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Introduction

Grievances of any type including those arising out of claims of racial or sexual harassment are dealt with under the College’s Code of Practice on Grievance. An employee may feel that the College or another member of staff has treated them unfairly or wrongly and the Code provides a framework to address the issue in a way that is timely, fair, reasonable and lawful.

The Code can only be used by employees who wish to raise and resolve a work-related problem which can be remedied by an action of the College or one of its employees. It therefore cannot be used to deal with:
- issues between students and staff; nor
- issues between students and other students; nor
- issues not related to work, or over which the College has no control.

Many College HR procedures have their own appeal process to redress any sense of unfair or wrong treatment. The appeal process of such a procedure must be used to deal with any grievances about the way such a procedure is applied.

Managers should note that any written complaint, including those contained within resignation letters, could constitute a statutory grievance under the Employment Act 2002. It is therefore imperative that all complaints are taken seriously and investigated in a thorough and timely manner.
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The process

Informal Stage
Employee raises complaint informally with line manager (or manager’s manager if the line manager is subject of the complaint)

Mediation
Can be considered, if appropriate, as an alternative route to a satisfactory resolution

Formal written complaint
In the absence of a satisfactory resolution through informal processes, the employee submits a formal written complaint

Investigation conducted
The investigation will be conducted with the employees involved and to the standard outlined in the Disciplinary Code of Practice

Formal meeting
Following a meeting a written decision/action plan will be communicated to the employee within 5 days

Appeal
Any appeal against a decision made at the formal stage should be made in writing to the Director of HR who will appoint a panel

Appeal hearing
The appeal panel will hear the appeal and communicate a decision in writing within 5 working days

Details of individual responsibilities and timescales relating to the process are contained in the HR Code of Practice: Grievance

1. Mediation can also be considered as an alternative at later stages in the formal process
### Key Concepts

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**Handling informal grievances**

It is important for managers to create an atmosphere in which the employee (or group of employees) feels comfortable and is able to talk freely about their situation and feelings.

Managers should ensure that they:
- meet somewhere private, comfortable and free from interruptions;
- make every effort to keep the matter confidential if that is what the employee wishes;
- allow the employee to express their emotions;
- are not judgmental.

If the issue is bullying or harassment, managers should explore how the employee wants the matter to be handled:
- have they taken any action so far?
- have they raised the matter with the employee causing concern or with another person?
- are they prepared to be identified?
- are they prepared to be a witness in formal disciplinary action?
- how would they approach the matter and what remedy or resolution would they like to see?

Managers need to explain that:
- informal approaches to grievance resolution tend to be more successful in that they avoid the prolonged and adversarial nature of a formal process;
- if the employee wishes to move to the formal stage of the procedure, this entails raising the issue directly with the person whose actions or decisions they are complaining about;
- at informal stages, it is usual to focus on resolving issues as opposed to identifying a guilty party, but it may be necessary to discuss the underlying problems in some depth. Explain that mediation can be arranged;
- any decision in a grievance case would be made on the balance of probabilities. This means that even if an incident was not witnessed, the College would still be able to make a reasonable judgement about the complaint;
- an action plan will be developed to deal with the issue, and time scales agreed.
Handling formal complaints

Should the informal stage of the procedure fail to reach a satisfactory conclusion, the Manager should meet both parties and explain that at the formal stage of the procedure always involves:

- a full investigation of the issues;
- formulation of an action plan to tackle any problems;
- a right of appeal - if the employee making the complaint is not satisfied with the outcome.

Explain that the College also offers the option of mediation.

Mediation

Formal investigations into grievance or harassment cases can be a valuable way of examining conflict between two or more employees. However, such an approach may also raise expectations that one party will be vindicated and the other condemned. In practice, therefore, such processes may have the unintentional effect of:

- entrenching attitudes;
- undermining professional relationships and collaborative working;
- fostering an adversarial approach.

Mediation is an option that focuses on resolution rather than the allocation of blame. It can only be considered if both parties agree to seriously engage in attempting to resolve their dispute.

Normally, the manager will:

- meet both parties to explore the issues and gather basic details;
- explain that impartial mediation:
  - can help to resolve work problems;
  - is dependent on both parties agreeing to it;
  - gives both parties the opportunity to hear what the other employee has to say, put their own side of things and contribute to any action plan that may resolve the matter;
  - requires the appointment of a mediator acceptable to both parties;
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- if both parties agree to mediation:
  - consult HR on a shortlist of mediators to handle the case;
  - contact and brief the mediator and set out reasonable time scales;
- arrange for feedback on the outcome of mediation and if appropriate:
  - a written record of any agreed action plan to deal with the issues;
  - monitor the implementation of any agreed way forward;
- explain to the parties that if a mediated resolution cannot be achieved and adhered to the employee has the right to pursue the matter further under the grievance procedure.

Forms of Mediation
Explain that there are different models of mediation and each has a particular purpose and character. Three important models are:
- a model that focusses on improving relationships;
- arbitration model;
- legal mediation model.

Relationship Improvement Model
This kind of mediation is a process that aims to:
- remove relationship-based obstacles to resolution of issues;
- facilitate improvements in personal relationships.

It is based on the assumption that employees with a sound professional relationship and a will to work around problems tend not to get stuck over issues. Even if a conflict is, at its heart, based on matters of fact, poor relationships may inhibit the capacity of the staff involved to resolve their differences.

In this model, typically, a facilitator from outside the situation (if not the institution) will seek to:
- bring the parties together;
- create effective communication;
- assist them to understand the needs and perspective of the other party;
- assist the parties in achieving compromise;
- identify joint approaches to resolution and enable them to establish their own solution to their issues;
- allow issues to be tackled without long term damage to the capacity to work together.
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**Arbitration Model**
Arbitration is a process by which cases are:
- presented by both sides;
- judged on their merits;
- decided by an arbitrator who will recommend a resolution.

In practice, the parties give up control of the outcome. The Grievance procedure itself is a process of this kind. Where mutual agreement exists to use binding arbitration to resolve an issue, the College will assist by sourcing an internal or external arbitrator to settle the issue.

**Legal Mediation Model**
In this model, professional lawyers facilitate an agreement between the parties. The focus is not on relationship building, but rather on securing a mutually acceptable compromise or deal.

This approach may be particularly appropriate in cases where failing to resolve an issue would be legal action.

**Key Features of Mediation in the College**
Unless the parties agree otherwise:
- the **process** of mediation will be treated as a private and confidential discussion between the parties which will not be formally recorded;
- the **outcome** of mediation (an agreement or a failure to agree) will be shared with the Department or College;
- agreeing to mediation will not inhibit the capacity of either party to take up further internal formal procedures or to take a legal case.

All mediators used by the College will:
- be trained to an appropriate level;
- be called upon to mediate only in cases in which they have had no prior involvement or connection;
- have their name and organisation disclosed in advance to the parties, so that any prior connection can be raised.
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Mediation is unlikely to be successful if:

- one or more party is not committed to the process. However, some natural scepticism about the process need not disqualify an attempt to mediate provided that both parties agree to seriously engage in the approach.
- the parties fail to promptly and unambiguously capture agreement or understanding - this may lead to subsequent disputes.

Initiating Mediation

For staff raising a grievance:
Approach the person in HR who is responsible for your case or department, or speak to your trade union representative. They will help evaluate the merits of mediation.

For managers dealing with a grievance:
Ask the HR Department to source an appropriate mediator to assist staff in settling their differences, if your view is that:
- there is an issue of sufficient substance to resolve;
- the parties to the dispute are keen on resolving it through mediation.

Exploring the options

Take into account:
- the issues raised, how serious they are and the impact on the employee;
- the wishes of the employee raising the complaint;
- the rights of the employee who is the subject of the complaint;
- the duty of the College to deal appropriately with the complaint and to care for the health, safety and welfare of all staff;
- the circumstances of the case.

Managers must show that they have:
- taken the matter seriously;
- given it due consideration; and
- dealt with it effectively.
Managers may opt to:

- agree to resolve the complaint as suggested by the employee
  - if the issue is about a decision or an action you yourself are responsible for;
- meet the employee(s) involved and review any decision or action which gave rise to the grievance;
- meet the parties separately;
- talk to others and consider any relevant documentation;
- hold a meeting at which both parties are present;
- take any other proper action to resolve the matter fairly.

If the issue is about the actions of a third party, take into account the wishes of the employee making the complaint.

Managers should:

- discuss the options for taking the grievance forward with the complainant including whether the matter may be shared with the person being complained about:
  - formally through mediation;
  - informally as a no-blame issue;
  - as a formal complaint which could potentially form part of a later disciplinary procedure (even informal action would require a thorough investigation);
  - through separate counselling;
- discuss the options for dealing with the matter without a direct challenge of the other person through:
  - team briefing;
  - training or development;
  - supervision;
  - memos, leaflets, posters or other written material for staff;
  - other ways to set and promote the College’s standards on these matters;
- discuss the other avenues of help available:
  - the right to be accompanied at any meeting under this procedure;
  - independent, confidential counselling to help them cope with stress and consider their options;
  - help from trade unions and other resources;
- arrange to keep in contact and keep them informed about progress;
do what is feasible to ensure that nobody suffers reprisals and victimisation - formulate an appropriate “return to normal working” strategy;
if appropriate arrange counselling and support for both parties.

Arranging counselling and support

If appropriate, offer to arrange reasonable, and appropriate counselling for staff, especially those involved in complaints of harassment and bullying. Support should be offered irrespective of the strength of the case or the outcome of the complaint. Support is available from:
- the Occupational Health Service;
- the Counselling Service;
- the Employee Assistance Programme;
- the employee’s Trade Union;
- the HR Department;
- the Citizen’s Advice Bureau;
- ACAS.

Contact information for these organisations is in Appendix 1.

Investigation at formal stages

The facts of the case will dictate whether a full investigation is necessary prior to a hearing. Where there are conflicting accounts or the complaint is particularly complex, sensitive or serious the comprehensive investigative procedure outlined below should be followed. Ensure that any investigation is carried out to the same standards as a disciplinary investigation. Any evidence will then be admissible in any later hearing. It would thus be reasonable to omit or shorten the investigation stage under, say the disciplinary procedure.
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When deciding what action to take (or recommend) remember:
- consider the wishes of the employee making the complaint;
- consider ways to cope with any hostility or strained work relationships during or after the case. Action may be needed to:
  - protect staff from victimisation;
  - restore the reputation of anyone falsely accused;
  - separate staff (if this is feasible and reasonable);
  - offer training, counselling and support for the staff involved.

Summary of the basic steps
Managers should follow the process described in this section - the College’s trades union side have been consulted on these steps and thus have a shared understanding of how the matter will be dealt with:

<table>
<thead>
<tr>
<th>Step</th>
<th>Description</th>
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<tbody>
<tr>
<td>1</td>
<td>establish the scope of the investigation with the person making the complaint;</td>
</tr>
<tr>
<td>2</td>
<td>plan the investigation;</td>
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<tr>
<td>3</td>
<td>interview the person making the complaint. Take detailed notes and get any written statement they make and take copies of any documents they wish to submit;</td>
</tr>
<tr>
<td>4</td>
<td>give the person making the complaint a copy of your notes. Get the employee’s signature to establish that your record is accurate;</td>
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<tr>
<td>5</td>
<td>inform the person named in the complaint of the detail of the complaint and give them copies of any documents submitted in support of the allegations;</td>
</tr>
<tr>
<td>6</td>
<td>interview or take a statement from the person complained about. Take a copy of any documentation they wish to submit. Explain that you will share their response with the person making the complaint;</td>
</tr>
<tr>
<td>7</td>
<td>give them a copy of your notes. Establish that you have an accurate record and get their signature;</td>
</tr>
<tr>
<td>8</td>
<td>share the response of the person being complained about with the person making the complaint. Seek their comments and if necessary, conduct a further interview;</td>
</tr>
<tr>
<td>9</td>
<td>interview any other witnesses and record their version of events. If possible, get witness statements from them. Give each of them a copy of your interview notes. Get the witnesses signature to establish that your record is accurate;</td>
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</tbody>
</table>
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10 give copies of the notes and statements of witnesses to both parties;
11 write the report;
12 send the report to the Director of HR to secure endorsement and take guidance;
13 publish the report.

Step 1. Establish the scope of the investigation in a set-up meeting

The employee making the complaint may bring another person to this and any subsequent meeting.

Ensure that you:
❖ explain the purpose of the meeting. Explain the difficulty of carrying out an investigation based on a shifting remit and the importance of agreeing the scope of the investigation at the outset;
❖ explain, and if possible agree, that if new major grievances emerge about:
  - the conduct of the investigation itself;
  - ongoing line management issues;
  - new issues that emerge during the investigation;
  the employee may raise these either as separate matters, or at an appeal, but that your investigation will stick to the remit identified at this meeting;
❖ agree which are the key issues to cover (including any equalities issues) in the investigation;
❖ agree which issues can be excluded as matters of minor concern;
❖ identify potential witnesses and discuss the value of their evidence in making the case. If appropriate, explain that:
  - character witnesses often add little in establishing matters of fact;
  - the value of the evidence given by anonymous witnesses is diminished. See page 17.
  - agree which witnesses to include and exclude;
❖ explain how you intend to investigate and the plans you have made. However, explain that, in practice, you may need to change your mind about how best to handle the investigation;
❖ explain rules about sharing evidence and documentation;
❖ assure the employee that their grievance will be dealt with confidentially, and what this means in practice;
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- establish the limits of your role as investigator. For example, if you are not a manager of the person making the complaint, you will not be involved in decisions such as whether any of the parties to the complaint should be transferred or suspended during the course of the investigation;
- explain that the College will normally take disciplinary action if it can be shown that there is a plan to fabricate evidence in order to create mischief.

**Step 2. Plan the Investigation**

Recognise that harassment and bullying investigations, in particular, are major and time-consuming tasks. But delay may contribute to a feeling that the College is not taking allegations seriously. Give the investigation the highest priority. If need be, clear this with others in your management structure.

Set a realistic time frame for task completion. The Code of Practice sets a normal time limit for investigations to be complete within 20 days. If the case is too complex for this time scale, say so and identify a realistic schedule.

Take into account the following factors which may contribute to delay:
- the number of incidents;
- the number and complexity of issues that arise from the incidents;
- the health and attendance of the parties;
- availability of representatives;
- availability of the parties and their witnesses;
- unwilling witnesses and other participants;

There is no right way to undertake an investigation. Circumstances influence what you should do next. Establish early on that you may need to deviate from the plan.
Step 3. Interview the employee about their complaint

The person making the complaint may produce a written statement of their case – in a letter, an e-mail, a report or a completed grievance form. You will still normally need to discuss the issues with the employee. Arrange to meet them to seek clarification or additional evidence about specific allegations. Explore any weaknesses and gaps in the case they are making. Capture your discussion in your notes. Make sure that you are self-sufficient in note taking, using a Dictaphone or tape recorder if necessary. Remember though that tape recording is often cumbersome, and may inhibit expression or heighten emotions. If the employee wants a verbatim transcript of an interview, explain that you will share the notes that you prepare, and they will have the opportunity to correct or comment on the notes you make.

Though verbatim transcripts are accurate, they reflect weaknesses in how clearly we express ourselves.

Make it clear that all documents produced and interviews are “on the record”, and will therefore be shared with other parties before publication of the report. Allow evidence to be shared with representatives and legal advisors, but no others.

Explain, too, that documents and statements can be disclosed by the order of an Employment Tribunal or under the Data Protection Act.

Step 4. Establish the accuracy of the record

Ideally, get agreement to the interview note or statement. A signature on the document or an e-mail to say that the note is accurate is enough.

Don’t spend time “negotiating” statements. If there is a dispute about what was said, it is enough to acknowledge the difference in recollection and record both versions within the body of the statement.
**Step 5. Inform the employee being complained about**

Natural justice requires that person being complained about should be told what is being said about them. They should also have access to any documents the employee making the complaint intends to rely on. The employee being complained about must have the opportunity to respond to or disprove the allegations.

**Step 6. Interview the employee being complained about**

Explain the potential consequences of the investigation, including the seriousness of any allegations and any disciplinary processes the employee may be subject to. The employee may opt to be accompanied by another person. They would be able to speak on the employee’s behalf except when the employee is asked to answer questions about the evidence itself. Employees have a duty to attend an investigation meeting. Refusing to give evidence to an investigation may be a disciplinary offence.

**Step 7. Establish the accuracy of the record with the employee being complained about**

Aim to agree the interview notes with the respondent. [See step 4].

**Step 8. Share the response to the complaint with the person making the complaint**

Give the employee making the complaint the opportunity to see and comment on the statements, interview notes and documents of the person being complained about before you write the report.

Explain to the person making the complaint that:
- at this stage, their comments should be sparing;
- concentrate on aspects of the defence that they had not anticipated;
- they should resist the temptation to write the report they’d like to see written;
- they may not introduce additional issues, offences or incidents as these have not been raised formally with the person being complained about.
If new allegations are made at this step or evidence is brought forward that merits a further response from the person complained about; the investigator may choose to conduct a further round of interviews. However, the investigator needs also to consider whether resolution of the additional issues are of greater importance than drawing the investigation to a speedy conclusion.

**Step 9. Interview any witnesses and establish that your notes of each interview are accurate**

Witnesses do not have the right to be represented in this process. This mirrors the position in legal cases. Offering representation can be burdensome. It may, though, be practical to allow the witness to bring another person with them to the interview, but this must not be allowed to delay matters, and must be weighed against the duty of confidentiality.

Seek the agreement of the witnesses to the notes of their interview. If possible get them to provide signed witness statements.

**Anonymous Witnesses**

Don’t automatically take input from anonymous witnesses. Ideally, all witness statements in the investigation will be attributable. However, where the witness has reasonable fears about victimisation, taking evidence from an anonymous witness may be reasonable and valuable.

Explain to the witness that:

- anonymous evidence is less credible than evidence that is on the record, since there is no practical way to test it by cross-examination;
- sometimes the identity of a witness is obvious anyway;
- editing evidence to preserve anonymity can diminish its power, content and relevance;
- preserving anonymity may reduce the capacity of the College to take appropriate disciplinary action;
- anonymous witnesses may be identified if the matter goes to Employment Tribunal.

Advise the witness that their statements/interview notes will be shared anonymously with both parties.
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**External Witnesses**
In general, it is not appropriate to take external witnesses in cases of harassment or bullying. It is generally better that the College does not publicise its difficult issues externally. In addition it has no credible sanction to rely on in relation to any mischievous external witness.

It may, however, be appropriate to rely on external witnesses if:
- there is insufficient evidence internally, and
- the external witness was present at a key event where there is a conflict of evidence
- the external witness worked for the College at the time of the events in question.

**Step 10. Share the notes and statements of witness with all parties**

**Step 11. Writing the Report**

The suggested structure here may help you to organise the evidence in a complex case.

1. **Executive Summary (Optional)**
2. **Summary of the complaint (Optional)**
   - Help the reader to place detailed findings in context by providing an outline of the complaint. Or briefly summarise the alternative narratives given by the person making the complaint and the person being complained about.
3. **Background (Optional)**
   - Help the reader to establish reporting relationships between employees by, for example, providing an organisation chart. If need be, set out any relevant matters critical to a complete understanding of the issues and the meaning of the facts. For example, an event happens immediately after one of the parties has been issued with a disciplinary warning by the other.
4. **Investigation Methodology**
   - Describe:
     - how you set about the task
     - any procedural issues that were raised in the course of the investigation and how you resolved them
     - any anticipated criticisms of the procedure that you chose to follow.
5. **Chronology of Events (Optional)**
   This may assist the reader to:
   - establish the sequence of events
   - grasp time-scales
   - distinguish causal events from reactions to them
   - assess the motivations and timing of the issues being raised

6. **Findings**
   Structure your findings, for example, around
   - each witness,
   - the behaviours at issue
   - the incidents.
   Give the reason for your conclusions. Link the evidence to the conclusions you have reached. If it is one person's word against another's you are entitled to believe one person and not the other. Your belief needs to be genuine and reasonable - on the balance of probabilities.

7. **Conclusions**
   Consider the findings against the College’s definitions of harassment and bullying in the Dignity at Work Policy Statement. If you find that an incident of harassment or bullying has occurred, identify how serious the breach of College standards is.

8. **Recommendations**
   If appropriate, include any recommendation about:
   - disciplinary action
   - other management action
   - changes to managerial or other working arrangements
   - relationship building
   - counselling
   - training, development or other learning interventions.

9. **Appendices**
   It may be useful to include:
   - initial letters of complaint
   - key letters to the parties to this investigation
   - statements of parties and witnesses
   - notes of interviews with parties and witnesses.
   - optional organisation chart with parties identified.
   - any relevant Codes of Practice
   - any other relevant College policies.
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**Step 12. Ratification of the Report**
Ensure that the Director of HR or their nominee has sufficient time to consider the report before publication. This will enable you to eliminate any flaws in the report and its arguments, and ensure that the report meets common organisational standards.

**Step 13. Report Publication**
The Director of HR will give a full copy of the confidential report to the parties to the complaint and their representatives.

**Step 14. Data Protection**
The College will retain the documents, reports, interviews and tapes that have been gathered in the course of the investigation, whilst a reasonable risk of litigation exists. Any recorded interviews will be treated similarly to papers in terms of retention and destruction.

**Outcomes**

If a grievance is upheld, the following courses of action may be applied depending on the seriousness of the complaint:

- counselling, management training, awareness raising where the behaviour is not considered serious enough for disciplinary action;
- In more serious cases, referral to a disciplinary panel for a decision on disciplinary action up to and including dismissal.

In the event of action short of dismissal, every effort will be made to ensure that no repetitions of the behaviour complained about are possible.

If a complaint against another member of staff is not upheld the College will support both parties in repairing working relationships or considering practical alternative working arrangements. Staff have the right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, deliberately making a false complaint could result in disciplinary action.
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Specific problems: bullying and harassment

The College position on bullying and harassment and relevant definitions are set out in the Dignity at Work Policy Statement.

Taking bullying and harassment seriously

All staff have a responsibility to help create and maintain a work environment free of bullying and harassment. Staff must:
- be aware of how behaviour affects others and moderate as necessary;
- treat colleagues with dignity and respect;
- take a stand against inappropriate behaviour or comments;
- make it clear to others when behaviour is unacceptable;
- intervene where possible to prevent harassment or bullying;
- make it clear that harassment and bullying are unacceptable;
- report harassment or bullying to Managers or HR;
- not pre-judge or victimise the complainant or alleged harasser.

Managers have a particular responsibility to:
- test candidates for sensitivity to equal opportunity issues during recruitment;
- ensure that all employees understand what is meant by bullying and harassment and their responsibilities under the College’s policy;
- ensure that demanding workloads are prioritised and managed, and that people’s contribution is recognised;
- set standards for behaviour and work relationships;
- avoid collusion with, or tacit approval being given to acts of harassment, intimidation or victimisation;
- give staff the opportunity to discuss and resolve problems;
- intervene at the earliest opportunity even if the person being harassed or bullied does not wish to pursue the complaint formally;
- be aware that the absence of clear communication regarding change situations can lead to uncertainty and the misinterpretation of intent and motivations.
Handling an allegation of bullying or harassment

The College will not tolerate bullying or harassment in the workplace and it expects its managers to tackle any such allegations promptly and effectively.

Managers should ensure that they:
- don’t let the matter drift. At any formal stage of the Grievance procedure, aim to:
  - meet the parties within a week
  - complete the stage within 20 working days (unless the complexity of the case requires longer in which case this will be communicated to the complainant);
- develop an action plan to tackle the problem and monitor to ensure that there is no recurrence;
- are clear about their role in any formal process that the employee has opted for (mediation, informal complaint, or formal complaint);
- take into account the employee’s wishes about how the case is to be handled. Often staff do not want the person they are complaining about to be disciplined provided that:
  - the harassment or bullying stops;
  - there is someone to support them;
  - the College is committed to tackling the issue;
  - they will not be victimised;
- only consider overruling the employee’s desire to deal with the matter informally if it is absolutely necessary. For example, in some rare cases, our duty of care for the employee’s health, safety and welfare (or the health safety and welfare of others) may require that the matter is dealt with first as a formal complaint then as a disciplinary matter;
- don’t overestimate the standard of proof required in disciplinary cases. (Often cases of harassment, especially sexual harassment, are not witnessed or involve subtle or ambiguous actions. In reaching a decision about what happened, managers have only to make up their minds on the balance of probabilities.) If it is one person’s word against another’s you are entitled to believe one person and not the other. The belief needs to be genuine and reasonable - on the balance of probabilities. See Key Concepts - Discipline, page 15.
What should I do if I think I am being bullied or harassed?

Cases of bullying or harassment can be addressed informally or formally following the College’s Code of Practice on Grievance. The following offers some additional guidance on the specific issue of harassment but should be read in conjunction with the Grievance Code of Practice.

The complainant must be the individual directly affected by the behaviour. If you believe that one of your colleagues is being bullied or harassed you cannot make a complaint on their behalf.

**Informal approach**

Where possible, incidents should be dealt with on an informal basis. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help him or her to understand the effects of their behaviour and agree to change it.

At the meeting:
- you should tell the person which behaviours you find offensive and unwelcome, and say that you would like it to stop immediately;
- you may want to add that, if the behaviour continues, you intend to make a formal grievance under the grievance procedure;
- you should keep a note of the date of your conversation and what was said;
- you may feel able to approach the person yourself, or with the help of someone in HR, a manager, trade union representative or colleague.

If you do not wish to make any direct approach immediately, you should keep a record of events for future reference.
Formal approach

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint under the Grievance Code of Practice. If the issue concerns your manager, you should go directly to your manager’s manager.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. The HR department can arrange for someone to accompany you to make a complaint to the police.

Investigating claims of bullying or harassment

If you choose to make a formal complaint, the investigation will follow the process outlined on page 12. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance.

You will be kept informed of the general progress of the investigation and the outcome of any disciplinary proceedings. Any decision on a situation involving one person’s word against another will be made on the balance of probability, after considering all available evidence.

In cases of alleged harassment of students by staff, the investigation will be conducted under the process outlined in the student complaints procedure. If the complaint of harassment is upheld, action will be taken under the relevant staff disciplinary process.

In cases of alleged harassment of staff by students an investigation will be conducted under the staff grievance procedure. If the student’s conduct is found at fault action will be taken through through the student disciplinary process.
What should I do if I am accused of bullying or harassment?

If you are advised that your behaviour is causing distress or upset to a colleague:

- listen carefully to the complaint and do not dismiss it out of hand;
- remember that everyone has the right to decide what behaviour is acceptable to him or her;
- if you feel a complaint is (even partly) justified, stop the behaviour at once.

If a formal grievance is made about your behaviour:

- the complaint will be fully investigated by an independent party;
- you will have the right to be informed of any allegations against you and to give a full account of your own understanding of events;
- you will have the right to be accompanied by a colleague or trade union representative to all meetings;
- any complaint that is founded may result in disciplinary action under the relevant Code of Practice.

If the complaint against you is malicious or evidence has been deliberately falsified, the College will take disciplinary action against the person making the false complaint.

Confidentiality

The College will endeavour to treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know' basis and in accordance with the principles of natural justice.
Appendix 1: Support organisations

**The Occupational Health Service:**
Mile End Office 020 7882 3176
Ground Floor,
Geography Building,
Mile End,
London, E1 4NS

Whitechapel Office 020 7882 7207
School of Medicine and Dentistry,
Turner Street,
London, E1 2AD

**Employee Assistance Programme**
Offers a full counselling service to staff: 0800 243458

**Trade Union contacts**
UCU case coordinator - ucu-coordinator@qmul.ac.uk
UNISON - unison@qmul.ac.uk
AMICUS - Steve Moore 13 2216

**HR Department**
Please contact your HR Manager in the first instance

**Citizen’s Advice Bureau**
For your local Citizens Advice Bureau see www.citizensadvice.org.uk/
The nearest branch to the College:
Whitechapel CAB 0870 126 4014
Unit 32
Greatorex Street
Tower Hamlets
LONDON
E1 5NP

**ACAS**
Helpline number: 08457 47 47 47