



**Ministry
of Defence**

JSP 763 Behaviours and Informal Complaint Resolution

Part 2: Guidance - Informal Complaints Resolution Process

Foreword

Part 2 of this JSP sets out guidance on the informal complaints resolution process, as referenced in Part 1. This is sponsored by the Chief of Defence People, the People Functional Owner.

Preface

How to use this JSP

1. JSP 763 contains guidance and direction for Ministry of Defence (MOD) Service personnel and civilian employees on the application of policy for behaviours and resolving informal complaints related to unacceptable behaviour. It is designed to be used by MOD Service personnel and civilian employees when making, handling and responding to informal complaints. Contractors are expected to comply with the behaviours outlined in this JSP. This JSP does not cover formal complaints. It applies whole force in the broadest sense, including for example Royal Fleet Auxiliary personnel, with only two exceptions; Defence Equipment and Support (DE&S) civilian employees should refer to their own complaints procedures and MOD Police (MDP) should refer to the MDP harassment and bullying complaints policy. The section on personal relationships applies only to Armed Forces personnel, both Regulars and Reserves.
2. The JSP is structured in two parts and this is Part 2:
 - a. Part 1: Directive – Understanding behaviours in Defence.
 - b. Part 2: Guidance – The informal complaints resolution process
3. This document contains links to other relevant JSPs and policies; some policies are Top Level Budget (TLB) specific. Previously, JSP 763 detailed how to make both informal and formal complaints related to bullying, harassment, and discrimination (BHD). Formal policy and processes are now contained in the following documents:
 - a. Service personnel should refer to [JSP 831](#) (Redress of Individual Grievances: Service Complaints);
 - b. Civilian employees should refer to the formal civilian bullying, harassment and discrimination complaints policy and procedures;
 - c. DE&S civilian employees should refer to their procedures; and
 - d. MOD Police should refer to [MDP Harassment Complaints Policy Nov 15 - Final IV1](#).

Further Advice and Feedback – Contacts

4. The owner of this JSP is the Wigston Review Implementation Team (D&I Directorate). For further information on any aspect, or questions not answered within the subsequent sections, or to provide feedback on the content, contact:

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Table of Amendments

Change Reference	Authority	Date	Comments
Para 07.13	DCDS(Pers) SCW	15/12/10	
Annex N, appendix 1 para 2	As above	15/12/10	
Annex F, para 9	Specific quad Service agreement	15/12/10	
FN to para 6.3.b	As above	15/12/10	
Para 1.1	Defence Personnel Secretariat Complaints	01/07/13	
Para 4.15.c	As above	01/07/13	
Para 5.2.f	As above	01/07/13	
Para 5.17	As above	01/07/13	New timeline for resolution of Service Complaints.
Para 6.5	As above	01/07/13	
Para 7.12.b	As above	01/07/13	Change in Civilian appeal process.
Annex I	As above	01/07/13	Removal of last flowchart.
Throughout JSP	As above	01/07/13	Changes made throughout the JSP to reflect name change from PPPA to Defence Business Services (DBS).
Throughout JSP	Wigston Review Implementation Team	29/06/21	<ul style="list-style-type: none"> Formal complaints (civilian and Service Complaints) removed. JSP divided into two parts: understanding behaviour and informal complaints. Positive behaviours outlined and updated definitions of bullying, harassment, discrimination, victimisation and sexual harassment provided. Intent removed from definition of bullying. Prevention chapter introduced. Requirement to record informal complaints on JPA/HRMS removed. Introduction of a personal record / letter to management template. D&I Advisers and Practitioners TORs updated and revised record keeping templates.

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Glossary

2 nd Reporting Officer (2RO)	2ROs are typically one rank higher than the 1 st Reporting Officer (1RO) and therefore two ranks higher than the Subject. The 2RO is normally the 1RO for the Subject's 1RO.
Civilian formal BHD complaints policy & procedures	The Civilian formal bullying, harassment and discrimination (BHD) complaints policy and procedures covers the approach to making, investigating and deciding on formal civilian complaints relating to BHD.
Commanding Officer (CO)	The CO is the Service officer who has been appointed by the appropriate authority to be in command of and to exercise discipline over a ship, unit or establishment.
Companion	A MOD work colleague (civilian or military) or TU representative (civilian only) who accompanies the Complainant or Respondent to a meeting. They do not have to be in the same team, unit, or department as the Complainant / Respondent.
Complainant	A person who makes a complaint.
Countersigning Officer (CSO)	Usually this is a civilian employee's manager's manager; it may sometimes be someone outside the Chain of Command. In DE&S this may be the Primary Delivery Manager or Functional Development Officer. Individuals should be familiar with who their CSO is.
DBS Casework Services	Provides advice and guidance on HR policy and process to civilian employees (both Complainants and Respondents), managers of civilian employees, decision makers, and appeal managers.
DBS Employee Services	For civilian employees and their managers, offering emotional support and advice on wellbeing and information about civilian policy and process.
Diversity & Inclusion (D&I) Adviser	Diversity and Inclusion (D&I) Advisers are personnel across the whole force (both military and civilian) who receive specific training to enable them to provide impartial advice to all parties on unacceptable behaviours, the informal complaints process and Service Complaints process regarding complaints about unacceptable behaviours and civilian formal complaints.
Diversity & Inclusion (D&I) Practitioner	Diversity and Inclusion (D&I) Practitioners are personnel across the whole force (both military and civilian) who receive specific training and act as the 'eyes and ears' on the ground for Diversity and Inclusion Advisers across Defence. They promote inclusion, signpost colleagues to further sources of advice and support and challenge behaviours amongst peers.
Immersive training	Immersive values-based training uses artificial or simulated environments that maintains the trainee's engagement and minimises distractions to achieve more effective learning. The use of scenarios allows trainees to practice reacting to situations, to control outcomes and experience multiple iterations with a variety of results and dynamic

	feedback and space to reflect. Immersive learning is similar to experiential learning but leverages technology for a more intense dynamic experience for the trainees. Examples of appropriate methods are simulations; role play; discursive; scenario-based; peer and game-based learning; and virtual learning environments.
JSP 831	JSP 831 is the authoritative policy and guidance for all MOD Service personnel when making, responding to, advising on, investigating and deciding Service Complaints. It is designed to be used by Service personnel when making a complaint and by those responsible for handling and managing such complaints. It also sets out policy for Respondents and witnesses, whether Service personnel, civilian employees, or MOD contractors.
Manager	A civilian employee's immediate manager.
Mediation	A confidential, independent and voluntary dispute resolution process, in which neutral trained third persons (the mediators) help the disputing parties to reach an agreement with the intention of resolving the dispute. Available to civilian and military personnel.
Respondent	A person who is the subject of a complaint.
Service Complaints Ombudsman for the Armed Services (SCOAF)	The Ombudsman can investigate certain matters on application by a Complainant (Service personnel only). The SCOAF is independent of MOD. The Ombudsman is required to produce an annual report on the operation of the Service complaints process.
Trade Unions Representative (TU Reps)	<p>Are trained and accredited by their Trade Union to provide confidential advice and practical, hands-on support to Trade Union members (civilian employees only) including:</p> <ul style="list-style-type: none"> • listening. • asking questions. • discussing context and perspective. • giving employees the opportunity to reflect on what has happened. • explaining what options exist for reporting the matter and how they, and their Trade Union, will support the employee throughout. • helping employees understand what steps they might want to consider taking next and provide advice on way forward. • supporting the employee throughout. <p>TU Reps operate independently of the Department, they are elected by their peers and trained and accredited by their TUs to support civil service TU members who find themselves in need of assistance. TU Reps will be found throughout the Defence estate. They provide support such as advice, representation and advocacy on all workplace issues including unacceptable behaviours, unfair treatment, bullying, harassment and discrimination.</p>

Abbreviation Table

2RO	2 nd Reporting Office
ACAS	Advisory, Conciliation, and Arbitration Service
AFCAS	Armed Forces Continuous Attitude Survey
ALB	Arm's Length Body
AoR	Area of Responsibility
BHD	Bullying, Harassment, and Discrimination
CO	Commanding Officer
CoC	Chain of Command
CSO	Countersigning Officer
DBS	Defence Business Services
DG	Director General
D&I	Diversity and Inclusion
D&I(A)	Diversity and Inclusion Adviser
D&I(P)	Diversity and Inclusion Practitioner
DE&S	Defence Equipment and Support
DLC	Defence Leadership Centre
DLE	Defence Learning Environment
EAP	Employee Assistance Programme
EDIA	Equality, Diversity, and Inclusion Adviser (now D&I(As))
GDPR	General Data Protection Regulation
HoE	Head of Establishment
HR	Human Resources
HRMS	Human Resource Management System (to be replaced with 'MyHR')
JPA	Joint Personnel Administration System
JSP	Joint Service Publication
MDP	Ministry of Defence Police
MOD	Ministry of Defence
PIRC	Police Investigations & Review Commissioner
PSD	Professional Standards Department
RAF	Royal Air Force
ResCAS	Reserves Continuous Attitude Survey
RN	Royal Navy
RN FPS	Royal Navy Family & People Support
SCOAF	Service Complaints Ombudsman for the Armed Forces
sS	Single Services
SSAFA	The Soldiers, Sailors, Airmen, and Families Association
TLB	Top Level Budget
ToR	Terms of Reference
TU	Trade Union
USAF	US Air Force

Policy Statement

1. MOD needs high quality people with the necessary skills, knowledge and experience, who are valued, respected, invested in and feel supported. The UK Armed Forces are a formidable fighting force and the commitment of all Service personnel and civilian employees is rightly celebrated. Unacceptable behaviour persists, however, which negatively impacts on people, the teams they serve in and, ultimately, operational output. It also has an impact on attracting, recruiting and retaining the talent we need.
2. MOD does not tolerate any form of bullying, harassment, unlawful discrimination or victimisation. Everyone has a right to be treated with dignity and respect regardless of rank, grade or position. Everyone has a role in creating an inclusive, safe and supportive working and social environment.
3. MOD is committed to:
 - a. ensuring unacceptable behaviour is never tolerated in any form;
 - b. developing an organisational culture where people's differences are actively valued and included (see the [Defence Diversity and Inclusion \(D&I\) Strategy: 2018-2030 – A Force for Inclusion](#) (www));
 - c. ensuring our people can recognise unacceptable behaviour and understand its impact;
 - d. ensuring those experiencing or witnessing bullying, harassment, unlawful discrimination or victimisation know how to report it and are aware of the support available to them;
 - e. ensuring when cases are reported, managers, the Chain of Command (CoC), colleagues and relevant Human Resources (HR) teams respond promptly, sensitively and appropriately;
 - f. ensuring our people are protected from bullying, harassment, unlawful discrimination and victimisation;
 - g. ensuring there are robust policies and practices in place to deal with bullying, harassment, discrimination and victimisation; and
 - h. treating any allegation of bullying, harassment, unlawful discrimination or victimisation seriously and taking prompt action to investigate and remedy.
4. This JSP sets out:
 - a. how a person who is employed by MOD (whether Serviceperson or civilian) is protected from bullying, harassment, unlawful discrimination and victimisation;
 - b. the core behaviours expected by all Service personnel and civilian employees when they are: working or on duty (regardless of location); working with others in the same location; working over the phone or using electronic communication; participating in work-sponsored or organised social events / sporting events (including adventurous training); and when using social media at all times, including during leisure time (this is not an exhaustive list); and

c. the informal complaints resolution process.

5. This JSP does not replace legislation and if the legislation has a different effect, it is the legislation that must be followed. If there is any doubt about how the law operates, those responsible for managing Service personnel should seek advice from their legal branch and relevant input from subject matter experts. In the case of civilian staff this will be Defence Business Services (DBS).

6. Where this JSP states that an individual '**must**' take a particular action, this designates a legislative requirement. Where this document states that individuals '**should**' take a particular action, this designates a departmental requirement and the expectation is that the guidance will be followed. Individuals may only deviate from the guidance in exceptional circumstances and be mindful that there are risks associated with doing so. Individuals will be expected to account for any deviations from the guidance.

1 Introduction

1.1. An informal complaint does not mean a complaint is unimportant, and it will be treated seriously. The informal process is, by its nature, both simpler and faster. Making an informal complaint does not prevent an individual from making the complaint formal.

1.2. The process outlined in this section is for all Service personnel and civilian MOD employees. It is primarily aimed at:

- a. the person raising an issue related to unacceptable behavior; they are referred to as the Complainant;
- b. the person(s) against whom allegations of unacceptable behaviour have been made. They are referred to as the Respondent(s); and
- c. the CoC / COs / managers / Companions and colleagues of Complainants and Respondents.

1.3. Where reference is made to a TU Representative in this section, this is not applicable to Service personnel¹. The responsibilities of the Complainant / Respondent and what they can expect from the informal complaints resolution process is set out in Annex B of this JSP.

1.4. Defence Equipment and Support (DE&S) civilian employees should refer to their own complaints policy and see the chapter 'Informal Complaints Between Different Parties' in this Part. Where a Complainant or Respondent is neither a MOD employee nor in the Armed Forces (Regular or Reserve) they should also refer to the chapter 'Informal Complaints Between Different Parties' in this JSP.

1.5. A Complainant does not have to be the recipient of the unacceptable behaviour. Someone may witness unacceptable behaviour directed towards another person and choose to make an informal complaint. It does not matter whether the person to whom the behaviour was directed found it acceptable. However, Service Complaints can only be raised by a person in respect of a matter relating to *their own* Service life.

1.6. In general, where an allegation of unacceptable behaviour has been made, the Complainant and Respondent(s) are encouraged make every effort to try and resolve the allegation informally. In many cases, a Complainant simply wants the behaviour in question to stop and for its effect to be acknowledged. Quite often, the Respondent(s) will not have recognised the adverse effect of their behaviour and will be willing to change. In such cases, the aim should be to take action promptly at the lowest appropriate level in order to resolve the situation.

1.7. Complainants should also understand they have every **right to raise a formal complaint (for civilians), or Service Complaint (for Service personnel), if they wish to and do not have to start with the informal process.** Information on Service Complaints is contained in [JSP 831](#) and civilians should use the MOD [civilian formal bullying, harassment and discrimination complaints policy and procedures](#).

¹ The Trade Union and Labour Relations (Consolidation) Act 1992 prevents Service Personnel from joining collective labour relations. Queen's Regulations officially permits Service personnel to join civilian trade unions and professional associations that enhance their trade skills and knowledge.

2 Principles of the Informal Resolution Process

2.1. **Early resolution of complaints:** where possible and appropriate, attempts at resolving allegations of unacceptable behaviour should in the first instance be made at the lowest appropriate level. This may not always be appropriate, for example, in cases involving the Complainant's CoC or management or in instances where the behaviour was unlawful. Many issues can however be resolved informally, often without recourse to any kind of formal procedure. This means issues can be settled faster and good relations and operational effectiveness restored or maintained. The benefits of resolution include people being more likely to understand the impact of their actions and actively change their behaviour.

2.2. **Voluntary:** the informal complaints resolution process by its nature requires parties to voluntarily engage in the process. However, if the manager / CoC becomes aware of certain issues (e.g. see paragraph 7.5), they may be required to intervene.

2.3. **Mediation:** using the assistance of trained independent mediators is encouraged in resolution when all parties voluntarily agree to it. Further information on mediation can be found in paragraph 3.17.

2.4. **Wellbeing:** everyone is reminded that the wellbeing of all parties is important at all stages. Participating in the informal complaints resolution process is voluntary and should not cause distress. Sometimes unacceptable behaviours occur because people are under too much pressure or have poor mental health. Whilst this is not an excuse for unacceptable behaviour, Complainants and Respondents should recognise this factor. A range of support is available for everyone involved in the process (see Chapter 3 of Part 1 of this JSP).

2.5. **Time limits:** it is usually best for incidents to be reported as soon as possible after the event has occurred, but it is recognised that it is not always easy to do so. Informal resolution is most effective when done at the earliest opportunity. Civilian employees and Service Personnel should usually raise incidents of unacceptable behaviour for informal (and formal) resolution within three months of the incident occurring. If the behaviour is part of a pattern or series, it is three months from the last incident. A Complainant should not be disadvantaged because they tried to resolve a matter informally. There is scope for the time limit to be extended if it is considered reasonable, just and equitable, however there is no automatic extension for attempting informal resolution. Service personnel should note there are strict time limits for making Service Complaints. Complainants will have to balance their decision about whether to pursue formal action, taking into consideration time limits carefully. Service personnel should refer to [JSP 831](#) and note they are able to access advice from an Assisting Officer (see Chapter 7 of [JSP 831 Part 2](#)) before choosing to submit a Service Complaint. Civilian employees should refer to the formal bullying, harassment and discrimination (BHD) policy.

2.6. **Keeping a personal record:** if an individual thinks they are experiencing unacceptable behaviour but feel unable to report it, or chooses not to report it at the time, it is advisable they keep a private record (refer to Annex E). Individuals who are concerned that others are on the receiving end of unacceptable behaviour but feel unable to report it may also want to keep a record.

2.7. **Confidentiality:** the informal complaints resolution process is confidential. Individuals aware of allegations of unacceptable behaviour and resolution efforts should maintain the

confidentiality of all aspects of the process and its outcome, including after the process has concluded. Failure to maintain confidentiality could cause distress to colleagues and may result in disciplinary, administrative, or misconduct action. When an individual shares information about an issue, whether that be with the management chain or D&I Advisers (D&I(As)) / Practitioners (D&I(Ps)), there may sometimes be a requirement to break confidentiality for duty of care reasons, for example:

- a. where there is a risk of harm to the individual or others;
- b. in order to prevent a serious criminal act, or where serious allegations, e.g. sexual assault, are made;
- c. if there is a serious contravention of military law;
- d. if there is or is likely to be a serious breach of national security;
- e. whether the parties are under the age of 18; or
- f. whether the Complainant is under 18 and the Respondent is a person in a position of trust.

2.8. The need to maintain confidentiality should not be confused with, or prevent an individual (civilians only) from, whistleblowing (raising a matter under the Public Interest Disclosure Act 1998) where they have a relevant concern. A relevant concern is one that is about past, present or imminent wrongdoing, or an attempt to cover up wrongdoing, in an organisation or a body of people. The information that they disclose should be in the public interest, meaning the issue must affect others, for example the organisation, work colleagues or the general public. Individuals may also want to refer to the [MOD Whistleblowing and raising a concern policy](#) and utilise the confidential hotline. This should not be used to raise concerns of a personal nature.

2.9. **Victimisation:** people will be protected from victimisation and they should not feel discouraged from making a complaint because they fear negative consequences. It is a fundamental responsibility of CoC / managers to protect personnel and civilian employees from victimisation. Appropriate disciplinary, administrative, or misconduct action will be taken against persons who victimise, retaliate against or interfere with a Complainant, Respondent or witness at any time. It is equally important that Respondents are not pre-judged and do not incur any penalty or detrimental treatment other than appropriate sanctions if found to have behaved in an unacceptable manner.

2.10. **Vexatious and malicious complaints:** such complaints are rare and are usually made through the formal process. Vexatious complaints are pursued, regardless of their merits, solely to harass, annoy or subdue somebody or because an individual has an ulterior motive that benefits themselves through making the complaint. Malicious complaints are made with the intention of causing harm, for example, deliberately seeking to defame a colleague or manager and raising a complaint with this intent. A complaint can be both vexatious and malicious.

2.11. A complaint will not be vexatious simply because it is not upheld and the presumption should always be that a complaint is made in good faith. Any evidence of vexatious or malicious complaints will be treated seriously and personnel found to be making them may be sanctioned. Further information can be found in the formal civilian bullying, harassment, and discrimination complaints policy and procedures and in JSP 831.

2.12. **Statement of Principles of Fairness for the Handling of Complaints:** these Principles set out the ways in which all those involved in handling a complaint should conduct themselves. They are deemed by the Ombudsman Association to be good practice in dealing with complaints. Whilst developed initially for Service Complaints, those engaging in the informal complaints process may want to familiarise themselves with the Principles and apply them; they can be found in JSP 831, Part 2, Annex G.

2.13. **Recording informal complaints:** in line with the principles of encouraging people to use the informal resolution process, early resolution and recognising investigations are not part of the process, there is no central requirement to record informal complaints on the Joint Personnel Administration system (JPA) or on the civilian HR management system. D&I Advisers are required to confidentially record all approaches to them, including those about informal complaints, and follow-up four weeks later. The template for D&I(As) to record approaches is at Appendix 1, Annex I. These must be securely held in line with data protection law (GDPR) and retained for ten years. Lead D&I Advisers are also required to complete the online monthly summary log, anonymised for their Commander / Director or equivalent.

2.14. Where individuals (e.g. D&I(A/Ps), managers / CoC or TUs) are aware of multiple matters being raised about the same individual, they should speak to the Respondent's managers / CoC who should intervene. They may speak to the individual about the allegations and determine if action is appropriate. Leaders at all levels are reminded about the importance of taking action to eradicate unacceptable behaviours.

2.15. **Stage of complaint:** the stage of a complaint pursued can change depending on the views of the Complainant. Making an informal resolution attempt is not a prerequisite for making a formal complaint and does not mean the Complainant cannot make a formal complaint during this stage, or subsequently if the informal approach fails. At any stage before or during an informal resolution attempt, the Complainant retains the right to make a formal complaint. Equally, even during a formal complaint, all parties could agree to try mediation.

3 How to Raise a Complaint Informally

3.1. If someone decides to raise a complaint informally, they are strongly advised to seek advice from their local D&I Adviser as they are trained on the complaints process and will be able to provide detailed guidance and support. Trade Union (TU) members can seek the advice and support of their TU representative who will be trained and accredited to support them through the process.

3.2. The informal approach usually involves the Complainant explaining clearly to the Respondent(s) why they consider that the Respondent's behaviour was unwanted and unacceptable, and what the Complainant wants them to do about it (e.g. to recognise the behaviour was unacceptable and why, to acknowledge its impact, to agree not to do it again or to apologise). The Complainant may also go directly to their Chain of Command or management. Complainants should be aware that a Respondent cannot be compelled to participate in the informal process, although they are expected to cooperate and work towards a resolution. It is not appropriate to seek redress in the form of disciplinary, administrative, or misconduct sanction against a Respondent as that is entirely a matter for consideration by a manager or the CoC where appropriate.

3.3. There are five options available to raise a matter informally which include:

- a. speaking to the Respondent(s) directly;
- b. writing to the Respondent(s);
- c. asking the CoC / manager chain to intervene;
- d. asking a colleague or Trade Union representative to intervene; or
- e. requesting mediation.

3.4. Complainants are not limited to using only one approach. For example, they may speak to the Respondent but then ask for the management chain to intervene if that fails. The flowchart at Annex D sets out the stages of the informal resolution process and further detail on the options is provided below.

3.5. Whilst Complainants can ask colleagues or Trade Union representatives (for civilians) to support them in resolving informal complaints, the responsibility rests with the Complainant, and their management chain if they are aware, to attempt to resolve the matter.

3.6. **Speaking to the Respondent directly:** the Complainant should ask for a private word and find a suitable location, in person or otherwise. They should remain calm and civil, briefly describe what the Respondent(s) said or did which was unwanted and unacceptable behaviour, listen carefully to any response and avoid getting involved in arguments. The Complainant should be clear about what they want the Respondent to do, e.g. to recognise the behaviour was unacceptable and why, to acknowledge its impact and to agree not to repeat the behaviour or apologise. It may be helpful for the Complainant to explain their concerns to the Respondent(s) and then for the parties to agree to discuss the matter after a period of reflection.

3.7. **Writing to the Respondent:** the Complainant may choose to write to the Respondent(s) about their behaviour. A suggested letter format is at Annex G. Complainants

may ask a MOD work colleague (and / or, for civilian employees, a TU representative) to review this. Complainants should be clear whether they wish to hear back from the Respondent or not, and whether they prefer a written response or if they are happy to discuss it face-to-face / by phone etc. Writing to the Respondent also establishes an audit trail, particularly if sent as an email attachment.

3.8. Intervention by the CoC / manager: using the management chain can often be the most effective way to change behaviours. The Complainant may ask someone in either their or the Respondent's Command / manager chain to speak to them about their behaviour. This should usually be done at the lowest level possible. This does not necessarily mean that more senior people, e.g. 2nd Reporting Officers (2ROs) / Countersigning Officers (CSOs), are not made aware of the allegations, merely that appropriate Command / line management action may be taken as soon as possible to change the behaviour. If a Respondent is in a different line management chain, the Complainant's CoC / manager may wish to speak to the CoC / manager of the Respondent about the allegations rather than speaking to the Respondent directly. CoC / managers are to use their judgement about the best way to achieve improvements in behaviour. Alternatively, the Complainant may wish to write to their Commander or manager asking them to intervene; a suggested template is provided at Annex H.

3.9. The Complainant's CoC / manager should not deal with matters if they are, or could reasonably be perceived as:

- a. being somehow involved or implicated;
- b. being biased; or
- c. having a personal interest in the outcome.

3.10. Where a Complainant feels they cannot approach their CoC / manager they could consider approaching the Respondent's immediate superior or CSO. Complainants may also want to consider the other informal resolution options open to them. Further advice can be sought from their local D&I Adviser, and for civilians, their TU rep or the DBS Casework Services. If the complaint is about the CoC / manager, see Chapter 4.

3.11. When the CO / manager chain is made aware that a Complainant wishes to attempt informal resolution, they may advise that such an attempt would be inappropriate and the formal route pursued instead. This will depend on the allegations in question and:

- a. the seriousness, nature and extent of the allegation(s);
- b. what impact the incident(s) had on the Complainant, including whether they or the Respondent(s) are on long-term sickness absence as a result;
- c. whether previous alleged incidents have involved the same Respondent(s);
- d. whether the parties are under the age of 18, (given their legal status as a child);
- e. whether the Complainant is under 18 and the Respondent is a person in a position of trust. MOD has a responsibility to refer safeguarding concerns about people working in positions of trust to the relevant local authority and the management chain should seek advice, see [JSP 834](#);
- f. the power dynamics between the Complainant and Respondent, for example which individual holds a position of superior responsibility; how an individual's

protected characteristics come into play, for example age differences or the needs of people with disabilities which could impact the ability of either party to engage successfully in the informal resolution process (noting reasonable adjustments must be made to enable parties to fully participate);

g. the health and wellbeing of those involved;

h. a reasonable belief it would be impossible to find common ground between the parties;

i. one or both parties withdraw their co-operation; or

j. the complaint involves many other parties and / or is very complex.

3.12. In addition to dealing with the specific incident brought to their attention, the CoC / manager may wish to utilise the preventative measures outlined in the 'Prevention' chapter of Part 1 of this JSP, including delivering training or conducting a climate assessment as appropriate.

3.13. **Involvement of a work colleague or Trade Union representative:** the Complainant may ask a MOD work colleague or Trade Union representative (for civilian employees only) to act as a companion at a meeting with the Respondent. The Respondent should be given adequate notice of this meeting (at least five working days' notice) as they may want to have their own companion present. Alternatively, the Complainant could ask a companion to speak to the Respondent(s) on their behalf. All parties should understand that they cannot pass on responsibility for resolving the matter to their respective companion.

3.14. For Service personnel, if, as part of an ongoing Service Complaint, informal resolution is attempted, the assigned 'Assisting Officer' may fulfil the role of a companion. See [JSP 831](#) for further information on Assisting Officers.

3.15. Whilst Complainants and Respondents may be tempted to draw on support from a companion they consider a friend, it is advisable to seek support from someone familiar with this JSP or Defence D&I policies where possible. Trade Union representatives are well versed in MOD policies and procedures and can assist their members in this way. D&I A/Ps do not take on this role as they are impartial advisers to all parties involved in a complaint. Service personnel should note that the role of a companion in the informal complaints resolution process is not the same as an Assisting Officer (see Annex A on roles and responsibilities in the process).

3.16. To support the swift resolution of complaints, Complainants and Respondents may wish to choose a companion to assist them who is based in the same working location if the matter is to be discussed face-to-face. The companion does not have to be in the same team, unit or department. The use of technology could be considered, for example teleconference or Skype / Teams to support the discussion if people are based in different locations. If involving companions leads to scheduling difficulties, the Complainant may wish to involve their management chain.

3.17. **Request mediation:** mediation, using the assistance of trained, independent mediators is encouraged. Mediation empowers people to work together to resolve issues; it can be less stressful and have a reduced negative impact on morale as well as being time and cost efficient. It is voluntary and every party's agreement to the process is required. Potential parties also may wish to consult the [mediation checklist](#) when considering if mediation is right for them.

3.18. Mediation is most effective when used early in a complaint before people become fixed in their positions. However, mediation can still be successful in later stages and even after a Service Complaint or civilian complaint has been raised.

3.19. Mediation takes place between the Complainant and Respondent(s). It is usually between two parties, but mediation can also work for groups. If two or more people agree that there is an issue that needs to be addressed which cannot be resolved in discussions, then the steps in the process are:

- a. both / all agree to attend mediation as an option for resolving the issue;
- b. the Complainant will contact their respective single Service or Civil Service mediation service (details below);
- c. all parties individually attend a meeting with trained mediators;
- d. all parties collectively attend a meeting to state how they each see the problem and how it might be resolved;
- e. all parties engage with the mediator who will work through the issues and confirm agreements with everyone as they are reached; and
- f. all parties will be bound by a 'without prejudice' / 'privileged' [confidentiality agreement](#).

3.20. Mediation is not suitable for cases where a decision about right or wrong is needed, or for example where there is unlawful activity.

3.21. Individuals can request mediation:

- a. Royal Navy (RN): by contacting navylegal-mediationservice@mod.gov.uk.
- b. Army: by contacting Army-Mediation-0Mailbox@mod.gov.uk.
- c. Royal Air Force (RAF): by viewing the [RAF Mediation site](#).
- d. Civilians: the civilian [mediation policy and procedures](#) explains how civilians can access mediation and associated support and advice. MOD main civilians can contact dbscivpers-cshrmediationsvc@mod.gov.uk or call [DBS Employee Services](#) and refer to the above policy.

4 Raising a Concern About a Manager

4.1. If a Complainant wishes to raise a concern about their immediate superior or manager, then it is best to take advice on how to proceed from the D&I Adviser (or TU representative if applicable) in the first instance. The Complainant may wish for someone outside the management chain to intervene in resolving the matter. The Complainant can also consider going up the management chain at the next lowest possible level; for civilians this is their CSO and for Service personnel their 2RO.

4.2. Deputy HR Directors are the nominated point of contact for raising an issue about the management chain when civilian employees do not feel they can raise it lower down or within the chain.

4.3. Service Personnel are also able to seek advice from their own Service Complaints Secretariat and the [Service Complaints Ombudsman for the Armed Forces](#) (www) (SCOAF). Army Personnel may wish to call 'Speak Out' on 96770 46 56.

5 Informal Complaints Between Different Parties

5.1. This section outlines the routes personnel should take in resolving an informal complaint if the Complainant or Respondent is not a MOD employee or a member of the Armed Forces (Regular or Reserve). Advice should be sought from the Complainant's CoC / manager or D&I Adviser for any scenarios not covered below.

Informal complaints involving civil servants from other government departments

5.2. Where an issue is raised between civil servants working in different government departments / agencies, they will remain subject to their employer's disciplinary procedures and are not obliged to engage with the informal process. Personnel or employees on loan / secondment to MOD are expected to follow MOD processes on informal complaints. When a MOD employee wishes to make an informal complaint, it is advisable to discuss the matter with the Respondent or use an intervention by the management chain. If the Complainant is not managed by a MOD employee or Serviceperson, then they should identify a MOD employee / Serviceperson in the management chain, at the lowest possible level, to approach. Where the MOD employee is the Respondent, they should seek advice from their management chain or DBS for civilians.

5.3. Where an issue is raised between Service personnel and civil servants from other Government departments, the same advice should be followed as above, noting that Service personnel should obtain further advice from their Personnel branch.

Informal complaints involving agency workers

5.4. Agency staff, which includes contractors, are obliged to comply with MOD policies on unacceptable behaviours as well as their own organisational policies.

5.5. MOD employees or Service personnel wishing to report an issue about agency workers should not approach them directly but should ask the hiring manager to speak to the agency worker's organisation and ensure adequate follow-up.

5.6. MOD also has a duty to ensure its agency workers are protected from unacceptable behaviour, as it does to its own employees and Service personnel. Agency staff wishing to raise a matter about a MOD employee or Serviceperson should address a complaint, in writing or verbally, to the Respondent's immediate manager for action.

Informal complaints involving Defence Equipment and Support (DE&S)

5.7. Where a matter is raised involving personnel employed by DE&S and other parties, whether as a Complainant or Respondent, advice should be sought from [DE&S HR personnel](#).

5.8. Where a Serviceperson or MOD employee raises a matter and the DE&S employee is the Respondent, the processes in this JSP should be used.

Informal complaints involving US Air Force Personnel

5.9. MOD civil servants adhere to JSP 763 and, in addition, MOD has a joint grievance arrangement with the US Air Force (USAF) in the UK. This policy is applicable to grievances that involve both Local National Direct Hire (LNDH) personnel covered by USAFE policies and all UK MOD personnel working with the US Air Force across the UK. Further details can be found via the local Business Support Team.

Informal complaints involving MOD Police (MDP) Officers

5.10. Where matters are raised by Service personnel or civil servants and the Respondent is a member of MDP, these should be made to the manager of that Officer or to the Professional Standards Department (PSD). 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) or in Scotland via the Police Investigations & Review Commissioner (PIRC). Civilians and Service Personnel can contact MDP Professional standards Department at mdp-psd-group@mod.gov.uk for advice.

5.11. Members of MDP wishing to raise a matter about civil servants or Service personnel should contact MDP Professional standards Department for further advice.

6 Responding to Informal Complaints

6.1. This section outlines advice for Respondents. When allegations of unacceptable behaviour have been made against them, no pre-judgements are made. From time to time working relationships do break down and someone raising an issue is a positive sign of a mature and empowered organisation. What is important is that issues are resolved quickly and efficiently.

6.2. There are five ways a matter can be raised informally, outlined in paragraph 3.3. Further advice for the Respondent is outlined below. In all cases, a Respondent can discuss an issue with a D&I(A) for impartial advice and any clarification on MOD policy and expectations of behaviour. D&I(Ps) cannot advise on the complaints process, but they may signpost individuals to further support. Civilian Respondents can also discuss the issue with a TU representative or the DBS Casework Services. Respondents may wish to discuss the matter and seek advice from their CoC / manager. The sources of support and advice listed in Chapter 3, Part 1 of this JSP are available to Respondents.

6.3. Respondents are reminded about the requirement for confidentiality. They should not discuss allegations raised with them with anyone but their CoC / manager, D&I (A/P), the TU Rep (civilians only), MOD work colleague who is acting as their companion, or DBS Caseworker.

6.4. Respondents should engage positively, accepting the issue has been raised in good faith by the Complainant, and seek to resolve issues at the informal level whenever possible. A Respondent's engagement in the process is voluntary until it becomes a formal or management issue. Respondents are reminded that if they refuse to engage in resolving the issue or if a Complainant is not satisfied with the outcome of their attempt to resolve the issue, they could subsequently make a formal Service Complaint or formal civilian complaint, in which case the Respondent will be obliged to fully cooperate in the process.

6.5. **Speaking to the Complainant:** if someone raises a matter they wish to discuss, the Respondent should accept this has been raised in good faith by the Complainant and consider agreeing to this discussion taking place. The Respondent may want to ask for details of what the Complainant wants to discuss and then arrange a time to allow a period of reflection before meeting and for companions to be arranged as necessary. During the conversation, the Complainant should be clear about what they considered was unwanted and unacceptable behaviour and what they would like the Respondent to do, e.g. to recognise the behavior was unacceptable and why, to acknowledge its impact, to agree not to repeat the behaviour or to apologise. The discussion is an opportunity to clarify any miscommunication and explain. The Respondent may wish to ask for a further meeting again after they have reflected on the matter and how it has affected the Complainant or the recipient of the behaviour. If the Complainant has raised an issue about the Respondent's behaviour towards someone else, the Respondent should not approach that individual with the aim of discussing the issue other than if it is as an element of the agreed resolution.

6.6. A Complainant may wish to bring a companion for support to a meeting with the Respondent. If they intend to do this, they should provide at least five working days' notice. The Respondent can also bring their own companion (see Annex A).

6.7. **Receiving an email / letter from the Complainant:** the Complainant should outline in the letter what they considered unacceptable behaviour and would like the Respondent to do about it (e.g. to recognise the behavior was unacceptable and why, to acknowledge its impact, to agree not to repeat the behaviour or to apologise) and how they would like the

Respondent to respond. The Respondent should not approach the Complainant directly about the matter but consider whether they would like to respond in writing or invite the Complainant to arrange a time to discuss it with the Respondent in person. The Respondent may wish to show the correspondence containing the concerns raised and their draft written response to a MOD work colleague or TU representative if seeking support. The Respondent may also choose to discuss the matter with their CoC / manager, but they must not show the correspondence or discuss it with anyone else not directly involved.

6.8. If the Complainant's CoC / manager approaches the Respondent: they should follow the advice given in paragraph 6.5. The Respondent may also want to let the CoC / manager know they would be happy to discuss the matter directly with the Complainant. The Respondent may wish to talk to their CoC / manager about the matter, but the Respondent does not have to. The Complainant's CoC / manager should let the Respondent know if they intend to discuss the matter with the Respondent's CoC / manager. In many cases, in line with the principle of resolving the issue at the lowest possible level, they will not do so.

6.9. If a Complainant asks a companion, either a MOD colleague or TU representative, to approach the Respondent: the Respondent should follow the same advice given in paragraph 6.5. Responsibility for resolving the matter rests with the Complainant and Respondents, not with their companions. Therefore, the Respondent may wish to agree to discuss the matter with the Complainant at a meeting, at which their companion could be present. The Respondent will also be able to bring a companion to a meeting. The Respondent should think carefully about which MOD work colleague they ask to support them (if they decide to do so) as it is preferable the colleague has some familiarity with this JSP and D&I policies.

6.10. If discussion fails to resolve the issue, a Complainant, or another individual, can approach the Respondent to discuss mediation: this can be an effective way to resolve issues and is encouraged. Taking part in the mediation process is voluntary; no-one can force the Respondent. It can offer a good opportunity for the Respondent to have their version of events explained to someone independent and impartial and can point all parties towards agreeing a way to resolve differences and move forwards. See paragraph 3.17 on mediation.

6.11. If the Respondent is also the Complainant's manager or immediate superior, they can discuss the issue with their CoC / manager. If policy advice is needed, the Respondent can discuss the matter with the D&I(A), the DBS Casework Services or Personnel staff as appropriate. MOD takes misconduct involving the abuse of rank / grade seriously. It is also recognised that in carrying out the Respondent's duties as a manager that they may have to give feedback or manage poor performance routinely which could be perceived by a Complainant as bullying behaviour, depending on the manner in which it is done and whether the correct processes are followed. The Respondent may wish to refer to the [BHD Toolkit](#) which has a section on the difference between addressing poor performance, strong management and bullying.

6.12. Good leadership requires a preparedness to say sorry. This is not an admission of unacceptable behaviour and the Respondent cannot be compelled to apologise. The Respondent can acknowledge the feelings of the other person and support this with an apology. Sometimes interpersonal conflict can best be addressed by clearing the air and either party may want to consider apologising. For example, the Respondent may want to explain and discuss any miscommunication or misunderstanding or lack of intent. It will be recognised that sometimes things go wrong and it would not be appropriate for any apology or agreement to reconciliation to be interpreted as an indication of guilt or culpability. This is

not to encourage insincere apologies, rather a reflection that sometimes things go wrong and, in line with MOD's core behaviours, professionalism should be sustained.

7 Informal Complaints Outcomes

7.1. Following the informal complaints resolution process will generally lead to one of the three outcomes below:

7.2. **No resolution:** if an attempt at informal resolution fails, another approach could be considered from the five options outlined above; for example if a Complainant wrote to a Respondent, they could then try engaging the CoC / manager. Complainants retain the right to make a Service Complaint or formal civilian complaint and should be mindful of the timeframes for admissible complaints if they are pursuing informal resolution.

7.3. **Resolution:** the outcome of informal resolution may be an agreement or reconciliation between the Complainant and Respondent(s). Where the matter has been resolved directly between the parties, without involving the CoC / manager or making the D&I Adviser aware, the matter is considered closed.

7.4. **Monitoring:** when the CoC / manager has been involved in the informal resolution, or when the D&I Adviser is made aware, the relationship between the parties should be monitored for at least one month to ensure the agreed outcome is respected and there is no repetition of the behaviour.

7.5. If information becomes available to the CoC / manager about unacceptable behaviour, whether as a result of someone raising an informal complaint or not, disciplinary, administrative, or misconduct action could be taken. Criminal behaviour will be referred to the relevant police. Service personnel and civilian employees are reminded that they can be held personally liable at Employment Tribunals for their behaviour. Similarly, the CoC / manager can be found liable at an Employment Tribunal for decisions taken.

7.6. There may be occasions where the CoC / manager chain decide that Respondent(s) or teams need refresher training on MOD policy or standards of behaviour. They should access the resources available within their Top Level Budget (TLB) or utilise the D&I(A/Ps) (see the 'Prevention' chapter in Part 1 of this JSP).

ROLES IN THE INFORMAL COMPLAINTS RESOLUTION PROCESS

A.1. The following summarises the different parties who may become involved in the informal complaints resolution process:

- a. **Chain of Command / managers:** are those people in the management chain of the Complainant and Respondent. They can assist in resolving informal complaints when approached and are often the first point of contact for someone raising a concern. They should be approached / involved at the lowest possible level. They can also seek advice from the D&I(A/P) or the DBS Casework Services (for civilian employees only). Involving people from within the command / management chain does not automatically mean the Commanding Officer (CO) / Countersigning Officer will be made aware of the situation.
- b. **Companions:** Complainants and Respondents can approach someone to act as a companion to assist or support them in resolving an informal complaint. A companion is a MOD work colleague (civilian or military) or a TU representative (for civilians), but not a legal representative. If there is a related Service Complaint, the Assisting Officer can also act as a companion. For information about Assisting Officers see [JSP 831](#). They are usually outside the formal management chain of the Complainant and Respondent. Responsibility for resolving the matter lies with the Complainant or Respondent, not the companion. Companions may wish to familiarise themselves with this JSP or discuss the matter with a D&I(A/P) or the DBS Casework Services. They are reminded about the requirements to adhere to confidentiality. If someone does not feel able to assist, they are under no obligation to support a Complainant / Respondent. Companions should be allowed reasonable time within their normal working hours by their managers to be able to fulfil their role effectively.
- c. **Diversity and Inclusion Advisers & Practitioners:** are military and civilian personnel trained to provide impartial advice on unacceptable behaviours, diversity, inclusion and the informal complaints resolution process. They can also provide advice on BHD related Service Complaints ([JSP 831](#)) and [the formal civilian BHD complaints policy and procedures](#). Practitioners do not advise on the complaints process.
- d. **Diversity and Inclusion teams:** provide guidance and support within TLBs to D&I(A/Ps) and the Chain of Command / managers but would not directly support Complainants or Respondents.
- e. **Complainant:** is the person raising an issue related to unacceptable behaviour. The behaviour does not have to be directed against them; they may have witnessed unacceptable behaviours and have chosen to raise the matter using the informal complaints resolution process.
- f. **Respondent:** is the person(s) against whom allegations of unacceptable behaviour have been made.

A.2. In addition, for civilian employees:

- a. **The Defence Business Services (DBS) Casework Services:** provide advice and guidance on HR policy and process to civilian employees, including to both Complainants and Respondents. It provides expert support and advice to managers of civilians. They can advise on policies and procedures, help to ensure the process is followed correctly and provide additional support and assurances based on the information available to them.
- b. **Trade Union Representatives:** are trained and accredited by their Trade Union to provide confidential advice and practical, hands on support to Trade Union members. They can fulfil the role of a companion (listed above) to civilian Complainants or Respondents.

EXPECTATIONS AND RESPONSIBILITIES OF COMPLAINANT AND RESPONDENT

B.1. This Annex describes what the Complainant and Respondent should expect from the informal complaints resolution process and the responsibilities of each.

Complainant

B.2. During the informal resolution process, Complainants can expect to:

- a. be protected from victimisation resulting from raising the issue, the presumption being that the complaint is made in good faith;
- b. have access to advice and support from various sources, including the D&I(A/P), CoC / manager and, the DBS Casework Services (for civilian employees); civilian employees who are members of a Trade Union also have access to advice and support from a TU representative;
- c. choose to have a companion, either a MOD work colleague of their choice or a Trade Union representative (but not a legal representative), to support them and/or accompany them at all meetings;
- d. have the right to make a Service Complaint or formal civilian BHD complaint at any point, irrespective of whether attempts to resolve the matter informally succeed;
- e. have the matter taken seriously, and to be supported sensitively and confidentially by those they approach;
- f. have any reasonable adjustments they or their companion need put in place to enable them to attend meetings, read correspondence or otherwise participate fully in the process; and
- g. choose to bring the process to a conclusion at any time.

B.3. During the process, the responsibilities of a Complainant are to:

- a. engage in the process and do all they can to make the attempt succeed at the lowest possible level;
- b. highlight to their Chain of Command / management when allegations may amount to unlawful conduct;
- c. explain or document the matter accurately and in sufficient detail, stating clearly what redress or outcome they are seeking and ensuring this is reasonable and practicable;
- d. give adequate notice to Respondents if they wish to discuss the matter face-to-face and provide at least five working days' notice if they wish a companion to be present;

- e. not delay the resolution process unnecessarily, for example by being unavailable for meetings, or using a companion who is unavailable to support the process;
- f. maintain confidentiality in all aspects of the process and its outcome;
- g. ensure their up-to-date contact details are shared as appropriate, for example if they change roles / location during the resolution process;
- h. respond as soon as possible to requests for further information wherever possible and to give clear reasons why, if they are unable to do so; and
- i. not victimise or retaliate against others or make abusive, offensive or threatening comments to individuals involved in the matter directly or online (this is a disciplinary offence).

Respondent

B.4. During the informal resolution process, a Respondent can expect:

- a. to choose to engage in the process;
- b. for there to be no presumption of guilt and no pre-judgement;
- c. to have access to advice and support from various sources, including the D&I(A/P), CoC / managers, the DBS Casework Services (for civilian employees) and a Trade Union representative (where civilian employees are members of a recognised Trade Union);
- d. to be given full details of the alleged unacceptable behaviour and an opportunity to explain from their perspective;
- e. to choose to have a companion, either a MOD work colleague of their choice or a Trade Union representative (but not a legal representative), to support them and/or accompany them at all meetings;
- f. that any evidence they provide that the complaint is vexatious or malicious will be taken seriously;
- g. to have any reasonable adjustments put in place to enable them (or their companion) to attend meetings, read correspondence or otherwise participate fully in the process; and
- h. to be informed promptly if the Complainant chooses to raise the matter formally or of any decision to take disciplinary, administrative, or misconduct action;

B.5. During the process, the responsibilities of a Respondent are to:

- a. do all they can to resolve a matter successfully;
- b. reflect on their conduct and how it conforms to the standards of behaviour expected by MOD;
- c. inform the Complainant if they intend to be accompanied by a companion to a meeting, providing at least five working days' notice.

- d. not delay the resolution process unnecessarily, for example by being unavailable for meetings, or using a companion who is unavailable to support the process;
- e. maintain the confidentiality of all aspects of the matter and its outcome;
- f. ensure their up-to-date contact details are shared as appropriate, for example, if they change roles / location during the resolution process;
- g. respond as soon as possible to requests for further information wherever possible and to give clear reasons why, if they are unable to do so; and
- h. adopt the presumption that the complaint is made in good faith and not victimise or retaliate against individuals involved in the matter whether directly or online (this is a disciplinary offence).

TERMS OF REFERENCE (ToRs): D&I ADVISERS/PRACTITIONERS

Role and Responsibilities of the Diversity and Inclusion Adviser

Introduction

C.1. Diversity and Inclusion Advisers (D&I(As)) are the primary source of advice and support to all personnel and civilian employees on diversity, inclusion and unacceptable behaviour and BHD complaints. Their role is to support the Commanding Officer or manager in promoting diversity and inclusion, bearing down on unacceptable behaviour, and to support individuals who have experienced bullying, harassment, discrimination or any other form of unacceptable behaviour in the informal and formal complaints processes. They have a responsibility for the whole force, i.e. Armed Forces, civilian employees and in some cases contractors.

C.2. Every unit or Director General (DG) (for civilian TLBs) in MOD is required to have at least one or more D&I(As), dependent on the complexity and number of people in the organisation. Where several co-exist, a Lead D&I(A) should be appointed by the Commanding Officer (CO) / Head of Establishment (HoE) / DG. D&I(As) are supported by D&I Practitioners (D&I(Ps)). The roles primarily use JSP 763 (Behaviours and informal complaints), [JSP 831](#) (Service Complaints) and [the formal civilian BHD complaints policy and process as a framework for their duties](#).

C.3. A prerequisite of the roles is that D&I(As) and D&I(Ps) will have successfully completed, and remain in-date for, the D&I(A) or D&I(P) courses delivered by the Defence Leadership Centre, and stay up-to-date with MOD policies. D&I(Ps) wishing to complete D&I(A) training should have completed the D&I(P) course in the previous 3 years.

Responsibilities

C.4. The D&I(A) is directly responsible to the CO / HoE / DG for all aspects of D&I within their area of responsibility (AoR) and to the central TLB D&I. D&I(As) provide support and advice to:

a. Personnel/employees on:

- (1) diversity, inclusion and unacceptable behaviour, including formal and informal complaints resolutions processes relating to bullying, harassment and discrimination (BHD) or any other unacceptable behaviours, as outlined in JSP 763;
- (2) the BHD Service Complaints process in accordance with [JSP 831](#);
- (3) [the formal civilian BHD complaints policy and process](#);
- (4) providing information on current policy, initiatives and knowing where to signpost someone so they can request reasonable adjustments to personal circumstances; and

(5) D&I Training available for delivery through the network of D&I(Ps), such as Active Bystander Training².

b. CO / HoE / DGs on:

(1) delivering the D&I commitments made by their Chief or those in the Defence [D&I Strategy 2018-2030](#) within their AoR;

(2) current legislation and policy and how changes affect their AoR; most specifically the Defence D&I strategy and the Equality Act 2010, including the Public Sector Equality Duty and any liabilities that fall out from these;

(3) providing an inclusive environment for personnel and knowing where to signpost individuals for reasonable adjustments that might be required for personal circumstances (i.e. pregnancy, menopause) disability (i.e. access and adaptations of workplace or accommodation), religious or cultural needs (i.e. facilities and allowances for prayer); and

(4) all Service and informal complaints policies as relevant to unacceptable behaviours.

Complaints

C.5. D&I(As) are to remain neutral when advising individuals and the management chain about a complaint. The CO / HoE retains overall responsibility for handling Service Complaints. All advice should be recorded.

C.6. The D&I(A) is required to:

a. ensure every effort is made to resolve personal differences as quickly, fairly and amicably as possible, when feasible through the informal resolution process;

b. provide impartial advice and support to all including, but not exclusive to, the Complainant and Respondent, companions, CoC, managers and Assisting Officers on BHD Service Complaints;

c. understand when issues fall outside their remit and should be dealt with through other policies and procedures, such as (for civilian employees) misconduct and discipline, or grievance and dispute resolution, and ensure matters are referred to the relevant primary policy advisers. D&I(As) should then have no further involvement in the case;

d. ensure a follow-up report is raised no later than four weeks after any informal resolution is attempted, and as outlined in [JSP 831](#) for Service Complaints; and

e. ensure all complaints are recorded as required in JSP 763 and [JSP 831](#).

² It is a prerequisite that D&I As and Ps complete Active Bystander training themselves before starting their respective training courses.

Training

C.7. D&I(As) should ensure, by means of a comprehensive D&I training and awareness-raising programme, that personnel understand their responsibility to:

- a. be familiar with D&I principles and what constitutes discrimination, bullying, harassment and other forms of unacceptable behaviour, as detailed in JSP 763 Part 1.
- b. maintain an environment in which every individual is treated fairly, with dignity and with respect. Promoting harmonious working relationships, productive teamwork, and the whole force for inclusion vision in line with the Defence D&I Strategy; and
- c. take firm action against any unacceptable behaviour and encourage others to do the same.

Communication

C.8. D&I(As) should ensure all personnel and employees can access information, at a minimum on a noticeboard, about the existence and range of relevant confidential support helplines, other channels for support, including relevant D&I promotional and educational materials.

Other Duties

C.9. D&I(As) should ensure all personnel and employees are aware that any form of discrimination, bullying, harassment or victimisation will not be tolerated, and that any allegation of such behaviour will be properly investigated as outlined in JSP 763 and [JSP 831](#) or [the formal civilian BHD complaints policy and process](#).

C.10. D&I(As) should assist in developing and maintaining the D&I Action Plan for their AoR, especially after a climate assessment has been undertaken.

C.11. D&I(As) should keep a log of all approaches for advice within their AoR in accordance with the requirements of JSP 763.

C.12. D&I(As) should support the continuous monitoring of the D&I 'climate' within the AoR to assess the effectiveness of training and education, taking appropriate action as necessary and communicating to the command/central D&I teams where trends or concerns are identified. They may be required to act as the point of contact for Climate Assessment teams undertaking level 2 or 3 (for the Army) assessments in their AoR.

C.13. D&I(As) should engage in continuous professional development opportunities, which may be outlined at TLB level.

Lead D&I(A) duties

C.14. In addition to what is set out above, Lead D&I(As) are responsible for:

- a. reporting all approaches to D&I(As) or (Ps) in a monthly meeting with their CO / HoE / DG as part of continuous climate monitoring and updating them on the cases managed throughout the period, ensuring that confidentiality is always maintained to protect the identity of the parties involved as appropriate to the case.

- b. completing an online summary form monthly, detailing anonymised approaches and incidents for their TLB D&I team.
- c. Managing the network or forum of D&I(As) and (Ps) in their area.

Role and Responsibilities of the Diversity and Inclusion Practitioner

Introduction

C.15. Diversity and Inclusion Practitioners (D&I(Ps)) are personnel who receive specific training and work closely with D&I(As) to create an inclusive environment and advise all personnel and employees on diversity and inclusion matters, unacceptable behaviours and the formal and informal complaints processes. A minimum requirement for civilian TLBs is that each Director is supported by a D&I(P) who will report to their Director General's D&I(A).

C.16. Practitioners are the primary source of advice and support to all personnel on diversity, inclusion and unacceptable behaviour. Their role is to support the lead D&I(A) and managers in their AoR by promoting diversity and inclusion, bearing down on unacceptable behaviour and supporting individuals who have experienced BHD or any other form of unacceptable behaviour. They have a responsibility for the whole force, i.e. Armed Forces, civil servants and in some cases contractors.

C.17. A prerequisite of the role is that D&I(Ps) will have successfully completed the D&I(P) courses delivered by the Defence Academy and remain up-to-date with MOD policies.

Responsibilities

C.18. D&I(Ps) should act as a role model, lead by example, challenge attitudes and behaviours that have no place in Defence and promote an inclusive environment for all personnel and employees within their AoR. They should:

- a. support all personnel and employees by using skills such as active listening and signpost them to further advice and support as needed;
- b. be aware of all aspects of Defence D&I policies, JSP 763, JSP 831 and the formal civilian BHD complaints policy and procedures as well as relevant legislation such as the Equality Act and Public Sector Equality Duty and relevant Service policies;
- c. ensure personnel and employees are aware that any form of unacceptable behaviour will not be tolerated, that any allegation of such behaviour will be properly investigated in line relevant policies and that appropriate action will be taken against the perpetrator(s);
- d. understand how to create an inclusive working environment and promote the whole force inclusion vision in line with the Defence Diversity & Inclusion Policy;
- e. utilise active bystander skills to intervene when they witness or hear about any unacceptable behaviour. They should also empower personnel and employees to take firm action against any unacceptable behaviour and encourage their colleagues to do the same;
- f. support the Chain of Command / management in their endeavours to promote an inclusive whole force environment in which every individual is treated fairly, with dignity and respect;

- g. recognise and celebrate initiatives that promote inclusivity; and
- h. ensure all areas of the workplace and communal recreation/accommodation areas are free from offensive material.

Support to the D&I(A)

C.19. D&I(Ps) support D&I(As) and their Chain of Command / management to:

- a. deliver as appropriate their Chief's D&I commitments and implementation of the D&I Action Plan for their AoR; and
- b. produce a Practitioner summary (written or verbal) of all informal approaches or interventions relating to unacceptable behaviour and pass to the Lead D&I(A) for climate monitoring and reporting as appropriate.

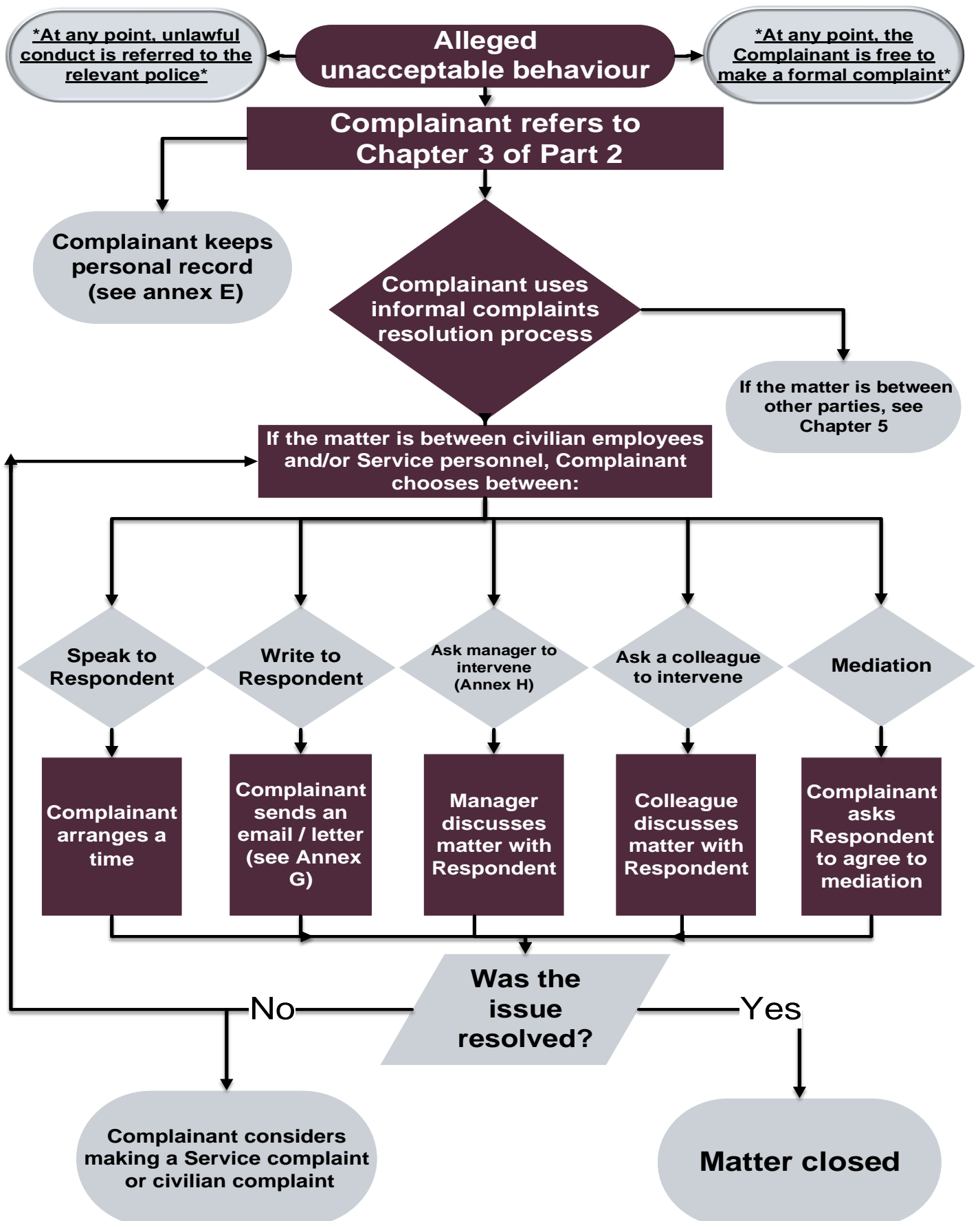
Training and Communications

C.20. D&I(Ps) should support the D&I(A) in the delivery of relevant mandatory D&I training packages to ensure all personnel and employees are familiar with basic D&I principles and what constitutes unacceptable behaviour. D&I(Ps) are required to:

- a. deliver active bystander training face-to-face locally (in due course);
- b. ensure relevant D&I publicity and educational material is widely available on notice boards and in common areas;
- c. be the conduit on the latest D&I information in their AoR. They are also required to ensure information about sources of support, including helplines, are up-to-date and available, at a minimum on noticeboards, and are regularly communicated to personnel. This should especially include details of:
 - (1) the local D&I(As) and D&I(Ps);
 - (2) MOD's whole force BHD helpline;
 - (3) mental health first aiders (where used) and the Combat Stress helpline;
 - (4) the Civil Service Employee Assistance Programme helpline (where applicable);
 - (5) Service specific helplines and charities;
 - (6) welfare staff;
 - (7) Padres / Chaplains (where applicable);
 - (8) relevant Police services (where applicable);
 - (9) the range of networks (be they whole force, Service specific or civilian); and

(10) Trade Union information (applicable in working environments where civilian employees are present).

C.21. Under no circumstances are D&I(Ps) to deputise for a D&I(A) or Lead D&I(A) in their absence. Only another trained D&I(A) can carry out the role of a D&I(A).



PERSONAL RECORD: TEMPLATE

E.1. If a Complainant feels unable or reluctant to report an incident of unacceptable behaviour that they have experienced or witnessed, they may want to record the details. Suggested areas to note are:

- a. the date the Complainant is making the personal record;
- b. the date of the incident of unacceptable behaviour;
- c. the time of the incident;
- d. the location of the incident;
- e. the names and positions of the people involved in the unacceptable behaviour;
- f. a description of what happened (this should be as detailed as possible);
- g. how the Complainant felt at the time and how they believe the other parties were affected;
- h. whether the people involved were under the influence of alcohol;
- i. whether this has been a pattern of behaviour. If so, the Complainant is advised to recall other incidents;
- j. the names of any witnesses;
- k. the contact details of any witnesses; and
- l. the details of any evidence (i.e. emails / text messages / screenshots of social media posts / CCTV).

E.2. The Complainant is reminded to keep this information somewhere private and secure, for example in a personal locker or on their personal phone.

INFORMAL RESOLUTION LETTER / EMAIL: TEMPLATE

OFFICIAL SENSITIVE - PERSONAL

Date

Dear (*Respondent's name*)

ATTEMPT AT INFORMAL RESOLUTION

1. I am writing to you about your behaviour which I believe amounts to bullying / harassment / sexual harassment / discrimination / victimisation / treating someone less favourably (*delete as appropriate*) and falls short of the standards expected by MOD.

2. The behaviour in question happened on (*date, time*) at (*place*). On (*this / the first / etc.*) occasion you (*describe the incident(s) in as much detail as possible*).

3. Your behaviour had a significant impact on me / on others in that (*e.g. I was offended / embarrassed / worried / humiliated by what you said / did*)...

I felt... (*e.g. angry / upset because*)...

Your behaviour has affected my... (*e.g. health, work, self-confidence, professional status in the eyes of others, wish to stay in Service / MOD*)...

4. It may be that you were unaware of the impact that your behaviour had. However, I want to make you fully aware of its effect and would like you to ... (*e.g. acknowledge it was unacceptable, stop the behaviour, apologise for the offence caused to me / distress caused*).

5. I wish / do not wish (*delete as appropriate*) to discuss this issue with you in person.

6. I am prepared to attempt to resolve this matter through mediation (*delete if inappropriate*).

7. I sincerely hope we shall be able to resolve the matter to our mutual satisfaction. However, I will consider raising it with my manager / making a Service Complaint / formal civilian complaint (*delete as appropriate*) if either I am not happy with your response to this letter or if the behaviour continues.

Yours sincerely,

(*Complainant*)

³ To avoid confusion with other JSPs, this document does not contain an Annex F.

LETTER TO SENIOR MANAGEMENT: TEMPLATE

OFFICIAL SENSITIVE - PERSONAL

Date

Dear (*Chain of Command / management*)

UNACCEPTABLE BEHAVIOUR: REQUEST FOR INTERVENTION

1. I am writing to you regarding the actions of (an) individual(s) within your Chain of Command / management chain (*delete as appropriate*) which I believe amount to unacceptable behaviour and fall short of the standards expected by MOD. Given your senior position, I feel your intervention would have a significant impact on the individual(s) concerned and help to resolve this issue swiftly.

2. The behaviour in question involved (*Respondent(s)' name(s)*) and happened on (*date, time*) at (*place*). On (*this / the first / etc.*) occasion, (*describe the incident(s) in as much detail as possible*).

3. This behaviour had a significant impact on me / on others in that (*e.g. I was offended / embarrassed / worried / humiliated by what the Respondent(s) said / did...*)

I felt...(e.g. *angry / upset because*)...

This behaviour has affected my... (*e.g. health, work, self-confidence, professional status in the eyes of others, wish to stay in Service/MOD*)...

4. I do not feel able to reach out to the individual(s) directly, so I would really welcome your support. In particular, as a resolution to this situation, I would like to see (*describe your desired outcome*).

5. As a leader and senior member of management, your intervention would set an example for others to follow and help to demonstrate that unacceptable behaviour of this kind has no place in Defence.

Yours sincerely,

(*Complainant*)

D&I ADVISER RECORD KEEPING

- I.1. D&I Advisers and Practitioners (D&I(A/Ps)) are required to document all approaches to them. Lead D&I Advisers are responsible for ensuring record keeping.
- I.2. There are three main types of records which are:
- a. Incident log: this documents any approach for advice and support. The report form should be handwritten at the time of interview, be at a minimum classification of 'Official Sensitive-Personal' and be kept securely.
 - b. Incident follow-up: to be used four weeks after an individual has told a D&I Adviser they wish to use the informal complaints resolution process in order to monitor the progress in resolving the issue; and
 - c. Monthly summary log: an anonymous outline report of incidents brought to the attention of a D&I(A) over the month. This is to be completed online (forthcoming) which will ensure a copy is sent to the CO / Director / Head of Establishment, and the data is available centrally for TLBs. This draws on the information recorded in the incident log. This log can still be completed using the paper template at Appendix 3 for those without IT access, but the expectation is that this will be uploaded online when IT access is available.
- I. 3. Where individuals report matters to another person, for example their manager, padre, or welfare officer, and the D&I(A) is made aware, this should be captured on the monthly summary log.
- I. 4. Templates for the incident log and follow-up conversation are provided in the following appendices. The monthly summary log will be completed online (in due course) and Lead D&I Advisers will be provided with the link.
- I. 5. Record keeping is covered in detail as part of the D&I(A/P) course at the Defence Leadership Centre (DLC). D&I(As) and anyone using the incident logs must ensure they comply with GDPR requirements.
- I. 6. Records are to be retained within a unit / department / establishment for a period of 10 years (details of Service Complaint investigation and outcomes are to be kept for 100 years) and disposed of in accordance with JSP 441.
- I.7. D&I(A/Ps) requiring further information should approach their Lead D&I Adviser, relevant network / forum, or contact their TLB D&I Team.

WHOLE FORCE INCIDENT LOG

Serial No:	1. Incident type: Bullying / Harassment / Sexual Harassment / Discrimination / Victimisation / other (<i>circle as appropriate</i>)		
2. Nature of bullying or harassment: (see codes overleaf or leave blank if box 1 and 3 capture it)	3. Is the incident related to a Protected Characteristic in the EA 2010?: Not related, Age, disability, gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, sexual orientation (<i>circle as appropriate</i>)		
4. Date of incident:	5. Date of discussion:		
6. Complainant Details: Name, Service, Number, Rank / Rate / grade, DOB, Sex (M / F / Prefer to self-describe):	7. Do they consider themselves to belong to a minority group?: Yes (<i>give details</i>): No / Not known		
8. Respondent (<i>details if known</i>): Name, Service, Number, Rank / Rate / grade, Sex (M / F / prefer to self-describe). Does the Respondent belong to a minority group?:	9. Witness(es) (<i>if applicable</i>): Name, Service, Number, Rank / Rate:		
10. Summary of incident: (<i>briefly explain what happened</i>)			
11. Redress sought by Complainant:			
12. Advice given, including action taken: (<i>Adviser should outline all options available to Complainant, including redress and appropriate signposting</i>)			
Signature / Date - D&I Adviser		Signature / Date - Complainant	

Nature of the bullying or harassment	Code Reference
Comments about personal appearance	1
Spreading gossip or making false accusations	2
Intimidation or verbal aggression	3
Humiliated in front of team or others	4
Negative micromanagement	5
Removal of job responsibilities, unconstructive criticism, or impossible / changing expectations	6
Treated less favourably to others	7
Ignored, excluded, marginalised	8
Undermining, or taking credit for work	9
Denied time off for personal ill health	10
Denied time off for family or caring responsibilities	11
Disclosure of personal / sensitive information to colleagues without consent	12
Unhelpful comments about mental health or being off sick	13
Use of inappropriate language e.g. swearing or using offensive terms / nicknames	14
Something else not listed here	15

INCIDENT FOLLOW-UP

D&I Advisers should use the checklist below to follow-up with individuals who have approached them for advice four weeks on from the initial discussion. D&I(As) can choose the most appropriate way to do this, whether through email or by having a face-to-face conversation. D&I(As) are required to make a note of the key points outlined below and keep it with the associated incident log, noting the date of the follow-up.

Suggested follow-up questions

1. Has the behaviour now stopped, or has it continued in some way? If it has continued, has any action been taken to resolve this?
2. What steps were taken following our conversation? (e.g. decided to try a method of informal resolution or started a formal complaint)
3. Was mediation used during the course of resolving the issue?
4. Has the issue now been resolved successfully or is resolution ongoing?
5. If the issue is still ongoing, what are the next steps?
6. What was the outcome and are you satisfied? If not, could you outline why?
7. What lessons do you think have been learned by your unit / team as a result of this incident? Do you think appropriate steps have been taken to avoid similar incidents happening in the future?
8. Is there anything else about this incident you would like to raise?

LEAD D&I ADVISER MONTHLY SUMMARY LOG

Names and identifying details of parties are NOT to be recorded on this form		
Date of log:	(month/year)	Serial Number:
Date incident raised:	(day/month/year)	
Type of log (circle as appropriate)	<input type="radio"/> New incident <input type="radio"/> Existing incident <input type="radio"/> No new incidents	
Type of approach:	<input type="radio"/> General advice <input type="radio"/> Informal complaint <input type="radio"/> Formal Complaint <input type="radio"/> Civilian BHD formal complaint	
Issue type:	<input type="radio"/> Bullying <input type="radio"/> Harassment <input type="radio"/> Sexual harassment <input type="radio"/> Discrimination <input type="radio"/> Victimisation	
Is the issue related to a Protected Characteristic outlined in the 2010 Equality Act?:	<input type="radio"/> Not related <input type="radio"/> Age <input type="radio"/> Disability <input type="radio"/> Gender reassignment <input type="radio"/> Marriage and civil partnership <input type="radio"/> Pregnancy and maternity <input type="radio"/> Race <input type="radio"/> Religion or belief <input type="radio"/> Sex <input type="radio"/> Sexual orientation	
Nature of the bullying / harassment:	<input type="radio"/> Comments about personal appearance <input type="radio"/> Spreading gossip or making false accusations <input type="radio"/> Intimidation or verbal aggression <input type="radio"/> Humiliated in front of team or others <input type="radio"/> Negative micromanagement <input type="radio"/> Removal of job responsibilities, unconstructive criticism, or impossible / changing expectations <input type="radio"/> Treated less favourably to others <input type="radio"/> Ignored, excluded, marginalised <input type="radio"/> Undermining, or taking credit for work <input type="radio"/> Denied time off for personal ill health <input type="radio"/> Denied time off for family or caring responsibilities <input type="radio"/> Disclosure of personal / sensitive information to colleagues without consent <input type="radio"/> Unhelpful comments about mental health or being off sick <input type="radio"/> Use of inappropriate language e.g. swearing / using offensive terms or nicknames <input type="radio"/> Something else not listed here	
Gender of Complainant:	<input type="radio"/> Man <input type="radio"/> Woman <input type="radio"/> Prefers to self-describe	
Does the Complainant consider themselves to belong to a minority group?:		<input type="radio"/> Yes (give details - see categories listed above) <input type="radio"/> No
Brief outline of incident:		

Current status of complaint:	<input type="radio"/> Closed (<i>record date here</i>) <input type="radio"/> Open (<i>note date for follow-up here</i>)
Mediation used?	<input type="radio"/> Yes <input type="radio"/> No
Was the issue resolved successfully?	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> No, led to a formal complaint