

BRIEFING NOTE 28: GUIDANCE FOR STAFF WHO HAVE HAD A COMPLAINT OF INAPPROPRIATE BEHAVIOUR MADE AGAINST THEM

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 Staff who believe that they have been subjected to or have witnessed harassment or bullying in any form by a member of staff, student or other service user, do not have to tolerate it and there is action they can take.

2.0 What can a member of staff do if they believe they have been subjected to or have witnessed an individual being subjected to inappropriate behaviour

- 2.1 Concerns can be dealt with on an informal or formal basis, depending on the nature of the behaviour. You may not like the route that the complainant decides to take to try and resolve their concerns. It is for the complainant to decide how they would prefer their concerns to be dealt with.
- 2.2 Staff are encouraged to bring it to the attention of the University so it can be looked into and resolved in a timely manner as possible.

- 2.3 It is important that staff seek advice and support at the earliest opportunity. They can receive advice from the individuals listed in paragraph 5.0 on the options available to raise their concerns or to signpost them to specialist advice.
- 2.4 If possible, staff are encouraged to speak or write (keep a copy) to the individual to let them know that they are unhappy with their behaviour they have witnessed towards others, the impact their behaviour is having on them and potentially on others and that they would like the behaviour to stop immediately. Do not be surprised if you are contacted in this manner.
- 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. Do not be surprised if an individual mentions that they have kept a record.
- 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 others persists or transfers to them; or they are too upset to contact the individual about their behaviour, they are advised to speak with their line manager. Their line manager will 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](#).
- 3.2 If their concerns relate to their immediate line manager, they can raise their concerns with the next manager in the line management structure for their area.

- 3.3 If the complainant 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.
- 3.4 If the complainant 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 they can make a formal complaint using the relevant Grievance Procedure for [support staff](#) or for [academic \(ATR/ATS\) and academic-related \(ALC\) staff](#).
- 3.5 Staff are advised that 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.
- 3.6 Formal complaints will be investigated thoroughly and as quickly as possible and where warranted, appropriate action will be taken. This could include the issue of a disciplinary sanction in accordance with the relevant Disciplinary Procedure for [support staff](#) or for [academic \(ATR/ATS\) and academic-related \(ALC\) staff](#).

4.0 Advice, support and signposting

- 4.1 Although you may have a complaint made against you, the University's expectation is that you will be provided with support.
- 4.2 Your line manager or a member of the [Human Resources](#) team can provide advice and support, including the identification of appropriate support mechanisms.
- 4.3 You can contact your Campus Trade Union representative (UCU, UNISON, UNITE) for advice and representation.

- 4.4 Signposting advice can be provided by
- A UEA [Staff Pride Dignity & Respect Champion](#)
 - A member of the [Equality & Diversity Team](#)
- 4.5 You can self-refer to UEA's [Staff Counselling Service](#).

5.0 Confidentiality

- 5.1 As a general principle confidentiality will be agreed and maintained wherever possible during and after any complaint of harassment or bullying.
- 5.2 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.
- 5.3 There may be situations where confidentiality cannot be kept, and this will be made clear to both the complainant and you at the time. For example, if the complainant tells, 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.
- 5.4 Knowledge of your involvement will be kept to a minimum on a need to know basis.

6.0 Natural Justice

- 6.1 It is important for the complainant, you and the University to recognise that you have rights and must not be prejudged. This includes being informed of any allegations that are to be investigated and having the chance to state your case.

6.2 It is essential that you do not initiate any investigation of your own. Action of this kind on your part will be considered serious, may require further investigation and could lead to further allegations.

6.3 It is essential that you do not share confidential information with others and/or coerce others into “taking sides”. Action of this kind on your part will be considered serious, may require further investigation and could lead to further allegations.

6.4 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.

7.0 Malicious complaints

7.1 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.

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