

## **GRIEVANCE PROCESS**

It is intended that working as an IPM will be a positive experience; however, given the nature of relationships in general, sometimes things can go wrong. In such circumstances HMIPS want to take every opportunity to ensure that there is a fair and transparent process for dealing with any grievances leading to a swift and satisfactory resolution. It is therefore important that everyone knows what to do when a problem arises.

This section provides guidance to Independent Prison Monitors regarding problem resolution and details the associated grievance management procedures. It explains what should happen if a problem arises resulting in an IPM either raising a grievance about an issue, unacceptable behaviour, a breakdown in a working relationship either with staff working for SPS or with other IPMs, etc. Alternatively, staff working in Scottish prisons or prisoners may have an issue about the attitude or conduct of a particular IPM in performing their role resulting in a grievance being raised against him/her. Any such tensions or disagreements are also subject to this grievance process therefore the Grievance Process covers both sides of the grievance issue. As a general principle it is important that problems are brought to light as early and as quickly as possible with the aim of resolving the matter using this process.

Many cases of professional relationship grievances can be satisfactorily resolved if the issues are resolved before they escalate. The aim of this grievance process is to resolve the issue rather than being aimed at allocating blame.

### **11. 1 Volunteer Rights**

HMIPS respects the commitment given by IPMs to support Independent Prison Monitoring in Scotland and will endeavor to ensure that adequate and appropriate support is in place for IPMs to support them fulfilling the role of Independent Prison Monitor effectively.

In the UK, volunteers don't have a legal status in the same way that paid workers or employees do. Volunteers are not covered by employment law and therefore do not have formal rights or processes to redress such as an Employment Tribunal.

Volunteers have the right to expect that there is a grievance process that is both fair and transparent, that supports all parties and that is aimed at reconciliation wherever possible. HMIPS has developed a grievance process intended to meet this aim.

Complaints and grievances work both ways and IPMs or HMIPS both have the right to respond accordingly. IPMs have the right to complain about how they are treated whilst undertaking their prison monitoring role and have the right to resign from their role as an Independent Prison Monitor at any time if they consider this to be in their best interests. Similarly, HMIPS also have the right to dismiss an individual from their IPM role if their performance as an IPM is considered unsatisfactory or a grievance highlights that they are unsuitable for the IPM role.

HMIPS respect the commitment given by IPMs to supporting Independent Prison Monitoring in Scotland and will endeavor to ensure that adequate support is in place for IPMs in the circumstance where a grievance has been raised and encourage an open and inclusive environment.

## **11.2 What to do if you have a grievance?**

Many cases of professional relationship grievances can be satisfactorily resolved if the issues are raised before they escalate and the aim is to find a resolution.

Grievances about members of SPS staff will be raised via the SPS Grievance procedure. The IPM will be supported to access this process by the Regional PMC. Details of the procedure are available in Annex 9.

There are three stages to the grievance process: Oral (informal); Written (formal); and Appeal (formal), which can be applied to both scenarios, when an IPM wishes to complain or when someone wants to complain about an IPM.

### **Stage 1 | Oral Grievance**

Initially grievances, whether concerning a member of staff working in the prison, HMIPS or another IPM, should be discussed informally first. Many issues can be resolved this way. This may involve talking with the individual concerned or their PMC to seek resolution. It is important that these matters, although dealt with informally at the Oral stage of the grievance process are recorded for future reference as they may form part of an on-going trend. Any such grievance should be raised with the relevant Regional PMC. If the grievance concerns the Regional PMC then contact should be made with the Deputy Chief Inspector of Prisons. Initial discussions should take place as soon as possible and certainly any agreed resolutions should be sought within **10 working days** of the initial discussion in respect of the Oral Grievance. A written record will be held by HMIPS of the grievance and agreed resolution.

### **Stage 2 | Written Grievance**

If you are not satisfied with the outcome of the Oral Grievance, you should make a formal grievance in writing to the relevant Regional PMC or Deputy Chief Inspector of Prisons as described in stage 1. Within **3 working days** of receipt of the Formal Grievance Form (FGF) (Annex 8) the appropriate PMC or deputy Chief inspector of Prisons will, subject to availability, meet with the individual who initiated the FGF to understand the context of the grievance in greater detail. This discussion should focus on why the individual feels aggrieved, what steps or actions, or further discussions require to be taken to achieve early resolution.

If further action is required, a meeting will be arranged between the two parties with conciliation support and a record will be kept of the meeting detailing any further action, next steps, fact-finding and follow-up/ review required on the FGF form by the relevant PMC or the Deputy Chief Inspector of Prisons for Scotland.

### **Stage 3 | Opportunity to appeal**

If you are still not satisfied with the outcome, then you are able to appeal in writing to the Deputy Chief Inspector. You will be asked to attend an appeals meeting and will be given the option to be accompanied to the meeting by a person of your choice from within the IPM team. The Deputy Chief Inspector will respond within **5 working days** of the appeals meeting and their decision will usually be final. In the event that the Deputy Chief Inspector has been involved earlier in the process the appeal will be forwarded to the Chief Inspector of Prisons for Scotland for action. A copy of the Grievance Appeals Form can be found in Annex 8.

### **11.3 What happens if someone raises a grievance about you?**

#### **Stage 1 | Oral discussion**

It is HMIPS policy that any grievance against IPMs should not be made anonymously. Everyone should have the right to know what they have been accused of and by whom.

In the event that someone raises a grievance about an IPM, then the first step will be an informal discussion between you and the PMC during which the nature of the grievance will be detailed. This is an opportunity for you to hear about the grievance and to offer your side of the story. It may also seek to identify some solutions, if required and appropriate. You will be given the option to be accompanied to the meeting by a nominated person of your choice from within the IPM team.

Depending on the nature of the grievance and the outcome of the informal discussions further training or other help may be offered. It may be that further training is required and that the IPM may be unaware that they are doing anything wrong. This is why it is so vital to have regular 'keeping in touch sessions' with the relevant regional PMC. After all, an IPM can't be expected to improve or change the way they work if an issue hasn't been brought to their attention.

#### **Stage 2 | Written caution**

If the issue has not been or cannot be resolved by the oral discussion at Stage 1, you may be issued with a written caution outlining the reason for the grievance. You will be given the opportunity to state your case formally to the regional PMC. Again, you will be allowed to be accompanied to any meetings by a person of your choice from within the IPM team.

As before and depending on the nature of the grievance, a plan can be developed to include training or other such help or more formal action such as a written warning being issued could be taken.

Unfortunately there may be some situations which can only end with asking an IPM to resign. This could be because the IPM has committed some form of gross misconduct or severely breached the agreed IPM Code of Conduct.

In the event that HMIPS decides to revoke your appointment as an IPM, you will be given the opportunity to appeal.

### **Stage 3 | Opportunity to appeal**

If your appointment as an IPM has been revoked at Stage 2 you have the option to appeal in writing to the Deputy Chief Inspector. All appeals will be heard by the Deputy Chief Inspector or in some instances the Chief Inspector of Prisons for Scotland and will also be attended by one other independent party.

You will again be given the option to be accompanied to the meeting by a person of their choice from within the IPM team. The Deputy Chief Inspector or Chief Inspector of Prisons for Scotland will respond within **5 working days** of the appeals meeting and their decision will usually be final. A copy of the Grievance Appeals Form can be found in Annex 8.

#### **11.4 Exceptions**

In some cases IPMs may need to be asked to stop monitoring immediately while the matter is explored. For example, if an IPM is accused of harassment, theft, or angry or violent behaviour.

The decision to ask an IPM to stop monitoring will be confirmed with them in writing and issued by the regional PMC. A copy will also be sent to the relevant prison to ensure their access to the prison is revoked during the period the matter is under investigation.

#### **11.5 Points to remember**

- All grievances will be treated confidentially, and will only be discussed amongst those who are directly involved in trying to resolve the issue.
- HMIPS will keep records of what happens at every stage of any grievance and details of who is involved.
- Meetings will always take place in a confidential place.

Both parties will be kept informed at every step of the grievance process.