

BRIEFING NOTE 29: GUIDANCE FOR MANAGERS ON HOW TO DEAL WITH A COMPLAINT OF INAPPROPRIATE BEHAVIOUR

1.0 Overview

- 1.1 The University has a zero tolerance of unlawful discrimination, harassment or bullying and aims to ensure that staff are treated with dignity and respect at all times and are protected from such behaviours and/or actions.
- 1.2 The University takes seriously any complaints of harassment, bullying, discrimination or victimisation and is committed to investigating reports of such inappropriate behaviour and taking appropriate action proportionate to each case.
- 1.3 If staff feel they are being subjected to harassment or bullying in any form by a member of staff, student or other service user, they should not feel that it is their fault or that they have to tolerate it.

2.0 What you can a member of staff do if they believe they are being subjected to or witnessing inappropriate behaviour

- 2.1 Concerns can be dealt with on an informal or formal basis, depending on the nature of the behaviour.
- 2.2 Staff are encouraged to try to resolve concerns on an informal basis and in a timely manner as possible.

- 2.3 It is important that they seek advice and support at the earliest opportunity. They can receive advice from you as their manager and other individuals/services listed in paragraph 5.0 on the options available to try to resolve the situation or to signpost them to specialist advice.
- 2.4 Staff are advised, if possible, speak or write (keep a copy) to the individual to let them know that they are unhappy with their behaviour, the impact the behaviour is having on them and that they would like the behaviour to stop immediately. This more direct approach can often resolve issues.
- 2.5 Staff are advised that it is important that they keep a record (note or diary) of the details of any relevant incidents that cause them upset. This should include the date, time, and location of the incident, detail about what occurred and whether there was anyone else present.
- 2.6 Staff are advised that if typing their records or retaining email correspondence related to the incident, they should save the documents to their UEA file store and not to a shared drive, or shared folder.

3.0 Procedure for dealing with formal complaints

- 3.1 If the member of staff has tried to resolve the situation and the behaviour towards them persists; or they are too upset to contact the individual about their behaviour, they are advised to speak with you as their line manager.
- 3.2 You will need to hold discussions with relevant parties to try to seek informal resolution. This forms the informal stage of the Grievance Procedure for [support staff](#) or for [academic \(ATR/ATS\) and academic-related \(ALC\) staff](#).
- 3.3 If the member of staff's concerns relate to you as their immediate line manager, they can raise their concerns with the next manager in the line management structure for your area.

- 3.4 If the member of staff finds it difficult to raise concerns through their line management structure, they can raise their concerns with the [Human Resources Manager/Adviser](#) for their area and Human Resources will liaise with the appropriate manager.
- 3.5 If the member of staff has tried to resolve the situation and the behaviour persists; or, the incident is so serious that it is not possible to deal with on an informal basis the member of staff can make a formal complaint using the relevant Grievance Procedure for [support staff](#) or for [academic \(ATR/ATS\) and academic-related \(ALC\) staff](#).
- 3.6 Complaints should be raised in a timely manner as soon as possible after seeking to resolve the matter informally, or after the incident taking place.

4.0 Procedures for dealing with Complaints of Harassment or Bullying by Service Users

- 4.1 As in paragraph 2.4, staff are advised to inform the individual that they are unhappy with their behaviour and that the behaviour must stop immediately.
- 4.2 As in paragraph 2.5, staff are advised to make a record of the incident.
- 4.3 Staff are advised to discuss the matter with you as their line manager at the earliest opportunity, providing you with the record of the incident and any action they have taken.
- 4.4 You are responsible for looking into the incident and to discuss with the complainant whether to progress the matter on a more formal basis and the process for doing so.

5.0 Procedures for dealing with Complaints of Harassment or Bullying by Students

- 5.1 As in paragraph 2.4, staff are advised to inform the individual that they are unhappy with their behaviour and that the behaviour must stop immediately.
- 5.2 As in paragraph 2.5, staff are advised to make a record of the incident.
- 5.3 Staff are advised to discuss the matter with you as their line manager at the earliest opportunity, providing you with the record of the incident and any action they have taken.
- 5.4 You will be responsible for looking into the incident and you will need to discuss with the complainant whether to progress the matter on a more formal basis and the process for doing so.
- 5.5 You may decide to refer the matter to the student's Head of School, if you are not the Head of School, and/or to the Student Support Service. Documents relating to code of conduct for students, non-academic complaints and disciplinary procedures are on the Student Support Service webpages.

6.0 Your responsibilities as a manager

- 6.1 It is essential that you read and comply with the University's [Code of Practice for Staff – Dignity and Respect in the Workplace](#) and other Codes of Practice.
- 6.2 Where inappropriate behaviour is brought to your attention, you are responsible for taking appropriate action. This includes addressing the behaviour of individuals not employed by the University, such as:
 - Students
 - individuals undertaking work experience on placements
 - members of the public

- service users
- individuals employed by other organisations (such as recruitment agencies, Consortiums and Partnerships)
- suppliers and contractors.

6.3 You can seek advice and support from your Human Resources Manager/Adviser in dealing with informal or formal complaints.

6.4 It is important that you remain impartial and do not prejudge the situation or individuals.

6.5 If you do not take appropriate action in a timely manner, you may leave yourself vulnerable to complaint.

7.0 Advice, support and signposting

7.1 It is essential that you provide advice and support to all parties as appropriate, including the identification of appropriate support mechanisms.

7.2 You could signpost either party to:

- Their Campus Trade Union representative (UCU, UNISON, UNITE) for advice and representation.
- A UEA [Staff Pride Dignity & Respect Champion](#)
- A member of the [Equality & Diversity Team](#)
- You can self-refer to UEA's [Staff Counselling Service](#).

8.0 Confidentiality

8.1 As a general principle confidentiality will be agreed and maintained wherever possible during and after any complaint of harassment or bullying.

8.2 There may be situations where confidentiality cannot be kept, and you need to make this clear to complainants at the time. For example, if they tell you,

in confidence, something that puts the health and safety of them or others at risk, this will need to be drawn to the University's attention.

8.3 The decision about whether to progress a complaint normally rests with the complainant, but the University will have to act if it judges there to be an unacceptable risk; though it will ensure they are not involved unless they agree.

8.4 You can seek advice from your Human Resources Manager/Adviser.

9.0 Natural Justice

9.1 It is important for the complainant, the individual accused and the University to recognise that the alleged harasser has rights and must not be prejudged. This includes being informed of any allegations that are to be investigated and having the chance to state their case.

9.2 Where a complaint progresses to a disciplinary investigation/hearing, appropriate feedback regarding the outcome will be given to the complainant. However, due to confidentiality they will not be informed of the level of sanction if a disciplinary warning is issued. Human Resources can provide you with advice on this matter.

10.0 Malicious complaints

10.1 The University takes seriously any complaints of harassment or bullying. Complainants who make false allegations with mischievous or malicious intent will be dealt with under the relevant disciplinary procedure for [academic staff](#) or [support staff](#).

10.2 If you believe that a complaint has been made with mischievous or malicious intent contact your Human Resources Manager/Adviser.

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