

Standard Operating Procedure (SoP) for Student Reports of Unacceptable Behaviour by Staff

(A) Introduction

- 1 On 1 August 2024 there was a change to the way in which students were asked to report allegations of unacceptable behaviour by members of staff.
- 2 This change means that:
 - 2.1 Students no longer have to go through the Student Complaints Procedure to make a complaint about a member of staff's unacceptable behaviour.
 - 2.2 Instead, students who wish to report unacceptable behaviour of a staff member (Reporting Student(s)) are asked to complete [this form](#) (the Report Form): and send it (the "Complaint") to the Student Complaints and Mediation Manager (SCMM) at student.complaints@bristol.ac.uk
 - 2.3 Under the HR procedures, the Appropriate Manager ("AM") (who will be advised by HR) will *still* need to keep the Reporting Student informed of the progress in managing their Complaint.
 - 2.4 It is no longer necessary for the AM to issue a Local Stage decision under the Student Complaints Procedure when a decision is made in respect of the Reporting Student's Complaint. Instead, the AM should report the outcome of the Complaint to the Reporting Student in the form of a Completion of Procedures letter and, where appropriate, consider the OIA guidance "Putting Things Right" (see below).
- 3 In all other respects, the existing mechanisms for addressing reports by students remain the same and are set out on our website here: [How to Complain](#)

(B) Standard Operating Procedure for reports of unacceptable behaviour involving HR Teams

1 Student Complaint and Mediation Manager (SCMM)

- 1.1 Students who wish to report unacceptable behaviour of a staff member are asked to complete [this form](#) (the "Report Form"): and send it to the SCMM at student.complaints@bristol.ac.uk
- 1.2 **SCMM Action on receipt of the Report Form**
 - (a) Within 7 days of receipt of a Report Form, the SCMM will consider whether it potentially engages:
 - a matter of unacceptable behaviour by the member of staff; and/or
 - an academic matter that should properly be considered under the Student Complaints Procedure; or
 - an issue relating to freedom of speech or academic freedom;
 - or any combination of the above.
 - (b) If the SCMM needs further information from the Reporting Student to determine where to refer the Report Form, they will email the Reporting

Student within the 7-day period explaining both what information is required from them and that they are unable to refer the Report Form on for consideration until the further information is received.

- (c) Within 7 days of receipt of any additional information from the Reporting Student or if none is required within 7 days of receipt of the Report Form, the SCMM will either refer the matter to:
- the Line Manager of the member of staff who is the subject of the complaint, copying in the relevant HR Business Partner (HRBP). The HRBP will advise the Line Manager whether the matter should be considered under one of the staff procedures set out in Ordinance 10 and, if so, which procedure (see flow chart in Appendix 2); or
 - the relevant Faculty Education Director to be considered under the Student Complaints Procedure if the Report Form potentially engages an academic matter; or
 - an Assessor for consideration under the Free Speech/Academic Freedom Complaints Procedure if the Report Form potentially engages an issue relating to Free Speech and/or Academic Freedom; or
 - any of the above (see flow chart in Appendix 2) if the Report Form contains two or more elements of unacceptable behaviour, an academic matter, and/or a Free Speech/Academic Freedom issue

1.3 **SCMM Action following referral of the Report Form**

- (a) On referral of the Report Form, the SCMM will email the Reporting Student to confirm:
- who they have referred the Report Form to, in what capacity, and which anticipated process(es) will be followed i.e. Staff procedure under Ordinance 10, Student Complaints Procedure, Complaints Procedure relating to Freedom of Speech/academic freedom or a combination of these);
 - The date the referral was made; and
 - inform the Reporting Student that they can expect to hear from either the Line Manager or the Appropriate Manager (together “AM”), the FED or the Assessor as applicable which will normally be within the next [14] days. “Days’ for the purposes of this procedure includes weekends but excludes bank holidays and University closure days, unless specifically referred to as working days.

2 **Appropriate Manager**

- 2.1 The AM will write to the Reporting Student (normally within 14 days of receipt of a Report Form) to confirm receipt of the Report Form and explain next steps.
- 2.2 Next steps will be dependent upon the nature of the issues raised in the Report Form.
- 2.3 In **all cases** the AM should:

- (a) on receipt of the Report Form, write to the Reporting Student to introduce themselves and provide an initial time frame in which the Report Form will be considered, in particular, they should confirm when the Reporting Student can expect to hear from them next; if appropriate, signposting Reporting Student to Student Support/Wellbeing; and remind the Reporting Student that the process is confidential. The AM should also consider any support that may be needed by the member of staff who is the subject of the complaint and if appropriate signpost them to the [Employee Assistance Programme](#)
- (b) consider whether the Complaint is clear. If the AM considers the Complaint is unclear and/or any additional information provided by the Reporting Student to the SCMM is in the AM's view insufficient for them to understand the issues raised, it may be helpful either to write to the Reporting Student seeking clarification on specific points or to meet with them (and any representative) to ensure that the Complaint raised is understood;
- (c) following advice from HR, ensure that they make reasonable and proportionate enquiries to gather all the information they need to make a decision. In some cases, the AM may be able to make a decision on the documents provided and/or following enquiries of the Reporting Student and/or the member of staff, but in some cases it may be appropriate to appoint an investigator, for example, under Ordinance 10.4.
- (d) understand that it is their responsibility to keep the Reporting Student and member of staff informed of progress;
- (e) note that, whilst we aim to reach a decision about the Complaint within 30 days, this is not always possible under the relevant staff procedure, and there may be good reason for this, such as absence of staff, delay in a response from a student to a query, complexity of the matter etc. In such cases it is important to communicate with the Reporting Student and the member of staff to, for example:
 - explain any delay (including if the delay is caused by anyone involved e.g. not responding to requests for information)
 - tell them about the enquiries being made or any investigation that is being carried out
 - confirm the overall time that it may take to consider their complaint
 - apologise for any delay where appropriate.
- (f) Note that, as set out on the [website](#), unacceptable behaviour does not include:
 - Legitimate criticism of a student's performance or behaviour
 - Reasonable requests made by members of staff to students.

2.4 AM's may find the summary table in Appendix 1 useful to note the steps to take when they have made a decision and the information that they should give to the Reporting Student at the conclusion of the procedure they are using.

- 2.5 In all cases when the AM informs the Reporting Student of the outcome, they should send a Completion of Procedures letter containing the relevant information from the table below; where appropriate (for example if there was delay in reaching an outcome) consider the OIA guidance [“Putting things right”](#) and inform the Reporting Student of any next steps. All Completion of Procedures letters should be copied to the SCMM for reporting purposes. If the AM requires legal advice, they should email their draft outcome letter to: secretarys.office@bristol.ac.uk marking the subject line “Confidential - Legal advice required”.
- 2.6 Where a member of staff is subject to formal procedures arising from the Complaint and then appeals that outcome; if the appeal outcome affects the student, the Appeal decision-maker should notify the student of the appeal outcome. If HR or the Appeal decision maker/panel requires legal advice, before finalising the decision they should email: secretarys-office@bristol.ac.uk marking the subject line “Confidential - Legal advice required”. If the AM has not considered the [OIA guidance](#), the Appeal decision-maker may opt to do so following point 2.5 above.

Appendix 1

Decision Made	Possible outcomes for member of Staff against whom a complaint is made	Information to be given to Student
After reasonable and proportionate enquiry, the AM decides to take no action Note: suggesting mediation may be of assistance where for example the AM does not identify any misconduct but considers that a supervisory relationship may have broken down.	None	AM to send a Completion of Procedures letter containing the following information: (a) finding that the matters complained of did not amount to misconduct Complaint dismissed. No action taken; (b) where appropriate any identified general good practice improvements or the fact that there are none identified; and (c) any next steps for the Reporting Student
After reasonable and proportionate enquiry, the AM decides to take Early Action under Ordinance 10.4	Informal measures identified	AM to send a Completion of Procedures letter containing the following information: Finding that the matters complained of: (a) did not amount to misconduct; OR (b) amounted to minor misconduct. No formal action taken; informal measures put in place; (c) Where appropriate any identified general good practice improvements (which may include any general actions to prevent recurrence) or the fact that there are none identified; (d) and any next steps for the Reporting Student
After reasonable and proportionate enquiry, the AM decides to consider the matter under a different Staff procedure	AM considers that that the matter is not a conduct matter and should be considered under a different procedure.	Finding that the matters complained of did not amount to misconduct. Explanation that the matters will be considered under an alternative procedure. Confirmation of which procedure has been triggered, if appropriate . Keep Reporting Student updated on the progress of the alternative procedure as they would if Ordinance 10.4 was being used

Decision Made	Possible outcomes for member of Staff against whom a complaint is made	Information to be given to Student
<p>After reasonable and proportionate enquiry, the AM decides to appoint an investigator under Ordinance 10.4 having taken HR advice</p> <p>(a) PROGRESS</p>	<p>AM considers that there may be an issue of misconduct which requires investigation and appoints an investigator</p>	<p>AM: Confirms that an investigation will take place, who the investigator is, and that the investigator will be in touch with the Reporting Student to explain likely timescales, any required involvement from them etc. and the confidentiality of the investigation process.</p> <p>Investigator: Liaises with the student concerning process the timescale for the investigation, any meetings with them the amount of time it is likely to need from then (including if appropriate advising them to complete an exceptional circumstances form), keeps them informed of the progress of the investigation and the confidentiality of the investigation</p>
<p>Following receipt and consideration of the Investigators Report, the AM decides</p> <p>(a) OUTCOME of INVESTIGATION</p> <p>No case to Answer</p>	<p>No case to answer</p>	<p>AM sends a Completion of Procedures letter containing the following information:</p> <p>(a) Finding that the matters complained of did not amount to misconduct. Report of unacceptable behaviour dismissed. No action taken;</p> <p>(b) Where appropriate any identified general good practice improvements (which may include any general actions to prevent recurrence) or the fact that there are none identified; and</p> <p>(c) any next steps for the Reporting Student</p>
<p>Following receipt and consideration of the Investigators Report, the AM decides</p> <p>(b) OUTCOME of INVESTIGATION matter referred to a different procedure</p>	<p>Matter is not a conduct matter and should be considered under a different procedure.</p>	<p>Finding that the matters complained of did not amount to misconduct. Explanation that the matters will be considered under an alternative procedure. Confirmation of which procedure has been triggered, if appropriate.</p> <p>Keep Reporting Student updated on the progress of the alternative procedure as they would if Ordinance 10.4 was being used</p>

Decision Made	Possible outcomes for member of Staff against whom a complaint is made	Information to be given to Student
<p>Following receipt and consideration of the Investigators Report, the AM decides</p> <p>(c) OUTCOME OF INVESTIGATION</p> <p>Formal Action</p>	<p>Disciplinary Hearing</p> <p>Potential outcomes:</p> <ul style="list-style-type: none"> • No action taken • First Written Warning • Final Written Warning • Dismissal 	<p>Matter dealt with in accordance with Ordinance 10.4 and at conclusion of the Disciplinary hearing: Send a Completion of Procedures letter to student including:</p> <p>(a) Confirmation of whether or not the action complained of amounted to misconduct.</p> <p>(b) Where appropriate any identified general good practice improvements (which may include any general actions to prevent recurrence) or the fact that there are none identified</p> <p>(c) Any identified actions to support/protect those affected.</p> <p>(d) The fact that formal action has been taken (but not the specific sanction etc.)</p> <p>(e) The fact that the outcome is subject to an appeal process.</p> <p>(f) Any next steps for the Reporting Student</p> <p>Note: if misconduct was found or the procedure took more than 90 days to conclude without good reason the AM must consider the OIA Guidance “Putting things right” and consider what if any remedy should be offered to the Reporting Student. If advice needed, please contact SECO email address</p>
<p>Member of staff appeals decision</p>	<p>Appeal upheld in whole or in part; or</p> <p>Appeal not upheld</p>	<p>If an appeal decision affects the student, Appeal decision-maker to notify the student in outline of the outcome.</p>

Appendix 2 – Key steps for Report Form as relating to students

