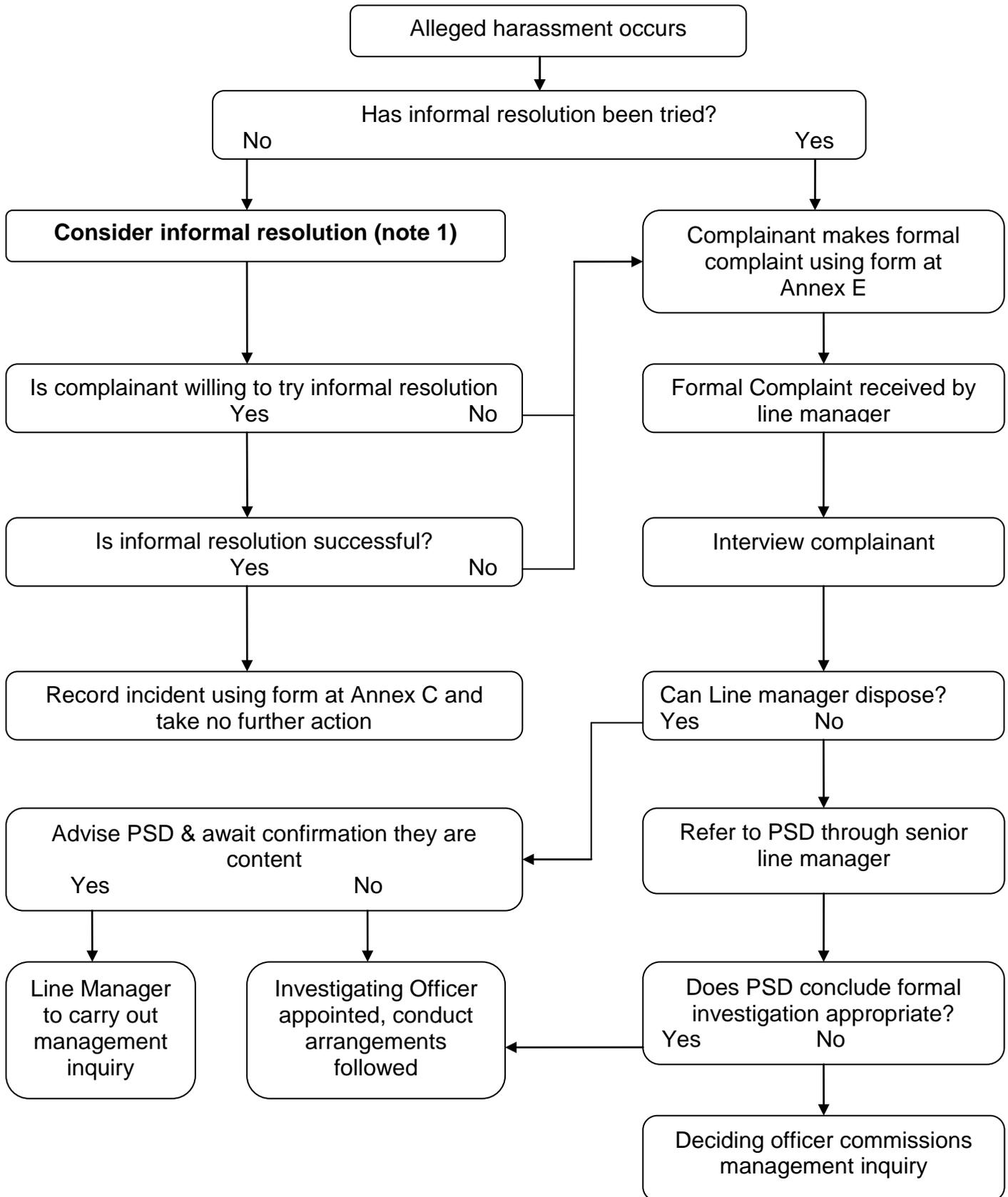
**I am content that my complaint has been resolved. I will ensure that the respondent receives a copy of this form.**

Signature of complainant:

Date:

**Please now send a copy of this form to the respondent and to the MDPGA Diversity and Equality Unit, MDPGA HQ, Wethersfield, Essex CM7 4AZ**

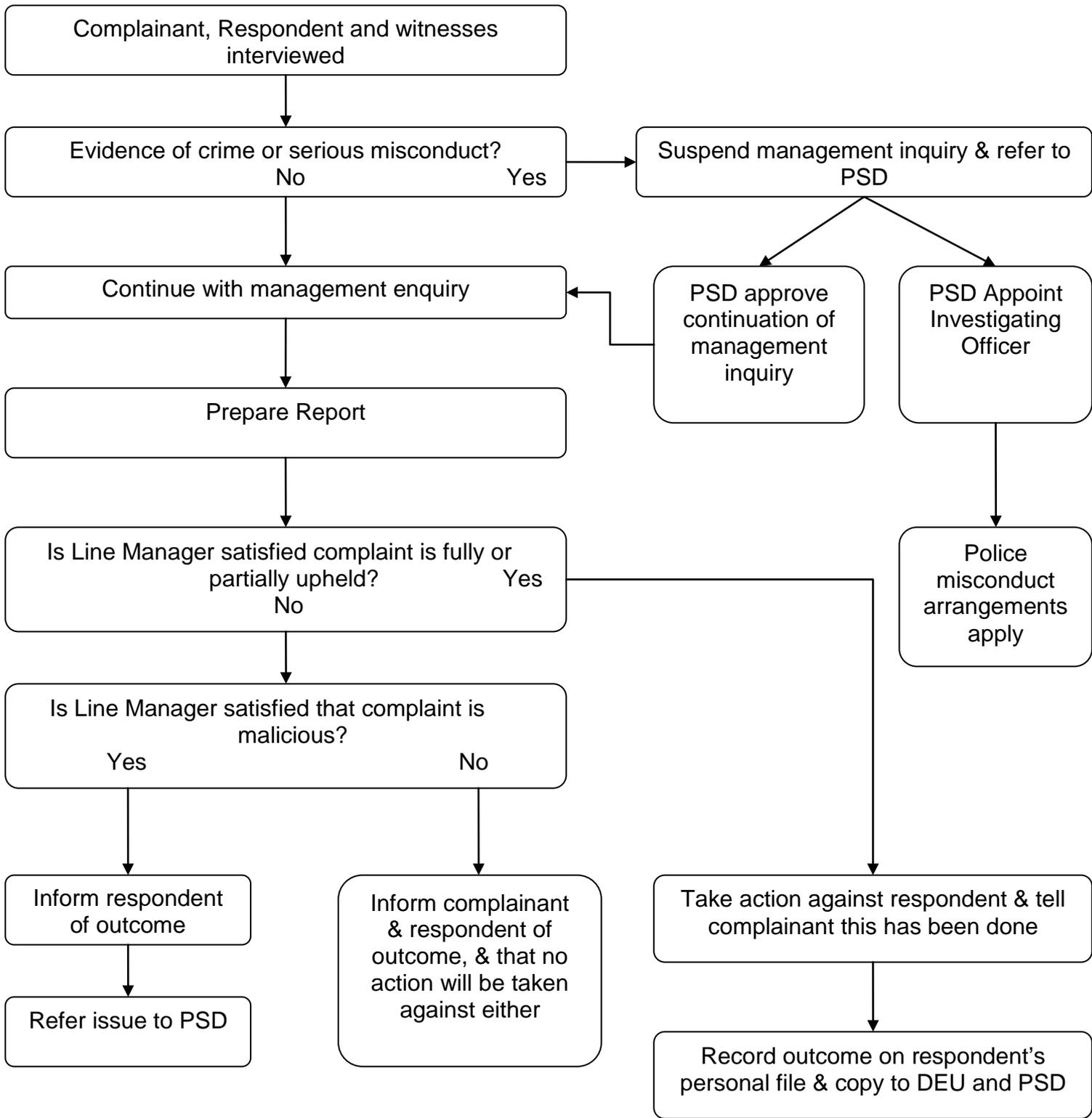
## Harassment Complaint Process Flowchart Initial Action



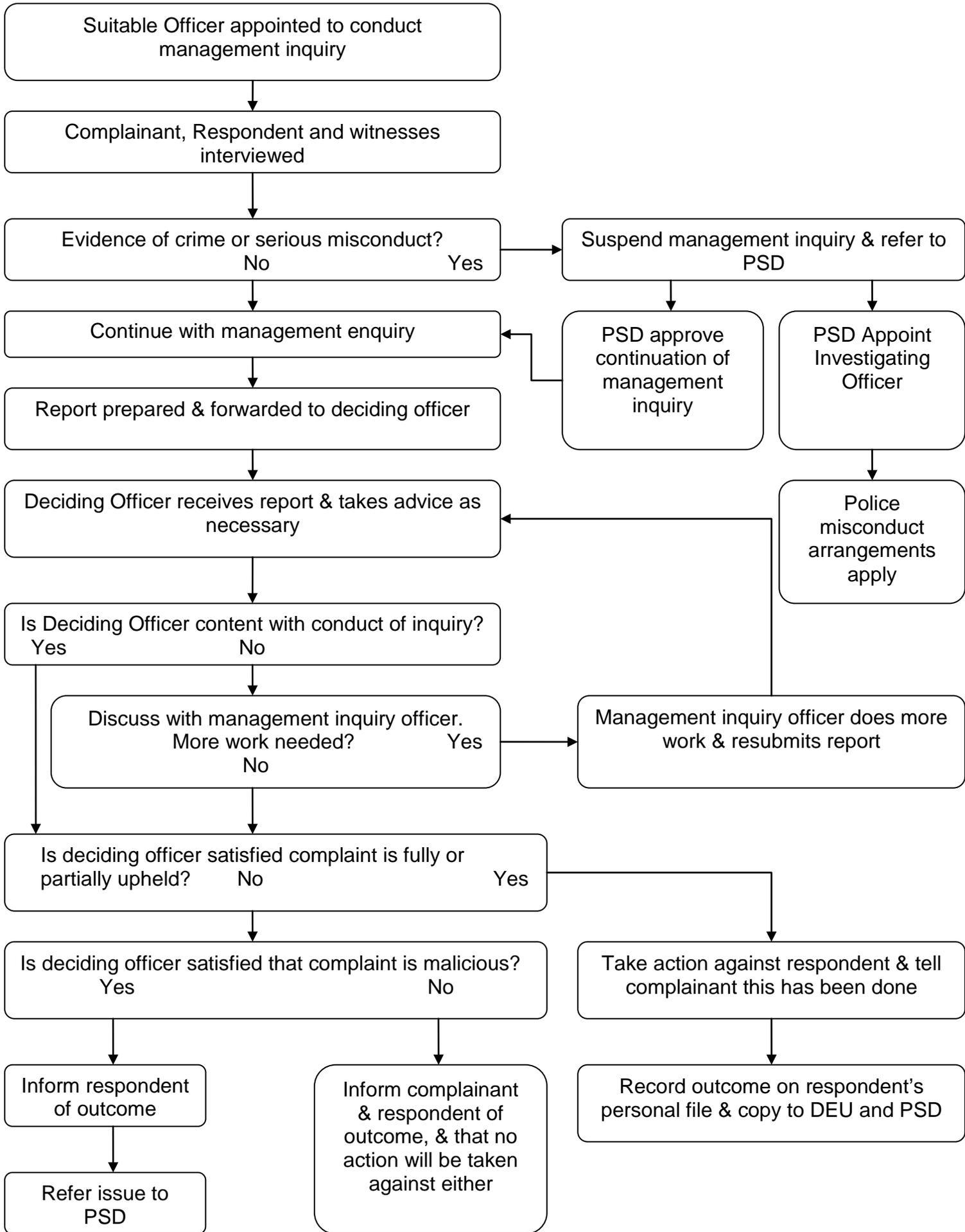
### Note 1

Although it is not mandatory to attempt informal resolution, it is strongly recommended this is done in advance of pursuing a formal route, whenever possible.

**Management Inquiry Conducted by Line Manager**



### Management Inquiry Commissioned By Deciding Officer



**FORMAL COMPLAINT OF HARASSMENT OR BULLYING**

Before completing this form you should read the guidance in the MDP Harassment and Bullying Complaints Procedure. You are advised to consult a Contact Officer or an Assisting Officer. In the interests of clarity, it is preferable to complete a separate form for each incident and/or respondent involved in your complaint. Note that this form should only be used for complaints made against Ministry of Defence Police officers: complaints against other MOD staff, including MGS officers should be made under the procedures detailed in JSP 763.

**Part A. To be completed by the person making the complaint****1. Your details:**

Name:
-------

Rank/Grade:
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Contact details (unit name, address, telephone, email etc) :
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**2. Details of person about whom the complaint is made (the respondent):**

Name:
-------

Rank:
-------

Unit:
-------

**3. Date, time and location of incident:**

--

**4. Describe the incident in detail:**

**5. Give details of anyone who witnessed the incident:**

**6. Describe the impact that the incident had on you:**

**7. Why do you believe that informal resolution is not appropriate in this case?**

**8. What outcome or redress do you seek from this complaint?** (ie. the action you expect the respondent to take or any other reasonable and feasible action you want to be taken)

**I understand that this complaint statement will be disclosed to the respondent named in it, and I agree to this.**

Signature of complainant:

Date:

**Part B: To be completed by line manager of respondent**

On the basis of the details I have of this complaint and the complainant's desired outcome, I am satisfied that I am able to dispose of this complaint.

OR

PSD advice is sought on whether a formal investigation should be carried out on this complaint.

Line manager signature:

Date:

Line manager name:

Line manager rank/grade:

Line manager contact details (unit name, address, telephone, email etc) :

On completion of Part B and regardless of whether PSD advice is sought, the **line manager must copy this form to:**

**Professional Standards Department  
Divisional Commander or Head of HQ Department  
DEU**

Where PSD advice is sought (ie line manager is unsure whether they can dispose of the complaint themselves), this form is to be submitted to PSD through the Divisional Commander or Head of HQ Department.

**Part C: To be completed by Professional Standards Department**

On the basis of the details given in this complaint it would not appear appropriate to carry out a formal investigation. The complaint should be disposed of by line management.

OR

This complaint will be formally investigated and line management should take no further action without instruction from PSD.

PSD officer signature:

Date:

PSD officer name:

PSD officer rank/grade:

PSD officer contact details (telephone or email):

On completion of Part C, the **Professional Standards Department will return this form to the respondent's Divisional Commander or Head of HQ Department.**

**PSD will also copy Part C to the DEU.**

**Part D: To be completed by the deciding officer**

It was decided to carry out a management inquiry to examine this complaint.

OR

It was decided that no management inquiry was required to deal with this complaint.

Decision date:

**If a management inquiry was carried out:**

Date management inquiry officer appointed:

Details of management inquiry officer (name, rank/grade/station):

Date management inquiry completed (report accepted by deciding officer):

Deciding officer's decision on complaint:

Complaint upheld

Complaint not upheld

Complaint not upheld and evidence found of malicious complaint

If the complaint was upheld what action was taken (sanction, any further action)

**If no management inquiry carried out:**

How was the complaint disposed of?

Deciding officer signature:

Date:

Deciding officer name:

Deciding officer contact details (unit name, address, telephone, email etc):

On completion of Part D, the **deciding officer must copy this form to:**

**Professional Standards Department  
DEU**

If the deciding officer is not the Divisional Commander or Head of HQ Department, the deciding officer must copy this form to them also.

**GUIDANCE FOR OFFICERS CARRYING OUT MANAGEMENT INQUIRIES****CONTENTS**

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## **SECTION ONE - INTRODUCTION**

### **Principles and scope**

1.1 The person carrying out a management inquiry under the MDP Harassment Complaints Procedure plays a key role in ensuring that complaints are handled quickly, fairly and sensitively. This guidance will help you to conduct a thorough and effective inquiry into a formal harassment complaint, and to present your findings.

1.2 It should be read in the context of the MDP Harassment Complaints Procedure. In particular, you should be familiar with the harassment definition in the Procedure before undertaking a management inquiry. The guidance addresses key issues likely to arise during an inquiry, but cannot cover every eventuality. If you need further advice about a specific case you should contact either the Diversity and Equality Unit (DEU) or the Professional Standards Department (PSD).

1.3 The guidance applies to anyone, police officer or civilian, appointed to carry out a management inquiry into a formal harassment complaint.

### **Appointment and role**

1.4 The deciding officer will give you a formal appointment letter to carry out the inquiry, and in doing so recognises that you may have to take time off from your normal duties to complete the work.

1.5 Your inquiry might concern formal harassment complaints made by police or civilian members of the MDPGA about MDP officers. You will not be asked to carry out a management inquiry into a complaint made by someone who is not a member of the Agency, since such complaints will be dealt with under the arrangements for handling complaints against police.

1.6 In carrying out an inquiry you will:

- a. have access to all staff who you consider may have information relevant to the investigation.
- b. have access to papers relevant to the complaint including, if essential to the inquiry and with the agreement of the personnel management authority, staff reports, or other personal records of the parties (also see para 3.2). If you encounter any difficulties in gaining access to papers which you consider relevant to the inquiry you should refer the matter to the deciding officer. If they agree that you should have access to papers they will take up the matter on your behalf.
- c. keep the deciding officer and the parties fully and regularly informed of progress throughout the inquiry and of any problems encountered.
- d. conduct yourself impartially and courteously, observing the need to tell line managers if their staff are to be interviewed.

e. maintain confidentiality and objectivity in establishing the facts of the complaint.

f. submit to the deciding officer a report of your findings, analysing the evidence supporting and militating against each aspect of the complaint.

**1.7 All inquiries must be conducted strictly in accordance with your letter of appointment and this guidance. Failure to do so could undermine the inquiry and damage the credibility of the harassment complaints procedures.** If the guidelines and letter of appointment appear to restrict your freedom to obtain information you believe is material to a specific case, you should seek advice from the authorities referred to in para 1.2 above.

1.8 All inquiries are to be conducted under the presumption that complaints are made in good faith, and this should stand unless a conclusion is reached indicating otherwise. A presumption of good faith does not mean a presumption that the complaint is justified.

### **Skills and Attributes required**

1.9 The skills and attributes you will need to demonstrate during an inquiry are shown at Appendix A. Harassment complaints require very sensitive handling. Allegations may look trivial, or be very complex; in either case, your role will be a demanding one. You may not be welcome and may encounter some hostility. You will need to deal confidently with Agency staff at all levels and, since the confidentiality of the inquiry means that you will not be able to discuss it with anyone other than the deciding officer, to be able to work on your own.

1.10 This guidance can only give you an insight into the handling of an inquiry but cannot prepare you for every eventuality. PSD or the DEU can advise on procedure or policy, but in the interests of impartiality will not give guidance which might be deemed to have an influence on the outcome of an inquiry.

### **Role of the Deciding Officer**

1.11 The deciding officer will generally be the respondent's Divisional Commander or Head of HQ Department, unless implicated in the complaint. The deciding officer's responsibilities are set out in the MDP Harassment Complaints Procedure. The deciding officer will be notified of a formal complaint and, where this is not to be the subject of a misconduct investigation, is then responsible for deciding on a management inquiry and appointing a suitable person to conduct it.

### **Timescales**

1.11 You should aim to contact the parties within 2 working days of appointment, and start interviewing within a further 5 working days. You should complete interviews within a further 15 working days and then submit your report within 5 working days.

1.12 An inquiry may need more time depending on the complexity of the case and the number, location and availability of interviewees. You should include reasons for delay in your final report and in progress reports to the deciding officer. If you cannot comply with these timescales because of work commitments, you must tell the deciding officer so that they can decide whether to reallocate the inquiry.

## **SECTION TWO - PREPARING FOR THE INQUIRY**

2.1 Thorough preparation is vital to the success of a management inquiry. The deciding officer will give you a copy of the formal complaint statement, with any related documents, including the respondent's written response, if any, and any evidence of attempts to resolve the allegation informally.

2.2 Think carefully about how to tackle the inquiry. The complaint may be about a one-off incident with no witnesses other than the parties, which may make it fairly straightforward to examine but difficult to substantiate. It may cite several related and/or unrelated incidents, witnessed by a number of people, which generates much evidence to be gathered and considered.

2.3 It is good practice to make yourself known to the local Defence Police Federation representative. You must not discuss the nature of the complaint or give details of the parties involved, but the DPF may be a useful source of information about local working culture and practices to set the inquiry in context. However, you must not use hearsay evidence unless corroborated by eye-witness statements. Maintain cordial relations with the DPF, particularly if they are supporting any parties involved.

2.4 Whatever the nature of the complaint, there are normally four stages in any management inquiry:

- review key documents
- interview the parties and witnesses
- consider the evidence and draft the report
- submit the report.

These stages are addressed in Sections 3 to 6 of this guidance.

2.5 Reviewing key documents and planning your interview strategy may take time and it is helpful to make early contact with the parties to allay any concerns they may have and explain how the inquiry will be conducted. However, you must not get involved in any premature discussion of the complaint with either party outside the interview process. It

may be preferable for initial contact to be made by letter and a suggested format is at Appendix B.

2.6 It is good practice to maintain a casefile diary containing the dates of your actions, their nature and associated remarks – see Appendix C for an example.

### **Criminal or misconduct offences**

2.7 The decision to carry out a management inquiry will have been taken with confirmation from PSD that a police misconduct investigation is not appropriate, based on the information presented at the outset. If at any time during the inquiry it appears to you that a criminal offence has been committed or a more serious misconduct issue which PSD were not originally aware of might be involved, you must cease the inquiry immediately and report your view to the deciding officer as a matter of urgency. You are then to take no further action until explicit guidance has been received from the deciding officer, who is responsible for keeping the parties informed of the change in circumstances.

## **SECTION THREE - REVIEW OF KEY DOCUMENTS**

3.1 Before starting the inquiry ensure you have copies of the following:

- the formal complaint signed by the complainant;
- any letter to the complainant from the deciding officer advising that a management inquiry is to be initiated;
- any letter to the respondent from the deciding officer advising that a formal harassment complaint has been made and that a management inquiry is to be initiated;
- any written response to the complaint from the respondent;
- any records of attempts to resolve the allegations informally
- any notes of interviews with either party about the complaint

3.2 You may also need access to either party's personal information, eg staff reports, personal files, time sheets, T&S claims, sick absence records etc. Before asking for this, you must justify its relevance to the inquiry. You should not have access to papers about previous disciplinary matters involving either party, or anyone else involved in the complaint.

3.3 Formal requests for permission to view personal information should be referred promptly to the information holder, saying why it is essential to the inquiry. If the holder is reluctant to provide access, or you are unsure whether access is essential to the inquiry, you should seek advice from the deciding officer or the relevant authority.

3.4 In studying the written information, you should draw up a chronology of events, especially if a number of incidents are alleged over a period of time. This helps you to see the incidents in a logical sequence, get a better view of the timescale involved and the elapsed time between incidents. The chronology should be validated and updated as further information emerges from interviews, and it is helpful to the deciding officer to include it with your final report.

3.5 Ideally, each separate allegation of harassment should be documented in a separate formal complaint statement, but some complainants will not follow this structure and will produce a confusing and lengthy complaint, sometimes containing apparent irrelevancies and ambiguities. It is essential for you to separate each specific incident, prepare questions to address them and consider each discretely when writing your report so that you can present a clear picture to the deciding officer.

## **SECTION FOUR - PREPARING, CONDUCTING, RECORDING AND AGREEING INTERVIEWS**

### **Selection of interviewees**

4.1 As part of the evidence gathering process, you will need to conduct formal interviews with everyone directly involved in the complaint, including the parties and any witnesses cited by either in support of their claims. You may also need to interview people claiming to have witnessed incidents outside the inquiry's scope, but which you think may have a bearing on the case. If the parties have not named their line managers as witnesses, consider interviewing them nonetheless to gain another perspective on the complaint.

4.2 You have complete control over selection of interviewees, regardless of grade, rank or status. As far as possible, plan in advance whom you wish to interview, although others may emerge during the inquiry. If in doubt about whether to interview a potential witness, it is advisable to do so to show that the inquiry has been thorough. Witnesses may not live up to the parties' expectations as having witnessed the events in question, but they may still provide valuable insights into the complaint.

4.3 Should anyone decline to be interviewed, or refuse to co-operate with the inquiry, you should seek help from their line manager. Be aware, however, that staff can be compelled to attend an interview but not to give evidence. In this event, try to persuade the individual that it is in their best interest to co-operate. Where there is continued reluctance to give evidence, adopt a sympathetic but firm approach. If the respondent refuses to give evidence, advise them that appropriate inferences may be drawn from non-cooperation.

4.4 Some individuals may wish to be interviewed by someone of a different sex or ethnic origin from you. You should explain that this is not possible as there is a need to maintain continuity throughout the inquiry. You should also tell them that you are fully aware of the need for impartiality and objectivity. Remind them that they can be accompanied at the interview. If they ask for a solicitor to be present, make it clear that the interview is not a legal process, the solicitor may only act in the same capacity as any other person who

might accompany them (ie. to advise, not answer for the interviewee), and the interviewee must meet the solicitor's costs.

## **Arranging the interviews**

4.5 As a matter of courtesy, the interviewee's line manager should be told of your intentions before arranging the interview. If you need to interview witnesses serving in different units, you must observe the necessary protocols eg, you may need an appropriately senior Service officer's authority to interview military personnel.

4.6 It is good practice to contact the interviewee yourself but where a member of staff is on long-term sickness absence, the relevant personnel management authority must be consulted before contact is made. Bear in mind that involvement in an inquiry can be very worrying, and when arranging interviews reassure the individual as much as you can.

4.7 Draw up your interview programme as quickly as possible, consulting as necessary with the deciding officer or the Senior Police Officer about accommodation for the interviews, and availability of a suitable person to type your interview notes if you do not do this yourself.

4.8 Sometimes you may have to carry out an interview at the person's home if they are on extended sick leave (but well enough, and willing, to receive visitors), or if they have valid reasons for preferring to be seen privately away from the workplace.

## **Preparing for the interviews**

4.9 Good preparation for each interview is vital. Review all the information and consider carefully the purpose of each interview. It may be useful to see the conditions in which the personnel work and the place where the alleged incident(s) took place. Try to structure each interview as far as possible by writing down the questions you need to ask in the form of broad headings and detailed points.

4.10 In doing so, you should adopt an enquiring approach to the complaint statement and any response to it, whilst remaining objective and courteous. Take nothing at face value and devise questions to probe for supporting information. For example, if it is alleged that the respondent was angry, you need to find out how this anger showed itself. Did it involve shouting and aggressive gestures, or less demonstrative behaviour such as glaring or silence? You will also wish to clarify conflicts or contradictions between the allegations in the complaint and any written version put forward by the respondent.

4.11 Some complainants may produce a diary of events to support their complaints, as may respondents in their defence. Such documents may be produced before or at interview. Extreme care should be taken to establish their credentials and in drawing conclusions from them. You must clarify in interview if they were made contemporaneously or retrospectively and, if the latter, how long after the incidents. Even contemporaneous accounts can later be "improved" to present evidence in a better light – especially if held on computer.

4.12 Where a number of incidents over a period of time are involved, there may be lack of clarity about when they took place. If so, devise questions to refine or enhance your chronology of events and to identify where significant differences exist between the accounts of complainant and respondent in their written statements.

4.13 Your aim is to build up a complete picture of the incidents in question and the people involved, and careful planning pays dividends. However, though the questions are intended to probe, your manner in asking them must be reasonable to avoid alienating or intimidating the interviewee.

4.14 It is possible that any rough notes you make during an interview might be considered as evidence in any subsequent legal proceedings, and so they must be contemporaneous. It is essential, therefore, to use a note book with fixed pages and to number the pages. To avoid giving the impression that the interview is part of a formal police misconduct investigation or a criminal investigation you should not use a police notebook.

### **Conducting the interview**

4.15 It is mandatory to carry out face-to-face interviews with the parties, and it is best practice to do so with witnesses. There may be rare occasions when witnesses are interviewed by telephone – eg. they are in a remote location, or their involvement in the complaint appears very marginal – but this will deny you the chance to read body language and pick up non-verbal clues. If you need to re-interview to clarify a few points of detail, telephone contact may be acceptable, but such interviews must be followed up with a written record. Exceptionally, either party may decline to be interviewed (eg. because of long term sickness absence). You should consider alternative ways of obtaining information – eg. submitting a list of questions for written response.

4.16 It is important to conduct the interview in a quiet, relaxed and reasonably informal atmosphere, and you should ask for local assistance in providing this. The interview room should be removed from the interviewees' normal work environment so that they feel less self-conscious about arrival and departure. If possible, ensure that there are comfortable chairs and position these sensitively, trying to avoid giving the impression that the interview is formal. It is preferable not to interview from behind a desk. You should ensure that water and glasses are available and that tissues are on hand, and you will need to make sure that there will be no external interruptions.

4.17 Try to settle the interviewee with a friendly introduction or comment before the main business of the interview. Though the interview is part of a formal process, do not appear officious, aloof or remote. A courteous, but authoritative, interview style will get the most out of your interviewees, though you should be careful to maintain control of the situation.

4.18 Be ready for a 'difficult' interview. Harassment can be a sensitive, difficult or embarrassing subject, and interviewees may be uncomfortable, unresponsive, evasive, emotional, aggressive and/or obstructive. You will have to adjust your interview style accordingly. However difficult the interview, you must obtain, as sensitively as possible, all necessary information in sufficiently explicit detail, and draw the interview to a conclusion without unduly upsetting the interviewee. If you do not, another interview will be needed -

with loss of your credibility and more stress for the interviewee. Take a break if the interviewee gets upset, or your concentration deteriorates.

4.19 Interviewees are not obliged to answer your questions. If one declines to answer a particular question you should explain that inferences may be drawn from this by the deciding officer. If an interviewee refuses to answer all of your questions, for whatever reason, and cannot be persuaded otherwise, you should terminate the interview, while again explaining that inferences may be drawn from this non-co-operation.

4.20 While it is good practice to work through a list of prepared questions, do not adhere to this too strictly. Information may emerge from an interviewee's response which needs further probing, causing you to set your interview plan aside for a moment. Do not miss this opportunity, but return to your plan once you have explored the issue.

### **Opening remarks**

4.21 Some opening remarks are important to set the scene and allow the interviewee to adapt to the environment. The following general points should be made at the start of each interview:

- introduce yourself and explain the reason for the interview, briefly outlining the purpose of the inquiry and your terms of reference.
- explain that your role in carrying out the inquiry requires you to be completely impartial even where one or more of the parties are known to you.
- define the confidentiality of the inquiry, explaining that disclosure of information obtained will be on a strictly "need to know" basis. Rarely, you may believe that witness co-operation can only be achieved by offering some measure of anonymity – see para 4.31 for more information. Such an offer should never be made to the complainant or respondent.
- explain the deciding officer's role ie. on receipt of your report to judge on the balance of probabilities if the complaint is upheld and to assess the need for any further action.
- explain that you will take notes during the interview from which a formal narrative record will be made.
- reassure the interviewee that a short break can be taken at any time during the interview, at the request of either the interviewee or yourself.
- where the interviewee is accompanied, establish who that person is, confirm that they have no direct, personal involvement with the complaint, and make it clear that the complainant will be expected to speak for themselves during the interview.
- where the interviewee arrives alone, remind them of the entitlement to be accompanied, and confirm they are happy to proceed without accompaniment.

- ask if the interviewee has any questions or concerns and is happy to proceed with the interview.

## Questioning

4.22 Each interview will develop in different ways, but you should be guided by the following:

- ensure that the interviewee does most of the talking.
- show that you are listening carefully and attentively – “active listening.”
- focus on reactions, responses, feelings as well as matters of fact.
- do not be pressured into filling the gaps in the conversation. Periods of silence, used carefully, can encourage the interviewee to speak. Allow time to vent feelings.
- use ‘open’ questions, eg. ‘Tell me about’ ... or How/What/Why/Which/When/Who...’ Closed questions, requiring “yes” or “no” answers will, however, be needed to clarify points of detail.
- do not put words into the interviewee’s mouth or draw inappropriate inferences from their responses.
- paraphrase the interviewee’s statements to confirm your understanding of what has been said, and invite the interviewee to confirm that understanding.
- do not allow the interviewee to stray too far from the point; link your questions back to the relevant issues.
- if you believe the interviewee has misunderstood a question, or is being deliberately evasive, try asking the question a different way or return to the point later.
- if the interviewee is embarrassed or inhibited in describing incidents or someone’s behaviour, you must sensitively clarify what is being said to remove all suggestion of euphemism, vagueness or ambiguity.
- cross-check notes from each interview; interview again if there is any contradiction.
- keep control of the situation; if the interviewee becomes distressed, wait for them to regain composure before continuing the interview. Take short breaks as necessary to reduce the stress on the interviewee or to give yourself some thinking time.

- guard against giving the impression, in either words or body language, that you believe or disbelieve the interviewee's statements. This might lead to inferences being drawn about the outcome of the inquiry.
- show empathy with the interviewee but avoid overt sympathy which might give the impression of partiality. In particular beware of attempts to get you to express personal opinions about the behaviour under discussion – eg. "Don't you think that was a horrible thing to do?"
- acknowledge your own prejudices inwardly, but keep them firmly in check; you must be seen to be impartial at all times.

### **Issues to cover at interview**

4.23 Here are some of the issues you may need to explore in detail during the interview, and your prepared questions should cover these areas:-

- the relationship (work/social) between the parties – eg. between complainant and respondent, between witnesses and complainant and/or respondent.
- the level and frequency of contact between the parties.
- views on the working atmosphere/culture in the workplace generally and between specific individuals; level of workplace banter - who and what is involved?
- nature of the problem: what happened in detail?
- the chronology of events.
- the status of any diaries or logs of events produced as evidence: when were they compiled or last amended?
- level of awareness of harassment: did the interviewee view the incident as unwelcome behaviour amounting to harassment and why – or why not?
- the effect of the alleged harassment on the complainant and others eg. on their health, work performance, relationships etc; explore individual feelings.
- additional sources of evidence: did anyone else witness the incident or can anyone corroborate the interviewee's statement?
- previous incidents involving the parties to the complaint.

### **Closing remarks**

4.24 At the end of the interview:

- ask the interviewee if they wish to add anything further.
- explain that, depending on what emerges during the inquiry, you may need to interview some individuals more than once to discuss, for example, additional evidence revealed, or allegations made by either the complainant or someone else during interview and which need to be incorporated in the inquiry.
- remind the interviewee again that the inquiry is confidential and insist that they refrain from discussing the matter with others as this could invite accusations of influencing witnesses.
- define the limits of your own confidentiality by explaining that you may need to cross-check specific points in the interviewee's version of events with other witnesses, but on a strictly non-attributable basis.
- tell the interviewee what will happen next by explaining that the formal interview record will be forwarded for agreement and signature prior to its incorporation in your report, and that there will be a chance to suggest amendments or record formally any unresolved disagreements about what was said at interview.
- point out that this will not be a verbatim record but a summary of the interview.
- emphasise that on no account should the interview record be shown to other parties not present.
- thank the interviewee for their co-operation.

### **Interviewing the complainant – specific points**

4.25 The complainant must always be interviewed first. In addition to the general opening remarks set out above you should:

- reassure the complainant that the MDP takes harassment complaints seriously and that there is an expectation that a management inquiry will be conducted thoroughly, expeditiously and to the complainant's satisfaction. However, remind the complainant that conducting an inquiry does not automatically mean that the complaint will be upheld.
- remind the complainant that the MDP expects complainants to be protected from victimisation and that any complaints of this nature will also be investigated.
- explain that the interview is part of your inquiry into the complaint and is intended to give you a fuller understanding of the incidents covered by the formal complaint statement.
- advise the complainant that you will need to ensure that the respondent is fully aware of the complainant's detailed allegations, and that you will be concerned during the interview to confirm precisely what these allegations are.

- advise the complainant that they will be advised in writing of the deciding officer's decision as to whether or not the complaint is upheld.

4.26 The following important information must be obtained at interview and recorded:

- the specific complaint and the detailed allegations.
- whom the complaint is against and their working/social relationship with the complainant.
- the impact of the alleged harassment on the complainant eg. sick absence, declining performance.
- the complainant's view of the reasons for the respondent's behaviour.
- the names of witnesses, especially any not listed in the formal complaint statement.
- the names of anyone else whom the complainant believes has been harassed by the respondent (these should then be interviewed as potential witnesses).
- details of any informal attempts to resolve the alleged harassment.
- details of any previous incidents that allegedly occurred which were not the subject of a complaint at the time, but which may have a bearing on the allegations and should therefore be considered together with the current complaint.
- the nature of the resolution the complainant wishes to result from the inquiry.

4.27 The complainant may withdraw some (or even all) of the allegations during interview. If some, you should record this in the interview record. If all, you should record this and consult the deciding officer before continuing. If there are a number of respondents and the complainant withdraws allegations against one or some, then, as well as documenting the interview, you should consider if you should still interview the exonerated respondents as potential witnesses.

### **Interviewing the respondent – specific points**

4.28 It is essential that the respondent clearly understands the complaint before interview. Before interviewing them you should ensure that they have received a copy of the original formal complaint statement, which they should have had for at least 3 days before their interview with you. As well as the general opening remarks above, you should:

- state the complainant's name and the nature of the allegations made.
- ensure that the respondent has in fact read the formal complaint statement.

- refer to the respondent's written response if one has been made.
- emphasise that the interview is part of a formal management inquiry and that if the complaint is validated it could lead to action being taken under the police conduct regulations.
- remind the respondent that they are entitled to nominate relevant witnesses, all of whom will be interviewed separately.
- state that refusal to answer questions will be recorded and that the deciding officer reserves the right to draw appropriate inferences from such a refusal.
- advise the respondent that they will be told in writing of the deciding officer's decision on whether or not the complaint is upheld.

4.29 During the interview you must summarise each allegation and explore in detail the respondent's reaction - eg:-

- what led up to the alleged incident(s)?
- what happened and why?
- what was said at the time?
- what was the complainant's reaction?
- were there any witnesses?
- how does the respondent explain any differences in the complainant's description of events from their own?
- any other factors which may have a direct bearing on the complaint.

### **Interviewing the witnesses – specific points**

4.30 Witnesses need sensitive handling, particularly if distressed or confused about their loyalties to colleagues. Reassure them that claims of unfair treatment or victimisation resulting from their involvement in the investigation will be taken seriously and investigated. You should ask if they know of anyone who witnessed the events they are alleged to have seen.

4.31 As mentioned at para 4.21, on rare occasions a witness may be so deterred by the possibility that their statement might be disclosed that co-operation is unlikely. You must do your utmost to reassure the witness as above but, if convinced that there are substantial and genuine grounds for this reluctance and that the witness is key to the inquiry, you may agree exceptionally to include an "anonymised" or redacted version of the witness

statement with your report. You must inform the deciding officer separately of the identity of the witness when submitting your report.

### **The need to re-interview**

4.32 You may occasionally need to re-interview someone, in which case a separate interview record is to be produced. For example, you may put a detailed allegation to the respondent and be told a version of events which contradicts the complainant's account or introduces new evidence. Do not just accept that different perceptions exist, but re-interview the complainant to seek their reactions.

4.33 You may need to re-interview either party if witness evidence significantly contradicts their versions of events or provides additional factors which need further exploration. You may also wish to re-interview witnesses if other interviewees' evidence appears to contradict theirs, or if additional incidents emerge which it is alleged that they witnessed.

4.34 As a general guideline, if the results of any interview or of the disclosure process leave you with significant doubt or lack of clarity about aspects of the complaint or evidence already collected, you must resolve this issue, and a further interview may be needed to do this. You will have prepared the interviewee for this possibility in your closing remarks.

### **Recording the interview proceedings**

4.35 A formal record must be made of each interview for inclusion in your report. Interviewees are not to write their own statements. You should make sufficient notes during the interview to enable you to draw up an accurate summary of it.

4.36 Do not use a tape recorder as it could introduce undue formality more akin to a police interview. Neither should you permit its use by the interviewee who, in any case, will have an opportunity to comment on the interview record before it goes forward to the deciding officer.

4.37 The interview record should not be a verbatim account (though you may wish to include important questions and answers in this way), but should cover all the essential facts, paraphrased as appropriate. The interview record must not contain personal impressions of the interviewee's demeanour, appearance or attitude.

4.38 You must record any questions which the interviewee declined to answer and the reason given, if any, for not answering (the interviewee does not have to give a reason).

4.39 The typed interview record should be prepared promptly (ideally by the following day) in the format at Appendix D. You must ask the interviewee to read, agree and sign it. A suggested letter format for doing this is at Appendix E. Any proposed amendments can be made on the typed record or in a separate document.

## **Agreeing the interview record**

4.40 If an interviewee refuses to sign an interview record or produces an amended version which does not reflect statements made at interview, you must tell the interviewee that you will make your report on the basis of your understanding of the interview. Any disputed interview record from the interviewee is to be included in the report to the deciding officer with an explanation.

4.41 A number of difficulties can arise with interview records. Having seen their evidence in print, interviewees may try to remove or change passages to make them seem more innocuous. You must resist such attempts if they seem to be aimed at concealing or obscuring the truth.

4.42 Interviews with the parties may be lengthy and the interview records equally so. You may miss or misunderstand some aspects when you write up the interview record and you should be open to proposals by the interviewee to clarify these. However, either party may try to partially or completely rewrite the interview record to make it reflect what they wish they had said, and this should be resisted. You should reiterate that the record is intended to be a summary rather than a verbatim account.

4.43 Interviewees may try to amend the interview record to add information not raised at interview. If this is merely amplifying detail, you may allow this. Otherwise you should not accept the inclusion of any significant information that has not been explored and tested in an interview. Arrange another session to deal with this.

4.44 Agreement of interview records may be lengthy. As well as the reasons for debate and delay above, records can be mislaid or recipients may try to avoid the uncomfortable task of dealing with them. Until all records are agreed, signed and returned, you cannot submit your report to the deciding officer. You must therefore monitor and hasten regularly.

4.45 Use "Immediate" or recorded delivery facilities to minimise delay. Pre-addressed labels may be provided to recipients. Email may be used but first ensure that the recipient is happy with this, that no-one else can access the recipient's email account and that email has not been diverted. Fax may be used, but you must have the recipient's prior agreement and be assured that there are safeguards at the receiving end for no-one else to see the document.

## **Remaining objective and impartial**

4.46 During the inquiry there is a risk that you will begin to form a subjective view of the allegations and to identify more with one party than the other. As a result, you may, perhaps unconsciously, look for evidence to support your view and discount other evidence or lines of enquiry which may conflict with it, thus compromising the integrity of the inquiry. To prevent this, you must constantly challenge your assumptions and cover every option in questioning.

## **SECTION FIVE - REVIEWING THE EVIDENCE**

5.1 Once you have completed the interviews, you must analyse the evidence gathered. It is the deciding officer's responsibility, not yours, to conclude if there is any substance to the allegations made, but the more thorough your analysis, the more straightforward it will be for the deciding officer to do this.

5.2 You must review all the evidence obtained through interview and from relevant documents, and decide what, as a matter of fact, happened. Consider the alleged incident(s) separately and identify all evidence which either supports or militates against them. For each incident, you will need to identify:

- a. material aspects which are fully supported by reliable evidence;
- b. material aspects supported by circumstantial evidence (ie a disputed point that can be reasonably established by inference);
- c. material aspects not corroborated sufficiently by the evidence to fall under (b) above, or contradicted by the evidence
- d. material aspects which cannot be corroborated as no evidence exists.

5.3 You must decide what evidence can reasonably be considered. Where witness evidence is concerned, it is hard to give clear guidance and you will need to take an informed view, eg:

- evidence of the demeanour or actions of either party immediately before or after an alleged incident may be valid, even if the witness did not actually see the incident itself.
- statements from witnesses claiming that the respondent had also harassed them may be considered as circumstantial evidence. Witnesses should be told of their right to complain under the complaints procedure. The deciding officer would then decide if any new complaints should be added to the original complaint which is the subject of your inquiry or be subject to a separate inquiry.
- witnesses may display or imply a degree of bias in favour of either party, and extreme care is needed in measuring this, and the extent to which it distorts the quality of the evidence and the credibility of the witnesses. Credibility may also be eroded by a clear reluctance by the witness to give evidence, or a feeling that the witness is not being frank or is keeping something back during interview. You may wish to comment on the reliability of witnesses and the quality of their evidence where appropriate.
- you may have interviewed individuals claiming to be eye-witnesses to other incidents outside the scope of the complaint which is the subject of your inquiry, but which, in your view, may have a bearing on the case. In forming your conclusions, be careful to discount any information from a third party which is unrelated to the complaint(s) you are examining.

5.4 When the inquiry concerns an alleged pattern of harassment over a period of time, some incidents may have occurred in the distant past and the recollections of all concerned may have become unreliable through time. You should be aware of this and be cautious about accepting such testimony at face value.

5.5 In considering the evidence, you may find it helpful to view it in the context of a number of characteristics identified with harassing and bullying behaviour. These are as follows.

- It is the **impact** of the behaviour on the complainant, not the respondent's **intention**, which is important. At the same time, the complainant's perception of it should be a reasonable one. An element of "over-sensitivity" may be involved, even though the complaint has been made in good faith, but you must take care not to impose your own values about what is, or is not acceptable or about what a person should be expected to put up with.
- The behaviour complained of may be widespread or accepted by the majority but this does not legitimise it.
- Individual incidents may appear minor or even trivial in themselves but may have a cumulative effect on the complainant.
- Euphemisms are often used to disguise or excuse harassing or bullying behaviour. Amongst the most common are:

**Applied to the respondent:**

- having a forceful, strong or robust character
- having an unfortunate manner
- not suffering fools gladly
- not a people person
- "it's just his/her way"
- a hard taskmaster, or one of the old school

**Applied to complainant:**

- too sensitive; can't take a joke
- a natural victim
- a loner; not a team player
- has an attitude problem

**Applied to the relationship between complainant and respondent:**

- a personality clash. While people may not always get on, this phrase may be used to avoid looking too closely at the real reasons underlying the problem and instead attribute it to "just human nature".

5.6 You may also find it helpful to apply the following tests to decide if the behaviour complained about is, in fact, bullying:

- is it destructive rather than constructive?
- does it criticise the person rather than their mistakes or shortcomings?
- has the complainant been publicly humiliated rather than privately corrected?
- does it result in the person feeling threatened, vulnerable or compromised?

## **SECTION SIX - WRITING AND SUBMITTING THE REPORT**

6.1 On completion of your interviews and consideration of the evidence, you must prepare a report. A suggested format is at Appendix F. The report should set out:

- the nature of and parties to the complaint
- the scope of your inquiry
- an examination of each allegation in the complaint, analysing the evidence which supports and militates against it

6.2 Formal interview notes and any other relevant documentary evidence must be presented in appendices, cross-referenced in the report. If there is a contradiction in the facts described by witnesses you should state which evidence you regard as more reliable, giving reasons.

6.3 A management inquiry may reveal shortcomings in line management's ability to deal effectively with complaints or to promote a safe and amenable working environment. If you have concerns about general or specific management practices, the handling of the complaint or the need for any additional training, you should include these in your report.

### **Submitting the report to the deciding officer**

6.4 The deciding officer will consider your report and decide on further action, taking expert advice if appropriate or necessary. If the deciding officer believes that the inquiry is incomplete, or there is some contradiction in the evidence presented which has not been fully explained, they should discuss this with you and may ask you to do further work, setting a timescale for this.

6.5 The deciding officer should notify you in writing, normally within five working days of receipt of your report, whether they are content to accept the report or whether further work is required.

6.6 Once the report is accepted, you have discharged your responsibilities and should normally have no further involvement.

### SKILLS AND ATTRIBUTES REQUIRED TO CARRY OUT A MANAGEMENT INQUIRY

#### Communicating

- deals confidently and empathetically with people at all levels
- clarifies and asserts role; able to justify and explain views/actions
- produces well-structured reports, covering all the key points

#### Achieving results

- seeks to achieve timely completion of inquiry; copes under pressure;
- is not easily deflected
- displays confident, professional approach
- understands limits of own authority
- manages large amounts of information; focuses on key issues

#### Interviewing

- prepares thoroughly for interview
- adapts interview style to suit individual and/or circumstances; maintains authority
- clarifies purpose of the interview
- encourages interviewee to contribute confidently to the discussion
- listens, probes, clarifies; knows when to ask open/closed questions
- maintains objectivity and impartiality
- manages time to allow proper coverage of all relevant issues
- summarises discussion accurately and clearly
- asks questions which do not breach MOD/MDPGA equality and diversity policies

#### Knowledge and understanding

- maintains a general awareness of, and knows who to approach for detailed guidance on:
  - MOD/MDPGA harassment policy and complaints procedures
  - wider MOD, Service and civilian personnel policies, conditions of service and relevant legislation
  - employment legislation
  - data protection legislation as it relates to issues of confidentiality and disclosure
  - discrimination and equality legislation
- understands and is able to work effectively with the various Service and civilian organisational cultures within MOD

## **Record keeping**

- keeps complete, accurate and fair records of dealings with individuals
- maintains confidentiality; ensures that information is disclosed only on a genuine need-to-know basis.

(classified Restricted - Staff)  
**INITIAL CONTACT LETTER**

*[To complainant and respondent]*

**MANAGEMENT INQUIRY INTO FORMAL HARASSMENT COMPLAINT**

I am writing to introduce myself as the person appointed to carry out a management inquiry into a formal complaint of harassment made *[by you/against you]* and to explain how the inquiry will be conducted.

I have been appointed by *[name of the deciding officer]*, the deciding officer to carry out this inquiry. I will begin by interviewing the complainant, and will subsequently interview the respondent (ie. the person against whom the complaint is made) and any witnesses. These interviews will be arranged as soon as possible. You are entitled to be accompanied during the interview as laid out in the MDPGA Dignity At Work policy, though that person cannot be anyone involved in the complaint – for example, as a witness.

Management inquiries are often complex and take time, but I aim to start interviewing by *[dd/mm/yy]*, complete this by *[dd/mm/yy]* and submit my report to the deciding officer by *[dd/mm/yy]*. I will keep you informed in general terms of my progress against these targets at regular intervals.

If you have any questions about the process to be followed, you should examine the MDP Harassment and Bullying Complaints procedure or speak to the MDPGA Diversity and Equality Unit or an MDPGA Contact Officer. I would be happy to answer any remaining questions which you may have about the process but will not be able to discuss the complaint itself with you prior to the formal interview.

Yours sincerely,

## EXAMPLE OF CASEFILE DIARY

<i>Date</i>	<i>Action</i>	<i>Remarks</i>
1 May 06	Appointed to case	
2 May 06	Interview with deciding officer	Agreed progress reporting and target of 30 May for completion
4 May 06	Interviewed complainant	Identified further witnesses – PC Cyan, Mrs White, CSO4 Pink
5 May 06	Sent complainant's interview record	
05 May 06	Interviewed respondent	Identified witness – Sgt Amber
06 May 06	Sent respondent's interview record	
06 May 06	Interviewed PC Cyan	Corroborated complainant's statement
06 May 06	Sent PC Cyan's statement	
06 May 06	Interviewed Mrs White	Did not support complainant's statement. Suggested I interview PC Mustard
etc.,. etc.		

*(classified Restricted – Staff)*

**INTERVIEW RECORD FORM**

**RECORD OF AN INTERVIEW WITH**

NAME:

RANK/GRADE:

BRANCH/UNIT:

DATE OF INTERVIEW:

PLACE OF INTERVIEW:

TIME START:

TIME FINISH:

PERSONS PRESENT:

STATEMENT:

*I understand that the information contained in this statement which directly relates to the complaint which is the subject of this inquiry could be disclosed to the complainant or respondent under the provisions of the Data Protection Act 1998.*

*I also understand that I must not show this statement to or discuss it with anyone not present at the interview.*

STATEMENT SIGNED BY: **[INTERVIEWEE]**

DATE:

STATEMENT SIGNED BY: **[MANAGEMENT INQUIRY OFFICER]**

DATE:

*(Classified Restricted – Staff)*

**LETTER ACCOMPANYING INTERVIEW RECORD**

I enclose a record of our interview on *[dd/mm/yy]* as part of the management inquiry I am conducting. Please check it for accuracy and, if you are content, sign and date it at the end of the record.

If you wish to propose any changes, please indicate these and send the document back to me, or contact me by telephone so that I can consider your proposals.

In either case, you should respond by *[dd/mm/yy]* at the latest so that I can complete my inquiry and make my report to the deciding officer without delay.

I must remind you that you must not show this interview record to or discuss it with any person not present at the interview.

Yours sincerely,

(Classified Restricted – Management)

## REPORT OF MANAGEMENT INQUIRY

TO: [NAME, APPOINTMENT]

### BACKGROUND

You appointed me to conduct a management inquiry into the formal complaint by [COMPLAINANT/RANK OR GRADE/ BRANCH/ LOCATION] against [RESPONDENT/ RANK OR GRADE/BRANCH/LOCATION] of alleged [SEXUAL/ RACIAL/OTHER DISCRIMINATION OR HARASSMENT/ BULLYING].

[An explanation of key terms used in the report – eg. definition of harassment, meaning of balance of probabilities etc. ]

### INQUIRY REPORT

I conducted my inquiry at [UNIT/LOCATION] over the period [DATES]. I was briefed at the outset by [NAME/RANK OR GRADE/STATUS].

I was given papers relevant to the case which are enclosed at Annex A, comprising [LIST PAPERS]. [During the course of the inquiry, I was also provided with additional papers, which are [LIST PAPERS]

I identified the personnel whom I wished to interview in connection with the complaint. These are listed at Annex B.

### INTERVIEWS

The interviews were held in private in [LOCATION]. I explained to each person the purpose of the interview, my terms of reference, and that a formal record of the interview would be prepared which I would ask them to sign to confirm their agreement prior to its inclusion in my report.

The signed interview statements, together with my working notes, are enclosed as follows:

[NAME]	Annex C
[NAME]	Annex D
[NAME]	Annex E etc.

## **FINDINGS**

**[SUMMARY OF THE INDIVIDUAL INCIDENTS SET OUT BY THE COMPLAINANT, AND THE REDRESS REQUESTED BY THE COMPLAINANT]**

**[SUMMARY OF THE RESPONSE TO EACH INCIDENT IN THE COMPLAINT BY RESPONDENT]**

**[SUMMARY FOR EACH INCIDENT OF:**

**CORROBORATIVE EVIDENCE  
NON-CORROBORATIVE EVIDENCE  
INADMISSIBLE EVIDENCE]**

Detailed examination of each incident listed in the complaint, weighing the evidence of complainant, respondent and witnesses.

## **OTHER ISSUES**

[Depending on the outcome of the inquiry, you may wish to put forward views on any other actions which should be taken – eg. training, counselling etc.]