

CHAPTER 30

DIVERSITY AND INCLUSION

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CHAPTER 30**DIVERSITY AND INCLUSION (D&I)****3001. Policy Statement**

- a. MoD policy is to create a workforce, uniformed and civilian, drawn from the breadth of the society we defend, that gains strength from that society's range of knowledge, experience and talent and that welcomes, respects and values the unique contribution of every individual. For the Naval Service, including the Royal Marines and the Royal Fleet Auxiliary, to maximise its operational effectiveness it must be able to recruit and retain the best people, enable those people to reach their potential, and create a working environment which ensures that all personnel feel valued, respected and included within their units. Within the Naval Service the focus on diversity has developed from achieving legislative compliance (equality) and responding to external influences such as the Equality and Human Rights Commission to a deeper appreciation of the business and operational benefits of a diverse organisation, an essential mind-set for an inclusive employer.
- b. The Naval Service values the diversity of its personnel and is committed to promoting a work culture and environment in which diversity is pursued and highly valued. It encourages people from a wide variety of backgrounds and ethnic origins, and with different perspectives and abilities, to work together to advantage. Good diversity management can help everyone reach their full potential, making them more useful members of their own team and so contribute to achieving greater Operational Effectiveness; every individual has a responsibility for treating others with respect and dignity.
- c. The Naval Service is committed to respecting D&I and therefore no unlawful or unfair discrimination, bullying or harassment will be tolerated against any person on the grounds of one or more of the Protected Characteristics (PCs¹); sex, race, religion or belief, gender reassignment, sexual orientation, marriage or civil partnership, pregnancy and maternity, age and disability. Furthermore, unfair treatment on grounds of gender identity or gender expression is not to be tolerated. All personnel shall have equality of opportunity for employment, training, career management and promotion within their Service on the basis of their ability, performance and aptitude for work. The prevention or resolution of harassment or bullying should never be subordinated to tradition, custom or the apparent maintenance of morale. Examples of unacceptable behaviour which will not be tolerated include:
- (1) Unwelcome sexual attention or 'environmental' harassment such as the open display of pornographic material.
 - (2) Being Transphobic such as speculating about someone's gender (eg. "is that a man or a woman?")

¹ The Armed Forces have an exemption from complying with employment legislation only with respect to age and disability.

(3) Ridiculing someone (eg. making fun of the way they look or speak) or insulting them (eg. on the grounds of sex, gender reassignment, race or ethnic national origin, disability religion or belief, sexual orientation or age, gender identity or gender expression).

(4) Ostracising someone, excluding them from group activities or social events based on a protected characteristic i.e. excluding someone from sporting events because they are gay.

(5) Spreading homophobic or biphobic rumours or gossip (eg. making unnecessary rude comments, being bi-sexual is a phase) including speculating about someone's sexual orientation or gender identity or outing them.

d. As well as an overarching policy statement regarding the D&I culture within the MoD and the Naval Service, there are many other Joint and single Service policies designed to improve the overall welfare package and 'work-life experience' of personnel that are available within units through their Diversity and Inclusion Adviser (D&I(A)) or administration resources and are accessible either on the MoD Intranet or NCHQ D&I Intranet site. This wide range of policies includes, for example, provision for maternity, paternity, parental and adoption leave; provision for those wishing to embark on fertility treatment; policies to cater for minority faith groups and the establishment of employee support groups for the benefit of minority groupings, for example the Naval Service Lesbian, Gay, Bisexual and Transsexual Network, Naval Servicewomen's Network, Naval Service Parents Network, Fijian Support Network and the Armed Forces Muslim Association.

3002. Legislation

In addition to the Armed Forces Act 2006 and other employment legislation, the Naval Service adheres to the Equality Act 2010 and the Public Sector Equality Duty. The Armed Forces have an exemption from complying with employment legislation with respect to age and disability. The Armed Forces must, however, apply the exemptions contained in the Equality Act proportionately.

3003. Policy Advice and Guidance

a. This policy is underpinned by the First Sea Lord's Diversity and Inclusion Directive issued to all Naval Service ships, units and establishments. The Navy Command Headquarters (NCHQ) sponsored booklet "Diversity, Inclusion and You" also contains this Policy and Directive, gives guidance on diversity issues and is issued to all Service personnel, including recruits, on joining.

b. Advice on Naval Service D&I policies and procedures should be sought from the Unit D&I(A) in the first instance. Alternatively, Unit D&I(A)s, those in the Command chain and Line Managers may also seek advice and guidance either from the NCHQ D&I Intranet site or direct from the NCHQ D&I Policy Staff.

3004. Equality Analysis Policy

The purpose of Equality Analysis (EA) is to ensure that policy decisions do not disadvantage population groups within Navy Command. Accordingly, projects and major policy decisions which have the potential to impact on the employment of personnel - eg. redundancy, organisational changes, site closures etc. - are to be subject to EA and are to include this requirement in their project plan. It is also prudent management practice for all organisations to give consideration to the principles of EA in the course of their day-to-day business. For example, if a ship, unit or establishment is planning some form of public event, consideration should be given during the planning process to ensure that sensible precautions are taken so as to avoid inadvertent offence or inconvenience being caused to members of population groups, families or other members of the Public who are protected under the full range of Diversity legislation. Full details of the process can be found in the MOD Equality Analysis Guidance and Template. The guidance, along with a Word version of the template, is also available on the Navy Command Diversity & Inclusion website and further advice can be sought from the NCHQ D&I Policy Team.

3005. Training

a. Training to raise D&I awareness is available on line, within formal training courses carried out at establishments and at unit level in the Naval Service by trained D&I(A)s. The MoD policy on Diversity training is given within JSP 898 (*Catalogue of Defence Policies with Impact on Training and Education*; Part 3 Chapter 6). The four mandated levels of training are:

(1) **Level 1: Core Training.** To be delivered to all members of the Naval Service, whether Regular or Maritime Reserve:

- (a) Within Initial Naval Training (Ratings);
- (b) Within Phase 2 Training if the training pipeline is 2 years or longer.

(2) **Level 2: Advanced Training.** To be delivered to all members of the Naval Service, whether Regular or Maritime Reserve:

- (a) To Officers undergoing Initial Naval Training (Officers);
- (b) At unit level to personnel ranging in rank/rate from AB/Mne to Officers of OF5 rank and including those in Command positions. Advanced level training is to be refreshed every 2 years.

(3) **Level 3 and Level 4.** These levels of D&I training refer to briefings given to Senior Military Officers (1* and above) and MoD Senior Civil Servants, and specialist Diversity training to D&I(A)s and D&I(P)s delivered by the Defence Leadership Centre Delivery Team, Shrivenham.

b. NCHQ D&I Policy Staff have developed 2 packages to reinforce the Training Objectives for Core and Advanced Level D&I Training, which are available via the D&I Policy DefNet site. Approximately 70 minutes should be allocated for the delivery of Core Training at unit level, and 60 minutes for the Advanced Training. Training should be facilitated by qualified and in-date D&I(A)s and supported by unit D&I(P)s.

c. Recognising that units within the Naval Service differ widely in construct and role, delivery of the training packages may be adapted accordingly, and unit-level experience in promoting and managing diversity should be introduced to ensure that the training package bears the 'unit signature'. However, the quality and content is not to be reduced or compromised and the RN corporate image is to be retained. To maintain audience participation and engagement, it is suggested that optimum numbers should not exceed 25. The subject matter lends itself to discussion, which is incompatible with groups of a larger size. In tri-Service units all Service personnel should undertake their respective single Service training unless the single Service population is too small to make this practical, and there are no other establishments nearby which can combine to create a quorum audience.

d. The completion of Core or Advanced Training is to be recorded by unit administrators on JPA under the relevant Core Military Skill competence: *NCT/NCT4 Core Level D&I Training RNRM/Nav*, or *NCT/NCT4 Advanced Level D&I Training RNRM/Nav*

3006. Diversity and Inclusion Advisers

Careful selection and training of D&I(A)s is key to ensuring a successful and effective D&I organisation within units and will help to maintain and promote a healthy D&I culture across the Naval Service.

a. Role and Selection of Unit D&I(A)s.

(1) A conscientious and effective D&I(A) is critical to successful management of D&I, advancing diversity and inclusion in the workplace and is crucial in advising on the harassment or bullying complaints process to both individuals and the Command. In the event of a bullying and harassment complaint being raised, the D&I(A) will act as an impartial adviser, both to the Command and to all parties to a complaint. When acting in such an advisory role, the D&I(A) cannot be utilised as the complaint investigator.

(2) The D&I(A) is also the lead source for D&I information within the unit and delivers Core and Advanced D&I training. D&I is NCT 4 and records should be maintained by the Unit to ensure all personnel are in date as required. The 'Be The Change' training package was launched in October 2018 and is available via the D&I Policy DefNet site. D&I(A)s should no longer be using the 'Including You' package, which is obsolete.

(3) The D&I(A) role is not an administrative function and is not to be automatically assigned to Logistics Officers. Many Logistics Officers perform the role of Command Legal Advisor (CLA), and there could be conflict of interest where an individual is asked to fill both the CLA and D&I(A) roles. Where a unit is primarily a Logistics Unit, then it is understood that a Logistics Officer other than the CLA might be nominated to attend the course.

(4) Whilst a keen interest from personnel in these positions is both welcomed and encouraged, it is not appropriate for COs/OiCs to undertake the D&I(A) or D&I(P) courses. Personnel seeking confidential and impartial advice will not approach the person who may become the Decision Body. Furthermore, a CO/OiC will be unable to act in a deciding role if they have already done so in an D&I(A) role. Unit commanders are encouraged to keep themselves in date for mandatory training and ensure they are familiar with D&I Policy contained in this chapter.

(5) Naval Service policy is that, with the exception of SLt who are not eligible to attend the DD&I(A) course the minimum rank of D&I(A)s should be PO/Sgt unless specific agreement has been reached for someone of lower rank to meet this duty based upon the unit establishment. In most cases, units will have a federated network (covered below) and D&I(A)s should not generally be tied to Line Numbers but should be selected by the Command to fulfil this important role based upon their particular skill sets and abilities that should include listening skills, compassion, impartiality, integrity and discretion, maturity and good judgement. It is recognised, however, that some personnel will become an D&I(A) due to their role: unit Executive Officers and Executive Warrant Officers, Base Warrant Officers, SM and MCM Coxswains, Naval Reserve Unit Warrant Officers/Whole Ship Coordinator and First Lieutenant, RM Adjutants and G1 Discipline Advisers, and RM Reserve Unit Sergeant Majors/G1 Adviser and Second in Command. The position of Lead D&I(A), and by default those charged with overall responsibility for compilation of the Unit D&I Log and input of bullying and harassment complaint management information onto JPA, will vary depending upon the nature of the unit.

(6) The position of Lead D&I(A), and by default those charged with overall responsibility for compilation of the Unit D&I Log and input of bullying and harassment complaint management information onto JPA, will vary depending upon the nature of the unit. Lead D&I(A)s will be expected to present this log, fully up to date and accurate, at Unit Advisory Visits.

(7) The lead D&I(A) is to ensure a regular D&I Action Group (DIAG) takes place attended by the unit D&I(A)s, D&I(P)s and Associates, and in which the Action Plan is updated, and unit events planned, including a regular schedule of mandatory training. Other HoDs and command elements are encouraged to attend these meetings on occasion.

(8) D&I(A)s/D&I(P)s are expected to act in accordance with the TORs set out for their role, and perform the role for as long as they hold the 5-year competency, regardless of any change in rank, role or assignment.

b. The number of D&I(A)s should be in relation to the establishment/Ship's Company of the unit. As a guide, a DD/FF size ship or unit (ca. 200–250 personnel) should have 3-4 D&I(A)s, of which 2 are the XO and EWO. In larger units, a federated D&I(A) network of between 6-8 personnel is appropriate. The most effective model is a Lead D&I(A)² with corporate responsibility for the overall D&I 'service' within the organisation with additional D&I(A)s providing advice, conducting unit induction/D&I training, and contributing to a single (master) Unit D&I Log held by the Lead D&I(A) as appropriate.

3007. Diversity and Inclusion Practitioners

a. Careful selection of D&I(P)s is important in ensuring a successful and effective D&I organisation within units and will help to maintain and promote a healthy D&I culture across the Naval Service.

b. Role and Selection of unit D&I(P)s.

(1) D&I(P)s provide a unit point of contact to raise or manage certain D&I issues within the constraints of their training and where individuals seek resolution at the lowest level.

(2) The role of D&I(P) is set at a minimum of LH/Cpl level up to a maximum of Lt Cdr.

(3) Individuals should be selected for their leadership acumen, approachability, good judgement and common sense.

(4) D&I(P)s are encouraged to support the D&I(A) in provision of the mandatory training and are qualified to take groups for a component during training sessions.

(5) D&I(P)s are to support the unit D&I organisation as required and should be attend the regular unit DIAG.

3008. Diversity and Inclusion Associates

In order to offer personnel the opportunity to support their Unit D&I organisation without performing the role of D&I(A) or D&I(P), the D&I Associate Programme was created. This programme will allow personnel across all ranks and rates the opportunity to lend their support and voice to the D&I organisation within their unit, increasing the validity and benefit of Diversity & Inclusion in the day-to-day running of the Naval Service. There is no formal training course and the D&I Associate Programme is open to all ranks and rates. There are no formal TORs as the role is intended to utilise the interest and aptitude of each volunteer to build the unit's D&I organisation. However, the lead D&I(A) is to ensure that their activity is included into individual's reports. Units are encouraged to involve their Associates in D&I matters wherever possible, subject to the following guidelines:

² Usually an SO2, depending upon unit establishment.

- a. Associates may be used to signpost other personnel to sources of guidance and information. They may not give direct D&I advice or be used to resolve issues raised by personnel.
- b. Associates should be encouraged to take part in Unit D&I events, and observe D&I Mandatory Training wherever possible. Only DI(A)s are permitted to deliver Mandatory Training, however Associates can organise further training opportunities under the guidance of the D&I(A)s/D&I(P)s.

3009. Diversity and Inclusion Logs

- a. **D&I Training Log.** Every unit should have a D&I Training Log. This log should be accessible to all in the D&I organisation and should include an action plan, training plan, record of training etc. The action plan should be reviewed and updated on a regular basis by the D&I organisation during the routine D&I meetings. The D&I Training Log should be reviewed by the CO as a routine book either quarterly or six monthly. Further guidance is given at Annex 30A.
- b. **D&I Complaints Log.** Every unit should have a Complaints Log, which is to be stored in a secure container and accessed only by D&I(A)s. The log should have a current (up to 2 years) section and an archive (2-10 years). All complaints paperwork older than 10 years should be sent to TNT archive IAW JSP441 Part 2 - Guide Records 14. Best practice is for all records pertinent to each complaint, including Executive Summary, to be held together within a plastic wallet. Further guidance including template for Complaints information is given at Annex 30A.

3010. Unit-Level D&I Advisory Visits

It is policy that every unit will benefit from a D&I Advisory Visit once every 2 years. These biennial visits are of an advisory nature and are not intended to comprise formal inspections, but rather a constructive visit to assess and help enhance the management of D&I within units. Such visits also provide unit Commanders with advice and guidance on managing the Diversity 'climate' in their respective units and provide an opportunity for D&I(A)s/D&I(P)s to be updated on significant policy changes. Guidance for Advisory visits is as follows:

- a. COs and Lead D&I(A)s are to be proactive in arranging Advisory Visits when their programme permits, rather than wait to be contacted. Deploying ships and units should arrange visits prior to operational training and deployment.
- b. Ideally all members of the unit D&I organisation should be available during the visit and it is recommended that the CO meets with the Advisory visit team before and after the visit.
- c. A report of each visit will be copied to the unit Commanding Officer, lead D&I(A) and relevant assurance point of contact. Previous reports should be held in unit documentation and COs are encouraged to read the reports when taking command.

- d. A list of recommendations will be made in each report and each unit is encouraged to produce an action plan to ensure that these proposals are followed. These recommendations and the actions resulting will form the basis of the following advisory visit. Progress is expected to have been made between each visit.

3011. Management of Service Complaints Containing Allegations of Bullying and Harassment

The procedure for dealing with informal and Service Complaints which contain allegations of bullying and harassment is set out in JSP 763 (The MoD Bullying and Harassment Complaints Procedures) under the auspices of JSP 831 (Redress of Individual Grievance: Service Complaints). The processes for implementing these procedures within the Naval Service are contained in Chapter 23 - Representations and Complaints.

3012. Mediation

Mediation is recognised as an often highly effective means of assisting the resolution of disputes at the lowest level and without the necessity of recourse to more lengthy and formal procedures. Mediation is an ordered and, within the confines of Service protocol, confidential process that provides a benign, facilitated environment where parties in dispute may resolve their differences with the aim of restoring harmonious working relationships as quickly as possible. It is important to emphasise that mediation can, and should, be considered at any stage of the complaint process. Mediation will ordinarily be undertaken by the Complaints Investigation and Mediation Team (CIMT). If this team has insufficient capacity, they will engage a trained mediator from within or external to the Service. Further detailed information on Mediation in the Naval Service can be found in the Annexes to this Chapter.

3013. Diversity Mentoring

Mentoring is a powerful tool for professional and personal development. Diversity Mentoring allows people to build upon mutual understanding, common shared experiences, acceptance and trust, in order to focus more closely on what the mentee would like to develop or achieve. These outcomes can be career-focussed (such as progression), developmental (learning directly from the mentor or engaging in reflective discussion) or emotional (such as increased confidence, assertiveness, authenticity as a person). Diversity Mentoring recognises that people perform better in the workplace when they can be themselves, and empowers them to be authentic. This creates an environment of trust, belonging, understanding, support and encouragement, allowing people to perform to their highest ability leading to improved operational effectiveness, by developing and retaining diverse talent. A variety of Diversity Mentoring opportunities exist, within and outwith the Naval Service, through Diversity Networks and NAVY PCAP- Mentoring SO1. Further guidance for mentors and mentees is available in the Annexes to this Chapter.

ANNEX 30A

NAVAL SERVICE UNIT DIVERSITY AND INCLUSION LOGS - STANDARDISED DOCUMENTATION

1. Introduction

This policy advises all Naval Service (NS) Units on the format for the composition of the Unit Diversity & Inclusion (D&I) Logs.

2. Requirement

a. Commanding Officers/Station Commanders/Heads of Establishment are to maintain records of bullying, harassment and discrimination incidents and complaints (both formal and informal) involving MoD Service personnel only, or involving Service and civilian personnel (but not those involving MoD civilian personnel only, even if they occur on military bases). This does not supersede the direction previously given that all D&I(A)s in Navy Command are authorised to offer advice to civilian personnel in respect of bullying and harassment issues, as they would for military personnel. In doing so, however, D&I(A)s must also request the individual concerned to inform DBS in order to ensure that the matter is put on record. If the issue cannot be resolved informally, then the complainant, or the line manager overseeing the complaint, must refer the matter to DBS for further action.

b. A Unit's lead D&I(A) is the custodian of the Unit D&I Logs, which will be used as a record to report all incidents as above. It should also include a record of all approaches to the D&I(A) by personnel seeking advice. There will be occasions when an individual has reported an incident and sought advice from someone other than the D&I(A) - eg. Line Manager, Divisional Officer etc. On learning of such incidents, D&I(A)s are to ensure that they are recorded in the D&I Complaints Log and in JPA (unless the advice was sought from a Chaplain/Padre while fulfilling their duties under confidentiality arrangements).

3. Recommended Content

The reference¹ provides detail on how to maintain the logs, but does not suggest an appropriate format for their composition. Best practice in the Naval Service is to hold two logs: the first being the D&I Log, which contains all relevant material that is not Official Sensitive, and is used as a working document; the second is the D&I Complaints Log, which contains completed Official Sensitive forms; this log is to be stored in a secure location and is to include any archive complaint paperwork. The lists below outline what should be retained in each log, they are not exhaustive and any additional material that the D&I(A) considers will benefit the D&I organisation can be kept in the D&I Logs.

a. **D&I Log:**

- (1) Contents Page.
- (2) CO/XO Signature Sheet - The D&I(A) comments section should indicate if any complaints (or nil) were raised in that month.

¹ JSP 763 Annex P.

- (3) CO's D&I Policy Statement and/or CO's Temporary Memorandum.
- (4) Training Log - To include Core and Advanced D&I training and any other type of training conducted outside the mandatory requirement and unit events eg. Induction briefs, notices and information on Daily Orders and/or noticeboards, bespoke training and events. Cancelled or postponed training should also be recorded with an explanation given. Nominal lists of attendees can be retained in this section if required by the unit.
- (5) Action Plan - To assist a Unit to progress within the D&I Matrix. Use the log to plan for D&I notices, briefs and training etc.
- (6) Spare/blank report forms.

b. **D&I Complaints Log (to be held in a Secure Stowage).**

- (1) Executive Summary Sheet - To reduce paperwork, especially for ships, submarines or units deployed, the Executive Summary Sheet need only be completed if a complaint(s) was reported in that month – nil returns should be offered to Command.
- (2) Completed Complaint or Incident Report Forms.
- (3) Completed Complaint or Incident Follow-up Report Forms (4 weekly).
- (4) Completed Complaint or Incident Monitoring Forms (not less than 3 months).
- (5) Issues/Matters Arising.
- (6) Archive Section – All complaint data from 2 to 10 years old is to be kept in this section. Older data is to be sent to TNT iaw JSP 441 Part 2.

c. At the Appendices are Word versions of the forms required for the D&I Logs. Copies of all templates and further examples of other documentation can be found on the Navy Command D&I website. For units retaining hard copy logs it is best practice that all paperwork for the same complaint is kept together in a plastic sleeve in the Complaints Log. This will ensure that all paperwork can readily be found for a single complaint and makes it easier to check that the correct follow-up action has been completed.

4. Digital Log

a. There is an ever increasing requirement for organisations to be 'paperless'. If approved by the Unit Command (at CO's discretion), the D&I Logs can be electronically stored, but the monthly checks and signatures must still take place to ensure that the correct procedures are being carried out. The XO/CO is still to put their comments as normal in the electronic signature sheet and annotate the Comments Box on 'checking in' the document that they have sighted the log. The log may be an XO Monthly Book (providing that the XO does not maintain the log) but must be a Quarterly or 6 monthly Book for CO.

b. If a Unit is unable to provide electronic signatures (coded signatures), all complaint digital paperwork is to be annotated with:

"Seen and agreed by in the presence of date"

c. The requirement to keep all complaint data within a unit for 10 years and beyond² must be at the forefront when deciding where and how to store this data. All data that is stored electronically must be kept in accordance with the regulations set out at Appendix 1 and will form part of the Advisory Visit checklist.

d. If a digital log is to be held there is a requirement for all documents to be recorded in JPA. A record should be held in the D&I Complaints Log of all Service Complaints (formal and informal) by JPA number and when actions (initial report, 4-week follow-up, 3-month follow-up reports and relevant executive summaries) are due/completed and uploaded to JPA. To hold a fully digital log the requirement is for all documents to be scanned and uploaded to JPA. Once uploaded the original documents may be destroyed.

e. Ships/Submarines undergoing a major refit or work that includes the loss of DII are to burn 2 CDs of all complaint data and send a copy to CNLS Casework, MP4-2, NCHQ. The second copy is to be retained by the ship/submarine and training data is to be included on this disc. On completion of the refit/maintenance period, the CDs will be returned for uploading back onto the system.

f. Ships decommissioning must burn the complaints data onto 2 CDs and send one copy to CNLS Casework, MP4-2, NCHQ, Leach Building, Whale Island, Portsmouth, PO2 8BY and a second copy to TNT (JSP 441 Part 2 – Guide Records 14).

5. JPA Data

To assist with identifying serial complainants, respondents and/or any themes or trends within a unit, it is recommended that the Lead D&I(A) and a secondary D&I(A) (in case of absence) be tasked with inputting complaint data onto JPA. All paperwork is to be raised and completed by the D&I(A) involved with the complaint and is to be forwarded to the Lead D&I(A) for inclusion in the central D&I Complaint Log and JPA at the earliest opportunity.

² JSP 763 and JSP 441.

6. Large Units

In large organisations such as Naval Bases, Training Establishments and Air Stations etc. where several units are located on one site, the following policy is to be applied. Where a Logistics Officers (LO) is assigned to a sub-unit and can act as the Command Legal Adviser, an autonomous D&I organisation should be established and administered through unit Logs and a JPA Resource Group. For smaller units which do not have a LO assigned, however, they should be administered by the lead D&I(A) of the parent unit (for Logs and Resource Group). It is best practice for the Base Warrant Officer to hold a master Complaints Log in order for the Base Commander to have visibility of trends across the entire base. It is also best practice for the sub-units, utilising the parent unit organisation, to have sufficient D&I(A)/D&I(P)s for their own needs, to support the wider Base D&I organisation and to contribute to a site-wide D&I network.

7. MCM Crew Log

Due to the nature of crew rotations between ships within MCM1 and MCM2 Squadrons, D&I Logs are to remain with the crews as they move ship and are not to remain on board. Any Informal or Formal Service Complaints that are raised must be put under the correct MCM Crew SC E&D Resource Group on JPA. This will ensure that any paperwork raised remains with the that crew if further action is required.

APPENDIX 1 TO ANNEX 30A

DIGITAL D&I LOG PROCEDURE

	Routine	Actioned
1	On DII create a Limited (Ltd) Document Library to contain Log entries. Local Team Site Administrators (TSAs) <i>should</i> be able to create Ltd areas in which only those named personnel (Lead D&I(A)/D&I(A)s/TSA) have permission to access it. LTD Document Guide.	
2	Permissions <u>must</u> be set by Role and <u>not</u> PUID.	
3	TSAs <u>must</u> have completed the appropriate e-learning (DII MOSS Team Site Administration) on the DLE.	
4	For Shore Establishments only: TSAs must ensure that the permissions are set in the MERIDIO part of the file plan if units are going to commit Log documents to MERIDIO once a complaint is closed. Settings for MERIDIO must be made separate to those in DII.	
5	TSAs <u>must</u> routinely audit these areas in order to check permissions.	
6	TSAs <u>must</u> be in date for the 'DIMP – Information Matters' e-learning package (DLE) (2017DIN07 131).	
7	TSAs must be in date for NCT 8 – Information Skills training (RNTM 07-031/19)	
8	Unit Data Protection Officers should be notified that the Log is being set up on the system (MOSS or NTFS afloat).	
9	Lead D&I(A) <u>must</u> ensure that only named individuals are in the permissions group for the Limited Document Library and when other D&I(A)s move on from/or join the unit that the appropriate Role is added/removed from the permissions group – TSA to audit.	
10	Records must be <u>backed up</u> on CD and stored securely in case of an unforeseen event that may result in loss of information.	

- 1.** Prior to a major upkeep period or other loss of DII, the log must be downloaded onto 2 CDs and passed securely to:
 - a. CNLS Casework, MP4-2, NCHQ.
 - b. Held by unit staff until completion of refit.

- 2.** Upon decommissioning of a ship/unit, the log must be downloaded onto 2 CDs and passed securely to:
 - a. CNLS Casework, MP4-2, NCHQ.
 - b. TNT Archive.

- 3.** Data on handling security information for decommissioning purposes can be found in Annex E to Chapter 6 (p.106) of Fleet Security Guidelines.

APPENDIX 3 TO ANNEX 30A

CO/XO MONTHLY D&I SIGNATURE SHEET

HMS

Month	D&I(A) Comments	CO Signature	CO Comments
January 20**			
February 20**			
March 20**			
April 20**			
May 20 **			
June 20**			
July 20**			
August 20**			
September 20**			
October 20**			
November 20**			
December 20**			

1. The D&I(A) comments section should indicate if any complaints (or nil) were raised in that month eg. Jan 2016 – “One complaint, see Executive Summary Sheet for details” or “Nil complaints” and therefore no Executive Summary Sheet is required.
2. XO should sign the D&I Log monthly (unless they are maintaining the log) and CO quarterly or 6 monthly.
3. The CO **must always** sign the Executive Summary Sheet when a complaint is raised during that month.

APPENDIX 4 TO ANNEX 30A
EXECUTIVE SUMMARY SHEET

HMS

Reference:

JSP 763 Annex P Para 8

1. To be completed as required by the D&I(A) and submitted to the Commanding Officer/Head of Establishment. Names and identifying details of parties to the complaint are not to be recorded on this form.

2. Completed Executive Summary Sheets are to be retained with the pertinent Complaints paperwork. Copies are to be made and held with each complaint if required.

Serial No:		Type of Complaint:		Code:	
Brief outline of incident:					
Current Status:					
Follow-up:			Date:		
Mediation:			Y/N		

Serial No:		Type of Complaint:		Code:	
Brief outline of incident:					
Current Status:					
Follow-up:			Date:		
Mediation:			Y/N		

Serial No:		Type of Complaint:		Code:	
Brief outline of incident:					
Current Status:					
Follow-up:			Date:		
Mediation:			Y/N		

Signed: Rate/Rank: D&I(A)/Unit:

Signed: Rank..... CO/Unit:

APPENDIX 6 TO ANNEX 30A

D&I ACTION PLAN

HMS

Ser No	Subject	Action Points	Frequency/Deadline	Action Lead
POLICY				
COMMAND LEADERSHIP AND COMMITMENT				
TRAINING				
BEST PRACTICES				
COMMUNICATIONS				

APPENDIX 7 TO ANNEX 30A
COMPLAINT/INCIDENT RECORD

HMS

Local Serial No:			JPA SR No:	
Type of Complaint:			Code:	
Date of Interview:				
Date of Complaint:			Date of Incident (if different)	
Complainant: (f)	Name, Service and Number	Rank/Rate/DoB	Sex: Male/Female	Does this person consider that they belong to a minority group? (Y/N)
Respondent	Name, Service and Number	Rank/Rate/DoB	Sex: Male/Female	Does this person consider that they belong to a minority group? (Y/N)
Witness(es) (if applicable)	Name, Service and Number(s)	Rank(s)/Rate(s)		
Nature of Complaint and Summary				
Redress sought by Complainant				
Advice given:				
Action/Conclusion:				
Signatures				
D&I(A):		Complainant:		
Date:		Date:		
Mediators(s):				

Records are to be retained within a unit/establishment for a period of 10 years and then disposed of iaw JSP 441 Part 2 – Guide Records 14.

APPENDIX 8 TO ANNEX 30A

COMPLAINT/INCIDENT FOLLOW UP REPORT (4 WEEKS)

HMS

1. To be completed 4 weeks after informally resolving the complaint or, in the case of a formal complaint, communicating the outcome to the Complainant.

Local Serial No:		JPA SR No:	
Type of Complaint:		Code:	
Date of Follow Up Interview:			
Complainant:	Is the Complainant satisfied with the outcome of the complaint and if not, why not? (If the Complainant has been bullied or harassed again, or victimised, what has been or is being done about it?)		
Respondent(s):	What administrative or disciplinary action was taken against the Respondent(s) and when; or, if no action was taken, why not?		
All Incidents			
What lessons have been identified by the Unit, and in which category (e.g. training, leadership, process, etc.) have these been placed? (If something could have been done to prevent the harassment or bullying from occurring in the first place, why was this not done?)			
Formal Complaints Only			
Who investigated the complaint? Why?			
How long did it take to process the complaint? (If the target turnaround was exceeded, what were the reasons for the delay, could any delay have been prevented and, if so, how?)			
Signatures			
D&I(A):		Complainant:	Designated Officer:
Date:		Date:	Date:

2. Records are to be retained within a unit/establishment for a period of 10 years and then disposed of IAW JSP 441 Part 2 – Guide Records 14.

APPENDIX 9 TO ANNEX 30A

COMPLAINT/INCIDENT

HMS

1. To be completed at least 3 months after informally resolving the complaint or, in the case of a formal complaint, communicating the outcome to the Complainant.

Local Serial No:		JPA SR No:	
Type of Complaint:		Code:	
Date of Follow Up Interview:			
All Incidents			
Complainant:	Has the Complainant been bullied or harassed again, or victimised? If so, what has been or is being done about it? Has the Complainant left the unit, and if so has communication been maintained IOT close the complaint?		
Respondent(s):	Has the Respondent re-offended or has the Respondent left the Unit?		
All Incidents			
Are there any further lessons that have been identified by the Unit and in which category (e.g. training, leadership, process, etc) have these been placed? (If something could have been done to prevent the harassment or bullying from occurring/re-occurring, why was this not done?)			
Date closed on JPA:			
Signatures			
D&I(A):		Complainant:	
Date:		Date:	
		Designated Officer:	
		Date:	

2. Records are to be retained within a unit/establishment for a period of 10 years and then disposed of IAW JSP 441 Part 2 – Guide Records 14.

ANNEX 30B

THE NAVAL SERVICE MEDIATION POLICY FOR THE RESOLUTION OF WORKPLACE BASED DISPUTES AND APPROPRIATE BULLYING AND HARASSMENT COMPLAINTS

1. Introduction

a. Mediation has been introduced across the Naval Service so that personnel can call upon an accredited, independent and impartial 3rd party (known as the Mediator) to try to resolve workplace based disputes and appropriate bullying and harassment complaints. It is a well established process for resolving complaints between 2 or more personnel, quickly and constructively and can often avoid the need to resort to more lengthy and formal methods of resolution such as submission of a Formal bullying and harassment/Service Complaint or an application to an Employment Tribunal. With the help of the Mediator, personnel in dispute (known as the Parties) are assisted in achieving a mutually acceptable resolution; they, rather than the Mediator, decide on the terms of the settlement and hence it is essential that they have a genuine desire for resolution. The process is completely voluntary and therefore personnel cannot be forced to take part in mediation and can choose to withdraw from the process at any time. Personnel who agree to mediation but are unable to reach a settlement can still seek a resolution through other informal means or the Formal Complaint management process¹.

b. Mediation is confidential and the information discussed within a mediation session will not be disclosed to anyone; the fact mediation took place, nevertheless, should be recorded in the unit's D&I Log if it relates to a bullying and harassment complaint. However, by law, the Service has a duty to pass on certain information relating to evidence for criminal or Service-related offences to the courts, or the Service or Civilian Police.

2. Mediators

a. The Mediator is responsible for developing effective and open communications to help the Parties find a mutually acceptable solution to the workplace based dispute or complaint. It is important that the Mediator is viewed as impartial by the Parties and will avoid taking sides, making judgements or imposing solutions.

b. **Mediator Tasking.** Where mediation is considered suitable, unit Lead D&I(A)s are to discuss the dispute/complaint with the Complaints Investigation and Mediation Team (CIMT) in the first instance to determine the scope and whether the dispute/complaint is suitable for resolution through mediation; this is covered under 'initial action' at Para 3 **sub para b** below and is applicable to workplace based disputes, intractable Informal Complaints and Formal bullying and harassment/Service Complaints. In the event of a unit requesting an accredited Mediator, their provision will be co-ordinated by the CIMT after agreement with the Mediator's Line Management. The CIMT maintains a list of accredited Mediators and will be responsible for their tasking Service-wide. Mediator availability will, of course, remain subject to respective Command/Line Management approval.

¹ JSP 831 (Redress of Individual Grievance: Service Complaints) and JSP 763 (The MOD Bullying and Harassment Complaints Procedures) refer.

- c. **D&I Policy Advice and the CIMT.** Navy Command HQ (NCHQ) D&I Policy Staff can be contacted on:

E-mail: NAVY NPS DANDI SO2A
Mil Net: 93832 5683
Tel: 02392 625683

CIMT staff can be contacted on:

E-mail: NAVY LEGAL-CIMT

Mil Net: 93832 7097
Tel: 023 9262 7097

3. Process

- a. **Decision to Mediate.** As part of the process for dealing with Parties to the workplace based dispute or complaint, and only with their mutual agreement, D&I(A)s should always be consulted to advise the Command to consider whether any dispute or complaint could be best resolved by mediation; guidance for D&I(A)s is given at Annex 30C The Parties are to be issued with Annex 30D (An Individual's Guide to Mediation) and the D&I(A) is to explain how the process works.

- b. **Initial Actions.** These are as follows:

(1) **Workplace Based Disputes.** Unit Commanders/Line Managers should initially consult with their unit Lead D&I(A) the suitability of mediation. The Lead D&I(A) is then to contact the CIMT to discuss the area of dispute and determine whether mediation would be appropriate to resolve the dispute.

(2) **Intractable Informal Bullying and Harassment Complaints.** In most cases units should use their own resources i.e. the Divisional/Regimental system/Line Management intervention to resolve *Informal* bullying and harassment complaints at the lowest possible level. Where they could lead to a Formal bullying and harassment Complaint being raised, and where the unit considers the content to be sufficiently serious, Lead D&I(A)s are to seek advice and scope the *Informal* complaint with the CIMT with the view to requesting the use of accredited Mediators.

(3) **Formal Bullying and Harassment Complaints or Service Complaints that Contain Allegations of Bullying/Harassment.** As already mandated by the D&I Policy Staff, the Lead D&I(A) is to contact the CIMT to allow scoping of the *Formal* bullying and harassment/Service Complaint and discuss the applicability of mediation as the possible route for complaint resolution or resolution to part of the Complaint. Mediation can be considered at any stage at which the *Formal* bullying and harassment/Service Complaint has reached.

c. Mediation can be conducted by a single Mediator or by a co-mediation team; this is when a team of 2 qualified Mediators is allocated. After contacting the CIMT for advice it may be decided that the more simple cases can be managed by a single, experienced Mediator. In cases where a particular Mediator is inexperienced and/or a case is particularly complex (eg. involving a wide range of issues, or more than 2 Parties), the CIMT may recommend/direct, or the unit may request, that 'co-mediation' takes place. In the event of co-mediation, one Mediator will act as the lead Mediator whilst the other acts as the support Mediator.

d. Through consultation with the CIMT to determine if mediation is deemed to be appropriate to resolve the workplace based dispute or Informal/Formal bullying and harassment/Service Complaint or wider Service Complaint, the Command (on D&I(A) advice) is to determine whether the accredited Mediator(s) can be resourced in-unit. If this is the case, D&I(A)s are to inform the CIMT and request the intention to use him/her. This is to ensure that accurate records of Mediator employment are retained centrally (ensuring equitable sharing of the mediation load), to enable quality assurance of the overall process and to provide support to the Mediators i.e. ensuring the Service 'cares for the carer'.

4. Travel Costs

Travel costs to facilitate mediation sessions are to be met by the unit where the dispute or complaint is being handled and which requests the Mediation Service. In most cases this will be the Complainant's parent unit.

5. The Mediation Process

The appointed Mediator(s) will meet individually with each of the Parties involved in the complaint to identify the issues, explore ways forward and ascertain each individual's preparedness to enter into the mediation process. The Mediator(s) will then arrange a joint face-to-face meeting with the Parties to facilitate discussion with a view to seeking a mutually acceptable resolution. The Mediator(s) will inform both Parties prior to the mediation taking place that they will be required to sign a Declaration of Confidentiality at the end of the mediation. The Declaration reminds the Parties of the confidentiality of the mediation (as this is a fundamental tenet of the process) and records whether the mediation was successful or not. Copies of these Declarations of Confidentiality are at Annex 30E (Successful Mediation) and Annex 30F (Unsuccessful Mediation) and completed Declarations should be sent to the CIMT. In the event that mediation takes place as a result of a Formal bullying and harassment/Service Complaint being submitted, or as a result of a wider Service Complaint which contains allegations of bullying/harassment, the Mediator(s) are to inform the Deciding Officer in writing of the outcome of the mediation, copied to the CIMT, using the template at Annex 30G. This letter will only detail if the mediation was either successful resulting in the withdrawal of the Formal bullying and harassment/Service Complaint, withdrawal of part of a Formal bullying and harassment/Service Complaint, withdrawal of part of a wider Service Complaint or the mediation was unsuccessful. The Deciding Officer is to confirm this outcome in writing to both Parties using the template at Annex 30H. The outcome is also to be recorded on JPA.²

² All D&I complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

6. Care of U18s

In the event of an U18 Service person being party to mediation, Commanding Officers are to provide an accompanying chaperon(e) (eg. Assisting Officer, member of Divisional staff) to accompany the U18 person. Further guidance is given in Annex 30C 'Guidance to D&I(A)s'.

7. Other Personnel

The Naval Service Mediation Policy is primarily for the assistance of Naval Service personnel and those from the other Services and Civil Service working within Navy Command. Accordingly, cases involving disputes where one of the Parties is from the other Services or Civil Service not working within Navy Command or are civilian contractors, mediation should also only be conducted with the prior approval of the CIMT and D&I Policy Staff. In this case, the CIMT and D&I Policy Staff will engage with the other respective Service D&I Policy staffs or HR staffs from the MOD Civil Service or civilian contractor to ensure the provision of an appropriately accredited Mediator or mediation team.

8. Neutrality and Form of Address

Unless the Parties object, mediation will normally be conducted in civilian attire in a quiet, neutral atmosphere away from the Parties' work-place(s). The mediation process recognises and respects Service Chains of Command. The mediation session will normally be conducted in civilian clothes and attempts to cultivate an open and progressive environment in which both Parties feel comfortable. To that end, mediators will encourage the Parties to use first names. Mediators will address both parties by first name, subject to their agreement.

9. Data Monitoring

Once mediation has taken place as a result of Informal/Formal bullying and harassment/Service Complaints, the Unit D&I(A) will be required to annotate the Unit D&I Log and JPA³ stating the names of the Mediators, the date mediation was carried out and whether the mediation was a success or not in resolving the complaint. If mediation was used to resolve a workplace based dispute there is no requirement to annotate it in the D&I Log and JPA.

10. Promulgation

Mediation is a useful tool for dealing with workplace based disputes/bullying and harassment complaints therefore units are requested to promulgate the provision and benefits of mediation to unit personnel. Moreover, D&I(A)s are requested to spread the message as widely as possible. Mediation leaflets are available from the CIMT.

11. 3 Month Review

The CIMT will conduct a follow-up with the Parties 3 months after the successful mediation to ensure that the agreements that were reached have been respected and that there is no repeat of the issue(s) that resulted in the original complaint.

³ All D&I complaints, both Informal and Formal, must be recorded on JPA iaw 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

ANNEX 30C

GUIDANCE TO D&I(A)s WHEN CONSIDERING/RECOMMENDING MEDIATION

1. Introduction

a. **Informal Bullying and Harassment Complaints.** As a D&I(A) your role is to advise both Parties of the mediation process in order to resolve the complaint. For those intractable *Informal* bullying and harassment complaints where the content is considered sufficiently serious, you are to scope the nature of the complaint and mediator provision with the Complaints Investigation and Mediation Team (CIMT) prior to commencing any mediation.

b. **Formal Bullying and Harassment/Service Complaints.** As a D&I(A) your role is to advise the Deciding Officer on whether mediation is, or has been, a consideration when resolving a *Formal* bullying and harassment Complaint or a Service Complaint which has a bullying and harassment element that may be resolvable through mediation. You are to advise both Parties of the mediation process as a means of resolving the complaint/part of the complaint. The D&I(A) is to scope the complaint with the CIMT to determine whether it should be considered for resolution by accredited mediators. It is important to remember that mediation can be used at any stage of the Formal Complaints process. For effective mediation, both Parties must be willing to participate in good faith to attempt to work out an agreement and resolve the complaint.

c. **Workplace Based Disputes.** As a D&I(A) you may be asked to advise Line Management as to whether a specific workplace based dispute might be resolved through mediation. If you, Line Management and the Parties consider mediation to be an option, you are to contact the CIMT to scope the suitability of mediation for resolution of the dispute. You are also required to advise the Parties of the mediation process as a means of resolving the dispute.

2. Definition

Mediation is a process that those in a workplace based dispute or those who are complaining of inappropriate behaviour of a bullying and harassment nature might use when communication has broken down, but the Parties are willing to meet to attempt to work out an agreement on the way forward. It is most useful when undertaken at an early stage of a dispute/complaint and is used as a first alternative to more formal procedures. The Parties in conflict play a full participative role in deciding on issues, and creating, evaluating and agreeing options; it is they who make the decisions. The third party (Mediator) has an independent and impartial role, acting as a facilitator to the process, providing a neutral, non-judgmental and confidential environment. The Mediator is not the decision-maker, although he/she does facilitate the process in a firm but informal way. Mediation usually focuses on future rather than past behaviour and aims to achieve an outcome that is agreed by, and mutually acceptable to, all Parties.

3. Factors to Consider

Mediation can only work as a voluntary process. Its use should be on a case-by-case basis and it cannot be 'forced' upon Parties. Factors to be considered include:

- a. The history and dynamics leading up to the dispute/complaint. It is advised that mediation at an early stage is more likely to be effective than if utilised in the later stages of a dispute/complaint. If both Parties agree to mediation, then mediation should occur as soon as possible after the agreement has been given to ensure the best likelihood of success.
- b. The possibility of physical threat or verbal aggression. Agreement on non-violence, respectful and dignified behaviour (including, where appropriate, respect for rank) and the maintenance of Service discipline throughout are essential and are a pre-requisite for mediation.
- c. The nature of the relationship between the Parties. A substantial difference in rank or status may mean that mediation is not a practical option. In general, mediation should only be used if there is no more than a two rank/grade separation between the Parties (see **Para 6 sub-para a** below for amplification).
- d. The intensity of feeling. If antipathy is extreme, mediation may not work.
- e. The willingness of all Parties to participate in the process. Mediation cannot be one-sided – everyone needs to be able to contribute something constructive to achieve resolution.
- f. The nature of the dispute/complaint; for example cases of prolonged sexual harassment or bullying cases would not normally be remediable.
- g. On receipt of a Service Complaint Advice Form (see Chapter 23), Staff Legal Advisers *may* recommend that mediation be offered to the parties involved in a Level 1 Service Complaint.

4. Resolution

There will be maximum opportunity for achieving resolution through mediation in cases where:

- a. There are low levels of anger and verbal intimidation.
- b. There have been no breaches of Service discipline rules.
- c. No other Formal action is anticipated/underway which would conflict with the mediation process.
- d. Allegation(s) made are being offset by counter-allegation(s) that would be raised within the mediation process.
- e. Both Parties are willing to contribute to a resolution.

- f. There is room for improvement in relationships.
- g. The Parties may not have been initially prepared to have face-to-face interaction with each other but are more inclined to do so with external help.

5. Care of U18s

In the event of an U18 Service person being involved in mediation, Commanding Officers are to provide an accompanying chaperone, eg. Assisting Officer or any impartial, responsible person that the U18/Command chooses to nominate. The chaperone is present to ensure that the U18 person fully understands the process and to act in an advisory capacity to the individual. The chaperone should not be involved in any debate or offer an opinion during the mediation process, other than to act *in loco parentis* for the individual and monitor their emotional state. The chaperone should respect the full level of confidentiality applicable to mediation. The other Party in the mediation should also be consulted prior to commencement of the mediation process to ensure that he/she is content for the nominated individual to act as a chaperone.

6. When Not To Use Mediation

Mediation is not usually appropriate if, for example:

- a. There is a difference of greater than two ranks/grades between the Parties. In instances where there is a rank difference greater than two ranks, the protocol for mediation should be discussed with the CIMT before being given final approval; in the event of a Formal bullying and harassment/Service Complaint, this is to be by the Deciding Officer.
- b. The nature of the relationship between the Parties is such that, from the perspective of all Parties, it is unsafe to participate.
- c. Formal procedures need to be applied eg. if potential criminal behaviour/activity is suspected and Service Police involvement may be required.
- d. Internal administrative, disciplinary or restoring efficiency procedures need to be applied eg. if contravention of the Code of Social Conduct, other serious misconduct, or unsatisfactory performance may be involved.
- e. Factors leading up to the dispute/complaint are long-standing and complex, and the Parties have become so embittered and entrenched, that progress is very unlikely.
- f. The mediator, given his/her experience, considers that the situation is not suited to mediation.

7. Recording of Outcomes

The following actions are required to record mediation:

- a. **Informal Bullying and Harassment Complaints.** The outcome, whether successful or unsuccessful, is to be recorded in the summary sheet for an Informal bullying and harassment complaint, retained within the Unit D&I Log and included as a comment (as to outcome) on JPA.¹ The appropriate Declarations of Confidentiality (see Annex 30D and Annex 30E) will be retained by the CIMT.
- b. **Formal Bullying and Harassment/Service Complaints.** A copy of the Mediator's letter to the Deciding Officer specifying the outcome (Annex 30F) is to be retained in the Unit D&I Log and included as a comment (as to outcome) on JPA¹. The appropriate Declarations of Confidentiality (see Annex 30D and Annex 30E) will be retained by the CIMT.
- c. **Workplace Based Disputes.** There is no need to record workplace based disputes in the D&I Log or JPA, however the CIMT is to be informed of the outcome of the mediation by adapting the template at Annex 30F. The appropriate Declarations of Confidentiality (see Annex 30D and Annex 30E) will also be retained by the CIMT.

Frequently Asked Questions

Q. Who can mediate?

A. Mediation should not be confused with routine resolution of management issues and low-level Informal bullying and harassment complaints which can be supported via the Divisional/Regimental system or Line Management intervention. Mediation of disputes is achieved using fully trained, authorised and accredited Mediators. After having scoped the complaint with the CIMT, and after appropriate intervention at an informal level, if the complaint is considered to be potentially resolvable through mediation, but accessibility to accredited Mediators is impractical because a unit is deployed for a prolonged period, units may be advised by the CIMT to undertake mediation with untrained Mediators utilising the guidance at Annex 30D.

Q. Why do we recommend the use of accredited Mediators to resolve workplace based disputes, Informal bullying and harassment Complaints and Formal bullying and harassment/Service Complaints?

A. In the case of complaints that escalate to a Formal level and then proceed to an Employment Tribunal, the MOD will be required to demonstrate that the correct process was followed. This will include showing that any mediation was conducted by a suitably accredited Mediator.

Q. What happens if mediation is not successful?

A. An Informal/Formal bullying and harassment Complaint or wider Service Complaint containing allegations of bullying and harassment may be raised or re-activated and continues through the JSP831/JSP763 complaints procedures.

¹ All E&D Complaints, both Informal and Formal, must be recorded on JPA in accordance with 2010DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

Q. Where is the best location for mediation?

A. The Mediator will require a quiet, neutral environment preferably away from the workplace(s) of both Parties. Whilst proposed by the Mediator, ideally the location should be agreeable to both Parties. Mediation will also normally be conducted in civilian (plain) clothes.

Q. How do I deal with the military rank issue in the mediation process?

A. The mediation process recognises and respects Service Chains of Command. The mediation session will normally be conducted in civilian (plain) clothes and attempts to cultivate an open and progressive environment in which both Parties feel comfortable. To that end, mediators will encourage the Parties to use first names. Subject to their agreement, Mediators will address both parties by their first name.

ANNEX 30D

AN INDIVIDUAL'S GUIDE TO MEDIATION AS A MEANS OF RESOLVING WORKPLACE BASED DISPUTES AND APPROPRIATE BULLYING AND HARASSMENT COMPLAINTS

1. Introduction to Mediation

The purpose of this brief is to give you information so that you can make an informed choice about whether mediation is right for you.

2. What is the Naval Service Mediation Policy?

- a. The Naval Service Mediation Policy provides a process for resolving workplace based disputes or appropriate complaints of a bullying and harassment nature between 2 or more personnel, quickly and effectively, that could avoid more lengthy and formal methods, such as submission of a Formal bullying and harassment/Service Complaint or an application to an Employment Tribunal. In some instances a bullying and harassment complaint may have already been submitted and, in this case, mediation could be the preferred process for complaint resolution.
- b. With the help of an impartial 3rd party (known as the Mediator), you and the other person(s) with whom you are in dispute (you will jointly be referred to as the 'Parties') will be assisted in achieving a mutually acceptable resolution. Sometimes it may be better to conduct 'co-mediation', in which case a team of 2 Mediators would facilitate the mediation session.
- c. You and the other Party(ies), rather than the Mediator(s), decide on the issues to be discussed and it is therefore essential that all Parties have a genuine desire to resolve the dispute. The process is completely voluntary and therefore no-one will be ordered, or in any way forced, to take part in mediation and you, and any of those involved, can choose to withdraw from the process at any time.
- d. If you agree to mediate, but are unable to reach a resolution, and you are the Complainant then redress may still be sought through the procedures laid down in JSP 831 (Redress of Individual Grievances: Service Complaints) and JSP 763 (The MOD Bullying and Harassment Complaints Procedures). If you have already submitted a Formal bullying and harassment/Service Complaint and at some point during the formal process you and the other Party(ies) agree to mediation, the Formal bullying and harassment/Service Complaint will be put on hold pending the outcome of the mediation. If mediation is unsuccessful, the Formal bullying and harassment Service Complaint can be re-started. See Chapter 23.
- e. The Mediator(s) will avoid taking sides, making judgements or imposing solutions. They will remain absolutely impartial at all times and are simply responsible for developing effective communications and building agreement between the Parties. Their aim is to help the Parties find a mutually acceptable and lasting solution to the problem.

f. The mediation process is completely confidential and any information discussed (eg. events, personal conversations, issues or feelings) will not be disclosed to anyone at all. That said, by law, the Naval Service has a duty to pass on certain information relating to evidence for criminal or Service-related offences to the Courts or the Service or Civilian Police. However, you will be informed straightaway if this is the case.

3. You have been offered mediation. What next?

a. Except in very limited circumstances, qualified Mediators will be assigned to work with you. Ideally, they will be serving members of the Naval Service (although they could, in certain circumstances, be accredited Mediators from one of the other Armed Services, MOD Civil Service or a Contractor/Partner) and will not be a member of your immediate Command chain. However, rest assured that any Mediator will be acting in his/her capacity as an impartial 3rd Party and their rank and status will be irrelevant. Consequently, any mediation will normally be conducted in civilian clothes and, wherever possible, at a location away from your place of work, in order to facilitate confidentiality and privacy, and to put the Parties at ease. If there is a rank difference between the Parties, then – unless both of you have consented for first names to be used – you will be expected to refer to each other by your normal military rank.

b. The Mediators will arrange to visit you at a convenient time and meet separately with each Party, normally on the same day. Again, wherever possible, the visit will take place at an agreed 'neutral' venue, away from your place of work that offers some privacy.

c. Individual meetings are confidential sessions between the Mediator(s) and each of the Parties in turn.

4. The Purpose of the Initial Meeting

The Mediator(s) will meet privately with the Parties involved in the disagreement or dispute to find out each Party's view of the issues. The Mediator(s) will help each of you to consider what needs to happen and what you are seeking from the other individual involved. The mediation process will be explained, and you will be helped to consider how best to proceed with the mediation process.

5. After the Initial Meeting

If appropriate, the Mediator(s) will aim to set up a joint, face-to-face mediation session, and will invite both Parties to attend. Sometimes there needs to be some preparatory work prior to the joint session. In this case, the Mediator(s) will 'shuttle' between the people involved, aiming to exchange requests, offers and options. This might happen on the phone, in person, or by e-mail.

6. Face-to-Face Meetings

Once the Parties are ready, the Mediator(s) will arrange a joint face-to-face mediation session. The joint mediation session:

- a. Will usually take place at a neutral venue, away from your workplace.
- b. Is confidential. All your Chain of Command or Line Management will know is that you have agreed to mediation and, if it is a Formal bullying and harassment/Service Complaint, the Deciding Officer will be informed as to whether the mediation was successful or not. They will be given no further information, before or afterwards, unless you expressly request it and each of the Parties agree.
- c. The aim of this joint session is for the Parties to jointly consider how they may best resolve their differences, to create a better working relationship. The Mediator(s) will use their skills to assist you both to talk openly and productively about this. It is sometimes necessary to arrange a second (or even third) face-to-face session, depending on people's availability and/or the number of issues that need to be addressed.

7. Resolution

At the end of a successful mediation both Parties will reach an agreement which enables resolution and restoration of an appropriate working relationship. If the mediation is not successful, both Parties are advised to contact their respective D&I(A)s to discuss the next step in the process of management of any bullying and harassment complaint.

Frequently Asked Questions

Q. Do I have to take part in the mediation?

A. No. Mediation is entirely voluntary. Either Party is free to leave or stop the process (either temporarily or permanently) at any time. This allows you, the Parties, to have the final say in how far you become involved in the mediation process, rather than feeling you are having an outcome or resolution imposed upon you.

Q. If I am the Complainant and I agree to take part in mediation, do I then give up my right to use Formal bullying and harassment/Service Complaint procedures?

A. No. Mediation is 'without prejudice' and, if you choose to try mediation, you still retain your right to use other measures as laid down in JSP 831/JSP 763 at a later date – whether or not the mediation process is successful.

Q. How confidential is mediation?

A. The process of mediation is confidential, both within the mediation itself, and with respect to further proceedings (but see **Para 2 sub para f** above). The Mediator(s) will not divulge any confidences that are shared unless given permission by both Parties to do so or there are issues raised that the Mediator(s) is legally bound to disclose. No notes or records of the mediation will be kept with the exception of;

- a. **Informal Bullying and Harassment Complaint.** An entry in the Unit D&I Log and on JPA¹..
- b. **Formal Bullying and Harassment/Service Complaint.** A copy of the letter from the Deciding Officer, addressed to both Parties and recording the success or otherwise of mediation, will be retained within the Unit D&I Log and sent to the CIMT.

Q. What happens if I don't like the mediated agreement?

A. The issues and points to enable resolution are entirely a matter for the Parties to agree upon. Together you are responsible for identifying, defining and agreeing the problem(s), setting the agenda and agreeing the solutions. No agreement can, or will, be imposed on you as part of the mediation process.

Q. How long will mediation take?

A. The total time taken for the whole mediation process, from start to finish, varies from case to case. Generally, the briefing and individual meetings are conducted within the same a day, followed by the joint session the same or the next day – so, anything from 1 to 2 days, normally.

¹ All D&I complaints, both Informal and Formal, must be recorded on JPA IAW 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

OFFICIAL-SENSITIVE: PERSONAL (WHEN COMPLETED)

ANNEX 30E

DECLARATION OF CONFIDENTIALITY - POSITIVE MEDIATION

I, [Name], have willingly participated in a formal mediation session(s) which took place on [Date] at [Location].

Persons present during the mediation were:

Parties:

Mediator(s):

The mediation was positive therefore I am content that the Mediator(s) inform the Deciding Officer of the outcome.

I am also content that the Mediator(s) inform the Deciding Officer that my intention is to write to him/her in order to withdraw my Formal Bullying and Harassment/Service Complaint.

I understand that, as all information discussed remains totally confidential, any breach of that confidentiality may result in an inquiry.

Signature:.....

Date:.....

Mediator(s) Signature(s):

Date:.....

This Declaration of Confidentiality is to be retained by the CIMT.

OFFICIAL-SENSITIVE: PERSONAL (WHEN COMPLETED)

ANNEX 30F

DECLARATION OF CONFIDENTIALITY - NEGATIVE MEDIATION

I, [Name], have willingly participated in a formal mediation session(s) which took place on [Date] at [Location].

Persons present during the mediation were:

Parties:

.....

Mediator(s):

.....

The mediation was negative therefore I am content that the Mediator(s) inform the Deciding Officer of the outcome.

I understand that, as all information discussed remains totally confidential, any breach of that confidentiality may result in an inquiry.

Signature:.....

Date:.....

Mediator(s) Signature(s):

Date:.....

This Declaration of Confidentiality is to be retained by the CIMT.

OFFICIAL-SENSITIVE: PERSONAL (WHEN COMPLETED)

ANNEX 30G

OUTCOME OF MEDIATION OF A FORMAL BULLYING AND HARASSMENT/SERVICE COMPLAINT

To: (Deciding Officer)

Date

1. The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was successful and the XXXX intends to write to you to withdraw their Formal Bullying and Harassment/Service Complaint. On the withdrawal of the Formal Bullying and Harassment/Service Complaint you are requested to inform the Line Manager(s) of both Parties of this outcome and to instruct them to monitor the relationship between both Parties for a period of at least 3 months to ensure that the agreement is respected and that there is no repeat of the issue(s) that resulted in the original Formal Bullying and Harassment/Service Complaint.

or

1. The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was partially successful and the XXXX intends to write to you to withdraw part of their Formal Bullying and Harassment/Service Complaint. On the withdrawal of part of the Formal Bullying and Harassment/Service Complaint you are requested to inform the Line Manager(s) of the relevant Parties of this outcome and to instruct them to monitor the relationship between both Parties for a period of at least 3 months to ensure that the agreement is respected and that there is no repeat of the issue(s) that resulted in the original part of the Formal Bullying and Harassment/Service Complaint.

or

1. The mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was unsuccessful. The Formal Bullying and Harassment/Service Complaint submitted by XXXX remains extant and should continue to be managed under JSP 831 and JSP 763 procedures.

2. A record of the outcome of the formal mediation session is to be recorded in the Unit D&I Log and on JPA¹.

**Signature block
(Mediator(s))**

Copy to:

Unit Lead D&I(A)

¹ All bullying and harassment complaints, both Informal and Formal, must be recorded on JPA in accordance with 2011DIN01-006. The Service Complaints Business Process Guides will provide the detail regarding this recording requirement.

OFFICIAL-SENSITIVE: PERSONAL (WHEN COMPLETED)

ANNEX 30H

OUTCOME OF MEDIATION OF A FORMAL BULLYING AND HARASSMENT/SERVICE COMPLAINT

To: (Complainant) and (Respondent) (Date)

- 1.** The formal mediation session(s) which took place on XXXX at XXXX, mediated by XXXX (and XXXX), was successful. I can confirm that the Formal Bullying and Harassment/Service Complaint has now been withdrawn and you both acknowledged the need to work towards the solutions agreed during the formal mediation session(s).
- 2.** Your respective Line Manager(s), D&I(A) and CIMT have been informed of this successful outcome and will support the working relationship between you for a period of at least 3¹ months to ensure that the agreement you both reached is respected and that there is no repeat of the issue(s) that resulted in the original Formal bullying and harassment/Service Complaint.

**Signature Block
(Deciding Officer)**

Copy to:

Unit Lead D&I(A)

¹ Chapter 30, Annex 30B, Para 11.

ANNEX 30I

DIVERSITY MENTORING – GUIDANCE FOR MENTORS

1. Introduction

Being a Diversity Mentor is rewarding and mutually beneficial, on both personal and professional levels, and requires work. As a Diversity Mentor, you can build on your leadership and communication skills, gain fresh perspectives/outlooks, and gain a personal sense of satisfaction from knowing that you have helped someone.

2. Guidance

For a successful mentoring relationship you will need to do the following:

- a. Establish a positive and a personal relationship with the person you are mentoring:
 - (1) Meet early on to find out about each other. Talk about work and personal life until mutual trust and respect is established. If you feel that you cannot get along, now is the time to stop;
 - (2) Make your meeting enjoyable and fun: go somewhere that is relaxed; somewhere you can discuss work and social life freely.
- b. Help the person you are mentoring to develop skills:
 - (1) Figure out what strengths and weaknesses they have. You can ask them directly, look through previous reports together, and look for areas to develop;
 - (2) Plan out specific goals that they can achieve (look for courses, decide on actions to be taken at work, identify extracurricular goals that are life-enhancing);
 - (3) Share your own life-management skills (ie. how you approach making difficult decisions, how you set goals, what you do to resolve conflict).
- c. Assist the person you are mentoring to obtain additional resources:
 - (1) Make them aware of educational resources and career-enhancing courses and support them in their application;
 - (2) Where possible provide them with access to people who can influence their careers and personal lives;
 - (3) Act as a guide and as an advocate, promoting them where possible;
 - (4) Whilst doing this respect the boundaries of being a mentor. Ultimately you are not responsible for their career counselling: instead you are acting as any friend would when approached for career advice.

d. Improve the ability of the person you are mentoring to work with people from varied backgrounds:

(1) First you will need to explore the social environment in which they operate. What types of people are missing from this group? What new people might enhance their own values and beliefs?

(2) Introduce the person you are mentoring to different workplaces so that they achieve a broader appreciation of the military.

ANNEX 30J

DIVERSITY MENTORING – GUIDANCE FOR MENTEES

1. Introduction

Being mentored, in the diversity context, is rewarding and mutually beneficial, on both personal and professional levels, and requires work. As a Diversity Mentee, you can develop your knowledge, skills and confidence, get valuable advice and also gain fresh perspective and outlooks from your mentor.

2. Guidance

To gain the most from being a mentee, you will need to invest energy in developing your mentoring relationship by doing the following:

- a. Make time to meet your mentor and discuss your future. The benefits of having access to someone more senior, and outside of your chain of command are many: what you say will have no direct effect on your relationship with your line manager; you can think aloud and have your ideas heard without prejudice; and someone who is willing to get to know you personally is looking out for your career interests.
- b. Be honest with your mentor. Discuss your work-life balance, the impact of work on your relationships and social life, talk about where you see yourself going and what you would like to achieve. This will help your mentor guide you through the challenges ahead.
- c. Trust your mentor to maintain your confidence. This will allow you to discuss your work situation, your annual reports, how you think people view you and treat you, and how you get on with your chain of command. Sometimes this will be uncomfortable, but only by being honest can you expect to receive advice that is helpful to your specific situation.
- d. Between you and your mentor decide what goals to set yourself, and what changes you will effect at work and home.
- e. Grow your relationship by maintaining regularly contact with your mentor. Ensure they are kept abreast of your work life.

ANNEX 30K

TRANSGENDER SERVICE PEOPLE MANAGEMENT

1. Transgender Management

The policy for the Recruitment and Management and of Transgender Service Personnel is contained in JSP 889. The Royal Navy is absolutely committed to making diversity and inclusion integral to all our policies, functions and services. Transgender is an umbrella term for people whose identity differs from what is typically associated with the sex they were assigned at birth. People under the trans umbrella may describe themselves using one or more or a wide variety of terms¹ including transgender for example: non-binary, gender-fluid, transgender man, transgender woman. The Naval Service values the unique contribution of all its people, and will treat everyone, including individuals who identify outside of the gender binary, with dignity and respect.

2. Dress Codes for Social Functions - D&I Policy

a. The culture in UK society is becoming more diverse and inclusive, so too must our social dress codes. While the incidence of such requests may be small, the consequences of intolerance could be significant. Recognising this the Naval Service has undertaken to become a diverse and inclusive employer, it therefore needs to be able to balance the maintenance of tradition with the need to accommodate changes in culture - the maintenance of tradition never trumps the requirement to act fairly and lawfully towards our people. For example, if male guests are invited to wear dinner jackets to a social function, female guests should be permitted to do likewise.

b. When setting the standard of dress at social events the maintenance of traditions and standards should be considered but choice should be permitted. Understanding that some people do not always identify with societal gender binary norms (man and woman) tailoring the choice of clothing will create a more inclusive environment. For example, female guests may prefer not to wear a dress to social functions and may prefer to wear Black Tie; refusing to allow them to attend functions in their choice of clothing could be seen as indirect discrimination. A dress code "Mess dress, Black Tie, evening dress or equivalent" would provide choice and create an inclusive environment.

¹ JSP 889 contains a glossary of Gender identity terms.