Dignity and Respect Procedure
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1. Introduction

1.1 Newcastle University aims to promote a culture where all of the University community can play their full part in creating a positive, safe and respectful working environment for everyone.

1.2 The University will not tolerate any form of bullying or harassment, victimisation or any other act of unreasonable behaviour. See Employee Guidance for more information. Bullying or harassment can be in relation to, but not restricted to, a protected characteristic covered under the Equality Act 2010. The University regards such behaviour as very serious and will respond promptly to complaints as outlined in this procedure which reflects ACAS best practice.

1.3 Any employee has the right to raise a Dignity & Respect complaint (see Dignity & Respect Policy for a definition) should they believe that they are or have been subject to bullying and/or harassment.

1.4 The University strongly encourages informal resolution wherever possible. If this does not resolve the issue then the next appropriate course of action may be mediation before any formal procedure is instigated.

2. General Principles

2.1 Confidentiality – All parties involved in these procedures must ensure that they maintain, as appropriate, the confidentiality of the process within and outside the University.

2.2 Right to be accompanied – All employees who are subject to this procedure have the right to be accompanied by a Trade Union representative or colleague throughout any formal meetings held under this procedure. There is no entitlement to legal representation at any point in this procedure.

2.2.1 The trade union representative or work colleague will be allowed to put the employee’s case, sum up the employee’s case, respond on the employee’s behalf to any view expressed at the meeting or appeal hearing, and ask questions on the employee’s behalf. However, they will not be allowed to answer questions on behalf of the employee.

2.2.2 They and the employee will have the right to request reasonable adjustments and/or adjournments during any formal meeting to have discussion between themselves. No other form of representation is permitted for either party.
2.2.3 There is no statutory entitlement to be accompanied at investigatory interviews, however it is ACAS best practice which the University is keen to reflect. Employees can choose to be accompanied by a trade union representative or University work colleague so long as this does not delay the investigation unduly.

2.3 **Time to participate** - employees, witnesses, Trade Union representatives and University work colleagues who are required to participate in this procedure will be provided with reasonable time off from their normal duties with no loss of pay.

2.4 **Participation** – there is an expectation that University employees will participate fully, openly and honestly in this procedure when required. Employees are expected to attend meetings and hearings in person, if it is not possible for an employee to attend in person Human Resources will explore alternative methods of participation. Depending on the reason a particular witness is part of an investigation, it may not always be possible to provide anonymity should the witness request this.

2.5 **Timescales** – every effort will be made to comply with the timescales set out in this procedure, however timescales may on occasion need to be extended, for example due to the complexity and magnitude of the situation. Where timescales are extended the employee will be made aware of the revised anticipated timescales and the reason(s) for any delay.

2.6 **Record of meetings** – a record of any meetings will be made and meeting attendees asked to agree or make comments on the notes. These notes will be a summary of the meeting and will not be verbatim. Audio recordings of meetings under the Dignity & Respect procedure are not permitted.

2.7 **Attempts to frustrate the process** - where it is felt that an employee is deliberately attempting to frustrate the process of this procedure or taking vexatious actions, they may be subject to further disciplinary action.

2.8 **Employees who are Trade Union Representatives** - no formal action under this procedure will be taken against an employee who is a recognised trade union representative until the circumstances of the case have been notified to a full-time trade union officer, or their nominee, of the trade union concerned.

2.9 **Whistleblowing** - an employee who makes a complaint in good faith will not suffer any detriment even if the complaint is not substantiated. See Policy and Procedure on Public Interest Disclosure (Whistle-blowing).

3. **Informal Discussion**

3.1 Any employee who has a Dignity and Respect complaint can initially discuss it informally with their immediate line manager. It may be appropriate for the employee to discuss informally with the individual concerned. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can
lead to greater understanding and an agreement that the behaviour will cease. The employee can choose to do this themselves, or they may need support from their line manager, a colleague, an employee representative or a member of their local HR team. Managers and employees are expected to do everything possible to resolve matters informally.

3.2 Where an employee believes the Dignity and Respect complaint relates to an immediate line manager, the employee may wish to discuss it informally with the next level of manager within the Unit/Service. In this instance they should contact their local HR team for guidance.

3.3 If an employee feels they require additional confidential support and advice, they can contact the University’s Just Ask programme.

3.4 An employee raising a complaint under this procedure should do so promptly. Where possible, this should be within 10 working days of the substantive issue, incident or action about which the employee wishes to raise a Dignity and Respect complaint. Raising a complaint after this time period may affect the extent to which it is feasible or appropriate for the University to carry out an investigation.

3.5 If an informal discussion has been unable to resolve the Dignity and Respect complaint, the University encourages all parties to consider mediation as the next course of action.

4. **Mediation**

4.1 A number of support measures are available to help managers and employees resolve problems informally, including the University Mediation Service. Your local HR team can advise on appropriate measures. Resolving problems informally as quickly as possible can often prevent any deterioration in working relationships which may ensue as a result of moving to the formal procedure. Managers and employees are expected to do everything possible to resolve matters informally.

4.2 Although it is strongly recommended to always consider mediation, it may not be appropriate for all Dignity and Respect issues to be resolved in this way. Your local HR team can advise where necessary.

5. **Formal Procedure**

5.1 **Completing the Dignity and Respect Form** - If the informal discussion and/or mediation has not resolved the issue and an individual believes they have a Dignity & Respect complaint, they can submit a Dignity & Respect Complaint.
form to the Faculty/Professional Services HR Manager.

5.2 The Dignity & Respect Complaint form must contain details of the following:

- Clear, specific allegations against the named person(s);
- Where possible, dates, times and witnesses to any incidents who can corroborate the allegations with direct quotes;
- Factual description of events
- An indication of how each incident made the individual feel;
- Any documentary evidence and
- Details of any action that the individual or others have already taken (or an explanation as to why no action has been taken).

5.3 The Faculty/Professional Services HR Manager will acknowledge receipt of the complaint within 5 working days, and nominate an appropriate investigating Manager from outside the immediate working group/area who does not have any connection with the employee or student.

5.4 Raising of vexatious complaints, victimisation and/or retaliation as a result of action being taken under this Procedure are unacceptable and may lead to disciplinary action. Victimisation may also be unlawful.

5.5 At this stage the alleged accused will be sent a copy of the completed complaint form and any other materials that are submitted with the form. The line manager of the alleged accused will also be advised that they have had a complaint made against them.

6. Dignity & Respect Meeting

6.1 The manager investigating the complaint will seek to establish the facts by talking to the employee, the accused and relevant witnesses separately. They are required to consider if the employee has experienced the feelings and perceptions outlined in their complaint and if it was reasonable for them to do so.

6.2 An HR representative may be present at all formal meetings and any investigation meetings to advise on procedure.

6.3 The manager investigating will arrange a Dignity & Respect complaint investigation meeting with the employee to discuss the matter which will be held without unreasonable delay. In the investigation meeting the employee should present their complaint in full.

6.4 The manager investigating the complaint will also arrange a Dignity & Respect investigation meeting with the accused to discuss the matter following the meeting with the employee. Prior to the meeting the accused will be given a copy of the relevant procedure and any additional documentation to be considered at the investigation meeting.
6.5 Notification of the investigation meeting must be provided in writing, at which time the employee will be given a copy of the relevant procedure and any additional documentation to be considered at the meeting.

6.6 The investigation meeting will, wherever possible, be held within 15 working days of the complaint being raised.

6.7 There is no statutory right to be accompanied at investigatory interviews, however it is ACAS best practice which the University is keen to reflect. Employees can choose to be accompanied at an investigation meeting by a trade union representative or work colleague so long as this does not delay the investigation unduly.

6.8 In the event that one of the parties is unexpectedly unable to attend the investigation meeting at the notified time, the meeting will be postponed and rescheduled to an alternative time normally within 5 working days after the date initially proposed.

6.9 The employee should provide any relevant documentation to the manager investigating the complaint in advance of the investigation meeting allowing sufficient time for this information to be considered.

6.10 A record of the meetings will be made available to the employee. If they choose to, it is the employee’s responsibility to provide a copy of the record to any Trade Union representative or University work colleague who accompanied them.

6.11 All meeting attendees will be asked to confirm their agreement to any notes from any investigation meetings they attended. If an attendee disagrees then they should append the notes with their comments and return within 3 working days to the manager investigating the complaint. If any of the meeting attendees do not agree with the additional comments, the original and appended notes will be viewed side-by-side when being used for consideration of actions. Comments can only be in relation to the discussions during the investigation meeting(s) and are not a means to introduce new evidence.

6.12 The manager investigating the complaint will prepare a report for the PVC or Service Director, which will include recommendations on whether the complaint should be upheld and on suitable courses of action. The PVC or Service Director will consider the evidence and recommendations and decide upon an outcome. HR will be available to advise.

6.13 The PVC or Service Director will write to both the employee raising the complaint and the accused and their line managers where appropriate to advise of the outcome and any further recommendations made.
7. Appeal

7.1 The employee or the alleged accused has the right of appeal against the decision taken by the PVC or Service Director, within 10 working days of the date of the letter confirming the outcome, to the Executive Director of HR, setting out the particular grounds for appeal, which are:

- There was failure to follow procedure, which had a material impact on the outcome
- New information has come to light that should be considered that was not available at the time of the hearing
- The recommendations taken were unreasonable or disproportionate to the dignity and respect issue

7.2 The appeal is not a reinvestigation. It will only consider the grounds on which the appeal is based.

7.3 The appeal hearing will be held within 15 working days of receipt.

7.4 The employee will be given a minimum period of notification of 5 working days of the appeal hearing.

7.5 The appeal will be heard by the Executive Director of HR, so long as that person has not previously been involved in the case. HR will attend the appeal hearing in an advisory capacity.

7.6 The decision may be given verbally at the appeal hearing if appropriate, and will be confirmed in writing within 5 working days of the appeal hearing or as soon as reasonably practicable.

7.7 The appeal decision is final, and there is no further right of appeal.

8. Other Provisions

8.1 Dignity and Respect Complaints may not be heard if they are raised after employment has ended.

9. Status of the Procedure

9.1 The employment relationship between the University and each of its employees is set out in the contract of employment. This procedure does not form part of the
contract of employment but it will apply both to the University and to all of its employees.

Associated Documents:

- Dignity and Respect Policy
- Dignity and Respect Complaint form

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