



# Complaints, Bullying and Harassment, Whistleblowing

## Complaints whilst on placement

The definition of a complaint is 'an expression of dissatisfaction'.

Whilst a student is on placement they are encouraged to use the staged processes outlined above for dealing with any complaints informally in the first instance.

Where this is not possible it will be generally be the case that the agency complaints policy is used **unless** the complaint involves a member of staff of the University. The University has a complaints procedure with regard to academic and administrative matters. Further information is available at:

<http://www.glos.ac.uk/governance/pages/appeals-and-complaints.aspx>

Where the complaint involves another student of the University there may be a need to consider the best policy (University or agency) to apply depending on the nature on the complaint.

## Harassment and Bullying whilst on placement

Notwithstanding that placements are generally rewarding with supportive practice educators, there are times when bullying or harassment may occur. Students may be unsure whether the way they are being treated is acceptable.

The Arbitration and Conciliation Service (ACAS) (2014, p.1) state:

'These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment'.

Harassment, according to the Equality Act 2010, is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.'

University support is in place for students who feel that they are not being treated in an equitable way through the student policy for Bullying and Harassment within the Student Charter available at <http://www.glos.ac.uk/life/pages/student-charter.aspx>

The University strongly encourage students to raise their concerns formally, however, some students may choose not to do so. In order that such students receive support a confidential source of support is available at the National Bullying Helpline Tel: 0845 22 55 787. Hours of opening are Monday to Friday 10am - 4pm; Saturdays 10am - 2pm. Further information is available at <http://www.nationalbullyinghelpline.co.uk>

However, due to the nature of professional placements the following guidance and process will also apply. All placements are expected to have bullying and harassment policies in place and the programme considers that students are entitled to have similar access to internal processes as any employee facing the same circumstances

Whilst a student is on placement it will be generally be the case that the agency policy is used **unless** the allegations involves a member of staff of the University. Where the allegation involves another student of the University there may be a need to consider the best policy (University or agency) to apply depending on the nature on the allegation.

Some examples of placement related bullying scenarios include:

- Shouting at people
- Persistently picking on people in front of others, or in private including within supervision sessions
- Making the same person the regular butt of jokes or work related comments
- Setting a student up to fail by unrealistically overloading them with work or setting impossible expectations
- Making threats or comments about failing the student without foundation
- Deliberately undermining a competent student by constant criticism
- Excluding the student from team meetings or activities for no valid reason
- Changing work responsibilities unreasonably or without justification and/or not providing clear guidelines or altering guidelines without warning
- Preventing progression by intentionally delaying, withholding or blocking learning opportunities (e.g. access to relevant training, allocation of work)
- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- Making unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Use of technology to conduct any of the above (e.g. emails, mobile phones, social media).

Any behaviour of this nature can have a significant impact on the student's academic achievement, social, physical and mental well-being. However, it is recognised that taking action to resolve the bullying is dependent on the individual; some may be able to cope with the level of self-doubt, anxiety and stress that results from such behaviours. Others may not but find it difficult to decide when their situation is bad enough to take action.

If any event if a student considers that they are being bullied or are a witness to someone being bullied they should keep a record of the event(s). This should include what happened, the date and time, the names of any witnesses and how they felt. Any relevant evidence should be collated.

This should be discussed with the LT in the first instance. All conversations will be treated as confidential and the LT will adopt empowerment approaches to encourage the student to take personal action in the first instance. This will generally be:

1. to give you confidence to speak to the person you feel is bullying you or to send them a memo or email if confronting them face to face is too challenging
2. to utilise the agency bullying and harassment policy.
3. to consult professional standards and codes of conduct
4. to help you identify any mediation sources within the agency to attempt to reach an agreement on ways to resolve the difficulties
5. to seek medical guidance in the event of symptoms of stress and/or anxiety.

Your Personal Tutor will also be available for pastoral support e.g. to support you to access other resources within the University.

Where the student feels unable to address the matter themselves and the situation is sufficiently concerning the Link Tutor should seek the student's permission to raise the matter with the Module Tutor including use of the evidence provided by the student.

### **Whistleblowing whilst on placement**

Whistleblowing is the name used when someone raises genuine and legitimate concerns about something which may fall below established standards of practice, be contrary to agency policy, amount to unethical or improper conduct or be unlawful **and** raises this with someone who has the ability to influence **or** authority to take action about the concern.

The Public Interest Disclosure Act 1998 (PIDA) provides a framework for the promotion and protection of public interest whistleblowing. The act of whistleblowing is officially called "making a disclosure in the public interest". According to [www.gov.uk](http://www.gov.uk) "in the public interest" indicates that someone's health and safety is in danger, there may be damage to the environment, a criminal offence is taking place, a company is not obeying the law or there is a covering up of a wrongdoing. These are called 'qualifying disclosures'. Those making a qualifying disclosure are eligible for protection if they truly think that what they are reporting is true, they are telling the right person and they believe the disclosure is in the public interest.

The University has in place formal whistleblowing policies and procedures:

for staff available at:

<https://infonet.glos.ac.uk/departments/hr/policies/disciplinaryprocedures/Documents/6.4%20Whistleblowing%20Procedures.pdf>

for students available at:

<http://www.glos.ac.uk/docs/download/key/student-whistleblowing-procedures.pdf>

Both policies give clear examples on the nature of genuine and legitimate concerns. These do not prevent the use of other applicable policies, e.g. Complaints, Grievance or Harassment policies or Student Code of Conduct.

Students and staff should seek guidance regarding the most appropriate procedure to use. Sources of guidance for use of the University whistleblowing policy include:

- Student Helpzone
- Student's Union
- PT
- LT (if on placement)
- Human Resources.
- University Secretary

Useful information can also be found on Public Concern at Work website. This whistleblowing charity provides independent and confidential advice to workers who are unsure whether or how to raise a public interest concern. <http://www.pcaw.co.uk/>

Whilst there may be cross-over between University and regulatory body policies, the programme is required to have robust processes in place to manage the reporting and investigation of malpractice and/or unprofessional conduct. Whilst a student is on placement it will be generally be the case that the agency whistleblowing policy is used **unless** the initiating incident involves a member of staff of the University. Where the initiating incident involves a student of the University there may be a need to consider the best policy (University or agency) to apply depending on the nature on the incident

The programme expects students to adhere to the underpinning principle that if they are asked to do something that they know is not right then students should not do it. The task should be refused together with their reasons. It further expects those raising a concern, or making a disclosure in the public interest, to adhere to guidance in this handbook, maintaining confidentiality at all times other than with those investigating the matter.

Whilst concerns can be raised anonymously they may be more difficult to deal with effectively and any subsequent investigation may be impeded. The programme will take all steps to maintain the confidentiality of those raising concerns or making disclosures in the public interest as far as is consistent with progressing and resolving the concern. Where a concern has been raised, initially investigated but progress is impeded without breaching confidentiality, the permission of the individual who raised the concern will be sought before disclosing details to support further investigation. Where the individual maintains their right to confidentiality, no further investigation will be made unless the matter is considered sufficiently serious.

There are, however, circumstances where confidentiality cannot be guaranteed, for example in disciplinary, safeguarding, legal or police investigations. In these situations, discussion will take place with the individual and they will be provided with support and advice about the procedures involved.

## Initiating events

The programme fosters a culture of openness, encouraging the raising of concerns informally at the earliest opportunity to enable these to be resolved, wherever possible, without recourse to more formal procedures. Notwithstanding this, the programme is committed to investigating all disclosures. It is acknowledged that University policies give clear examples that may lead to whistleblowing. The following provides more contexts to placement areas where concerns may be raised or qualifying disclosures made. These include, but may not be exhaustive to:

1. Where a service user or carer indicates that they are unhappy about their care, treatment or the service being provided.
2. Where a student observes poor practice or inappropriate conduct delivered by placement employees.
3. Where a student observes poor practice delivered by or inappropriate conduct of a student from another organisation.
4. Where a student observes poor practice delivered by or inappropriate conduct of a fellow University of Gloucestershire student.
5. Where a placement provider reports serious poor practice by or inappropriate conduct of a student.

### Initiating events 1, 2 and 3

- If a student has a concern they should first discuss this with their Placement Supervisor or Practice Educator and may choose to seek support from the placement manager informally. Notes should be taken of the nature of the concerns raised including the date and time of relevant events and names of any other witnesses, the agreed action to be taken and, in due course, the outcomes of these actions. However students are cautioned to seek guidance (see below) before submitting any written statement that they are asked to provide by any agency. If the concerns have been resolved, no further action is required.
- If a student feels unable to discuss the matter as outlined above they should discuss and/or raise the matter with the Link Tutor or, in their absence, the Module Tutor.
- The Link or Module Tutor should compile a short briefing about the incident/matter and discuss this with the student. Where agreed, the Link Tutor will arrange to meet with the placement manager and student to discuss the concern. A note of this meeting will be taken.
- Where a student considers that the concerns raised above have not been addressed or their concern is sufficiently serious to warrant a qualifying disclosure in the public interest without recourse to the placement manager they should consult with the Academic Subject Lead to secure advice before adhering to the placement provider's policy. In addition they should inform the Module Tutor, or Course Leader in their absence, in writing marked "Strictly Private and Confidential". The information should contain a note of their concerns, how this meets the criteria for a qualifying disclosure and summarises their intended action.
- The Module Tutor, Course Leader and Academic Subject Lead will, after reviewing the placement provider agency policy, give consideration as to whether the placement should be 'paused' to allow for any investigation to be taken. The Module Tutor will notify the student, placement manager and others involved in supporting the student of the decision.

- They will also consider the level and type of support to be provided to the student. This will be kept under review pending outcomes from any subsequent investigation.

#### Initiating event 4

- If a student has a concern related to another University of Gloucestershire student's practice or conduct they should discuss the matter with their Placement Supervisor or Practice Educator and may choose to seek the support of the placement manager. Notes should be taken of the nature of the concerns raised including the date and time of relevant events and names of any other witnesses, the agreed action to be taken and, in due course, the outcomes of these actions. However students are cautioned to seek guidance from the Academic Subject Lead before submitting any written statement that they are asked to provide by any agency. If the concerns have been resolved, no further action is required.
- If a student feels unable to discuss the matter as outlined above they should discuss the matter with the Link Tutor, or Module Tutor in their absence. The Link or Module Tutor should prepare a briefing note and discuss this together to consider the evidence and the seriousness of the situation.
- The Module Tutor will produce a report and meet with the Course Leader and Academic Subject Lead to discuss what action needs to be taken which could include the consideration and invoking of other University procedures.

#### Initiating event 5

- Having received written notification of a concern including the date and time of relevant events and names of any witnesses that is not remedial through the normal placement processes of additional meetings and the setting of action plans, the Module Tutor shall meet with the Course Leader to assess the evidence for the concerns and the seriousness of the situation. If a placement has not already been paused or suspended, the Module Tutor and Course Leader will consider whether this should be the case whilst the matter is investigated. In all cases this action is taken as a precautionary measure to protect the student and is without prejudice to any final outcome. The Module Tutor shall be responsible for notifying all involved in providing and supporting the placement that it has been paused or suspended if that is the outcome.
- The Course Leader will meet with the Academic Subject Lead and/or Head of School to consider the nature of the concerns and whether there is a need to invoke other University processes, e.g. Fitness to Practice or Fitness to Study to investigate the concerns. Processes from there will be in line with those policies.

#### **Guidance for students**

In the event that a student wishes to raise a formal whistleblowing, complaint or allegation they are strongly recommended to arrange a meeting with the Academic Subject Lead. The Academic Subject Lead will provide information and guidance on the process including:

- The possible consequences of making a formal whistleblowing allegation or bullying and harassment complaint including that the organisation will wish to interview the

student as part of their own process in investigating the concern raised and that the student should make themselves available for this

- The requirement for a written statement (see below)
- Advise of the limitations of any investigation should the student seek to remain anonymous.
- Advise the student to seek and gain Student Union representation
- Ensure that the student is informed on potential impact on subsequent ability to complete the programme of study (see below), gain the required qualification or register with a regulatory body.

The Academic Subject Lead will make a record of this conversation. They will arrange to meet with the Course Leader, Module Tutor and University Placement Coordinator to make a decision on whether to withdraw the student from the placement concerned. The decision taken will be communicated to all involved by the Academic Subject Lead.

The student must provide a written statement within two working days in the event of formally raising their concern or complaint. The statement will need to be clear and objective, and include the full details of the conduct and essential information as to date, time and location of the event, who was involved, the conduct observed, the names of any witnesses to the incident(s) noting that their agreement should be sought before doing so, the impact the conduct had on them, their work and their studies, attempts made to resolve the problem informally and formally and include all supportive information and evidence. It is advantageous if the student sign the statement. Support in writing the statement should be provided by a Student Union representative.

The statement should be submitted to the placement provider and a copy sent to the Academic Subject Lead (it is strongly recommended that the latter is the case).

The placement provider organisation will conduct an investigation under their own policies but permission to interview the student must be sought from the Academic Subject Lead or Head of School in their absence. Where a student is an employee of a placement provider (e.g. a seconded student) the employing organisation's policy should be used and the permission of the student's line manager sought.

### **Investigation outcomes**

Following completion of their investigation the Academic Subject Lead will be notified as to the outcomes of any investigation as follows, subject to any legal or confidential constraint, to all persons involved.

- The concern is not proven and the matter is closed.
- The investigation cannot be concluded in full and the matter is closed.
- There is cause for concern about the student's practice and an explanation is provided as to how this falls short of professional practice. An informal warning is given.
- There is cause and limited evidence for concern about the student's practice and an explanation is provided as to how this falls short of professional practice. A formal warning is given.

- There is evidence which substantiates the concern and other University procedures are being invoked.

Within the boundaries of confidentiality, the outcomes and any key learning will be shared with all stakeholders.

### **On-going study**

Those who raise a whistleblowing or bullying and harassment concern that is lawful, without malice, is not for personal gain, is in the public interest and they themselves respect the confidential nature of an investigation, will not be subject to any victimisation or further action under any University policy where investigation concludes that it is unproven.

Similarly, the subject of a concern will not be subject to victimisation or subject to any other University policy in the event that it is proved that a concern result in an unproven or false outcome.

However, it should be noted that raising a mischievous, malevolent or vexatious allegation may be regarded as a serious offence that requires the implementation of other appropriate policies and procedures.

In addition, in exceptional circumstances, it may be considered that continuation of the placement may be detrimental to the student and others involved. In these circumstances the placement will be ended in line with Stage 4 processes (see p71). This may also lead to consideration of the suitability of the learning environment provided by the placement for future student placements.

### **Monitoring complaints**

The Academic Subject Lead will keep a record of all whistleblowing concerns, bullying and harassment and other complaints raised and addressed and will provide regular anonymised reports to the Programme Management Committee and Head of School.