



## Staff Concerns Policy

### ^ 1. The University's commitment to dealing with staff concerns ⇌

1.1. The University is committed to the wellbeing and welfare of its staff and recognises the need for effective handling of staff concerns. All staff must be treated, and must treat others, with dignity, respect and in accordance with the University's Values and the [Staff Code of Conduct](#).

1.2. Being a large, complex, and diverse organisation brings many benefits, however this can give rise to concerns and discord within our University community. It is our collective responsibility as a University community to raise and deal with concerns quickly and fairly.

1.3. Where concerns are raised, everyone involved will be treated fairly and consistently and, where a concern is raised against a colleague, they will have a right to respond.

1.4. These Policy Statements and Process are in accordance with the University's Statutes. Council and UEC will have oversight of the application of the Processes including the reporting of relevant data regarding the Formal Stages.

### 2. This Policy Statement ^

2.1. For the purpose of this Policy Statement a concern (also known as a grievance) is a concern, problem, or complaint that an employee raises with their employer.

2.2. This Policy Statement covers concerns about your work including issues which may occur in the workplace or at events connected to work that take place outside of work.

2.3. The Staff Concerns Procedure (below) provides details of how to raise a concern, as well as what falls outside of this Procedure.

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### 3. Who is covered by the Policy Statement ^

3.1. All employees of the University are entitled to raise a concern (also known as a grievance) under the Staff Concerns Policy Statement and Procedure. Contractors, agency staff, students and casual staff/workers may, in the first instance, raise any concerns with their manager.

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## **BULLYING AND HARASSMENT POLICY STATEMENT**



### **4. The University's commitment to dealing with bullying and harassment**

4.1. The University is committed to providing a welcoming, inclusive, and safe work environment. Bullying and harassment are not accepted in the University.

4.2. It is recognised that they can have a serious detrimental effect on the health, confidence, morale, and performance of those impacted.

4.3. This Policy Statement aims to provide all staff members, regardless of seniority, status, or contract type (for example fixed term staff), with the confidence to quickly raise incidents of bullying or harassment in the knowledge they will be dealt with appropriately, swiftly, and fairly. Where concerns of bullying or harassment are raised, everyone involved will be treated fairly and, where a concern is raised against a colleague, they will have a right to respond.

4.4. Staff should not be discouraged from seeking support or raising a concern because they are unsure if the behaviour they have experienced or witnessed is bullying or harassment.

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## **5. This Policy Statement**



5.1. This Policy Statement should be read alongside the Staff Concerns Procedure (below).

5.2. The Policy Statement and Procedure are there to ensure that staff can identify and understand what bullying and harassment are, to make sure they know how and when to raise concerns and to have the confidence to seek support and/or resolution.

5.3. Staff may raise concerns under this Policy Statement against other staff, contractors, agency workers, lay-members of Council, academic visitors, or alumni in connection with work. The seniority, reputation, or status of anyone raising or responding to a complaint has no relevance as to how a concern under this Policy will be managed. The University will not accept any retaliation against an individual for raising a concern under this Policy Statement. Any concerns of retaliation should be raised with a manager/HR Business Partner quickly.

5.4. This Policy Statement covers bullying and harassment related to work which includes incidents within the workplace and at work connected events that take place outside the University.

5.5. Anyone who is found to have bullied and/or harassed another person or persons may be subject to formal proceedings, including the use of the University's Disciplinary Regulation.

## 6. Definitions of Bullying and Harassment



6.1. Harassment is any unwanted physical, verbal, or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. It encompasses many different types of physical, verbal, and non-verbal conduct and it can occur through a single incident or may be ongoing including abuse, such as coercive or controlling behaviour or stalking.

6.2. Unlawful harassment may involve conduct of a sexual nature (which is dealt with separately through the University's relevant Policy) or may be related to an individual's (actual or perceived) age, sex, disability, gender reassignment, gender identity and non-binary status, marriage and civil partnership, pregnancy and maternity, race, religion or belief or sexual orientation. However, harassment is unacceptable even if it does not fall into any of these categories.

6.3. A person may be harassed even if they were not the intended 'target', for example an insulting or disparaging comment related to race, which creates an offensive environment.

6.4. Harassment is normally based on the impact on the individual and whether the behaviour breaches the values and reasonable standards of the University, rather than motive or intent of the person. Within the University, colleagues are entitled to engage in academic debate and this may sometimes include controversial views, ideas or research (see Freedom of Speech Policy Statement/Code of Practice ). When considering potential concerns of harassment, all of the circumstances and context will be considered including the perception of the colleague raising the concerns and whether it is reasonable to regard the conduct as having that effect.

6.5. Examples of harassment include but are not limited to:

- unwanted physical conduct or "horseplay";
- personal insults, insulting behaviour or verbal abuse;
- micro-aggressions which can be subtle, indirect or unintentional behaviour or action and may be focused on those from a particular under-represented group or particular gender;
- continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- sending or displaying material that is pornographic or that some people may find offensive;
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender or on the grounds of an actual or perceived disability;
- denying training or promotion opportunities without good reason; or offensive e-mails, text messages or social media content.

6.6. Bullying is offensive, intimidating, malicious or insulting behaviour or misuse of power that can make a person feel undermined, vulnerable, humiliated, or threatened. Power does not require authority over the recipient, for example it could be the power to coerce through intimidation. Bullying can take the form of physical, verbal, and non-verbal conduct and may include, by way of example; physical or psychological threats or overbearing or intimidating levels of supervision.

6.7. Legitimate, reasonable, and constructive criticism of performance or behaviour from a manager or reasonable instructions given to staff in the course of their employment, will not amount to bullying or harassment on their own. Bullying or harassment is always unfair and may undermine someone's efforts to perform well. Reasonable but firm management, on the other hand, may involve setting stretching – but fair and achievable – targets and standards of behaviour appropriate to someone's job, grade, and level of responsibility. It is important for managers to ensure that when it is necessary to address performance concerns, give critical feedback, or take disciplinary action in relation to a member of staff, it is done fairly, respectfully, and constructively, and the University's procedures and guidance are followed.

## **7. Who is covered by this Policy Statement**

7.1. All staff of the University are entitled to raise a concern under the Bullying and Harassment Policy Statement

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## **THE UNIVERSITY'S APPROACH**



### **8. The University's Approach**

8.1. The University encourages a culture whereby staff feel confident to raise concerns with others, be listened to and be supported to work through issues which are raised. All parties involved in any part of this process will be treated fairly.

8.2. Staff, including managers, should seek to deal with issues quickly and constructively, as close to the source as possible, noting that various support mechanisms outside of the linemanagement chain are available (see section 15 below).

8.3. When staff observe that their concerns are tackled appropriately by managers, this engenders trust and thereby improves the culture within the University.

8.4. This approach does not underplay or underestimate the seriousness of staff concerns or allegations of bullying or harassment.

8.5. Where informal attempts at resolution have not led to an appropriate resolution or the concerns are sufficiently serious, the concerns may be considered under the Formal Stage.

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## **OUR RESPECTIVE RESPONSIBILITIES**



### **9. Responsibilities of every member of the University community**

9.1. Every member of the University community has a responsibility to help create an inclusive, respectful, and supportive environment, free from bullying, harassment, and discrimination. Staff must behave in a way which protects their own wellbeing and must also be mindful of how their own behaviour(s) may impact on colleagues. Staff must follow the Staff Code of Conduct.

9.2. The University is a large organisation made up of many colleagues from different backgrounds and cultures. It is inevitable that our staff will hold different views and will approach their work in different ways. It is likely that sometimes other people may, inadvertently or purposely, act in a way which we may be concerned about.

9.3. If we are empowered to raise our concerns, we can normalise conversations to challenge inappropriate behaviours promptly and constructively. Staff should challenge and/or raise concerns about inappropriate behaviour or conduct, even if it is not directed at them. We should take into account that differences in attitude, background and culture can mean that what is a concern for one person, may not be perceived in the same way by another. We must therefore all be prepared to listen and respond appropriately to concerns which are raised.

9.4. What may start off as small misgivings, left unaddressed, can accumulate into significant concerns and strained working relationships. Formal investigations are time-consuming, can be stressful and parties may become more entrenched in their position. It is therefore in everyone's interest for us all to act in good faith to seek an informal resolution.

9.5. These Policies and Procedure aim to ensure that no individual should be concerned about raising a concern. No individual in the University is "untouchable"; if a concern is raised about someone, regardless of their seniority, status, or a history/reputation of poor but unchallenged behaviour, those concerns should be dealt with.

9.6. Should anyone consider they are being treated less favourably or negatively because they have raised a concern, they should seek advice from their manager, Head of Department or, if the complaint is about their manager or Head of Department, from their HR Business Partner. The University will not accept any reprisal for raising concerns and if anyone is found to be acting in a way which suggests a reprisal, this may be a disciplinary matter.

## **10. Responsibilities of members of staff**

10.1. The University seeks to create a culture where all staff feel empowered and safe to raise concerns whether related to behaviour directed against them or others.

10.2. Whether a staff member is raising a concern with someone or being approached about a potential issue, we all have a responsibility to engage in a constructive way so issues can be dealt with a view to trying to seek resolution.

10.3. All staff should be active bystanders and should raise concerns where they witness poor behaviour.

10.4. The Staff Concerns Procedure (below) outlines various ways to raise concerns and support which is available. However, if anyone finds themselves under physical threat/subjected to a physical assault, this should be reported to the manager and the Police immediately.

## **11. Responsibilities of Managers and Supervisors**

11.1. Managers have a pivotal role in creating an environment and culture that is respectful, considerate, and free from bullying and harassment. Managers must lead by example, being mindful of their own behaviour and treating all colleagues equally and with respect.

11.2. Managing concerns is a fundamental part of a manager's role. This involves knowing and understanding the necessary processes and having the skills to be able to manage situations and knowing when to signpost to specialist services. Managers must be able to explain their decision-making process to staff who raise a concern.

11.3. Managers must ensure that all staff within their area understand the behaviours expected of them. Where any staff do not meet these standards, inappropriate behaviours or actions must be addressed and managers may compel staff to appropriately engage in this Procedure.

11.4. Managers should ensure that concerns and allegations of bullying and harassment and discrimination are taken seriously and dealt with quickly. This may involve having difficult and challenging conversations.

11.5. Managers should be particularly aware of micro-aggressions, which may be indirect, subtle, or unintended behaviour or actions which have a negative impact on colleagues. These are best managed swiftly after they have happened. Managers should also be mindful if a colleague has had concerns raised about them on several occasions or there is a pattern of concerns, any previous context and issues may need to form part of an informal process.

11.6. Managers must ensure their staff are empowered to speak up with reasonable concerns without fear or retribution. Staff must be confident that their concerns will be listened to and dealt with promptly and consistently.

11.7. Managers should be mindful that staff on short or fixed-term contracts may feel less able to come forward, as they may be worried it will impact on their employment.

11.8. Additional guidance for managers (which is accessible to all staff) can be found in the Staff Concerns Resource Hub.

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## STAFF CONCERNS PROCEDURE



### **12. Introduction**

12.1. The University is committed to a culture where members of staff feel able to raise concerns. This Procedure promotes the informal resolution of concerns at a local level (including support for staff in raising concerns). Staff must act in good faith and must normally seek a resolution at the Local Resolution Stage of the Procedure before the matter can proceed to the Formal Stage.

12.2. This Procedure provides a fair and consistent framework for dealing with staff concerns (also known as grievances) and/or concerns relating to bullying and harassment.

12.3. During any stage of this process, both informal and formal, a manager may seek advice from HR, but it will be for the manager to make any decision as to how to proceed.

### **13. What is not covered by the Procedure**

13.1. The following concerns have other procedures and policies to consider resolution and this Procedure cannot therefore be used to consider them:

- Complaints about the institution;
- The use of handling or outcome of any other informal or formal University procedure including, but not limited to disciplinary, grievance, sickness and absence reviews or performance management and it is anticipated that concerns about those processes should be raised within the relevant process;
- Redundancy proposals or selection or dismissal for redundancy;
- Action taken or proposed under the University's Probationary Procedures; or Dissatisfaction with the outcome of promotion or re-grading process;
- The raising or handling of [Public Interest Disclosures \(Whistleblowing\)](#) for which a separate process should be followed unless the University decide that this Process should be followed;
- Suspected or alleged [research misconduct](#);
- Complaints regarding [sexual violence and misconduct](#) for which the University has a specific policy and procedure

13.2. This is not an exhaustive list. If you require advice regarding how to raise concerns that relate to the above list, please contact your HR representative.

13.3. In some circumstances, the HR Director (or nominee) may dismiss a concern without it being heard including but not limited to when:

13.4. The concern is raised an unreasonable length of time after the incident/decision taking into account the length of time since the concerns and any relevant context;

- 13.5. The concern has been previously considered via this Staff Concerns Policy and Procedure or an alternate HR process, or if the issues are substantially the same as previously heard;

13.6. The concern is considered to be frivolous or trivial or malicious or vexatious, see section 34 below.

13.7. If the informal stage has not been fully utilised, HR may require use (or further use) of the Informal Stage before they can proceed to the Formal Stage.

## **14. How to raise a concern about another member of staff**

14.1. The steps to raise a concern are as follows:

- Local Resolution Stage, potentially followed by;
- Formal Stage

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## **LOCAL RESOLUTION / INFORMAL STAGE**



## **15. Who to raise a concern with**

15.1. There are a number of ways to raise concerns or to seek support:

15.1.1. Raise the concern directly - It should be part of normal work interactions that we can all raise issues with each other, regardless of respective seniority or position in the University. It may be that the colleague was unaware of the impact of their behaviour, or they can explain why they have acted as they have. Very often a one-on-one conversation with a colleague can allow for any concerns to be dealt with quickly and informally. Issues may be raised in person (perhaps with some advance warning of the concern) or in writing.

15.1.2. Staff Network - The University has a network of colleagues the 'Concerns, Bullying and Harassment Advisers Network' (CBHAN) who are trained in the Staff Concerns Policies and Procedures. The Network is available as a confidential 'sounding board', to encourage people to speak up, no matter how small that concern may be. In some cases, speaking to the Network might give them the confidence to raise the matter further. Colleagues can speak to any network advisor, who may be aligned to their department or from a different part of the University. While the Network can signpost staff to potential options to resolve their concerns, they will not act on behalf of staff or engage with others on their behalf. The Network can also point staff to the wellbeing support available in the University.

15.1.3. Campus Trade Unions – can provide support, guidance, and advice to colleagues during the informal stages but would not attend meetings with colleagues or act on their behalf. Unions Link

15.1.4. Alternative Support - from outside your management chain also includes contacting a Chair or a member of one of our EDI staff networks (which includes a BAME, Disability, mothers, women and LGBTQ+ network) and HR.

15.1.5. Raise a concern with a manager – If you raise a concern with your manager, they should listen, take seriously, and discuss potential ways to resolve your concern. If your concern is with your manager, you can arrange to speak to the next person up in your department's line management chain. Approach your manager either in person or email and ask to meet with them or raise it in one of your regular catch-up meetings. The manager should offer to meet with you. Prepare what you want to say and give options as to potential resolution. The manager may need to give some thought as to how to proceed. After the meeting the manager will send you a brief written update on what was agreed and any actions to be taken.

15.1.6. Report and Support - Report and Support is a University online tool which was created to provide a centralised platform for students and staff to report concerns. The Tool can signpost staff to support which is available and it provides the opportunity for staff to make a report and have that report taken forward (normally using the Local Resolution Stage within this Procedure).

15.1.7. It is not normal practice for a HR or a Trade Union Representative to be present in informal meetings however it is recognised, that in some circumstances, raising concerns with your manager can be a difficult first step. You may therefore wish to seek advice, guidance, or support in advance.

## **16. Other sources of support**

16.1. As well as the Staff Network, Trade Unions, EDI staff networks and HR, there are other sources of support available for all staff whether raising a concern or if a concern has been raised about them: These include:



- Employee Assistance Programme;
- Protect Whistleblowing Helpline; and
- Chaplaincy Network

## **17. Potential options for informal resolution**

17.1. Potential options for informal resolution are:

17.1.1. Discussion with staff member who concerns are about – Discussing concerns and listening to each other’s view may be enough to come to a resolution.

17.1.2. Discussion with the Staff Network (or similar such as a Trade Union representative or EDI Staff Network) - For some staff, discussing their concerns with a neutral third party may be sufficient and/or may allow them to see the matter from a different perspective. It may also empower colleagues to raise their concern with the other person or their manager.

17.1.3. Discussion with your line-manager (or more senior manager if the concern is about your line-manager) – A manager may be able to advise on how to approach the other colleague in a constructive way or you may agree that the manager does so on your behalf.

17.1.4. Facilitated meetings - These allow a discussion between colleagues where a concern has arisen but with an additional party present to help facilitate the dialogue and reach an amicable resolution. The facilitator would normally be a manager and arrangements should be made locally. All parties would need to approach the meeting constructively with a view to trying to agree a way forward.

17.1.5. Mediation via the University’s [Mediation Service](#) - Similar to facilitated meetings but using trained colleagues from the University’s Mediation Service, mediation provides an informal way of helping people reach agreement about future working relationships. Mediation would normally be considered when other discussions or meetings have not led to a resolution.

17.1.6. HR/Organisation Development Team - [Organisation Development](#) provides professional development services to staff within the University. This includes support for individuals (staff development/training and coaching and mentoring), support for a team (team development and training activities) and support for managers (leadership development). Support/training can also be provided to help teams who have undergone a change process.

17.1.7. The EDI L&D team - are also able to advise and provide development sessions for individuals, teams, and leaders in relation to EDI issues.

17.2. Where there are attempts at informal resolution (beyond a discussion with the individual), it is recommended that the parties keep a record of any discussions or actions.

18. If the concern has been raised and has not been satisfactorily resolved

18.1. If your concern relates to another member of staff and you spoke to them directly, but you do not feel the matter has been satisfactorily resolved, speak to your manager (or more senior manager if the concern is about your line-manager), following the guidance above.

18.2. If you have already spoken to your manager and you feel the matter is not resolved you should ideally speak to your line-manager again (or a more senior manager in your department) to explain why you consider that the issue has not been resolved, so that any other options for informal

resolution can be explored for example if a discussion with a colleague has not resolved matters, your manager may arrange a facilitated meeting.

## **19. Raising an anonymous concern**

19.1. Whilst raising concerns can sometimes feel difficult, you need to discuss the details sufficiently so that the other person/your manager can understand your concerns and seek a resolution. In almost all cases such resolution would include allowing the person you have the concerns about to respond to them. Anonymous concerns can therefore not normally be taken forward.

19.2. In some circumstances, where concerns are raised anonymously and they are very serious, the University may have to commence an investigation into the issues which have been raised. While attempts will be made to maintain anonymity, this may not always be possible, but colleagues are reminded that no one should be subject to any retribution because they have raised reasonable concerns.

19.3. Anonymous concerns can be raised via the [Report and Support Tool](#) but without the opportunity to name individuals. An anonymous concern will normally only be used by the Equality, Diversity, and Inclusion Unit to monitor whether there any consistent issues/trends being raised in areas of the University.

## **20. Raising a concern for information only or without a request for resolution**

20.1. The University understands that seeking resolution about concerns can be difficult. It is however important that potentially serious matters are resolved, particularly where, for example they may amount to possible bullying or harassment, or they may have an impact on a colleague's health or wellbeing.

20.2. Should a concern be raised, particularly with a manager or HR, the University may have to consider potential ways to resolve the concern, even if the staff member raising the concern has done so 'for information' and/or does not wish to seek any resolution at that time. In some cases, the manager may initiate an investigation to consider the concerns, regardless of whether the individual wishes to remain anonymous (see section 19).

## **21. If a colleague raises a concern about you**

21.1. The University encourages staff to constructively raise concerns directly with a colleague. If you are approached by a colleague, make time, and listen to what the person wants to raise. Whilst you may not be expecting such a conversation, accept that everyone (including yourself) may sometimes inadvertently cause a concern and try to constructively 'reflect on and seek a solution', rather than 'reacting' to their concerns. If you feel that additional support is needed, involve your line manager.

21.2. If your manager approaches you about a concern that has been raised by another member of staff, you will have the opportunity to respond and be involved in the discussions to resolve the matter. You may seek to discuss the concerns and seek support from a manager or any of the sources of support mentioned in section 15.

## **22. Raising a concern on behalf of someone else**

22.1. We all have a duty to ensure that we interact with each other in an appropriate and respectful way. If you are concerned by a colleague's behaviours or action towards another member of staff, you

should either speak to either of the people concerned or raise it with a relevant manager.

22.2. While you are encouraged to raise any issues which you have witnessed, you cannot raise a concern on behalf of someone else via this Process.

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## THE FORMAL STAGE ^

### **23. Moving to the Formal Stage**

23.1. It is anticipated that the majority of concerns will be addressed via the Local Resolution Stage. However, if this has not been possible, or if the concern is sufficiently serious, the Formal Stage may be followed.

23.2. The HR Director (or nominee) will review all requests to move to the Formal Stage and may require that there be (additional) attempts to resolve matters informally, before potentially moving to the Formal Stage. If it is considered appropriate to (continue to) seek resolution at the Informal Stage, an HR Business Partner/HR colleague will contact the individual who has raised the concerns to discuss their options. If a concern is considered sufficiently serious the HR Director (or nominee) may determine that the matter should proceed straight to the Formal stage.

23.3. For ease of reference in the Formal Stage, the Procedure refers to the person raising the concerns as the Complainant. Where the concerns are about a colleague or colleagues, they are referred to as the Respondent.

### **24. What happens at the Formal Stage**

24.1. The Formal Stage allows for an independent Investigator to formally investigate the matter, in order to establish the facts, make a finding, and suggest, where appropriate, recommendations for a resolution.

### **25. How to raise a concern under the Formal Stage**

25.1. To follow the formal stage, a [Concern Form](#) must be submitted by the Complainant to the HR Director. The submission must include details of the nature, circumstances, and timescales of the concern, what action has been taken under the Local Resolution Stage, identify the Respondent(s), suggest potential witnesses and what the preferred solution/outcome is. If the concern is about the HR Director, the Concern Form should be submitted to the Vice-Chancellor and the Vice Chancellor shall seek appropriate advice on next steps.

25.2. When submitting a Concern Form, there should be a proportionate amount of detail which allows for the Investigator and the Respondent to understand the concern, but without excessive information. Any relevant supporting documentation/evidence can be submitted with the Concern Form but should also be proportionate. There will be an opportunity to discuss the concerns during the investigation.

25.3. The Concern Form (and potentially the relevant documents) will be shared with the Respondent(s) so that they are able to meaningfully respond to the concerns which have been raised.

25.4. Some external funding bodies require that the University inform them if concerns of bullying and/or harassment are raised against any of the PIs or Co-Is who they are funding. The content and timing of any potential disclosure will be discussed with the Respondent.

## **26. The investigation and the role of the Investigator**

26.1. The HR Director (or their nominee) will appoint an Investigator to consider the matter. The Investigator will normally be an appropriate manager from within the University who has had no prior involvement or someone from the University's pool of investigators, who are engaged by the University for the purpose of undertaking investigations.

26.2. An HR Representative will provide procedural advice and support to the investigation and may be present in meetings under the Formal Stage.

26.3. The Investigator will conduct a reasonable investigation to establish the facts and to make, where appropriate, recommendations to resolve matters. It will be for the Investigator to determine whether any previous concerns or issues are relevant to their investigation.

26.4. It will be for the Investigator to determine the scope of the investigation, including whether any concern or evidence is out of scope of the investigation. For example, an Investigator may choose not to consider concerns where they happened too long ago, they are not relevant to the concerns which have been raised or they concern someone who is no longer employed at the University.

26.5. Anticipated timescales for hearing the concern will be discussed from the outset. HR will regularly check-in with the parties to update them, including on any significant delays, along with the reasons for the delay.

26.6. Where the concerns are very lengthy, the Investigator may consider the issues which have been raised in themes (rather than each individual point/allegation), to ensure that the investigation is manageable/proportionate. Where possible the themes will be agreed with the Complainant.

26.7. The Investigator will normally invite the Complainant to a meeting to discuss their concerns and will notify them of their right to be accompanied to the meeting by a Trade Union Representative or work colleague (see section 28 below).

26.8. The Investigator will engage with the Respondent, normally in a meeting. The Respondent will also be informed of their right to be accompanied (see section 28 below).

26.9. The Investigator may meet any witnesses they consider relevant, or they may engage with the witnesses in writing, for example emailing questions. If the parties suggest additional witnesses, it is for the Investigator to determine whether those witnesses are relevant.

26.10. Following the conclusion of the Investigator's meetings, and without unreasonable delay, the Investigator will produce a written outcome with their findings and where appropriate, will set out any recommendations to resolve the concern(s) and/or to rebuild working relationships. The Investigator may comment on any relevant cultural concerns or issues which they discovered during their investigation.

26.11. The Complainant and the Respondent will receive a copy of the outcome report. The report will also be shared with the Complainant's line-manager and, if appropriate, the Respondent's line-manager, who will consider and potentially action any recommendations. Where the concerns were

raised about the Complainant's line-manager, the report will be shared with the next appropriate manager up in the department.

26.12. If the Investigator concludes that the concern (including bullying and/or harassment) has been upheld, they may recommend that the case should proceed to action under the University's disciplinary processes. The investigation under this Procedure may be used as the investigation under any subsequent disciplinary process. The Complainant will normally be informed that a recommendation to move forward to a disciplinary process will proceed. Following the conclusion of a disciplinary process, the Complainant will be informed whether a sanction has been upheld but will not be provided with details about the level of the sanction.

26.13. If the Complainant is not satisfied with the outcome, they have a right of appeal against the formal stage.

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## RIGHT OF APPEAL AGAINST THE FORMAL STAGE

### **27. Right of Appeal**

27.1. If the Complainant is not satisfied with the outcome of the Formal Stage, an appeal can be submitted to the HR Director in writing. The appeal must be submitted to the HR Director within 10 working days of the date of the written outcome of the Formal Stage.

27.2. The appeal is not designed to re-hear the formal concern but to examine the grounds of appeal. Appeals may be raised on one or more of the following grounds:

- That the decision of the investigating manager is flawed because the evidence did not support the conclusion reached;
- That material new evidence not previously available has come to light since the investigating manager's report;
- That any action proposed was inappropriate in the circumstances of the case; and/or
- That there has been a failure to follow procedure which has had a material affect on the decision taken by the relevant manager.

27.3. The Complainant must state the grounds for their appeal and what steps have been taken so far to resolve the matter.

27.4. The HR Director (or their nominee) will appoint an Appeal Officer to consider the matter. This will be someone not previously involved in the case and may be someone who the University engages for the purpose of undertaking investigations.

27.5. An HR Representative, who may be the same person as supported the Formal Stage, will provide procedural advice and support to the appeal process and may be present in meetings under the appeal stage.

27.6. The purpose of the appeal stage and/or meeting is not to undertake a reinvestigation but is an opportunity for the Appeal Officer to review the previous investigation and the outcome in light of the

points of appeal, and to consider any new evidence.

27.7. The Complainant will normally be invited to attend a meeting with the Appeal Officer to discuss the appeal and will be notified of the right to be accompanied to the meeting by a Trade Union Representative or work colleague (also see section 28).

27.8. The Appeal Officer will decide if they wish to meet with the Respondent and/or any other witnesses. The Appeal Officer may also put written points to the Respondent and/or witnesses, rather than meeting them. This may include witnesses who were not part of the original investigation, at the discretion of the Appeal Officer. Where the Appeal Officer is meeting with/putting written points to anyone as part of this process, they may share details of the points of appeal with them in advance.

27.9. Following the meeting and without unreasonable delay, the Appeal Officer will provide a written outcome with their findings and where appropriate, will set out any recommendations. The Complainant and the Respondent will be provided with a copy of the appeal findings. The outcome will also be shared with the Complainant's line-manager and, if appropriate, the Respondent's line-manager, who will consider any recommendations and take forward any appropriate action. Where the concerns were raised about the Complainant's line-manager, the written outcome will be shared with the next manager in the department.

27.10. The decision at this stage is final and there is no further right of appeal.

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## ADDITIONAL MATTERS IN THE FORMAL STAGE

### **28. Staff Representation**

28.1. All members of staff have the right to be accompanied by a trade union representative or a current Durham University work colleague (not acting in a legal capacity) at meetings and appeals under the Formal Stage of the Procedure. The member of staff must make all arrangements for their representative/work colleague to attend meetings.

28.2. Trade union representatives or work colleagues are not normally involved in meetings held under the Local Resolution Stage but may advise the member of staff without attending meetings.

28.3. Staff members should always be allowed adequate time to arrange representation and members of staff and their work colleagues should make every effort to attend the meeting. If a representative or work colleague is unavailable on the date of the meeting, the manager should rearrange the meeting on an alternative date, provided this is within a reasonable timescale e.g., within five working days.

28.4. The trade union representative or work colleague accompanying the member of staff is entitled to put the member of staff's case, to sum up the member of staff's case, to respond on the member of staff's behalf to any view expressed at the hearing and to confer with the member of staff during the hearing. The representative or work colleague may request short adjournments to discuss and give advice to the member of staff. The representative or work colleague does not have the right to answer questions on behalf of the member of staff and should not address the hearing if the member of staff does not wish it.

## **29. Non-attendance**

29.1. Members of staff are expected to attend meetings under this Procedure. If a member of staff does not attend a meeting without good reason, it may be appropriate to proceed in their absence. Usually, the meeting will be adjourned to ascertain the reason for the absence. Assuming there is good reason for non-attendance, the meeting will be re-arranged once on a date within a reasonable time e.g., within five working days.

29.2. Should a member of staff be unable to attend a meeting for a genuine reason (e.g., health), alternatives will be explored, such as a written statement or a Trade Union Representative or work colleague attending on their behalf.

29.3. Where a member of staff is persistently unable or unwilling to attend a meeting or discuss the matter via other reasonable channels, consideration of the concern may be concluded without a decision being made or a decision will be made on the evidence available.

## **30. Confidentiality**

30.1. All those involved in any stage of this Staff Concerns Procedure must be mindful of the need for confidentiality. Whilst transparency, accountability and openness is an important part of managing concerns, confidentiality for individuals is normally a key concern.

30.2. Those involved in any stage of the process must be mindful of GDPR requirements and must store materials securely and only maintain them for as long as is reasonable and necessary.

30.3. Where there is an outcome at any stage of this Procedure, including a written report, the information contained remains confidential and should not be shared with any third party other than for the purpose of seeking specific advice or support e.g., from a Trade Union representative or a member of the Staff Network.

## **31. Management instigated investigation/resolution**

31.1. Managers are expected to proactively manage concerns and conflict quickly and at source before matters escalate. It is not necessary for a member of staff to raise a concern before this Procedure can be used.

31.2. If a manager becomes aware of a concern, the Local Resolution Stage should be followed, and the manager should proactively speak with the member(s) of staff to find a resolution.

31.3. If it is not possible to resolve the matter at the Local Resolution Stage and the matter is sufficiently serious, the manager can, in discussion with the Director of HR (or their nominee), consider alternative means to address the matter. This may include the instigation of an investigation following the principles of the Formal Stage.

31.4. A management instigated investigation can be commenced where a serious concern has been raised but the complainant does not want to submit a formal concern, or they wish to remain anonymous (see section 19).

31.5. It may, on occasion, be that a manager is made aware of issues of concern that relate to the way a member of staff has interacted with another member of the University community who is not a member of staff e.g., a contractor or student. It may be appropriate, if deemed sufficiently serious and

subject to discussion with the Director of HR (or their nominee) and the Student Conduct Office, for a management-initiated investigation to be considered as a potential way forward to manage the concern.

### **32. Ex-employees**

32.1. If a concern has been raised by a member of staff before their employment ends, this Procedure shall apply for so long as the member of staff remains in the University's employment.

32.2. When an employee leaves their employment after raising a concern, but before the investigation is complete, they will not receive a full outcome report but will be notified that the investigation has concluded and be provided with an update, as appropriate.

32.3. When the employment ends, this procedure shall no longer apply, and the Director of HR (or their nominee) will decide upon a suitable course of action. The University will not normally hear concerns raised by former members of staff.

### **33. Overlapping Procedures**

33.1. This Procedure cannot normally be used to raise concerns that are being dealt with under another University procedure, i.e., the handling or outcome of any other formal University procedure including but not limited to disciplinary, grievance, sickness and absence reviews or performance management.

33.2. Where a concern is raised which relates to another University procedure and that procedure has either started or the staff member is aware that the process may start shortly, the usual approach is to consider any concerns under the other procedure and not under this Staff Concerns Procedure. This avoids multiplicity of procedures and delay.

33.3. By exception the Director of HR (or their nominee) may decide that a concern about another University process can be considered under this Staff Concerns Process, but the two processes would normally run concurrently. Only by exception would one process be suspended to allow for another to be completed.

33.4. If a member of staff, whom a concern has been raised against, states they wish to raise a counter-concern, this will normally be considered via the same process and by the same Investigator.

### **34. Frivolous, Trivial, Malicious and Vexatious complaints**

34.1. The HR Director (or their nominee) may decide not to consider concerns under the Formal Stage which are considered to be frivolous or trivial.

34.2. The University reserves the right to dismiss a concern without an investigation (or without completing the investigation) where the concern is considered to be malicious and/or vexatious. Alternatively, the University may dismiss any part of a concern which it considers to be malicious and/or vexatious. This includes raising a formal concern in bad faith, repeatedly raising a concern which has already been considered and an outcome provided and/or the same individual instituting multiple complaints. Anyone raising a concern which is malicious or vexatious may be subject to disciplinary proceedings.

### **35. Collective issues**



35.1. If a concern applies to several members of staff within the same department, one person may represent the group. All members of staff will however need to confirm in writing that they have nominated an individual to proceed on their behalf.

35.2. If a concern applies to more than one member of staff and one or more of the University's recognised trade unions are involved, the matter should be referred to the HR Director. If the issue cannot be resolved informally, it may be dealt with as a collective concern raised via a recognised Trade Union, with the agreement of the staff involved.

### **36. Recording of meetings and Notes**

36.1. Audio recordings of meetings are not permitted at any stage. Covert recording of meetings may result in disciplinary action.

36.2. An appropriate colleague may be present in a meeting to take a note of the salient points, but this will not be a verbatim record of the meeting. Notes of meetings attended by a party will be shared with that party.

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## RELATED INFORMATION



- [Staff Concerns Hub of Resources](#)
- [University's Values](#)
- [Staff Code of Conduct](#)
- [Concerns, Bullying and Harassment Advisers Network \(CBHAN\)](#)
- [Staff networks](#)
- [Report and Support Tool](#)
- [Mediation Service](#)
- [Employee Assistance Programme; 19](#)
- [Protect Whistleblowing Helpline](#)
- [Chaplaincy Network](#)



### Properties

Policy Theme

Human Resources

Policy Document Type

Policy

Policy Document Department

Human Resources

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