

Managing **allegations of inappropriate conduct** in the workplace can be challenging for all concerned. An employer owes obligations to all those involved in the process and it can be easy to overlook the fact that all parties need support. We set out below some **practical tips** and pointers:

Steps to support the complainant:

- Appoint a support person for them
- Communication and updates on progress
- Consider their role and whether to minimise contact with the alleged perpetrator
- Support them with the outcome - it may not be what they were expecting or hoping for



Steps to support the investigator and decision maker:

- Do they need specialist resources?
- Do they understand the allegations (and the legal background/risks)?
- Are they aware of the challenges faced by those speaking up (delay in raising a complaint does not mean the complaints are unfounded)
- Are they cognisant of coping mechanisms which recipients of unwanted conduct may use (they may conceal or not fully reveal the extent of the issue/on-going nature of the problem)
- Brief them on the organisation's perspective
- Ensure consistency of approach
- Understand the impact on all parties
- Appreciate areas of nuance and that reciprocity of banter/messaging/affection is not always a complete defence
- Consider the balance of power - what is/isn't appropriate behaviour for someone in a senior role
- Need to be aware of and balance the employer's obligations to both parties (duty of care and for a fair process to be followed)

To support alleged perpetrator:

- Appoint a support person
- Think very carefully about suspension or asking them to work away from the office – seriously detrimental to standing and irrecoverable unless carefully managed – particularly for senior people
- Consider impact on position during investigation – remit, areas of responsibility – external perceptions
- Legal resources?



Supporting other people who may be affected:

- The person who calls out the behaviour
- Others in the team of the complainant and the alleged perpetrator
- The family of the complainant and of the alleged perpetrator

Supporting the organisation:

- PR support
- Maintain confidentiality as far as possible to minimise legal risk
- Remind employees about Whistleblowing and Speak Up processes
- Provide training for all employees regarding conduct at work
- Review policies covering inappropriate communications/use of equipment
- Ensure disciplinary policy captures inappropriate conduct



Your key contacts



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