

# Dignity at Work Policy

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## 2. Context

**2.1** The University expects all members of the University community to treat each other with respect, courtesy and consideration at all times. All members of the University community are expected to behave professionally and have the right to expect professional behaviour from others.

**2.2** The aim of the Dignity at Work Policy is to support and sustain a positive working environment for all staff, free from any form of unacceptable behaviour. It highlights the options available to staff if they believe they are subject to bullying, harassment or other unacceptable behaviour and sets out the responsibilities for managing and supporting staff when concerns are raised under the Dignity at Work Policy.

**2.3** The Dignity at Work Policy does not form part of and is not intended to vary the contract of employment or worker's contract. It may be amended from time to time, as necessary.

## 3. Eligibility

**3.1** The principles of the Dignity at Work Policy apply to staff of the University and all visitors to the University (including academic visitors and visiting researchers, visitors to University museums or those attending public events, customers, contractors, suppliers and their staff). This list is not exhaustive.

**3.2** If a member of staff wishes to raise a complaint they may do so by raising either a grievance or a dignity at work complaint, depending on which is more appropriate given the nature of their complaint and the scope of the Dignity at Work Policy. Both routes provide fair and comprehensive grievance procedures and both provide channels of appeal in the event that the individual is not satisfied with the outcome. Please note however that, except for University Officers (whose employment is governed by University Statutes and Ordinances), staff are not entitled to raise the same grievance under both procedures.

**3.3** In circumstances where a student has a complaint concerning the behaviour of a member of University staff, the matter should be dealt with under the University's Student Complaints Procedure. The procedure is set out in University Statutes and Ordinances: <http://www.admin.cam.ac.uk/univ/so/2013/chapter02-section25.html>.

A student may wish to seek support from his/her Tutor, Director of Studies, Supervisor/Advisor, Director of Undergraduate Education, Director of Graduate Education, Head of Department, College Nurse or Chaplain, or an officer of the relevant student union (including the Student Advice Service).

**3.4** Members of University staff who have a complaint against a student should contact their HR Business Manager/Adviser in the first instance. See the following link for details of the HR teams attached to each institution: <http://www.hr.admin.cam.ac.uk/contact-us>. They may also like to seek support from their Head of Institution who may liaise with the Director of Studies, Director of Undergraduate Education, Director of Graduate Education or other source of support as appropriate.

## **4. Statement of Policy**

**4.1** The University of Cambridge is committed to protecting the dignity of staff, students, visitors to the University, and all members of the University community in their work and their interactions with others.

**4.2** The Dignity at Work Policy details this commitment and explains what actions can be taken if its principles are not observed. The University encourages individuals and managers to make every effort to resolve dignity at work problems informally in the first instance as this is often the most effective method of dealing with unacceptable behaviour, including bullying and harassment.

**4.3** Dignity at work may involve equalities issues and UK discrimination law provides specific protection against discrimination, harassment and victimisation on a variety of grounds. The University takes its responsibilities in these areas very seriously. The Equality & Diversity web pages provide more detailed information on these aspects of the law and the University's responses:

<http://www.admin.cam.ac.uk/offices/hr/equality/>.

## 5. Procedure

### 5.1 General Principles

At any stage of the procedure, those involved in attempting a resolution or in investigating a complaint must act in accordance with good practice and certain principles:

#### 5.1.1 Natural justice

Any person against whom a complaint has been made has the right to know the nature and sufficient details of the complaint in order to respond. It is important that no decision is taken until the complaint has been investigated and the person against whom the complaint has been made has had the opportunity to respond.

#### 5.1.2 Representation

Both the complainant and the person against whom the complaint has been made may be accompanied to meetings and supported by a trade union representative or a work colleague.

#### 5.1.3 Confidentiality

In order to safeguard individuals, confidentiality must be very strictly respected and information limited to those who have a need to know (and only to the extent necessary) for the purposes of the operation of these procedures and for maintenance of good order in the University. The University reserves the right to seek advice from or involve appropriate external authorities if it believes that it is under an obligation to do so. Any breach of confidentiality may result in disciplinary action being instigated.

#### 5.1.4 Conflict of interest

A conflict of interest can be defined as a set of circumstances that creates a risk that professional judgement or actions regarding one interest will be unduly influenced by another interest. Within the University, a formal investigation will not normally be undertaken or an appeal heard by someone in the same department or institution as the individual/s concerned. Concerns over conflicts of interest will be decided on a case-by-case basis.

#### 5.1.5 Malicious or vexatious complaints

A complaint may be considered to be malicious or vexatious if it is made in bad faith, if deliberately false allegations are made as a form of bullying against a colleague or manager, or where there are a series of frivolous and clearly unfounded allegations.

#### 5.1.6 Records

A note will be taken at meetings and will be sent to those present. Notes will not be verbatim but should nevertheless be accurate. The staff member interviewed will have an opportunity to comment on his/her notes. The University and all those involved in this process must observe the data protection principles. The Human Resources Division should be consulted about filing and retention of all notes and documents.

#### 5.1.7 Timescales

A complainant should make a complaint in a timely fashion (normally immediately after the incident or at the latest within three months of the most recent incident or occurrence of the behaviour), and once a complaint is made it must be investigated

promptly. While it is important that an investigation is thorough, a long-drawn out investigation is not in the interest of either party. However, there may be cases in which the investigation of a complaint is unavoidably delayed. Bullying, harassment or other unacceptable behaviour can have a serious effect on people and a complainant may not feel able to make a complaint without initial support or counselling.

#### 5.1.8 Support

Following the conclusion of an investigation it is important that support is given by the Institution to both parties and, if appropriate, other staff in the workplace to try and resume a working relationship and to encourage a dignity at work ethos.

### 5.2 Early intervention

5.2.1 In the first instance, unacceptable behaviour should be dealt with informally as this is often the most effective method for resolving issues raised under the Dignity at Work Policy. The University has support measures in place to help facilitate this. If informal action has been unsuccessful or if the alleged behaviour is deemed by the Head of Institution, in consultation with the relevant HR Business Manager/Adviser, to be sufficiently serious, it may warrant an immediate formal investigation.

5.2.2 The Head of Institution should make every effort to protect the rights of both parties and make it clear that at this stage the complaint has not been substantiated and no decision has been taken as to culpability.

5.2.3 Where (because of particular circumstances) it would be inappropriate for the Head of Institution to take part in the process, the matter should be referred to the Director of Human Resources who will ask the Head of the School or other appropriate senior person, or in Council institutions, the Registry, to initiate action. References to the Head of Institution herein will include, where relevant, references to their appointed deputy or alternative.

5.2.4 Members of staff who feel that they have been or are being subjected to unacceptable behaviour, or are accused of unacceptable behaviour, are advised to seek advice and support.

5.2.5 Staff can obtain advice from their Manager, local HR staff, Institutional Administrator, or the HR Business Manager/Adviser assigned to their School, <http://www.hr.admin.cam.ac.uk/contact-us>, who may be able to support them in finding an informal resolution. For other sources of support see the section *Sources of Support* in the Toolkit.

5.2.6 If requested, the HR Business Manager/Adviser will be able to meet and discuss the matter confidentially with the complainant and/or the person against whom the complaint has been made, explain the University procedures and agree the best approach to try and resolve the problem so that a constructive way of working in the future can be agreed. They may also be able to provide further

support to resolve the matter informally (for instance facilitating a meeting between the parties).

5.2.7 The HR Business Manager/Adviser may advise, for example, that the individuals discuss the matter with the Head of Institution or the Institutional Administrator, and/or advise that they meet with a Dignity@Work Contact or refer the case to the Mediation Service, if both parties agree. For further information on Dignity@Work Contacts and the Mediation Service, see the section, *Sources of Support* in the Toolkit.

5.2.8 Employees may also wish to discuss the matter confidentially with a colleague. Additionally, a member of staff may wish to seek support from a trade union representative or the Chaplain to University staff. Information on the University's Diversity Networks can be found at: <http://www.equality.admin.cam.ac.uk/diversity-networks>. For more information on sources of support see the section *Sources of Support* in the Toolkit.

5.2.9 The University's *Equality & Diversity* webpages: <http://www.equality.admin.cam.ac.uk/training/equalities-law/key-principles> explains some of the principal concepts underpinning UK equalities law.

### 5.3 Personal approach

5.3.1 A member of staff who feels that s/he is being subjected to unacceptable behaviour, for example bullying or harassment, should if possible approach the other party informally, in a constructive manner, at the earliest opportunity, explain that they perceive their behaviour to be unacceptable and that they would like them to alter this. The approach may be made in person or in writing. The staff member should give specific examples of the unwanted behaviour, and explain why this has made them feel uncomfortable. In many cases this may resolve the issue without any further action being taken and it may be possible to agree a constructive way of working in the future.

5.3.2 The complainant may seek support in formulating what s/he wants to say, either in writing or verbally to the other person, from a number of sources including a Dignity@Work Contact or their HR Business Manager/Adviser.

### 5.4 Informal approach with support

5.4.1 The complainant may be unable or reluctant to approach the other party on their own. If so, the complainant may obtain advice or ask for support from a colleague, their Manager, local HR staff, Institutional Administrator, Head of Institution or Human Resources Business Manager/Adviser attached to the School, to ask for help in achieving an informal resolution of the problem.

5.4.2 The Manager (or other individual from whom help has been requested) may meet separately with the complainant and the person about whom the complaint has been made to discuss the situation. S/he will establish the circumstances, the impact that the complainant considers the situation has had on him/her, any steps s/he has already taken to address it, and the response of the person about whom the complaint has been made. The complainant is encouraged to keep a record of any



examples of the unacceptable behaviour that can support their complaint during the course of these discussions.

5.4.3 The Manager will then seek to agree a course of action with the complainant. Wherever possible, resolution will be sought through informal means. This will usually involve a meeting between the complainant and the person about whom the complaint has been made, which may be facilitated by the complainant's Manager and, if appropriate, the HR Business Manager/Adviser. The spirit of such a meeting should not be one of accusation, but of attempting to demonstrate why distress may have occurred and exploring how such incidents might be avoided in the future. If a successful resolution is achieved, the HR Business Manager/Adviser assigned to the institution may keep a confidential record and inform the Head of Institution if s/he considers this appropriate. The complainant and person complained about will be advised of such an eventuality.

5.4.4 Where mediation is considered to be appropriate and where both parties agree to participate, the Manager, HR Business Manager/Adviser or the parties themselves may refer the case to the University's Mediation Service. The mediation process itself is entirely confidential to the participants. (<http://www.admin.cam.ac.uk/offices/hr/policy/mediation/>).

5.4.5 The informal procedure is set out in the *Informal procedure flow chart* (see Annex B).

## 5.5. Formal procedure

5.5.1 If the situation is not resolved by the informal process or the matter is particularly serious, the complainant may decide to make a formal complaint to his/her Head of Institution.

5.5.2 The Head of Institution is accountable for the management of the institution and references will be made to this role throughout the procedure. However, the Head of Institution may delegate responsibility for appropriate action to a University colleague (who may or may not be a member of the institution concerned). Where (because of particular circumstances) it would be inappropriate for the Head of Institution to take part in the process, the matter should be referred to the Director of Human Resources who will ask the Head of the School or other appropriate senior person, or in Council institutions, the Registry, to initiate action. References to the Head of Institution herein will include, where relevant, references to their appointed deputy or alternative.

5.5.3 The Head of Institution will generally instigate a formal investigation. However, if the Head of Institution considers at this stage that an informal resolution may still be feasible and appropriate, s/he will discuss this option with the complainant. There may be circumstances in which a complainant is not willing, or able, to make a formal complaint but where the Head of Institution considers that the implications for the complainant or others actually or potentially affected are so serious as to warrant an investigation being taken forward. In this case the Head of Institution, having taken advice from the Director of Human Resources, may initiate a formal investigation, or



informally look into the matter, and make a decision on further action on the basis of such evidence as is available.

5.5.4 The formal procedure incorporates a number of possible routes and outcomes. This is necessary in order to balance the rights and needs of both parties. The intention is to facilitate a non-confrontational approach to resolution, while ensuring that there is a clear formal route should it be necessary. The procedure is set out below, and a summary is provided in the *Formal Procedure flow-chart* (see Annex B].

## 5.6 Formal written complaint

5.6.1 A formal complaint should be made in writing within 3 months of the latest incident taking place, and should contain enough detail to allow an investigation to be initiated. The written complaint should include the following information:

- Details of any informal resolution that has been attempted;
- Any evidence supporting the allegations made, e.g. emails;
- Names of any employees who may be approached to provide evidence of the alleged unacceptable behaviour.

5.6.2 The complaint should be addressed to the complainant's Head of Institution, or, if that is not possible, the Director of Human Resources.

5.6.3 The complainant may seek the support of a Dignity@Work Contact, a trade union representative or a colleague in preparing the formal complaint. On receiving the formal complaint, the Head of Institution may arrange a meeting with the complainant to clarify the grounds of the complaint and how the complainant thinks it should be solved, and explain what will happen next. If, following the meeting, it is considered appropriate; an investigation will be initiated by appointing an independent investigator (see section 5.8 of the Procedure).

5.6.4 The Head of Institution will also meet with the person against whom the complaint has been made and will provide him/her with a copy of the complaint. The Head of Institution will explain that an investigation into the allegations will be carried out, which will include an interview with the person against whom the complaint has been made and any relevant witnesses, and consideration of any evidence that may be presented.

5.6.5 The person against whom the complaint has been made may also seek the support of a Dignity@Work Contact, a trade union representative or a colleague.

## 5.7 Right to be accompanied to meetings

5.7.1 Both the complainant and the person against whom the complaint has been made may be accompanied to any meeting by a companion, who should be either a trade union representative or a work colleague. The companion will be required to maintain appropriate confidentiality.

5.7.2 The companion will be allowed to address the meeting, to put and sum up the member of staff's case, respond on behalf of the member of staff to any views



expressed at the meeting and confer with the member of staff during the meeting. The companion does not, however, have the right to answer questions on the member of staff's behalf, address the hearing if the member of staff does not wish it or prevent the employer from explaining their case.

## **5.8 Investigation**

5.8.1 The investigation should not be carried out by the person who will assess and decide the outcome. Normally the investigator will be drawn from a panel of senior employees who have been briefed appropriately, and will not be a member of any institution in which either party is concerned.

5.8.2 Guidance on investigations is available from the institution's HR Business Manager/Adviser.

5.8.3 The investigator should normally be appointed within 5 working days of receipt of the complaint and will be supported by an HR Business Manager/Adviser. A note of any meeting will normally be made by an HR Adviser. Arrangements for the investigation should normally commence within three working days of the appointment of the investigator and the investigation should be concluded as soon as is reasonably practicable. It is recommended that up to 5 working days' notice is given to attend an investigation meeting. The HR Business Manager/Adviser will agree with the parties at the beginning of the process the appropriate method and timing of regular updates during the case, for example fortnightly progress reports.

## **5.9 Investigatory process**

5.9.1 The investigator will meet with the complainant in order to confirm the details of the complaint. The investigator will also, where reasonably practicable, request witness statements from and/or interview any relevant witnesses nominated by the complainant.

5.9.2 The investigator will meet the person against whom the complaint has been made to hear his/her response to the complaint.

5.9.3 The investigator will also, where reasonably practicable, request witness statements from and/or interview any relevant individuals nominated by the person against whom the complaint has been made.

5.9.4 The investigator will normally be supported at the investigatory meetings by the HR Adviser who will take a note of each meeting

5.9.5 Any person interviewed during the investigation will be sent a copy of the note of the meeting and asked if they agree it is an accurate note of their interview. Any comments must be received by the investigator within 5 working days of the interviewee receiving the meeting notes. Where there is disagreement as to the contents of the note, both versions will be sent to the Head of Institution.

5.9.6 The two parties to the complaint will receive copies of all relevant documents which may include interview notes, written statements or other evidence. At the conclusion of the investigation, the investigator will write a report for the Head of Institution, detailing the facts as established and saying whether, in their opinion, there is a case to answer. It will then be the responsibility of the Head of Institution, with the support of the Human Resources Division, to decide what action to take.

5.9.7 In carrying out the investigation, the investigator will need to ensure that the rights of both parties to fair treatment are observed. The principles of natural justice require that any person against whom the complaint has been made has the right to know the nature and details of the complaint, and to respond to the complaint. In some exceptional circumstances, however, names/identities may be kept confidential and not disclosed to a party. If any party or a witness has any concerns about details or identity being disclosed, s/he should notify the investigator (giving full reasons, and evidence where possible, for his/her concerns) and the investigator will discuss the matter with the Human Resources Division.

5.9.8 The time scale of the investigation may vary according to the particular complaint but should always be completed as quickly as practicable.

## **5.10 Action by the Head of Institution**

5.10.1 Once the Head of Institution has reviewed the report, s/he will invite the complainant and the person about whom the complaint has been made to individual meetings.

5.10.2 The Head of Institution will send both the complainant and the person about whom the complaint has been made, a copy of the report and any other relevant documents in advance of the meetings.

5.10.3 During their separate meetings the complainant and the person about whom the complaint has been made will have the opportunity to discuss the report with the Head of Institution.

5.10.4 Following the meetings and having carefully considered the investigation report, the accompanying paperwork and any comments on the report provided by the complainant and the person complained about, the Head of Institution will decide what action s/he may take to resolve the issue.

5.10.5 The Head of Institution will give both parties written confirmation of the outcome of the process as soon as is reasonably possible.

5.10.6 The University expects that both the complainant/s and person/s about whom the complaint has been made will make every effort to work together constructively whatever the outcome of a complaint.

## **5.11 Action where there is no case to answer**

5.11.1 In the light of the findings of the investigation, the complainant's Head of Institution will decide what action is appropriate.

5.11.2 If the investigator's report concludes that there is no case to answer and the Head of Institution supports this view, the case will be closed, although steps may need to be taken to restore reasonable working relationships between the parties (including referral to the Mediation Service if the parties agree). Advice can be obtained from the relevant HR Business Manager/Adviser.

5.11.3 If the Head of Institution concludes that there is no case to answer, and no further action is taken, no documentation regarding the complaint will be put on the personnel file of either the complainant or the person about whom the complaint has been made.

5.11.4 If the complainant does not accept the outcome, they may appeal (see section 6 below).

5.11.5 If the Head of Institution has grounds to believe, or on considering the investigator's report, finds that the complaint was malicious or vexatious, s/he may instigate disciplinary action against the complainant, in consultation with the Human Resources Division. No disciplinary action will be taken against a complainant where a complaint is mistaken or ill-founded but not malicious or vexatious. See section 5.1.5 of the Procedure.

## **5.12 Action where there is a case to answer**

5.12.1 If the Head of Institution decides to uphold the complaint, s/he may, as appropriate:

- Instigate disciplinary action under the relevant procedure against the person against whom the complaint has been made (or request that that person's Head of Institution do so), in consultation with the Human Resources Division. (<http://www.admin.cam.ac.uk/offices/hr/policy/>).
- Initiate steps to attempt a resolution of the issues, including consideration of a referral to the Mediation Service, if both parties agree. If a successful resolution is achieved the case will be closed, but the situation will be monitored by the Head of Institution or his deputy for an appropriate period.

5.12.2 Should action be taken against a party as a result of an investigation, the Head of Institution, while respecting confidentiality, will inform the other party of the fact that appropriate action has been taken.

5.12.3 Where an individual other than the Head of Institution has considered and made a decision regarding a Dignity at Work complaint, the Head of Institution will be informed of the outcome.

## **6. Appeal process**

### **6.1 Appeal process for University Officers**



6.1.1 Where a University Officer is dissatisfied with the outcome of their Dignity at Work complaint or the process followed, they may appeal under the provisions of Special Ordinance C (XII) 9.

## **6.2. Appeal process for all other staff**

### **6.2.1 Appeal application**

Should a member of staff wish to appeal against the outcome of the formal Dignity at Work complaints procedure, he/she must appeal in writing within 10 working days of the receipt of the outcome letter to the Director of Human Resources, setting out the grounds of appeal and stating whether the appeal is in respect of the whole or in respect of any specified part of any finding of fact or decision. In the proceedings of the appeal the member will not be entitled, except with leave of the Appeal Committee (see 6.2.2 of the Procedure, below), to rely on any grounds of appeal not specified in their written appeal.

### **6.2.2 Appeal Committee**

The Director of Human Resources will appoint an Appeal Committee to hear the appeal, consisting of a Chair and two senior members of staff. The Appeal Committee should have no conflict of interest in the appeal, be unbiased, and have the appropriate qualifications and experience to be able to evaluate the issues under investigation. An HR representative will take on the role of Secretary to the Committee and another HR representative may attend the meeting to take notes. The Appeal Committee will meet within 10 working days of its establishment to hear the appeal, or as soon as is reasonably practicable thereafter.

### **6.2.3 Appeal Procedure**

The appeal procedure will generally be as follows:

- The appellant and the Head of Institution (or such other person as was originally appointed to conduct the dignity at work procedure) are encouraged to make representations in writing.
- The appeal will be determined following an oral hearing. The appellant and the Head of Institution will be entitled to make a statement and to address the Appeal Committee. The appellant may bring a colleague or trade union representative with him/her to the appeal hearing.
- The investigator and the witnesses may be asked to attend the appeal hearing by the Appeal Committee if the committee has any questions they wish to ask them.
- The Chair may set time-limits for each stage of the proceedings, including the Hearing itself, to the intent that any appeal will be heard and determined as expeditiously as is reasonably practicable.
- Following the hearing of the appeal, the Appeal Committee will consider the facts of the case and may uphold or dismiss an appeal, in whole or in part.
- The decision of the Appeal Committee will be notified to the appellant in writing and recorded in a document signed by the Chair, giving the reasons for this decision within 7 working days or as soon as reasonably practicable.



- A copy of the document and letter will be sent to the Director of Human Resources, and to the Head of Institution. Where an individual other than the Head of Institution has considered and made a decision regarding a dignity at work complaint, the actual Head of Institution will be informed of the outcome.
- The Appeal Committee may decide to vary the above procedure as it deems appropriate.
- There is no right of appeal against the Appeal Committee's determination of an appeal.

It is anticipated that appeal will be by way of review of the outcome of the formal process. However in exceptional circumstances the Chair of the Appeal Committee may determine that a rehearing is necessary.

## 7. Flowcharts

At Annex B

## 8. Links to Other Policies and Guidance

Grievance policy

<http://www.admin.cam.ac.uk/offices/hr/policy/grievance/>

Stress at Work

<http://www.admin.cam.ac.uk/offices/hr/policy/stress/>

Equality and Diversity

<http://www.admin.cam.ac.uk/offices/hr/equality/>

Complaints by Students <http://www.admin.cam.ac.uk/univ/so/2013/chapter02-section25.html>

Student Advice Service

<http://www.studentadvice.cam.ac.uk/>