MANCHESTER 1824
The University of Manchester

THE UNIVERSITY OF MANCHESTER

Dignity at Work and Study Procedure for Staff

Alternative formats

This procedure is available in a number of alternative formats.
Please contact the Equality, Diversity and Inclusion Team for further details:

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Purpose and Scope

1. This procedure is to be used by a member of staff who wishes to make a formal complaint under the Dignity at Work and Study Policy against another member of staff and/or a student when they believe they have been the subject of unacceptable behaviour. Where the complaint is against a student, the appropriate officer who deals with student matters in the student's Faculty will be consulted.

2. In the following sections, the:
   - person making a formal complaint is referred to as "the complainant";
   - expression "respondent" refers to an individual against whom a complaint of unacceptable behaviour has been made.

3. Where a complaint is about someone other than an employee or student, such as a contractor, customer or visitor, the University will consider what action is appropriate to deal with the situation and to protect the complainant and anyone else involved. Where appropriate, the University will attempt to discuss the matter with the third party.

Formal complaints and investigation[1]

4. If it has not been possible to resolve the matter informally or through mediation or if it is not appropriate to seek to resolve the complaint using the informal stages, the complainant may submit a formal complaint to their People Partner. Formal complaints should ideally be submitted within 40 working days from the issue that has led to the complaint.

5. The formal complaints procedure will follow a set format with confidential systematic recording of events which are kept separate from an individual's personnel record.

Investigation

6. The person who undertakes the investigation will normally be a manager in accordance with Table 1, the "Lead Investigating Officer" supported by an HR Partner. For the purposes of this procedure, the Lead Investigating Officer and the HR Partner providing support will be referred to in this procedure as the "Investigating Officers".

7. The Investigating Officers must be independent of the complainant and respondent. In any situation where the complaint is against a student, the appropriate Faculty Officer who deals with student matters will be consulted and the matter will be investigated jointly.

[1] The University reserves the right to postpone considering, dealing with and or responding to a complaint when the complainant or respondent is pursuing legal proceedings against the University.

8. The Investigating Officers will be responsible for gathering information to allow them fully to consider the complaint. The scope of the investigation is at the discretion of the Investigating Officers. Investigations will be undertaken in confidence as quickly as possible and will normally begin within 15 working days of receipt of the complaint.

9. The Investigating Officers will have regular contact and update both sides and explain if deadlines are to be missed.

10. The complainant will be asked to attend a meeting with the Investigating Officers during which the procedure will be explained and discussed, and the details of the allegations will be confirmed. Complainants may be accompanied at the meeting by a colleague or trade union representative. A written record will be maintained of the meeting.

11. The Lead Investigating Officer may, at this initial stage, determine that there is no substance to the complaint in which case the formal procedure will cease and the complainant will be informed. In this event, the complainant may seek a review of the Lead Investigating Officer's decision. There may still be an opportunity for mediation and if appropriate this option should be considered.

12. Where the Lead Investigating Officer determines that further investigation is appropriate, the respondent will be informed of the substance of the complaint against them and asked to attend a meeting. The complainant and respondent will be requested not to discuss the case with other parties involved in the case, including witnesses.

13. Prior to the meeting, as with the complainant, details of the policy and the support mechanisms available to them will be provided. The respondent may be accompanied at any meeting by a colleague, trade union representative or, if the respondent is a student by a student representative, fellow student or staff member. During the meeting, the respondent will be given the opportunity to respond to the complaint.

14. The Investigating Officers may recommend making temporary changes to working or studying arrangements pending the outcome of the investigation, if circumstances require.

15. The Investigating Officers may also interview other relevant witnesses. Comprehensive notes of any interviews will be made and substantive content shared with the parties in order for all parties to be able to make a comprehensive response.

16. On the basis of interviews and statements received and any other relevant evidence, the Lead Investigating Officer will reach a decision and will compile a report of the investigation and outcome.

17. The complainant and the respondent will be informed individually in writing of the decision and reasons behind it. Both parties will be given an opportunity to meet separately with the Investigating Officers. The purpose of the meeting will be for the parties to ask questions and have issues arising from the letter explained.

18. If the Lead Investigating Officer concludes that the conduct of the respondent constitutes misconduct, then the matter will be referred for consideration under the appropriate disciplinary procedures. The complainant will be kept informed of any further action.

19. Where the respondent is a member of staff, action may be taken in accordance with the appropriate staff disciplinary procedures. Where the respondent is a student, action may be taken under the terms of Regulation XVII Conduct and Discipline of Students.

20. It is expected that the formal procedure should normally be completed and a written response provided within thirty working days of the receipt of a formal complaint. Where, for reasons of complexity or for other good reason, it is not possible to complete the formal procedure within this timescale, the parties will be kept informed.

21. Whether or not a complaint is upheld, Human Resources and the local management team will consider how best to manage the ongoing working relationship between the complainant and the respondent. It may be appropriate to arrange mediation or counselling, or to change the duties, working location or reporting lines of one or both parties.

VEXATIOUS DIGNITY AT WORK AND STUDY COMPLAINTS

22. Provided that a Dignity at Work and Study complaint is brought in good faith, the complainant should not suffer any victimisation or reprisal as a result of bringing the complaint, if the complaint is not upheld. Any such victimisation or reprisal would be considered to be a matter for disciplinary investigation. However, if, after any stage of this procedure has been concluded, it is the view of the Lead Investigating Officer/Appeal Officer that a complaint had no merit and was raised in bad faith, the complaint may be rejected and may form the basis for disciplinary action to be taken against the complainant.

Appeal

23. If, following receipt of the decision and recommendations of the Lead Investigating Officer, either party believes that the matter has not been handled fairly or properly in accordance with these procedures, they can appeal.

24. Appeals should be made in writing to the Director of Human Resources within 10 working days of receipt of the outcome. If the original complaint was against the Director of Human Resources or if they have been involved in the investigation, the request for an appeal should be submitted to the Registrar, Secretary and Chief Operating Officer.

25. The request for an appeal should include details of why the individual is dissatisfied with the way the case has been handled or why they believe that the outcome is not reasonable and what resolution is sought. Copies of correspondence exchanged during the preceding stages, and any other relevant papers should also be included.

26. The appellant (person appealing against the decision) will receive at least ten working days' notice of the appeal hearing including copies of any relevant papers to be considered.

27. The appeal hearing will take place as soon as reasonably possible and normally no more than twenty working days after receipt of the appeal notification and grounds for appeal. The appellant will have the opportunity to discuss their grounds of the appeal against the original findings.

28. The appeal hearing will be comprised of a Panel of three senior managers of Grade 8 or above who are independent of any previous involvement in the case and will be chaired by a manager in accordance with Table 1. The appellant will have the right to be accompanied at the appeal hearing by a University of Manchester colleague or Union representative.

29. A member of Human Resources will attend the appeal hearing. The purpose of their attendance is to support and advise the Appeal Panel, to ensure that all the University's policies are complied with and to record the meeting.

30. The procedure to be followed in preparation for and at the appeal hearing, including considering whether third parties associated with the complaint should be notified or attend, shall be at the discretion of the Panel.

31. The decision of the appeal hearing will be notified to the appellant and their representative in writing, normally within ten working days of the appeal hearing.

32. The decision of the Panel is final within the University.

Office of the Independent Adjudicator for Higher Education

33. Students who believe that their case has not been dealt with properly by the University or that the outcome is unreasonable, can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA), if the complaint is eligible under the OIA's rules and once all internal procedures of the University have been concluded. Information about the role of the OIA and the procedure for submitting complaints can be obtained from the Information, Advice and Guidance Service, the Students' Union Advice Centre and the OIA's website: www.oiahe.org.uk.

Procedure Review

34. The effectiveness of this procedure will be reviewed every three years along with the associated policy in full consultation and discussion with the recognised Trade Unions. This procedure may be updated from time to time as necessary.

Officers responsible for the investigation and review of formal complaints

Table 1

Status or Grade of alleged respondent	**Lead Investigating Officer**	**Appeal Officer**
1-8	Grade 7, 8 or 9 staff member	Director of HR (or delegated representative)
9	Director of HR (or delegated representative)	Registrar, Secretary & Chief Operating Officer (or delegated representative)
Registrar, Secretary & Chief Operating Officer	President & Vice Chancellor	A member of the Board of Governors
President & Vice-Chancellor	A member of the Board of Governors	Chair and 2 other members of the Board of Governors

Document control box	
Policy title:	Dignity at Work and Study Procedure for Staff
Effective from Date:	February 2019
Approving body:	Planning & Resources Committee
Version:	3
Supersedes:	Dignity at Work and Study Procedure for Staff July 2014
Previous review dates:	January 2012
Next review date:	Every third year, or upon any significant change in consultation with the recognised campus trade unions
Related Statutes, Ordinances, & General Regulations	1. University Statute XIII Part III Disciplinary Procedures & Part VI Grievance Procedure 2. University Ordinances XXIV Staff Disciplinary Procedures pursuant to Statute XIII Part III & XXVIII Staff Grievance Procedure pursuant to Statute, XIII Part VI 3. University Student Regulation XVIII Student Complaints Procedure 4. University Student Regulation XVII Conduct & Discipline of Students
Equality relevance outcome:	High
Related policies:	Dignity and Work and Study Policy Equality and Diversity Policy
Related procedures	Disciplinary and Dismissal Procedure for Support Staff Grievance Procedure for Support Staff University Student Regulation XVIII Student Complaints Procedure
Related information:	Staff Satisfaction Survey
Policy owner:	Director of Human Resources
Lead contact:	Head of Equality, Diversity and Inclusion