

Management Board

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Paper by the Director General DHRC and John Benger, SRO for the Respect Policy

Main paper not for publication – section 36.

Appendix A

Draft action plan for management in the event that a revised Respect policy is agreed.

1. The House management are committed to ensuring that management handling of any future cases under the Respect policy is thorough, consistent and appropriate and preliminary work is already in hand to ensure that the revised policy can be delivered.
2. Establishing a clear and workable protocol for managing difficult situations under the Respect policy will require a cultural change to ensure that managers are confident in dealing with these and similar issues. Other work going on across the House is looking to develop and enhance management capability and foster improved client relations between House staff and Members.

What the House service management will need to do

- Review internal policies and procedures to ensure these are consistent with new policy
- Provide training in skills in dealing with difficult situations
- Deliver, in parallel to this, training in the operation of new policy and procedures
- Build management competence to deliver the new procedures
- Ensure provision of mediation services in the event that they are required
- Communicate revised policy effectively

How this will be done

3. Assuming that the policy framework being discussed is agreed DHRC will reprioritise its strategic programme to introduce two forms of training:
 - A training programme looking at “How to deal with clients in difficult situations” (other UK parliaments/ Assemblies already do this, and Capita offers similar training to Members’ staff).
 - Introduction to all managers on their roles and responsibilities under the new Respect procedure.

These programmes are closely related and training will take place on both on the same day (it is likely that an external contractor will provide the first whilst the second will be dealt with by relevant House officials, but the training will be carefully co-ordinated – the recent training on mental health awareness offers a good model for this being done successfully).

4. Training will be in groups of no more than 20 staff.
5. DHRC is developing a tender for a training programme which will be bespoke and for House staff only. This will build management capability and ensure that the new roles and responsibilities of managers are well understood. Senior managers (top 150 initially) will be asked to attend. In addition senior managers will be asked to identify priority areas where there is high level of contact with Members for additional training in customer service handling. Training will then be subsequently rolled out to other staff as appropriate, starting with areas with high levels of Member contact. Fresh training will be offered regularly to capture new managers.
6. Initial training is likely to take place in financial year 2014/15. The Management Board will be asked at its December meeting to endorse a decision that this will be a high priority and that funding will be allocated.
7. Estimated direct costs for year 1 are around £30,000.
8. DHRC will also review other HR policies, processes and support mechanisms available for individuals/ managers, supported by HR team briefings and additional training as needed (e.g. for the HR Advisory Service, the Safety, Health and Wellbeing Service, Diversity & Inclusion, Harassment Support Officers). This review will include an assessment of change management requirements and support available from the Change team. The next revision of the Staff Handbook will reflect the new procedures outlined the Draft Procedure (as revised).

9. The working group on the Respect policy is due to reconvene in December and will begin a redraft of the relevant sections of the Staff Handbook, prior to appropriate consultation with the TUS.
10. So far as mediation services are concerned, the House authorities already have a working relationship with ACAS who are one possible provider. The House would, however, tender to ensure that a range of possible providers were on hand (as it recently did in respect of External Harassment Investigators, where half a dozen providers are on the books).
11. Policy implementation and communication to staff will be through usual channels (Staff Notice, updating of online Staff Handbook and inclusion in next published version) Additional communications will be primarily through the central communications team (e.g. emails to all staff, articles in Caps News, briefing/meetings for top 150 Senior Managers). The central communications team is aware of the issue and will be able to respond quickly once the policy is in place.
12. Policy communication to Members will be via range of media. A Member-version of the Respect policy will be produced and will be linked on the Member's landing page on the intranet. The policy will be included in the regular update to the Administration Committee from the Clerk of the House. All Members will be directly contacted to be notified of the revised policy. Members' staff will be contacted through normal channels (MAPSA/ UNITE briefings); newsletters etc.
13. The House service, via the working group on the Respect Policy, will look to work closely with DHRC, the Diversity team, the Personnel Advisory Service and with the Commissioner for Standards to ensure that the new policy is workable.

Appendix B: Outline of possible revised Respect procedure involving Commissioner for Standards and Committee on Standards

RESPECT POLICY – COMPLAINT OF HARASSMENT OR BULLYING BY MP - DRAFT OUTLINE PROCEDURE

Internal resolution (stage 1)

- individual considers whether and how they wish to raise a complaint about a Member’s behaviour – either personally or with line management support;
- if they do, issue raised informally with Member as soon as possible (face-to-face or in writing by complainant or by line management¹ on their behalf) – problem set out clearly and concisely;
- quick response and resolution sought wherever possible and appropriate;
- if not resolved immediately, complainant informs line management of issue (if not already aware/involved) whether they wish to pursue and takes other advice if required;
- line management to consider informally (in consultation with complainant, SRO, HR, the Member etc as necessary):
 - whether any management action is needed to ensure legal requirements of duty of care for employees are met, eg are there resourcing, capacity or other issues which need addressing; what support/protection is needed for complainant;²
 - whether there are any direct interventions that can be taken to resolve problem eg discussion with Whips, Committee Chair (if appropriate) etc; will mediation help?
- action taken as appropriate by management with complainant and Member to facilitate resolution and/or other steps required as above;
- if mediation an option, the Senior Responsible Owner for the policy (SRO) consulted; SRO to consider (in consultation with HR and line management) whether conditions for mediation are met (eg do both parties agree, is problem appropriate for

¹ In this procedure, “line management” means immediate line manager or above.

² Support available to Members will be included in separate guidance

and capable of being resolved via mediation; is there a commitment to seeking resolution, etc); if it is suitable, external mediator engaged (ACAS or otherwise) and mediation action taken as appropriate;

- if complaint not resolved, complainant to consider whether to pursue complaint – if yes, move to next stage

Internal resolution (stage 2)

- complainant notifies SRO in writing of grievance including details of the complaint, with supporting evidence if available, and what they wish to happen to resolve the matter;
- SRO decides in consultation with HR whether to handle matter or to nominate a Director General to do so either with him or alone;
- SRO [or Director General]:
 - holds meeting with complainant (who may be accompanied) to consider the circumstances, any evidence available to support complaint, actions already taken and whether any further steps possible to resolve problem;
 - confirms to Member that complaint has been made (which they should already be aware of from stage 1); provides copy of complaint made against them; requests comments from Member
 - if there are any witnesses, asks for their written account of relevant events;
 - considers (in consultation with HR and line management) whether any further management actions are required to meet duty of care requirements (as above), including whether the grievance is being made in good faith;
 - takes any appropriate steps to explore with the Member (and others eg Whips, Committee chair etc) whether a resolution is possible in light of the meeting with the complainant and any evidence gathered;
 - considers again whether mediation appropriate (if not already undertaken) and if it is, and both parties agree, takes action to put this in place;
- when actions complete, SRO [or nominated Director General]:
 - writes to complainant setting out issues complained about, actions taken to try and resolve the complaint, and confirming: options and support available; any further actions to be taken; and any management decisions taken with regard to the grievance;
 - writes to Member confirming position on options/actions to resolve issues and any decisions taken by management;

- ensures that any actions necessary and decisions are carried out;
- if still not resolved to complainant's satisfaction and the issue relates to alleged behaviour by a Member, complainant has two options:
 - to lodge an appeal with the SRO against decisions/actions taken by management; or
 - to lodge a complaint with the Parliamentary Commissioner for Standards requesting an investigation (which should be notified to the SRO for information);
- if appeal lodged, SRO decides (in consultation with HR) who should deal with this – that person reviews and notifies all parties of outcome and actions taken in light of further decisions or recommendations made;
- if complainant decides to complain to Commissioner, proceed to next stage.

Commissioner for Standards - consideration (stage 3)

[Note: Procedures in this section are dependent on changes to being agreed by the House to bring staff complaints within the remit of the Commissioner and some definition of which complaints are likely to be sufficiently serious for her to investigate.]

- complainant submits complaint to the Commissioner in writing with full details of the problem; any evidence available about what has happened (including copies of any correspondence on the issue); and setting out why this has not been resolved to their satisfaction;
- the Commissioner considers whether the complaint is within her remit and whether there is sufficient evidence to justify an inquiry;
- the Commissioner may at this stage request further preliminary information, including confirmation from the SRO about actions taken to date; any evidence and correspondence available which constitutes “relevant material” for the Commissioner's consideration; and that the earlier stages of this process have been properly completed; the Commissioner may also consult with other House staff as she sees fit (eg the Equalities Officer);
- the Commissioner will then decide whether or not to accept the complaint for investigation;
- if a complaint is not accepted for an investigation:
 - the Commissioner writes to the complainant, the Member and the SRO to give her decision (at her discretion she may also make observations or recommendations, where for example she considers that further actions could be taken to

resolve the matter);

- the Commissioner's decision is final - there is no appeal process;
- it is then for the complainant to decide whether to pursue the matter further with management or through legal action; and for the SRO to decide (in consultation with HR and line management) whether any further management action is required).

Commissioner for Standards - investigation (stage 4)

[Note: This section is again dependent on changes being agreed to by the House; and also the drawing up by the Commissioner of new procedures for investigating this category of complaint, agreed by the Committee on Standards]

- if a complaint is accepted for investigation, it is for the Commissioner to decide how to conduct her investigation;
- this might include exchanges of correspondence, the gathering of witness statements and interviews with the complainant, the Member and any other relevant witnesses;
- the Commissioner may also draw on additional resources or expert advice as required – it is open to the Commissioner to commission such external advice if she thinks fit;
- if the complaint is not upheld:
 - the Commissioner writes to the complainant, the Member and the SRO to give her decision (at her discretion she may also make observations or recommendations, where for example she considers that further actions could be taken to resolve the matter);
 - the Commissioner's decision is final - there is no appeal process;
 - it is then for the complainant to decide whether to pursue the matter further with management or through legal action; and for the SRO to decide (in consultation with HR and line management) whether any further management action is required;
- if the complaint is upheld:
 - the Commissioner will consider whether the matter can be resolved without a Memorandum to the Committee on Standards;

- if the Member accepts that he or she has breached the MP's Code of Conduct and has apologised, the Commissioner may at her discretion "rectify" the complaint without reference to the Committee; appropriate rectification action might include the apology to the member of staff or an agreement to participate in mediation;
- if the Commissioner considers the breach to be serious, or the Member does not accept that there has been a breach, or does not agree to the rectification action, the Commissioner will submit a memorandum to the Committee on Standards for its consideration – this will set out the evidence for upholding the complaint; and the Commissioner's view on how serious the breach is;
- the Committee on Standards will review the Memorandum; decide on the appropriate course of action; and report accordingly to the House under its normal procedures; ***[Note: issues of confidentiality will need to be covered in the new procedure]***
- again the complainant has no right of appeal against decisions taken at this stage by the Committee or the House;
- the SRO is responsible for considering the outcome of the case (and/or any comments of the Commissioner directed to management) with HR, line management and the complainant to decide whether any further management action is required;
- if the complainant remains dissatisfied with the outcome then they will need to decide whether to pursue the matter further with management or through legal action.