RISK MANAGEMENT AND PEOPLE MANAGEMENT: A CRITICAL REFLECTION ON HOW RISK MANAGEMENT CAN BE INCORPORATED INTO CURRENT HR PRACTICES

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THE THESIS IS SUBMITTED IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF DOCTOR OF PHILOSOPHY OF THE UNIVERSITY OF PORTSMOUTH

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DECLARATION

Whilst registered as a candidate for the above degree, I have not been registered for any other research award. The results and conclusions embodied in this thesis are the work of the named candidate and have not been submitted for any other academic award.
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I would like to take this opportunity to express my deepest gratitude to all the interviewees without their assistance and cooperation this research would not have been completed.

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ABSTRACT

The aim of this thesis is to use qualitative research to investigate and analyse how human resource risks are understood and managed in practice and how to efficiently manage HR risk in a cost effective way. The research – adding to a very limited corpus in the literature – was conducted in public sector organisations in the UK. The author argues that HR risk management should be conducted in a systematic way. The Managing HR risk framework proposed in this thesis could be used as a practical guide to enable HR practitioners to manage HR risk more effectively.

The thesis finds that, in order to effectively manage HR risk, a culture change is required at both HR department and organisational level; the prevailing risk averse culture should change to a more flexible, strategically-focused and less formalised process. From the analysis of case studies, the author notes that HR practitioners should be aware of their position in a HR conflict; they need to be neutral, fair, and supportive during the process of managing HR risks. It is concluded that qualitative factors will influence the process of managing HR risk such as power, organisational culture, management style and skills/competencies…

It further suggested that organisational isomorphism learning enables organisations to learn from past experiences, and to improve HR risk management. It also recommended that simulations offer an excellent vehicle for improving the process of managing HR risk by equipping HR practitioners with the right skills and experience.

Through the analysis of the results of interviews, two valuable case studies, and simulation, this thesis offers new directions for the future research of human resource risk management: Simulation could be used to help HR practitioners to improve the ways of managing HR risk, simulation use real-life cases for training to improve players’ or decision makers’ understanding of holistic events, and apply new skills, attitudes in practice.
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ABBREVIATIONS

ERM - Enterprise Risk Management
HR - Human Resource
HRM - Human Resource Management
RBV - Resource-Based View
SHRM - Strategic Human Resource Management
SOP - Standard Operating Procedures
UKSS - UK System Society

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CHAPTER ONE: INTRODUCTION

1.1 INTRODUCTION

In this chapter, the author will provide an overview of the study. Firstly, the research rationale is introduced, and the research aim and objectives are outlined. Secondly, the research methods adopted for this study are described, and the research context explained. Finally, an overview of the thesis structure is presented.

1.2 RESEARCH RATIONALE

Understanding human behaviour and performance is an essential part of an organisation’s capital; as employees, typically, are an organisation's most valuable and yet vulnerable asset (Ulrich, 2005). It is acknowledged that human resources are an organization's tangible assets (Verreault, et al, 2005). There is an increasing body of research-based literature addressing the importance of various human resource practices for organisational performance (Ichniowski & Shaw 2003, Pfau & Kay 2002, Bontis & Fitz-enz, 2002; Laursen & Foss, 2003). In other words, much of this literature focuses on variations in enterprise performance tied to the management of human resources. Therefore, managing human resources has a great impact on organisational survival and success (Ivancevich, 2007). When things go wrong with staff it can be very disruptive and expensive, even equalling the cost of other types of crisis: for example, fire and flood. Thus, managing people-related risk should be regarded as an increasingly vital part of any organisation’s strategy.

According to Lam (2003), every employee within the organisation could be considered as a risk; interestingly, as well as being a source of risk, humans also bear the responsibility of managing the risk. HR activities are necessary to keep HR in harmony with the risk management tools adopted by the management team. Because the risk management decision is carried out by people, HR can ensure that in the organisation the right people are in place, trained, motivated and rewarded, which is essential to success in risk management.
In addition, human resource related risk is associated with higher organisational risks which mean people are the top risk facing enterprises (Pyne & McDonald, 2001; Beatty, et al. 2003; Tower, 2006). In the literature of managing risks in the human resource context, different studies have focused on various dimensions of human resource management. Some studies have focused on safety risk management processes to enable and facilitate the health and safety issues in the workplace (Markel, 2007), such as in project management; other studies are focused on international human resource management (Dowling et al, 1999), for example managing of human resource during Organization Marge. Elsewhere, the emphasis is on the risks of various compensation strategies (Wiseman, et al, 2000), for example rewards, compensation and pay. The management of risk through effective recruitment, management and training has also engaged academic scrutiny (Erven, 2004). Although some studies emphasise some aspects of managing risk in a human resource context, the fact remains that little research on the nature of managing human resource risk has previously been conducted in a systematic way. This thesis is a small contribution to advancing this systematic analysis.

Erven (2012) argues that risk management and human resource management have not paid sufficient attention to HR-related risks. In reality, HR or line managers are not considered to have any relationship with managing risks. Therefore, managing risk is outside of their normal remit for responsibility (CIPD, 2006). As a result, the importance and impacts of managing human resource-related risks have not been fully recognised or highlighted by HR professionals or by organisations.

An effective human resource risk management strategy needs to address all risks in a comprehensive and systemic manner (Mitsakis, 2014). The CIPD (2006) report showed that a majority of employers had invested in managing the risks of serious employee injury and non-compliance with regulation and law. Only a minority believed that these presented a significant risk to an organisation. Meanwhile, other areas required urgent attention from senior management and HR professionals, such as loss of productivity due to absenteeism or staff turnover; losing staff to competitors for reasons related to employee management, and changes in demographics influencing the people management dimension. Thus, there is a need for HR functions to adopt more strategic and holistic approaches, and to work
together to maximise organisational productivity and minimise overall corporate failures (Markel, 2007).

Another important reason for managing HR risk is that the costs of HR failures are potentially gigantic, and the impact of HR failure could damage the organisation in many different ways. Bontis and Fitz-enz (2002) state that, on average, organisations spend 15 percent of their operating expenses on compensation for human resource failures. In addition, with developments and changes in the legislation, organisations have focused on emphasising the importance of managing HR related risks, as the costs of managing such risks are enormous especially when the organisation fails to effectively manage HR risks, incidents can end up as tribunal cases. In those situations, the organisation may face a big tribunal bill. According to statistics published by the Ministry of Justice, there were 39,567 employment claims raised in the Employment Tribunal in Scotland, England and Wales between August 2012 and March 2013. Organisations could face paying large compensation bills if they lose the case; for example, according to the statistics cited above, in the case of unfair dismissal the maximum award was £3,402,245, the median award was £5,016 and the average award was £11,813 (Clark, 2014) (See Appendix 1-A).

However, those figures did not take account of lost business or opportunities occurring from a risk-averse culture, and staff not being able to take up these opportunities because they are tied up with long and complex staff management processes. When considering the cost of managing human resource failure, in most situations the financial costs are highlighted. There are non-economic costs of human resource failures which are generally ignored.

In addition, compared to the private sector, the way public-sector disputes are dealt with has less to do with cost. The “majority of public sector workers who take on their employers in the tribunal system end up settling the case and are almost always silenced in the process” (McIlwain, 2011). There is a pattern whereby very few cases end up in an open hearing in a tribunal; rather, most claimants either withdraw their claims or strike a deal with the employer, signing confidentiality agreements in the process.
For example, since 2009, there have been 20 claims lodged against the Queen’s University Belfast. Six of these were withdrawn before they reached tribunal. Eleven were settled, with eight of those bound by a confidentiality clause. Thus, over 72% of settled cases were bound by a contract to not disclose any information regarding the agreement. In another example, since 2009, 16 claims have been lodged against the University of Ulster, of which 14 were withdrawn before they reached tribunal. One case is still ongoing and the other was won in favour of the university; however, the university spent £67,282.45 on legal fees to fight this equal pay case (McIlwain, 2011) (More detail see Appendix 1 - B). In order to prepare for those employment claims, when normally lawyers are involved, public organisations either use in-house legal specialists or they are hired in; those legal costs are met through specialist employment insurance or directly from their funds. However, importantly, the costs listed above are only the financial costs, which can be calculated, there are certainly other impacts or damages that those HR risks bring to the organisation. Therefore, there is a need to systematically consider those costs or damages of HR failure at the early stage of managing HR risks.

In reality, although the traditional administrative and compliance-based activities still form an essential part of HR, a strategic approach is being more widely welcomed and adopted, especially when HR tries to prove their strategic contribution to the senior management (Purcell et al., 2003; Stevens, 2005; Tower, 2006; Mitsakis, 2014). The management of HR and managing risks are, typically, handled in isolation (Erven, 2004, 2012). However, their relative impact on each other and on the whole organisation cannot be limited in this way (Hall, 1987; Markel, 2007). A strategic approach to HR enables HR departments to explore their role in supporting organisational operation, providing an avenue for demonstrating organisational value. During this process, managing HR risks enables this strategic approach to be implemented.

Although there is little existing research of the nature of HR risk management, currently there is no definition of risk management in human resource contexts. Hence, according to Smith’s (2002) risk management definition, it is a set of actions taken by individuals or corporations in an effort to alter the risks arising from businesses; the author provides a working definition as follows:
“Human resource risk management is the set of activities that human resource practitioners or line managers adopt in order to manage risks arising from the processes of managing people.”

The initial interest in the topic of managing HR risk started from the author's working experience. The author had worked in different departments at two international hotels for almost five years before she started her Master’s degree. During those five years working in the private sector, for a majority of the time the author worked within the HR department or worked closely with the HR department. After she finished her MSc International Human Resource Management degree, the author spent three months on a work placement for her CIPD certificate in a local authority in the south of England. During that time, the author had the opportunity to be trained within different functions of the human resource department within that council.

Compared with her private sector working experience, working in the UK public sector was an entirely different story. For example, the author noticed that within that council, employees are allowed to have six months’ sick leave with pay, which would be considered unrealistic and impossible in the private sector. Also, in order to encourage the absent employee to return to work, that council introduced a particular department: the occupational health department, aiming to reduce the cost of absenteeism. The author also noticed that senior staff of the human resource department spent quite a lot of their time dealing with staff conflict and complaints. Most interestingly, she discovered that this council has a department of eight HR professionals who specialise in dealing with staff grievances, staff complaints, and providing training for line managers and supervisors.

From attending the management training program in that council, the author noticed that most training was based on theories of how to conduct human resource activities or deal with conflict situations. However, it was hard to see the effectiveness of that training. Overall, the cost of those activities for managing HR problems within that council was significant. The work placement experience made the author start to question the importance of managing employee-related problems. Therefore, after reviewing related literature on risk management and human resource management, the author identified a gap in the
academic world concerning HR risk management. In other words, neither risk management nor human resource management paid enough attention to HR related risk. Coupled with the author's personal experience, the author believed that this topic deserves to be studied in depth. Therefore, what follows is a deeper consideration of how efficient HR risk management is, and how HR risks could be managed in a cost-effective and efficient manner, than has been presented previously.

1.3 AIM AND OBJECTIVES OF THIS THESIS

The aim of this research is to critically investigate and analyse the current practice of risk management within the human resource context. The research will attempt to demystify the links between HR and risks; critically explore the meaning and significance of human resource-related risk management, and explain the importance of adding managing risk to HR practice, through interviewing HR professionals and union representatives within the public sector in the south of the UK (Higher Education and Local Authorities), coupled with two valuable case studies and a simulation programme.

The objectives of this study can be summarised as follows:

- Investigate the understanding of HR-related risks to HR professionals,
- Explore the ways HR-related risks are managed currently in organisations,
- Examine the problems and challenges of managing HR risk in practice,
- Investigate the opportunities for managing HR risk effectively and efficiently,
- Develop an HR risk management framework/guide to best practice to enhance the public sector and other organisations’ avoidance/mitigation of HR risk.

1.4 METHODS AND RESEARCH CONTEXT

As explained above, managing HR risk is important and critical to the success of the organisation; however, little research into managing HR risk has been conducted before. The data used in this research is qualitative data. The research methods employed in this study are interviews, case study and simulation. The author conducted twenty extensive interviews with HR professionals and Union representatives to capture a worldview of their understanding of HR risks. Two case studies (Vicky Battle and Seaside City Council, Dr Stone and the University of Middle England) were designed according to real-life case studies.
This research is the first study of its kind to use real-life case studies in order to examine the current practice of HR risk managing in the public sector. In fact, access to a real-life case was difficult and especially challenging, as it involved individuals and required significant supporting documentation. When the focus is on the UK public sector and higher education, the situation becomes more challenging. These two case studies that happen to be from the UK public sectors will be used to provide indicative evidence of practice more widely.

In addition, a simulation programme was designed according to the second case study (Dr Stone and the University of Middle England); the simulation was conducted at the 17th UK System Society conference (UKSS) in September 2013. This study is the first research use of a simulation in order to capture what alternative means could be evolved to handle case studies such as are collected here. The author used simulation to explore the possibility of managing HR risk more effectively and efficiently. After comparing the literature review of related theories and framework with the interview results, case studies and simulation, the author analyses the main findings and research results. Most importantly, the author attempts to design the managing human resource framework which provides the best practice guide for an organisation to avoid or minimise the damages of human resource risks.

1.5 RESEARCH STRUCTURE

This thesis contains eleven chapters, which have been divided into three parts. The first part of the thesis starts with an overview of the study, followed by a review of risk management, human resource management and human resource risk management, coupled with an explanation of the research method. In chapter one, the author provides an overview of the study, presenting the rationale of the research, and explaining the aim and objectives and clarifying the structure of the study.

In chapter two, the author reviews the literature on risk management, starting by introducing the history of risk management studies, followed by risk management strategies. In chapter three, the author reviews the literature of human resource management by explaining the definition, how HR functions, and followed by the strategic focus of strategic
human resource management. In **chapter four**, the author reviews the theories about human resource risk management, and explores the problems, challenges and methods of managing human resource risks. An in-depth literature review of relevant academic articles and other sources of secondary data have been conducted to ascertain the related theories about risk management, human resource management and human resource risks. The theory and the concepts that appear in the literature provide the theoretical foundation for this research. In **chapter five**, the overall methodology of the research is explained. It examines in more detail the collection of primary data. It explained the research strategy, case study approach, interview and simulation. Moreover, the process of analysis of data and the limitations of the research methods used are presented at the end of the chapter.

The second part of the research concerns empirical investigation, which explains the primary and secondary findings of this study. In **chapter six**, the author presents the results of interviews with HR professionals and union representatives about managing HR risk, according to the aim and objectives of the study. In **chapter seven and chapter eight**, two valuable and representative cases (one from higher education, one from local government) were selected and studied, with the aim of revealing a picture of what is currently happening in reality. In **chapter nine**, the author presents the details of the simulation exercise which was based on the second case study featured in this thesis. The simulation is designed to allow the author to understand how systemic failures occur in human resource management, and the strategies to improve decision-making that can be used to enhance resilience.

The third part of this research is the synthesis of theory and praxis. In **chapter ten**, the author presents the main findings and analysis of the research results according to the aim and objectives of the study. In **chapter eleven**, the author summarises and concludes the study. Research contributions are acknowledged, a framework/checklist of best practice of managing HR risk is developed, and research limitations and future potential research directions are explained.

**1.6 CONCLUSION**

Managing human resource risk is an important part of human resource management and it is critical for the all organisations. In this chapter, the author explained why the topic of
managing HR risk should be studied, the aim and objectives of this research, briefly explained the methods involved in this study, and the achievements of the primary research. Also, the structure of the thesis is presented. Before returning to and analysing the primary research, the literature review will be presented in the following chapters, explaining the related theories and frameworks in more detail.

As this research is aimed at critically examining HR management, and integrating risk management into HR, it will be of benefit to review the theory about the related subjects, in order to gain a better understanding of the topic. Therefore, from the next chapter, the author will review the literature of risk management, HR management and HR risk management.
CHAPTER TWO: LITERATURE REVIEW OF RISK MANAGEMENT

2.1 INTRODUCTION

With the increasing uncertainty, complexity and multiplicity of new technologies, it is impossible to predict the hazards and potential consequences precisely (Beck, 1992; Borozio, 2005a). Risk has become recognised as one of the most important organising principles and influential concepts in contemporary society, about both man-made and natural hazards, in response to an increasing number of types of risk and their frequencies.

Neither risk nor risk management is a new discipline. In the main, risk studies were brought in as a decision-making tool to examine environmental issues in the 1990s. However, the concept of risk means different things to different people. It is difficult to agree a definition, because the term “risk” is used in different fields, and people usually think of risk in terms of their background (Borodzic, 1997; Zinn, 2008). Vlek and Keren (1991) summarised some formal definitions of risk:

- Probability of undesired consequence
- Seriousness of (maximum) possible undesired consequences
- Multi-attribute weighted sum of components of possible undesired consequences
- Probability x seriousness of undesired consequences (“expected loss”)
- The probability weighted sum of all possible undesired consequences (average expected loss)
- Fitted function through the graph of points relating probability to the extent of undesired consequences
- Semivariance of possible undesired consequences about their average
- The variance of all possible consequences of mean expected results
- Weighted combination of various parameters of the probability distribution of all possible consequences
- The weight of possible undesired consequences (“loss”) about comparable possible desired consequences (“gain”)
2.2 RISK MANAGEMENT STUDIES
The first systematic human risk analysis can be traced back to the Tigris-Euphrates valleys of Mesopotamia in 3200 BC (Borodzicz, 2007). They were used by consultants advising people regarding risky or uncertain decisions (Oppenheimer, 1997). Modern academic risk studies began in the seventeenth century, when concepts of risk were developed concurrently with probability theory in mathematics (Hacking, 1975).

Since the 1960s, social scientists began to criticise the concept of real or objective risk – in which risks are independent of individual understanding or fear (Krimsky & Golding, 1992). Therefore, risk perception has been a focus of interest for policy makers and academics in the social sciences. This risk perception prefers to involve not only people’s beliefs, attitudes, and emotions, but also their wider social and cultural contexts toward and of risk, which means the individual human subjectivity should be considered (Slovic, 2000). Social scientific research on risk then developed into two broad streams: the sociological approach and the psychological approach.

The psychological approach attempts to understand and explain how people think and feel about the presence of other people. The sociological approach emphasises the significance of group and organisational influences (Boholm, 1996). In the 1980s, the social and cultural contexts of risk became one of the key issues in risk studies. According to “cultural theory”, risk perception should be understood within the cultural context of the individual’s relationship to social groups and under their social structures, as Taylor-Gooby, 2004) argue. Currently, those two approaches incorporate a broad range of theoretical perspectives. Risk communications worked as an interdisciplinary subject. The contemporary academic work about risk reviewed in this chapter has been broadly grouped into three disciplinary areas of research: psychologically, socially and culturally orientated approaches (Borodczic, 1997; Lofstedt 2003).

2.2.1 THE PSYCHOLOGICAL APPROACH: RISK PERCEPTIONS
• Cognitive/decision-making strategies
The earlier psychological approach was mostly about risk perception. Risk perception refers to the psychological study of risk, analysing people’s beliefs, attitudes, judgements and feelings, coupled with the analysis of influences from the wider social or cultural values and dispositions that people adopt, their attitudes, and their behaviours during hazards and uncertainties. In other words, risk perception emphasises the identification and measurement of various features of people making decisions. Risk was considered a real and objective entity (Pidgeon et al., 1991; Boholm, 1996; Borodzicz, 1997).

“Risks to which they are exposed can be treated as though they were concrete physical entities that could be precisely defined and unambiguously measured in objective terms. That is to say, they believe that risks and their assessment can be considered as value-free and neutral” (Toft, 2001, p.7).

For this reason, the cognitive theorist in the field of risk perception attempted to understand the decision-making process under a simulated environment (McDermott, 2001).

The cognitive paradigm is used to examine risk perception by understanding how people recognise or understand the world. Kahnemann and Tversky (1979) believed that decision makers are influenced by their risk perceptions when they were making decisions. There are three types of heuristics that people apply while making decisions under uncertainty: representativeness, adjustment, and availability. Representativeness refers to the situation where people make a decision according to their previous knowledge of similar events. Adjustment takes place when predictions are based on individual initial values. Availability relates to the strength of the memory or imagination of the event (Botterill and Mazur, 2004).

- **Psychometric model**

Psychometric studies refer to a systematic approach in which the psychological variables for particular hazards are collected and measured from individuals (Borodzicz, 1997). The psychometric approach provides the foundation for risk communication, as it illustrates descriptions of risk perceptions. In particular, psychometric approaches attempted to take account of the qualitative features of hazards by measuring the extent to which people perceived specific risks concerning fatalities (Oltedal, et al, 2004). The question the
The psychometric approach attempts to answer is “why is one technology feared in some societies or social situations, but not in others?” (Rippl, 2002). They believe that risk perceptions can be measured using statistical techniques (Slovic, et al, 1998; Ozdemir & Kruse, 2000).

It is argued that by including more thorough analyses of the psychometric data, the risk perception will be better understood (Marries et al., 1997; Slovic, 2010). However, anthropologists have criticised psychometric approaches for their failure to take account of the cultural dimensions of risk perception (Douglas & Wildavsky, 1982).

### 2.2.2 SOCIOLOGICAL APPROACHES

- **Cultural theory**

Douglas laid the foundation of cultural theory in 1978. Scholars found that risk perception was not only of individual phenomena, but also socially and culturally constructed facts (Boholm, 1996). According to cultural theory, risk perception needs to be viewed within the cultural context of the individual’s relationship to social groups and their social structure, that risk is culturally constructed (Borodzicz, 1997; Chen, 2004). Because individuals are embedded in a social structure, the individual’s attitudes, beliefs and risk perceptions are formed by that social structure and social context. As a result, people from different groups/backgrounds may perceive risk in different ways (Douglas & Wildavsky, 1982; Pidgeon, 1998).

Cultural bias covers the attitudes and beliefs shared by a group, and outline the risk that the groups identify in ways that cannot be explained by the quantitative analysis of objective risks. An individual’s cultural bias is linked to the extent to which people are included in bounded groups – “group” dimension – and the extent to which an individual’s life is restricted by externally imposed prescriptions – “grid” dimension – (Thompson et al., 1990). Putting the two dimensions together, four ways of life can be identified (Douglas, 1978; Thompson et al., 1990): Fatalism (low group/high grid); Hierarchy (high group/high grid); Individualism (low group/low grid); and Egalitarianism (high group/low grid).
According to grid–group cultural theory, Fatalism refers to people who regard risk as something capricious; there is nothing that they can do about it. Hierarchy refers to people who consider risk as perverse/tolerant; everything will be okay if only they stay within known limits identified by experts. Individualism refers to people who regard risk and danger as something parallel; they intentionally ignore risk in pursuit of short-term profits, thinking that risk and profit go hand in hand. Egalitarianism refers to people who view risk as ephemeral; risk and potential disasters are an ever-present threat from forces in the system beyond the border (Douglas, 1978).

There are some criticisms of the grid–group cultural theory. Johnson (1987) and Funtowicz and Ravetz (1985) argue that to summarise social life into four categories is to oversimplify or reduce its complexity, particularly considering the variety of races, theories and cultures in the real world (Oltedal et al., 2004). Moreover, it is hard to use the theory to explain a situation where any individual or organisation might move from one risk culture to another. The practical application of cultural theory is very limited, as it lacks empirical substantiation (Rayner, 1992; Boholm, 1998; Rippl, 2002).
Risk communication developed from earlier work in risk perception (Lofstedt, 2003). The purpose of risk communication is to consider various different perceptions of risk, to reduce social conflict on the assumption that people look at the world differently. There are two major reasons for the emergence of risk communication (Frewer, 2004). Leiss (1996) defined risk communication as the flow of information and risk evaluation back and forth between academic experts, regulatory practitioners, interest groups, and the general public. This means that risk communication is an interactive process of exchange information and opinions among individuals, groups and institutions. The objective of risk communication is to ensure understanding and agreement of a risk issue based on the information provided, for the purpose of persuading receivers to change or modify their behaviours, coupled with providing the conditions for a two-way communication to resolve risk conflicts (Renn, 1998; Frewer, 2004).

According to Pidgeon, (1998) risk communication studies are helpful in the establishment of policies, enabling the development of organisational frameworks to respond to hazards, encouraging public involvement in decision-making processes regarding hazards, and establishing risk management and environmental management. As risk communication passes information about risk from experts to the public, it resolves the public dilemmas resulting from particular social conflicts over risk. Most importantly, risk communication increases dialogue and cooperation by establishing realistic common purposes between different parties (Frewer, 2004; Hampel, 2006).

Therefore, effective risk communication would help to prevent crises from occurring. It also contributes to better decision making in dealing with risks (Morgan, et al. 2001). Hampel (2006) highlighted the criticality of trust in risk communication. Trust is believed to be the key to facilitating communication effectiveness. There are three components of trust, which are fairness, competence and efficiency (Kasperson, Golding & Tuler, 1992). Trust breaks down the barriers between different groups and organisations. It is unlikely a message receiver would believe the message if he/she did not trust the source of information or the message deliverer (Frewer, 2004).
2.2.3 SYSTEMS THEORY

- Normal accidents and man-made disasters

Different systems might have underlying similarities and common characteristics (Borodzicz, 1997). According to Perrow (1999), a system accident or a normal accident originates from the complex and unexpected interaction of multiple technical failures. There are four levels of increasing aggregation within a system: unit, parts, subsystems and system (Perrow, 1999). A system can display the same or similar properties to one that is run on same basic kind of system, regardless whether it is originally biological, sociological or mechanical (Beishon, 1980). Some scholars believe that disasters typically emanate from a complex combination of technical, human, organisational and social factors (Blockley, 1996; Toft & Reynolds, 1999; Mearns, & Flin, 2001).

Turner analysed the development of a disaster in an organisation into six stages (Turner, 1978, pp.85‒92):

Stage 1: a notional normal starting point. The system operates on an accepted set of norms, values, and beliefs (operating culture); beliefs and values about the world are created. Consequently, codes of practice or regulations are established.

Stage 2: the incubation period. The system functions with minor problems and events arising, but these problems are not treated seriously as they do not conform to the organisation’s world-view of a hazard. In other words, even if some minor problems start to occur, these problems will not be treated because, from the perspective of organisational beliefs/values, those problems are not recognised as hazards.

Stage 3: the precipitating event. The incubation period is ended by a precipitating incident or a crisis. The impact of the precipitating event raises the perceptual awareness of the decision makers who were involved in Stage 2. It requires them to become involved in solving the problem. However, their attempts to do this are based on their previous assumptions. Unfortunately, the system will frequently fail to respond to these interventions, and this leads to Stage 4.

Stage 4: the onset of disaster. In this staging system, failure or breakdown is normally caused by “ill-structured” crisis events, for example, an ineffective or absent plan.
Stage 5: rescue and salvage. The need to recover and re-establish the system will compromise the ill-structured situation. Flexibility and improvisation are required and relevant.

Stage 6: full central readjustment. This stage can be regarded as a learning stage. The course of problems will be analysed, the beliefs and values will be revised, and at the same time the future operational procedures will be evaluated.

Finally, the system returns to Stage 1, to restart the cycle again. This cycle is also called the “crisis cycle” (Shrivastava, et al., 1988; pp. 287–94; Pidgeon & O’Leary, 2000).

**Isomorphic learning**

Authors such as Reason (1990), Toft and Reynolds (1997), Stead and Smallman (1999), and Borodzicz (1997) believe that crisis and disasters take place repeatedly because an organisation does not learn from past experience. Organisational isomorphism could speed up organisational learning. According to Toft and Reynolds (1997) isomorphic learning could help an organisation to avoid disasters or crisis. Because failure in one system could reoccur in similar systems for similar reasons, examination of the similarities could predict the problems.

“If disasters do recur for the same or comparable reasons then it may also be postulated that the organisational learning that takes place following such events could also have similar features. Consequently, if we better understand those processes of reporting back and learning it may eventually be possible to design procedures and structures that will assist organisational learning and reduce further losses” (Toft and Reynolds, 1999, p.54)

However, Reason (1990) argues, it is extremely unlikely to happen as a consequence of the same sequence of errors. Therefore, specific learning designed according to those similarities would have a limited influence. “Such events are usually caused by the unique conjunction of several necessary but singly insufficient factors.” Since the same mixture of
causes is unlikely to recur, efforts to prevent the repetition of specific active errors will have only a limited impact on the safety of the system as a whole. (Reason, 1990, p.174)

Undoubtedly, for the organisation it is difficult to predict disasters completely on the basis of tracking its statistical history. Different organisations may share some common features, such as using similar management practices, materials or production processes; thus, it is more likely that similar disasters can be observed in different organisations (Turner, 1978; Toft & Reynolds, 1997; Kletz, 2001; Crichton et al., 2005).

Organisational learning is considered as occurring on at least three different levels of analysis (Stead & Smallman, 1999). The first level is “organisational specific” learning; at this level, the individual organisation draws lessons from the specific event in which they were involved. In other words, they learn their lessons individually. The second level is “isomorphic learning”, where more universally applicable lessons are drawn from analysis of the factors surrounding a specific organisational failure in other organisations. This means learning takes place after an analysis of organisational isomorphism is made. The third level is “iconic learning” where the publication of disastrous events or technical failures creates a learning event in itself for those who are unaware of such events. The second level, isomorphic learning is the most valuable. At this level of analysis, the fundamental causes of complex socio-technical disasters are presented more clearly. Also, the particular and individual circumstances having been removed, the core fragilities of the organisation in question can be examined, and subsequently compared with the activities of other organisations.

According to Toft & Reynolds (1997), there are at least four types of isomorphism in which organisations can be thought of as displaying generic characteristics. Event isomorphism is a situation whereby two different events occur at different times and place, but they share similar situations. Cross-organisational isomorphism is in organisations that belong to the same industry and showing different sets of ownership. Similar failures, errors or unforeseen mistakes might take place in these organisations and, as a result, lead to similar disasters. Common-mode isomorphism refers to those organisations that are not in the same industry, but adopt the same or similar types of instruments, equipment, or operational procedures,
and consequently, the same or similar disaster situations may occur. Self-isomorphism refers to those organisations that have many sub-units or branches. Each unit produces and provides similar products or services. Within these sub-units, if the real cause of an event cannot be foreseen, similar events might occur again in the future (Borodzicz, 1997).

Learning from past disasters of other organisations can help an organisation to prevent the similar disaster happen. “Isomorphic learning” can be used for comparative examples, giving the benefit of highlighting proactively to avoid future analogous tragedies. Also, isomorphic learning might contribute to helping change an organisations safety culture (Toft & Reynolds, 1999).

2.2.4 POSTMODERNISM

It is complex, and complicated, to define the term “postmodernism”, as there is hardly any agreement on its nature and meaning (Borodzicz, 1997). Postmodernism refers to a world of ever-growing complexity, where a simple mechanistic model is no longer valid. According to Hassard and Parker (1993) the foundations of postmodernism are multiplicity and diversity, and it integrates various paradigms and ideologies equally. A similar idea shared by Lyotard (1984) is that the focus of postmodernism is on diversity and multiplicity, accommodating varied ideas and theories, including the modernist perspective itself. In other words, postmodernism tries to consider all relevant theories, which are then applied to the issue under scrutiny, and by doing this, postmodernism becomes increasingly multifaceted.

In crisis/disaster/risk management, postmodernism provides opportunities to allow review and consideration of different hazard constructions, and different perceptions of risk and hazard by various organisations and parties (Browning & Shelter, 1992). Toft and Reynolds, (1999) believes postmodernism can present a more humane, pragmatic, sensible way for organisations to respond to crises and disasters. As the concept of postmodernism acknowledges and embraces all possible hazard constructions of relevant organisations, it introduces a wider variety of voices to decision making with regard to risks (Lyotard, 1984; Browning & Shelter, 1992; Borodzicz, 1997).
2.2.5 RISK SOCIETY

A major social and political transition has occurred, from a class-based industrialised society to a risk society (Boholm 1996; Borodzicz, 1997). In a risk society, the influence of social class has decreased, and society is more influenced by postmodernism.

In a risk society, the public is more aware of the multiplicity of risks and hazards produced by society. The general public also have their own opinions and ideas on the nature and management of the technological risks and hazards produced by society. In addition, the public are increasingly sceptical of the accountability of formal science and their relationships with experts. In other words, in a risk society, the public are taking more part in the production of social and political discourses (Borodzicz, 1997).

Beck (1992) argues that modern technological developments are creating largely unknown risks. In the risk society, major risks affect people indiscriminately. Confidence in experts and in accredited authorities tends to decline, as the general public are more aware there is a range of alternative approaches to solving the problems. The public develop an adult–adult relationship with politicians, scientist and experts (Talyor-Gooby, 2004).

According to Beck (1992), a risk society has following basic features.

- The post-materialist public is becoming more and more aware of the risk and hazards of contemporary life;
- New scientific and technological hazards are both multiplying and spreading;
- Risk becomes an inescapable part of people’s lives – everyone in society is facing more and more unknown and incalculable risks as technologies develop;
- There is a continuum of argumentative claims and perspectives from different groups who view risk differently; producing contentious knowledge on risk is no longer a matter of good or bad experts.
Experts can only supply more or less uncertainly factual information about probabilities.

2.3 RISK MANAGEMENT AND STRATEGIES

2.3.1. DEFINE RISK MANAGEMENT

According to Broder (2000) risk is associated with virtually every conceivable activity. Risk should not be confused with perils, such as fire, flood and earthquake. Risk management is principally concerned with the protection and conservation of assets and resources. Smith (2002) defined risk management as any set of actions taken by individuals or corporations in an effort to alter the risk arising from business. It deals with insurable or uninsurable risks and involves a formal orderly process for system identifying, analysing and responding to risk events to obtain the optimum or acceptable degree of risk elimination or control. Handy (1999) argued that risk management is not a separate activity from management; it is the management of predicting and planning in order to prevent. In addition, Meulbroek (2002) suggests that risk management should place more emphasis on maximising shareholder value.

Due to every industry giving risk management its own special character, risk management has different meanings (Chicken & Posner, 1996). Risk management has many definitions, most of which are in broad terms.

“It is a process, affected by an entities [sic] board of directors, management and other personnel, applied in strategy setting and across the enterprise, designed to identify potential events that may affect the entity, and manage risk to be within its risk appetite, to provide reasonable assurance regarding the achievement of entity objectives.” (Committee of sponsoring organisations, 2004, p.6)

“The systematic use of organisation-wide processes to identify, assess, manage, and monitor risks –such that aggregated information can be used to protect, release, and create value.” (The European Foundation for quality management, 2005)

➢ Types of risk
Power (2003) categorises the risks into financial risks, business risks, compliance risks and operational risks. While every risk is important to the organisation, operational risks are the most common form of risk for many organisations, no matter whether public sector, private sector or non-profit organisation. However, it is a challenge to capture all the features of operational risks in one definition, as the scope of operations risk is vast. Operational risk can be defined as the risk of loss or gain arising from people, systems or external events which have the potential to cause the organisation to deviate from its objectives. The loss or gain could be financial loss which affects a profit objective or a non-financial loss which affects a non-financial objective such as reputation and customer satisfaction.

There are three main sources of operational risk: people, which refers to deliberate and non-deliberate actions; external events, which refers to all risks that are external to the firm, for example changes in legislation and failed suppliers, and systems, which refers to any risks arising from a non-human, physical or non-physical source, for example software failure. In other words, operational risks are the risk of loss resulting from inadequate or failed internal processes, people and systems or from external events. Therefore, operational risks are very broadly defined, covering clients, products and business practices, business disruption and system failures (Mittelstaedt, 2005, Dunnett et al., 2005).

Operational risk is often regarded as the most dangerous, for two main reasons:

Firstly, operational risks are often idiosyncratic and vary widely depending on the company and its market situation. Thus, normally, no standard procedures are available, which will produce problems in terms of defining the data or strategies that are relevant to managing operational risks. Operational risks are very complex.

Secondly, because operational risk is very complex and interrelated in complex ways, it can be very difficult to manage. Chapman (2006) suggests the measurement or strategies taken to reduce certain operational risks may have the unfortunate effect of increasing risk in other related areas. Operational risks could have an impact on other risks.
Who should be responsible for managing risk?

Everybody should concern themselves with risk management, because risk and uncertainty with potentially damaging consequences are inherent in all business projects; also, the damaging consequences will impact everyone involved directly and indirectly (Peterson, 2005). Therefore, everyone in any position will have certain influence or responsibility for managing risk. Managers in various positions in all kinds of business can make a significant personal contribution to effective risk management within their own spheres of responsibility. All they need is an increased sense of awareness of risks within their own business areas, combined with sound advice and guidance in what to do (Chapman and Ward, 1997).

At different levels in an organisation or community, the term risk management is interpreted in slightly different ways. For this reason, it is understandable that there are significant differences in the level of responsibility for risk management. The degree of responsibility depends on the contractual arrangements within the organization (Chapman & ward 1997). In other words, depending on the position of an individual, a different level of responsibility is specified; certainly, senior management will have higher levels of responsibility than line managers or individual employee.

However, Erven (2004) argues control of many risks can only be led effectively by local line managers. The responsibility for risks must be taken at a variety of levels, perhaps by the use of a pyramid structure of risk ownership. Alternatively, there is an allocation of specific risk dimensions to the board, executive committees or business unit directors as appropriate. Therefore, everyone within an organisation is responsible for managing risk. Every manager has a contribution to make, in setting out the key issues and concepts involved in effective risk management. By allocating the responsibility for managing risk, clarifying the details of the risks, and comparing the consequences and available options, the organisation can ensure the effectiveness of managing risk to some extent.
➢ The benefits of risk management

There are some advantages of managing risks. Chapman and Ward (2004) summarised a number of interrelated, lower-level benefits that can accrue from undertaking risk management, all driving up profitability, such as: keener pricing; competitive advantage; improved chances of winning business, and lower costs with direct profit implications. Moreover, generating a new risk management culture can make an organisation more exciting to work for and make going to work more enjoyable. It will lead to higher quality staff wanting to join and stay with the organisation, with obvious general benefits.

Meanwhile, Hopkin (2010) also suggests a range of benefits that could be obtained from successful implementation of risk management, such as compliance, assurance, decisions and efficiency/effectiveness/efficacy. Hopkin (2010) emphasised that the key benefit of risk management is to enhance the efficiency of operations within the organisation. Risk management should provide more than assistance with the efficiency of operations. It should also help ensure that business processes are effective and that the selected strategy is efficacious, in that it is capable of delivering exactly what is required.

Therefore, understanding of risk management is critical and essential for any strategy’s estimation, planning, implementation and realisation, In order to manage risk effectively and efficiently, risk management should be treated as an add in rather than as an add on (Chapman and Ward, 2004).

2.3.2. RISK MANAGEMENT STRATEGIES

Risk management involves the protection of a firm’s assets and profits. It is a systematic method of using a firm’s resources – physical, financial, and human capital – to realise certain objectives concerning pure loss exposure (Coyle & Schnarr, 1995). Most theorists would argue that regardless of how complex and varied the risks faced, there are only four possible approaches to managing risk: avoid, reduce, transfer, or retain (Borodzicz, 1997). Risk avoidance and risk reduction minimise the overall exposure to risk. They are sometimes preferred to risk control. Risk transfer and risk retention are to do with funding
losses arising from risk that remain after the application of risk control techniques. These are known as risk financing.

Several authors have tried to summarise the process of risk management. Harley, (1999) states the process of risk management is subdivided into risk identification, risk quantification, risk response development, and risk response control. Similarly, Chapman (2006) argues risk management involves identifying risk, predicting the probability and the potential for serious damage, making decisions on this basis and implementing these decisions accordingly. Chapman and Ward (2003) assert that the risk management process consists of the two broad categories of risk assessment and risk control.

- **Risk assessment:** consists of risk identification, risk analysis, and risk prioritisation. Risk identification involves identifying items or events that might have a significant negative impact on a project. These items or events might be identified through a risk identification checklist, through reporting by project participants, through comparison with historical data, or through contingency planning. Risk analysis employs decision analysis, cost risk analysis, schedule analysis, reliability analysis, and similar techniques and models to analyse identified risks. Risk prioritisation employs quantifying the risks and risk exposure, and using statistically based decision mechanisms (Borodzicz, 2007; Chapman & Ward, 2003).

- **Risk control:** consists of risk management planning, risk resolution, and risk monitoring. Risk management planning uses information buying, risk avoidance, risk transfer, and risk reduction to achieve its goals. Risk resolution techniques include appropriate staffing decisions, detailed outsource cost and schedule estimation, monitoring, prototyping, requirements benchmarking and simulation. Risk monitoring provides timely risk visibility and resolution. It incorporates techniques such as milestone tracking, tracking of top risks, and regular risk reassessment. Risk management plans, like human resources initiatives, are living documents that will be updated as new risks are identified and addressed (Chapman & Ward, 2004).

Furthermore, there are varieties of risk management frameworks or approaches. McCormack and Sheen (2013), introduce the following risk management frameworks:
The first stage is the risk identification and assessment process, which involves identifying and assessing risks which might be exposed and setting up indicators or monitoring mechanisms. The process provides a good opportunity for firms to ensure that adequate controls and strategies are in place to manage the risks and whether existing controls might require improvement (McCormack & Sheen, 2013).

The next stage is risk measurement and monitoring, which involves the firm setting up specific risk indicators and thresholds for measuring the identified risks to which the firm is exposed. Boswell (2001) suggests firms should use many risk measurement and monitoring processes to capture both existing and forward-looking risks, with firms proactively setting up and refreshing suitable risk indicators, as well as establishing appropriate timeframes for monitoring the information obtained from the indicators, and their effectiveness (McCormack & Sheen, 2013).

The third step is the risk control process, which controls the risks by applying suitable actions through effective communication channels. The last stage is risk reporting, which entails senior management receiving regular reports reflecting the up-to-date status of operational risk issues. The operational risk reports may contain internal financial, operational and compliance data, as well as external market information about events and conditions that are relevant to decision-making. It is important to ensure the management regularly review the timeliness and accuracy to increase the reliability. This process, in
similar ways to the evaluation process, ensures management learn from past mistakes and use relevant information to prepare for the future (McCormack & Sheen, 2013).

- **Managing risk effectively**

To ensure risk is managed effectively, Boswell, (2011) considers that risk management plans should include short-term and long-term risks to project schedules, cost and the functionality, adequacy and quality of project deliverables. Page and Spira (2004a) suggest using a “bottom up” approach to risk management. Moreover, risk management should involve every department in the organisation; every department should have some emphasis on risk management. The goal of risk management is to identify, assess, and resolve risk items before they become threats to a specific project or to the organisation as a whole (Chapman & Ward, 2004).

Four elements are necessary and important in ensuring effective response to a crisis/risk: fluidity in organisational structure, communication, willingness to learn, and trust. First, fluidity in organisational structure is important, so that when a crisis occurs, a response team with representatives from all relevant bodies can be set up quickly. A structure has to be agreed which empowers the personnel involved and which enables rapid and accurate information flow from the response team or teams to the coordinating centre, and then the focus is on solving the problem (Coyle & Schnarr, 1995). Second, communication is significant as it provides opportunities for clarification, for making sense of what is happening and for people to discuss improvements to the organisation and the impacts of different risk mitigation strategies. Communication at the interface between organisations or between functions is particularly important to risk mitigation, as that is where the culture is transmitted (Grabowski & Roberts, 1999). Third, willingness to learn is essential, especially in any situation where co-operation is important to solve crises. A culture of willingness to learn from mistakes and to exchange best practices is the key to ensure risk is managed effectively. Last but not least, trust among organisational members is critical for solving crises (Mayer et al, 1995).
2.4 CONCLUSION

In this chapter, the author has structured a literature review of risk and risk management in two parts. In the first part, the author has explored the critical theories of risk studies. The literature review shows that there are some ways in which risk can be perceived and managed differently in different contexts. The psychological approach emphasises the important factors that will influence an individual’s risk perception. The psychometric model presents information about how people perceive risk, and provides the foundation for risk communication. Cultural theory uses a grid–group model to identify how different individuals view risk issues differently. Risk perception theory explains how people perceive risks, and considers the factors that may influence individual risk perception. Sociological approaches emphasise the social and cultural context. Risk communication focuses on effective risk communication and increasing the dialogue and coordination to establish realistic aims for the different parties. Also, system theory suggests that both hindsight and foresight can be facilitated by analysing the factors surrounding socio-technical disasters and discovering similar patterns. The importance of multiplicity and diversity were highlighted by postmodernism. Risk society theorists argue that with the development of new technologies, these technologies themselves become risks that nobody understands; also science itself might be a part of the problem rather than a solution.

In the second part, the author explained risk management strategies and frameworks. Risk and risk management are not new concepts, but perhaps mean different things to different people, as individuals define risk according to their background and experience. As a result, different individuals or organisations will list different type of risks.

Most theorists would argue that regardless of how complex and varied the risks being faced, there are only four possible approaches to managing risk: avoid, reduce, transfer or retain. A risk management framework has been explained in details that give an example of how risk could be managed. After that, the author reviewed some factors that should be considered to ensure managing risk effectively. In the next chapter, the author will examine the theories and framework of HR management.
CHAPTER THREE: LITERATURE REVIEW OF HUMAN RESOURCE MANAGEMENT

3.1 INTRODUCTION

Traditionally, Human Resource Management (HRM) is regarded as administration: it is concerned with routine tasks, has little connection with business objectives and usually is considered as something that makes no real contribution to productivity or profit levels. Meanwhile, labour is viewed as a cost of organisation, needing to be controlled or minimized (Guest & Conway, 2004). Nowadays, instead of regarding labour as a cost, more and more organisations realise its importance, especially in competing and surviving in the current highly competitive business environment. In such an environment, efficient management and utilisation of human resources are critical organisational components.

3.2 HUMAN RESOURCE MANAGEMENT

In the past few decades, HRM has changed quite markedly. Previously, it was most frequently called the personnel department, or personnel administration. Personnel management refers to a fairly basic administrative record keeping function at the operation level, attempting to maintain fair terms and conditions of employment coupled with ensuring the efficiency of individual departments within the organisation (Chun, 2006). Boxall and Purcell (2003, p.184) believe HRM includes anything and everything associated with the management of employment relationships in the firm. Sisson (1990) summarised the aims of HRM as: integration of HR policies with business planning; shifting responsibility of HR issues from personnel specialists to line managers; shifting from the collectivism of management/employee relations – from trade union relations to the individualism of management – and emphasis on commitment. Storey (1992) highlighted the difference between HRM and personnel management, identifying twenty-seven points of difference between HRM and personnel management. Those differences can be divided into four broad categories: beliefs and assumptions; strategic qualities; the critical role of managers, and key levers of employment practice.
Figure 3: Twenty seven differences between HRM and personal management


<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Personnel</th>
<th>HRM</th>
</tr>
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<tbody>
<tr>
<td>Beliefs and assumptions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Contract</td>
<td>Careful delineation of written contracts</td>
<td>Aim to go beyond contract</td>
</tr>
<tr>
<td>2. Rules</td>
<td>Importance of devising clear, mutually understandable rules</td>
<td>‘Can-do’ outlook; Impatience with ‘rules’</td>
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<tr>
<td>3. Guide to management action</td>
<td>Procedures</td>
<td>Business needs</td>
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<tr>
<td>4. Behaviour referent</td>
<td>Norms/custom and practice</td>
<td>Value/mission</td>
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<tr>
<td>5. Managerial task vis-à-vis labour</td>
<td>Monitoring</td>
<td>Nurturing</td>
</tr>
<tr>
<td>6. Nature of relations</td>
<td>Pluralist</td>
<td>Unitarist</td>
</tr>
<tr>
<td>7. Conflict</td>
<td>Institutionalised</td>
<td>De-emphasised</td>
</tr>
</tbody>
</table>

| Strategic aspects | | |
| 8. Key relations | Labour man-management | Customer |
| 9. Initiatives | Piecemeal | Integrated |
| 10. Corporate plan | Marginal | Central |
| 11. Speed of decision | Slow | Fast |

| Line management | | |
| 12. Management role | Transactional | Transformational leadership |
| 13. Key managers | Personnel/IR specialists | General/business/line managers |
| 14. Communication | Indirect | Direct |
| 15. Standardisation | High (e.g. ‘parity’ an issue) | Low (e.g. ‘parity’ not seen as relevant) |
| 16. Prized management skills | Negotiation | Facilitation |

| Key levers | | |
| 17. Selection | Separately negotiated | Harmonisation |
| 18. Pay | Job evaluation (fixed grades) | Performance-related |
| 19. Conditions | Separately negotiated | Harmonisation |
| 20. Labour-management | Collective bargaining contracts | Towards individual contracts |
| 21. Trust of relations with stewards | Regularised through facilities and training | Marginalised (with exception of some bargaining for change models) |
| 22. Job categories and grades | Many | Few |
| 23. Communication | Restricted flow | Increased flow |
| 24. Job design | Division of labour | Teamwork |
| 25. Conflict handling | Reach temporary truces | Manage climate and culture |
| 26. Training and development | Controlled access to courses | Learning companies |
| 27. Foci of attention for interventions | Personnel procedures | Wide ranging cultural, structural and personnel strategies |

HR departments issue the employment contracts, publish codes of conduct, undertake performance management and ensure that line managers’ offer appropriate training, involving and supporting business strategies (Purcell et al. 2003). HRM is the staffing, training, development, motivation and maintenance of employees to help accomplish organisational goals. Effective human resource management also helps employees accomplish their career goals. There are different definitions of human resource management, either as a broad concept or a detailed summary. For example:

Human resource management is "a distinctive approach to employment management which seeks to achieve competitive advantage through the strategic deployment of a highly
committed and capable workforce, using an integrated array of cultural, structural and personnel techniques" (Storey & Sisson, 1993, p.5).

"The planning, organizing, directing and controlling of the procurement, development, compensation, integration, maintenance and reproduction of human resource to the end that individual, organisational and societal objectives are accomplished." (Jain, 2014, p.5)

From defining and comparing HRM to personnel management, it can be seen that HRM is still concerned with the same functional activities traditionally performed by the personnel functions. However, these are performed in a qualitatively distinct way. Moreover, HRM has more emphasis on development and implementation of people strategies integrated with corporate strategies, for the purpose of ensuring the culture and values of the organisation and contributing to the achievement of organisational goals.

3.3 HR FUNCTIONS

HRM shapes people and their activities so as to achieve maximum performance. The purpose of HRM is to make employees want to help their organisation to achieve its goals. HRM helps the organisation to achieve its goals through a variety of human resource functions. "The HR function is transforming its focus from the management of human resources to the development and maintenance of organisational effectiveness." (Roehling et al. 2005. P.208)

HRM is a process that can be broken down into specific activities: job analysis, writing job descriptions, hiring, orientation, training, employer/employee interactions, performance appraisal, compensation and discipline (Armstrong, 2003). Guest and Conway (2004) suggested the HRM's functions or practice have four key dimensions: commitment, flexibility, quality and integration. For Novac (2008), HRM provides a systematic check on a set of interrelated processes affecting and involving all members of an organisation, processes that include human resource planning, recruitment, selection and evaluation, employee training and human resources development, motivating and rewarding employees (Wright & Boswell, 2002). The following sections contain some more detailed information on HR functions:
Job analysis and job descriptions: job analysis is determining the duties and skills requirements for a job and the kind of person to fill it. The emphasis is on what the company needs rather than on who wants to be promoted or who could be easily hired. Job analysis is essential to ensure the organisation to find the right employee. Job descriptions summarise the job for both employees and employer. It details job title, duties, compensation, and skills, knowledge and abilities required to do the job (Wright & Snell, 2005). It is essential to ensure the job analysis and job description is effectively reflected in the requirements of the job, as it will influence the effectiveness of recruitment and selection.

Recruitment and selection: the process of staffing each job with a person who can succeed in the position. The position must be described carefully and creatively to potential applicants (Boella, & Goss-Turner, 2000). From among the pool of applicants, people must be carefully chosen if they and the employer are to have an employment relationship (Boella & Goss-Turner, 2000). It is important to recruit or select the ‘right’ person for the job, as it will affect the organisation in different ways in the near future. Also during this process, it is essential for the employer to provide an opportunity for the employee to get to know the organisation.

Orientation and training: orientation socialises new people to the business. It introduces them to the firm's mission, its history and its culture. It gives them the information essential for getting off to a good start (Bee & Bee, 2003). Training and experience give the employees the knowledge, skills and abilities necessary to succeed in the position.

Day-to-day employer/employee interaction: this is a broad concept that could include leadership, motivation, and communication that builds on hiring, orientation and training. It should be noted that employer/employee interaction cannot make up for an ill-defined job analysis or job description, having hired the ‘wrong’ person, or inadequate orientation and training (Armstrong, 2003).

Training and development: training and development have always played an essential role in improving human performance (Blanchard, & Thacker, 2004). In Armstrong’s (2003) definition, “training is the systematic modification of behaviour through
learning which occurs as a result of education, instruction, development and planned experience” (p507). The same ideas are shared by writers such as Buckley and Caple (2004), while others, such as Redman and Wilkinson (2001), and Gibb (2002), suggest that there is a correlation between training and development. Some people still emphasise that differences between training and development can be identified with respect to their nature, content and timescale. Dowling and Welch (2004) point out that training are to improve an employee's current work skills and behaviours, whereas development aims to increase abilities in relation to some future position or job.

Buckley and Caple (2004) suggest that a systematic approach to training is best explained through an analysis of the training cycle, as the logical relationship between the sequential stages in the investigation of training needs, designing, delivering and evaluation. Continuing training is increasingly recognised as contributing to productivity and to the management of change through the adaptation and extension of skills. The benefits of training can be showed as: affecting an organisation’s culture in a more indirect way through the impact on individuals, groups and organisational values and attitudes; greater intrinsic or extrinsic job satisfaction; improved employee work performance and productivity; shorter learning times, leading to a lower cost of training, and decreases in wastage and fewer accidents, less absenteeism, lower staff turnover and greater customer or client satisfaction (Armstrong & Baron, 2002; Riley, 2000; Whitely, 2003).

Performance management: many have tried to categorise performance management models by examining the different ways of interpreting performance management in organisations (Bredrup, 1995; Bacal, 1999; Torrington & Hall, 1995). The definition of performance management given by Armstrong (2010) apportions equal importance to performance management as a process for establishing shared understanding about what is to be achieved, and as an approach to managing and developing people in a way that increases productivity.

It is essential to have a well-designed performance appraisal system. The goal setting is done systematically; appraisal is timely, documentation is efficiently carried out, and reward is linked to actual performance. Ineffective performance management systems can result in a lack of good formal and informal feedback from managers to employees, minimal employee development and low employee engagement. Implementing and
institutionalising the performance evaluation system is the major responsibility of HR (Storey & Sisson, 1993; Williams, 1998). The terms performance management and performance appraisal are sometimes used synonymously, though they are different in practice. Performance management is a broad, continuous and flexible approach to the management of organisations, teams and individuals. Appraisal is a more limited approach, with managers making top-down assessments and rating the performance of their subordinates at an annual performance appraisal meeting (Bredrup, 1995; Torrington & Hall, 1995; Bacal, 1999; Armstrong & Baron, 1998).

Performance management processes have increasingly become associated with best practice human resource strategies in terms of a particular set or number of HR practices such as “high-performance work systems”, “high-commitment HRM” and “high-involvement” (Marchington & Wilkinson, 2002, p:178).

- Compensation or rewards includes the monetary and non-monetary rewards received by employees for their contribution to the organisation (Philpott & Sheppard, 1992). The management team and employees carefully choose these rewards. The rewards need to be feasible for the organisation while helping to satisfy employee needs. A well-designed compensation and reward strategy will enable an organisation to remain competitive and ensure future sustainability (Armstrong & Baron, 2002).

- Discipline is giving each employee expectations, rules, policies and procedures and then working with the employee to attain behaviour consistent with employer expectations (Buckely & Caple, 2004). It should be enacted fairly and constantly to enhance standards of conduct and performance. The direct responsibility lies with line managers or supervisors. Minor issues should be handled informally, though consultation with the HR department is essential (Bredrup, 1995).
HR functions are important to all firms. Failure to successfully carry out those activities will increase the risk and penalise the organisation by not taking advantage of what its people could be contributing (Losey et al., 2005; Meisinger, 2005). Moreover, Legge (1995) argues that HRM could be distinguished between “Hard HR” and “Soft HR”. “Hard HR” refers to the management focusing on achieving material results, while “Soft HR” refers to the management’s interest in the creation of conditions necessary to obtain these results. Therefore, the HR department is not only to achieve by harnessing the potential of human resources but to create an environment for their fulfilment. However, the human resource function has consistently faced a battle in justifying its position in organisations (Stewart, 1996).

3.4 THE CHANGING ROLE OF HRM

Armstrong (2001) state that HRM refers to the process of managing work and people collectively and individually. It refers to all staff, including managers and employees, whether basic peripheral staff or contingent workers; also it incorporates both in industry and society. In contrast to traditional HR, there are different concepts and approaches of modern HRM in organisations. For Boselie (2010), HRM focuses on sharing/shaping the relationship between employees and the organisation. There are four types of contract:

- Contract law – establishes the rights and obligations between individual employee and the organisation;
- Economic and trade agreement – determine work effort reflected by pay;
- Psychological contract – contains all those elements that are not directly stated but are expected by both the employee and the organisation;
- Sociological contract – relations and networks that employees have with the organisation.

With the development model of HRM, the role of HRM has changed. Rather than regarding HR as a cost of organisation, Pauwe, (2004) considers that HRM operates in an environment where there is a continuous tension between the value added and moral value. The roles of HR in the organisation are creating economic value and increasing financial performance while for moral value here reflects the notion of employees in terms of human beings with feelings, emotions, opinions, norms and values (Beatty, Ewing & Tharp, 2003). The changing role of human resource departments could be explained by the changes presented...
The above figure shows the changing role of HRM from an administrative focus to a more strategic one. Unlike traditional HRM, nowadays, HR leaders are advisers to the board, equipped with special skills and knowledge and understanding of how to engage the workforce. Also HR leaders form judgments about how individuals, teams and the company perform, and are able to bring any problems to the board's attention. Therefore, HR professionals need to have insight and judgment as to how the company works by understanding the organisational operations. At the same time, it is important for HR professionals to understand how teams and individuals behave, what makes for good performance, and how to achieve it. In order for HR to prosper on the board they must also have a firm understanding of the financial aspects of the company. Moreover, in order to be a strategic partner, HRM departments must possess high levels of professional and business knowledge. HRM must establish a link to contribute to organisational performance and be able to demonstrate on a continuing basis how HRM activities contribute to the success and effectiveness of the organisation (Ulrich & Brockbank, 2005).

If the HR department can demonstrate its value and contribution to the organisation objectives, it is likely to gain a position on the executive board where it can ensure a continuous and consistent inflow of resources (Yeung & Berman, 1997). However, Brewster and Harris (1999) argue, too much emphasis on adding value of HR will lead to some HR specialists practicing a value-driven HRM. In that situation, all HR activities are tested by the extent to which they can prove added value or not; also, HR policies and activities may be driven by the aspiring to, or maintaining its position, as part of senior management. Thus,
although there are benefits to being part of the board, HR department should not regard becoming part of the board as the overriding objective.

Furthermore, according to Towers (2006), the HR department has two essential roles to play: adding value and risk reduction. HRM encompasses many different functions, all of which contribute value in various ways to the organisation. Many of these functions also provide support to the organisation in terms of reducing risk.

**First role of HRM is adding value:**
A considerable volume of HR literature has examined how HR adds value to organisations. HRM policies can indeed add value to organisations by considering general functions of HRM such as resourcing, training and development, reward, communication and general administration (Cascio, 2005). The impact of HRM in each separate area is difficult to demonstrate empirically. However, research by Huselid (1995) shows a positive correlation between cumulative HR policies and company performance. The HR department provides opportunities for employees to receive relevant training, provide motivation rewards, and give employees the opportunity to contribute to decision-making (Cascio & Boudreau, 2012).

**Second role of HR is as a risk reducer:**
HRM reduces risk within organisations through HR functions such as: resourcing; recruitment/selection training and development; rewards/compensation, and through its communications with the workforce. According to Peterson (2005), the HR department demonstrates value through helping to reduce staff turnover. For example, Wal-Mart had a turnover of 66% in 1999 and through focused HR strategy was able to cut this to 44% in 2003 (cited in Towers, 2006).

### 3.5 SHRM- STRATEGIC HUMAN RESOURCE MANAGEMENT

Although the traditional administrative and compliance-based activates still form an essential part of HRM, a strategic approach is now being widely adopted in HRM (Hyland & Verreault, 2003) which can be regarded as Strategic Human resource management. SHRM is the "linking of human resources with strategic goals and objectives in order to improve business performance and develop organisational culture that foster innovation, flexibility and competitive advantage" (Jain, 2014, p.6)
Holbeche, (2009) suggested that SHRM enabled the HR department to explore HR’s role in supporting business strategy, which provided one avenue for demonstrating its value to the firm. Therefore, building a link between organisational strategic planning and HR planning is the significant contribution of the field of SHRM. Boxall and Purcell describe strategic HRM as being concerned with explaining how HRM influences organisational performance. They also argue that strategy is not the same as strategic planning because strategic planning is the formal process that takes place, usually in larger organisations, defining how things will be done. A strategy, by contrast, exists in all organisations – even though it may not be written down and articulated – and defines the organisation’s behaviour and how it attempts to cope with its environment. Strategic HRM is the overall framework that determines the shape and delivery of the individual strategies, systematically linking people with organisations by integrating HRM strategies into corporate strategies (Boxall & Purcell, 2003).

Jain (2014) state that SHRM can be regarded as a collection of phenomena, not a unitary phenomenon. Cornelius and Gooch (2001a) similarly suggests that strategic HRM has been developed from several distinct academic frameworks, which can be grouped into three strands:

- **Universal or Best Practice** is a given set of HR conditions or practices that will provide strategic advantages to any company in any circumstances (Boxall & Purcell, 2003).
- **Contingent or best fit** is the model from the strategy perspective which suggests that certain types of HR practices will benefit certain types of organisation depending on their strategic environment or strategic reaction (Boselie, 2010).
- **Unique or organisation-specific models: resource-based view (RBV)**. According to RBV theory, competitive advantage derives from strategic resources. For an organisation, certain unique and inimitable human capabilities will provide a sustainable competitive advantage. Wright et al., (1998) argue that HRM capability is a source of competitive advantage as it is embedded in the collective knowledge of the firm members' talent and behaviour to meet objectives and create value. (Boselie, 2010) adds that, in RBV theory, employees are regarded as a valuable resource and contribute significantly to organisational effectiveness (Wright, Dunford & Snell, 2001).
According to the matching strategic HRM model, the practice of strategic HRM is concerned with the challenge of matching the philosophy, policies, programs, practices and process in a way which will stimulate and reinforce different employee role behaviours appropriate for each competitive strategy (Schuler & Jackson, 2000). Moreover, each type of competitive strategy – defender, prospector and analyser – will require that an organisation's HRM policies and practices should be configured and managed in a way that is supportive of each particular strategy (Schuler, 1992).

Strategic human resource management has developed rapidly in recent years, especially because of the impact that human resources has had on the competitiveness of organisations (Lefter, Marincas & Puia, 2007). Strategic approach to HRM is very much focused, at the moment, on the manageability of human effort to obtain a competitive advantage. The fundamental objective of SHRM is to generate strategic capability to ensure that the organisation has highly qualified, highly motivated employees to achieve competitive advantage (Purcell, 1999). SHRM involves a collection of practices, programs and policies that facilitate the strategic objectives of the organisation (Mello, 2006). In strategic human resource management, the human resources department plays a critical role and has a strong influence in strategic decisions at the organisational level. SHRM ensures human resource strategy is integrated into the overall strategy of the organisation.

3.6 THE BENEFITS OF BEING STRATEGICALLY FOCUSED

A strategically focused HRM can give an organisation a competitive advantage over its rivals (Amit & Belcourt, 1999). Staffing, training systems and financial incentives are some of the HRM functions that often set one company apart from another. Therefore, it is crucial to match practices within these and other HRM areas to the strategic goals of the organisation. When such practices are utilised together in groups, the potential impact substantially reduces staff turnover, increases productivity and boosts company profits (Hyland & Verreault, 2003).

SHRM may be regarded as an approach to the management of human resources that provides a strategic framework to support long-term business goals and outcomes. The approach is concerned with longer-term people issues and macro-concerns about structure, quality, culture, values, commitment and matching resources to future needs. Strategically focused HR can encompass a number of individual HR strategies. For example:
To deliver fair and equitable reward
To improve employee performance
To streamline organisational structure

However, Jain (2014) highlights that if strategic HRM is not implemented correctly, there are some commonly observed problems:

- Resistance to change from the bottom line workers;
- Inability of the management in communicating the vision and mission of the company clearly to the employees;
- Interdepartmental conflict and lack of vision among the senior management in implementing the HR policies;
- The changing market scenario which in turn creates pressure on the effective implementation of strategic HRM.

HR professionals have to cope with an increasingly complex body of knowledge and therefore require new competencies. "Successful HR professionals today and in the future, have to be competent, curious, courageous and caring about people" (Losey, Meisinger, & Ulrich, 2005). The competencies required by future HR practitioners are:

- Mastering the decision science of HR
- Understanding and managing people
- Discerning, creating and adapting culture/mind-set
- Rethinking organisations and ensuring agility
- Creating collaboration throughout the organisation
- Responding to social expectations and public policy
- Learning to play new roles (Ulrich et al., 2007)

With the evolving nature of the HR function, the HR practitioner's role has changed. HR practitioners have moved away from being seen as personnel, with a traditional administrative role, to working on corporate strategy and driving the talent agenda within a firm (Ulrich, 2005). Thus, combined with the changing role of HRM, HR practitioners are required to have a set of new competencies to support the new role in the future.
3.7 CONCLUSION

In this chapter the author reviewed the theories and frameworks which related to HRM. It started by distinguishing the differences between HRM and personnel management, followed by detailed review of the variety of HR functions such as training/development, performance management, and discipline. Then the author explored the changing role of HRM as, although the traditional administrative and compliance-based activates still comprise an essential part of HRM, there is a trend towards strategic approaches being widely adopted in HRM. The changes in Ulrich’s HR model are used here to explain this changing role of HRM. There are two fundamental benefits of strategically faced HRM: firstly, HR is used to add value, secondly HR helps the organisation to reduce the risk.

In addition, the author reviewed the Strategic HRM; it described the new role of HRM in the organisational management. In order to become business partners, HRM should demonstrate their new roles and ensure the strategic human resource policies support the general business strategies. At the end of the chapter, the author also identified the problems faced in implementing SHRM, explained the benefits of being strategically focused, and the skills and competences required for HR practitioners. From reviewing the basic theories about HRM and SHRM, this provides a conceptual framework for understanding the integration of risk management into the HR context in the forthcoming human resource risk management chapter.
CHAPTER FOUR
LITERATURE REVIEW OF HUMAN RESOURCE RISK MANAGEMENT

4.1 INTRODUCTION
Traditionally, HR management and risk management have operated in organisational isolation; these two functional areas have little awareness of each other’s activities and impact (Erven, 2004). However, because both areas have begun to adopt more strategic and holistic approaches to their areas of responsibility, this isolation has started to diminish (Markel & Barclay, 2007).

4.2 DEFINING HUMAN RESOURCE RISK MANAGEMENT

Neither risk management nor HR management has paid sufficient attention to HR-related risk. Traditionally, risk specialists have focused mostly on important causes of risks, such as weather, disease and natural calamities, and methods to deal with the risk. Erven (2012) argue that compared with other types of risks, such as financial or safety, HR-related risks are less regarded. In reality, HR-related risk is the top risk facing enterprises (Pyne & McDonald, 2001). HR-related risks should be emphasised, because: firstly, workforces/employees are the key players in every organisation, and the success of any institution will depend on them. HR affects most production, financial and marketing decisions. People can be regarded as a source of risk and are relevant to the business and its success. Secondly, any disruption in task performance caused by HR risks will have a negative impact on the overall performance of the employing companies (Mousavi, et al., 2011).

Historically, many organisations have considered HR management as a cost centre (Ulrich, 1997). However, human capital is a fundamental element in the success of many organisations. If HR risk is not considered, the viability of many organisations will be compromised. Research outlines a variety of competing interests; HR risk means different
things to different people. When defining risk related to HR, Markel and Barclay’s (2007) genetic testing model can be used to demonstrate that employers, employees, and other interested parties could have competing interests:

Figure 5: Genetic testing model

<table>
<thead>
<tr>
<th>Employer</th>
<th>Employee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Screening to determine if employee can do the job</td>
<td>Discrimination</td>
</tr>
<tr>
<td>Ensuring a productive workforce</td>
<td>Privacy</td>
</tr>
<tr>
<td>Regulatory compliance</td>
<td>Consent</td>
</tr>
<tr>
<td>Cost/benefit analysis</td>
<td>Employer expertise to interpret information</td>
</tr>
<tr>
<td>Informed consent</td>
<td>Job (re)assignment</td>
</tr>
<tr>
<td>Workplace hazard protection</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Insurance industry</td>
</tr>
<tr>
<td>Regulatory agencies</td>
</tr>
<tr>
<td>Genetic testing laboratories</td>
</tr>
<tr>
<td>Genetic advocacy group</td>
</tr>
<tr>
<td>Unions</td>
</tr>
</tbody>
</table>

Source: Markel and Barclay (2007)

Figure 5 illustrates the competing interests and external pressures surrounding HR risk management. Although the different parties have a variety of interests, the HR department should consider all those competing interests. Thus, to HR staff, HR risk management is a broader concept than for employers, employees and other stakeholders. However, in reality, HR risk management has a variety of meanings for HR practitioners’ and is probably not very well understood (CIPD, 2006).

There has been little study of HR risk; currently, there is no clear definition of risk management in the HR context. According to Smith’s (2002) risk management definition (risk management is a set of actions taken by individuals or corporations in an effort to alter the risks arising from businesses), the author has tried to develop a working definition of HR risk management:
“Human resource risk management is the set of activities that human resource practitioners or line managers adopt to manage risks arising during the process of managing people.”

4.3 TYPES OF HR RISK

As has been mentioned above, HR risk means different things to different individuals and organisations. Thus, when identifying the types of HR risk, different firms and individual will have different lists. Lam (2003) suggests that every employee within the organisation could be considered a risk; he also suggests the risks associated with employees could be classified as “operational risks”. Merna and Al-Thani (2008) summarised HR-related risks as including integrity, skills-confidence level difficult to adjust-stress-change management, recruitment and retention cost, obsolescence and re-skilling, and industrial relations-redeployment-impacting operations and ageing profile. Pyne and McDonald (2001) state that the top individual HR risk areas seen as having a high impact and likelihood of occurrence with an organisation are:

- Talent management
- Succession planning
- Ethics/Tone at the top
- Regulatory compliance
- Pay and performance alignment
- Employee training and development

CIPD (2006) listed a range of HR-related risk issues identified by HR practitioners in terms of culture, employee engagement, legislative compliance, resourcing, development, cost/productivity and employee protection shown as Figure 6:

Figure 6: HR-related risk issues identified by HR practitioners
<table>
<thead>
<tr>
<th>Category</th>
<th>Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture issues</td>
<td>Continuity of leadership</td>
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<tr>
<td></td>
<td>Leadership culture</td>
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<tr>
<td></td>
<td>Objective-setting/reward for executive managers</td>
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<tr>
<td></td>
<td>Management behaviours</td>
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<tr>
<td></td>
<td>Performance culture</td>
</tr>
<tr>
<td></td>
<td>Addressing diversity issues</td>
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<td></td>
<td>Employee behaviour and misconduct</td>
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<td></td>
<td>Employee integrity and competence</td>
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<td></td>
<td>Diversity of the workforce failing to respond to opportunities</td>
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<td></td>
<td>CSR and ethical issues</td>
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<tr>
<td>Employee engagement</td>
<td>Brand and reputation issues</td>
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<td></td>
<td>Employee commitment</td>
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<td></td>
<td>Change management programmes</td>
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<td></td>
<td>Mergers and acquisitions</td>
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<tr>
<td></td>
<td>TUPE/outsourcing</td>
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<tr>
<td></td>
<td>Transformation of HR function</td>
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<td></td>
<td>Trade union relationship</td>
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<tr>
<td></td>
<td>Industrial relations and strike action</td>
</tr>
<tr>
<td>Legislative compliance</td>
<td>Health and safety regulation</td>
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<td></td>
<td>New legislation compliance</td>
</tr>
<tr>
<td></td>
<td>Employee litigation</td>
</tr>
<tr>
<td></td>
<td>Equal pay equal value</td>
</tr>
<tr>
<td></td>
<td>Regulatory compliance</td>
</tr>
<tr>
<td>Resourcing issues</td>
<td>Recruitment difficulties of key groups</td>
</tr>
<tr>
<td></td>
<td>Retention of key staff</td>
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<tr>
<td></td>
<td>Workforce current skills shortages</td>
</tr>
<tr>
<td></td>
<td>Management skills deficits</td>
</tr>
<tr>
<td>Development issues</td>
<td>Workforce planning</td>
</tr>
<tr>
<td></td>
<td>Future talent requirements and succession</td>
</tr>
<tr>
<td></td>
<td>Planning difficulties –front-line staff/specialists/graduates/managers/leaders</td>
</tr>
<tr>
<td></td>
<td>Career management</td>
</tr>
<tr>
<td></td>
<td>Developing key competencies for the future</td>
</tr>
<tr>
<td></td>
<td>Leadership skills</td>
</tr>
<tr>
<td>Costs and productivity</td>
<td>Pension scheme funding</td>
</tr>
<tr>
<td></td>
<td>Insurance and underwriting</td>
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<tr>
<td></td>
<td>Sickness and absence management</td>
</tr>
<tr>
<td></td>
<td>Performance management</td>
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<tr>
<td></td>
<td>Best-value reviews and cost challenge</td>
</tr>
<tr>
<td>Employee protection</td>
<td>Health and safety management</td>
</tr>
<tr>
<td></td>
<td>Business continuity planning</td>
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<tr>
<td></td>
<td>Employee health and well-being</td>
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<tr>
<td></td>
<td>Healthcare provision</td>
</tr>
<tr>
<td></td>
<td>Political and social stability of the local environment</td>
</tr>
</tbody>
</table>

*Source: CIPD (2006), Risk and performance. Page 22*
4.4 INTEGRATING RISK MANAGEMENT AND HRM

There are some studies of risk in the HR context, including of health and safety in the workplace (Markel, 2007), international HR management (Dowling et al., 1999) compensation (Wiseman et al, 2000) and managing risk through active recruitment, management and employee training (Lam, 2003; Erven, 2004). However, the extant literature does not clearly speak to the complexities of people risks (decision-making, leadership) raised in the previously mentioned risk management and HR publications (Tapia, 2003).

Risk management and HR have traditionally had separate functions in most organisations; they run in isolation from each other. Risk management originally consisted primarily of purchasing insurance, often handled by the Finance Department; HR mainly focused on administrative tasks (Hall, 1987). Although HR is involved in risk management, its involvement is often at the operational level and confined to issues falling within the traditional HR remit (Nilckson, 2001). In reality, neither HR nor line managers are considered to have any relationship with managing risk. Managing risk is outside of their normal remits (CIPD, 2006).

However, such factors as social, environmental and technological, combined with the importance of employment relation and legislation, have forced organisations to pay more attention in HR to the issue of managing risk (CIPD, 2006). Integrating HR and risk management services is an extremely effective way to minimise employee-caused loss. Hall (1987) suggests there are benefits in bringing HR and risk management functions together.

The benefits of integrating risk management into the HR agenda are: the risk management process can highlight the fact that all people-management issues adopted by the organisation adopted will be reflected in the bottom line; and other HR issues are fundamental to the long-term health of the organisation. It provides a framework for linking HR policies and practices with wider business strategies and outcomes, which provides an opportunity for HR to show its understanding of the way the business works. Moreover, risk management
process in the HR context enables greater efficiency in the corporate decision-making process, allowing HR strategies to be more related with business strategy (Emmott, 2003, Stevens, 2005; Towers, 2006).

According to Erven (2004), HR activities/functions have four important implications for risk management. First, HR activities are necessary to keep HR in harmony with the risk management tools adopted by the management team. Because the risk management decision is carried out by people, HR can ensure that in the organisation the right people are in place, trained, motivated and rewarded, which is essential to success in risk management. Second, risk management should anticipate the likelihood of HR calamities. HR contingency planning needs to be an integral part of risk management. Third, no management team stays together indefinitely; management succession is a significant source of risk. Considerations of HR coupled with legal and financial considerations will directly affect success in management succession. Management succession requires support from each of the HR management activities: job analysis, job description, selection, training, interaction, performance appraisal, compensation and discipline (Erven, 2004). Fourth, risk management strategies are implemented by people. HR failures can cause the best-planned risk management strategies to fail. Risk management depends on explicit duties being specified in managers’ job descriptions, delegation of power and authority to manage risk following indicated guideline, and responsibility at the action level of risk management (Erven, 2012).

Towers, (2006) states that HR professionals should apply risk management techniques to HR management tasks, as an HR function could help the organisation to reduce risk. For example, absenteeism has become a widespread problem, and as 75% of a typical firm’s annual operating budget is spent on human capital costs, absenteeism can cost companies millions of pounds. Through HR resourcing appropriately, the amount of risk to an organisation through recruitment can be reduced. HR management can reduce absenteeism risk, and prevent wastage of organisational resources (Chung, 2006). Also, inefficient and unproductive employees are a liability and pose a risk to organisational competitiveness. HR management could reduce this risk through training and development, appraisal and reward systems, engaging and encouraging employees to be more efficient (Gilley, Eggland, & Gilley, 2002). HRM is also an essential risk reducer because it can enhance
communication between senior management and the workforce. For example, HR departments improve communication channels in times of organisational change. Without the functions of HR, organisations would seriously lack basic organisational capabilities, which would threaten the implementation of change (Roehling, et al., 2005; Hall, 2008).

The CIPD (2006) report tried to develop a risk management plan for HR activities by focusing on a number of areas including: compensation and benefits, HR hiring, occupational health and safety, employee supervision, employee conduct and existing employees. For example: in terms of compensation and benefits, the potential risk is financial abuse; the potential considerations for HR professionals including: Who has signing authority? How many signatures are required? And are there checks and balances? (Detail see Appendix 4-A).

In general, HR professionals should be aware that a mismanaged workforce is more likely to create a claims culture generating grievances and employment tribunal claims, while at the same time encouraging poor performance, low morale and absenteeism (Anderson, 2009). HR functions can help an organisation reduce risk. However, HR functions carry risks too. Therefore, it is essential to identify threat within HR functions, and understand how it will impact the business results, the reputation of the company and future business. The most critical task for HR is to understand, assess and categorise those threats based on their impact, as HR professionals put more emphasis on the administrative side of HR than in being systematically proactive to threat.

4.5 THE HR RISK ASSESSMENT FRAMEWORK

As has been discussed, there is little study emphasis on HR-related risks; therefore, currently there are not many frameworks, guides or checklists to explain the process of managing HR risk. The Mayer et al. (2011) model is one of the few attempts to guide people through the process of managing HR risk:
This HR risk assessment framework provides a conceptual model for systematically developing and planning HR risk management actions in an organisation. The framework is useful for determining the level of HR risk in an organisation, and for measuring it. The human factor management assessment risk framework provides a basis process for planning, assessing and implementing HR risk management (Mayer et al., 2011).

The building blocks on the left side of the framework show the capabilities an organisation needs in order to make HR risk management work. It begins with human factor risk leadership to the far left of the framework. Senior managers and the HR executive of the organisation take responsibility for human factor risk leadership. In essence, this means that the HR executive lead by locating HR risk management at senior level. Therefore, human factor risk leadership introduced by the HR director introduces human factor risk leadership to the organisation. There should be recognition that line management ownership is critical to this process.

The next building block shows the importance of people as key components of the risk management framework. People contribute to risks daily, either positively or negatively. If
managed proactively, people play a significant role in creating and maintaining a risk culture. However, managing risk does not happen automatically: it is necessary to create a human factor risk policy and strategy to institutionalise HR risk in the company (next building block).

Next, the organisation needs partnerships to optimise human risk management, both internally and externally. Internally, the organisation needs partnerships between different departments to manage risk. Externally, the organisation may use a variety of partnerships with key stakeholders, to get the right information or support to manage HR risk. Human factor risk processes are at the centre of the framework, as must be all the processes and practices the organisation needs to manage human factor risk. Once the organisation has developed all the capabilities to manage risk (left-hand side of the framework), it is ready to deal with risk. The company has developed the resilience it needs to handle human factor risk (next building block) and can then report on the outcomes of its risk management framework (last block). Essentially, the better its capabilities, the more likely the organisation is to manage risk successfully. Therefore, the different intersections that link all the building blocks of the model, together with the bottom arrow, imply that the organisation needs continuous learning and innovation (Mayer et al., 2011).

4.6 HOW TO MANAGE HR RISK

According to Flouris and Yilmaz (2010) the traditional risk management approach has been regarded as a highly disaggregated method of managing business risk. Under the traditional HR approach, the HR-related risk is managed within that function area only. With the changing role of HR, HR responsibilities are being disseminated throughout the organisation. Therefore, the accompanying risk management activities also need also to be disseminated (Lam, 2003). HR risk management should involve into enterprise risk management (ERM). In other words, HR should practise integrated risk management, or holistic risk management, treating HR-related risk as part of the overall risk portfolio and thus manage the process from an organisational, not a functional, perspective.
• **Systematic approach**

Some authors suggest a systemic approach to managing HR risk (Tapia, 2003). Within organisation, the management of HR and risk are, typically, handled in isolation; however, their relative impact on each other and the whole organisation cannot be limited in this way (Hall, 1987, Markel, 2007). Although the traditional administrative and compliance-based activities still form an essential part of HR, a strategic approach is now being widely adopted (Purcell et al., 2003; Stevens, 2005). A strategic approach to HR enables HR departments to explore their role in supporting organisational systems, providing an avenue for demonstrating organisational value.

Tapia (2003) has described a systems approach these types of risk. Organisational systems are made up of different subsystems, such as HR, finance, marketing, and production. Within this system, HR management is an essential part of all the other subsystems. Clearly, if risk management is not recognised within the HR system, then it is more likely to cause problems in other subsystems, and the organisation as a whole. Therefore, human factors are central to an operating organisation system. Checkland (2000) states that the interconnections between parts of a system can be more important than the parts themselves; this is the essence of systems thinking. Thus, managing HR-related risks should start from its potential influences in terms of organisational operation, productivity, reputation and opportunity.

HR-related risks are regarded as operational risks, covering other aspects of day-to-day business, including personnel management, industrial relations and HR development (Peterson, 2005). The reason for the existence of operational risks is inefficient or ineffective processes (Lam, 2003). Part of the problem of approaching and dealing with operational risk could relate to the lack of cross-functional approaches to the issue. HR risk is less studied because both risk management and HR are treated as functional, not as strategic partners within the organisation. HR accompanying risk management activities has to be addressed across the organisation in the light of the overall risk management portfolio. Therefore, there is a need to integrate the traditional HR functions and risk management. This integration implies a more integrative management approach within the organisational system.
Moreover, “a company seeking to extract the maximum value from its employees must carefully manage both the upside and downside risks throughout the duration of an employee’s tenure with the firm, beginning with recruiting and ending with the employee’s retirement, termination and resignation” (Lam, 2003, p.134). In other words, HR professionals should manage HR-related risk through all HR functions in a systemic way, by identifying and managing all the potential risks in different HR functions.

The changing role of HR is a result of HR management refashioning itself as a strategic partner within the organisation (Ulrich, 1997). By managing HR risk more effectively and efficiently, HR could demonstrate its value to senior management (Devitt, 2005). Therefore, HR risk should be managed in a systemic way. Such an approach will increase the costs attributed to the HR functions. However, organisations should put emphasis on the long-term objectives of the firm, and on managing HR risks cost effectively.

The importance and impact of managing of HR-related risks in an organisational system have not been fully recognised or highlighted. An effective HR risk management strategy needs to address all risks in a comprehensive and systemic manner. Therefore, there is a need for those functions to adopt more strategic and holistic approaches, and to work together to maximise organisational productivity and minimise overall organisational system failures (Markel, 2007).

**Skill requirement**

The effective integration of risk management and HR management requires that managers have certain skills. Erven (2003) believed that all management skills are essential for managing HR risk; however, the most important are leadership, communication, motivation and conflict management.

Leadership is essential, especially to build team spirit. All HR professionals and line managers have leadership responsibility. However, leadership is not something that can be
easily trained. Communication is an essential skill for effective HR management. In an HR conflict situation, clear messages, listening and use of feedback are especially important. Moreover, interpersonal relations, interviewing in the hiring process, building rapport in the management team and with employees, orientation and training, performance interviews, conflict resolution and discipline all require communication. Moreover, every manager faces challenges in motivating employees. Motivation not only helps the organisation to accomplish its strategic goals – it also helps employees achieve their career development goals (Dessler, 2007).

Managers should understand and satisfy employee needs, compensating fairly and trying hard to enable employees to work with a minimum of frustration, and treating employees equitably. Also, conflict management is essential in all teams: among employees, between employees and the management team, and among the management team. Managers must learn to deal with conflict rather than avoid it. Avoiding conflict and its causes simply postpones the pain and agony that come from personnel blow-ups. Conflict management strategies provide the management team with positive steps for addressing conflict (Tamkin, Hirsh & Tyers, 2003; Erven, 2005)

• **Flexible approach or standard operating procedures (SOP)**

James and Wooten (2005) argue that to effectively manage crisis, managers must be able to operate flexibly and creatively, unconstrained by the slavish following of standard operating procedures (SOP). Also, champions at a very senior level in organisations could be needed for such an approach to be encouraged, especially within a risk-averse culture (Borodzicz & Van Haperen, 2003; Devitt, 2009). However, in bureaucratic and/or hierarchical organisations the employees are more likely to conform and be risk averse, and these groups are more likely to stick to SOPs (Borins, 2002).

However, some people may argue that if managers follow SOPs, they may seem inflexible and incapable of adapting to the presenting situation, but it will reduce the risk of being dubbed “command failures”, particularly when not following SOPs causes them to manage incidents poorly. People will feel stressed, especially when they find themselves unable to
comply strictly with procedures without compromising a more common-sense response with the actual circumstances they face (Burke, 2007; cited by Devitt, 2009).

Moreover, when the organisation’s rules are either an obstacle to delivery or cause issues, people may adopt an approach to “work around”. In those situations, the attention will not only be paid to formal organisational norms but also to what the organisation does to those who do not obey its rules and procedures, formal or informal. Therefore, the rule-breakers face more risk than those following the SOPs, because if rule-breakers are successful in their overall outcome, the “powers that be” in that organisation are more likely to look kindly on their rule breaking. Of course, the reverse applies, which could be the main reason stopping people from being flexible in dealing with a conflict situation (King, 2002; Larsson et al., 2005; Devitt, 2009).

**HR and the Line managers**

Purcell et al. (2003) believe that line managers have a significant impact on HR practices. There is a link between high levels of satisfaction, commitment, motivation and discretion and front-line leadership. Line managers have an effect on employee attitudes and behaviours; there is an interactive and dynamic relationship between their role and the impact. Overall, the areas where line managers make a significant difference to people-management practices include performance appraisal and recognition, training, coaching and guidance, employee engagement and employee communication (Milsome, 2006; Jacobs, 2013).

The role of line managers has changed in recent years (Suff, 2011). As with HRM refashioning its role as a strategic partner, the HRM function itself is either being decentralised to internal line managers or outsourced to other organisations (Ulrich, 1997). Nowadays, line managers are having increased involvement in the transactional aspects of HR activities, including recruitment (Purcell et al., 2003). Line managers are increasingly the individuals with primary responsibility for HR within organisations (Liebenberg & Hoyt, 2003).
These are some areas where, although the processes may be designed by HR, they cannot be delivered by HR; in those situations, line managers play a significant role. The line manager role is crucial in some respects for:

- Enabling the HR policies and practices, or bringing them to life;
- Acting upon advice or guidance from HR;
- Controlling the workflow by directing and guiding the work of others.

However, although the importance of the HR function working in partnership with line managers has long been established (Ulrich, 1997; Wright & Boswell, 2002; Whitaker & Marchington, 2003) the transition has been problematic for both HR practitioners and line managers. HR professionals should recognise line managers’ key role in the implementation of HR issues. They need to understand it is, therefore, vital to change line managers’ mental models of HR and get line managers alongside (Pfeffer, 1994, 1998). Therefore, having the “right people” as line managers, those who understand HR and work with the function, not against it, makes a significant difference to the everyday working relationship (Marchington & Wilkinson, 2005).

### 4.7 FACTORS THAT SHOULD BE CONSIDERED

As Turner and Pidgeon (1997) state, organisational precepts, values, structure, hierarchy and rules will affect the way of people analyse and handle a difficult situation. There are some factors likely to influence the process of managing HR risk, should be considered.

#### 4.7.1 ORGANISATIONAL CULTURE, STRUCTURES, HIERARCHY

According to Devitt, (2009) organisational culture is the “climate and practices that organisations develop around their handling of people, or to the espoused values and faith of an organisation”. In other words, culture can be regard as “the way we do things round here”. Furthermore, Hofstede and Hofstede (2005) define culture as the collective programming of the mind that distinguishes the members of one organisation from another.
An organisation’s culture, however, is maintained not only in the minds of its members but also in the minds of its other “stakeholders”, everybody who interacts with the organisation. Cultures can be regarded as the software of the mind of an organisation. A decision maker is likely to be affected by the culture in which he or she operates (Devitt, 2009).

Culture has a high impact on crisis/risk management at all stages, including planning, response, and then returning to normality (Penrose, 1999). People’s beliefs and values have significant direct and indirect effects on a broad range of behaviours in the workplace, including leadership/management style, ethical behaviour in the workplace, job satisfaction and employment practices (Budhwar & Fadzil, 2000; Weaver & Agle, 2002; King & Williamson, 2005; Reave, 2005). It is likely that an individual will be affected by the organisational culture. Also, factors such as precepts, values, structure, hierarchy and rules will form part of the organisational culture and affect each other (Devitt, 2009). The level of an individual’s authority and responsibility, and his/her confidence and ability to step outside SOPs or to challenge more senior personnel, all have connections to the organisational culture (Robert & Lajtha, 2002). Moreover, culture can hinder or facilitate (Stead & Smallman, 1999). If the culture of one organisation sees risk/crisis management as pointless or irrelevant, then they will not invest more time or resource in planning, training and preparation (King, 2002; Mearns, Flin et al., 2001).

The hierarchy of an organisation also can influence the degree of independence of the people who are dealing with a crisis. In public-sector organisations, there may exist reinforced silos of hierarchy and structure that not only hinder communication intra- and inter-organisationally, but constrict interdisciplinary thinking, sharing and trans-departmental exchange (Carrel, 2000; Devitt, 2009). Furthermore, in bureaucratic and hierarchical organisations, the senior managers are normally highly unlikely to take instructions or directions from more junior personnel, which means that it is unlikely the senior management will accept a suggestion from a more junior level – therefore senior management will have more influence on the process of handling crisis (Borodzicz & Van Haperen, 2003).

4.7.2 REGULATION AND COMPLIANCE
The employment relationship presents employers with a minefield of legislation and procedures (Davenport, 2006). Without adherence to or respect to that legislation or procedures, the relationship between employer and employee will be damaged, increasing the risk of disputes and costly litigation (Guest & Conway, 2004). Therefore, it is HR’s and management’s responsibility to comply with the regulations and law.

According to Chittenden et al. (2005b), every organisation has regulatory and compliance requirements it needs to meet – there is almost no industry that is not subject to some degree of regulation. Stigler (1976) defined regulation as “any policy that alters market outcomes by the exercise of some coercive government power”. In other words, regulation is the process of identifying failures that prevent an industry functioning competitively and then correcting them. There are three categories of regulations: economic, social and administrative. However, some authors argue that in reality regulation can make situations worse, that excessive regulation can make the desired outcomes less achievable. Regulation can reduce efficiency, flexibility, simplicity and effectiveness. In other words, basing rules on previous organisational failures may not be the best way to prevent future failures (Chittenden et al., 2000; Jackman, 2004; Corneliussen, 2005).

Using regulations as a tool to fix a problem produces more regulations. Dramatic regulatory failures tend to generate calls for more regulation, with little assessment of the underlying reason for failure (Wood, 2003). It is very easy to become enmeshed in the mechanisms and processes of compliance, without developing a grasp of the principles underlying the regulation. This could be the reason that compliance with legislation is seen as a cost, and acts as a constraint in most situations (Kitching, 2007; Wood, 2003).

Jackman, (2004) believes it is necessary for regulations to set up rules and procedures for people to follow; however, regulation does have limitations. People should be aware of these constraints in framing regulatory strategy and defining what the firm’s compliance is trying to achieve. Regulations may reduce practitioners’ willingness to work out answers. In some situations, a practitioner will look at the Handbook to see if there is a rule that covers the
problem or not. The main problem is that many situations may not be covered by rules or procedures. Alternatively, the rules may not be clear enough, or the answer may not be sufficiently clear, which will leave the practitioner to make a decision on their own. It may reduce the abilities of the practitioners to make decisions based on their judgement. Practitioners become increasingly dependent on the Handbook to find rules or procedures to solve the problem.

Moreover, regulation, which is designed to reduce business risk, becomes a major source of risks on its own, as there is too much effort involved consultation, writing rules and compliance (Brammertz et al., 2009; Brammertz, 2010). Indeed, overregulation can be as impassive as under regulation. Overregulation, or poor regulation, can undermine a firm’s or an industry’s ability to do the very thing that the regulation is trying to encourage (Jackman, 2004).

Also, regulatory compliance is costly. In some situations, regulation can be regarded as a barrier to innovation and flexibility. However, even full compliance with a particular rule will not result in the achievement of regulatory objectives. Regulatory compliance is based on an assumption that the target group will be aware of and understand how to comply with a rule when it is published. The burden of increased complexity, and the volume of new regulations, can make this assumption unrealistic. Therefore, compliance with a rule is not always the best test for determining the effectiveness of regulation in achieving its goals. Full compliance with a rule may not accomplish the desired outcome (Jackman, 2004).

Therefore, regulatory overreaction to certain problems will increase transaction and compliance costs. There is a fine line between sufficient regulation and overregulation. Wood (2000) argues that the responsibility of policy makers does not end with publication of the rule; it is essential to ensure the policy is brought to the notice of, and made comprehensible to, the target group. For people to obey any rule, the essential condition is the target group has to be aware of the rule and understand it, to be willing to comply, and to be able to comply (Brammertz, 2009).
For risk management and HR management, regulation and compliance are essential, and significantly important. HR practitioners play a major role in terms of well-drafted contracts of employment and well-written policies and procedures, and ensuring the managers are trained to be familiar with the employer’s obligations under the law (Steven, 2005). However, it is important for them to understand the benefits and limitations of compliance and regulation to managing HR risk effectively.

4.8 CONCLUSION

In this chapter, the author has reviewed the theories and framework of HR risk management. As indicated earlier, HR management has traditionally engaged in the recruitment, selection and evaluation of employees. HR is a fundamental element to the success of many organisations. If HR risk is not considered, the viability of many organisations will be compromised; thus, it is vital to ensure the employer is aware of the HR risks and is taking practical steps to manage those risks. However, due to competing interests between employees, management and other stakeholders about HR risk, that risk can mean different things to different people. There are conflicting views about HR-related risk. Also, because HR-related risk is extremely complex, this has made defining the term – HR risk management – difficult. There are few studies about HR risk management, and currently there is no clear definition, so the author has tried define HR risk management as: “human resource risk management is the set of activities that HR practitioners or line managers adopt in order to manage risks arising during the process of managing people”. Some researchers have tried to identify HR-related risk from different perspectives; CIPD (2006) developed a detailed list of HR risks under the categories of culture, employee engagement, legislative compliance, resourcing, development, and cost/productivity and employee protection.

Furthermore, the author explains the needs of integrate risk management and HR management, and explore the benefits of the integration. In addition, An HR risk assessment framework designed by Mayer et al. (2011) has been explained, which provides a view of systematically developing and planning HR risk management actions in an organisation. Some authors have suggested that HR risk management should form part of ERM, as HR is
essential to an organisational system, and HR risk could be managed through the HR function in a systematic way. Line managers also play a crucial role in managing HR risk. The skill required by HR practitioners for effectively managing HR risk are similar to general management skills such as leadership, motivation, communication and conflict management.

The author then reviewed some general factors that may influence the process of managing risk, such as culture. Regulation and compliance are discussed at the end of the chapter, as the author believes, for both risk management and HR management, regulation and compliance play a fundamental role.

In Chapters Two, Three and Four the author has critically reviewed the theories of risk management, HR management and HR risk management, which will provide the fundamental theoretic structure for the author to formalise the primary research and carry out critical analysis in the discussion stage. In the next chapter, the author will explain the research method employed in this study.
CHAPTER FIVE: METHODOLOGY

5.1 INTRODUCTION

The purpose of this chapter is to describe and explain the research methodology of this study. In this chapter, the author explains the research philosophy and choices of design and methodological strategy. The author justifies the reason for employing the interview approach and the case study approach by exploring the strengths and weaknesses of these and other alternative methods. Following this, the selection of sample, collection of data and its subsequent analysis are discussed. The author also criticises the limitations and explains the ethical considerations at the end of this chapter.

5.2 DEFINING THE RESEARCH

5.2.1 POSITIVISM, INTERPRETIVISM AND REALISM

There are three views of the research philosophy: positivist, interpretivist and realist (Saunders et al., 2003). Positivism is the philosophical stance of the natural scientist which emphasises an objective scientific method, of using a highly structured methodology to collect quantitative data that is then analysed statistically. Interpretivism is a subjective stance; it is less focused on facts and numbers/quantitative data than words, observations and meanings/qualitative data (Anderson, 2004). However, the problems with the interpretivist approach are summarised by such authors as Gill and Johnson (2001) and Robson (2002), who argue that although a large amount of data may be obtained, researchers may have no clear idea of what to do with it; it can be time consuming and impractical. The realist approach shares some philosophical aspects of positivism; at the same time, it recognises the importance of understanding influences on people and their behaviour. "Realism is based on the belief that a reality exists that is independent of human thought and beliefs" (Maylor & Blackmon, 2005, p.85). In other words, there is a clear distinction between the world as experienced and what is really going on. Theories used in this research process are a series of tools and techniques for seeing beyond the surface of reality. There
are large-scale social forces and processes that may affect people’s interpretations and behaviours, without their necessarily being aware of the existence of such influences.

The choice of philosophical approach will rely on the research questions. According to Saunders et al., (2003) business and management research is often a mixture of positivism and interpretivism, and maybe to some extent will reflect the stance of realism. For this research, the objective is to examine the effectiveness of managing human resource-related risks. Therefore the realist approach was used, in order, not only to understand the meaning of the information that was gathered from the research, but also to understand the reasons for this result; its causes; why people react differently to the issues, and what other factors have led to these results.

As Saunders et al., (2003) suggest it is important to attach the research approaches to the different research philosophies: “the deductive approach owes more to positivism and the inductive approach to interpretivism” (P.85). The deductive approach makes more use of quantitative data and generalised conclusions from a large sample, through developing a theory or hypothesis that is thought to be true and tests it out using a highly structured methodology. It emphasises scientific principles and selects samples of sufficient size in order to generalise conclusions. The inductive approach, conversely, emphasises the collection of qualitative data and formulates a theory as a result of the analysis. It allows for a more flexible structure to permit changes in research emphasis as the research progresses. This approach seeks to explore why something is happening rather than to describe what is happening.

Creswell (1994) suggests a number of practical criteria for adopting a research approach. However, Saunders et al. (2003) believe that the primary influence on choice of research methods should depend on the research questions and objectives. In this study, the author takes the nature of the research topic, which was the most important issue to be considered. It is true that the induction approach is more protracted and has a higher risk of producing less useful data patterns and theories through the research than the deductive approach; however, for the purposes of this research topic, there is much debate and existing literature about risk management and human resource management. So, using the induction approach
to observe facts, behaviours and meanings to form a generalised theory about what is occurring and why it is happening is more suitable for this study.

Therefore, the main research method in this research is qualitative. The research aim is to answer questions of ‘why’ and ‘how’. The qualitative research method means collecting qualitative data (data in the form of text, image, and sounds) are drawn from observations, interviews and documentary evidence and analysed using qualitative data analysis methods (Denzin, & Lincoln, 2000; Bernard, 2002). The research methods involved in this thesis are the interview, case study and simulation exercise.

5.2.2 ETHNOGRAPHIC APPROACH

The ethnographic approach has been used in this thesis for data collection. According to Schutz (2004), ethnography originated in cultural anthropology and sociology, and it became one of the main qualitative research methodologies in the discipline of sociology (Lloyd & Deasley, 2000). Ethnography means a researcher spends months and years fully immersing themselves in the culture of the group they wish to study (Seale, 2004; Savage, 2006). However, O’Reilly (2005) points out the difficulties of defining ethnography, as it is used in different ways in different disciplines with different traditions:

“It is worthy to note that ethnography has an assortment of meanings; therefore, it is not often utilised in a wholly orthodox fashion (nor does it fall under the auspices of one epistemological belief). Thus, it is imperative when embracing an ethnographic inquiry that you give some indication of what your stance is and of what you are taking the term ethnography to mean, in order to promote a clearer vision of the methodological processes employed (Fetterman, 1998 cited in Lambert, 2010, page: 2).

In other words, ethnography is a mixed approach; it is not simply following specific prescriptions about the procedure, it is more a question of general style (Devitt, 2009). However, it is important for the researchers to have a clear idea of the term, in order to
employ a suitable vision of the methodological process. It tends to require a period of immersion, supported by participant observation, in order to gain an insider perspective.

“For some, ethnography refers to a philosophical paradigm to which one researcher makes a total commitment; for others it designates a method that one uses as and when appropriate. And, of course, there are positions between these extremes.” (Atkinson & Hammersley, 1994).

“At its simplest level, ‘ethnography’ can refer to a way of collecting data (a set of research methods); the principles that guide the production of data (a methodology); and/or a product (the written account of a particular ethnographic project) (Savage, 2006 Cited in Lambert, et al. 2011).

Therefore, the ethnographic approach is the process of study of social interactions, behaviours, and perceptions that occur within groups, teams, organisations, and communities. In other words, in modern social science, ethnography is the long-term observation of, or participation in, a group of people in their natural setting of everyday behaviours and activities (Gill & Johnson, 1997; Lloyd & Deasley, 2000). In this thesis, the targeted group for study are the people who are involved in managing HR risk in the UK public sector. The author has studied the process of managing HR risk through analysis of HR professionals and union representatives’ beliefs, perceptions, social interactions, and behaviours concerning HR risk management.

Moreover, Lambert, et al, (2011) state: “Ethnography aims not only to collect information from emic internal perspective but also to make sense of data from an etic external social science perspective.” In other words, researchers generate understandings of studied culture through representation from the emic perspective, or ‘insider’s point of view’ (Hoey, 2014).

The ethnographic approach had resonance with the author’s practical experience of interacting with human resource management. As the author had a period of working in an HR department in the private sector, this provided opportunities for her to obtain some
general ideas of the operation of HR management. After she finished her MSc International Human Resources degree, the author spent three months on a work placement in one local authority in the UK for her CIPD certificate. This working experience gave the author insight into some of the differences between HR management in private and public sector organisations, especially in terms of managing human resource-related problems. This became the starting point of her research interests in her Ph.D. thesis. When the author reviewed the literature on risk management, the author defined her core direction of Ph.D. thesis as managing human resource risks. Most important, the author felt comfortable and confident using an ethnographic approach to collect data within the Human Resources department in the public sector.

Bernard (2002) states that the main benefit of the ethnographic approach is that it will provide a detailed investigation methodology for collecting rich and complex data of social phenomena. Ethnography helps researchers become a member of the studied group, and enables the researchers to observe more closely (Rosenberg, 1999; Gonzalez, 2000). The ethnographic approach helps researchers develop understanding through the close exploration of several sources of data (Hoey, 2014). There are two general methods used in ethnography approach. For instance, long-term engagement, also called participant observation, the benefits of participant observation are to immerse oneself in a community to gain deeper knowledge. Also, interview or surveys used for the collection of ideas and opinions in the setting. Moreover, researchers collect other sources of data which depend on the specific nature of the field setting, which may take the form of representative documents such as reports, newspaper and magazine articles and secondary academic sources. Reeves, et al., (2008) suggest furthermore that one important feature of the ethnographic approach is the investigation of a small number of cases, in order to explore the nature of a particular social phenomenon.

For Fetterman (1998), it is necessary to employ several tactics before conducting the ethnographic research. The first thing to do is to obtain access to the study group. The best path to involvement in the research group is to contact the people who have the most influence or know the most about what is going on in any research setting, in other words the “gatekeepers” (Cook & Grang, 1995, p.14). After obtaining access to the research setting, it is vital to “blend in”. O'Reilly (2005) emphasises that researchers should try not being
noticeable, otherwise, difficulties may arise in relation to observing people's behaviour in their natural settings (Devitt, 2009).

In this thesis, the author began the present study by sending emails to personnel related to human resource risk management from the end of September 2011. The target contact interviewees at the beginning were the heads and managers of HR in Higher Education and Local Government in the south of England. The author was not very fortunate in the early stages of contact; only a few HR managers agreed to do an interview. The second attempt commenced at the beginning of February 2012. (See Appendix 5-A)

In this thesis, the ethnographic approach involved an extensive programme of in-depth interviews with the people who participated in managing HR risks or crisis, by using purposeful sampling. The author used semi-structured interviews to understand HR professionals and Union representatives’ beliefs or opinions on managing HR risk. The case study approach is used in analysis of HR risk managing in practice, also a process of comparison with interview results. Moreover, the documentary review is used for collecting the worldview of the participants and attempting to use empathy as a tool to better understand/rationalise the behaviour of all involved in the case studies.

During the research, the author attending meetings and training programmes arranged by HR professionals within their organisation, so the author obtained opportunities to be a participant observant of current developments in the research setting. Furthermore, the author attempted to bring a real life situation through a designed simulation exercise to gain further evidence from people completely uninvolved in HR matters in terms of informal/better ways of dealing with HR risk. During this process, the author participated in the exercise, and observed the reactions of participants.
5.3 RESEARCH DESIGN

5.3.1 INTERVIEW

According to Anderson (2004), the interview is a useful research method, as it is a useful way to obtain individual opinions and experiences. It is an extremely flexible research tool, which can be used at any stage of the research process (Breakwell, 1995). Interviews can be readily combined with other approaches in a multi-method design (Gill & Johnson, 2001).

There are three broad purposes of interviews (Hussey & Hussey, 1997; Smith, 2002, p.21). First, interviews can be used as a platform for testing hypotheses or exploring new theories. Second, interviews are a method of gathering data; through interviews, researchers can obtain in-depth information about the subject, particularly in constructing the whole story about "what happened", “why” and “how it happened". Third, the interview can triangulate data collected by other methods. Stake (1995, p.66) reminds us that it is usually not very important to capture the exact words of the respondent: “it is what they mean that is more important”; it is nevertheless essential to keep a record of an interview in order to validate the study. There are several methods of conducting interviews, such as individual or group face-to-face conversations, email communication, or by telephone; it can be structured, semi-structured or unstructured (Denzin & Lincoln, 2000; Mason, 2002).

Advantages and disadvantages of interviews

Brewerton (2001) has listed the advantages and disadvantages of interview surveys.

The advantages are:

- It can preserve rich data and the original meaning of participants;
- Interviews are flexible, and can be used at any stage of the research process;
- Multi-method data collection is also possible, by combining interviews with other techniques, e.g. observational and self-administered elements.

The disadvantages are:
Interviews are time-consuming, due to the volume of data analysis, and to the length of time needed to introduce, establish rapport, probe, and debrief on completion;

- Some samples (especially those which are geographically disparate or isolated) may be more accessible via other methods;

- Many factors are open to bias. For example, interviewer's appearance, speech, expectations, interview style; interviewee's reaction to artificial nature of situation, adoption of role by interviewee, social acceptability and acquiescence;

- Due to the openness to so many types of bias, interviews can be notoriously unreliable, particularly when the researchers wishes to draw comparisons between data sets;

- It may be difficult to ensure objectivity in the process of recording and analysing the research findings.

### Interview survey design

Interviews could take a variety of forms, depending on the type of data required to inform the research questions being asked, as well as on the availability of resources (Brewerton, 2001; Johnson & Duberley, 2000). In general, there are structured interviews, unstructured interviews, semi-structured interviews and ethnographic interviews.

Structured interviews ask a prescribed set of questions in a fixed order, the interviewees being required to respond to the selection of one or more fixed options. The advantage of this method is that it ensures rapid data coding and analysis, easy quantification of data and consequent comparability of responses. However, this approach constrains interviewees as it does not allow for exploration or probing into further areas of interest.

Unstructured interviews afford the opportunity for the researchers to deal with any or all of a given number of topics, which may be of relevance to the research topic. Neither interview questions nor the order in which they are asked are fixed. The advantage is it allows the researchers to obtain rich salient data from each participant by applying open-ended, rather than fixed-option questions. However, the depth of exploration of the research topic in the form of unstructured interviews will depend on the knowledge and skills of the researchers.
Semi-structured interviews incorporate elements of both quantifiable, fixed-choice responses and the facility to explore and probe certain areas of interest in more depth (Zheng, 2007, P.87). The advantages of semi-structured interviews are: they allow interviewees to explain their responses and to provide more in-depth information when necessary; the results are easy to analyse, quantify and compare. However, the disadvantages are: the temptation to spend too long on unimportant subjects; the researchers may cede control to the interviewee: the reliability may be reduced when applying non-standardised approaches to individual interviewees.

Ethnographic interviews allow the researchers to act as a facilitator, to suggest directions for discussion. Researchers use unstructured interviews within the context of the target research area, and allow interviewees to develop their responses in ways with which they are familiar, using their own frames of reference.

The interview questions and their justifications

As the interviewees of this research are from two different groups – human resource departments and unions – two sets of interview questions were designed for each group (see Appendix 5-B). The interview questions differ slightly in each case. However, all the interview questions were designed according to research objectives, and the order of the questions has been matched in order to facilitate coordination in the analysis stage. Interviews questions and accompanying justifications are shown in below:

<table>
<thead>
<tr>
<th>Question Group</th>
<th>Question (Union)</th>
<th>Justifications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question (HR) 1:</td>
<td>How long have you been working as an HR professional?</td>
<td>How long have you been involved in managing grievances / as union representative?</td>
</tr>
<tr>
<td>Question (HR) 2:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question (Union) 2:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

69
<table>
<thead>
<tr>
<th>Question (HR)3: What policies and procedures do you have for managing HR risks? How to manage HR risks?</th>
<th>Question (Union) 3: In your opinion, how do HR policies and procedures contribute to the managing of HR risks?</th>
<th>Justification: Present an overall picture of managing HR risks in reality from asking for examples; Policies/procedures of managing HR risks and the satisfaction level of interviewee about HR risk management in their organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 4: Can you give an example (anonymous) where these types of risks have surfaced and the policies and procedures have not worked</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question 5: Are you satisfied with the way risk is currently managed in HR within your organization?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question 6: In your views, what are the difficulties to manage HR risk in reality?</td>
<td></td>
<td>Identify the difficulties and challenges of managing HR risks faced by interviewees in practice</td>
</tr>
<tr>
<td>Question 7: What potential is there to improve HR risk management? For example, could training be improved for HR professionals? Or does the current training and CPD adequately prepare HR professionals?</td>
<td></td>
<td>Explore the possibilities/ methods to improve HR risks management in practice. Explore the way to solve the problems which identified by interviewees during the process of managing HR risks. Provide opportunities to interviewees to review the process of managing HR risks within their organization; identify the problems and solve the problems.</td>
</tr>
<tr>
<td>Question 8: Do you believe there is a softer side or more qualitative skills that cannot be formally trained/assessed? How can we learn/recognize/encourage/manage these skills?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Question 9: Do you believe a less formalized structure may be more effective in dealing with certain types of HR risk?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Question 10:  
In order to effectively manage HR related risks, what kinds of skills, competences are required?  

Justification:  
Identify skills and competences that HR professionals and union representatives believe are important to manage HR risk effectively.

Question 11:  
What is your view of “advocate” legal or union representative role in solving HR risk situation?  

Justification:  
Examine the role of union representative in the process of dealing with HR conflict from HR professional’s view, also from union representatives themselves.

Question 12:  
How much time is taken up dealing with grievances? Has anyone ever review or calculate the cost of dealing with grievances?  

Justification:  
Examine understanding of cost of managing HR risks amongst HR and union staff; get overall picture of cost of managing HR risks in practice.

In this study, all the questions asked in the interview are designed to assist in reaching the research aim and objectives. A combination of answers addresses each research aim. This is because the research objectives need to be fulfilled from more than one perspective.

- Interview approach in this research

It is impossible to interview all the people who are directly or indirectly related to managing HR risks. Therefore, using more proper sample techniques to choose suitable research targets are critical for the success of the study. In order to gather more valuable qualitative data, in this research, purposive sampling was taken as the method for determining the sample form in which the qualitative data would be collected. As Neuman (2000) suggests, the purposive sampling technique enabled the researchers to select those who were best able to answer the research questions. This form of sample is often used when working with very small samples such as in case approach. Hence, the targeted interviewee groups for this research are HR staff and Union staff in the UK public sector.
In September 2011, the author selected ten Higher Educa-tions and ten Local Government establish-ments after comparing size of organisa-tion and geographic locations. The author then sent a letter to the potential interviewees instead of emailing them, as the author believed that emails were more likely is ignored. HR professionals in particular are normally very busy. Thus, the letter being more formal would be more likely to increase the attention from the potential interviewees. After two weeks of waiting, the author received 15 responses from selected higher education institutions and local authorities. Of these 15 responses, four respondents from local authorities agreed to the interview requirements. However, no higher education respondents agreed to be interviewed. The author tried emailing or calling the selected organisations in order to obtain more opportunities for an interview.

In February 2012, the author conducted a second attempt to obtain more interviews. Another set of twenty organisations were selected (ten higher educations and ten local government organisations). A total of five HR professionals from higher education, and one from a local authority agreed to the interview requirements. Some interviews with union representatives were obtained through the recommendations of interviewed HR professionals, while some Union representatives’ interviews were gained from directly contacting the relevant Union.

In total, twenty interviews were conducted in this study: six interviews with union representatives, six with HR professionals from higher education, and eight with HR professionals from local government. All the HR professionals had been working in HR for more than five years, and two had more than ten years’ working experience in the public sector; three HR professionals and one union representative had experience of working in the private sector. All union interviewees had been working as union representatives for more than five years.

The interviews conducted in this study are semi-structured interviews. Fifteen interviews were face-to-face interviews, three were conducted by email and two were interviewed via telephone. The advantages of face-to-face interviews are that they allow the opportunity to develop a positive relationship of trust between interviewer and interviewee, thus, the respondent is more prepared to accept probing questions and to dig deep in terms of
articulating feelings and experience. Also, factors like environmental influence and non-verbal language can be considered, which will increase the data reliability (Hussey & Hussey, 1997). On the other hand, telephone and email interviews share the advantages of time and cost effectiveness (Anderson, 2004), and avoid the problems caused by geographic locations.

Before the interview, a cover letter (see Appendix 5-C) was issued to individual interviewees, in which the author explained the nature of the research, and provided the interview questions to the interviewees in advance. The reasons for doing so were to give the interviewees a general picture of the questions so as to reduce the uncertainty and potential hostility to the author. Meanwhile, permission for using voice recorders was asked before the interviews. Some interviewees refused to use voice recorders but note-taking was allowed instead. 80% of interviews were recorded, which increases the data reliability.

The validity and reliability of the data are crucial (Gill & Johnson 2002). To this end, the author discussed the main ideas with the interviewee, clarifying the ideas expressed by asking such questions as "do you mean...?", "Could you please explain more about ....?", "Could you please give me an example of this?", to ensure that what the author had heard and recorded represented exactly what the interviewee had intended to say.

From this analysis and discussion, the author is confident that the interviewees' responses reflect their opinions. The author also kept notes of interesting/critical information arising during the interview, which was of help in the discussion stage. After each interview, the author immediately wrote down the key points. Other matters, such as the body language of interviewees and the author's impressions, were also considered. Furthermore, the author transcribed each interview immediately afterwards while memory was still fresh. All the interviews were transcribed by the author as faithfully as possible to their original wording. During the transcription process, the interview records were reviewed several times to ensure accuracy. The author also contacted some interviewees after their interview, to resolve any doubts, either by phone or email. The author emailed transcripts to 20% of the interviewees, allowing them to check the accuracy of the information.
5.3.2 CASE STUDY

Anderson (2004) states that the case study approach is the most obvious research strategy for researchers to undertake over a limited timescale. The case studies strategy is the preferred strategy for addressing “how” and “why” questions when the focus is on a contemporary phenomenon with some real-life context (Yin, 2003). A case study is a “logic design” or a “strategy” to be preferred when circumstance and research problems are appropriate, rather than an ideological commitment to be followed whatever the circumstances (Platt, 1992; Eckstein, 2000). In other words, a case study can be regarded as an experimental investigation that explores a phenomenon within its real-life context (Yin, 1994).

The case study approach enables researchers to apply a mixture of data collection methods, coupled with some interaction of factors being taken into account (Stark & Torrance, 2004). Therefore, the issue/topic can be studied in depth (Yin, 1998). The data collection methods employed by the case study strategy may be varied, including questionnaires, interviews, observation, and documentary analysis (Robson, 2002). Similarly, Harrison and Leitch (2000), stress the importance of diverse sources of evidence to support the case study, including documentation and archival records, interviews, direct observation and participant observation. In this research, the semi-structured interview, documentary analysis and observation were adopted by the author as the principal research methods in case studies.

Even though the case study is deemed to be a particular type of approach within the stable of flexible research designs, there is an argument to be made that all enquiries are case studies in that they take place at particular times in particular places with particular people, and that utilising more than one method of data collection can improve many flexible design studies (Stake, 2000; Robson, 2002).

The advantages of a case study strategy can be summarised as the following four points. Firstly, it allows researchers to concentrate on a particular case so that they can look into
details of the events or phenomena (Harrison & Leitch, 2000; Stark & Torrance, 2004). Because only one or at most a few cases are investigated during the case study, researchers collect a large amount of information and deal with a variety of evidence. Hence, the advantages of using the case study is that it provides experiences that are analysed in a form of comprehensive knowledge, as researchers have the opportunities to obtain a broader and deeper understanding of the case (Stake, 1995; Stake, 2000; Anderson, 2004).

Secondly, the case study strategy has various applications. According to Yin (2003), the case study strategy can deal with contextual conditions and the reality of many social phenomena is that phenomenon and context are indeed not precisely distinguishable. It can be used as a method for the illustration of real-life experiences, enabling the researchers to explore phenomena that are unclear or uncertain (Eckstein, 2000; Yin, 2000). It enables researchers to clarify research questions by evaluation or explanation, and to explore relationships within a mass of complex empirical evidence (Yin, 1994; Stake, 2000).

Thirdly, researchers have greater flexibility in choice of research methods when using this approach. The case study approach enables the researchers to twist the requirements of research methods for the purpose of meeting the requirements of reality; in other words, to amend the procedures and rules of research method to fit with the requirements of a real-life situation (Stake, 2000; Thorpe & Holt, 2008).

There are some disadvantages in a case study approach. Stark and Torrance (2004) point out that the case study approach allows researchers to gather an enormous volume of qualitative data, which may be difficult to analyse. Neuman (2000) criticised the approach as time-consuming as, during the research, many unusable documents are produced. For Yin (1998), the case study approach cannot avoid the problem of subjectivity, because researchers' bias and preconceptions may influence the findings. A similar critique is shared by Stark and Torrance (2004), who believe that the quality and skills of the researchers would almost certainly affect the result of the case study. However, it is hard to identify the qualities researchers may or may not have. Moreover, it is hard to use one case study result to represent a large population; in other words, theories cannot be generalised from a case study. Easterby-Smith, et al., (2002) believe that a case study approach is too procedural,
and seeks to establish "the facts" of a particular case and then applies a scientific experimental approach using replication logic, as opposed to an ethnographic approach which interweaves data collection and theory building.

Stark and Torrance (2004) suggest that it is important to select the right number of cases for study. The case study can be single- or multiple-case studies, small-N cases or large-N cases. Peter (1998) suggests the selected case study should be based on researchers' experience and limitations: for example, financial considerations; time limitation; language ability, and geographic locations. Also, the choice of case and the number of the case could be subjective. Furthermore, Saunders et al., (2007) argue that the fewer the cases investigated, the more information collected about each of the cases. However, the weakness of such an approach is that it is hard to make a comparison between a small number of cases and a large number of variables, as it is hard to generalise the results. Rihoux and Ragin (2009) suggest that the selected case should represent either the most similar or the most different systems. As different cases will bring cultural, social, political and economic variables, it is hard and unrealistic to compare all the variables in a single project. Therefore, it is critical that a researcher has some idea of what information is needed to be compared and analysed, and when to stop the research (Wood & Christy, 2001). Careful selection of cases is the key to conducting comparative studies (Gomm, Hammersley, & Foster, 2000). In this research, two representative cases were selected from the public sector: one from local authority; one from higher education. As these two cases represent the most similar systems, it will benefit the research at the analysis stage.

Nevertheless, the nature of the case study approach is that it is ideal for investigating contemporary events and for when behaviours cannot be manipulated, such as in the case of laboratory experiments, where different variables can be introduced or removed, or control subjects used (Robson, 2002). Due to the complex, dynamic nature of HR risk, the case study approach is an ideal strategy to enable the author to view HR risk from the perspective of those responsible. The case study approach provided insight into risk management in the human resource context; the descriptive and illustrative nature of the case study approach provided the author with a rigorous investigation and a better understanding of human resource risk management; the approach allowed the author access to the experiences of people and to exchange ideas during interviews, thereby providing
data for analysis, synthesis and interpretation in this thesis; finally, it allows for the introduction of a relatively untried method for understanding the ideas, behaviours, and cultures towards managing human resource risks.

- **Case study approach to this research**

Two case studies were selected and designed in this research. During primary research, several cases were collected by the author. After comparing and considering the nature of the case, size, level of complexity and information availability, the author selected two representative cases.

Access to these real-life cases is challenging, especially when the research targets work for the UK public sector. To overcome this challenge, the author tried conducting interviews first, focusing on the research topic – human resource risk management. During the interview, the author attempted to ask individual interviewees to give examples of difficult situations relating to HR risk management that happened within their organisation. By doing so, many interesting examples, small cases and significant cases were obtained. After building trust with interviewees, the author obtained more information about the cases.

Case study one, Vicky Battle and the Seaside City Council, was the first case study selected by the author. This workplace crisis was very complex, involving several people, and lasted over two years. The reason for selecting Vicky's case was because this classical HR risk management case presented an actual example of how complex the HR risks could be in the workplace, and how the HR and management teams are dealing with workplace conflict in one local council in the south of England.

The author interviewed the Head of HR – Maggie Dolly – who was involved in Vicky's case at the council in April 2012. During the interview, Maggie explained the case to the author in detail. After the interview, the author received comprehensive documents from Maggie, which enabled the author to formulate a better understanding of the case. The documents Maggie provided were the case report from Head of HR (Maggie Dolly); the external investigator's report; HR policies of the Seaside City Council, and the final outcome of the
grievance hearing which was produced by the Corporate Director (Mr Richmond). Also, some important emails and letters between Vicky Battle, HR and management were provided.

Unfortunately, the individual employee – Vicky Battle could not be consulted for reasons of data confidentiality and anonymity. In order to ensure Vicky Battle's views were included, Maggie kindly provided two documents produced by Vicky Battle during the process of the case. These two documents were Vicky Battle's 16 grievances report, and her personal statement about the case. Therefore, although Vicky Battle was not consulted, from analysis of these two documents, Vicky Battle's views about the matter were considered. The author believed that from analysing and summarising all the documents (interviews, emails, letters, reports, personal statement and policies) obtained from the City Council, an impartial overview of the original case could be ensured.

Due to the complexity of the case, the case study will be presented according to the timeline from October 2006 to October 2008. Some relevant primary documents were selected, summarised and have been attached in the appendix, from a supporting perspective in order to have a better understanding of the case.

Case study two, Dr Stone and the University of Middle England, was selected because it reflects the purpose of this research; it presents a real HR risk situation, in a real workplace. It is an example of managing HR risks in practice; it is a situation that could arise in any organisation or happen to any individual.

In order to gain access to the individual (Dr Stone) who was involved in this case, so as to obtain more information about the case, the author tried contacting anyone participating in this case through the author's first supervisor's personal connections. With the author's first supervisor's help, after a few weeks of repeated attempts to reach the individual, the author finally received Dr Stone's reply. Then the author faced another challenge in building trust with the individual.
The events of the case took place over a long period, which added to the difficulty of asking the individual to review it again. It was a sensitive issue and needed to be handled carefully. Therefore, trust between the author and individual were essential. The author tried to explain the nature of her research, why she was interested in this case and promised that all the information about the case would remain confidential and anonymous and that no organisation or individual would be identified. Finally, Dr Stone agreed to the interview on the condition of this promise of confidentiality and anonymity. The interview was conducted at Dr Stone's current university in July 2012, lasted one-and-a-half hours, and was recorded with the permission of Dr Stone, which helped in the data analysis stage.

Once again for reasons of data confidentiality and anonymity reason, the organisation – the University of Middle England – could not be contacted. However, in order to understand the whole story properly, not only from the perspective of an individual employee, the views of the university should also be included. After the author explained her concerns, Dr Stone kindly provided all the emails exchanged between him and the human resource department and management team of the university. This proved invaluable, as the email dated from when Dr Stone started work at the University until he left.

This 500-page email document provided by Dr Stone contained all the information about what took place during Dr Stone's employment at that university. The author believed that comparing the interview information with the email document would enable her to obtain a full picture of the case. This information comprises all email correspondence between individual employees (Dr Stone, his colleagues), management, students, and the HR department. After reviewing the email document several times, some significant information emerged, which has been used as citations or presented as appendices with reasonable changes (to ensure data confidentiality and anonymity).

5.3.3 SIMULATION

Simulation is the method that enables realistic scenarios for the purpose of familiarising participants with both the context and settings of real scenarios. Using simulation to train
decision makers has been extensively studied for a variety of applications (Borodzicz, 2005b). There are three types of simulation: seminar; table top and live exercise. Kincaid (2011) suggests that the selection of certain types of simulation should vary according to the purpose and scope of a simulation. The benefits of using simulation could be to: reveal weaknesses, gaps in existing plan; enable the improvement of individual performances; ensure the effective implementation of plan and procedures; use for purposes of education, and enable the participants to become familiar with problems; build a channel to provide public information (Kincard, et al., 2003).

Moreover, simulation enables researchers to gain insights from participant observation. By participating directly in simulation exercises as a facilitator/evaluator, researchers will obtain a rich or thick descriptive picture about the behaviour of the individual under observation (Borodzicz, 2005b; Chen & Borodzicz, 2004).

Scenarios are also valuable for understanding decision making from a research perspective, by understanding how decision makers operate. Simulations offer an opportunity for researchers to gain a participant observation understanding of behaviour within the context of an observed setting because people act and understand the world by taking meaning symbols from their surroundings. Participant observation allows the researchers to participate directly in simulation exercises as a facilitator/evaluator. The researchers will attempt to understand the environment by being a part of it, through participant observation. The aim here is a “rich” or “thick descriptive” picture of the behaviour of the individuals under observation (Geertz, 1973).

In this thesis, a simulation exercise was designed according to case study two: Dr Stone and the University of Middle England. The purpose of conducting a simulation exercise was to bring a real life HR risk scenario into practice, to test out how people react to HR problems. The simulation exercise was conducted at the 17th UKSS 2013 September conference. There are four steps in this one-hour simulation exercise: debriefing; grouping and selecting players; performing the exercises, and presenting the results. In total, 14 participants were involved in the simulation, divided into two groups. During the simulation, each participant performed their role according to the personal description and reacted to the simulation exercise questions. The author worked as facilitator/evaluator during the simulation in order
to participate-observe the participants. The final results of the simulation were compared with the real outcome of case study two.

5.4 DATA ANALYSIS

- Analysis of the results of interview, case studies and simulation
  In the data analysis stage, the author analysed the interview results according to the aim and objectives of the research. The author also compared the interview results with the theories and frameworks covered in the literature review; the difference between the interview results and the case studies are discussed in further detail in Chapter Six.

At the data analysis stage, the case studies and simulations analysed according to the aim and objectives of the research, also comparing the case studies with the interview results. Moreover, the theories and frameworks discussed in the literature review were applied to the two cases and simulation (for further detail, see Chapter Ten: Discussion and Analysis).

- Document Review
  According to Scott (1990), most documents exist as objects that were written for specific purposes or events, and documentary evidence can be regarded as the basis for most qualitative research. From a document review, the researchers can observe the situation in a comprehensive manner; at the same time it will facilitate the comprehensiveness of the interviews conducted by the researchers. Time and cost effectiveness is another benefit afforded by document review; it enables the researchers to conduct more extensive research (Mason, 2002). Most importantly, document review is a supportive method for the researchers to obtain or examine the history of a particular event (Smith, 2002). The sources of documentary research can be primary and secondary materials (Devitt, 2009). In this research, document review benefits the study in different ways, not only being used in analysis of interviews but also in complementing the case study approach. The documents examined in this study include company reports, human resource department reports, personal statements from individual employees, formal letters between employee and employer, emails, HR policy documents and external investigation reports.
The author used the document review method to triangulate the findings of these case studies and ensure the result was more convincing and accurate. Particularly, it was helpful for the author to understand the historical background of the events from different people's viewpoints (human resource, employee, management, union and other stakeholders); it established an overall picture. (Some essential information from document analysis has been selected and attached in appendix.)

5.5 ETHICAL CONSIDERATIONS

There were a range of ethical issues that had to be taken into account when conducting the research, which includes interviews, case studies with individual participants and a simulation exercise. The primary data were intended to be collected from human subjects or data that are individually identifiable. The purpose of collecting primary data is to help answer the research aim and objectives. In this study, the data access and ethical arrangements were conducted to fulfil the requirements of the University Ethics approach.

Saunders, Lewis and Thornhill (2003) defined ethics as referring to the appropriateness of behaviour in relation to the rights of those who become the subject of the research or are affected by it. Ethical issues are important in all research, and should be considered throughout the whole process: design; initial access; collection; analysis, and reporting while, at the same time, remaining sensitive to the impact of the work on those who provide access and co-operation and those who will affect research results. (See Appendix 5-A, 5-C)

- Informed consent – the author pre-contacted the participants to ensure all relevant permission was gained before beginning the project; this enhances the fairness, accuracy and relevance through allowing the organisations to suggest amendments to do with the research process. The objective and process of the research was clearly presented to the participant by covering letter detailing the goal of the study. Informal consent was obtained by emails and face-to-face approvals. The interviews conducted
in Higher Education and local authorities were approved by the interviewees in advance of the field research. Of all the interviews, 80% were recorded. A majority of the interviews were also accompanied by note taking. Requests were made for permission to take a voice recording for future use.

- Confidentiality and anonymity – a covering letter containing promises of confidentiality and data anonymity was given to the respondents and interviewees. Respondents’ names and personal details were not required. The author was the only person other than the course staff to see the data. No individual or organisation was named in the study; others who were not involved could not be identified from the data either.

- Storage of data - all the information gathered from the research was stored confidentially. The data will only be used for this research, and no personal information will be provided to the public or anyone else. When results of the project are finally collated; then data will be destroyed immediately.

- Accuracy of the data presentation and analysis - with permission, the interview was recorded. All the data from the face-to-face interviews or email interviews is transcribed and entered into data format. Some short, follow-up telephone interviews were taken to clarify the meaning of some data from previous interviews.

### 5.6 LIMITATIONS OF THE METHODOLOGY

According to Patton (2002), it is essential that the researchers should ensure that the collected data is both valid and reliable. Validity here concerns whether the findings are what they appear to be. Construct validity relates to the development of an operational set of measures and the subjective judgements that are used to collect them. External validity, sometimes referred to as generalizability, is the extent to which the research results are generalizable. In order to address the issue of validity, the author adopted multiple sources
all the way through the interviews and secondary data reviews and maintained evidence that
the research questions could be followed right through to the conclusions. Due to only two
case studies being selected, the results were not generalizable to all populations within the
industry. This concern was overcome by conducting interviews with the target group,
coupled with simulation exercises at the 17th UKSS conference 2013.

Reliability of the research design seeks to minimise and control errors and bias in data
collection, interpretation and presentation. Robson (2002) asserts that researchers should be
aware of the subject or participant bias when designing research. During the research, the
covering letter explained that the questionnaire would be completed and analysed in the
form of anonymity, which would minimise the potential problems relating to the reliability
of the data. In order to gather more valuable data, it was the intention of the author to obtain
qualitative data through semi-structured interviews with more open-ended and probing
questions.

However, some significant limitations of this research should be considered. First, it should
be noted that this study has examined only two cases (one from High Education, one from
Local Government) in the south of England. Therefore, the results may not be taken as
evidence for the general index of all the organisations within the industry. Unfortunately, it
is hard to determine the industrial comparison from the data, as the research was only
conducted in the UK public sector. If a cross-sector (public and private) comparison or
international organisation comparison could be conducted, the research results would be
more generalizable. However, due to the limitations of time and resources, such a
comparison was impossible.

5.7 CONCLUSION

In this chapter, the author explained the process of defining the research, and delineating
research method, data collection and data analysis in detail. The ethnographic approach has
been used in this study for data collection. The research methods employed in this study are
the interview, case study and simulation exercise. The author used interviews to obtain
general understanding of HR professionals and Union representatives about HR risk management in the public sector. The author used case studies to explore the reality of how HR risk has been managed in practice. The simulation exercise provided the opportunity for the author to be a participant observer. It also enabled the author to explore potential ways of managing HR risks effectively. The author justified the strengths of using these research approaches. The ethical considerations and the limitation of the methodology were also discussed. The data gathered through research will be presented in the next few chapters.
CHAPTER SIX: INTERVIEW RESULTS

6.1 INTRODUCTION

In this chapter, the author will explain and present the interview outcomes that were obtained from the primary research. This is a discussion of the findings from the interviews. According to the aims and objectives of this study, the findings will be discussed in six sections: general understanding of human resource (HR) risk; managing HR risk in practice; difficulties and challenges in managing HR risk; improving HR risk management; skills and abilities required for managing HR risk; and the role of the unions in managing HR risk and cost of managing HR risk (interview questions see Appendix 5-B).

6.2 ANALYSIS OF INTERVIEW RESPONDENTS

(Interview Question 1)

Analysis of the background of all interviewees was undertaken, to ensure the respondents were appropriate to answer the research questions, increasing the reliability and validity of the study. More importantly, it enabled the author to better understand interviewees’ views, as their background and working experience would have an influence on their opinions on the research topic. When explaining and presenting the results of the interview, a comparison approach is used, between HR staff (from higher education and local authorities) and union staff.

Twenty interviews were conducted in this study: six interviews with union representatives, six with HR professionals from higher education, and eight with HR professionals from local government. All the HR professionals had been working in HR for more than five years, and two had more than ten years working experience in the public sector; three HR professionals and one union representative had experience of working in the private sector. All union interviewees had been working as union representatives for more than five years.

Figure 8: General Information of Total Interviewees
6.3 THE RESULTS OF INTERVIEWS
(Appendix 5-B: Interview Questions)

In order to ensure that interviewees said exactly what they meant, 80% of the interviews were recorded, with permission from the respective interviewee. The author then discussed the main ideas with the interviewee, clarifying the ideas expressed by asking such questions as “do you mean...?”, “Could you please explain more about ....?”, “Could you please give me an example of this?”, to ensure that what the author had heard and recorded represented exactly what the interviewee had intended to say.

The validity and reliability of the data are crucial. From this analysis and discussion, the author is confident that the interviewees’ responses reflect their opinions. The author also kept notes of interesting/critical information arising during the interview, which was of help in the discussion stage. After each interview, the author immediately wrote down the key points. Other matters, such as the body language of interviewees and the author's impressions, were also recorded and considered. Furthermore, the author transcribed each interview immediately afterwards, while memory was still fresh. During the transcription process, the interview records were reviewed several times to ensure accuracy. The author also contacted some interviewees after their interview, to resolve any doubts, either by phone or email. The author emailed transcripts to 20% of the interviewees, allowing them to check the accuracy of the information.
6.3.1 GENERAL UNDERSTANDING OF HR RISK

(Interview question 2)

All interviewees had some understanding of human resource risks. During the interview the author asked: “What does HR risk mean in your organisation?” Half of the interviewees tried to explain HR risk using HR functions coupled with real-life examples. Half of interviewees, and all the union interviewees, tried to provide more general definitions for HR risks.

One HR professional (local authority, in post six years) stated: “An HR risk might be that everything goes wrong when dealing with people. For instance, if the line manager does not have the right skills to conduct a performance appraisal, the individual employee may feel unfairly treated, and this is can be regarded as an HR risk. If grievances and complaints are not be conducted properly, they can produce more problems, which can also be regarded as an HR risk.” One HR professional (higher education, in post over five years) defined HR risk management as “a process of dealing with problems of managing workforce”. One union representative gave as an example “unfair treatment during training and development; in recruitment and selection, discrimination could be an HR risk; it could be anything related to managing the employee”.

After reviewing the interview notes taken during each meeting, reviewing the interview records, analysing the transcripts of each interview, exchanging ideas by follow-up emails after each interview, and clarifying these ideas through call-back to individual interviewees, the author summarised significant key points that had been identified by the interviewees:

- Fairness – nearly all interviewees believed that HR risks would arise when people were treated unfairly. It is important to treat people lawfully and justly. Thus, it is essential that the right people should be selected to do the right jobs at the right time, especially when dealing with an HR conflict situation. Some HR respondents indicated that the abilities and skills of line managers have significant influence when dealing with HR problems.
Law and compliance – 75% of the respondents referred to the importance of compliance with laws and regulations when dealing with HR issues. In addition, compliance with laws and regulations in order to prevent HR problems has been highlighted by the respondents. Only two respondents (one HR professional, one union representative) suggested the effectiveness of compliance will influence the management of HR risk. The author noticed that both those interviewees had over five years’ experience of working in the private sector.

Policies and procedures – 90% of HR respondents felt that organisational policies and procedures were relevant; therefore, the conduct of HR activities should follow the policies and procedures. Almost two-thirds of respondents reported that, compared to the policies and procedures, who use the policies/procedures are more important when dealing HR problems.

Costs and damages – the overall response to this point was positive, almost all of the respondents being of the view that damages or costs associated with HR risk were significantly relevant to an organisation. Seventy-five per cent of the interviewees indicated that potential damages were not only commercial or financial, but also to do with reputation, opportunity loss and service disruption. As one local government HR interviewee (in post over five years) said, “We can face an enormous bill from a tribunal...the potential damages from that are unlimited.” One union respondent (higher education, in post over five years) said: “If the problem is not handled well, it might influence other employees, with unexpected side effects, such as people feeling unprotected.”

6.3.2 HOW TO MANAGE HR RISK IN REALITY

(Interview Questions 3, 4 and 5)

The responses to Interview Questions 3 and 4 present an overall picture of managing HR risk in practice. Interview Question 5 was aimed at the level of satisfaction of interviewees about managing HR risk in their organisation in the past. All respondents reported that there was no particular policy clearly presenting ‘how to manage HR-related risks’ in their organisation; however, they confirmed that organisations used different policies and procedures to cover almost all HR activities. Those policies and procedures were used to prevent and manage potential HR problems.
Risk assessment and risk log

Fifty-five per cent of HR professionals reported that they use the ‘risk log’ to calculate the risks with a project when they think it is necessary. In the risk log, the HR risks are identified and scored at different levels, then the strategies for managing those risks are developed. One HR professional (local authority, in post ten years) reported: “We do an equality impact assessment for every policy and major procedure; we identify the risks involved in any actions we are proposing to take and attempt to manage them as far as we can. Risk assessment is part of the process, and has to be included in any report to the Board.”

Ensure policies and procedures are clear, simple and easy to understand

All HR interviewees believed that policies and procedures are set up as a standard for doing things. Thus, it is important to ensure the policies are clear, simple and easy to understand. One HR interviewee from higher education (in post over five years) said: “We ensure that we have explicit policies and procedures so that risks are minimised, and it is part of our remit to monitor such policies/procedures and ensure their consistent use across the organisation.” Furthermore, another essential requirement is that those policies and procedures are up to date, and it is important for line managers to understand the importance of this. As one HR professional (local authority, in post seven years) said: “The managers may claim that some of the rules reduce their flexibility. What we try to do then is to make the policy shorter and give them guidance.” Thus, it is important to ensure that the policies and procedures are succinct, provide step-by-step guidance, and are set up in accordance with the law.

Consistency in using the policies and procedures

Ninety-five per cent of interviewees reported that the purpose of having policies and procedures is to prevent problems. Problems will occur when policies or procedures are not followed consistently. “We have a set of technical notes and instructions on essential separate activities for day-to-day guidance, to guide anyone covering for another’s absence, and to train new members of staff; it is most important to maintain consistency,” one HR interviewee from higher education explained. The HR department is responsible for the
development of policies and practices to deliver the aims and objectives of the organisation. It is, therefore, important to develop and maintain appropriate terms and conditions of employment, along with policies and procedures, which are up to date, compliance with legislation, and fit for use by managers to ensure they get the best from their staff. Policies and procedures are issued to all heads of department and updated as appropriate. Many policies and procedures are consulted on or negotiated as appropriate with the trade unions. “All policies and major procedures are assessed, we identify all related risks before any taking actions, and we try to identify all HR risks before any strategies have been established – but most important is to ensure the consistency of implementation” (HR professional from local authority, in post six years).

However, approximately one-third of HR professionals, and two union representatives, highlighted one interesting point – that some line managers may find following policies or procedures reduces their flexibility in managing people. In other words, they may consider that following policies or procedures tie their hands, especially in situations where flexibility is needed. Line managers may believe they can solve some problems by applying easier, more sensible or flexible methods instead of following company policies and procedures. However, line managers are not able to act in that way, because it is not allowed, and they want to avoid unnecessary problems that may arise if they were to depart from following the rules. But even organisations use different policies to guide staff when things go wrong; the reality is that the policies and procedures cannot cover every single problem, human resource risks are more complex than other risks.

■ Role of HR Professionals

Twenty per cent of HR interviewees mentioned the importance of the role of HR in managing HR risk. They believed that HR staff should position themselves as a linkage between employer and employees, maintaining balance between the two parties as well as fairness and trust. As one HR professional (higher education, in post over five years) said: “HR should support employees to find justice, not act against them; HR should keep a balance between organisations and employees.” Meanwhile, HR staff should work with line managers, explain all the policies and procedures and ensure they understand them, and give advice for any actions. As one HR professional (higher education, in post over five years)
said: “HR role is to give guidance to management on how to act without legally compromising the company.” However, 50% of union interviewees stated that sometimes HR professionals considered themselves as employers, rather than being neutral or working as an independent parties, when there is a conflict. Therefore, in reality, finding themselves in a conflict situation can be a challenge to HR staff. As one union representative (local authority, in post seven years) said: “It will depend on the individual employee (HR staff) how they position themselves in that situation. Personal commitment to the organisation may also be a particular influence.”

- Listening and Communications

Only one-third of the interviewees suggested the importance of listening when things go wrong, to establish out what happened, what the problems are, and the expectations of the individual. Only a few interviewees recognised the importance of communication during the process of managing HR risk and setting up strategies for solving the problem. Therefore, listening and communication were not considered essential for managing HR risk by some interviewees.

- Satisfaction level of interviewees about managing HR in their organisations

All interviewees confirmed that they were satisfied with the process of managing HR risk within their organisations, despite facing some challenges and difficulties in managing HR risk in practice.

6.3.3 DIFFICULTIES AND CHALLENGES OF MANAGING HR RISK

(Interview Question 6)

Interview results indicate that increasing legislation and changes to the law are the biggest challenge in managing HR risk. One HR professional (higher education, in post seven years) referred to “the ever increasing legislation and changes to the law that HR professionals have to know and keep up to date with...The law changes so quickly, you need to be updated every day...For human resource department staff this is easier, but it is hard for the line
managers, as they do not deal with these things every day, and they need HR support.” Moreover, it is vital for union staff to be up to date with new legislation and law, to be able to give advice and support to individual employees. Because the law and regulations change so quickly, it is hard for a line manager or supervisor to keep up to date, which creates a challenge for managing HR risk. “As long as the managers use HR support, HR risk management is not that difficult” (HR professional, local government, in post six years).

Line managers may be involved with HR risk without consulting HR professionals. There is a lack of understanding of legislation and law among line managers. In most situations, line managers believe that they understand the situation and know the law. However, their knowledge of legislation maybe outdated. This causes more problems when dealing with HR problems. As one HR professional (local authority, in post ten years) said:

“The problem is, some managers think they know or understand the laws or regulations, do not know that is out date, then say something or do something which is not right. This will give us trouble, and may result in a tribunal case. It is important to make managers aware there is a high risk when they handle things wrongly. They are unaware that they need to up to date about the law, and consult with HR before taking action” (HR professional, higher education, in post for five years).

HR risks are more complex than other types of risk. No two HR situations are totally same, as different people will be involved, with different issues; thus each HR risk will be slightly different from any other. The complexities and nature of HR risks present a challenge to managers or HR staff to choose suitable policies and procedures for their individual HR situation. At the same time, it will test the skills and abilities of managers/HR professionals dealing with HR problems.

Almost all the HR interviewees reported that another challenge of managing HR risk is that line managers or supervisors do not follow the rules and procedures. In practice, most workplace conflicts are handled by line managers; sometimes line managers do not follow the procedures. “They just go ahead and do something, without asking if it is ok or reading the policies – that will make the situation worse” (HR professional, local authority, in post
Line managers are seen to pass the problem on to the HR department when the situation worsens without notifying HR what they did wrong. Some HR interviewees stated that if there were more effective communications, a better relationship between HR and the individual units, HR risks could be handled more efficiently. Therefore, the HR interviewees suggested, there is a need to increase the awareness of HR risk in the workplace among line managers, to encourage line managers to follow procedures or policies when things go wrong, and for consultation with the HR department before taking action.

The difficulties and challenges of managing HR risk identified by union respondents can be summarised as follows. First, it is difficult for individual employees to understand the employment regulations and laws entirely. Second, there is lack cooperation and communication between different departments and the HR department most of the time “line managers’ deal with the problem without consulting with HR staff”. This reflects the views of the HR interviewees. Third, the skills and abilities of line managers in managing HR risks are a further challenge.

Another interesting point, mentioned by 20% of interviewees, is the “complaint culture”. One HR professional (higher education, in post for seven years) said that:

“I think most managers would like to solve the problem informally, but quite often the employee does not feel the same way. If an employee has a problem with the manager, they may want the manager to change the decision, so they want to speak to someone who is more senior, and maybe that manager will overrule it. As we are currently experiencing this kind of culture, people feel: if I push very hard, I may get what I want. They might lose, or they may get what they want; but even if they do not get what they want, what do they lose? Nothing! Some people just do not think of themselves as a ‘difficult employee’. They just think about what they want.”

Therefore, some interviewees argued, it could be because too much attention is given to protecting workers, causing employees to believe that they have more rights to ask for things than they want/need, without regarding themselves as difficult employees. The complaint culture is a challenge that management currently face when dealing with HR risk.
In terms of the difficulties and challenges of managing HR risk, the HR professionals from higher education and local authorities shared similar ideas. Union staff considered the lack of understanding of the laws and regulations as the main difficulty. But other difficulties that have been reported, for example: the abilities or skills of line managers; trust and openness between line manager and employee; the support of top management; and cooperation and communication. In addition, resource limitations, in terms of time and finance, can add to the risk of managing people: “Ever decreasing resource, particularly in the public sector, brings with it added risks. Staff can be over-stretched, and things can be missed” (HR professional, local authority, in post over five years).

6.3.4 HOW TO IMPROVE HR RISK MANAGEMENT

(Interview Questions 7, 8 and 9)

In terms of improving the process of managing HR risk, the majority of interviewees suggested that the first priority is to keep the policies and procedures up to date, and to ensure they are simple and practical. Most importantly, to ensure line managers and employees understand what the policies and procedures are about. Most HR risks do not originate within a legal context; they have more to do with daily management. The second priority is to ensure implementation is consistent; it is vital for everyone to follow procedures and standards. Third, HR management is not only done by HR staff; looking at the full range of HR, line managers are the ones who are managing people on a regular basis.

Therefore, line managers can be regarded as the primary source of managing HR risk; it is important to develop line managers’ knowledge, understanding, skills and attitudes regarding HR risk management. Otherwise, line managers themselves could become the major source of HR risk. As one HR professional (local authority, in post seven years) said: “I think that potentially the problem is the manager will do something, not realising the risk involved... They do not deal with these things every day, so they do not know they need HR staff support to get things right”.

The fourth is about training for HR risk management. In order to ensure line managers have the right skills, training is essential. Training should adequately prepare HR professionals
to deal with HR risks effectively, with the right skills and competencies. Moreover, some interviewees believed that training should also emphasise the needs of a risk management culture, and that kind of training should be a part of most organisations’ professional training. In other words, managing HR risk should be proactive; it begins with increasing the awareness of managing HR risk. One HR professional (local authority, in post over five years) suggested: “I think it is vitally important to increase the awareness of HR risk in the workplace, to increase people’s understanding of the importance of managing HR risk”.

A similar idea was raised by another HR professional (higher education, in post for seven years): “We have training for the purpose of improving HR professionals or managers’ management skills. It should have some effect. However, I think it is more important to increase the awareness of risk assessment, and to increase of the needs of managing risk in the HR context.” In addition, 75% of interviewees suggested that continuing professional development (CPD) can be used to improve the abilities of HR professionals or line managers; however, it will depend on such factors as time, resource, effectiveness of training, top management support and individual commitment.

Although all interviewees agreed that skills can be improved by effective training, some interviewees argued that there was a softer side, involving more qualitative skills, which cannot acquired through training. “Some skills cannot be formally trained. That is why some people can be leaders, and some people cannot. However, there are some ways to help individuals to improve their management skills, for example, by coaching” (union representative, higher education, in post for five years). “I believe that experience equips people to be more aware of risks, and perhaps coaching is a good way of passing on the knowledge gained in that way, which cannot really be fully transmitted through formal training” (HR professional, local authority, in post for seven years). All HR interviewees reported that they had a different training course for managers or supervisors, covering almost all the skills they would need to manage people. However, “people can be trained with skills, but that cannot ensure they will do the right thing when things go wrong”. Once again, it will depend on many factors.
Furthermore, *common sense* is an interesting point that has been highlighted by some interviewees. They believed that common sense is essential in managing HR risk. One HR professional (local authority, in post over ten years) said: “*You should use common sense; see the situation from the employee side, as the results may affect their whole life.*” Another said: “*You could solve the problem by using common sense, putting yourself in the individual employee's position, and finding out what they want, which will make things easier... however, not all the people will do so – you cannot train people to have common sense*” (HR professional, higher education, in post over five years). Thus, although some training, such as coaching, can be used to improve on experience, it cannot be used as a method to improve people's common sense. Perhaps the fundamental question arising here is of how one can develop and implement common sense in the work environment.

The next thing to improve in HR risk management is the emphasis on cooperation and communication. There is a need to increase cooperation between line managers and the HR department by improving the communication. “*Sometimes, line managers come to us (HR) when the situation has become worse. If they had asked our advice before they took action, things would be simple*”, one HR professional (higher education, in post over ten years) said. “*HR should ensure smooth communication with the different departments, which would make it easier for them to be provided with advice or support at an earlier stage, not waiting until situation becomes worse*” (union representative, local authority, in post over five years).

Additionally, there should be awareness that the process/structures for managing HR risk could influence effectiveness. Ninety per cent of interviewees believed that the structures for managing HR risk should depend on the types of risk. The advantages and disadvantages of formal/informal structures are clearly understood by HR professionals. In practice, most organisations try to use an informal process first, as one HR professional (higher education, in post five years) said: “*The earlier you can solve something the better, because if it goes to a formal process, it becomes more complicated, people become more upset and angry, the problem becomes more massive... When you get to the formal process, more people are involved. Dealing things on a lower level at the beginning is easier.*”
However, some interviewees questioned the effectiveness of a less formalised structure. One HR professional (higher education, in post for six years) stated: “A formalised structure will give more protection to the employee, I think... In a less formalised process, the matter maybe will be handled differently, or the individual may be treated unfairly. Yes, it is more flexible than formalised process, but the effectiveness should be questioned.” Meanwhile, a less formalised structure requires more effort in building trust between the two parties, and management skills, as “even in a formalised process, if management do not have the right skills or do not follow the procedures, it will create more problems.” Therefore, even though less formalised structures are more flexible than formalised ones, they will require a higher level of skill or experience from management. Formalised structures are more time-consuming, involve more people, but may solve problems more effectively in some situations.

Another HR professional (local authority, in post over five years) argued “I do not think the structure makes a difference, whether it is formal or informal. Although we always ask the managers and staff to solve the problem without involving the formal policy, like e.g. grievances, the best thing is if we can start informally, and try to deal with the grievances without use of formal processes the most important thing is that the people who handle the process are more important than the structure.”

The final interesting point made by one interviewee relates to the organisational culture; management style and workplace relationships may influence the effectiveness of handling HR risk. “Different organisations have different cultures; they have a certain way of doing things... when there is conflict, things like management style or the relationships between workers in the workplace may have a particular influence on the process of handling those problems” (HR professional, local authority, in post for seven years).

6.3.5 SKILLS AND ABILITIES REQUIREMENT

(Interview Questions 10)

A wide range of skills and competencies was identified by HR professionals and union representatives. Some of them are common management skills, such as leadership, team
working, decision making, communication, time management, and conflict management. One union representative (higher education, in post for six years) suggested managing HR risks should start from a ‘situation assessment’, which requires the manager have skill in gathering information about the situation, to be aware and to predict potential future problems. Most HR professionals confirmed that they had in place training courses for managers and supervisors to improve their management skills.

Apart from skills, nearly all interviewees agreed that professional knowledge of law and regulation, and comprehensive experience of dealing with a wide range of issues, are vital to managing HR risks effectively. As one HR professional from local government (in post for ten years) said a risk manager “needs to know the law, needs to have lots of practical experience, and needs to understand the organisation, as we have a whole variety of staff groups. We have everything from people earning 100,000 pounds per year to people who empty the dustbins, so either HR or managers need a high level of professional knowledge, constantly up to date”. Therefore, it is important for HR professionals to understand HR risk management and why it is important, to have the ability to recognise the risks in any action being taken, and to arrive at a balanced view.

In addition, 10% of respondents indicated that when handling HR risks, common sense is needed. One HR professional (local authority, in post for seven years) said: “I think you need common sense, and preciseness, you want to make things right rather than carry on with the guidelines without thinking of the consequences. When you get to a formal process, it is very real, someone may be sacked. So if I am your manager, and I have taken you into a formal process, afterwards we still have to work together, and the relationship is not finished. So it will be very difficult to work together after we have gone through a formal process.” Another interviewee shared a similar idea: “People should have common sense, not just simply rely on the policies and procedures; you need to understand that any action you take will have particular consequences for the people who are involved. Think about this from the employee perspective…as your decision may affect their life” (HR professional, higher education, in post for six years).

6.3.6 THE ROLE OF UNION IN MANAGING HR RISK
Eighty-five per cent of HR interviewees had a positive view of the role of union representatives during the process of managing an HR problem. Most HR respondents reported that union representatives have a positive role to play. They believed that union representatives would smooth the process by giving support and advice to an individual employee, and balance the situation with their experience. One HR interviewee (higher education, in post seven years) said: “The employee has a legal right to have union representation; it is fair to let the employee have support from the union representative during the process”. Mostly, HR professionals are seen to regard themselves more as employers, or stand on the side of the employer. Union's involvement will help balance the whole process. Moreover, another HR professional (local authority, in post over ten years) stated “I would like the individual employee bring in the union when things go wrong. I believe that it will make it easier. Union representatives normally have more experience and understand the law better than the individual employee; if they step into a problem, they can give advice to the employee and help us as well.”

A few HR professionals argued that there is a false assumption about the advantages of using union representatives, based on their experience and skills in going about their duty. As one HR interviewee (local authority, in post over five years) said: “Advocates can be very useful for ensuring that employees are fully aware of their rights, but they can also encourage employees to take inappropriate action. It depends on the skills of the advocate.” This idea was shared by another HR interviewee (higher education, in post seven years): “Advocates can be useful to some extent; however, it depends on the situation. It can help employees to understand their rights and give them support. However, it depends on the skills and knowledge of the advocate individually. Some advice may be unnecessary or problematic”. Therefore, the experience, skills and competence of union staff can have an influence on their role when dealing with HR risks.

All union staff believed they had an important role to play in dealing with HR risk. Union representatives regarded them as independent organisations, providing professional advice and support to the union members in a difficult situation. They built a bridge between the
employee group and management, ensuring fairness and giving protection to the individual employee.

6.3.7 COST OF MANAGING HR RISK

(Interview Question 12)

The results of the interviews indicated that all interviewees believed it was difficult and unrealistic to calculate the cost of managing HR risk. Almost all interviewees reported that the time taken up dealing with HR risk was difficult to calculate. No interviewees reported that they had calculated, or had tried to calculate, either the time taken or the real (financial and non-financial) cost of managing HR-related risk in their organisations in the past.

An HR professional (higher education, in post for seven years) said the time taken up, or the cost of handling HR risk, “will depend on the case, or the methods we used, or lots of other factors. We do not calculate the amount of time or resource, as it is very hard to tell, all the situations are different. I would say if things go on to a formal process, it will take longer.” Fifty per cent of respondents believed that it was unnecessary to calculate the cost or time spent on managing HR risk, because “it is part of the general or human resource management process” (HR professional, local authority, in post over ten years). “I do not see the necessity to calculate the cost of dealing with HR difficulties; those problems are part of the process of managing people – the costs will be part of the cost of managing HR, and do not need to be calculated separately, I think” (HR professional, local authority, in post over five years).

“We do not calculate this kind of cost; we are paid for providing a service for dealing with employee issues” one union representative (higher education, in post for five years) said. One HR professional claimed that they have an HR team of eight professionals to deal with complaints and grievances. “As a big city council, we have different services, such as transport, education, housing, benefits, etc. Thus a particular team for dealing with HR risks was necessary. At the same time, this group provides training for line managers and supervisors about dealing with workplace conflict.” However, even though they have a team of HR staff dealing with HR risks, she does not think it is necessary to calculate the cost of managing HR risk, because she believed that managing HR risk still needed to be regarded
as part of general human resource management of council, and the cost of managing HR risk is part of general costs.

Moreover, almost all the interviewees confirmed there are not many formal grievances within their organisations, so it was not necessary to calculate the cost of dealing with them; but in some organisations there are a great number of workplace conflicts. “We do not receive a large number of formal grievances, so the amount of time taken dealing with them is not significant. They tend to arise where there are problems between an employee and their line manager, which have not been able to be resolved informally, where there are personality clashes, or where action is taken to remove a benefit that is no longer applicable (e.g. car allowance)” (HR professional, higher education, in post over five years).

All interviewees confirmed that they had not calculated the cost of managing HR risk in the past; interview results indicated that they appreciate the cost of handling HR risk is high. Therefore, HR professionals and line managers would try to solve the problem informally first, when it is small and simple, avoiding the formal process, because they understand it will involve more people and resource. One HR interviewee from a local authority said that “if I am involved in something I will try to solve it informally, because as soon as it goes into the formal process, it will become very difficult” (HR professional, local authority, in post over five years with more than ten years working experience in the private sector).

One interesting result the author discovered is that HR professionals with private-sector working experience have slightly different views regarding the cost of managing HR risk from that of HR professionals who have only public-sector working experience. HR professionals with private-sector working experience believe that it is important to solve the HR problem by making a ‘business decision’. They understand as soon as the problem gets into a formal process (e.g. grievance process, going to court), it will take longer and become more difficult. They will take the decision to manage HR risk differently. They calculate the cost in terms of time taken, resource used, reputation damaged, and internal influence. In those situations, the decisions for managing HR risk will be made according to a cost-effectiveness calculation, so potential costs, reputation damage, lost opportunities and management expediency are all considered. Because of these factors, they are more likely
to adopt different strategies, or more sensible strategies, according to the situation, instead of just following procedures or policies.

As one HR professional from local authority with more than ten years private-sector working experience said: “You have got to make some business decisions, and the business decision is sometimes that it is just not worthwhile to waste all the time and money to do things that are of no benefit to the firm. As a point of principle, you would probably go to court; but we need to keep in mind, all the money we have is taxpayers’ money, so we need to be certain that we use it correctly. Fighting for the case may not be appropriate use of the funding. You cannot make that decision just because other staff do. If someone says one of my friends is threatening to go to court, and he has the money, they may do that too. We may pay them off too to avoid further problems.”

Another HR professional (local authority, in the post over five years) shared an example that happened in the past within their organisation. A rubbish-truck driver complained about his supervisor and threatened the council that he would bring the case to tribunal. The HR manager and the line manager conducted an investigation, and saw that if the case went to tribunal, the council would win. However, the truck driver insisted that he would bring the case to court. After the HR manager and the line manager had discussed with the driver, they made the decision to move the truck driver to a different team, so he would not be working with the supervisor of whom he complained. Five hundred pounds was paid to the truck driver as part of a confidentiality agreement that he would not discuss this matter with anyone (publicly, or with colleagues), avoiding a tribunal case, and provide management training for supervisor.

The author questioned the HR professional: “Is it right to pay the truck driver £500 instead of going to court if the council is sure that they would win the case?”

The HR professional said “We believe it was right to pay £500 instead of going to court. We discussed it with the truck driver, and found out that £500 pounds compensation could settle the matter, we took the business decision. If he brought the case to tribunal, it would cost
more. Think about it, on the day of going to court, I will need to be there, the truck driver, the supervisor, some colleagues needed to act as witnesses, maybe some more senior member needs to go too, and we need pay for those people even though they are not working on the day, we need to pay more money to find other people to get their work done during their absence. And this is only talking about the day of going to court. How about finding a legal consultant, preparing for the tribunal, and the time spent fighting the case? That would cost a lot. In fighting a case, even if the council wins, there is still damage... You have got to make the business decision!” In other words, the HR professionals with private-sector working experience do not think that it is necessary or sensible to spend money just for proving they are ‘right’; they need to consider the organisation's needs as whole by managing HR risks in a cost-effective way.

Conversely, HR professionals with only public-sector working experience argued that this is not ethically right. They appreciate it would cost more when dealing with tribunal cases, or if the problem went into formal process; however, they need to prove that they are right. It is not ethically right to be threatened by an individual employee. Most importantly, they believe it is necessary to indicate to other employees that some kinds of behaviour cannot be tolerated. As one HR respondent from local government with only public-sector working experience (more than ten years) said: “When an individual employee threatens to bring the case to tribunal, and we know we are right, we need to prove it even though it will cost more money. We still need to make other employees understand that threatening to go to court, or some other unfair behaviour, is not acceptable. As a council, we will fight for it because we are right.”

Hence, there is more of a tendency in the public sector to make employees understand that they are prepared to fight for ‘what is right’. This does, however, raise issues about the how to use public funding in a cost-effective way – do fighting for moral reasons, fighting for justice, and fighting expensive HR battles in court benefit either the employees or the organisation?

6.4 CONCLUSION
The author has presented and explained the interview results in the above sections. In general, all interviewees understood HR-related risk to some extent. HR risk was managed in different ways in different organisations. The important key findings of interview results can be summarised as follows.

- First, policies and procedures are important. Almost all interviewees emphasised the importance of policies and procedures. They need to be up to date, simple and easily implemented by the line manager and employee. It is vital to ensure that policies and procedures are consistently implemented.

- Second, line managers are significantly relevant in dealing with HR risk. There is a mixed role for line managers, as they are dealing with HR risk on a daily basis; but they are also viewed as the source of HR risk, especially with respect to line managers' skills in handling conflict, knowledge of legislation, and experience of risk management.

- Third, training can improve management skills. However, there are some things that cannot be taught through training, such as common sense. Some interviewees believed that common sense is important, especially when dealing with complicated HR conflicts. Here it is necessary for management to consider the matter from individual employee's perspective, to keep things simple, and to resolve the problem while it is small.

- Fourth, there is a need to improve communication and cooperation between HR department, management team and union. There is a lack of HR risk awareness in practice.

- Fifth, choose the appropriate process for managing an HR risk, either a formal process or a less formal process. All interviewees appreciated that as soon as the matter gets into a formal process, it will take longer to resolve. However, the formal process does have advantages – for instance, it will ensure that the people involved follow a standard, the individual employee is better protected to some extent, and people will recognise that fairness has been maintained. The less formal process has the advantages of
flexibility, saving time and resource. However, the fairness of the process maybe questionable, as it requires a high degree of trust between the conflicting parties, and high skills and abilities from HR professionals and line managers. The individual employee is more likely to be unfairly treated compared to a formal process, especially when the people who are handling matter do not follow the rules and procedures. In this situation, the individual employee is not protected by the process. Thus, HR and management should consider many factors in choosing a suitable method to deal with HR conflict.

Sixth, there are some other factors that will influence the effectiveness of managing HR risks. For example, the position of HR professionals during a conflict, the individual's commitment to an organisation, the organisational culture and management style, the workplace relationships, and the role of union representatives.

Seventh, although interviewees agreed that managing HR risk is important, the cost or potential cost of managing HR risk is not calculated in practice. Some HR professionals do not think it is possible or necessary to calculate this cost. However, some interviewees highlighted that the costs of managing HR risk are not only financial, but also the cost of time, the cost for the resource, lost opportunities, influence on staff morale/customer satisfaction and damage to reputation. In addition, in order to manage HR risk in a cost-effective way, management should consider making business decisions.

In this chapter, from interviewing HR professionals and union representatives, those people who are involved in managing human resource risk on a daily basis, the author has explored current HR risk management practice, identified the problems and challenges, and estimated the potential for mitigating HR risk. In next two chapters, the author will present two unique and valuable case studies that were designed according to two real cases, to examine and analyse how HR risk is managed in practice.
CHAPTER SEVEN:   CASE STUDY ONE

Vicky Battle and Seaside City Council\textsuperscript{1}

7.1 INTRODUCTION

This study is based on a real case, involving a local council in the south of England. This workplace crisis was very complex, lasting over two years. An employee of the council - Vicky Battle - made formal complaints about 16 people, including individual employees, councillors, senior staff, colleagues, HR staff, and junior staff. She alleged workplace harassment from ten people based in three different units, as well as the council's management team. This classic HR risk management case presents an example of how complex HR risk can be in the workplace, and how HR and the management team deal with workplace conflict in one local council in the south of England. (This situation could apply in any organisation, public or private)

The author was made aware of this case during an interview with the council’s Head of HR – Maggie Dolly and expressed her interest in including the case in her research, considering it provided a useful demonstration of the process of managing HR risk in practice. Maggie kindly agreed to provide any information about the case the author needed. One week after the interview, Maggie offered four detailed documents to the author: a case report from the Head of HR (Maggie Dolly); the external investigator's report; the HR policies of Seaside City Council; and the final outcomes of the grievance hearing, produced by the Corporate Director (Mr Richmond). Additionally, some important emails and letters between Vicky Battle, HR and management were provided.

During the interview with Maggie, the author asked if it would be possible to interview Vicky Battle directly, in order to obtain a better understanding of the case. Maggie advised that this would not be possible: at the end of the case, a confidentiality agreement had been signed by both parties (Vicky and the council) prohibiting public disclosure. Maggie agreed to provide information about the case on the basis that the author promised confidentiality.

\textsuperscript{1} All names of persons, places and organisations have been changed to preserve confidentiality.
and anonymization of the individuals and organisations involved, and that the information would be used solely for the purpose of this academic study. Therefore, unfortunately, the author did not consult Vicky Battle in person. However, Maggie agreed to try to contact the union staff involved in Vicky Battle's case and ask them if they would be willing to be interviewed.

In order to ensure Vicky Battle's views were included, Maggie kindly provided two documents produced by her during the process of the case: her 16-grievances report; and her personal statement about the case. Therefore, although Vicky Battle was not consulted, from analysis of these two documents her views were considered.

Two weeks after the interview with Maggie, the author interviewed the union staff member (Kevin) who had been involved in Vicky's case. Kevin confirmed that, although Vicky Battle's case was very complex and lasted a long time, during that time Vicky personally did not ask for much advice from the union. Perhaps because Vicky's daily job is to do with law and regulation, she may not have considered that she needed help from union.

Though Vicky Battle was not consulted, the author believes that from analysing and summarising all the documents (interviews, emails, letters, reports, personal statement and policies) obtained from city council, the substance of the original case has been preserved. Due to the complexity of the case, this case study will cover the timeline from October 2006 to October 2008. Some relevant primary documents have been selected, summarised, and are attached in the appendix, in order to provide a better understanding of the case.

(See Appendix 7-A: All people’s name and job titles, all names of persons, have been changed to preserve confidentiality)

7.2 VICKY BATTLE AND SEASIDE CITY COUNCIL

Vicky Battle had been working in Seaside City Council for 11 years. She was the Assistant Head of Legal and Democratic Services, and managed the Taxi Licensing Section in the
Legal and Democratic Services Unit. She was responsible for devising legislation and regulations in order to manage the different trades. Therefore, her job relied heavily on Legislation and Regulations law, and communication between the Council and the trades.

7.2.1 VICKY’S 18TH OCTOBER 2006 GRIEVANCE

On 18th October 2006, Vicky Battle complained to the HR Department of harassment by Mr Locks, a taxi driver and drivers’ representative. The complaint was in respect of Mr Locks’ behaviour during a meeting in Vicky’s office on that day, between Vicky, Mr Locks and two other drivers, called to discuss the Drivers’ Handbook. Vicky had made a number of changes to the Handbook that she considered legitimate but to which the drivers objected. Vicky maintained that at that meeting Mr Locks had shouted abuse at her and threatened her with intimidating gestures, standing over her and smacking a roll of papers between his hands. Vicky thought he was going to hit her; he kept opening and banging shut the door to her office and coming back to stand over her, all the while using this sheaf of papers as if it were a bat, smacking them into his hand. Vicky said that she found this is very frightening and distressing; moreover, no one in the office came to her assistance, despite his abuse being audible throughout the Unit. Eventually, he left saying he was going to go and see Members about her again, as she would not do what he wanted. Vicky Battle said that she kept telling him she could not just change things and that it would have to go back to the Committee, but he would not listen.

One member of staff - Dannie - came to see her straight after to see if she was okay. Although she was shocked and distraught, she had another meeting to go to immediately. In general, Vicky complained that Mr Locks was physically intimidating, standing over her and shouting very loudly, and that he was extremely abusive and unpleasant. She affirmed it was important to her that these issues should be dealt with at the earliest opportunity.

As part of the account of the harassment, Vicky Battle also said that on 12th October 2006 Mr Locks had rung and was very abusive to her, objecting to the deadline set at the previous Taxi Forum Meeting in August 2006. Vicky said that Mr Locks was shouting at her,
claiming he had to ring her every day to get her to do her job, asking if she was stupid or something and whether he had to get on to Councillors about her to get anything done. He claimed that Vicky was preventing him from working, and demanded to know why she could not just do her job properly and do as he asked. Vicky Battle considered that Mr Locks had abused her verbally and had threatened her.

**7.2.2 HR AND MANAGEMENT ACTIONS**

On the 19th October 2006, Vicky met with Emma (HR), and at that meeting Emma advised that she did not have to meet with the taxi drivers by herself if she felt unsafe. She also confirmed that an investigation would be conducted. On 20th October 2006, during an interview with the investigating officer, Mr Locks said that he found Vicky to be uncooperative, a poor communicator, and that she could not be trusted to record what had been agreed by Members or the trade. He said that on 18th October 2006, he and his colleagues had intended to have a constructive discussion with her about the draft manual, but it had degenerated into a row. He conceded that the meeting had become totally unprofessional, but that he and his colleagues were frustrated by Vicky Battle’s deviousness and lack of cooperation; he advised that he intended to go to Councillors to seek their support. He did not consider his behaviour to be either threatening or abusive. He was frustrated by Vicky making changes without discussion, and he no longer had any trust in her.

Statements were obtained by Vicky from two members of staff who had been near her office at the time of the meeting. These statements confirm that there was much shouting by the drivers, that Mr Locks was at one point standing up and seeming to be very overbearing, and that when he left he had said he would be going to the Members. Vicky Battle said that she wanted a statement from Mr Locks confirming that he had been abusive towards her, and also required an apology from Mr Locks.

Vicky complained that she now felt unsafe at work because of the way people reacted to her or treated her. She was concerned at a number of things, including suffering abuse from
those in the trade, and she had difficulties with working with another member of staff. Vicky complained further that although she had reported her concerns to Miss Holly (Assistant Chief Executive) and Mr Wood (Vicky’s line manager), no investigation had been carried out, and that it had been put to one side. She claimed that Mr Wood had undermined her by not keeping her informed as to what was going on, and she was receiving no support from him. She also claimed that she was being undermined by other members of the Administration team, and that other employees (Nick, Amir, Dannie, Jack and Andy) had made derogatory comments about the work presented by licensing team.

These problems, too, had been reported to Mr Wood, but not resolved. She says there are difficulties with Direct Services, who were obstructive and failing to supply relevant information to enable reports to the Committee. Vicky says that she had not been supplied with details of the complaints against her as detailed in the investigator's brief, so she was unable to comment on them specifically. She had complained about bullying in the past by those in the trade, but this has not been taken up by either Mr Wood or Miss Holly.

During the HR investigation, Miss Holly stated that relationships had broken down between Vicky and many people she needed to relate to in doing her job. The former Deputy Chief Executive had sent both Vicky and Mr Wood to a management consultant with a view particularly on coaching Vicky on appropriate ways to deal with people; however, that had failed. Miss Holly claimed that she herself had supported Vicky to overcome these difficulties, rather than leave it to Mr Wood, as she felt that Vicky had no respect for Mr Wood, and this would have a better chance of success. Meanwhile, Mr Wood believed that Vicky lacked sensitivity of approach. She snapped at people, and could be sharp and demanding in getting what she wanted. Other employees were, therefore, reluctant to approach Vicky for advice. Mr Wood considered that Vicky has many good points, which would be an asset in other roles.

To sum up, during the HR investigation, Vicky complained that she felt under attack both by the licensed vehicle trade and by some colleagues, and feels that she could not do her job properly because of lack of cooperation from, among others, the Head of Direct Services, Financial Services, and the admin staff in the Legal and Democratic Services Unit. Also,
the HR investigation confirmed a series of concerns by staff indicating that Vicky Battle was difficult to work with and behaved unreasonably. Vicky Battle complained of several people who worked with her, especially the taxi driver, Mr Locks, and her line manager, Mr Wood. There was some history of problems between Vicky and other members of staff. Although HR staff and line managers had conducted investigations, and tried to solve the problems, all actions had failed. Since the conflict between Mr Locks and Vicky was reported to HR, other problems had also arisen, therefore Vicky's complaint situation had become very complicated with so many people involved in the matter.

HR and management believed that, as is usually true of such complicated situations, there were different perceptions and perspectives about the situation, causes and remedies. There were several Council policies and procedures that could be relevant to the situation, relating to dignity at work, to bullying, complaints, discipline (in particular with regard to capability), grievance, and health and safety. Although the investigation had conducted, the full facts were still unknown, and it was not possible to tell which policy and procedure would best apply. In other words, with respect to Vicky's complaints, too many people were involved and the situation had become overcomplicated. The HR Department and management team could not decide which policy to apply. When the facts became clearer, it might turn out that more than one procedure applied and would need to be followed to secure a satisfactory outcome.

7.2.3 EXTERNAL INVESTIGATION

In February 2007, Miss Holly and Emma (HR) met with Vicky to discuss a number of issues, in particular Taxi Forum concerns. Miss Holly introduced the idea of using an external consultant to investigate the issues raised, and came up with a set of recommendations. On 21st February 2007, Vicky emailed Emma with some thoughts around their meeting and agreed on the idea of using an external consultant.

The Head of HR – Maggie Dolly - had initially raised, and can be assumed to agree with, the idea of using an external consultant, which was also agreed between Miss Holly, Emma
and Vicky. She affirmed that in normal circumstances, the Council would follow their laid-down policies to deal with the matter; but in this case, there were so many issues, and it was unclear which policy the Council should follow – Dignity at work, Capability or Disciplinary policies. It agreed that for complete impartiality, an external and independent person would be asked to undertake a preliminary investigation and then advise the Council on which policy they should use, and the reasons behind this recommendation. Miss Holly asked Maggie to draw up and send Terms of Reference for the external investigation.

On 1st May 2007, Maggie invited Mr Morgan to be the external investigator, and in the Investigator’s Brief she wrote:

"I am commissioning an independent external investigation into issues around our employee Vicky Battle with the aims of:

- Ascertaining the facts as far as possible, and if certainty is not possible, the balance of probability
- Identifying the exact nature and causes of concern

Recommendating:

- Which policy and procedure(s) apply?
- The way forward to prevent recurrence of the problems identified

This investigation will:

- Give those concerned the confidence that their concerns have been listened to and taken into account
- Find a way forward that prevents recurrence of the existing problems
- Enable the council to carry out its responsibilities to staff and public."

(Details see Appendix 7-B)

One week later Mr Morgan, now in place as the external investigator, commenced his investigation, and had been supplied with a number of policies of the Council that might apply to the current situation. Mr Morgan decided the brief had identified five triggers for the investigation, and identified a number of people who had complained or had expressed concerns about the existing situation. He interviewed all those named on the list as having complaints or concerns: Vicky Battle, Mr Locks, Mr Wood (Vicky’s line manager), Miss
Holly (Assistant Chief Executive), Councillor Annie, Councillor Paul, Maggie Dolly (Head of HR) and Emma (HR staff).

After investigation, Mr Morgan suggested the failure to consult with the trades and to amend the Handbook (Appendix 7-C) without the approval of the Chairman and Vice-Chairman was a breach of discipline, but might also be indicate a lack of capability by the officer involved. The policy states that complaints will normally be dealt with by line managers i.e. in this case Mr Wood. In Vicky’s case, the line manager’s role appears to have been accepted by Miss Holly. Miss Holly had tried to deal with the matter informally and had spoken to Mr Locks. It is not clear if this decision was taken after consultation with HR as recommended by the policy. Mr Morgan suggested that Vicky’s capability is the main problem, and raised questions of substance with Miss Holly about Vicky's capability to carry out her current role. Furthermore, the recent examples of the issues resulting in complaints indicate problems arising from Vicky's lack of ability to communicate and comply with procedures. The Dignity at Work Policy and Procedure then applies. Vicky believed that she had been the subject of verbal abuse and threatening behaviour by Mr Locks’ intimidating communication, such that she feels unsafe at work (Details see Appendix 7-D-External investigation report).

After receiving the external investigation report, Vicky raised concerns about its accuracy. Vicky disagreed with the complaint being treated as a capability matter, and demanded that HR should respond to her grievance as whole, not separating out the grievance and capability issues. Also, she complained there were no clear definitions with respect to the capability issue. Maggie argued that any issues Vicky had could be fully discussed during the capability investigation. It should be noted again that the prime reason for the external report was to decide which policy to follow when dealing with all the outstanding issues – no more, no less.

7.2.4 VICKY’S 16 SECTIONS GRIEVANCES

On 14th June 2007, Vicky Battle submitted a formal grievance, following confirmation to her on 8th June that the Council would be undertaking a capability investigation around
aspects of her job performance, particularly concerning her working relationships with others.

Vicky Battle's 14th June 2007 grievance was in 16 different sections:
1. Bullying and harassment of Vicky Battle by taxi driver representatives;
2. Changes to Handbook, Members and officers acting unconstitutionally;
3. Harassment of Vicky Battle at work by other staff;
4. Workplace bullying;
5. Informal complaints made against Vicky Battle;
6. Complaints made that had not been investigated or dealt with;
7. Impedance of Vicky Battle in doing her work by others;
8. Non-cooperation by others;
9. Undermining Vicky’s efforts;
10. ‘Scapegoating’ one person when there is a general problem;
11. Victimisation;
12. Not following Council policy and procedures;
13. Lack of management support;
14. Removal of Vicky’s responsibilities;
15. Social exclusion;
16. Concerns raised by staff over Vicky’s behaviour.

After having made the grievances, from 14th June to 14th October 2007 Vicky was off sick medically certificated as work-related stress. On 15th October 2007, Vicky returned to work on graduated return, as recommended by her GP. The agreement negotiated with Emma and Mr Wood was that Vicky could work from home for three days a week (and continues to be paid for five days a week). It was agreed that Vicky would take her outstanding leave, which had accrued during her paid sickness absence, in December 2007. Therefore, on 17th October, Vicky met with Mr Wood and Emma and agreed a phased return to work over a 6-8 week period (plus leave around Christmas, returning to the office in early January 2008). It was agreed that Vicky would work three days a week on full pay. An interim work plan
was also agreed. It was agreed that Vicky would continue to attend all Unit management team meetings.

In the beginning of January 2008, Mr Wood wrote to Vicky and asked her to provide a certificate from her GP confirming she was fit to return to her normal full-time duties. Mr Wood also confirmed that when Vicky returned she would not be asked to manage licensing until her grievance had been concluded, given the fact that she had said she found this area of work very stressful and it had formed part of her grievance.

7.2.5 VICKY’S JANUARY GRIEVANCE AND MR RICHMOND’S RESPONSE

On 10th January 2008, Vicky submitted another grievance about the Council not having dealt with the original June 2007 grievance expeditiously.

Following this grievance, Mr Richmond - the Corporate Director - was instructed by the Chief Executive to investigate the grievances. Mr Richmond stated that Maggie and Miss Holly were the staff leading on Vicky’s case; they had made repeated efforts to engage with Vicky on the Council’s processes throughout the period from June 2007 to January 2008. They had been impeded by Vicky’s absence with stress-related illness and her non-acceptance of the Council's processes. The Council had exercised a great deal of patience in the face of Vicky’s objections to the procedures, which was understandable, taking into account Vicky's illness. The staff responsible were also well aware of the importance of following the correct procedures, and of maintaining the distinction between the grievance and capability procedures. The staff were trying to handle a difficult situation with sensitivity, taking into account Vicky's recent stress-related absence and that she was still on a phased return to work as part of her recovery. Therefore, the Council had not failed in its statutory duty to look after Vicky's health, safety and welfare, and it was found that the Council had not been negligent.

Following 7th January, Vicky's was granted compassionate leave because her mother had passed away. Vicky did not think it was reasonable for the Council to expect her to work
with Mr Wood (Vicky’s line manager) whom she says had been bullying and harassing her, and that the Council should be exercising its duty of care towards her. However, HR and management of the Council did not accept that Mr Wood had been harassing and bullying Vicky, which they argued is a matter to be decided following the grievance hearing. Vicky wrote to Emma and in the letter said:

“My lawyer has advised that as Mr Wood is part of my grievance then any reasonable employer would have separated the two people concerned and not be insisting I work under the control of someone who has bullied me.”

Maggie argued that Vicky had not submitted anything in writing from her GP. Vicky emailed her that: *I will continue to work on that basis from home.* Therefore, Maggie said that she had reason to believe that Vicky had intended to continue working from home until the grievance had been resolved. After negotiation, it was accepted that Mr Wood and Vicky should not be made to work together and, therefore, Vicky could continue to work from home. Mr Wood should provide her with work, and there should be two-weekly meetings to monitor her work progress, discuss any issues that arose, and provide additional work as and when necessary.

On 14th Feb and 19th Feb 2008, Vicky complained to Emma that as Mr Wood is part of her grievance, any reasonable employer would have separated the two people concerned and not be insisting she work under the control of someone who had bullied her. Also, Vicky complained: “Mr Wood seems quite prepared to completely ignore me and do nothing to assist my full return to work.”

Maggie had a different view about this, arguing it was for Vicky herself to make it clear that she would not be returning to the office until the grievance and capability issues had addressed, and the Council supported this view. Mr Wood was not managing these issues and was not responsible for the timescales involved. Moreover, Vicky had made it clear that she believed that Mr Wood had bullied and harassed her, therefore it could not reasonably be expected that Mr Wood would have regular contract with her outside the two-weekly meetings that have been arranged, and at these someone else should be present as a neutral person.
On 8th April 2008, during the first meeting with Maggie, Vicky said that she was bored at home, felt isolated and wanted to return to the office environment. After 23rd April 2008, Vicky again raised her desire to return to an office environment. It was subsequently agreed that Vicky could work temporarily within the Revenue and Benefits Unit.

7.2.6 VICKY’S MAY COMPLAINTS

On 7th May 2008, Vicky made further complaints: essentially, the complaint alleges continuing bullying and harassment by Mr Wood, and also from Maggie, from the time of the January 2008 grievance. This comprised: being set unrealistic deadlines for work, thereby setting Vicky up to fail; being forced to work from home when Vicky wanted to return to the Legal and Democratic Services Unit; not being told specifically what the capability issues were; working arrangements, Mr Wood’s letter of 2\textsuperscript{nd} January 2008, and the Display Screen Regulations for home working.

Mr Richmond argued that following Vicky's sickness absence, there had been an extended transitional period from mid-October 2007 to April 2008 when she was working from home three days a week (although on full pay). During this time, the grievance and capability issues were still unresolved. It would not have been reasonable or practicable to ask Vicky to return to work in the Legal and Democratic Services Unit. It was difficult to find suitable work for Vicky to do, particularly in an office environment in another part of the building. Eventually, at Vicky's suggestion, it was arranged that she could carry out some casework for Revenue and Benefits with a workstation in that Unit. During this period, none of the options available was very satisfactory. The option of Vicky returning to work in her office would not have been workable, as the Council needed to ensure her health, safety and welfare. Mr Wood and Maggie managed a difficult situation as well as possible in the circumstances. Therefore, there was no evidence to support the allegations of harassment or bullying.
Following that, on May 2008, the Head of HR - Maggie - made a statement in response to Vicky Battle's six formal grievances against her.

*First, Maggie referred an investigation to an outside agency, outside of agreed procedures, without Vicky's agreement and despite her objectives to the terms of reference dated 1st March 2007.*

Maggie argued that Vicky's grievances cover a range of issues. Vicky had complained about 16 people, alleging workplace harassment from ten of these people. The staff complained about are spread across three different units and the Council's management team. There have been some changes to the nature of the grievances during the course of the investigations. In normal circumstances, the Council would follow laid-down policies to deal with the matter; however, in Vicky’s case, there were so many issues it was unclear which policy the Council should follow - Dignity at Work, Capability or Disciplinary Policy. It was agreed between Miss Holly, Vicky and Emma that, for complete impartiality, an external and independent consultant would be asked to undertake a preliminary investigation and then advise the Council on which policy they should use, along with the reasons for this choice. It is clear from Vicky's e-mail dated 23rd February 2007 that this discussion took place, and there is nothing in the e-mail indicating that Vicky was opposed to such an investigation.

*Second, Maggie made decisions on Mr Morgan's report despite the fact that Vicky told Maggie she considered the report to be wrong in material areas and that it supported perceptions of Vicky that were not based in reality.*

Maggie argued on 23rd May 2007 she had received Mr Morgan's investigatory report and recommendations. She contacted with Vicky and arranged a meeting with her to go through the report. The independent external consultant, prior to the investigation, had never met Vicky and had no prior knowledge of the matters investigated. The clear recommendation in the report was to deal with some issues as a capability matter. On 7th June 2007 Vicky raised concerns over what she felt was inaccuracy and misrepresentation in Mr Morgan's report. In Maggie's view, any issues Vicky had could be fully discussed during the capability investigation. It is important to note “*the prime reason for the external report was to decide which policy to follow when dealing with all the outstanding issues.*”
Third, Maggie refused to provide additional counselling sessions for Vicky over and above those provided by Council policy.

Maggie argued that:

“It is council policy to provide up to six free counselling sessions for employees, although there is no set budget to cover these costs. I understood that Vicky had taken up the option of having six counselling sessions. When Vicky asked to provide with additional counselling session, I turned this down. Vicky has had regular contact with her GP and at no time has he made contact with the council to suggest counselling, neither am I aware that he has made this available to Vicky through the GPs own resources” (From Maggie’s report)

Moreover, since Maggie had worked as HR Head in Seaside Council she did not know of any cases where employees have had more than six counselling sessions from the Employee Support line. She has never been asked to extend this, as employees are aware of what the Council provides.

Fourth, Maggie required Vicky to work at home against her wishes

Maggie argued that she had not “forced Vicky to work at home”. She had met with Vicky only twice since becoming directly involved in her case in April 2008. After 15th October 2007, following Vicky’s GP’s advice, it was agreed between Vicky, Emma and Mr Wood that Vicky could work from home. From January, Vicky made it clear that she did not think it was reasonable for the Council to expect her to work with Mr Wood, as he is part of her grievance. It was accepted that they should not be made to work together and, therefore, Council agreed Vicky could work from home on a continuous basis. During the meetings with Vicky on 8th April and 23rd April, 2008, Vicky had raised her desire to return to an office environment, as she was bored at home and felt isolated. So after discussion, it was agreed that Vicky could work on a temporary basis within the Revenue and Benefits Unit.

Fifth, Maggie told Vicky that she should use the two days outside of her three working days to deal with her grievance.
In terms of this complaint, Maggie believed it was entirely reasonable to ask Vicky to undertake any grievance work outside her three agreed working days. Vicky was being paid full-time, and the three-day working arrangement was never for medical reasons. The suggestion for Vicky to return to work on an initial three days a week basis was Emma’s, following Vicky’s GP’s recommendation that she return on a “managed graduated basis” following a long period of absence. This graduated return was not for medical reasons but to ease Vicky back into a working pattern and was agreed for a 6-8 week period, which is in line with normal practice within the Council following long-term absence. These arrangements have now been ongoing for seven months, and since Maggie’s having been directly involved in Vicky case.

According to the timesheets Vicky submitted to Mr Wood and Emma, Maggie believed that Vicky was spending whole days on the grievance case within the three agreed working days. Therefore, Maggie felt it is reasonable to ask Vicky not to undertake any grievance work in the three agreed working days.

_Sixth, Vicky's workstation at home has not been assessed for H&S compliance._

Maggie argued that Vicky had been supported over the years by Mr Wood, who had agreed to her request to work flexibly at home on a very regular basis, which can be confirmed from Vicky's diary. However, she had never once raised any issues or concerns about the suitability of her workstation, or requested a home assessment. At the meeting with Vicky on 23rd April, Vicky raised the issue of a workstation assessment at home. Maggie immediately agreed to arrange for our H&S officer to come to Vicky's home, and asked Vicky for a date. Vicky said she would need to speak to her union representative first. Vicky had never got back to Maggie on this matter again. Maggie believed she had responded positively to Vicky's request for an assessment. Vicky did not then want to take up the offer.

**7.2.7 MR RICHMOND’S GRIEVANCE INVESTIGATION**

It is accepted HR practice that a grievance takes precedence over a capability investigation, so when Vicky's 16-Section grievance was received, the capability process was suspended. Emma, the investigating officer appointed by Maggie, attempted to separate those aspects
of the June 2007 grievance that were about the capability issues from the remaining items, so that each could be dealt with under the correct procedure. Vicky did not accept this approach and refused to distinguish between the two, insisting that all be dealt with as grievances. This contributed to the delay in hearing the grievance.

At the point when Mr Richmond - Corporate Director - started his investigation, no progress had been made on separating the grievance and capability issues. It has been necessary to refer to capability issues in the decision letter, in order to respond to some of the matters complained of by Vicky. However, Mr Richmond did not carry out a capability investigation and did not express a view on the capability. On 20th August 2008, Mr Richmond sent the outcome report of Vicky Battle’s grievances hearing. Mr Richmond’s report responds to every complaint Vicky made in her 14th June 2006 16-Section grievances, the main points of which can be presented as follows:

1. Bullying and harassment of Vicky Battle by taxi driver representatives

Mr Richmond stated that from the investigation there probably was some unacceptable behaviour at these meetings from Mr Locks and other taxi drivers. This does not appear to have amounted to bullying or harassment. No evidence has been offered in relation to other individuals in these meetings. Under this complaint, Vicky also argued that her line manager Mr Wood had not looked into her complaints or taken effective action with respect to them. Mr Richmond said that the complaint of October 2006 about Mr Locks had been dealt with appropriately by Emma (HR). Also, Mr Robert (Chair of the Taxi Forum) and Mr White (Administration Committee) apparently took the matter seriously and had acted accordingly. Therefore, there is no evidence that Vicky’s complaints had been handled ineffectively.

2. Changes to Handbook - Members and officers acting unconstitutionally

Under this complaint, Vicky argued that she had followed the correct process and that she took no responsibility for what happened. Mr Richmond stated the change to working on private hire vehicles was a significant and contentious change of policy. It had not been discussed with the trade, or with Members, before the document was issued. This is in contravention of the previous decision of the Administration Committee. Because Vicky
was personally responsible for this situation as manager, and directly responsible for the vehicle licensing function, she was aware the Handbook was an important document, and that aspects of it had already been contentious to the drivers. She was also aware of the issues, and that the wording might be changed, and the document was sent out with a covering letter from Vicky. She should have read the document carefully before sending it out but did not do so. She had not discussed the change with representatives of the trade or with the Chair and Vice Chair of the Administration Committee. Therefore, Vicky's grievance in this part cannot be accepted.

3. Harassment of Vicky at work by other staff

Mr Richard believed that there was no evidence of harassment or bullying of Vicky by other staff in relation to these issues. However, Mr Wood had not conducted annual appraisals of Vicky's performance in accordance with the Council's specified policy. Appraisals had not occurred every year, had not been well documented, and they had not been completed.

4. Workplace bullying

Vicky raises general complaints against Mr Wood of underestimating her and her team, and of persistent criticism and condemnation. Vicky also gives five specific instances involving both Mr Wood and Miss Holly. One example Vicky is that Mr Wood would say things like “Nobody likes you” or “People make complaints against you”. Mr Richmond stated that he did not find that any of the matters complained by Vicky amount to harassment or bullying. It was suggested Mr Wood is notified in writing of the need to deal with complaints against the Council quickly and efficiently.

5. Informal complaints made against Vicky

Vicky complains of acceptance by Miss Holly of informal complaints against her from staff, either Mr Locks or other staff, and references to lots of people complaining about her without giving her specifics. Mr Richmond believed that this is a complex area to deal with, and not uncommon in any organisation. If Mr Wood has received complaints from people who do not wish to be identified, it is not possible for him to give specifics, but as Vicky's
manager it is still his responsibility to make her aware of the situation. Therefore, the investigation did not show either Miss Holly or Mr Wood had acted incorrectly in relation to this.

6. Complaints Vicky made that were not investigated or dealt with

Vicky mentioned seven instances involving six people from different units. Mr Richmond’s investigation stated that some of the complaints Vicky made had already been investigated and dealt with by Mr Wood, HR and Miss Holly; however, there were three complaints Vicky claimed she had made that neither HR nor management could recall. And there is no record of her making those complaints.

7. Impedance of Vicky doing her work by others

Although Vicky gave three examples of the subject of this complaint, Mr Morgan believed that from the evidence presented there was no evidence of harassment.

8. Non-cooperation by others

Under this section, four numbered items and several unnumbered items were included. Mr Richmond's investigation report suggested that Vicky's complaints were not justified.

9. Undermining Vicky's efforts

Mr Richmond believed that this issue had featured in several of the points of grievance and is dealt with under Section 1. Therefore, no recommendation is made here in respect of this complaint, as this matter is dealt with elsewhere.

10. Picking on one person when there is a common problem.

No evidence has been found that Vicky is being picked on.
11. Victimisation

Mr Richmond believed that where Miss Holly or Mr Wood had given feedback to Vicky about her perceived strengths and weaknesses in relation to particular roles, this should be regarded as being honest rather than victimisation. There was no any evidence of victimisation.

12. Lack of following Council policy and procedures

Mr Richmond believed that Vicky's complaint has been handled as per Council policy and procedures, and the issues Vicky had argued are groundless.

13. Lack of management support

There has been a serious breakdown in the working relationship between Mr Wood and Vicky, such that the usual management support arrangements are no longer practicable. Vicky does not respect Mr Wood as a manager; Mr Wood has raised some issues with Vicky about her interpersonal skills, but these appear to have been rejected as unwarranted criticism. Since June 2006, Miss Holly had attempted to fill this gap as far as possible and had spent a large amount of time dealing with issues involving Vicky, including the provision of support and some coaching and mentoring.

14. Social exclusion

Vicky believed that she and her team have been subject to social exclusion in some situations. Mr Richmond did not find any evidence of social exclusion.

15. Removal of Vicky's role responsibilities for the litigation and licensing teams

Mr Richmond believed the evidence submitted by Vicky did not support her complaints.
16. Concerns raised by staff over Vicky’s behaviour

This complaint refers to a report by Mr Morgan, the external investigator. Vicky believed the report was based on inaccurate and incomplete information, and contained some erroneous conclusions. Vicky says the report suggested there may be capability issues but does not say what they are, and that therefore she is not in a position to refute them.

The report was prepared in response to several complaints and counter-complaints involving Vicky. Its aim was to establish a view of the situation and what procedures might be appropriate to deal with it. The report contained various conclusions. One is that there is a problem of capability, and that this should be pursued using the appropriate procedures.

On 14th June 2007 Vicky submitted a grievance. This complained about a range of matters, including the Mr Morgan’s report. Usual HR practice is that where there is a grievance, this will be dealt with before any capability issues are investigated. Any potential action relating to Mr Morgan’s report was, therefore, suspended. This included investigation of the possible capability issues, and the whole process by which Vicky could refute any allegations. The capability process was still suspended pending the current grievances being decided. The position was that the capability process was suspended and had not reached the point where further details of capability issues could be put to Vicky.

On 25th August 2008 Vicky appealed against Mr Richmond’s final report. On 27th August Mr Richmond asked Vicky to describe which part of report she was appealing against, and confirmed he would arrange a grievance investigation. On 14th October 2008 Vicky Battle received the results of the Grievance Appeal Hearing of 9 and 10th October. The Appeal Panel noted and agreed the recommendations made by Mr Richmond, where appropriate, on the action needing to be taken. It also confirmed “There is no further right to appeal within the councils procedures.” (Details see Appendix 7-E).
7.3 RESULTS OF VICKY BATTLE’S CASE

At the end of October 2008, Vicky resigned from Seaside City Council, having obtained another job. She had lodged a case with the local employment tribunal against the council. However, the matter never went to tribunal; two days before the tribunal, Vicky Battle and Seaside City Council reached agreement after negotiation, the council paid her £5,000, and the case was closed.

Vicky's case lasted more than two years, as it was very complicated and many people were involved. Maggie believed it would be difficult, and unrealistic, to calculate the real cost of the case. However, it is clear that these costs certainly went beyond the £5,000 compensation that Seaside City Council paid. Other costs included: £40,000 paid to the external consultant appointed in May 2007 to investigate Vicky's complaints in May 2007; and staff and resource costs e.g. staff meetings, interviews, and staff generally involved in this case involved many hours, emailing, arranging meetings and conducting investigations. Meanwhile, during this two-year investigation, from June to December 2007 Vicky was off sick on full pay. From January 2008 until May 2008, Vicky was permitted to work from home for three days a week (while continuing to receive full pay for five days a week). Therefore, while HR and Vicky were busy dealing with grievance matters, part of Vicky Battle's job had to be allocated to other staff. However, the cost related to all this was not calculated. During the interview with Maggie Dolly, she stated her belief that the total cost of Vicky's case, excluding the cost of the external investigator, would have been £100,000. However, this figure is only covers final costs; there are other impacts that should be considered, for example damage to reputation and influence on staff morale.

The author questioned the process of HR’s dealing with HR risk in practice. Was it worthwhile for the council to spend so much money fighting this case? In other words, if Seaside City Council had known from the beginning that Vicky's complaints could be resolved by compensation, was it justifiable to invest the time and resource to fight for “justice”? Was it right to spend taxpayer's money on those HR issues?
Maggie responded that there is no right or wrong answer to these questions. Even though HR and management knew that Vicky's case could have been settled by a compensation payment, she thought that the council was right to fight it. The council thought that “finding the justice” is the right thing to do; it would not have been right to encourage Vicky Battle's behaviour. If other staff knew that when Vicky complained, she got what she wanted, then they might try the same thing too. In addition, Maggie believed that it was worthwhile to use the external investigator, as HR and management could not decide on suitable policies for dealing with Vicky's complaints; using the external investigator was the right choice in that situation.

(For better understanding of the case, see Appendix 7-F: Time line of Vicky’s Case)

7.4 CONCLUSION

Vicky Battle's case is an example of the management of HR risk in the public sector. Her case is possibly happening all the time in different locations, with slightly different formats. In other words, Vicky's case applies to any organisation, no matter how big or small. Review and analysis of this case raises some critical questions about the process of managing HR risk in practice. Such questions such as: would a well-prepared HR policy or regulations have provided positive support in this case? What about the process of dealing with this matter? What is the role of HR during this conflict? Is there a better, more efficient or cost-effective way to solve such problems? How significant is this matter of making sure that resolution of a grievance does not encourage other staff?

In last few chapters, the author has reviewed the theory of managing HR, in particular the Interview Results chapter, which presents how HR professionals believed that HR risk is managed, or should be managed, in practice. According to those best-practice theories recommended by human resource practitioners during the interviews, Vicky Battle's case should have been handled more efficiently than it was. In Vicky's case, the HR staff and managers were all following the procedures and rules; the matter was handled according to the formal process; the individual employee was given support during the process; therefore, according to HR best practice, everything should have been easier. However, in reality, the
process of dealing with this HR crisis trapped everyone involved in the case; it was not a pleasant experience for anybody, whether HR, manager or Vicky Battle.

In this case, HR staff and managers had tried very hard to use HR policies to deal with the problems by following a formal process. However, the reality should make them realise, in practice, the situation is more complex, especially when something goes wrong. It seems likely that it is impossible to cover everything by policies or regulations. The significant problems are when things go wrong; when management realise that they do not have the right policy, procedure or process for the crisis, they will produce more rules and regulations to prevent similar matters happening again in the future. Therefore, this case can be regarded as an example of the problem of over-regulation equals less regulation. It should acknowledge that rules and regulations, created to prevent problems, may produce more problems. This is what happened in Vicky's case. HR and managers could not decide what HR policies to apply to her case, those HR policies, designed to help HR solve problems, and in fact produced more problems. HR and management paid an external investigator to help them to decide on the suitable policies to apply to the situation. Even after the external consultant decided on the policies, the problems were still there, and the situation became worse. However, HR and management still believe that using the external consultant was the right thing to do. Clearly they did not learn from their experience.

Another point of interest is what are the right things to do? In any organisation, no matter whether it is in the public sector or private sector, management should have ability to take a business decision. Human resource risk should be handled as part of an organisational system, as it will have a great influence on the organisation as a whole. Perhaps HR and management were not aware of this HR risk at the beginning of the case. Alternatively, maybe they were, but they considered other things, like fighting for "justice", were more important than dealing with the matter in terms of business interest.

The position of HR and line management should be considered during the process of dealing with Vicky's matter too. If the problem could be handled by using common sense in the beginning (if Vicky had received an apology from the taxi driver), the results of the case could have been totally different. Vicky's case started as a small workplace conflict, but it
was handled as "big" matter by using a formal process; as soon as people are involved in a formal process, they start fighting and trying to prove "I am right!" There is no evidence of HR or management trying to solve the problem when it was small by listening, communicating, or using common sense.

In addition, what are the right things to do? How significant is this matter of making sure that a grievance is killed off, so that other staff do not get encouraged by the success of a process? Is it important to make sure an employee is intimidated or, alternatively, to show the workforce a caring and fair employer, especially when things go wrong? Maggie argued that they had fought against Vicky to prevent another employee from doing similar things. However, during the process, the reputation of the organisation was damaged, staff morale was impacted, and the costs were significant and difficult to calculate.

In general, this case study clearly raises questions about the management of HR risk in Seaside City Council. One question is whether the HR process is more about the maintenance of the process rather than the maintenance of organisational goals as a whole. Another question is about the process of managing HR risk, the importance of policies and procedures, and estimating the cost or potential cost of HR risk to the organisation.

All these concerns will be considered in depth with the literature review and interview results in the Discussion chapter.
CHAPTER EIGHT: CASE STUDY TWO
Dr Stone and the University of Middle England

8.1 INTRODUCTION

This case study was designed based on an actual case from a university in southern England. The case is a human resource conflict between an individual employee – Dr Stone – and the university where he was previously employed. The reason for selecting this case study is because it reflects the purpose of this research; it presents a real situation, in a real workplace.

The author first noticed this interesting case from one conversation among some colleagues and the author's supervisor. After discussion with the author's supervisor, the author believed that this case fitted the purpose of this study, in that it can be regarded as one example of managing HR risks in practice, and is a situation that could arise in any organisation or happen to any individual. Therefore, the author tried contact with any individual involved in this case through the author's first supervisor's personal connections. With the author's first supervisor's help, after a few weeks of repeated attempts to reach him, the author finally received Dr Stone's reply, outlining his concerns. As the case experience was not a pleasurable experience for him, it was a sensitive issue and needed to be handled carefully. The events of the case took place over a long period of time, which added to the difficulty of asking the individual to review it again. Therefore, trust between author and individual were essential. The author tried to explain the nature of her research, why she was interested in this case and promised that all the information about the case would remain confidential and anonymous, and that no organisation or individual would be identified. Finally, Dr Stone agreed to meet up with the author to talk about the case on the condition of this promise of confidentiality and anonymity.

The interview was conducted at Dr Stone's current university in July 2012, during his lunch break. The interview started with a talk about the research topic – human resources risk management. Then Dr Stone emphasised the importance of data confidentiality. The
interview lasted one-and-a-half hours, and was recorded with the permission of Dr Stone, which helped in the data analysis stage.

If more people with any involvement in this case could have been interviewed, the reliability of the case study would have been increased. However, this did not prove possible. During the interview, the author discussed with Dr Stone the possibility of interviewing individuals at the university who were involved in this case. Dr Stone believed that would be difficult, and not a sensible course of action. Therefore, after consideration, the author decided not to make contact with the university, firstly for reasons of confidentiality, secondly because it could cause potential adverse consequences for Dr Stone. However, in order to understand the whole story properly, not only from the perspective of an individual employee, the views of the university should also be included. After the author explained her concerns, Dr Stone kindly agreed to provide all the emails exchanged between himself and the human resource department and management team of the university. This was invaluable, as the email dated from when Dr Stone started work at the university until he left.

The day after the interview, the author received Dr Stone's email document. This 500-page email document contained all the information about what happened during Dr Stone's employment at that university. The author believed that comparing the interview information with the email document would enable her to obtain a full picture of the case. Therefore, the following case study is based on the interview with Dr Stone and the 500 pages of emails. This information comprises all email correspondence between individual employees (Dr Stone, his colleagues), management, students, and the HR department. After reviewing the email document several times, some significant information emerged, which has been used as citations or presented as appendices with reasonable changes (to ensure data confidentiality and anonymity).

8.2 DR STONE AND THE UNIVERSITY OF MIDDLE ENGLAND

Dr Stone is 39 years old and, having graduated from a top five UK University, has worked for different companies in both private and public sectors. Dr Stone regards himself as an
anthropologist; he spends much time undertaking strategic research and risk consultancy for
defence organisations, international technology companies and intelligence agencies. One
month ago, Dr Stone started his new job as a senior lecturer at the Strategic and Business
department of the University of South Sea. Dr Stone enjoyed working in the higher
education sector, especially helping students to achieve their highest potential.

It was Monday morning; Dr Stone was checking emails before lectures. The phone rang and
there was the registrar, Mr Richard, who wanted to know when it would be suitable to have
a talk with Dr Stone. Because the HR department received a call from Dr Stone's previous
employer a few days ago, for that reason they would like to confirm a few things with him.
Dr Stone was surprised, angry and a little worried; he did not know why the previous
employer had called, but he knew that they did not say anything complimentary about him,
especially as he had left following a significant dispute with them.

When Dr Stone arrived at Mr Richard's office at 2pm, he noticed that the Head of Human
Resources, Miss Evans, was there too. After a cordial greeting, Miss Evans explained that
they received a call from Dr Stone's previous employer, the University of Middle England;
the call was anonymous, but the person who called confirmed that he is a registrar of the
University of Middle England and worked with Dr Stone previously. He warned the
University of South Sea to "pay attention" to Dr Stone. Moreover, he said that Dr Stone may
bring some course materials from the University of Middle England and try to use them in
the University of South Sea.

Dr Stone became very angry. He could not believe what he had heard; he had no idea why
this person had done this. However, he knew that the person who made this call wanted to
destroy his career although he had already left. Mr Richard was very calm and asked politely:
"if you do not mind, could you please explain what happened in the last University?" Dr
Stone tried his best to keep calm and started to explain in detail.
It was November 2010; Dr Stone got a temporary appointment at the University of Middle England. He was employed to be in charge of an MSc distance-learning programme whilst its course director was on study leave. The management team encouraged Dr Stone to make improvements to the course. Before he started, the director of the University and registrar both explained that part of his job was to identify problems and to improve the course. Also, they confirmed that they knew there were some problems. However, those details were not written in Dr Stone's employment contract or job description. Normally, there were two academic staff working on this MSc course. When Dr Stone commenced in his new post, one of the academics was on long-term sickness leave; another academic, Dr Sam, got a research contract and worked elsewhere. Therefore, Dr Stone's temporary post was to cover for Dr Sam, and he became the course’s acting director at that moment.

After Dr Stone had spent significant time reviewing the course materials and researching more information about the course, he realised that this distance learning course is very important to the University, and it is an important business to keep. Several senior managers from some famous international commercial companies study on this course; also, it produces a huge amount of money for the University. It was clear that the quality of the course would certainly affect the reputation of the University. Therefore, it was vital to improve the course, and to increase the satisfaction of the students.

Furthermore, Dr Stone discovered that the general quality of teaching material, student support, and study skills were very low. The course materials were out of date, some case studies being fifteen years old. There was also a lack of student support, and the online learning environment was not efficiently designed.

After Dr Stone reviewed the current course materials, quality of assessment and student experience, with the invaluable help of the excellent administration team, Dr Stone instituted a wide number of changes to the course, for example:
Dr Stone also conducted an open-door policy, so students could feel free to contact him either by phone or email. He created more events to communicate with students in order to found out their needs and wants, to increase their learning satisfaction and the general quality of the course.

Clearly, Dr Stone made significant changes to this MSc course. During this process, some staff were affected considerably, and annoyed by DR Stone's actions, particularly those that had been working at the University for a long time. One academic warned Dr Stone in one email, saying: "In a University like Middle England there are rules, regulations and procedures that must be followed." Moreover, another said: "I think that on all these things it is vital to consult with others if you want to make changes. Sound improvements are always welcome, but they must be clearly beneficial and agreed with other people who are involved, including where appropriate me and the head of department." Regardless of these dissenting voices, the changes were implemented by Dr Stone, who believed the results of
the changes would improve student satisfaction, the profitability of the University, and the quality of the learning environment.

The changes had been well-received by students, many providing flattering feedback on Dr Stone's role in aiding essay and dissertation completion. Some students confirmed that they were happy to receive higher quality education, and satisfied with the improvements to the course. Some students went further, saying that this was what they wanted and paid for. At the same time, Dr Stone also noticed that management were happy about the changes too, especially as more students joined the course and brought more profit to the University. Dr Stone certainly was motivated by this result; he had personally invested a great deal of time and effort in the process of improving the course. For him, the quality of service was most important. He believed that students do deserve to receive a high-quality education and get what they paid for. Student satisfaction, loyalty, motivation, social network promotion and retention were enhanced significantly by his interventions. Consequently, despite the economic downturn, the department had been lucky enough to have secured the highest intake of students ever and an intake that was ever more highly qualified. All in all, it seems that everybody – Dr Stone, Management, Students – was happy and thoroughly satisfied with these changes.

8.2.2 DR SAM RETURNS

Unfortunately, things changed when Dr Sam returned from her study leave on June 2011. Dr Sam had been working at the University of Middle England for more than fifteen years, and she had been the course director of this unit for the last five years. As soon as she came back, she realised that there were lots of changes, which were not to her liking. She believed that the teachers should have more formal contact with the students. And that more frequent communications were not suitable to the aims of this distance course. Certainly, she did not think that there were problems with the course previously and she did not understand the point of the changes that had been implemented.

In general, Dr Stone and Dr Sam had totally different beliefs about this MSc courses. As Course Director, Dr Sam disagreed with several changes made by Dr Stone. For example: about academic style; how to mark students' work; who is qualified to be a marker or first
supervisor; how to give feedback on students’ dissertations, and how to communicate with students... Also, Dr Sam raised the concerns about the Department budget for the period of her absence while Dr Stone was in charge. All of this made Dr Stone uncomfortable.

There was some communication between Dr Stone and Dr Sam; unfortunately, this was not very helpful, and acted to increase the disagreements between them. Because Dr Sam was again the course director when she returned, she started to reinstate the old ways. Eventually, almost all of Dr Stone's changes had been reversed.

- Study School returned to its original format
- Next Markers’ Training Day postponed until December 2011 at the earliest
- Any further refresh/reformat of the Course Materials cancelled
- Signalled that open communication with students is inappropriate
- Associate Markers (whose performance, Dr Stone believed, was unacceptable) reinstated

After Dr Sam’s actions, some further problems occurred. During Dr Sam’s absence, Dr Stone encouraged the students to write in ways which expressed their personality, expertise and professional backgrounds. However, since Dr Sam’s return, many essays or dissertations were not to Dr Sam's liking, which meant that more and more students complained about their essay marks, Dr Stone believed that Dr Sam and himself should be responsible for these results, and started to worry about giving feedback to students, as what he advised would certainly influence the students in some way.

Moreover, disagreements arose about academic support issues. Dr Stone encouraged academic staff to adopt a friendly, accessible, informal mode of academic support, by giving markers training to improve instantly and personalise the feedback to students. He argued that "a more modern and personalised approach" was needed; it had received "very positive feedback from the student body at The University of Middle England." (Details see Appendix 8-A)
However, Dr Sam argued that although she understood that academics have different styles, the feedback approach she had developed over a number of years worked; it "generates effective communication." Therefore, an "overly-familiar tone is unnecessary," both students and markers should write in the third person: "Using exclamation marks in feedback sets the wrong tone." She constantly emphasised that "Culture is top-down," thus lecturer, supervisor and marker should set the right example. Furthermore, Dr Sam argued, "it is important that we be mindful of what has served us well for a considerable length of time... We know cold and bland work! So why change? Student numbers have been steadily increasing – surely a vindication of our long-standing modus operandi" (Appendix 8-A). All these arguments influenced the operation of MSc course and, during this process, one student left the course disappointed. Dr Stone argued that Dr Sam's actions had adversely affected the students and could cause more reputational damage in the future.

In addition, what worried Dr Stone more was that it seemed that people noticed these tensions, but nobody would say anything. He realised that there was a lack of support for the changes he had made. In order to protect what he was fighting for, he sent a confidential and private email to the Registrar, Mrs Porter, to explain his concerns and ask advice. Mrs Porter was one member of senior management who had been involved in the process of recruiting Dr Stone and encouraging him to make changes to the course. Dr Stone argued that there were a series of issues and concerns which he had effectively "headed-off concerning updating course materials." He argued that management should decide whether the way in which academics assess students was to be Dr Sam's or another’s. He also sought advice about what he needed to do when a student asked him for feedback, as he worried that if he provided guidance, and it was followed, the student may be harshly penalised by Dr Sam's new marking criteria (Appendix 8-B).

Furthermore, Dr Stone believed that there was absolute certainty that a significant numbers of complaints would be raised by students in the near future about dissertation marking and supervision; Ph.D. supervision (or lack thereof), marking, and outdated and irrelevant course materials. Thus, all these required executive strategic actions. Within that email, Dr Stone tried to remind Mrs Porter that the changes he made were confirmed by senior
management, as he said: "I did issue a brief report to you and HD of department last November when I started this job, which recorded some of my immediate concerns. I also spoke at length with HD of department and secured what I assumed was endorsement for improvements to the MSc." (Details see Appendix 8-B)

During this process of contact with Mrs Porter, Dr Stone gave a general description of events since Dr Sam returned and why he was unhappy. He indicated that he may make a grievance complaint against Dr Sam as he said in an email: "I will - unless I am strongly influenced otherwise - be making a grievance complaint against Dr Sam." However, he further explained that the issue of concern was not about any person, it was not about Dr Sam or Dr Stone, it was about the MSc Course changes which "require executive actions" or decisions (Appendix 8-B). The feedback from Mrs Porter suggested arranging a meeting with Dr Stone, Miss Brown, the Head of HR, and herself to discuss the matters. The first meeting between them was generally friendly and went well; Mrs Porter thanked Dr Stone for reminding the management about the problems. The result of the meeting was that they agreed to ask a professor from a different department to arrange an informal review.

A few days later, Dr Stone was shocked by the process and the results of the investigation. As the following investigation meetings involved Dr Sam as well, the emphasis of the meeting was not on the quality of the course, or changes that either Dr Stone or Dr Sam had made, it was about Dr Stone's performance or personality, which Dr Stone could not accepted. They even started to question Dr Stone's "overspending" during his time in charge of the MSc course. Dr Stone argued the investigation should emphasise the changes Dr Sam had made, and should not be focused on personality. Surprisingly, the Head of HR, Miss Brown, suggested that Dr Stone should make a formal grievance complaint against Dr Sam. Dr Stone explained: "as a temporary appointment, it is no value to me to pursue a grievance. Moreover, it would only generate work and irritation for all concerned. Let's avoid that". He also explained that he does not want to make the issue more serious than it already was; most important, it was not a personal problem, and it was not about Dr Stone or Dr Sam. Maybe the senior management could do something to improve the situation.
Dr Stone believed the investigation result was unfair, in presenting him as a person who was out of control, just making changes for fun, without considering other people's feelings or advice. Dr Stone was very angry; he did not understand why colleagues could not see the benefits of his changes, or why nobody would make a stand and say something. Personally, he believed that the changes he had made were right: right for the students, and right for securing a niche for the University in the market. Although the director of the University and the registrar had asked him to improve the course, there was nothing written down, which made it difficult for him to find any supporting evidence for his actions.

Whilst his bruised feelings no doubt required some help, there were some key concerns involved: continuing to meet the expectations and satisfy the wellbeing of the students; ensuring there was no further reputational damage to this MSc course or the University. Therefore, urgently and emotionally, Dr Stone decided to protect the changes he had made. However, he did not understand why no one listened to him. Then he recognised one potential ally in another registrar of the University of Middle England, Mr Smith; one important reason for his thinking that Mr Smith may be the right person to talk to about his problems was that Mr Smith had a similar military background to Dr Stone. Another important reason was that Mr Smith's job entailed ensuring the quality of University courses. After Dr Stone contacted Mr Smith and explained the issues, Mr Smith promised that he would find out what was going on and do something about it. Things seemed to be going in the right direction, and seemed like they could be solved in a short period of time.

Unfortunately, that did not transpire as Dr Stone had hoped. The investigations still focussed on Dr Stone's performance and personality. Dr Stone had been required to attend different meetings with Dr Sam (as his direct line manager), Head of HR, Miss Brown, and the Registrar, Mrs Porter, to investigate his performance and attendance. Dr Stone believed that he was “being penalised for blowing the whistle on a serious matter.” As an individual employee, he did what management had asked him to do; he did nothing wrong; he worked hard for the benefit of the organisation; however, the consequences were that he was to be “isolated”, marked as a "bad employee” and treated unfairly.
Dr Stone used the whistle-blowing procedure (Details see Appendix 8-C) in accordance with the HR policy of the University of Middle England. However, Mr Smith responded, he could not accept the whistle-blowing, because the matters that Dr Stone raised were being investigated through another procedure. Mr Smith said that the "whistleblowing procedure could not be used to consider issues already under investigation through another process." Therefore, before the informal investigation had finished, Dr Stone's whistle-blowing was not accepted by the management. Mr Smith's advice for Dr Stone was to wait for the investigation results, and then he would determine whether the additional issues would warrant investigation under the Whistleblowing policy or under another process (Details see Appendix 8- D).

However, Dr Stone argued that after he flagged his concerns to Mrs Porter, she and HR attempted to pin the entire blame on Dr Stone, as a failure of his communication skills and performance. All he had wanted to do in raising the issue with Mrs Porter was to indicate to the management that "the reversals to Course improvements are a bad thing." He argued, the reversals threatened retention levels, recruitment, and social marketing of the MSc. The Course and the University were now vulnerable to a range of allegations which would be difficult to defend. There were also a number of complaints in play or likely to be made which would be impossible to defend; the University had already lost one of their finest students (better qualified than most) and stood to lose more; halting the updating of modules and re-recruiting hopeless and unapproved markers (etc.) was unacceptable. Reversing the actions which Dr Stone had instituted with staff support was, therefore, unfair and unjust. According to the University whistle-blower policy, "policies and procedures are already in place covering grievance and complaints; harassment, and discipline. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, although this may subsequently lead to the invocation of such other procedures." Dr Stone argued the matters he raised were serious both in terms of effects on student morale and quality of experience, reputation of the University, sustainability of a lucrative MSc programme and litigation liabilities. Mr Smith had no authority in regulations to not respond to disclosure made by way of the whistle-blowing policy in the way that policy sets out. Dr Stone believed the investigation Mrs Porter and HR conducted was an informal process, and not documented, so Dr Stone insisted that the inquiry should follow the established procedures (Details see Appendix 8- D).
The concerns Dr Stone raised should have been reviewed under the whistle-blower policy (Details of the policy see Appendix 8-I), and management should have conducted an investigation. However, Mr Smith argued that the concerns Dr Stone had raised were not related to matters that warrant investigation under the Whistleblowing Policy, and that the concerns would be more appropriately dealt with under the University’s grievance procedure. If Dr Stone was not content for his concerns to be investigated and dealt with under the University's formal grievance procedure and since Mr Smith was unable to confirm that matters would be formally progressed under the whistle-blowing policy, the investigation could not be classed as falling under either category.

Dr Stone was disappointed with this outcome. He argued that everyone (including management) knows how Dr Sam operates, and the current situation arises because the change he was employed to introduce has collided with Dr Sam's personality. However, Dr Stone was surprised and disappointed by the lack of protection he had from the implications of Dr Sam's behaviour. Dr Stone stated that he already escalated the outstanding issues that required decisions. As he had blown the whistle, it was up to the University how it chose to respond. Dr Stone said he did not "want any further part in what is a problem requiring a strategic decision." Moreover, he believed "the issue is closed" and he "won't comment or expand on his thoughts further." Dr Stone was waiting for the management’s decision, which he would accept regardless. As he said: "I don't want to pursue, talk about or argue the issues any further, I just want to be told what to do so that I can continue with the day job." "The best thing for me to do is accept that the judgement calls are for others to make and focus instead on excellence in what I can do. Once the decisions are communicated to us all, I will of course respect and stick to them. I will ensure that I am present on the required days and meet contractual obligations." (Details see Appendix 8-E)

However, not long after, Dr Stone was dismissed with immediate effect by HR for "gross misconduct" and for having more than one full-time job (Details see Appendix 8-F). Dr Stone argued that there had been no concerns raised with or by him concerning his performance at the University of Middle England, also that much of his work as Teaching Fellow had been "out of hours" due to the distribution of the distance-learning students
across time zones. He also argued that there had been no disciplinary process, which breaks both University procedures and employment law. Moreover, he did not believe that having two jobs was "gross misconduct" according to either University procedures or employment law, as there was no stipulation in his contract against having two jobs and, indeed, his contract did not even set out fixed hours of work at the University of Middle England. The Head of HR had refused to indicate what contractual or University regulation Dr Stone had breached or in what way this amounted to "gross misconduct".

Dr Stone believed that Miss Brown revealed that she had not been part of any process looking into this matter, which could indicate that she had merely signed a letter without examining the legality of the process behind it. It might, therefore, be concluded that she just did what other people told her to do, and signed a piece of paper. Finally, Miss Brown concluded the conversation by calling security because Dr Stone kept asking her, "are you just doing what other people told you to do and sign a piece of paper?" Therefore, Dr Stone believed that the University of Middle England was in breach of the law and its Regulations for:

- having dismissed Dr Stone as a result of making a protected disclosure under the whistle-blowing procedure
- having dismissed Dr Stone for gross misconduct, where there has been none
- having dismissed Dr Stone for breach of contract, where there has been none
- having dismissed Dr Stone without following any disciplinary procedure
- Deleteriously impugning Dr Stone's professional and personal reputation.

After dismissal, Dr Stone emailed everyone to explain what happened and why it happened (Appendix 8-G). The student body of the University of Middle England questioned the management decision; they were highly supportive of Dr Stone. One student wrote to Dr Stone said: “I have spoken to a number of students who, like me, recognised you as the only positive aspect to an otherwise terribly outdated course and poorly tutored course. You are the only tutor who has actively and proactively sought to engage with the students on a regular basis and for this I am hugely grateful.”
On student wrote in the email to the senior management team:

"Since Dr Stone took up his position I have witnessed some significantly good changes to support the interaction between other students and tutors of the course... Although Dr Stone has been active behind the scenes of the course, it is important to highlight the enormous help Dr Stone has been to me personally... Dr Stone has gone over and above my expectations, by taking time out from his busy schedule (even outside the core hours of his work), to discuss with me the issues I have had, offer advice, point me in the right direction but most of all giving me the belief in myself to go continue with my studies. I am disappointed to hear about Dr Stone having problems after all of the good work he has done for me and the university."

Another student said in the email to the senior management:

"I am writing to express my dismay at the dismissal of Dr Stone ... which I strongly feel is to the detriment of the department. Since his joining the staff, I have found Dr Stone to be a hugely valuable and accommodating tutor. In addition to providing key assistance and guidance to students, Dr Stone was also the driving force behind work to update the course... I am now significantly concerned that with the loss of Dr Stone, students will not receive the necessary levels of proactive support from tutors and therefore will not receive the best possible education... Additionally, his dismissal is highly disruptive for students that will undoubtedly impact their studies. I feel that the university should strongly reconsider its position on Dr Stone's dismissal as it is likely to have a widespread and negative impact on not only the course, but also on the paying students who will be severely disrupted by these actions and whose academic work may suffer as a result." (Details see Appendix 8-H)

Certainly, Dr Stone's dismissal appeared to impact greatly on the students who were still on the course. There may also have been some effect on current staff. However, there were no members from employees’ groups prepared to take Dr Stone's side in questioning the University’s decisions, even though some of them tried to support him personally without letting the University know. The support from students doubly confirmed that Dr Stone did nothing wrong, but had been unfairly treated. With disappointment and anger, Dr Stone took the University of Middle England to the employment tribunal.
8.2.3 RESULTS OF DR STONE’S CASE

The tribunal case lasted more than one year. Since the conflict started, Dr Stone and Dr Sam never had the opportunity to communicate about the matter. Dr Stone maintained that he had never been given the opportunity to explain why he made the changes to the programme. In order to win the case, the University employed an external legal consultant to help them prepare the documents, which cost nearly £10,000. Some other costs should be considered, such as the resources and time spent on preparing the case, reputational damage, impact on students and existing employees, lost opportunities and damage to the course. These costs are difficult to calculate. However, they are of more significance than the financial costs. Dr Stone prepared the case all by himself as he was not a union member at that moment. In the end, Dr Stone lost the case, with £1500 to pay. The reasons given for the loss of the case were that Dr Stone only followed the whistle-blowing policy of the University but did not follow the guidelines of government legislation. Employees can only be protected by government legislation, not the organisational policy.

After Mr Richard and Miss Evans from University of South Sea listened to what had transpired between Dr Stone and the University of Middle England, they decided to trust Dr Stone and confirmed that Dr Stone is a quality employee, and suitable for his current job. What had happened in the past would have no influence on his current employment.

8.3 CONCLUSION

Dr Stone's case is an example of how HR risk is handled in the workplace. Certainly, this HR risk case was not a pleasurable experience either for Dr Stone or for the university. Although the University of Middle England won the case in the end, the case benefited neither Dr Stone nor the university. Dr Stone lost his job and left the university, while the University of Middle England lost a valuable employee (although certainly they do not think this way, being more likely to regard Dr Stone as a “trouble maker”); the quality of the course did not improve and, perhaps most importantly, they paid significant financial and potential reputational costs to fight Dr Stone in the tribunal case. There are key factors that the author believes are worthy of discussion:
Firstly, policies and procedure. The HR department argued that they followed the established procedure for investigating Dr Stone's complaints. Also, the management refused to pay attention to Dr Stone's whistle-blowing, arguing that it ran counter to their policies and procedures. However, Dr Stone argued that neither HR department nor the senior management of the university did handle his complaints according to any existing policies and procedures. That is the main underlying reason for Dr Stone's unfair treatment.

Secondly, the position of HR in a conflict situation. The HR department, in this case, chose to stand to one side of the conflict instead of being neutral. Most important, they did not provide or were unable to provide strategic suggestions to enable senior management to make a business decision. The management also decided to support one side against another side, rather than adopting an impartial stance. The HR department was used as a tool by senior management to enforce management will, irrespective of whether this was legal, ethical, or even in the interests of the organisation.

Thirdly, communication in a conflict situation. There were no opportunities provided for Dr Stone and Dr Sam to communicate since the conflict started; even during the investigation, they did not have opportunities to exchange ideas about the matter. If the HR department and senior management had acknowledged the importance of communication, they could have handled the situation differently, and the problem might have been solved while it was still relatively low-level.

Fourthly, other factors which would influence the process of handling the HR risk in this case. Most members of the senior management team who knew of the conflict could see the benefits of Dr Stone's recommended changes. However, when Dr Stone was unfairly treated, nobody wanted to involve themselves in the matter. It seems like there are several factors influencing the situation in Dr Stone's case: these factors could include personal relationships; numbers employed; power relations; management style; hierarchy, bureaucracy and organisational culture.

In general, this case study clearly raises questions about the management of HR risk and its contribution to the improvement of educational provision at the University of Middle
England. It also raises questions whether the HR process is more about the maintenance of the process rather than the maintenance of good standards. Also, it raises ethical and moral questions; the process does not distinguish right from wrong; it simply distinguishes whether the right policies or procedures have been followed or not. It also raises serious questions about the role of the human resources department in the process of risk management. Other factors such as power relations, the commitment of individuals, managing change, have an influence on managing HR risk. All these concerns will be considered in depth in the discussion chapter.

(More detailed information in Appendix 8-A to Appendix 8-I)
CHAPTER NINE: SIMULATION EXERCISE

9.1 INTRODUCTION

In this chapter the author will explain the process of design, conduct, and analysis of the simulation exercise of this research, which was carried out at 17th UK System Society (UKSS) conference in September 2013. The simulation exercise was designed based on Case Study Two—Dr. Stone and the University of Middle England. The purpose of designing and conducting this simulation exercise was to bring a real-life HR-risk situation into practice, in order to find out people’s reactions and responses, and to provide practical suggestions for the future. A discussion of the simulation exercise is provided at the end of the chapter. Before the simulation exercise is explained, it is important to review the theory of simulation.

9.2 BRIEF REVIEW OF SIMULATION

Simulation is an increasingly significant methodological approach within organizations and strategy literature (Repenning, 2002; Zott 2003). Simulation and games have been widely used in complex and diverse disciplines (Borodzicz, 2005b). There are different types of simulation:

- Seminar simulation is part of a classroom-based training course. The emphasis of seminar simulation is more focused on identifying problems and the availability of skills to solve those problems.

- Table-top or paper-flow simulation refers to the process of representing the atmosphere of a simulated incident by providing participants with interactive messages. This kind of simulation is often used for managerial personnel. Live simulations, or practical operational, field exercises, refers to bringing real-life scenarios into the setting to allow the participants to experience and to act. This kind simulation comprises realistic scenarios, for the purpose of familiarizing participants with using skills in dealing with incidents (Kincaid, 2011).
There is some multi-media and interactive software widely used in the simulation, with the development of technology, such as computer-based or web-based simulation. The selection of a particular type of simulation should be driven by the research aims and questions (Zott 2003).

The benefits of conducting simulation have been highlighted by many authors (Zott, 2003; Borodzicz, 2005; Devitt 2009):

- Provide opportunities to reveal weaknesses in existing plans, reveal gaps, and improve coordination of operational elements;
- Provide opportunities to achieve higher levels of individual performance, gain public recognition of the capability, and raise public faith in this ability;
- Ensure the effective implementation of plan and procedures.

Carrel (2000) summarized the function of simulation in managing risk and crisis. Firstly, simulation builds channels to provide public information; secondly, simulation helps to identify problems, difficulties, and weaknesses in existing plans or procedures; thirdly, simulation can be used for educational purposes, by providing participants with different types of real-world scenarios, thereby enabling the participants to become familiar with the problems or methods to deal with those crises (Perry, 2004).

Simulation design should follow a logical process. It starts by identifying training needs, setting up objectives, developing or selecting learning activities, conducting the training session, and evaluating the effectiveness of the training (Lakha & Moore 2002). Simulation needs to be carried out in a systematic way, the evaluation results should be considered at the beginning of the design stage, and feedback should be used to adjust or revise the design of the simulation and refine the system (Borodzicz, 2005b).

The primary purpose of simulation is to provide participants with awareness of any problems in the plans and strategies. It also provides an opportunity for individual participants to learn through an effective learning environment. From a simulation exercise, risk management, individual competencies, knowledge, and skills and attitudes toward work...
could be enhanced. Simulation provides players with an excellent chance to receive experience related to their work (Ulrich, 1998), as they can gain experience from taking part in the simulation, learning from observation and feedback. Through debrief and discussion, the participants obtain new knowledge and strategies to solve problems. When they experience a similar situation in real life, they will be able apply what they have learned to practice.

9.3 SIMULATION EXERCISE

9.3.1 THE PURPOSE OF SIMULATION IN THIS STUDY

In this thesis, the simulation exercise has two purposes. The first is that the simulation exercise works as a data-collection method. The simulation exercise brings a real life HR-crisis scenario into practice, to see the reaction of participants and provide observational opportunities for the author. The results of the simulation exercise will then be used in the analysis stage to compare with the interview results and case studies. The second purpose in using simulation in this research is educational: as it has been reviewed in the literature review, the simulation will enable the participant to become familiar with the scenario through participation and observation, finally obtaining knowledge, skills, and change of attitude. In this thesis, the author has tried to test out the educational function of simulation through an HR-risk simulation, in order to explore alternative ways of improving HR-risk management in practice.

When the author decided to use a simulation exercise, the first challenge was to determine what kind of participants would be required. The author had considered using HR staff, managers, or supervisors of those who are involved in managing people in their daily job. However, after having tried to contact several HR organizations and companies, the author finally had to abandon this plan. The author then considered conducting the simulation using student groups who were studying HR or risk management. However, after contacting several universities, she had to change her plan, realizing it might difficult to do the comparison in the analysis stage. Finally, the author discovered that she could run her simulation in the UKSS conference. Moreover, she believes that using people who have no working experience in HR or management could be of some benefits in the research. As
people who are completely uninvolved in HR management, they may have different views from HR practitioners. Therefore, this simulation is designed to try to find from people who are completely uninvolved in HR matters further collateral in terms of informal/better ways of dealing with HR risk.

9.3.2 DESIGN SIMULATION

This simulation exercise is designed based on Case Study 2 – Dr Stone and the University of Middle England. First a short version of the case-study material has been produced from Dr Stone’s case material, which introduces Dr Stone and Dr Sam and explains what happened in the University of Middle England, without disclosing the final outcome (see Appendix 9-A). This short case allowed participants to have some general ideas about the “story”. At the same time, the key members of the team (see Appendix 9-B) were selected: Registrar; Head of HR; Head of the Department, Professor X; Dean for Quality; and Professor Y, an independent member of the team. Based on the real case, a specific detailed personal description was produced for each player, as follows:

• **Head of HR**

You have been the Head of HR for the University of Middle England for the last four years, with 20 years HR working experience in the public sector. You report to the Heads of the organisation, and serve on the executive management team, assisting and advising departmental managers about HR issues. Regularly, you feel stressed. You have great responsibilities to ensure the strategic focus of HR, to balance the relationships between departments, to cooperate with the unions, to keep up to date with legislation and regulations, to follow the rules and procedures, and to ensure good HR practice in operation and control the flexibility of HR’s day-to-day activities.

• **HOD Professor X**

You are an experienced academic holding the title of Professor and Head of Department in a prestigious centre at the University of Middle England. Over the years you have worked with Dr Sam, you have come to respect her judgement as an expert in her subject area, and as a close friend. You supported Dr Sam's sabbatical leave and appointed Dr Stone as a replacement in her absence.
• Registrar

You were involved in the process of selecting Dr Stone to replace Dr Sam during her study leave.

• Dean for Quality

You are Dean of the University of Middle England, and are responsible for the general welfare and discipline of staff. You are especially responsible for the quality of all courses, and regularly review the materials and standards of courses. You are a member of the Academic Standards Committee of the university. You have been working in this university for many years, and have an excellent relationship with Professor X. You were aware that during Dr Sam’s study leave, a new academic – Dr Stone – would be in charge of one important distance-learning course.

• Professor Y (independent member of the team)

You are a senior lecturer in the HR Department at the University of Middle England; you are not involved in the MSc distance-learning programme that was previously the responsibility of Dr Sam. You do not know Dr Stone, but you knew Dr Sam had been working in this department for a long time and had a good relationship with HOD.

All characters were designed to resemble the actual staff involved in Dr Stone’s case; in order to preserve the realism of the case, the author spent considerable time reviewing the 500 page email document, trying to find detailed information on each character. The author attempted to keep the personal descriptions as simple as possible, but to reflect the relationships between the real characters. There were three reasons for doing this; first, it would allow the participants to understand their roles in a limited time; second, it would enable participants to act more like the original characters; third, it would set up the scenario, enabling the participants to act.

The structure of the simulation exercise:

The whole simulation exercise was divided into following sections:

First, briefing the participants: explaining the aim and objectives of the study; explaining the purposes of the simulation exercise; and explaining the structure and processes of the simulation.
Second, grouping and selecting players: participants were divided into small groups; ideally each group should have six to seven members. Each group should have five participants to play the roles, and one or two members working as observers. The role of the members were then decided, and ten minutes given for participants to read the case-study material and the personal descriptions.

Third, performing the exercises: 20 minutes was allotted for the participants to play the simulation exercise, that is, to act out their roles responding to the injected questions.

Fourth, presenting solutions: each group was required to provide feedback and discuss their strategies to all participants.

Fifth, the author presented the real results of the case study, which was followed by group discussion.

Considerations before conducting the simulation exercise

This was first time the author had designed a simulation, and conducted the simulation at a conference. Although she had her first supervisor’s help, the author still had some concerns about the simulation. As the author was bringing the simulation into the UKSS conference, there could be some unexpected factors that could arise.

The first worry was the number of participants. It is hard to forecast/anticipate how many participants would turn up at the simulation exercise. If there were too few (less than five), there would not be enough players to do the exercise. The author considered as a solution to this problem that she or her supervisor could join the group. However, this could affect outcomes as the author, and her supervisor, knew what had happened in the real case. On the other hand, if too many people showed up, this would produce further challenges: having to manage too many groups at same time could cause the author to lose control of the process; the author may have difficulties observing the participants; and there may be time limitation or analysis difficulties in the later stage of the research. In order to overcome this problem, the author was considering as a solution, if too many people turned up, she would increase the number of observers, retaining the right number of people to conduct the simulation.
The second consideration was the mix of participants. It would be more useful if participants of similar background could be grouped, for example, public-sector participants, private-sector participants, or groups of academic staff or management staff. However, in reality this is hard to achieve. As the UKSS conference is an international conference, the author obtained a good mixture of participants with different employment experience, such as academic, high education, government, private companies, or non-profitability organisations. Regarding the mix of participants, the author believes there are advantage and disadvantages in having mixed groups of participants. The benefit is that people may have different views on the topic if they come from different backgrounds and working experience. People's background and employment experience will influence their decision making in particular ways. The disadvantage is that it may cause some difficulties for the author in doing a comparison at the analysis stage.

9.3.3 CONDUCTING THE SIMULATION EXERCISE AT UKSS

The simulation exercise was scheduled for 1pm to 2pm on the last day of the UKSS conference (11/09/2013).

- **Before the simulation exercise**

As explained above, the biggest challenge was that the author would not get enough participants to conduct the simulation. Although a simple description of this HR simulation exercise was included in the UKSS conference agenda, and the majority of participants of the conference had a general awareness what this simulation exercise was about, this could still not ensure the right number participants. It was decided to give people information in advance, to interest them in the simulation and to hopefully to involve more participants on the day. The case-study materials were handed out on the second day of the conference to most conference participants. The author hoped the conference participants would read the material in advance, in the hope of increasing the chances of getting more participants.

- **During the simulation**

There were 14 participants in total who joined in the simulation exercise, which meant that two groups could be set up. At 1pm, the author briefed all participants, explained the aims and objectives of the study, and introduced the structure/process of the exercise. The
simulation exercise material was given out to the participants, including the short version of the case study of Dr Stone and the University of Middle England (without the final results of the actual case), and then the 14 participants were divided into Groups A and B. Ten minutes was given to the participants to read the case material. Each group decided on their roles in the game, and then time was allowed for the participants to read their personal descriptions.

At 1:25pm, the author explained the injected questions, and participants were asked to role-play according to the case materials, their personal description, and injected questions (See Appendix 9-A).

Simulation exercise questions for the participants to consider and discuss were:

1. **Dr Stone made a complaint to management and HR about what happened – discuss the issue and make a decision on how to solve the problem.**

2. **From your point view, what would be the cost of this HR risk?**

At the same time, the observers should observe player's behaviours, reactions and the whole simulation process, meanwhile considering how they would act in this situation. During the simulation exercise, the author and her supervisor worked as facilitators and observers, observing the whole process, while supporting participants by answering questions.

**Simulation Group A:**

As soon as the simulation started, Head of HR of Group A decided to deal with the matter as a grievance, and said, “**Dr Stone has made a complaint, so grievance procedures should be considered. There will be two different grievances, one for Dr Stone and one for Dr Sam, and the grievances will follow the procedures of the organisation.**” However, the Dean of Quality had a different view: “**Should we make it clear whether the Registrar or Head of Department asked Dr Stone to make changes to the course or not? I believe that is more important,**” he said, and then he requested that the Registrar tell him whether in any way he had encouraged Dr Stone to improve the course.

The Registrar did not answer directly. He said: “**There was nothing in writing to prove I did or not.**” Then the Dean of Quality suggested that the first thing management needed to do was to look into every change Dr Stone had made, to see if it is valid and to evaluate its contribution. He also said: “**Student numbers are increasing and turnover is good. Now the**
course has been changed back, we need to have a look at the actual course.” Then one participant asked: “I do not understand what Dr Sam has done before. If the course is outdated, why did no one to tell her to improve it. Certainly she was the Director of the course, it is part of her job. Why employ someone to improve the course when Dr Sam is on leave and she will not be happy.” (Here the author advised: “We do not know if anyone had made Dr Sam aware the course was outdated and needed to be improved. We only know Dr Stone made the changes, and Dr Sam reversed them. As members of management team, you are required to make a decision on Dr Stone's complaint”). Then she said: “Indeed, a grievance has been done; Dr Stone should have consulted Dr Sam before making any change.” Another participant agreed: “Yes, he has gone too far!”

The Dean of the Quality said: “We have procedures and policies to be followed. All the changes should have been documented and gone through proper evaluation. In this case, what needs to be done is to involve everyone involved in this case, including the students, Dr Stone, Dr Sam and academic staff teaching in this course, to go through the changes and decide if it is beneficial, and to come out with an agreement.” Then another participant stated that it depends on what things Dr Stone changed – some things do not need to go through a formal evaluation process as they not change the aim, objective and structure of the course. (At this stage, the simulation exercise become a group discussion, all participants just expressing their views instead of acting in role). One participant concluded that this was a classic result of the improvements not being done in a systematic way – there are rules and procedures to follow, and especially the Head of Department should be aware of it.

Professor Y (acting in role again) said: “I do not know Dr Stone, but I know that since he came he has made lots of changes. I do know Dr Sam, although I have not been involved in any work with her. I believe she must have her reasons…” Then she said: “Dr Stone is on a temporary contract is he?” and it seemed as if she was about to suggest something.

Simulation Group B

The participants did not play the exercise straight away, but instead they began by asking questions and started a group discussion. One participant said: “Well... by comparison with
the industry, the requirements for what his responsibilities were would have been written down, and they do not seem to have been here. Is this a systemic position of some universities, because I suspect it may be, in my experience…? Another participant believed this case is an example of bad management. He said: “It is a typical management bullying activity – you lead someone to believe that X is needed, and then when it backfires you back off it…”

Some participants then started questioning whether management intended or encouraged Dr Stone to make changes. One participant asked: “When he became Acting Director, did he encompass all of the role responsibilities for these accountabilities required for that Director to make sweeping changes as needed?” (Information was given by the author’s first supervisor: Dr Stone seemed to be under the impression he had been asked to improve the course and update it – “This course had not been updated for over 20 years, and I know that for a fact. It was a distance-learning course that was taught out of boxes. He went through the documents and reviewed those materials, and they were very, very much out of date.”

Another participant argued that Dr Stone was only quoting statistics on the impact of things that he feels are important – for example, intake of students and qualitative measures of student satisfaction. However, it is unclear whether those are the measures that the university would regard as necessary. In other words, Dr Stone emphasised the things he believed were important to show management his impact is substantial.

One participant agreed with this approach. However he argued: “How good or bad Dr Stone’s changes may be is not necessarily relevant to this. Most important are his reasons for doing this. The course materials being twenty years out of date could be the reason.” However, another participant did not agree with his idea: “There's a case for arguing that the materials needed to be changed. Whether they needed to be changed to what he changed them to is another story.” They believed there should be a university approval process at the supervisory level.
After this, participants started to role play the case. However, they had spent a long time arguing about what can be changed without approval, what cannot, and what kind procedures they should follow (formal or informal). The observer pointed out Dr Stone’s behaviour provided an opportunity for management to reflect upon their whistleblowing practices and what authorities mean. Things should be put through a proper process.

Professor Y said: “I’m concerned that Dr Stone is going to be gone after the end of his temporary thing. I’ve got to continue working with this person who’s here who seems to have done a good job up to now – just so you know, an excellent job.” The Registrar then said: “As Registrar I’m concerned that I didn’t set out an appropriate process which explained the business about this post being a temporary job that is presumably subject to somewhat different conditions, in that effectively anything that doesn’t need to be improved will need to be handed back to the permanent Director to do....”

At 1.40 pm, the author asked the two groups to make their decisions and prepare to feed back to all participants. After the simulation exercise, Group A and Group B presented their final decisions about the Dr Stone’s HR risk.

■ **Group A’s final decision was:**

Starting from the senior management intention, which was to improve the course in particular ways, Dr Stone had made the changes, and there were improvements made which had delivered some measurable outcomes. The management intention was unclear, as information had not been given in writing. Now the original academic member of staff, Dr Sam, has come back, and all the improvements have removed. Therefore, top management should make a decision from a strategic perspective that “we are not in the place that we wanted to be... we should not make arbitrary decisions without involving the two individuals (Dr Stone and Dr Sam)” The best thing to do would be to facilitate a discussion between the two of them and say to Dr Sam: “Look! We have an intention to improve this course. You are the permanent member of staff and you need to have a discussion with Dr Stone to understand which things you could take forward as improvements.”
Therefore, the decision of Group A is that the senior management need to have a clear idea what they want to do with the course, and what is their intention. If they did expect Dr Stone to develop the course, than since Dr Sam has come back that management intention (to improve the course) has changed. So they should make a management decision, and then start to facilitate communications between Dr Stone and Dr Sam, to decide what they want to do with the course.

Group B’s final decision was:

Group B suggested looking at all changes that Dr Stone made to “actually see whether or not they were valid and whether they've actually helped in terms of improving the quality” within a safe environment with all academic staff, including Dr Stone and Dr Sam, getting away from the personality side of the disagreement.

Another action will be to suspend the grievance procedure until a review of the changes to the course has been done “…through actually looking at what contributions had been made and where we are in terms of the quality of the course for the students. Also, there will be some healing for the people concerned…” and then if a grievance was needed in the end, senior management and HR will look at it and will also have some evidence of what actually happened. Therefore, Group B started by separating the personality issues from the changes to the course, suspending the grievance procedure until a review of the changes had been done.

Observer's point view about the case

One observer suggested the university to do “double loop learning”, instead of focusing on the personalities. If someone did things with good intentions, and he or she had overstepped the bounds, senior management should think about why. They need to think about what in the process, what in the system itself, allowed them to do so or gave them the impression that they could overstep their bounds. Also, to think about what are their rules and regulations in place to prevent this? In this case, even if Dr Stone's changes have been reversed, it is worth taking a look at it, to analyse “whether these changes were valid? We could employ a guy to collect the stuff or collect ideas of ‘how can we actually make that
and improve the course?’ The process will give an opportunity for reflection at all levels, not only the department level and the course level but “all the way up through management… reflections of how they can interact and deal with some of these issues, because it will not be the first or last case I am sure.”

At 1:55pm after Group A, Group B and observers had presented their decisions of the case, the actual results (see Appendix 9-C) were explained, and then the author asked participants to think about the cost of this case: “Look at the panel sitting here. Imagine your salaries if you were in those real positions. Opportunity costs, the things you are not doing; because you are doing this?”

Nearly all participants agreed that the expense of this would be high. One participant said in most situations when there is a problem, the emphasis will be on solving the problem and finding out the answer, or deciding what was right and what was wrong. The costs of this process may attract less attention. Moreover, reputational damage was the most important point identified by the participants, one participant saying “reputation at all sorts of levels. Reputation around you deals with staff, but there are also frankly the students on this course, and they do not know whether they are coming or they are going”. Student satisfaction will be influenced as well. Also, if it was senior management intention to improve the course, Dr Stone made the changes, while Dr Sam reversed, and to top management what is important? The cost will be that the course did not get improved, which may become an even worse situation.

9.4 REFLECTIONS ON THE SIMULATION EXERCISE

This was the first time the author had done the simulation exercise. Despite significant help from her first supervisor, there were problems that occurred during the simulation, which had some influence on the analysis of the simulation at the later stage.

First, recording the simulation exercise—it was recorded verbally only, for data confidentiality purposes. That meant that although, in the run, each player was given a role to act, at the analysis stage the author could only recognize them by their voices and what
they were saying, which was very difficult. If the image of the player had been recorded, then it would have been much easier for the author to recognize their roles in the simulation exercise.

Second, the quality of the recorded material from the simulation exercise—as the two groups were conducting the simulation exercise simultaneously, despite being allocated to different sides of the room, some players were louder than others. This created a noisy background, which made the transcription process very difficult for the author, who was trying to transcribe what each individual participant was saying.

Therefore, although the author used separate recorders to verbally record each group individually, the two groups were influencing each other in some ways. However, it would not have been practicable to record the whole simulation exercise visually. The author would have had to carry the video recorder around the room, which could make the participants feel stressful and behave differently. The author was also observing the whole process and giving support by answering questions from the participants, which would have made recording difficult. Also, there were two groups conducting the activity at the same time. Although the author tried to become involved in each group effectively, observing two groups at the same time remained a problem.

During the simulation exercise, participants from the different groups were asking questions about the case, which made the author aware of the design problems in the simulations. For instance, participants asked for the HR policy of the university, and for detail on whistleblowing, which in the design stage the author did not include in the case material. This was mainly for reasons of time limitation—the author thought if too much information were provided, then participants would not have enough time for reading and sufficient time to act. However, from observation of participants’ behavior and action, the author believed that if the HR policy and a detailed whistleblowing policy were provided. The participants would spend a significant amount of time studying those documents. Furthermore, detailed information that could influence participants in making their decisions should be included in the case material; however, the author should change those documents slightly, making them simple and easy to understand. This feedback will be considered by the author in order to improve simulation exercises in the future.
Another challenge the author was facing was to control the process of simulation. It is hard to control the whole process, especially when the author has no experience of doing simulation. The author had to communicate with the participants effectively, giving support and direction when things went wrong. For instance, during the simulation exercise sometimes the participants would switch from the simulation to group discussion, instead of staying in their role. The author then had to change them back to the right mode. Fortunately, with the author’s first supervisor’s help, the simulation was conducted successfully. But this experience made the author realize that she needed to improve her communication skills, time-management skills, and problem-solving skills, and most importantly ensure the simulation exercise is well designed.

Although there were some problems that occurred during the simulation, and more at the analysis stage, the author still believed that the simulation exercise was largely well conducted. The two groups of participants made management decisions about the case that were entirely different from the results of the actual case.

**9.5 CONCLUSION**

This simulation has been conducted efficiently. Although participants spent some time in discussion instead of role-playing, they still expressed their views about the case. Clearly, both simulation groups’ decisions were different from those of the real case. There are some important points highlighted by the simulation exercise:

First, management needs to make the business decisions. Unlike the case study, both groups solving this HR crisis started from the organizational point view. They focused more on what was good for the organization, rather than on deciding who was right or wrong. Therefore, their decisions are more strategic.

Second, both groups confirmed the importance of following the policies and procedures of the organization, especially when dealing with grievances and staff complaints. They also highlighted the importance of doing things in a systematic way. This is different from the actual case, in which the HR department dismissed Dr Stone without following a formal process. When processes are not followed by organizations, non-formal solution and interventions influence the outcomes.
Third, both groups believed that reputational damage would be the biggest cost if this HR risk were mishandled. They believed that the business decisions should be made in a cost-effective way.

Last, but not least, from this simulation the participants experienced a real HR crisis, through participation, simulation, learning from acting, and observing other people. This experience improved their knowledge of HR risk, and may change their attitude or influence their works in practice. Therefore, the author believes that the simulation exercise can be used in training HR professionals and management in dealing with HR crises, and can be regarded as a more cost-effective training method. HR professionals and managers gain experiences from participating in the simulation, and learn from observations and feedback from their team members. Through discussion and debrief, they reflect what they have learned in the simulation. Through simulation they obtain new knowledge and build up new skills, and strategies to solve problems. When they come to experience similar situations in real life, they can then apply what they have learned through simulation into practice.

In summary, in this chapter the author has brief reviewed the theory of simulation and explained the reasons for conducting simulation as part of this research. This was followed by detailed explanation of the design of the simulation exercise, conduct of the simulation, and critical reflection on the process of simulation. The author also briefly compared the simulation results with the outcomes of the actual case. In the next chapter, the author will discuss and analyze all the findings of the interview, case study, and simulation according to the aim and objectives of this study.
CHAPTER TEN: DISCUSSION AND ANALYSIS OF FINDING

10.1 INTRODUCTION

In this chapter, the author will synthesise and analyse the findings of interviews, case of studies and simulation exercises through examination of the theories discussed in the literature review of risk management, HR management, and HR risk management.

10.2 DISCUSSION OF PRIMARY FINDINGS

10.2.1 INTERVIEW FINDINGS

In this thesis, interviews were designed and conducted to answer the following research questions:

1. What is the understanding of HR-related risk for HR professionals?
2. How are HR-related risks managed currently in organisations?
3. What are the problems and challenges of managing HR risks in practice?
4. How can the process of managing HR risks in practice be improved?

■ In terms of understanding HR risk management

According to Peterson (2005), HR-related risks are regarded as operational risks covering such aspects of day-to-day business as personnel management, industrial relations and HR development. Most of the literature on HR risk starts by identifying the type of risk, which produces long lists of risks that HR practitioners believe may happen within the HR function. For example, Merna and Al-Thani (2008) summarised HR-related risks as including integrity, skills-confidence level difficult to adjust-stress-change management, recruitment
and retention cost, obsolescence and re-skilling, industrial relations/redeployment impacting operations and ageing profile.

The interview results showed, to some extent, that HR risks as explained by HR professionals. The following risk areas featured strongly in the majority of interviews: brand and reputation, employment engagement and commitment, management behaviour, legislative and regulatory compliance, recruitment, retention and skills shortages, rewards and pensions, performance and absence management, and health and safety. Compared to the CIPD (2006) list of HR risks, and Merna and Al-Thani's list, the interview results showed interviewees understood HR risks through HR functions.

In addition, there are some significant critical key points highlighted by the interview results, such as fairness, law and compliance, policies and procedures, and costs/damages of HR risks.

- **In terms of managing human resource risks**

HR risk management literature suggests managing the HR risks through the HR function. For example, Erven (2004) suggests that HR could help organisations reduce risk through a variety of HR functions – recruitment, training and development, performance management, reward, and discipline. The interview results indicate that organisations use a variety of policies and procedures covering almost all the HR activities at the same time; HR risks are managed by following the policies and procedures.

- **In terms of difficulties and challenges of managing HR risk**

Interview results indicate the primary challenge HR practitioners face is rapid change in legislation and law. This challenge is not only relevant to HR managers, but also to line managers, union staff, even employees. The second challenge is that line managers may lack knowledge of the legislation and deal with HR-related risks without consulting the HR department.

As Purcell et al. (2003) suggest, the interactive and dynamic relationships involved in the people management roles of front-line managers can be impacted by HR practices. Such scholars as Ulrich (1997), Wilkinson (2005) and Whitaker and Marchington (2003) state
that although the importance of the HR function working in partnership with line managers has long been established, the interaction has been problematic for both HR practitioners and line managers. Line managers normally criticise the HR function for reducing their flexibility in managing people; however, line managers are key in the handling of HR issues, and it is important for HR to change these perceptions, and to get line managers on-side (Marchington & Wilkinson 2005; Pfeffer 2005). Line managers are increasingly the individuals “primarily” responsible for HR within the organisation. From the perspective of traditional risk management, dealing with delegated processes makes control more difficult. Any discussion of risk management and employees must take this into account (Ulrich, 1997).

Furthermore, the complexities of HR situations present further challenges for managing HR risks. HR risks are entirely different from other risks, as people are the source of risk and, at the same time, play a vital role in managing risks. There are no two HR situations that are totally the same. The complexities and nature of HR risks represent challenges for both the managers and HR staff to choose suitable policies and procedures for individual HR situations. At the same time, it will test the skills and abilities of managers and HR staff in dealing with particular HR problems. The literature review suggests that the most important skills required for effectively managing HR risks are leadership, communication, training, motivation, conflict management and evaluation (Hall, 2008).

The next challenge in managing HR risk is the consistency of implementation of the policies and procedures. Because most HR-related risks start from workplace conflict, if line managers do not follow the policies and procedures, more risks may ensue. However, Brammertz et al. (2009) argue that investing too much effort into consultation, writing rules, and compliance may produce more risk. He believed that a regulation, designed to reduce business risk, may become an important source of risk itself, especially when it cannot be consistently implemented.

However, union staff believe the process of managing HR risks lacking in cooperation and communication between different department and the HR department is the main problems.
In order to manage HR risks systematically, communication is vital at all stages of managing people, especially important in dealing with workplace conflict (Erven, 2012).

Other difficulties that have been reported are, for example: the abilities or skills of line managers; trust and openness between line managers and employees; and the support of top management. Also, resource limitations in terms of time and finance could increase the risk in managing people.

- **In terms of how to improve the process of managing HR risks**

  Interview results indicate, first, it is vital to keep the policies and procedures up to date, and to ensure these policies and procedures are simple and practical. At the same time, it is important to ensure line managers and employees understand the policies and are willing to apply them when there is a problem. As Wood (2000) suggests, the responsibility of policy makers does not end with publication of the rule; it is essential to ensure the policy is brought to the notice of, and made comprehensible to, the target group. For people to obey any rule, the first condition is that the target group has to be aware of the rule, to understand it, and to be willing and able to comply (Brammertz 2010).

  Second, it is important to equip line managers with the knowledge and skills for managing HR risks. In order to ensure line managers have the right skills to manage HR risk, training is essential. Training should adequately prepare HR professionals to deal with HR risks effectively, with the right skills and competencies.

  Third, it is important to increase the awareness of the needs of HR risk management – in other words, to be proactive in terms of risk management by encouraging the right culture.

  Fourth, to be flexible and have common sense. As has been discussed earlier, HR risks are different from other types of business risk – they are more complex. HR professionals should understand the advantages and disadvantages of formal/informal structures for dealing with HR risks. Although it depends on the type of risk, it is suggested by the interview results and literature reviews that in most situations management should start from
the informal process. HR professionals should try to establish the problem by effective communication. However, the abilities and skills of HR professionals are challenged in an informal process; it is essential to ensure the managers have the abilities to solve the problem informally with trust and fairness. As Erven (2004) argues, although less formalised structures are more flexible than formalised ones, in terms of managing HR risks they require a higher level of skill and experience from management. Formalised structures are more time-consuming, and involve more people, but can solve problems more efficiently in some situations. Some people believe that it is not crucial to consider whether to use a formal or non-formal structure to deal with HR risks – it is the people who handle it that make a difference.

The interview results also highlighted some key points for effective managing of HR risks, such as the roles of HR and unions. Both HR staff and the union representative are essential during an HR crisis. It is vital for HR staff and unions to be fair, keep the balance between employee and employer, build a communication channel during the conflict, and provide support to both parties. However, these require the HR staff and unions to have the right skills and experiences. HR professionals understand the importance of managing HR risks; they know the cost of HR risk can be very expensive for organisations. However, that cost is not be calculated in practice, especially the non-financial costs such as damage to reputation, loss of opportunities, influence on staff morale and customer satisfaction.

10.2.2 VICKY BATTLE AND SEASIDE CITY COUNCIL

All HR staff and line managers tried to follow the rules; however, because the policies were found to be too general to cover specific incidents and events, HR found themselves challenged in choosing the most suitable policy for dealing with the problem. Certainly, this is an example of over-compliance with rules and procedures. As Jackman (2004) suggests, regulations may reduce the practitioner's willingness to work out the answers. In some situations, the practitioners look at the Handbook to see if there is a rule that covers the particular situation. The main problem is that many situations may not be covered by any of the rules or procedures. Also, the rules may not be clear enough, or the answer may not be sufficiently clear, which will leave the practitioners to make their own decisions. It may
reduce the abilities of the practitioners to make decisions based on their own judgement. Practitioners become increasingly dependent on the Handbook to find the appropriate rule or procedures to solve the problem.

In Vicky's case, the HR department could not decide which policy to follow, as the matter was very complicated. As they did not want to take the risk of making a decision, they employed an independent investigator to help them to choose a policy and give them advice about Vicky's case. Clearly, if the HR practitioners depend on policies or procedures too much, it will reduce the HR department's efficiency, flexibility, simplicity and effectiveness in dealing with HR risks (Jackman, 2004).

Moreover, the HR department was dealing with Vicky Battle's case by means of a formal process from the beginning; they did not even try to find out what Vicky wanted. This case indicates that as soon as a formal process is involved, an HR risk situation can become worse. It will require more time to solve the problem. This indicates there is a need of changing the culture within the HR department. They should have had more common sense; they need to listen and understand problems before applying rules and policies.

In Vicky's case, the influence of HR systems on organisational systems was ignored or considered inefficient. The organisation subsequently suffered, not only significant financial costs, but also other expenses, difficult to calculate, such as reputational damage, opportunity loss, and employee morale. If the HR risk is considered in a more systematic way, it might reduce the damage and minimise the cost of organisational systems. Indeed, in this case, the strategies for managing HR risks were isolated from corporate business strategy. The HR department or management, whoever is involved in this case, did not consider the case in a cost-efficient way. In this local authority case, the matter started from a small workplace conflict and was magnified by ineffective or inefficient people-risk-management processes. If HR, or in fact line managers, try to understand this case with the benefit of hindsight, they may draw the conclusion that to solve the risks posed by this incident just using common sense would have been more efficient (at the beginning, the individual Vicky Battle only wanted an apology from the taxi driver concerned).
In Vicky's case, the risks were not identified at an early stage. There is a lack of risk awareness within the organisation. The HR department should have been aware of the HR risks earlier, as Vicky and her line manager had had a difficult working relationship for a long time. Also, although Vicky had been working in her department for 11 years when the problems happened, HR and management believed the main problem was the Vicky’s capability. This will challenge the reasonability of HR or line managers finding the “right people” to do the right job, and providing training to equip the employee with right skills and ability.

Moreover, some interesting interim conclusions can be drawn from this case study.

First, the HR manager interviewed believed that it was right to fight the individual for more than two years and to employ a firm of external consultants to write a report costing £40K. The HR manager thought this to be a morally correct and proper course of action. This means HR departments or managers, in this case, will not learn from their experience – if a similar situation should happen again, they will react in a similar way.

Second, despite this course of action the employee was ultimately paid £5,000 pounds, and provided with a satisfactory reference. Therefore, another local authority employing this person would not know their employment history. If all local authorities adopted a similar approach, then many problem employees would be passed from authority to authority with excellent references.

Third, it should be considered that a considerable amount of money and time had been spent on this case (financial and staff time) all of which was paid by taxpayers. At a time when public money for essential services is being squeezed by central government, this is clearly an inefficient way of using budgets.

Fourth, what is the influence on existing staff – how should they view their roles, performance and management in the context of the treatment of Vicky Battle? Apparently these incidents do not pass without comment, and observations from other staff and morale
will be influenced by such events – these are costs that are more difficult to evaluate, but they are nevertheless real.

10.2.3 DR STONE AND THE UNIVERSITY OF MIDDLE ENGLAND

University (Mr Smith) refusal of Dr Stone’s whistleblowing disclosure.

After Dr Stone had whistleblowing, Mr Smith looked at the issues that Dr Stone had raised and concluded that these issues did not warrant investigation under the whistleblowing policy. The author believes that it would have been beneficial to look at the matter in depth, whether or not the issues were eligible for review under the whistleblowing policy of the University of Middle England. (For detail of the policy, see Appendix 8-I)

Mr Smith insisted that Dr Stone’s concerns would be more appropriately dealt with under the University’s grievance procedure. Mr Smith replied to Dr Stone:

“The concerns that you have raised will not be dealt with under the Whistleblowing Policy as a result of (i) some of the issues already being addressed under another procedure; and (ii) the issues not being deemed to fall within the scope of matters to be dealt with under that Policy... the issues you have raised do not appear to fall within the meaning of a protected disclosure (as defined in legislation and in the Whistleblowing Policy). In particular, the matters you have raised cannot be said to amount to a disclosure of information relating to any of the issues listed in the relevant legislation and the Policy. Instead, as I have indicated, the matters you refer to, to be more appropriately dealt with under the University's grievance procedure.” (See Appendix 8 - D)

According to the whistleblowing policy of the university:

“The policy is designed to allow staff and other members of the university to raise concerns or to disclose information which is believed to show malpractice /wrongdoing; and to do so at a high level . . . The policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, although this may subsequently lead to the invocation of such other procedures. A disclosure can related to an issue that has been, is being or is likely to be committed.”
The whistleblowing process is “designed to allow staff and other members of the university to raise concerns or to disclose information which is believed to show malpractice”. Dr Stone believed that the way in which his changes had been reversed did amount to malpractice. The fact that local management did not instantly support him may arguably also amount to a form of malpractice, given what was at stake for the university.

Dr Stone argued that the issues related to him personally are best taken forward as a grievance. However, it had never been Dr Stone’s wish for those issues to be handled under the grievance policy. The primary issue that Dr Stone had raised was in relation to academic quality. Dr Stone had used the whistleblowing process to raise serious concerns about academic quality, and risk to retention and reputation, liabilities that the university was exposed to around the MSc course. Dr Stone’s concerns were corporate governance issues, raising legitimate and serious issues at both local and the most senior levels of the institution. Therefore, the issues should have been taken forward under the whistleblowing policy.

Mr Smith refused Dr Stone’s request, and said that the “whistleblowing procedure could not be used to consider issues already under investigation through another process”.

Dr Stone argued that his whistleblowing actions are covered by the whistleblowing policy of the university, because he is not seeking “reconsideration of any matters which have already been addressed under separate harassment, complaints or disciplinary procedures”. He did not believe that there had been harassment, complaint or disciplinary process involved. What he had done was merely to raise an issue to local management about academic quality. His whistleblowing was to remind top management about the unfairness of attempts to blame him for having drawn attention to a long-standing problem.

Therefore, Dr Stone had whistleblown to Mr Smith. Mr Smith then needed to notify the VC, who would notify the Chair of the Council. Investigation is then undertaken by an independent person. Dr Stone believed that Mr Smith could not simply put aside the issues he had raised. Mr Smith said:

“Under the Whistleblowing Policy, as the Designated Person, I would be responsible for determining the form of the investigation ... In any case, whether your concerns are dealt with under the Whistleblowing Policy or under the grievance procedure, the matters raised would still need to be investigated in the same way.”
Dr Stone believed that “the issues having been raised under the whistleblowing policy – these serious concerns have to be investigated through that policy. There is no suggestion in that policy that matters referred to you under it can be diverted into some other route for any reason”. Dr Stone’s issue was about the quality of the MSc course, risk retention and potential reputation damage, and these are not suitable to be dealt with under a grievance procedure. Grievance procedures relate to HR addressing issues between staff about harassment, bullying and the like.

Whether or not Dr Stone’s concerns were handled under the whistleblowing policy or under the grievance procedure, an investigation would need to be conducted. However, the focus of the investigation would totally differ depending on the policy that was applied. If the whistleblowing policy is used, then the investigation will focus on academic quality, risk to retention and reputation, liabilities that the university is exposed to with respect to the MSc course; under the grievance procedure, however, the investigation will be on the conflicts/harassment/complaints between Dr Stone, Dr Sam, Mrs Porter and other staff involved.

In addition, the university’s whistleblowing policy was designed by Mr Smith, and it seems likely that it was not suitable for Mr Smith to use this policy to refuse the issues Dr Stone had raised. Dr Stone questioned the policy, and Mr Smith responded:

*The whistleblowing policy sets out the process by which the designated person will handle the disclosure. This begins with ordering an investigation to scope a prima facie case for formal investigation, notifying the VC and chair of court.*

However, in Dr Stone’s case, after his whistleblowing, no investigation was conducted about those matters; the management decided that the issues Dr Stone raised did not qualify to be handled under the whistleblowing policy of the University of Middle England. In this case, the university had no choice but to follow the policy (but decided it would not follow it); the HR department technically owned the policy, but whether it was triggered (or not) was in the hands of non-HR people. This is not an HR problem, but it is certainly a problem for HR.

This caused the author to question the policy and procedure produced by management. Management had designed the policy and procedure for dealing with a specific problem; when an individual employee tries to invoke the policy, management have the right to decide
whether or not the policy is applicable to the situation or not. In Dr Stone’s case, even the 
person who designed the policy was able to decide not follow the process outlined by the 
policy. It seems likely that even when the policy and procedures are produced, individual 
employees are not protected, as the management can decide what to do with the policy and 
procedure, and remain the people with the final right to make decide on applicability of the 
policy and procedure.

The author believes that Dr Stone’s whistleblowing concern showed “malpractice/wrongdoing”, and needed attention at a high level. The issues that Dr Stone raised relate to the quality of the MSc course. From the very beginning, what Dr Stone required was a management decision on the changes he had made to improve the MSc course. However, the informal investigation regarded the issue as grievance, and the emphasis of the investigation was about Dr Stone’s personality. Dr Stone used the university’s whistleblowing policy to alert senior management about the issues. However, Mr Smith refused, even though the issues demonstrated malpractice and wrongdoing, and were in the public (university, employee, student and stakeholders) interest.

Therefore, the author believes that the requirement of Dr Stone to deal with his issues under the whistleblowing policy are just, and should be accepted by the management, as it is in the public interest. The reasons why Mr Smith refused Dr Stone’s request are worth considering in depth.

- Analysis Dr Stone’s case

In Dr Stone’s case study, the HR department argued that they followed the established 
procedure for investigating Dr Stone's complaints. Also, the management refused to pay 
attention to Dr Stone's whistle-blowing, arguing that it ran counter to their policies and 
procedures. Dr Stone was, therefore, dismissed for misconduct. However, Dr Stone believed 
that HR did not follow their procedures, even though HR might think that they were. Dr 
Stone argued that neither the HR department nor the senior management of the university 
handled his complaints in accordance with any existing policies and procedures.

The HR department handled this by following a policy that was expedient and normalised, 
rather than the written-down or agreed policy. As a result, and in contrast to the previous
case study, the employee is not protected by any policy, and could be treated unfairly. According to Brammertz et al. (2009), too much effort in consultation, writing rules, and compliance in order to prevent risk, may in fact produce more risks. Regulation designed to reduce business risks may become a significant source of risk in its own, especially when it cannot be consistently implemented. Because HR staff or line managers can create a new process for handling any problem, without reference to a documented policy, employees may find that they are not protected by the policy and have no power to defend themselves.

The HR department should have a clear understanding of their role in the process of managing HR risk. HR systems should work as professional functions within whole-organisational systems; this will enable HR to provide professional support to an organisation strategically, at the same time protecting individual employees and the organisation. The HR department should be supportive and impartial during conflict situations. In this case, the HR department chose to align itself with one side of the conflict instead of being neutral. They did not provide strategic guidance to senior management to make a business decision. Management also decided to support one side against another, rather than adopting an impartial stance. The HR department was used as a tool by senior management to enforce management will, irrespective of whether this was legal, ethical or even in the interests of the organisation. HR tried to get rid of a “troublesome” employee with the purpose of protecting the institution; however, in doing so it damaged the university to some extent. The course reversed back to its original condition; quality staff left the organisation, and existing staff morale was eroded, damaging students’ satisfaction and the organisation’s reputation. Therefore, the position of HR in a conflict situation typically will be influenced by other factors such as power, individual commitment, organisational structure, and culture. In this case, the HR department made the case more complex by not following HR policy; the HR department, in particular, was not neutral in this HR conflict, and did not act fairly or supportively.

There are some other factors that may affect the process of managing HR risks in this case. Most members of the senior management team who knew of the conflict could see the benefits of Dr Stone’s recommended changes. However, when Dr Stone was unfairly treated, nobody wanted to involve themselves in the matter. It seems that there may be several factors influencing the situation in Dr Stone's case: these factors could include: personal
relationships; power relations; management style; hierarchy; bureaucracy; organisational culture; the values/beliefs of individuals; and employees’ commitments to the institution. These are qualitative factors that are difficult to measure and gauge against written, formalised policies. Where policies are not used it is clear that those with actual power in the organisation may prevail, regardless of moral rights and wrongs, even over what is actually suitable for the organisation. In Dr Stone's case, the process of managing HR risks was influenced by many of these qualitative factors. However, those factors were not considered in the literature. Also, there is no evidence from the interview results that those factors were identified by HR professionals or union representatives.

At the end of interview, Dr Stone said if the senior management team had simply told him they did not like the changes he had made and asked him to revert to the former condition, he would have accepted this decision and given up fighting. However, the first investigation results were about his personality, which was against his belief and professional reputation. Also, senior managers refused to support him although they have seen the benefits of the changes Dr Stone has made; all of these made him want to fight for justice. It is important that management should the make the decision, especially during the conflict situation.

In Dr Stone’s case, there were no opportunities provided for Dr Stone and Dr Sam to communicate from the time the conflict started; even during the investigation, they did not have opportunities to exchange ideas about the matter. If the HR department and senior management had acknowledged the importance of communication, they might have handled the situation differently, and the problem might have been solved while it was still relatively low-level.

In terms of cost, Dr Stone was employed to improve the quality of the course. Because Dr Sam refused or was unwilling to accept the changes, all the efforts Dr Stone and other staff had made were exhausted. When Dr Stone exhausted internal processes and brought the matter to a tribunal, the case lasted for a year; the university worked hard to prepare for the tribunal case, paying about £10,000 for an external legal consultant. Although they won the case in the end, the cost of processing this HR risk was significant. The only financial cost
was listed above; there are some other costs/damages that should be considered as well, such as damage to students’ satisfaction, influence on staff morale, and damage to reputation.

As with Vicky's case, HR staff or management should have been aware of this risk from the beginning of Dr Stone's employment. As Dr Sam had been working in the university for a long time, HR or senior management should have known what would happen when Dr Sam returned, and should have warned Dr Stone at an early stage, maybe asking Dr Stone to consult with Dr Sam before, or when, he made the change. If the HR department or senior management had been proactive with this HR risk, had forecast and been prepared before the conflict happened, this HR risk would have been handled in a more efficient way. Therefore, there is a need of risk awareness and risk identification in the early stage.

10.2.4 SIMULATION EXERCISE

One function of simulation is education. Simulation exposes decision makers to different types of real world scenarios, and consequently these decision makers become familiar with problems, methods or strategies to deal with these scenarios (Perry 2004). The simulation exercise used in this thesis provides HR risk scenarios to players to learn how to effectively manage risk in practice.

Simulation exercise Group A’s decision is that the senior management need have a clear idea what they want to do with the course – what is their intention? If they did expect Dr Stone to develop the course after Dr Sam had come back, their management intention (to improve the course) has been changed. So they should make a management decision, and then start to facilitate a communication between Dr Stone and Dr Sam, to decide what they want to do with the course.

Simulation exercise Group B suggested looking into every change that Dr Stone had made, to “actually see whether or not they were valid and whether they’ve actually helped in terms of improving the quality”, within a safe environment of academic staff including Dr Stone.
and Dr Sam. They disregard the personality-conflict argument. Another action would be suspending the grievance procedure until having reviewed the changes that Dr Stone had made. Therefore, Group B starts by separating out the personality issues from the changes, suspending the grievance procedure until the changes had been reviewed.

Both decisions represented more efficient management of the HR risks than what actually happened in Dr Stone's case. In the real case, what Dr Stone required was a management decision about the changes he had made; however, the University of Middle England dismissed him for misconduct. This HR failure meant significant impact to the organisation. First, the cost of this HR risk is high, not only the financial damage but also the non-financial damage – reputational, opportunity loss, staff morale, student satisfaction, etc. Second, because this HR risk was not managed efficiently, they lost their chance to learn from the failure.

The simulation exercise results showed that the participants were aware of the risks from the beginning, and had identified and managed the risks. Both groups found out what the real problem was; they suggested building communications between Dr Stone and Dr Sam, enabling them to talk, to share ideas. Most importantly, senior management in their case actually made a decision and indicated what they expected.

Both groups highlighted the importance of following the policies and procedures of the organisation, especially when dealing with grievances and staff complaints. They also emphasised the importance of doing things systematically – which is different from the actual case, in which the HR department dismissed Dr Stone without following any formal process. Frequently, when processes are not followed by organisations, non-formal solutions and interventions influence the outcome of the actual case.

It should be noticed that during the simulation, such factors as personal relationships, power and organisational culture had some influence on the process of managing this HR crisis. Some players commented: “Dr Stone is on temporary employment”, “Dr Sam has been working within the institution for long time”. In dealing with the HR crisis in the real case, those factors had more influence on the process.
Simulation provides players with an excellent chance to receive experience related to their work (Ulrich, 1998). Indeed, the players gained skills from participating in this HR failure simulation, and learning from observation and feedback from their team members. Players completed the entire experiential learning cycle in the simulation and acquired new knowledge, skills and attitudes. When they experience similar situations in real life, they can apply what they have learned to practice. As an effective learning environment for risk management, individual competencies, knowledge, skills and attitudes toward work can be enhanced through simulation and training exercises.

Therefore, simulation could be used as a useful tool by management and HR departments to teach practitioners how to manage HR-related risks. HR risks are different from other risks within the organisation – they are more complex and require more attention. Managing HR risks cannot be done by just following policies or procedures; it requires the HR practitioners to be proactive in a systematic way, with the right skills and right attitudes. The simulation method could be used by management to train HR practitioners, and to equip them with the right knowledge, skills and attitude in a cost-effective way.

### 10.3 THE HUMAN FACTORS MANAGEMENT ASSESSMENT RISK FRAMEWORK ANALYSIS

In this section, the author will analysis and compare the Dr Stone Case Study and Vicky Battle Case Study Using the Human Factors Management Assessment Risk Framework (this framework was explained in Chapter 4).

The HR risk assessment framework provides a conceptual model for systematically developing and planning HR risk management actions in an organisation. The framework is useful for determining the level of HR risk in an organisation, and for measuring it. The human factor management assessment risk framework provides a basis for planning, assessing and implementing HR risk management.
The building blocks to the left of the framework show the capabilities an organisation needs in order to make HR risk management work. It begins with human factor risk leadership to the far left of the framework. Here senior managers and the HR executive of the organisation take responsibility for human factor risk leadership. In essence, this means that the HR executive lead by locating HR risks management at board level. Therefore, the HR director introduces human factor risk leadership to the organisation. However, line management ownership is critical here.

In Vicky's case, the Head of HR – Maggie – takes the responsibility for human factor risk leadership.

In Dr Stone’s case, the Head of HR – Mrs. Brown – takes responsibility for human factor risk leadership.

The next building block shows the importance of people as key components of the risk management framework. People contribute to risks daily, either positively or negatively. If managed proactively, people play a significant role in creating and maintaining a risk culture.

In Vicky's case, “people” refers to Vicky Battle, Mr. Locks (taxi driver), Mr. Wood (Vicky’s line manager), Emma, Miss Holly, etc.

In Dr Stone’s case, “people” refers to Dr Stone, Dr Sam, Registry, students and other academic staff, etc.
In order to manage risk, it is necessary to create a human factor risk policy and strategy to institutionalise HR risk in the company (next building block).

“Human factor risk policy and strategy” refers to the HR policies and procedures in both Dr Stone’s case and Vicky's case.

Next, the organisation needs partnerships to optimise human risk management, both internal and external to it. Internally, the organisation needs partnerships between different departments to manage risk (such as between departments). Externally, the organisation may need a variety of partnerships with key stakeholders to get the right information and/or support to manage HR risk. In both cases, these partnerships could refer to different department within the organisations, or interested external parties.

Human factor risk processes are at the centre of the framework, and thus at the centre of all the processes and practices the organisation needs to manage human factor risk.

Both in Dr Stone’s case and Vicky's case “human factor risk management processes” could refer to the organisational policies and procedures, and to trained staff to conduct the management process.

Once an organisation has developed all the capabilities to manage risk (left hand side of the framework), it is ready to deal with risks. The company has developed the resilience it needs to handle human factor risk (next building block).

In Vicky’s case, “human factor risk handling” refers to the process the management and HR use in dealing with Vicky's complaints. As soon as Vicky made her complaint about the taxi driver, Mr. Locks, the HR department conducted an investigation. Because Vicky's problems were long-term and ongoing, (other people had complained about Vicky's behaviour, Vicky had complained about her line manager and other staff in different units), the situation became complex. HR and senior management could not find suitable policies or procedures to follow up Vicky's complaints, so they decided to consult an external investigator. They paid £40,000 for this to help them to choose an appropriate policy and give direction. However, Vicky disagreed with the external investigator’s report, resulting in the 14th June 2007 grievances. HR’s action was to stop the capability investigation, and to start to deal with grievance. This process lasted more than two years.

In Dr Stone case, “human factor risk handling” refers to the process the management and HR used to deal with Dr Stone’s complaints.
Dr Stone made his complaint about Dr Sam changing the course back to its original condition. HR and management reaction was to conduct an investigation. However, the result of the investigation did not cover the changes of the course; instead, it was to emphasise Dr Stone's personality. Dr Stone used HR’s whistle-blower policy to warn top management about the matter. Management decided Dr Stone's whistle-blowing could not be accepted, even if it followed university policy.

Then, the final party of the framework is to report on the outcomes of its risk management (last block)

In Vicky's case, the results were that Vicky left the city council and after finding another job she took the council to employment tribunal. Seaside City Council came to an agreement with Vicky before the case had gone to the tribunal, and paid her compensation of £5,000 and gave her an excellent reference.

The HR risk management outcome for Vicky's case is HR failure – however, the HR department regard it differently, the interview results showing, yes, HR department do not think it is a failure. This HR failure cost Seaside City Council a significant amount of money, reputational damage and opportunity loss.

In Dr Stone’s case, the results were that he was dismissed by the University for Misconduct. Dr Stone brought the university to tribunal, and the university won the case. The HR risk management outcome for Dr Stone case is also an HR failure. As Dr Stone brought the case to tribunal, even though the university won the case there was reputational damage. Because this case has been badly handled, it would affect employee morale and student satisfaction.

According to the human factor management assessment risk framework, the innovation and learning processes link through all the processes. The innovation and learning stage in this framework can be regarded as an evaluation stage, first evaluating whole process then improving it.
In Vicky's case, the HR manager did not think it was handled inefficiently. She continues to believe they followed the policy and procedures, and did nothing wrong. However, the author has doubts about this opinion, for several reasons.

First, neither management nor HR had anticipated this HR risk at an early stage, despite Vicky having a bad relationship with her line managers and other staff, as well as other staff questioning her capability. HR or management should have been aware of those problems as risks for the future, and should have been proactive in managing them.

Second, when Vicky complained of Mr. Lock's behaviour, all she wanted was an apology. HR did not solve the problem by using common sense or interpersonal skills, but simply tried to find a suitable procedure, thus starting to deal with the situation by a formal process.

Third, no business decision was made – paying the external investigator to decide the suitable policy was certainly not a cost-effective decision.

Fourth, they obviously did not learn from their experience, and did not evaluate the whole risk management process.

In Dr Stone’s case, one member of staff from the University of Middle England called Dr Stone's new employer to warn them to pay attention to Dr Stone, after Dr Stone had left their university and had lost the case at tribunal. They clearly did not learn from this HR failure either. HR and management in Dr Stone’s case did not make a business decision, focussing the investigation on Dr Stone's personality. Dr Stone only wanted management to decide if his changes to the course were valuable or not. If management had made this business judgement, then the situation would have become simple. During this HR failure, the role of HR had been influenced by management, organisational culture or power, or possibly simply the prejudices of the Head of HR. The HR department in the university did not seem to be working in the interests of their organisation.

Analysis of Dr Stone’s and Vicky's cases using this framework indicates that HR professionals should change their attitudes about managing HR risks. HR risks are different from other types of risk, and more complex. HR risks could arise in any situation. HR professionals should be flexible when dealing with such risks; they cannot simply look for solutions from existing policies or procedures. In order to manage HR risks effectively, HR
professionals should consider an informal process, first, trying to listen what the real problems are and encouraging a smooth communication between the conflicting parties. Most importantly, HR professionals should position themselves between the opponents, and be aware their role may be influenced by organisational culture, structure and power. HR professionals should be fair and neutral, and support management to make business decisions in a cost-effective way.

After applying the risk assessment framework to Dr Stone’s and Vicky's cases, the author noticed that this framework would help HR or management to divide the process of managing the HR risks into several steps, and could lead HR or management to think it through. However, the author would argue that such additional factors as culture, organisational structure and power should not be considered during this process.

10.4 THE RISK MANAGEMENT FRAMEWORK ANALYSIS

In risk management literature, there are a substantial number of risk management frameworks or models that could be selected to create a risk management process. However, most theorists would argue that, regardless of how complex and varied the risks they are facing, there are only four possible approaches to managing risk: avoid, reduce, transfer or retain (Borodzicz 1997).

Indeed, Dr Stone's case, HR risks could have been avoided or reduced if the management had made a clear business decision, and warned Dr Stone of what would probably happen when Dr Sam returned. In Vicky's case, the HR risk could have been avoided or reduced if the HR department had seen at an early stage that Vicky's relationship with other staff might cause problems, and if the HR department had tried to solve the problem informally at first, listened what the matter was, and encouraged communication.

According to McCormack and Sheen (2013) Risk management frameworks:
• Vicky Battle’s Case

In the risk identification and assessment stage, either the HR department or management identify this conflict as something that will become a significant HR risk in the near future. If the HR professionals or management had made themselves aware of the complaints made about Vicky by other employees, and of Vicky's complaints about other staff, at an earlier stage, they could have put the right strategies in place, and prevented these risks developing into situations. Also, they did not notice that their HR policies themselves were a source of risk to the institution, as the HR policies cannot cover every HR problem.

In the risk measurement and monitoring stage, because they organisation did not identify the risk at an early stage, risk measurement became difficult; also, it became harder to forecast the potential damage. HR professionals and management did not consider the damage or cost of this HR risk to the organisation. They did not effectively monitor the process – even after the external investigation had advised them to treat the problem as a capability issue, they were still unable to solve it. Vicky Battle went on sick-leave with full pay, and even after she came back to work, six months later, she was still allowed to work a three-day week on full pay.

In the risk control stage, the HR department tried to solve the problem by applying organisational policies and procedures. Having failed to find a suitable process, they turned to an external investigator. When Vicky questioned the external investigator's report, the HR department strictly applied HR policies to the situation. In order to control the risks they
agreed, for example: Vicky would not see Mr. Locks alone; Vicky would not work with Mr. Wood; Vicky would have trade union representation for support and advice, etc. Because of the risk-averse culture, and hierarchy, they believed that working with a formal process, and sticking to the policies and procedures, was the right way to control risk.

In the risk reporting stage, the HR professionals and management in Vicky's case did not learn from this HR failure. They believed they had done the right thing, and the cause of this HR failure was that Vicky was a “difficult employee”. They also believed that the way they had dealt with Vicky would also send a message to other employees that they will not get what they want if they do what Vicky did. The HR professionals and management did not evaluate their method of dealing with the HR crisis, and did not learn from their experience.

• Dr Stone’s case

In the risk identification and assessment stage, neither the HR department nor senior management identified the risk. They did not think about what kind of risks attached to Dr Sam’s return. As Dr Sam had worked at the university for several years, HR or management should have had a general idea about her personality and the way she works. When they asked Dr Stone to make changes to the course of which Dr Sam was in charge, the management should have anticipated the reaction of Dr Sam. Therefore, they were not able to assess the risks that might arise, and set up indicators or monitoring mechanisms.

In the risk measurement and monitoring stage, they did not set up any risk indicator to capture existing or anticipated risks. In the process of risk control, HR and management did not manage this risk at all. In fact, their efforts created more risk for later stages, for example: beginning by investigating the personality of Dr Stone; inability to make business decisions; in an effort to avoid trouble, not building a communication channel between Dr Stone and Dr Sam to solve the problem informally.
In the risk reporting stage they did not evaluate their actions, and did not work out why everything happened; instead, they invested effort in fighting Dr Stone at the employment tribunal; then, even though they won the case, the damage to the reputation of the university was ignored by them, as well as other cost and damages.

10.5 FACTORS THAT CAUSED HR FAILURES IN CASE STUDIES

There are significant factors that had influence on the HR failures in both Dr Stone’s case and Vicky’s case.

In Vicky's case, the HR failure starts from the HR department trying to apply suitable policies to Vicky's complaints. The factors that caused this failure were: lack of flexibility with the HR professionals’ handling HR risks; time-consuming reliance on formal processes; lack of the right abilities and skills by the HR professionals and managers; lack of common sense; lack of communication; and a culture of risk aversion.

In Dr Stone’s case, the HR failure starts from the HR department not following laid-down policies and procedures in their investigation. The factors that cause failure in this instance were individual commitment to the organisation, organisational culture, structure, power, the abilities or skills of HR professionals and managers, lack of common sense, lack of communication, lack of the awareness of risk, the positions of HR and management in the conflict situation, and failure by management to make a business decision.

10.6 SOME KEY POINTS FROM THE ANALYSIS AND DISCUSSION

- Organisational culture and hierarchy influence the managing of HR risks.

Some scholars argue that the decision-maker is likely to be affected by the culture in which he or she operates. Organisational Culture refers to the “climate and practices that organizations develop around their handling of people, or to the espoused values and credo of the organization”. In other words, culture can be regarded as “the way we do things round here”. Thus, organisational precepts, values, structure, hierarchy and rules will affect the way people analyse and handle difficult situations (Turner & Pidgeon 1997).
In Dr Stone's case, one important reason for HR failure is HR being influenced by management. Therefore, even if HR professionals want to do “the right thing”, politics, ethics, personalities and senior management can just interfere, which weakens the strategic force of HR. In order to effectively manage HR risk, or when there is a conflict, HR departments should be neutral, open and fair. From the analysis of Dr Stone's case, we can see that to some extent the response and decisions of the Head of HR were influenced by such factors as organisational cultural, power and hierarchy. Although HR was expected to follow the rules and procedures in dealing with Dr Stone's complaints, instead it reacted to the matter by creating NEW rules or procedures to support the senior management. In this case, the role of HR was not neutral, fair or open, which caused this HR failure, indeed creating more risks.

An efficient crisis management leader must be able to operate flexibly and creatively, unconstrained by the slavish following of standard operating procedures (SOP) (Borodzicz & Van Haperen, 2003). However, different organisations and cultures are going to have different responses to SOPS. The employees in bureaucratic or hierarchical organisations are more likely to conform and be risk averse; they are more likely to follow the SOPs (Borins, 2002).

In Vicky Battle's case, the HR department and management refused to operate flexibly and creatively when there was an HR crisis. Instead, they dealt with Vicky's case by slavishly following organisational SOPs. This could be have been influenced by the corporate culture, bureaucracy, etc. However, the main problem was that they did not realise that their inflexible response produced more risks to the organisation, and they continued to believe they were doing the right thing. In Vicky’s case, if HR had faced the situation using common sense, instead of complying strictly with procedures, this HR failure could have been avoided. What Vicky wanted from the beginning was an apology from the taxi driver, Mr. Locks – in the view of the author a reasonable request. Mr. Locks’ behaviour was not acceptable and offended Vicky Battle; if Mr. Locks believed that Vicky had capability issues in doing her job, he could have complained to senior management. Shouting abuse and threatening Vicky amounted to workplace harassment. However, interestingly, in Mr. Richmond’s final report it was decided that there was no evidence of harassment or bullying.
Some scholars suggest that in all organisations there is both the will and the capacity to engender “work around”, when the organisation's rules are either an obstacle to delivery or cause issues around availability of time and/or money (King, 2002). This requires HR should be flexible and support management to make business decisions, by “breaking the rules” (not strictly follow the formal procedures). In Vicky's case, HR department should have paid more attention to the influences or damage of this HR failure, and supported management in making a business decision cost effectively. However, in Dr Stone’s case, “breaking the rules” was used by management to influence the process. The HR department became too ‘flexible’, which rendered them unable give strategic support to senior management.

Therefore, both Dr Stone’s and Vicky's cases indicate that organisational culture, power, hierarchy and rules will have particular influence on the process of managing HR risk, as organisational precepts, values, structure, hierarchy and rules will affect the way of people analyse and handle difficult situations.

- **Organisations should learn from their mistakes.**

Organisational isomorphism speeds up organisational learning “If disasters do recur for the same or similar reasons then it may also be postulated that the organisational learning that takes place following such events could also have similar features. Consequently, if we better understand those processes of reporting back and learning it may eventually be possible to design procedures and structures that will assist organisational learning and reduce further losses” (Toft & Reynolds, 1999, p.54). In other words, crises or disasters take place repeatedly because people do not learn from experience. Organisations could avoid disasters through an isomorphic learning process.

As has been discussed in the literature review, organisational learning is considered as occurring on at least three different levels of analysis (Turner, 1978). Organisational-specific learning refers to an individual organisation involved in a particular event drawing
lessons from that event. This might be said to apply to the University of Middle England and Seaside City Council learning from their HR failures. However, the problem there is that neither organisation thinks they handled the HR risk badly, and certainly, they will not learn from their HR failures.

Isomorphic learning applies to more universally applicable lessons being drawn after analysis of the factors surrounding specific organisational failures in other organisations. In this research, the author has tried to explore the general understanding of HR professionals and union staff about HR risk management. Two valuable cases have been selected and studied, and the reasons and problems of managing HR risk have been identified. Other organisations, especially in the public sector, can then learn from the results of this research.

Finally, iconic learning refers to the publication of disastrous events or failures creating a learning event in itself for those who are unaware of such incidents. In this research, from analysis of case studies and through simulation exercises, HR professionals and management should be aware of the requirement to manage HR risk. It is important that an organisation learns from its own experience, and from the failures of other agencies.

- **Policies and procedures**

In a risk-averse culture, the HR department tries to prevent any risks they can think of by ensuring HR policies or procedures are as detailed as possible. When there is a problem, in order to avoid this situation happening again, more rules and procedures are produced. Regulations are used as a tool to fix a problem; the outcome is that more regulations are produced. Dramatic regulatory failures tend to produce calls for more regulation, with little assessment of the underlying reason for failure (Wood, 2003). In other words, over-regulation is as bad as under-regulation – having too many rules or procedures will reduce flexibility in managing HR risk. Most importantly, policies and procedures cannot cover all situations, cannot guarantee implementation consistency, and may produce more risks.
Brammertz et al. (2009) suggest the current situation is that HR or management expend too much effort in consultation, writing rules, and compliance, in trying to prevent risks; however, those may increase risk. Moreover, too much reliance on policy and procedures causes HR or management to give up opportunities to solve the problems; eventually, they do not have the right skills or are unwilling to address the problems by themselves. Regulation is designed to reduce business risk, but could become an important source of risk on its own, especially when it cannot be consistently implemented. If HR departments or line managers create a new process for handling any problem without reference to a documented policy, employees may find that they are not protected by the policy and have no power to defend themselves. HR or management rely on the rules and procedures too much, and lose their ability to make decisions by themselves when they cannot find the “answers” from a “Handbook”, or are not willing to work out the solutions to the problems.

* Line managers’ role in managing HR risk

As Chapman and Ward (1997) suggest, managers in all positions in all kinds businesses can make a significant personal contribution to effective risk management within their spheres of responsibility by increasing their sense of awareness of risks within their areas, combined with sound advice and guidance from HR management on how to manage these risks. The control of many risks requires effective leadership from local line managers. The responsibility for risks must be taken at a variety of levels, perhaps with the use of a pyramid structure of risk ownership. (Purcell et al., 2003; Milsome, 2006; Jacobs, 2013).

HR responsibilities become decentralised, and dispersed throughout the organisation, their accompanying risk management activities also need to be disseminated. Line managers are increasingly the individuals with primary responsibility for HR within organisations. Most HR strategies are conducted by line managers; they are the people who manage the employees on a daily basis. Moreover, most HR management problems start from workplace conflict. Therefore, it is crucial that line managers understand what HR risks are, and have the ability to handle them. They should have a risk-awareness culture, identifying risk at an early stage. In addition, HR and line managers should work closely and support each other. It is important to ensure line managers have the right skills to handle employee-conflict situations.
The role of HR department in managing HR risk

HR should be fair, open and honest when there is a conflict situation. They should keep a balance between the employer and employee, by giving support to both sides. However, it is also important not to be influenced by other factors, such as power and organisational culture. If HR want to show their value and become more strategically focused, they need to be aware of interference from other factors.

A systematic way

If HR risk can be handled systematically and impartially, it will benefit the organisation system as a whole. However, there is a whole raft of qualitative and difficult-to-gauge factors, such as power (both formal and informal), culture and management systems that can divert the process. Perhaps what is needed is less process and more management. HR, at least in the University case, seem often not to be working in the interests of the organisation.

10.7 A NUMBER OF ISSUES EMERGE FROM THIS RESEARCH

HR or line managers are being compelled to do too much, and that threatens or impacts their abilities to do what is most important, to have common sense, to start from simplicity and remain simple. In both cases, the decision-making (management) of the processes was farmed out to expensive consultants, adding significantly to the time and cost of resolving the disputes.

It seems likely there is too much attention and effort given to preventing risks. Within this risk-averse culture, everybody tries to be proactive by creating more rules and regulations. It has been documented in the risk literature that basing rules on previous organisational failures may not be the best way to prevent future failures (Corneliussen, 2005).
However, research shows that standards and procedures can produce more risks and complexities in practical implementation. In some cases, HR or line managers follow every single rule and procedure, give up all common sense, start from simplicity and make it complicated, their hands tightening up; they do not have freedom to solve the problems efficiently by themselves. However, some HR or line managers cannot or are unwilling to follow the rules in certain situations, or maybe they still think/believe they are following the rules.

In addition, the way that Vicky was dealt with also sent a message to others that they will not get what they want if they do what she did. The author believes that for all HR practitioners and management a wider and less aggressive organisational ethical/political environment needs to be in place if HR risk is to be managed strategically.

Moreover, considering the cost of managing HR risk, a private-sector organisation will start from a commercial decision. The decision will be based on a cost–benefit analysis: “What is the case worth?” “Is it more economical to look for a resolution? These are the questions that will be considered. In the public sector, although the same considerations apply, the decision maker perhaps will not have the same budgetary awareness. In both cases the HR failures were managed in the most expensive and unsatisfactory way, with negative consequences for all concerned. If these are typical, the author has only documented two cases here, but has looked at others. This represents, at least in public service organisations, an expensive use of public resources at a time when these services are, for economic reasons, under greater scrutiny. Public organisations, whether they are in health, education or government, need to be efficiently managed and resourced. HR risk management is a vital part of that process, and the systems in place to manage those risks in terms of HR need to be seriously challenged.

Last but not least, having reviewed the literature related to HR risk management, the author presents foundational theories about how HR risk should be handled. The interviews with HR professionals and union representatives provide opportunities to understand how HR risk is managed – in other words, we learn “from the horse’s mouth” from the HR practitioners who are involved in people management on a daily basis. Moreover, from analysis of the case studies we can understand how HR risk is managed in practice. Both in
the literature review and the interview stage, policies and procedures, formal or non-formal, are recommended. However, the results of two cases indicate that non-formal processes can involve a lack of structure or documentation, which adds to the problems – non-formal processes require HR practitioners to have significant experience, along with the right skills and attitude. Non-formal processes that are documented and structured, but are more about reaching a compromise than launching investigations or simply following grievance procedures, should be encouraged.

As was discussed in the Chapter one - Introduction, a large number of employment tribunal cases are lodged every year in private and public sector organisations. In this thesis, only two case studies, which happen to be from the UK public sector, have been considered; however, the author believes that they can be used to provide indicative evidence of wider practice. The practices revealed through the case studies analysed here are very likely to be typical.

10.8 CONCLUSION

In this chapter, the author has attempted to investigate and synthesise the results of interviews, cases studies and the simulation exercise, by comparing a range of theories with practice. The interview findings, case studies of Dr Stone and Vicky Battle and the simulation exercise, have been analysed in various ways. At the beginning of this chapter, the results of the interviews were analysed according to the research aim and objectives. Vicky Battle's case and Dr Stone's case have been analysed by applying different theories, the HR risk management process and the risk management process model. Then some key points from the analysis and discussion have been highlighted. Finally, the important learning points have been summarised. In next chapter, the author will summarise the whole study and present the conclusions.
CHAPTER ELEVEN: CONCLUSION

11.1 INTRODUCTION

In this chapter, the author will concentrate on summarizing the significant findings, developing a framework of managing HR risk and to providing an overall conclusion of the thesis. This chapter starts with a summary of the thesis according to the research aim and objectives, from which, in accordance with the research results, the author develops a framework/guide to improve the process of managing HR risk. The main contributions of this research will be presented after that, and then the future research directions and reflection of this thesis explained at the end.

11.2 SUMMARY OF THE THESIS ACCORDING TO THE AIM AND OBJECTIVES

The aim of this research is to critically investigate and analyse the current practice of risk management within the human resource context. The research aims to demystify the links between HR and risks; critically explore the meaning and significance of human resource-related risk management, and explain the importance of adding managing risk to HR practice, through interviewing HR professionals and union representatives within the public sector in the south of the UK (Higher Education and Local Authorities), coupled with two valuable case studies and a simulation programme.

The objectives of this study can be summarised as follows:

- Investigate the understanding of HR-related risks to HR professionals,
- Explore the ways in which HR-related risks are managed currently in organisations,
- Examine the problems and challenges of managing HR risk in practice,
- Investigate the opportunities for managing HR risk effectively and efficiently,
- Develop an HR risk management framework/guide to best practice to enhance the
According to the aim and objectives, the author structured the thesis into the following chapters.

In chapter one, the author provides an overview of the study, presenting the rationale for the research, explaining the aim and objectives, and clarifying the structure of the study. In chapter two, the author reviews the literature on risk management, starting by introducing the history of risk management studies, followed by risk management strategies. In chapter three, the author reviews the literature of human resource management by explaining the definition, how HR functions, and followed by consideration of the strategic focus of human resources. In chapter four, the author reviews the theories about human resource risk management, and explores the methods, problems, and challenges of managing human resource risks. The theory and the concepts that appear in the literature provide the theoretical foundation for this research. In chapter five, the overall methodology of the research is explained. It examines in more detail the collection of primary data. It explains the research strategy, case study approach, interview, and simulation. Moreover, the process of data analysis, and an acknowledgement of the limitations of the research methods used, are presented at the end of the chapter.

In chapter six, the author presents the results of interviews with HR professionals and union representatives about managing HR risk, according to the aim and objectives of the study. In chapters seven and eight, two valuable and representative cases (one from higher education, one from local government) were selected and studied, as they were considered to be an accurate portrayal of what is currently happening in HR practice. In chapter nine, the author presents the details of the simulation exercise which was based on the second case study featured in this thesis. The simulation is designed to allow the author to understand how systemic failures occur in human resource management, and the strategies to improve decision-making that can be used to enhance resilience.

In chapter ten, the author presents the main findings and analysis of the research results according to the aim and objectives of the study. In chapter eleven, the author summarises
and concludes the study. Research contributions are acknowledged, a framework/checklist of best practice of managing HR risk is developed, and future potential research directions are explained.

11.3 RESEARCH FINDINGS SUMMARY

Human resources’ focus in risk management used to be on the tactical, administrative, legal and regulatory risks that were directly under its domain. With the role of HR changing, human resource risk management is now expanding to include the broad range of people-related risks that can undermine a company's performance, instead of simply revolving around regulatory compliance and the avoidance of lawsuits.

Integrating risk management theories into the human resource context is a good way for human resources to become more strategically focused, in order for HR professionals to better prepare for their new roles as business partners. Currently, HR professional are trying to introduce risk management into the human resource context through different human resource functions. In general, human resource risks are understood by the HR professionals, as indicated by both the literature and the primary research of these studies. However, human resource risk management could be handled in more strategic, cost effective ways, by introducing a “risk awareness culture”, in consideration of the factors which could affect the process of managing HR risks. These are some of the main findings from this study:

- HR risk management and the problems and challenge of managing HR risk are generally understood by HR practitioners.
- Policies and procedures helped for managing HR risk, but also could become the source of risk.
- The positions of HR and management have a great influence on the effectiveness of managing HR risk.
- Qualitative factors such as power, organizational culture, management style, individual commitment, hierarchy/bureaucracy, and skills/capability will influence the process of managing HR risk.
- Too much attention has been paid to prevention of risk. There is a need for culture change in HR, and at organizational level. Change the risk averse culture to a more
flexible and pro-active process.

- The cost of managing HR risk is high, but only financial cost has been considered hitherto. Other costs, such as the cost of lost opportunities, or damage to reputation, have received little attention.

11.4 A WORKING FRAMEWORK FOR MANAGING HR RISK

After analysis of the results of interviews, case studies and simulation through applying the theories and frameworks reviewed in the literature review, the author faced two choices in presenting the final results of the thesis.

The first choice is whether to produce a list of HR activities, with explanations of what the potential risks are, along with advice on actions to solve the problems. The author believes that currently HR staff have already done quite a good job in preventing HR risk, as extensive HR policies and procedures have been designed. Therefore, a “To-do” and a “Not-to-do” list is not considered as a good idea.

The second choice the author faces is whether to produce a guideline or framework to help HR professionals in thinking/planning through the HR risk management process, especially highlighting important factors that HR practitioners should consider in order to be more strategically focused. The author believes that such a framework, or set of good practice guidelines, can be abstracted from the discussion of the results of this research with the purpose of helping organisations in managing HR risk effectively. Therefore, from analyzing the results of interviews, case studies and simulation through applying the theories and frameworks which were reviewed in the literature review chapters, the author believes that a framework, or set of good practice guidelines, can be abstracted from the discussion of the results of this research. The author has designed a framework for improving the process of managing HR risk, as shown below:
According to the above model, the process of managing HR risk starts from awareness and identification of HR risk, followed by measuring and controlling HR risk, managing HR risk and a final evaluation of the HR risk management process. There is a logical relationship between these sequential stages, as it works as a systematic approach. At the stage of awareness and identification of HR risk, HR professionals or management should be aware and identify HR risk as early as possible, as HR risk could happen during any process of management. HR risks are particularly complex, as no single HR crisis situation is exactly the same. At the measuring and controlling HR risk stage, the potential damages or impact of the HR risk should be measured, and a set of strategies should be considered or developed, in order to control the HR risk. It should be highlighted here that the cost of managing HR risk not only includes financial cost. At the stage of managing HR risk, HR practitioners apply the strategies developed in the earlier stages to minimize the damage of HR risk and solve the problem. At the evaluation stage, the process of managing HR risk should be evaluated, starting from review of the process of awareness/identifying HR risk through each successive stage. The results and feedback from the evaluation should be used for future improvement of the process of managing HR risk.

In this model, “People” refers to everyone who has direct or indirect connection with the organization. As everyone has responsibility for managing HR risks, people are, simultaneously, the source of risk and the source of managing risk. Everyone within the
organization will influence or will be influenced by the process of managing HR risks. Therefore, everyone should be included in the process.

Influence factors refers to all the factors that could affect the process of managing HR risk, of which the HR professionals, management, unions, employees and other stakeholders should be aware and pay attention to. It is important to consider these other factors in order to manage HR risk more effectively.

The considerations section presents a list of relevant issues that should be taken into account, especially by HR professionals and management. For example, when there is an HR conflict, HR professionals and management should try to solve it before it escalates by listening to both conflict parties to find out what is going on, making a concerted effort to ensure smooth communication, and solve the matter informally, and thus avoiding the formal process. Also, it is important to use the policies and procedures wisely. HR practitioners should not rely on the policies and procedures too rigidly, and aim to be flexible and pro-active. However, it remains important to follow the policies and procedures whenever suitable. Moreover, all involved in a HR crisis should consider their positions. HR professionals and management should be fair and neutral, and strategically focused; HR professionals should help management to make a business decision. The costs and damages of mishandling a HR crisis should be considered beyond the purely financial, especially reputation damage. It is essential to ensure the people who manage HR risks have the right skills and attitudes.

Last, relating to simulation and organizational isomorphism learning, simulation could be used to improve HR professionals’ and management’s ability to manage HR risk in more cost effective and efficient ways. From simulation, HR professionals and management will learn through participation in exercise and observation from other team members. They will obtain knowledge and experience of handling certain types of HR risk, and be able to apply their knowledge and skills when a similar situation arises in practice. Compared to other training methods, such as lecture or web-based training, simulation can be regarded as a more effective, directly practical training method.

Organizational isomorphism learning is important, and should happen at all levels. Organization should learn from their mistakes. Crises and disasters occur repeatedly because people do not learn from past experience. Organization could avoid crisis through an isomorphic learning process. Organization should learn at the organizationally specific
learning level, the isomorphic learning level and the iconic learning level, which means that a origination not only learns from specific incidents, they can also learn from a post-incident analysis of organizational isomorphism.

The author has designed the Managing HR risk model in order to provide a guide for HR professionals and management to improve the process of HR risk management. The above model provides a checklist for HR practitioners to ascertain whether there is a HR crisis situation. Also, the Managing HR risk model highlights the importance of simulation and organizational isomorphism learning in the process of improving HR risk management.

11.5 CONTRIBUTION OF THIS RESEARCH: A NEW WAY FORWARD

There are several contributions to knowledge from this thesis.

Firstly, this thesis will be one of the few academic resources addressing human resource risk management in current human resource literature. It has systematically reviewed the literature of human resource risk management, identified the problems and challenges of managing HR risk, developed a Managing HR risk framework/guide to enhance the management of HR risk and to help HR practitioners to manage, avoid or mitigate HR risk.

Secondly, in this thesis, the author has captured two unique and valuable case studies through access to real-life cases which happened in the UK public sector. This thesis will be one of the few academic studies using unique case studies to examine human resource risk management in current literature. Also, this thesis provides an account of the first use of a simulation in order to capture what alternative means could be evolved to handle the case studies collected here.

Thirdly, this thesis contributes by identifying that the process of managing HR risks will be affected by some influencing external factors, such as power and organizational culture. Therefore, even when HR does its utmost to be neutral or strategically focused, the interference from these factors make this an unrealistic expectation.

Fourth, this thesis also contributes by identifying an urgent requirement for changing culture not only in human resource department, but also at organizational level. As much attention has been paid to prevention of risk, due to the prevailing risk averse culture, there is a
requirement for more flexible, strategically sound, informal resolutions for forward-thinking organizations.

The last contribution this thesis makes is to review a new direction for future research. This is not the end of the research; it has created a new research direction:

Using simulation to train the human resource practitioners and managers in how to deal with HR risks. Using real-life cases through simulation exercises for improving players’ or decision makers’ understanding of holistic event, and apply new skills and attitudes in practice.

11.6 REFLECTIONS ON THE RESEARCH PROCESS

In this thesis, the author has captured a worldview of the understanding of managing HR risk, evaluated the effectiveness of the process of managing HR risk in practice, identified the problems and challenges of managing HR risk, and sought a more effective way of improving the process of HR risk management. The research methods used in this thesis are interviews, case studies and simulation. The author believes that in general the methods used in this study live up to the expectations. However, some actions can be taken to improve the research. For example, conducting cross-nation or cross-sector comparisons through research into private sector organizations, public sector organizations, and within different countries, would increase the data validity and reliability. In order to make the result more generalizable, more case studies (both “good” examples and “bad” examples) could be included. However, militating against this, some factors need to be taken into consideration such as time constraints and availability of resources.

11.7 CONCLUSION

In this chapter, the author has summarized the thesis according to the research aim and objectives, explained the thesis of each chapter, summarized the main findings of the research, developed a Managing HR risk framework, presented the contributions made by this study, and ended by suggesting future research direction.
In this thesis, the intention of the author is not to question whether HR best practice is suitable to manage HR risk, or to tell HR practitioners “what is the right/good thing to do”.

In fact, the author’s intention is to ascertain the reasons for less effective management of HR risk in practice, trying to help the HR practitioners seek alternative ways, or alternative thinking, to solve HR-related problems. The author believes that now is the time to reconsider the HR practitioner’s position, of spending limited resources on the things that really matter.

However, the author wishes to emphasise that, especially in an HR crisis situation, if the barriers to trust between people can be removed, everything will be easily be solved. In an HR crisis situation, the first attempt to solve the problem should start from people’s hearts, using your common sense, putting yourself in other people’s shoes and thinking about “what you need, want and what you would do in the same situation”.

We spend too much time producing regulations, rules and structures to protect the individual employees and the institutions. However, the reality is that in many situations we find that those protections tie our hands, hindering us from doing things and creating problems.
Appendix 1-A: Employment tribunal statistics 2013-2014 (part of the article)


Statistics have been published by the Ministry of Justice showing the most up to date figures of the number and nature of Employment Tribunal claims raised in Scotland, England & Wales.

These statistics are of particular interest following the introduction of Employment Tribunal fees in July 2013. Since 29 July 2013, anyone wishing to raise a claim in the Employment Tribunal has required to pay an issue fee when lodging a claim and, before the claim proceeds to a full hearing, a hearing fee. The level of fee depends on what type of claim is being raised…………..

The statistics show that the total number of cases received from August 2013 (after fees were introduced) until the end of March 2014 was 16,206 compared to 39,567 in the same 8 month period the previous year. This is a drop of 59%. The statistics for April 2014 to June 2014 show total claims lodged of 4245 compared to 13,899 in the same quarter the previous year. However the report points out that from April 2014 the figures were impacted by the introduction of Early Conciliation. ……………………

The more detailed statistics highlight some interesting trends.

The highest sum awarded by the Employment Tribunal in 2013-2014 was £3,402,245 and was awarded in an unfair dismissal claim. High awards were also made in claims arising from race discrimination, sex discrimination, disability discrimination and age discrimination.

The number of costs awards made by the Employment Tribunal in 2013-2014 has risen since last year. 889 costs awards were made compared to 651 last year. 647 of the costs awards were made in favor of respondents. Given the overall number of claims raised this demonstrates that Tribunals are still reluctant to make awards of costs. However, over the past few years there has been a year on year increase in the number of costs awards made so Tribunals are perhaps not as reluctant as they once were.

The maximum costs award was £58,022 the median figure is £1,000 (a decrease from last year's median figure of £1,842). You will notice from the figures above that the highest unfair dismissal award of £3,402,245 is in excess of the statutory cap of £76,574 but remember that this cap does not apply where the unfair dismissal is for whistleblowing or for raising certain health and safety issues.
Appendix 1-B: Some Examples of Employment Tribunal Cases


There are some examples from above article:

Queen’s University Belfast has had 20 claims lodged since 2009; six of these were withdrawn before they reached tribunal. Of the other 14 cases, two are still ongoing and 11 have been settled, with eight of these bound by a confidentiality clause. This means that claimants of over 70% of settled cases (72%) are bound by a contract to not disclose any information covered by the agreement.

At the University of Ulster, since 2009 there have been 16 claims lodged against the University of Ulster, with 14 of these withdrawn before they reach tribunal. Of the remaining two, one case is still ongoing and the other was won in favor of the University. The University spent £67,282.45 on legal fees to fight this equal pay case.

Within the Belfast Health Trust there have been 110 claims lodged since 2009, 73 of these cases are still ongoing, 33 were withdrawn before they even reached tribunal, five were dismissed and one was won by the claimant. Public money spent employing barristers and solicitors ranged from £575 to nearly £14,000. Perhaps most interestingly 14 of these cases have been settled by the Trust and all of them were bound by confidentiality clauses.

The Western Health Trust is the same, with all of their six settled cases bound by a confidentiality clause. Out of the 29 claims lodged within the Western Trust, 10 have been withdrawn by the claimant before reaching tribunal, eight are still ongoing, three have been dismissed and two struck out by the tribunal. The Western Trust has spent over £20,000 on legal fees defending claims.

Out of the 35 claims lodged against the South Eastern Trust, all applicable have been bound by a confidentiality clause, this includes all settled cases (7) and even eight out of the 20 cases withdrawn by the employee before reaching tribunal have a confidentiality clause (40%). Of the remaining eight cases, seven are still ongoing and one was not upheld. The South Eastern Trust spent £22,354.38 on legal fees for one religious belief and political opinion case that was not upheld.

The Northern Trust has had 33 claims lodged since 2009 and none of these cases have been settled. 63% of these claims have been withdrawn by the employee (21) and even though they did not reach tribunal 66% of withdrawn claims were still bound by a confidentiality clause. Of the remaining 12 cases, 11 are still ongoing and one was not upheld.
## Appendix 4-A: Applying risk management to HR

<table>
<thead>
<tr>
<th>HR Activity</th>
<th>Potential Risk</th>
<th>Potential considerations</th>
</tr>
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<tbody>
<tr>
<td>Compensation and benefits</td>
<td>Financial abuse</td>
<td>Who has signing authority?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>How many signatures are required?</td>
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<tr>
<td></td>
<td></td>
<td>Are there checks and balances?</td>
</tr>
<tr>
<td>Hiring</td>
<td>Discriminatory practices</td>
<td>Was a complete screening completed on potential applicants?</td>
</tr>
<tr>
<td></td>
<td>Hiring unsuitable unsafe</td>
<td>Were provincial human rights laws observed?</td>
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<tr>
<td></td>
<td>candidates</td>
<td>Is there a set probationary period?</td>
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<td></td>
<td>“wrongful” hiring</td>
<td>Were promises made to the candidate that cannot be honoured?</td>
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<td></td>
<td></td>
<td>Did the employee sign off on the policies and contract of employment before being hired?</td>
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<tr>
<td>Occupational Health and Safety</td>
<td>Environmental Personal injury or death</td>
<td>Do we provide safe working conditions and do we conduct safety checks regularly?</td>
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<td></td>
<td></td>
<td>Do we provide adequate training for staff?</td>
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<td></td>
<td></td>
<td>Do we ensure the use of appropriate clothing and safety equipment?</td>
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<td></td>
<td></td>
<td>Do we have adequate policies, procedures, and committee in place?</td>
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<tr>
<td>Employee supervision</td>
<td>Abuse</td>
<td>Do we provide sufficient orientation and training?</td>
</tr>
<tr>
<td></td>
<td>Reputation in the community</td>
<td>Do we provide adequate supervision (especially for activities that occur off-site or after hours)?</td>
</tr>
<tr>
<td></td>
<td>Release of personal information</td>
<td>Do we have a performance management system in place?</td>
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<tr>
<td></td>
<td></td>
<td>Are personal information protection guidelines followed?</td>
</tr>
<tr>
<td>Employee conduct</td>
<td>Abuse</td>
<td>Do we have clearly written position descriptions for all positions?</td>
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<tr>
<td></td>
<td>Reputation in community</td>
<td>Do we follow up when the parameters of the job description and not respected?</td>
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<td></td>
<td></td>
<td>Do we provide through orientation and training?</td>
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<td></td>
<td>Do we provide an employee handbook?</td>
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<td></td>
<td></td>
<td>Do we have comprehensive policies and procedures?</td>
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<td></td>
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<td>Do we provide ongoing training about our policies and procedures?</td>
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<td></td>
<td></td>
<td>Do we retain written records of performance issues?</td>
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<td>Do we ensure that organizational valuables are secure?</td>
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<td></td>
<td>Do we have cash management procedures?</td>
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<td></td>
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<td>Do we have adequate harassment policies and procedures?</td>
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<tr>
<td></td>
<td></td>
<td>Do we have adequate harassment policies and procedures?</td>
</tr>
<tr>
<td>Exiting employee</td>
<td>Property</td>
<td>Do we retrieve organizational information and equipment that a dismissed employee used (especially from home)?</td>
</tr>
<tr>
<td></td>
<td>Reputation in the community</td>
<td>Do we ensure that all access codes, passwords, etc. are de-activated?</td>
</tr>
<tr>
<td></td>
<td>Compensation</td>
<td>Do we conduct an exit interview?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Do we record lieu time and vacation balances?</td>
</tr>
</tbody>
</table>

Source: CIPD (2016). Risk Management in HR
Dear,

I am conducting research into the way risk is managed in HR contexts in large organisations; this is as part of my PhD studies at Portsmouth Business School. I need to conduct some interviews with senior HR staff in order to understand what policies and procedures the organisations use and how these are operationalized.

The interviews should be no longer than about 30-40 minutes, but may be shorter, and I can come to wherever is convenient to carry them out. Although the interviews, ideally, will be recorded, I can assure you that all information provided will be treated in strictest confidence and that no identities of individuals or organisations will never appear publicly in publications or otherwise.

I would be most grateful if you could let me know when this might be convenient. Please do not hesitate to contact me at me or my supervisor – Professor Edward P. Borodzicz. I have attached a letter from my supervisor in support of this request. In the meantime, I am looking forward to hearing from you.

Yours sincerely

Hong Bo (Peggy)
Strategy and Business Systems, PBS, University of Portsmouth
Dear Sir/Madam,

Peggy Bo

Please accept this letter as confirmation that Peggy Bo is currently undertaking research for me as part of her PhD studies at Portsmouth Business School. The research is about how risk is understood and managed in HR contexts. As part of her research she needs to conduct some interviews with HR staff.

This research has been passed by our University Ethics committee and it has been agreed that no personal information about either the interviewees’ identity, or their organisations, will be discernible from the research or its published outputs.

I would be extremely grateful for any help you are able to give Peggy Bo. If you have any questions about this research please do not hesitate to contact me.

Yours faithfully

Edward P. Borodzicz
Professor of Risk and Crisis Management
Appendix 5-B: Interview Questions

Interview Questions for Union Staff

1. How long have you been involved in managing grievances/ as union representative?
2. In your experience as a Union advisor, what are the major areas of risk that you have to deal with? For example:
   a) Grievances and complaints
   b) Recruitment and selection
   c) Equal opportunities
   d) Training and development
   e) Performance management
   f) Rewards
   g) Disciplinary

Are there any other areas of HR where risk is not recognised or managed formally?

3. In your opinion, how do HR policies and procedures contribute to the managing of HR risks?
4. Can you give an example (anonymous) where these types of risks have surfaced and the policies and procedures have not worked?
5. Are you satisfied with the way risk is currently managed in HR within your organisation?
6. In your view, what are the difficulties to manage HR risk in reality?
7. What potential is there to improve HR risk management? For example, could training be improved for HR professionals? Or does the current training and CPD adequately prepare HR professionals?
8. Do you believe there is a softer side or more qualitative skills that cannot be formally trained assessed? How can we learn /recognise/encourage/ manage these skills.
9. Do you believe a less formalised structure may be more effective in dealing with certain types of HR risk?
10. In order to effectively manage HR related risks, what kinds of skills/ competences are required?
11. What is your view of “advocate” legal or union representative role in solving human resource risk situation?
12. How much time is taken up dealing with grievances? Has anyone ever review or calculate the cost of dealing with grievances?
Interview Questions for HR Department

1. How long have you been working as a HR professional?
2. What does HR risk mean for your organisation?
   For example:
   a) Grievances and complaints
   b) Recruitment and selection
   c) Equal opportunities
   d) Training and development
   e) Performance management
   f) Rewards
   g) Disciplinary
   Are there any other areas of HR where risk is not recognised or managed formally?
3. What policies and procedures do you have for managing HR risks? /How to manage HR- risk?
4. Can you give an example (anonymous) where these types of risks have surfaced and the policies and procedures have not worked?
5. Are you satisfied with the way risk is currently managed in HR in your organisation?
6. In your view, what are the difficulties to manage HR risk in reality?
7. What potential is there to improve HR risk management? For example, could training be improved for HR professionals? Or does the current training and CPD adequately prepare HR professionals
8. Do you believe there is a softer side or more qualitative skills that cannot be formally trained assessed? How can we learn /recognise/encourage/ manage these skills.
9. Do you believe a less formalised structure may be more effective in dealing with certain types of HR risk?
10. In order to effectively manage HR related risks, what kinds of skills/ competences are required?
11. What is your view of “advocate” legal or union representative role in solving human resource risk situation?
12. How much time is taken up dealing with grievances? Has anyone ever review or calculate the cost of dealing with grievances?
Appendix 5-C: Consent Form and Information Sheet

Consent Form

Title of research project

Risk management and people management: a critical reflection on how risk management can be incorporated into current HR practices.

Name and position of the researcher:

Peggy (Hong Bo), PhD student, Strategy and Business System department, Portsmouth Business School, the University of Portsmouth

You are asked to participate in the above research. Please read the information below and ask about anything you do not understand before deciding whether or not to participate. You will be given a copy of this form to keep for your records.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Please initial Box</th>
</tr>
</thead>
<tbody>
<tr>
<td>I confirm that I understand the purpose of this research and am clear about the procedures of this study.</td>
<td></td>
</tr>
<tr>
<td>I confirm that I have read and understand the information sheet for the above study, and have had the opportunity to ask questions.</td>
<td></td>
</tr>
<tr>
<td>I understand that my participation is voluntary and that I am free to withdraw at any time without giving reasons.</td>
<td></td>
</tr>
<tr>
<td>I understand the interview will be recorded with my permission.</td>
<td></td>
</tr>
<tr>
<td>I am aware that my participation will be confidential.</td>
<td></td>
</tr>
<tr>
<td>Statement of Consent:</td>
<td></td>
</tr>
<tr>
<td>I have read the above information. My questions have been answered to my satisfaction. I agree to participate in this study.</td>
<td></td>
</tr>
<tr>
<td>Signature of Participant_________________________________________                Date________________</td>
<td></td>
</tr>
<tr>
<td>Signature of Researcher__________________________ __                        Date________________</td>
<td></td>
</tr>
</tbody>
</table>
**Participant Information sheet**

**Research title:**
Risk management and people management: a critical reflection on how risk management can be incorporated into current HR practices

**You are invited to take part in this research study:**
Before you decide, it is important for you to understand why the research is being done and what it will involve.

**1. What is the purpose of the study?**
I am a PhD student at University of Portsmouth, supervised by Professor Edward P. Borodzicz. This research is investigating risk management in an HR context.

The objectives of this study can be summarised as follows:

- Investigate the understanding of HR-related risks to HR professionals.
- Explore the ways HR-related risks are managed currently in organisations.
- Examine the problems and challenges of managing HR risk in practice.
- Investigate the opportunities for managing HR risk effectively and efficiently.
- Develop an HR risk management framework/guide to best practice to enhance the public and private sector organisations’ avoidance/mitigation of HR risk.

**2. Why have you been chosen?**
I would like to speak with those who work in HR departments (Union) in UK universities and local authorities. I am planning to interview approximately 20–30 HR staff and managers to discuss the themes identified above.

**3. What will happen when you take part?**
Your interview will discuss your understanding about managing people, and the risk in HR-related contexts. The interview should last no more than 60 minutes. I may record the interview with your permission. You will also be asked to sign the consent form provided. Additionally, you are free to withdraw from the study at any time and without giving a reason.

**4. Will my taking part in this study be kept confidential?**
I will ensure that your involvement remains entirely confidential and anonymous. All information that is collected about you during the research will be kept strictly confidential. All interview recordings will be destroyed at the end of the research. Your personal details will not be presented in any interview transcripts or final report. In addition, any identifiable details will be removed or changed. My academic supervisor will be the only person who may have access to the results of interview other than me, but I will be the only person to have access to the original recordings of the interview.

**5. What will happen to the results of the research study?**
The results of the study will be used in my PhD thesis. The material may be presented at academic, professional conferences or in academic journals. Anonymity and confidentiality will still be in place in all cases. Neither you nor your organisation will be identifiable from the research. Findings from this study will contribute to developing a better understanding of how risk management can contribute to, or support, managing people.

**6. Contact for further information**
Thank you very much for reading this, and for your time and participation.

You will be given a copy of this information sheet and a signed consent form to retain.
### Appendix 7-A: Names and Job titles for Vicky Battle’s case

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cllr Annie</td>
<td>Chair of the administration committee which deals with licensing of Glory and private hire vehicles</td>
</tr>
<tr>
<td>Cllr Paul</td>
<td>Portfolio Member for transport and chair of the forum</td>
</tr>
<tr>
<td>Dr Lawson</td>
<td>Doctor of Vicky Battle</td>
</tr>
<tr>
<td>Emma</td>
<td>Human resource staff</td>
</tr>
<tr>
<td>Maggie Dolly</td>
<td>Head of Human Resource</td>
</tr>
<tr>
<td>Miss Holly</td>
<td>Assistant Chief Executive</td>
</tr>
<tr>
<td>Mr. Locks</td>
<td>Glory carriage driver and trade representative on the forum between the Glory carriage and private hire vehicle and the council</td>
</tr>
<tr>
<td>Mr. Morgan</td>
<td>External consultation from the True Results Associates</td>
</tr>
<tr>
<td>Mr. Richmond</td>
<td>Corporate Director of the Seaside City Council</td>
</tr>
<tr>
<td>Mr. Wood</td>
<td>Line Manager of Legal and Democratic Services</td>
</tr>
<tr>
<td>Vicky Battle</td>
<td>Assistant Head of Legal and Democratic Services who manages the taxi licensing section</td>
</tr>
</tbody>
</table>
Appendix 7-B: Investigator’s Brief

1st March 2007 (From Maggie Dolly to Mr. Morgan)

Summary

As the Head of HR for the Seaside City Council, I am commissioning an independent external investigation into issues around our employee Vicky Battle with the aims of:

1. Ascertaining the facts as far as possible, and if certainty is not possible, the balance of probability
2. Identifying the exact nature and causes of concern
3. Recommending:
   - Which policy/lies and procedure(s) apply?
   - A way forward to prevent recurrence of the problems identified.

I hope that this investigation will:

1. Give those concerned the confidence that their concerns have been listened to and taken into account
2. Find a way forward that prevents recurrence of the existing problems
3. Enable the council to carry out its responsibilities to staff and public

The investigator

To ensure impartiality, I have chosen you to carry out the investigation as you meet the following criteria:

- Not an employee or councillor of Seaside City Council, nor closely related to one
- Not involved in any way in the carriage or private hire vehicle trade in Seaside (except that being an occasional passenger would not disqualify them)
- Have an understanding of employment law and licensing
- Do not know Vicky Battle

I will provide you, as investigator, with the names of people I consider to be important in understanding the situation; you can choose to interview anyone else. I will provide you with background documentation (paper and electronic) which I consider to be important in understanding the situation; you can choose to look at anything else.

The investigation

There are several triggers for the investigation:

1. A recent complaint from Mr. Locks (Taxi driver and trade representative on the forum between the carriage and private hire vehicle trade and the council), about Vicky Battle (Assistant Head of Legal and Democratic Services who manages the taxi licensing section). Mr Locks says his complaint is supported by and represents the views of the other members of the cab committee.
2. A complaint from Annie (chair of the Administration Committee which deals with licensing) and concerns of xxxx, portfolio member for transport and chair of the forum, about Vicky Battle.
3. Vicky Battle has told Miss Holly, assistant Chief Executive that sometimes she feels unsafe when at work because of the way people react, treat her. Miss Holly is concerned that the Council needs to comply with management responsibilities particularly under the Dignity at work Policy (covering harassment and bullying)
4. A series of concerns raised by staff indicating that Vicky Battle is difficult to work with and behaves unreasonably.
5. Mr Locks, Miss Holly and Vicky Battle herself have all stated that the current situation cannot be allowed to persist and a solution needs to be found.

The purpose of the investigation is to consider all the issues with you looking specifically at the complaints. It is however critical to consider the whole situation from all angles form an open and unbiased viewpoint and identify if processes or people need to change or another solution can be found.

There is a history of friction between Vicky Battle and other people, including the Taxi representatives to the forum and colleagues in the council. It is my understanding that Vicky Battle feels under attack both by the licensed vehicle trade and by some colleagues, and fells that she cannot do her job properly because of the lack of co-operation of, among others, the head of direct services, of financial series, and of the admin staff in the Legal and Democratic services unit.
As is usually true of complicated situations, there are different perceptions and perspectives about the situation, causes and remedies.

There are several council policies and procedures which could be relevant to the situation, such as dignity at work - bullying, complaints, disciplinary, in particular capability, grievance, and health and safety (Emma will provide those for you).

At this stage, I do not have the full facts and until these are known, it is not possible to tell which policy and procedure could apply. When the facts are as clear as possible, it may turn out that more than one policy procedure applies and needs to be followed to secure a satisfactory outcome.

However, all policies and procedures identified start by setting up an investigation. I have therefore decided that this is a way forward and the terms of reference will include deciding which policy/ies and procedure(s) apply. The investigation will be valid as the investigation for whatever policy or procedure applies and therefore needs to adhere to some basic principles of natural justice. Vicky to be made aware of the exact nature of the investigation to have someone with her at any meetings (is she chooses) to have copies of any notes made at meetings involving her during the investigatory process.

Confidentiality

The investigation will be confidential, as far as can reasonably be managed in the light of the need to interview people and the need of those who have made complaints to be informed that the Council is investigating these. People who speak to the investigator will be told not tell anyone about the existence of the investigation or talk to anyone else about it and failure to comply with this could result in disciplinary action being taken against them.

Equally Vicky Battle will be told to maintain confidentiality.

This brief will be confidential to myself, Miss Holly, Vicky Battle and Emma

The report outlining the findings of the investigation will be confidential to me and I will decide whether any or all of it will be given to anyone else. It will not be made public and circulation will be restricted to those who need to know. Normally, any person whose conduct is criticised should, under natural justice, be told of accusations made against them and given the opportunity to defend themselves. If the investigation concluded that any formal action is to be taken against anyone under the complaints, capability of disciplinary procedure, that person will see the section of the investigation report that applies to that decision. As will those who need to know as a result of implementing the correct policy.
Appendix 7-C: Information of Vicky Battle changes the Hand Book

There was a history of tension at meeting of the Administration committee and the Taxi Forum. These meeting were attended by representatives of the Glory carriage trade and, recently private hire vehicles (the trade). These tensions show themselves in heated comments both from the Trade and officers. The trade has expressed concerns about how resolutions of the Administration committee and agreements of the Forum are put into practice by the officers. One particular issue is that on 15th November 2006 the Administration Committee resolved that any changes in the wording of the handbook (setting out the policies which apply in relation to the trade must be agreed with the Chairman and Vice Chairman of the Committee). Vicky Battle was responsible for the management of licensing of Glory carriages and private hire vehicles and was the lead officer for the Administration Committee and as such was responsible for reporting any changes to the handbook to the Chairman and Vice Chairman to obtain their approval.

A change was approved by Vicky Battle very soon after the date of that resolution without informing, discussing or agreeing the change with either the Chairman or Vice Chairman. This was all the more problematic because of the already strained relations between the officers and the Trade because they perceive that other changes have been made to policies and documents by which they operate without consultation and discussion.

The change was a change in wording which allows private hire vehicles to display the word “cab” or “taxi” on the side of a vehicle. This unilateral change is the subject of a formal complaint by Steve Locks against Vicky Battles. Miss Holly has also said that he is concerned about the failure of officers to obtain approval from the members with regard to this change in the handbook.

Vicky Battles had argued that the change was because of her interpretation of the law and therefore did not need to be approved by the Chairman and Vice-Chairman. She also said that responsibility for the change rested with xxxx in her office who was responsible for the handbook.

The complaint from Steve Locks whilst referring to the change goes beyond this and complains that there was a lack of trust between the Trade and Vicky Battle because they were aware that changes were made without discussion and without authority and they can no longer trust the handbook which sets the policy for the operation of the Trade nor can they trust Vicky Battle who was responsible for the handbook.

This lack of trust had been raised previously on a number of occasions including a particular instance in October 2006 (one month before it was agreed that approval from either the Chair and Vice-Chair must be gained before a change was made to the handbook) when the Trade realized that the handbook had been changed. When they met with Vicky Battle there were three versions of the handbook. The one that was being used (by trade) had many red pen changes which had not been discussed with the Trade or approved by the members. The Trade made a complaint to Miss Holly. at the time, about the behaviour of Vicky Battle at a meeting to discuss the handbook. Another example was the Vicky Battle had changed the forms with regard to medicals being required by drivers. The change took away the requirement of confidentiality. There had been no discussion about the change in forms and some drivers had already signed these forms unaware that changes had been effected.
Appendix 7-D: External investigator’s investigation conclusion (23rd May 2007)

The complaints from Miss Holly and Mr. Lock and the concern of Councillor Annie, Councillor Paul appear justified. The administration committee at its meeting on 14 November 2006 required that all amendments to the wording of the handbook be approved by the Chairman and Vice-chairman. The change to the Handbook which allowed operators to display the words “taxi” and “cab” on the side of their private hire vehicles was a significant and sensitive change and should have been discussed with the Trade and approved by the Chairman and Vice-Chairman of the Administration committee.

The trust of officers with the trade was already a matter for concern/complaint and should have alerted Vicky that any further change would be likely to lead to further complaint from the Trade. Such complaint is in my view justified.

The changes to policy breach the draft agreement with the trade. The statues of the agreement are not clear but in any event there are frustrations by the trade as a result of the lack of consultation. It is important that the resolution of the Administration Committee dated 14 November 2006 and the use of the Forum for discussion of any proposed changes is adhered to so that there are no surprises to the policies which apply to the Trade.

There have been problems at both the committee and the forum in that the meetings have not, in the past, been properly controlled and Vicky is justified in saying that she had not been protected from verbal abuse at those meetings in the past. Vicky may well fell that she has been harassed and bullied by Mr. Locks. She complains particularly about a meeting with Mr Locks (together with 2 other taxi drivers) when she says that he banged the tale with papers causing her to feel threatened. However, she invited them to meet at her office and met them alone. In my view if she is concerned about the possibility of abuse she should only meet with another officer present and at a meeting point where she can leave is she feels threatened e.g. at interview rooms such as are used by Housing Officers where there is a possibility of threatening behaviour. I note that Miss Holly gave her such an instruction in October 2006.

The information presented to me raises a clear question of Vicky Battle’s capability to carry out her existing role. In accordance, with the policy this matter has been known over a long period and managers involved have sought to deal with the matter informally. Now in the light of the particular complaints and concerns and following a period of coaching by Miss Holly consideration needs to be given to dealing with the matter formally.

The document is not clear that the same process with regard to a disciplinary hearing should be followed i.e. if there is a potential case to be answered that an investigating committee be established. However, in my view this process should be undertaken in the absence of any other policy guidance.

With regard to Vicky Battle’s complaint about feeling unsafe at work this appears to be her fear of abuse from Mr. Locks. There are other matters complained of with regard to relationships with other officers but these do not cause her to fear for her safety but rather leads to her complaint that she is not supported by their mangers or the council in resolving these difficulties. Mr Locks is an elected representative of the Trade and every effort should therefore be made to deal with him. As set out above the process at Committee/Forum seems now to be better controlled, I have also suggested that Vicky Battle should not meet Mr Locks alone.
Appendix 7-E: Grievance Appeal

Appeal against Grievance findings

Date: 27th August 2008

Dear Vicky

Grievance Investigation

Thank you for your letter dated 25 August 2008 notifying me of your appeal.

Please can you confirm whether you are appealing all parts of the grievance which have not been upheld, or only specific parts?

If you are appealing specific parts, please can you let me know which these are and your grounds of appeal?

I will liaise with the Council’s HR Unit to arrange for your appeal to be heard by a panel of Five Members, and you will be contacted about the arrangements for this.

Yours Sincerely,

Mr. Richmond

Corporate Director

----------------------------------------------------------------------------------------------------------------------------------

Date: 14th October 2008

Dear Vicky Battle

Grievance Appeal Hearing – 9 and 10 October 2008

The appeal Panel has given careful consideration to the grievances you have raised and which were previously heard by Charlie Richmond.

Following your Appeal hearing on 9 and 10 October, when the Panel heard your case, the Panel has now deliberated on the evidence and has concluded that they support the findings of Charlie Richmond. The Panel therefore has not upheld your appeal.

The Appeal Panel noted and agreed the recommendations made by Mr. Richmond and, where appropriate, action will need to be taken.

There is no further right to appeal within the council’s procedures.

Yours sincerely

Mr. Richmond Chair,

Appeal Panel
**Appendix 7-F: Time-Line for Vicky Battle’s Case**

<table>
<thead>
<tr>
<th>DATE</th>
<th>KEY POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>18 October 2006</strong></td>
<td>Vicky Battle initially complained to Miss Holly, about Harassment from Mr. Locks, a taxi driver and driver’s representative, during a meeting in Vicky’s office.</td>
</tr>
<tr>
<td><strong>18 October 2006</strong></td>
<td>Vicky Battle emailed Miss Holly referring to a phone call from Mr. Locks, claiming he swore and was very abusive.</td>
</tr>
<tr>
<td><strong>February 2007</strong></td>
<td>Mr. Locks made a complaint about Vicky Battle to Miss Holly. Cllr Annie and Cllr Paul make complaints about some of Vicky’s actions. Miss Holly also had concerns of her own about aspects of Vicky Battles’ performance.</td>
</tr>
<tr>
<td><strong>21 February 2007</strong></td>
<td>Miss Holly met with Vicky to discuss a number of issues and in particular Taxi Forum concerns. Miss Holly introduced the idea of using an external consultant to investigate the issues raised and come up with a set of recommendations.</td>
</tr>
<tr>
<td><strong>23 February 2007</strong></td>
<td>Vicky e-mailed Miss Holly with some thoughts around their meeting on 21 February.</td>
</tr>
<tr>
<td><strong>28 February 2007</strong></td>
<td>Miss Holly e-mailed Vicky Battle (copied to Head of HR). Advised her that to provide complete impartiality, HR unit (Head of HR - Maggie) would be asked to draw up Terms of Reference for the external consultant’s investigation.</td>
</tr>
<tr>
<td><strong>1 March 2007</strong></td>
<td>Maggie e-mailed Vicky and confirmed she had been asked to draw up Terms of Reference for the external consultant to follow – that would enable the council to get to the bottom of the facts and identify the most appropriate way forward.</td>
</tr>
<tr>
<td><strong>1 March 2007</strong></td>
<td>Maggie sent an e-mail to Mr. Morgan introducing herself and enclosing a copy of the Terms of Reference to use for his investigation. Maggie Dolly confirmed she had sent a copy of the Terms of Reference to Vicky.</td>
</tr>
<tr>
<td><strong>2 March 2007</strong></td>
<td>E-mail from Vicky Battle to Maggie Dolly confirming:</td>
</tr>
<tr>
<td></td>
<td>* receipt of the Terms of Reference</td>
</tr>
<tr>
<td></td>
<td>* disappointment that the brief made no mention of Vicky’s complaint against Mr. Locks - Taxi Forum</td>
</tr>
<tr>
<td></td>
<td>* that the Terms of reference read as “an investigation into Vicky alone” and that some of the wording in the Terms of Reference “sets a pre-conception of an expected outcome”</td>
</tr>
<tr>
<td><strong>5 March 2007</strong></td>
<td>Maggie Dolly e-mailed Mr. Morgan advising that Vicky was concerned that the Terms of Reference could be viewed as biased – made the point that:</td>
</tr>
<tr>
<td></td>
<td>The council was not expressing a view either way and simply wanted to get to the heart of the matter and find an appropriate way forward</td>
</tr>
<tr>
<td></td>
<td>Vicky wanted to provide him with some additional paperwork to take into account</td>
</tr>
<tr>
<td></td>
<td>Vicky wanted to make him aware of a complaint she made about Mr. Locks in 2006 (Maggie Dolly had sent info to Vicky on this to check before forwarding to Mr. Morgan)</td>
</tr>
<tr>
<td><strong>6 March 2007</strong></td>
<td>Vicky e-mailed Maggie and confirmed that Mr. Lock complaint information could be forwarded to Mr. Morgan.</td>
</tr>
<tr>
<td><strong>7 March 2007</strong></td>
<td>Mr. Morgan started investigation.</td>
</tr>
<tr>
<td><strong>23 May 2007</strong></td>
<td>HR received Mr. Morgan’s investigatory report and recommendations.</td>
</tr>
<tr>
<td><strong>24 May 2007</strong></td>
<td>Maggie Dolly telephoned Vicky, arranged to meet with her on 7th June to a) go through Mr. Morgan’s report b) provide her with a copy</td>
</tr>
</tbody>
</table>
c) Confirm Maggie’s recommendation on where to go from now on.

7 June 2007
Maggie met with Vicky to give her a copy of Mr. Morgan’s report and go through it with her. The report identified one item which Mr. Morgan considered a breach of discipline and other issues which should be dealt with under the capability procedure.

7 June 2007
Following the meeting, Vicky e-mailed Maggie raising her concerns over what she felt was “inaccuracy and misrepresentation” in Mr. Morgan’s report and that she would respond in more detail after the weekend.

8 June 2007
Maggie sent a letter to Vicky confirming:
That Emma would be the investigating officer.
That Maggie did not intend to get drawn into the matter any further and that Vicky should raise any issues with Emma during the course of the investigation.
That Mr. Morgan had identified capability issues which would now be investigated.

13 June 2007
Vicky emailed Maggie Dolly confirming she intended to lodge a grievance against the Council.

14 June 2007
Vicky Battle submitted her formal grievance.

Vicky Battle submitted a grievance letter to Mr. Richmond. A large part of this letter related to Mr. Morgan’s report but also introduced other issues. Some of the issues could be considered to relate to both.

“Submission of the grievance caused some procedural difficulties which meant it took much longer to resolve the various issues. Vicky Battle immediately objected to capability proceedings being taken and requested details of the capability allegations. This was before a capability investigation had commenced, so no specific allegations had yet been made. The correct process would have been to wait until the capability investigation had been carried out and then challenge the findings at the hearing.”

Source: Vicky Battle’s grievance finding report - Charlie Richmond: Corporate Director

14 June 2007
Vicky submitted a grievance

14 June - 14 October 2007
Off sick – medically certificated as work-related stress

5 October 2007
Vicky e-mailed Emma and confirmed that her GP supported a negotiated graded return to work from 15th October 2007.

15 October 2007
Returned to work on graduated return as recommended by her GP. Agreed with Emma and Mr. Rick Wood, at Emma’s suggestion that Vicky could work from home for 3 days a week (and continue to be paid for 5 days a week). Agreed Vicky would take her outstanding leave in Dec. 2007 accrued during her paid sickness absence.

17 October 2007
Vicky met with Mr. Wood and Emma and agreed a phased return to work over a 6-8 week period (plus leave around Xmas giving her a return to the office in early January 2008).

31 October 2007
Meeting with Emma and Mr. Wood to review work Vicky was undertaking at home. No issues raised.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 January 2008</td>
<td>Mr. Wood wrote to Vicky and asked her to provide a certificate from her GP confirming she was fit to return to her normal full-time duties. Mr. Wood also confirmed that when Vicky returned, she would not be asked to manage licensing.</td>
</tr>
<tr>
<td>2 January 2008</td>
<td>Agreed would return to work in office early January 2008.</td>
</tr>
<tr>
<td>7 January 2008</td>
<td>Vicky’s mother died – given compassionate leave</td>
</tr>
<tr>
<td>10 January 2008</td>
<td>Vicky submitted further grievance. Vicky submitted a further letter of grievance to the Chief Executive</td>
</tr>
<tr>
<td>January 2008</td>
<td>The Chief Executive instructed Mr. Richmond to investigate the grievances.</td>
</tr>
<tr>
<td>21 January 2008</td>
<td>Vicky sent a letter to Emma, which said: “My lawyer has advised that as Mr. Wood is part of my grievance then any reasonable employer would have separated the two people concerned and not be insisting I work under the control of someone who has bullied me.”</td>
</tr>
<tr>
<td>13 Feb 2008</td>
<td>Emma wrote to Vicky confirming the Council would support her working from home whilst the grievances and capability issues were being addressed.</td>
</tr>
<tr>
<td>14 Feb 2008</td>
<td>Vicky wrote to Emma and again reiterated that as Mr. Wood was part of her grievance then any reasonable employer would have separated the two people concerned and not be insisting she worked under the control of someone who had bullied her.</td>
</tr>
<tr>
<td>1 Feb 2008</td>
<td>Vicky complained to Emma that Mr. Wood seemed quite prepared to completely ignore her.</td>
</tr>
<tr>
<td>8 April 2008</td>
<td>First meeting with Head of HR: Maggie. Vicky said that she was bored at home, felt isolated and wanted to return to the office environment.</td>
</tr>
<tr>
<td>23 April 2008</td>
<td>Vicky again raised her desire to return to an office environment. It was subsequently agreed that Vicky could work temporarily within the Revenue and Benefits unit.</td>
</tr>
<tr>
<td>20 August 2008</td>
<td>Mr. Richmond (corporate director) sent the outcome report of Vicky’s grievances hearing.</td>
</tr>
<tr>
<td>25 August 2008</td>
<td>Vicky made appeal against Mr. Richmond’s final report.</td>
</tr>
<tr>
<td>27 August 2008</td>
<td>Mr. Richmond asked Vicky to confirm which part of grievance she was appealing, and confirmed he would arrange a grievance investigation.</td>
</tr>
<tr>
<td>9 and 10 October 2008</td>
<td>Grievance Appeal Hearing at the Seaside City Council.</td>
</tr>
<tr>
<td>14 October 2008</td>
<td>Grievance Appeal Hearing 9 and 10th October 2008 results. The appeal Panel noted and agreed the recommendations made by Charlie Richmond. No further right to appeal within the Council’s procedures.</td>
</tr>
<tr>
<td>End of October 2008</td>
<td>Vicky resigned from the Council after obtaining another job. She lodged a case with the local employment tribunal. The matter never went to Tribunal.</td>
</tr>
</tbody>
</table>
Appendix 8-A: Example emails between Dr Stone and Dr Sam

From: Dr Stone
To: Dr Sam
Subject: essay dissertation Feedback

Dr Sam. I have to say that all of those trends are my initiative. At the last meeting we all agreed that a more modern and personalised approach was needed.

This reflects my experience and has received very positive feedback from the student body here.

I do respect your stylistic preferences, but we do need to move with the times and market directions.

Discussion is probably needed!

Dr Stone

From: Dr Sam
To: Dr Stone
Subject: essay dissertation Feedback

Dear Stone

Many thanks for the feedback. Clearly academics have different styles. That is understandable.

However, the approach I developed over a number of years works. It may be conservative - bland even - but it generates effective communication.

Let me illustrate the kind of problem that is arising at the moment…

In my experience an overly-familiar tone is unnecessary. Potentially it could be counter-productive (for example, in the case of a bad fail).

The crucial point is this: we encourage the students to write in the third person. It is therefore appropriate that we (the markers) should also write in the third person. Culture is top-down.

Again, using exclamation marks in feedback sets the wrong tone. We discourage students from doing this, so we should set the right example. Culture is top-down.

As I said above, academics have different styles. However, I think it is important that we are mindful of what has served us well for a considerable length of time.

We know cold and bland work: so why change? Student numbers have been steadily increasing - surely a vindication of our long-standing modus operandi?

With best wishes,

Dr Sam
Appendix 8-B: Emails between Dr Stone and Mrs Porter

From: Dr Stone To: Mrs Porter Subject: URGENT QUESTION
Date: Jul 2011

Mrs Porter - as it is yet to be decided whether the way in which we assess students is to be Dr Sam’s or AN Other, what should I do when a student asks me for feedback on an essay plan?

If I provide guidance, it is almost certain that - if followed - the student will be penalised by Dr Sam’s new marking criteria and tone (promulgated to all first markers - remember, Dr Sam and I for some reason do no first marking).

Dr Stone

A Private and Confidential email Dr Stone send to Registrar Mrs Porter

From: Dr Stone To: Registrar Mrs. Porter
Subject: PRIVATE AND CONFIDENTIAL

Since Dr Sam return (and without consultation) she has:

1. Returned the Study School to its original dull and unwanted format
2. Postponed the next Markers’ Training Day until December 2011 at the earliest
3. Cancelled any further refresh / reformat of the Course Materials until November 2011 at the earliest
4. Signalled that my modern and open ways of communicating with students are inappropriate
5. Provided no positive feedback on or about me
6. Dumped difficult issues on my shoulders to handle alone (e.g. Student concerns relating to the course materials which pre-date my arrival by approx. 13 years)
7. Alleged that there are performance issues with me (including in correspondence to students)
8. Caused one of our very best students (ironically, better qualified than any of us) to quit the course
9. Copied students in on his inaccurate ‘chaser’ emails to me
10. Re-instated Associate Markers whose performance was unacceptable.
11. Studiously remained un-involved in budgetary planning and reporting.

And so on. ---------------------------------------------------------------

There has never been any allegation against me in terms of performance in my entire career - and I am deeply insulted that she could make such a suggestion given the facts to the contrary and what I have invested above and beyond formal requirements to the MSc programme.

Further - I have never been subject to such a bizarre form of management in any of the demanding places that I have worked. Dr Sam needs to know that she cannot use tools that she may have got accustomed to using others on me. I am an immovable force dedicated to quality and accessibility for our students I may be new to the University, but I have ‘been around the block’ for a while.
I don’t need to be ‘called in’ to justify anything unless I receive formal notification of performance shortcomings. Dr Sam - as my line manager (as I guess she is) - should be resolving rather than generating problems.

I will - unless I am strongly influenced otherwise - be making a grievance complaint against her, who is exceptionally charming in person and rather different in what she then undertakes in email correspondence.

Do let me know your thoughts on this. I have bitten my tongue for several weeks whilst my initiatives were systematically dismantled.

One student has already left; there are a series of issues and concerns which I have effectively headed-off concerning updating course materials. There is absolute certainty that there will shortly be significant numbers of complaints raised by students about:

1. Dissertation marking and supervision;

2. PhD supervision (or lack thereof).

3. Marking, and

4. Outdated and irrelevant course materials.

These require executive action. As you may remember, I did issue a brief report to you and HD of department last November which recorded some of my immediate concerns. I also spoke at length with HD of Department and secured what I assumed was endorsement for improvements to the MSc.

Finally, I will have to pass marking undertaken by what I judge to be ‘unfit’ (and possibly unapproved) Associate Lecturers to Dr Sam to resolve. I had earlier worked with xxxxx to rely on markers who were either good or showed willingness to improve.

I fear that that the MSc course is on the cusp of a crisis. I am sorry to have to detail this unnecessary catalogue of issues which have arisen since Dr Sam’s return, but as you will see - the issues of concern are not mine and they cannot be solved by me. They certainly cannot be solved by a meeting.

Dr Stone
Appendix 8-C: Dr Stone’s Whistle Blowing Disclosure

From: Dr Stone  
To: Registrar – Mr. Smith  
Subject: URGENT: Disclosure under University HR 'Whistleblowing Policy'  
Importance: High

Dear Mr Smith: I called today and left a voicemail, I had rather hoped to have a chat ahead of sending an email – but events are at risk of overtaking me – and I require some ‘top level cover’ immediately.

Briefing Note

- As a temporary appointment, I was employed to make changes to an MSc distance learning programme whilst its course director was on study leave. Local management encouraged me to make improvements. These changes were overdue, welcomed by students and led to the highest ever intake of students in Spring 2011. Student satisfaction, loyalty, motivation, social network promotion and retention have been enhanced significantly. I also attracted commercial funding.

- On return from study leave, the now Course Director has summarily reversed all substantive changes to the MSc Programme, without consultation and against market direction.

  - Students are now being penalised for following my earlier advice by being marked against an indefensible and idiosyncratic marking schema.

  - There is a crisis of confidence in the course because of the complete change in feedback scoring and assessment criteria. Complaints are being made. More are in the pipeline. In my judgement, few of the complaints and appeals will be defensible.

- I have flagged my concerns to local management in Nov 2010 and on the reversal of my changes.

  - An informal review is taking place – directed by Mrs Porter – whom I notified about this last month. I have argued that a strategic decision is required as to whether the ‘new’ or ‘old’ approach to dealing with and assessing students is appropriate. That decision is not yet forthcoming, despite students complaining directly to xxxxx who has – in turn – asked them for their advice.

  - I have also been criticised to students both in emails and in telephone calls by the Course Director in question – leading to those students themselves reminding him that this is unprofessional and inappropriate behaviour.

- That strategic (and commonsense) decision notwithstanding, the current student body is now highly confused given the recent imposition of a steely, outdated and Stalinesque approach to essay writing, assessment and communication with students.

- I am now unable to offer guidance or mark essays or dissertations because in so doing I directly contradict the Course Director’s decisions.

- The MSc programme has a turnover in excess of £750k p.a.. A substantial element of this is now at risk – with the reputational damage massive given that many of our students are senior players in, for example, the aid agency / community – where traditionally we have recruited by reputation. I have personally recruited a good many of the current intake: with the assurance that they would receive the most accessible and positive academic support possible.

- It is clear to me that I am completely ‘on my own’ for having made changes which – when reversed – are not instantly defended by my local management. This MSc course is in a very competitive segment of the market – and we absolutely must not risk losing students just because it is apparently difficult to intervene in decisions made unilaterally by a long-standing employee of the university.

- There is no strategic ownership of the problem and I have a feeling that I am on the cusp of being made a ‘scapegoat’ for confronting and surfacing a problem which has been developing for many years.
**Intervention Sought**

- I urgently need you to intervene to protect the reputation of this Programme and the University.

- I know that the changes I made were right: right for the students; right to secure a niche in the market; right to grow our university as incredibly accessible to students and endorsing the ‘elite not elitist’ ethos.

- Whilst my bruised feelings no doubt require some balm – the key concerns should be: (A) continuing to meet the expectations and satisfy the wellbeing of our students and (B) ensuring that there is no further reputational damage to the MSc / University.

- I am next on campus on the 19th of July – and would be grateful if we could have even 5 minutes to discuss.

**Detailed Background**

I am a temporary appointment – first recruited in Nov 2010 to replace Dr Sam (then away on study leave for 6 months) as Course Director for the distance-learning MSc in….

My contract has been extended until Dec 2011 with the title appended below.

On commencing appointment, I reviewed the current course materials, quality of assessment and student experience – with the invaluable help of the excellent admin team. I provided local management with a confidential commercial and quality assessment.

I have instituted a wide number of changes including:

- Refreshing course materials (very overdue)

- Using only approved, reliable and positive markers

- Making academic support friendly, accessible, informal and working to differentiate our offering in the marketplace

- Encouraging students to write in ways which expressed their personality, expertise and professional backgrounds

- Holding a markers’ training day (first in 5 years) to instantly improve and personalise our feedback to students

- Changing the students’ feedback sheets (in consultation with students) in order to maximise learning value of our comments

- Providing constantly updated case study and other materials via Blackboard

- A weekly ‘office hours’ function and appointments out with those hours for students to gain support no matter which time zone they are in

- Establishing LinkedIn and Facebook sites to improve student engagement

- Making the … Study School a forum where industry experts, military personnel and others spoke about their direct experiences of engaging with and assessing risk.

- Adopting a fresh new look to course materials – soft-bound rather than ring-bound. This cuts printing and postage costs at a stroke and makes our product more portable for a student body who are often travelling or working away from home.
Consequently, despite the economic downturn – we have been lucky enough to have secured the highest intake of students ever and an intake which is ever more highly qualified

The changes have been well-received by students – who have provided flattering feedback on my role in aiding their essay and dissertation-writing experience and achievements.

Unfortunately, on her return from study leave, Dr Sam (now Director of the Unit) has reversed almost all of my changes. Namely:

1. Returned the Study School to its original dull and unwanted format
2. Postponed the next Markers' Training Day until …
3. Cancelled any further refresh / reformat of the Course Materials until November 2011 at the earliest
4. Signalled that my modern and open ways of communicating with students are inappropriate
5. Provided no positive feedback on or about me
6. Dumped difficult issues on my shoulders to handle alone (e.g. Student concerns relating to the course materials which pre-date my arrival by approx. 13 years)
7. Alleged that there are performance issues with me (including in correspondence to students)
8. Caused one of our very best students (ironically, better qualified than any of us) to quit the course
9. Copied students in on his inaccurate 'chaser' emails to me
10. Re-instated Associate Markers whose performance was unacceptable.
11. Studiously remained un-involved in budgetary planning and reporting.

This has led to students now being penalised in their recent essay marks for following my guidance – and I understand complaints are being made.

I do apologise for raising this matter with you and adding to your workload.

However, I do understand the necessity of escalation in a chain of command and the need to ensure that one’s actions taken in good faith are protected.

Thank you for your kind attention,

Best wishes,

Dr Stone
Appendix 8-D: Emails between Dr Stone and Mr Smith

From: Mr Smith  
Sent: July 2011  
To: Dr Stone  
Subject: RE: URGENT: Disclosure under university 'Whistleblowing Policy'

Dear Dr Stone

I’m sorry that it has taken me a few days to respond directly to you, although I have already taken the opportunity, with your permission, to discuss the concerns you have raised with xxxxx and Head of your College. I have also taken the action you requested in your email to my colleague, xxxx and spoken to your head of department, Mrs Porter.

I’m afraid that I have to ask you to clarify a couple of issues for me before I can decide on the form of investigation which may need to take place.

I understand from your email and from Mrs Porter, that you have already raised some of the concerns which you have outlined below with Mrs Porter and that she has initiated a review led by Professor xxxx, which is due to report shortly. I need, therefore, to disentangle those issues which have already been investigated from any which have not and then to consider whether the outstanding issues warrant investigation under the Whistleblowing procedure or whether you would be better served by utilising the grievance procedure.

As a way forward I suggest that either you alert me to those issues which you know will not have been investigated by Professor xxxx, or if you feel it would save time from your point of view, I could, with your agreement, share your email with Professor xxxx and ask her to identify issues which she has not addressed.

It is important to note that the Whistleblowing procedure cannot be used to bring about the reconsideration of any matters which have been addressed under separate complaint procedures.

Regards

Mr Smith  
Registrar and Secretary
From: Dr Stone To: registrar
Subject: MSc Programme

Mr Smith – me again: apologies for the rather disjointed comms.

As I noted in the emails – my local management team were briefed on (a) my initial concerns quality / freshness of materials and overall market robustness of the MSc programmes in question and (b) the fact that my supported changes (which have had a positive impact in terms of recruitment, retention and satisfaction) had been all reversed on the return of the Unit Director Dr Sam.

I had lots of support and encouragement from the AD team during the time that Dr Sam was on research leave. Sam is – it is fair to say – a “difficult” character and many people shared colourful opinions about her, her work ethic and her inter-personal communications. My direction of travel was therefore endorsed, praised and encouraged and I set about meeting my contractual obligations: shoring up the Programme, improving quality, speaking and meeting with the students, etc. and ensuring that the exposure to negative risk of the course and the reputation of the University was removed.

On Dr Sam’s return (with hindsight), it is arguable that I was ‘set up for a fall’. All those who had worked with her for the past few years would have anticipated that despite her assurances, reversion would be guaranteed. Support for my changes now disappeared. I flagged my concerns to Mrs Porter, whose first effort (with an HR observer in attendance) was to attempt to pin the entire situation on me as being a failure of my communication skills. Deftly avoiding this for 15 minutes or so, the next gambit was to call on “academic opinion”, i.e. that everything was down to interpretation. Unfortunately, I firmly believe that the matters are black and white. Either I made the (supported) changes which have improved the courses and should be retained – OR, I am in fact wrong and a more open, commercially-sensitive, student-focused, quality-obsessed and University regulation-compliant product is not what I should have been shaping. In which case, I should have been informed of that last November when I delivered a confidential report to Mrs Porter and Prof xxxx. This was of such sensitivity that Mrs Porter shredded it.

I have an opinion on the review that Mrs Porter has instigated, but it’s not my place to express that. Frankly, a review wasn’t needed: just some common-sense to see what had happened and act to sort it in quick order. Again, it’s not my place to express this, perhaps, but I’m not sure you need to investigate this per se – I don’t think there are two equally valid sides to this because the reversals of changes to the MSc programme in question have no justification, whilst the changes themselves were absolutely evidence-based.

All I wanted to do in raising the issue with Mrs Porter was indicate to management that:

(a) In my opinion, the reversals to Course improvements are a bad thing;
(b) In my opinion, the reversals threaten retention, recruitment and social marketing of our MSc
(c) In my opinion, the Course and the University are now vulnerable to a range of allegations which would be difficult to defend
(d) In my opinion, there are a number of complaints in play or likely to be made which will be impossible to defend
(e) In my opinion, we have already lost one of our finest students [better qualified than me] and stand to lose more
(f) In my opinion, halting the updating of Modules / re-recruiting hopeless and unapproved markers (etc.) is unacceptable
(g) In my opinion, reversing actions which I had instituted with staff support is unfair and unjust to me.

I was surprised to find that Mrs Porter did not wish to “own” this problem. Having surfaced a risk to £750k/p.a. + reputation + collateral + effect on student lives, it was me that was “required” to attend
meetings to justify a situation which I had recorded in writing. The hectoring nature of these and the involvement of HR in a bizarre pincer movement - where each pincer appeared unaware of what the other was doing and the fact that both pincers had heard me set out (and had read printed versions of) the evidence to my allegations - propelled me to exercise the whistle-blowing option. I wish that this had not been necessary, but there is absolutely no way in which I am going to be hung out to dry for, as it were, telling the truth to power. But I do not want to be proved right by my predictions coming about. Some decisive actions need to be taken. And I think they’re simple.

I have no desire to proceed along the avenue of grievances et al. This is NOT about personalities: rather about the need for my senior management to grip a situation before things go (in my judgement) very awry. A relevant paragraph from the Whistleblowing policy would therefore be: “policies and procedures are already in place covering grievance and complaints; harassment, and discipline. This policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, although this may subsequently lead to the invocation of such other procedures.”

I’ve no selfish interest in this – I don’t want our students to be receiving a poorer service and being failed and stressed for no defensible reason (as they are) and don’t wish to put at risk the reputation of the University and the viability of the Programme. It would be nice to be told that I had done the right thing and acted in the interests of the most important people (our customers) and the University … but life isn’t always like that! As a temporary appointment who had hoped to have a shot at applying for a permanent post, it is hardly in my best interests to have raised these matters at all nor to have stuck to my guns. The reason for my determination is that I care: about the students, the University, the income, the reputation, the admin staff, and the opportunities for the Unit that may not occur … and so on. Again, it’s odd that a junior, temporary academic employee would care more than permanent academic and managerial staff…

With very best wishes and apologies once again for the necessity of involving you and your colleagues in this,

Dr Stone
Hi Mr Smith: this just gets ever more confusing from my point-of-view.

I think you have misunderstood our whistleblowing policy and my motives in contacting you.

Let me address these in reverse order:

1. I ‘whistleblew’ the fact that having objected to Mrs Porter about: (A) the trashing of all of my previously supported improvements to the above MSc programme; (B) the betrayal of our students in terms of consistent and justifiable marking and (C) providing foresight of impending complaints from current and graduating students at MSc and PhD level, I was being targeted to justify an evidenced problem that local management were incredibly reluctant to own and that – to me – seemed straightforward in business, reputation, quality, income, ethical and other ways.

2. Given that Mrs Porter involved HR as a first response to me raising my concerns – and this continued after initiating the informal review – I felt very exposed and unsupported (lacking top level cover – in my words).

3. I ‘whistleblew’ to you about the way in which I was being treated having raised this matter to local management - in the hope that intervention would ensure that the problem was owned and responsibility taken by those who can actually make a concrete decision.

4. Our Whistleblowing Policy states that I may do this directly to you: “without fear of reprisal […]. Such disclosure within the University may be made independently of line management”.

5. I am covered by the whistleblowing policy because I am not seeking “reconsideration of any matters which have already been addressed under separate harassment, complaint or disciplinary procedures”. There has been no harassment, complaint or disciplinary procedures invoked. I have merely raised an issue to local management who have essentially turned on me. I am whistleblowing the unfairness of attempts to blame me for having drawn attention to this longstanding problem – which I have in good faith done what I could to remedy.

6. The whistleblowing process is “designed to allow staff and other members of the University to raise concerns or to disclose information which is believed to show malpractice”.

7. I believe that the way in which my changes have been reversed (given the skeletons I uncovered and laid to rest last year) do amount to malpractice. The fact that local management did not instantly support me may arguably also amount to a form of malpractice given what is at stake for the University.

8. The whistleblowing policy requires that I contact you; you notify the VC who then notifies the Chair of Council. Investigation is then undertaken by an independent person.

Do let me know your thoughts. I would be very grateful if you could let me know where I stand in relation to the above.

Dr Stone
Dear Dr Stone

I’m sorry if you found my summary paraphrasing patronising, that wasn’t my intention and I apologise. I may have over-emphasised or misinterpreted your comment that you have been “targeted”.

I was trying to differentiate, maybe rather too simplistically, between the concerns you have raised and which have been dealt with by Professor xxxxx in her review, and those which you want considered under the Whistleblowing policy. I hope I summarised this more appropriately when I said, “As I now understand it you are not seeking an investigation into the concerns you have raised with regard to the management of the programme – by which I mean the department’s response to the changes you say you instigated – but the way in which you have been treated subsequently.”

It would, as I have stressed, be inappropriate to instigate an investigation under the Whistleblowing Policy into concerns which have been considered, or are being considered under another procedure i.e. that initiated by Mrs Porter. Therefore, I needed to ascertain the nature of the allegations you are making.

I’m afraid that I don’t understand your comment that the “personal dimension is not the most important”. An allegation made under the Whistleblowing policy has to be against a person or persons, we can’t find wrongdoing in a process or system. You are alleging malpractice by, I assume, Mrs Porter and the Course Director in their treatment of you once you had raised concerns about changes to the MSc. Whether the concerns themselves are valid is being investigated by Professor xxxxx.

My response, as the designated person under the Whistleblowing Policy, has been to question whether your allegations with regard the behaviour of Ms Porter and the Course Director in how they handled your concerns presented a prima facie case for investigation. I don’t believe that they do but I would be prepared to seek a second opinion on this assessment and I will do so tomorrow.

I must stress however that in reaching this judgement I am NOT concluding that you do not have a case warranting investigation. In fact I expressed a willingness to initiate the process.

You conclude your email by asking that I follow the Whistleblowing process – which I am – and that if your changes to the programme aren’t reinstated you will issue a grievance. My advice remains therefore that you wait until you have had sight of Professor xxxxx’s report and if at that point you remain unhappy about the situation you submit a grievance, which could include your concerns about the way you have been treated – as you outlined in your email earlier today.

In the meantime I will seek a second opinion on my judgement that it is not appropriate to consider the allegations you have made under the Whistleblowing policy, rather that you pursue a grievance.

Mr Smith
Registrar and Secretary
From: Dr Stone To: Mr. Smith Subject: RE: MSc Importance: High

Morning, Mr. Smith

What I would like to have heard from someone is something along the lines of “oh, yes, I see what you mean. We fully support the changes you made which increased student recruitment and satisfaction and that you were contracted to do. This reversal is inappropriate, let me go away and sort that …” Even if the Whistleblowing Avenue is not appropriate, again it would have been nice to have been told: “okay, thanks, leave this with me, I’ll grip this problem. I don’t think the Whistleblowing Avenue is the best, so let’s – with your agreement, Dr Stone, agree to park that in the best interests of getting things back on track”.

In short – there don’t need to be reviews and investigations. I was contracted to do a job. I did it. I was praised for it. Then my changes are trashed. The evidence of my changes being reversed is there in black and white (email notifications from Dr Sam / student withdrawals / complaints / student calls to Dr Sam and Mrs Porter). What was needed was leadership and swift decision-making. Weeks have now been wasted when the situation boiled-down to either one of two people being right! I absolutely do not understand:

Why my local manager (Mrs Porter) didn’t immediately think that the reversal of all of the changes I was employed to make was inappropriate.

Why Mrs Porter decided to launch a review rather than act instantly – given that the information upon which to make a decision was in front of her and that since Nov 2010 I have only been encouraged in my refreshment and updating of the course and the way we run it.

Why Mrs Porter decided that it was me that was needed to repeatedly justify my concerns – with an HR observer present.

Why in the light of the complaints that students have raised to Dr Sam and Mrs Porter that Porter did not THEN act to restore the direction of travel of improving the MSc programme.

Why no-one has appreciated my raising of these serious concerns.

Because of my reservations over the handling of my serious concerns and the perception I have that I am now regarded as a troublemaker for having pointed-out the obvious but uncomfortable truth, I read the University policy on whistleblowing and contacted you. Not least because of sections such as this: “It is important that individuals bring genuine concerns to the attention of the University at the earliest opportunity. It is not necessary to provide, or wait for, ‘proof’ of malpractice”. I understand from the whistleblowing policy that there is an investigative process by which it will be decided that there is a prima facie case for investigation if the appropriate approach is decided by the designated person as via internal inquiry: “Where the matter is to be the subject of an internal inquiry, the designated person will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining

- who should undertake the investigation
- the procedure to be followed
- the point at which the person or persons against whom the disclosure is made, will be informed as to the nature of that disclosure
- the scope of the concluding report.”

Frankly, I am not bothered which route is taken to resolve my serious concerns. The quicker and most effective would be best. As I have stated earlier, I’m only a temporary appointment so this is hardly a career-boosting activity for me!

Anyway, apologies for this landing in your lap.

Dr Stone
From: Dr Stone  
To: Mr Smith  
Subject: Thanks for your note today  
Date: 28 Jul 2011  

Mr Smith: firstly, many thanks for your note.

You are absolutely right that the issues which relate to me **personally** are best taken forward as a grievance – and I will indeed do that. I am grateful for your clarification. However, these issues have never been my priority.

The “informal review” that Mrs Porter initiated has (as anticipated and which is why I initiated the whistleblowing process) not looked at the issues of academic quality, etc., that I had raised personally with Mrs Porter and latterly via the whistleblowing process. Instead, colleagues who have decided they do not like me have had an open goal to make all manner of allegations. The grievance process is obviously appropriate here – not least because there is now a written record for me to use in this process and to secure legal and other opinion. We can leave remedying this to one side.

I used the whistleblowing process to raise serious concerns about the academic quality; risk to retention and reputation; liabilities that the university is now exposed to, and so on, around the MSs

> **MY SERIOUS CONCERNS OF ACADEMIC QUALITY, ETC. HAVE NOT BEEN INVESTIGATED IN THE INFORMAL REVIEW, POSSIBLY DELIBERATELY.**

> **MY SERIOUS CONCERNS FALL WITHIN THE SCOPE OF THE WHISTLEBLOWING POLICY.**

> **HAVING RAISED SERIOUS CONCERNS VIA THE WHISTLEBLOWING ROUTE [Even if it was inappropriate to do so] – THE WHISTLEBLOWING POLICY SETS OUT THE PROCESS BY WHICH THE DESIGNATED PERSON WILL HANDLE THE DISCLOSURE. THIS BEGINS WITH ORDERING AN INVESTIGATION TO SCOPE A **PRIMA FACIE** CASE FOR FORMAL INVESTIGATION; NOTIFYING THE VC AND CHAIR OF COURT.**

There is a corporate governance issue here. Having raised legitimate serious concerns at both local and the most senior levels of management – there is a reasonable expectation from an employee that these concerns should be owned, investigated and decisions reached and implemented about whether my serious concerns are justified – or not.

I am motivated by a sense of ‘duty of care’ to both our fee-paying students and as an employee of the university wanting to uphold the brand, quality and integrity of our services.

Yours sincerely,  

Dr Stone
From: Mr. Smith To: Dr Stone
Dear Dr Stone

In my email to you of 25 July, I then explained that the **Whistleblowing procedure could not be used to consider issues already under investigation through another process**, and that it would be necessary therefore, for you to distinguish between the matters that were currently being investigated through the other procedure and the additional issues that were not. I explained that once you had done this, I could then determine whether the additional issues would warrant investigation under the Whistleblowing Policy or under another process.

In your email to me of 25 July, you confirmed that you had raised issues with Mrs Porter and she instigated an investigation further to this. You also clarified that the additional concerns you had focused on the actions taken by Mrs Porter in her instigating an investigation about the issues you had raised.

In my email to you of 26 July, I indicated my view that your concerns raised about Mrs Porter decision to initiate a review in response to you raising concerns with her did not form a prima facie case for the Whistleblowing Policy to be invoked. I sought further clarification of your position.

In the same email and also in subsequent communications to you, I made a clearer statement, **which I reiterate now, that I don't believe that the concerns you have raised relate to matters that warrant investigation under the Whistleblowing Policy.** This judgment does not conclude that your concerns aren’t valid nor that they shouldn’t be investigated, but, as advised previously, **I feel that your concerns would be more appropriately dealt with under the University’s grievance procedure.**

So, to be clear, the concerns that you have raised will not be dealt with under the Whistleblowing Policy as a result of (i) some of the issues already being addressed under another procedure; and (ii) the issues not being deemed to fall within the scope of matters to be dealt with under that Policy. In relation to the latter point, the scope of the Whistleblowing Policy extends to situations where employees make protected disclosures. From the content of your emails to me, the issues you have raised do not appear to fall within the meaning of a protected disclosure (as defined in legislation and in the Whistleblowing Policy). In particular, the matters you have raised cannot be said to amount to a disclosure of information relating to any of the issues listed in the relevant legislation and the Policy. Instead, as I have indicated, the matters you refer to, seem to me, to be more appropriately dealt with under the University’s grievance procedure.

In any case, whether your concerns are dealt with under the Whistleblowing Policy or under the grievance procedure, the matters raised would still need to be investigated in the same way. As you will appreciate, a decision cannot be made without some investigation being conducted. Under the Whistleblowing Policy, as the Designated Person, I would be responsible for determining the form of the investigation (which could involve an internal investigation being conducted) and this would normally involve me appointing someone to do this. In the same way, under the grievance procedure, your grievance would be investigated by an appointed person.

**On the basis of the above, I confirm that your concerns will not be dealt with under the Whistleblowing Policy.** Nevertheless, I regard the issues that you have raised as sufficiently serious to warrant a formal investigation under the University’s grievance procedure and therefore I wish to treat the matters you have referred to in your emails (and which are not the subject matter of the other procedure being conducted) as a formal grievance. If you are not happy with the outcome of Professor xxx’s investigation into the matters that you raised with Mrs Porter, then I suggest that these matters are progressed under the formal grievance procedure in addition to the other issues in order that a formal investigation into all concerns can be conducted at the same time. I’d be grateful if you could confirm that you wish me to proceed with a grievance from you.

I hope this clarifies matters for you. Mr Smith
Registrar and Secretary
From: Dr Stone
To: Mr. Smith
Subject: RE: Thanks for your note today

Mr Smith: I am not content to step outside documented university regulations.

Having been raised under the whistleblowing policy – these serious concerns have to be investigated through that policy. There is no suggestion in that policy that matters referred to you under it can be diverted into some other route for any reason. Having read the grievance procedure, this confirms my view that this is a Human Resources policy for addressing issues between staff (harassment and bullying and the like). I will use the grievance procedure to address issues which have emerged during the course of me raising my serious concerns. The grievance procedure is something I would initiate by writing to my Line Manager or their superior………………… I cannot accept involvement in any process which does not follow a documented university regulation.

Dr Stone
Date: 29 Jul 2011

Mr Smith: you are refusing to follow the university regulation on whistleblowing.

You have no authority to dismiss any disclosure made under it.

I have repeatedly stated that grievances are for inter-personal issues.

I am not content for any informal process or investigation not set out in university regulations to take place.

If the university will not accept disclosures made under the whistleblowing policy – it should say so. Others may be very interested in this reality.

Dr Stone

From: Mr. Smith To: Dr Stone Subject: RE: Investigation into the MSc

Dear Dr Stone I am satisfied that I have exercised my authority properly and appropriately. An investigation into the matters you have raised will take place. You may of course choose not to be interviewed in connection with that investigation. It will progress nonetheless. As I have repeatedly explained you can exercise your right, at any time, to issue a grievance in order that your concerns can be investigated under that procedure, which as I have also repeatedly explained is, in any case, very similar to that required under the Whistleblowing Policy. I have decided to initiate an investigation as I outlined in my recent email because of the serious nature of your allegations with regard to the quality and standards of the MSc, and your reluctance to follow the appropriate, grievance procedure.

Mr Smith Registrar and Secretary

From: Dr Stone Sent: July 2011 To: Mr. Smith Subject: RE: Investigation into the MSc

Mr Smith: you have no authority in Regulations to not respond to disclosure made by way of the whistleblowing policy in the way that policy sets out
If I need to take legal advice on this matter, so be it.
I have seen what happens when an undocumented and informal process is followed and is absolutely not content to follow another.
Regulations are there to protect both the institution and the individual and I must insist that this inquiry follows the established procedures.
I cannot understand why I have to point out repeatedly the black and white facts about the whistleblowing policy.

Dr Stone
Appendix 7-E: Give up fighting and Mrs Porter’s reply

From: Dr Stone To: Register Mrs Porter Subject: I'm done fighting

Mrs Porter: it’s time for me to admit defeat.

Since appointment last November, I have been absolutely committed to introducing positive changes to the MSc programme. I brought 11 issues to your attention last week which you kindly suggested an internal review by Professor xxxx would focus on. I have made you aware of my concerns about the Programme and make you aware early of my student-centred contingency plan for an emergency. You may wish to pursue alternative plans.

I think I have done all I could do – not without some risk to my reputation. I have escalated the outstanding issues that require decisions. Once the decisions are communicated to us all, I will of course respect and stick to them. I will ensure that I am present on the required days and meet contractual obligations.

I make no apologies for working in the best interests of our wonderful student body and to enhance the reputation, recruitment and retention of folk to the MSc course. However, I currently feel entirely isolated, victimised and bruised for having done so and receiving no support or recognition. The best thing for me to do is accept that the judgement calls are for others to make and focus instead on excellence in what I can do.

From my point of view, the matter is closed. I don’t want to pursue, talk about or argue the issues any further, I just want to be told what to do so that I can continue with the day job.

Warmest wishes, Dr Stone

From: Register Mrs Porter To: Dr Stone Subject: Reply to various emails

Dear Dr Stone

I am responding to a number of emails which I received from you at the end of last week. I realise that the situation we are in is an unpleasant one for everybody concerned, but we do need to be aware of operational needs and in particular the experience of our students. I thought it would be useful to clarify where we have got to with these matters:

1. You brought a number of issues to my attention last week. As you know, I have taken your concerns firmly on board and I have asked Professor xxxx to conduct an informal review of these. You indicated in an email on 7 July that you are happy with this course of action and I understand she has already been in touch with you. We need to let this process move forward and respond to the outcomes. If you are now not happy with the route described above, then you do still have the option of pursuing a formal grievance.

2. You are expected to be in attendance in the office as discussed at our meeting last week and outlined in my previous email. I also asked you to let us know which days you are normally going to be attending the office.

3. I am aware that you have contacted Dr Sam to say that you cannot carry out marking duties. Marking is a substantial element of your job description and we need you to continue doing this. I realise that there are some differences of opinion about marking methods and approaches, but whilst this is being reviewed you must carry out this work, as allocated by Dr Sam as your line manager.

Best wishes Register Mrs Porter
From: Dr Stone  
To: Registrar Mrs Porter  
Subject: RE: Reply to various emails

1. I have detailed my concerns, I am content for her to advise you and me to act on your decisions. I don’t want any further part in what is a problem requiring a strategic decision. I have blown a whistle, how the University responds to that is up to it. From my point of view - the issue is closed and I won't comment or expand on my thoughts further.

2. I cannot do the second marking even though I want to - for the simple reason that Dr Sam has issued an entirely new set of guidance on how first marking should be done. I cannot 'correct' these feedback sheets because I then contradict her advice and nullify the work of the 1st markers (paid £25 a time). I cannot endorse what those markers have done because I think Dr Sam is just plain wrong and swimming against the tide in how we should feedback to students and what we should reward and penalise. The markers and I changed our collective approach in December 2010, xxxx and xxxx were happy as were the students. Sam has reversed this. The outcome of 1. Above will determine what happens for the next round of marking.

3. As I stated previously, I am not in a position to discuss personal correspondence, much as governments never discuss leaks.

4. I am a temporary appointment, so it’s of absolutely no value to me to pursue a grievance. And it would only generate work and irritation for all concerned. Let's avoid that. I've never been the subject of nor initiator of a grievance, so would prefer not to start involvement now. From my point of view, everyone knows how Dr Sam operates and the current situation arises because the change I was employed to introduce has collided with her personality. There’s little surprise that it’s occurred – but I am surprised by the lack of protection I have from the implications of Dr Sam’s behaviour. However, if it’s only me that feels that’s wrong, then I will have to live with that outcome.

5. I have plenty to do just now focusing on updating internal communication and supporting students. It might be that my other efforts would be best placed in updating xxxx (as I planned). As you are aware, Dr Sam has blocked this, but I'd be happy to do this if requested by you.

6. I will also look into further commercial and bid opportunities.

Best wishes,

Dr Stone
Appendix 8-F:

*Head of HR-Miss Brown’s Email for explain the reason of Dismiss Dr Stone*

From: Miss Brown
To: Dr Stone
Subject: MOST URGENT to Dr Stone
Date: Wed, 10 Aug 2011

Dear Dr Stone,

It is not my intention, at the meeting, to enter into a debate with you regarding the details of your contract of employment. I am happy to reiterate, now and at the meeting, the reasons for your dismissal which are that the University has been informed, by another University, that you are working for them on a full-time contract with effect from 1 August 2011. As far as the University is concerned you have breached your employment contract since you are not able to dedicate yourself to a satisfactory level of care and attention to the work you were being paid by the University, which is on a full time contract, whilst working on a full-time contract for another employer.

Regards,

Miss Brown

Head of HR

The University of Middle England
Appendix 8-G: Dr Stone’s explanations after dismissal

After dismissed by The University of Middle England, Dr Stone email everybody for explaining himself

Subject: Dr Stone - A Clarification From the Horse’s Mouth
Date: Wed, 10 Aug 2011

Hi everyone.

As you may have heard – the University yesterday attempted to instantly dismiss me for the “gross misconduct” of having two jobs and doing both of them extremely well, with no complaints from either employers or managers or students (I do actually have some other jobs, too, some of them voluntary – Shhhhhhh!). Now, where is that restriction in my terms and conditions? Oh look, it isn’t! Given that my current temporary contract was renewed with only 2 weeks’ notice, it shouldn’t be much surprise that I’d be lining-up the next post well ahead of time. My problems only really began to escalate when I asked certain people for references for my next job: a permanent Senior Lectureship elsewhere. Sour grapes …? Surely not.

How many complaints have I had from students about my work? None. How many complaints have I received from management about my performance? None. Here’s my story – then - to head off rumours and wild gossip! It basically boils down to an attempt by someone not doing their job to sack me for doing my job. How strange, you might say … I couldn’t possibly comment. Wowzers! The perils of having the temerity to raise concerns with Mrs ……, about the possibility that something she has been responsible for for many years might have problems! For example: an incredibly lucrative MSc distance learning programme where all of the positive changes that I have been paid and encouraged to introduce have been reversed by the returning Course Director / Programme director within a month.

That might be something that would focus the mind of a good manager, right? Surely it’s simple to decide what should or shouldn’t happen with a course in the interests of quality, reputation and profitability, right? Just a question of making a good decision, right? Maybe that’s even a manager’s job, right? Right.

Except in this case, XXXX’s response is to not just to attempt to shoot the messenger, but to think that the solution is to take the bullet-ridden corpse of the messenger into ….. Park, dig a deep hole and place the messenger in that hole whilst she focuses on something more important.

XXX seems not to mind that I: increased the number of students on the course, exponentially increased satisfaction and loyalty, brought in consultancy monies, refreshed truly ancient course material, invented new tools to enable students to improve their learning, research and writing skills, brought in industry experts to speak to the students, introduced positive and modern marking practices (yes – we even put our name against our comments now!) Made myself available almost 24/7 to students across timezones, started detecting large quantities of plagiarism in submitted work, stopped using markers who were both unapproved by the university and useless, saved £1000s by agreeing with my lovely admin team and the printer to move from the classic 1980s ring binder format to a fresh, slim line book for course materials and have received no complaints about my personal conduct from students – unlike certain others. What’s XXXX first response to me raising concerns? Oh yes, the obvious one! Order an “Informal Review” which has no standing in official University regulations. Provide a platform for those jealous of my success, irrational about change and keen on inventing untrue allegations about me to make them. And accept it in full. Oh, and say that no further action is required by her - even though the document accuses me of everything short of eating my own babies. When I share this work of fiction with those who contributed to it, xxxxx decides that this document constitutes “personal data” (yeah – lies about me!) and is “confidential” (yeah – shame it’s not marked as such). But why the sudden coyness, xxxxx? If something’s good and proper – you wouldn’t mind it being shared would you? Sunshine – such a cleanser.

Sigh! Oh so predictable. Never mind. The fat lady is yet to sing on this one …Do keep in touch – Gmail is probably the best option until the University reactivates my email.

Have a good day, Stone
Appendix 8-H: Some examples email from students of the University of Middle England

From: xxxxx@googlemail.com
To: Dr Stone @gmail.com

Example one:

Hi Dr Stone

I am so sorry to hear about this!!!

You have my complete support. I have already drafted a letter to CCC and I have spoken to a number of students who, like me, recognised you as the only positive aspect to an otherwise terribly outdated course and poorly tutored course. You are the only tutor who has actively and proactively sought to engage with the students on a regular basis and for this I am hugely grateful. Anything I can do to help I will happily do.

I have pasted below a copy of the letter which I intend to send to CCC. I am open to suggestions which you think may strengthen it with their inclusion/exclusion...

I hope that you are able to find a way to relax and forget all the stress and frustration that this must have caused! A little last minute sunny getaway perhaps???

Anyway, my sincerest thanks for all you have done for us all... And as I said, if there is anything that can be done to assist you and bolster your case in time for the tribunal, then please don't hesitate to ask and I will do all that I can.

Best, XXX

Example two

From: YYY@mod.uk To: registrar Subject: Concerns

Dear Mr and Ms,

My name is YYY and I am currently in my final year of a distance learning post-graduate degree with the University of Middle England, studying Emergency Planning Management.

I……………………………….the reason for my email is to raise my concerns about the conduct by members of the university in reference to dismissing Dr Stone. Since Dr Stone took up his position I have witnessed some significantly good changes to support the interaction between other students and tutors of the course. Dr Stone has made the internal communication site more accessible, interactive, and interesting and also an excellent source of information to support our studies. Dr Stone has also instilled a facebook page to generate discussion with other students who I will possibly never met face-to-face due to the structure of the course.

Although Dr Stone has been active behind the scenes of the course, it is important to highlight the enormous help Dr Stone has been to me personally. As a dyslexic studying at this high level I have found myself at times struggling with the study and needing the reassurances and support to enable me to continue with my studies.

Dr Stone has gone over and above my expectations, by taking time out from his busy schedule (even outside the core hours of his work), to discuss with me the issues I have had offer advice, point me in the right direction but most of all giving me the belief in myself to go continue with my studies.

…………………………….I am disappointed to hear about Dr Stone having problems after all of the good work he has done for me and the university.

Yours Sincerely YYY
Example three

Dear Sir/ Madam (to the university of Middle England),

I am writing to express my dismay at the dismissal of Dr Stone from the University of Middle England teaching team, which I strongly feel is to the detriment of the department. Since his joining the staff, I have found Dr Stone to be a hugely valuable and accommodating tutor. Dr Stone provided huge amounts of support to me and as I understand it from conversations with other students on the course, to many others as well. In fact, Dr Stone was the only tutor who, to my knowledge, proactively sought to engage with students.

In addition to providing key assistance and guidance to students, Dr Stone was also the driving force behind work to update the course, which in its current state is, in my opinion, unjustifiably outdated. Within days of starting the course in September 2010, on 24 September 2010 I wrote an email which was forwarded to Dr Sam voicing my concerns over the lack of recent or ‘cutting edge’ material in the reading lists (correspondence attached to this mail). Whilst Dr. Sam seemed happy with the existing ‘rolling programme of module updates’, which have so far failed to update the vast majority of reading material, which for the most part date back to the 1990’s and early 2000’s, Dr Stone took up the concern and has actively seemed to be rectifying the issue, which is one that I see as being severely undermining to the academic integrity of the course.

For my part, I am now significantly concerned that with the loss of Dr Stone, students will not receive the necessary levels of proactive support from tutors and therefore will not receive the best possible education, nor will there be the driving force that seeks to modernise and update the course to reflect the emerging nature of the fields of risk, crisis and disaster management. Additionally, his dismissal is highly disruptive for students which will undoubtedly impact their studies.

I feel that the university should strongly reconsider its position on Dr. Stone's dismissal as it is likely to have a widespread and negative impact on not only the course, but also on the paying students who will be severely disrupted by these actions and whose academic work may suffer as a result.

Kindest VVV
Appendix 8-I: Appendix Whistle blowing policy of The University of Middle England

STATEMENT OF POLICY

1. Introduction

The University is committed to the maintenance of the highest standards. It seeks to conduct its affairs in a responsible manner taking into account the requirements of the funding bodies and general guidance and legislation on standards in public life, particularly in regard to probity, openness and accountability.

The Public Interest Disclosure Act gives legal protection to staff (including employment agency supplied workers and those on work experience) against being dismissed or penalised by employers as a result of publicly disclosing certain serious concerns. This is commonly known as ‘whistleblowing’. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. However, where an individual discovers information which he or she believes shows malpractice/wrongdoing within the organisation (including that which may occur in conjunction with third parties who are external to the organisation, such as suppliers or contractors) then this information should be disclosed without fear of reprisal. The whistleblowing policy enables such disclosures within the University to be made independently of line management, if that is the preference of the individual who wishes to make the disclosure, in accordance with the following procedures.

2. Scope of Policy

This policy is designed to allow staff and other members of the University to raise concerns or to disclose information which is believed to show malpractice; and to do so at a high level.

A number of University policies and procedures are already in place covering areas such as grievance, complaints and discipline. The whistleblowing policy is intended to cover concerns which are in the public interest and may (at least initially) be investigated separately, although this may subsequently lead to the invocation of such other procedures. A disclosure can relate to an issue that has been, is being, or is likely to be committed, and examples of issues covered by this policy might include:

• financial malpractice, impropriety, fraud, bribery or corruption
• criminal activity, requiring the University to liaise with the Police
• failure to comply with a legal obligation or with the Charter, Statutes, Ordinances and Regulations of the University
• dangers to health and safety, or the environment
• academic or professional malpractice, such as the production, citation or other use of fraudulent research data
• the obstruction or frustration of academic freedom
• improper conduct or unethical behaviour
• attempts to conceal any of the above.

It should be emphasised that the whistleblowing policy applies to students and members of the Governing body as well as to staff, and is intended to assist individuals who believe they have discovered malpractice or impropriety. It is not designed to permit or encourage the questioning of legitimate financial or business decisions properly taken by the University; nor may it be used to bring about the consideration (or reconsideration) of any matters which may be properly and appropriately addressed under other University procedures, such as those referred to above.

3. Safeguards

3.1 Protection

The whistleblowing policy is designed to offer protection to those employees or other members of the University who disclose concerns that are in the public interest provided the disclosure is made:

i. in good faith,
ii. in the reasonable belief of the individual making the disclosure that it tends to show malpractice.

The individual concerned will be protected if he/she makes such a disclosure to an appropriate person/body (see section 4 below).

However, it should be noted that a disclosure will not necessarily qualify for protection if the person making the disclosure commits an offence by making it (e.g. breaching the Official Secrets Act) or if legal professional privilege applies in respect of information contained in the disclosure.

This policy provides for whistleblowers to request that they be supported, advised or represented in their place by another nominated individual, such as a staff representative or trades’ union official.

3.2 Confidentiality

The University will treat such disclosures in a confidential and sensitive manner. The identity of individuals making allegations may be kept confidential so long as it does not hinder or frustrate any investigation. In this event, the University will consult the individual before it takes any further action which might break the initial confidentiality. It should be recognised, however, that the investigation process may, of necessity, reveal the source of the information, and individuals making the disclosure may need to provide a statement as part of the evidence required.

3.3 Anonymous Allegations

Individuals making disclosures under this policy are encouraged to give their names. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the University.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

3.4 Untrue Allegations

If an individual makes an allegation in good faith, which is not confirmed by subsequent investigation, no action will be taken against that individual. If, however, an individual is found to have made malicious or vexatious allegations, and particularly if he or she persists with making them, action may be taken under the relevant disciplinary procedure.

4. Procedure for Making a Disclosure

4.1 Initial Step

It is important that individuals bring genuine concerns to the attention of the University at the earliest opportunity. It is not necessary to provide, or wait for, ‘proof’ of malpractice. The disclosure should, however, contain as much detail as possible of the grounds for concern, including the names of individuals and significant dates, locations or events, where applicable. Where two or more individuals are aware that they share the same concern they should each make a separate and individual disclosure to the University and they should not discuss the matter further between themselves. Submission of joint disclosures may lead to counter-allegations of collusion or of ‘manufactured’ concerns. The individual should make the disclosure (either orally, in writing, or by e-mail) to the designated person, who will normally be the Registrar and Secretary,…..

These arrangements will be complied with unless:

i. requested not to do so by the discloser, or
ii. if the Chair of Council is likely to be involved at any subsequent appeal.
In cases involving financial malpractice, the Registrar and Secretary should act throughout in close consultation with the Vice-Chancellor, as the Accounting Officer for the institution’s public funding, except where the Vice-Chancellor is the subject of the disclosure.

4.2 Initial consideration of the information disclosed

The designated person, in consultation with the Chair of Council, will consider the information made available, assess the extent to which the nature of the disclosure falls within the scope of the whistleblowing policy as defined in Section 2 of this document, and will decide on the form of investigation to be undertaken. This may be:

a. to investigate the matter under the terms of the whistleblowing policy, in which case the process described under 4.3 onwards shall apply; or
b. to investigate the matter under the terms of other more appropriate University policies, such as those covering grievance and disciplinary matters, in which case the process described in the other policy shall apply.

The designated person will inform the person making the disclosure (unless it was made anonymously) of the nature of the investigation to be undertaken within fourteen days of receiving the disclosure.

4.3 Process for investigation of disclosures made within the scope of the whistleblowing policy

If it is decided by the designated officer that the disclosure falls within the scope of the whistleblowing policy and is to be investigated under that policy, the designated officer will decide on the form of investigation to be undertaken. This may be:

- to investigate the matter internally
- to refer the matter to the police
- to call for an independent inquiry.

If the decision is that investigations should be conducted by more than one of these means, the designated person should be satisfied that such a course of action is warranted by the nature of the information available.

Where the matter is to be the subject of an internal inquiry, the designated person will then consider how to conclude whether there is a prima facie case to answer. This consideration will include determining:

- who should undertake the investigation
- the procedure to be followed
- the point at which the person or persons against whom the disclosure is made, will be informed as to the nature of that disclosure
- the scope of the concluding report.

4.4 Investigation

Normally the investigation will be undertaken by an officer who is independent of the University. Investigations will not be carried out by the person who will have to reach a decision on the matter. Any investigation will be conducted as sensitively and speedily as possible but having proper regard to the need for thoroughness and with no presumption of guilt. A written record will be kept of all investigations. Where a disclosure is made, the person or persons against whom the disclosure is made will be told of it after the initial investigation has been undertaken. They will be advised of the evidence supporting the disclosure, and will be allowed to comment before the investigation is concluded or further action is taken.

Where the initial investigation provides reasonable grounds for suspecting a member or members of staff of fraud or corruption, the investigating officer will advise the University on how to prevent further loss. This may require the suspension, on full pay, of the suspects. It may be necessary to plan the
timing of suspension to prevent the suspects from destroying or removing evidence that may be needed to support disciplinary or criminal action. As a result of this investigation other internal procedures may be invoked, such as the University’s grievance and disciplinary policies, or the matter may form the basis of a special investigation. In some instances it may be necessary to refer the matter to an external authority for further investigation.

4.5 Feedback

The designated person will inform the individual making the disclosure of what action, if any, is to be taken. If no action is to be taken then the individual concerned should be informed of the reason for this and allowed the opportunity to make the disclosure again to another appropriate person. For example, if the initial disclosure was made to an officer of the University, then the subsequent disclosure may be made to the ……. This other person will consider all the information presented the procedures that were followed and the reasons for not taking any further action. The outcome of this process will be either to confirm that no further action is required or to require a further investigation.

4.6 Reporting of Outcomes

i. A record of all disclosures and any subsequent actions taken will be made by the designated person, who will retain such material for a period of not less than three years.

ii. In all cases a report of the outcomes of any investigation will be made to the Audit Committee - in detail where the issue falls within its purview, and in summary in other cases, as a means of allowing the Committee to monitor the effectiveness of the procedure.

5. Independent Review

If the individual making the disclosure is still dissatisfied after all the internal procedures have been exhausted, that person may request an independent review. This review will be carried out by a person nominated by the Chair of xxxx Society. The purpose of the review will be to rule on whether the University's internal investigation has been adequately handled, and if it was adequately handled, to rule on whether the response to the disclosure was reasonable in all the circumstances. The results of an independent review may be as follows:

i. ordering a further internal investigation;
ii. ordering the University to reconsider the findings of the investigation;
iii. making non-binding observations relating to the substantive complaint for the University to consider;
iv. ruling, where appropriate, that:
   • the person making the disclosure was motivated by malice, or some other improper motive (and may therefore be subject to the University’s internal disciplinary procedures).
   • the disclosure was without substance or merit.

The independent review will not entail oral hearings, but the reviewer will have the power to interview the person making the disclosure, or any other persons the reviewer deems appropriate. New evidence or relevant material will be considered at the discretion of the reviewer. The report of any independent review will be submitted to the Vice-Chancellor, the Audit Committee and to Council.

6. Fraud

If an individual wishes to report a fraud or other financial impropriety and considers that the protection offered by the whistleblowing policy is not relevant in that specific case, then such a report may be made to the Director of Finance under the framework provided by the University’s Fraud Response Plan. ……..

8. External Advice and Support for Whistleblowers

The independent charity Public Concern at Work offers free, confidential advice to people concerned about crime, danger or wrongdoing in the workplace………….
Appendix 9-A: Simulation Exercise

Dr Stone’s profile and account

Dr Stone is 39 years old and, having graduated from a top five UK University, has worked for different companies in both private and public sectors. Dr Stone regards himself as an anthropologist; he spends much time undertaking strategic research and risk consultancy for defence organisations, international technology companies and intelligence agencies. Dr Stone enjoyed working in the higher education sector, especially helping students to achieve their highest potential.

It was November 2010; Dr Stone got a temporary appointment at the University of Middle England. He was employed to be in charge of an MSc distance-learning programme whilst its course director was on study leave. The management team encouraged Dr Stone to make improvements to the course. Before he started, the director of the University and registrar both explained that part of his job was to identify problems and to improve the course. Also, they confirmed that they knew there were some problems. However, those details were not written in Dr Stone’s employment contract or job description. Normally, there were two academic staff working on this MSc course. When Dr Stone commenced in his new post, one of the academics was on long-term sickness leave; another academic, Dr Sam, got a research contract and worked elsewhere. Therefore, Dr Stone’s temporary post was to cover for Dr Sam, and he became the course’s acting director at that moment.

After Dr Stone had spent significant time reviewing the course materials and researching more information about the course, he realised that this distance learning course is very important to the University, and it is an important business to keep. Several senior managers from some famous international commercial companies study on this course; also, it produces a huge amount of money for the University. It was clear that the quality of the course would certainly affect the reputation of the University. Therefore, it was vital to improve the course, and to increase the satisfaction of the students. Furthermore, Dr Stone discovered that the general quality of teaching material, student support, and study skills were very low. The course materials were out of date, some case studies being fifteen years old. There was also a lack of student support, and the online learning environment was not efficiently designed.
After Dr Stone reviewed the current course materials, quality of assessment and student experience, with the invaluable help of the excellent administration team, Dr Stone instituted a wide number of changes to the course, for example:

- Refreshing course materials
- Using only approved, reliable and positive markers
- Making academic support friendly, accessible, informal and working to differentiate the offering in the marketplace
- Encouraging students to write in ways which expressed their personality, expertise and professional backgrounds
- Holding a markers' training day (first in 5 years) to instantly improve and personalise the feedback to students
- Changing the students' feedback sheets (in consultation with students) in order to maximise learning value of University comments
- Providing constantly updated case study and other materials via internal communication software.
- A weekly 'office hours' function and appointments out of those hours for students to gain support no matter which time zone they are in
- Establishing LinkedIn and Facebook sites to improve student engagement
- Adopting a fresh new look to course materials – soft-bound rather than ring-bound. This cuts printing and postage costs at a stroke and makes the product more portable for a student body that is often travelling or working away from home.

Dr Stone also conducted an open-door policy, so students could feel free to contact him either by phone or email. He created more events to communicate with students in order to found out their needs and wants, to increase their learning satisfaction and the general quality of the course.

Clearly, Dr Stone made significant changes to this MSc course. During this process, some staff were affected considerably, and annoyed by DR Stone's actions, particularly those that had been working at the University for a long time. One academic warned Dr Stone in one email, saying: "In a University like Middle England there are rules, regulations and procedures that must be followed." Moreover, another said: "I think that on all these things it is vital to consult with others if you want to make changes. Sound improvements are always welcome, but they must be clearly beneficial and agreed with other people who are
involved, including where appropriate me and the head of department.” Regardless of these dissenting voices, the changes were implemented by Dr Stone, who believed the results of the changes would improve student satisfaction, the profitability of the University, and the quality of the learning environment.

The changes had been well-received by students, many providing flattering feedback on Dr Stone’s role in aiding essay and dissertation completion. Some students confirmed that they were happy to receive higher quality education, and satisfied with the improvements to the course. Some students went further, saying that this was what they wanted and paid for. At the same time, Dr Stone also noticed that management were happy about the changes too, especially as more students joined the course and brought more profit to the University. Dr Stone certainly was motivated by this result; he had personally invested a great deal of time and effort in the process of improving the course. For him, the quality of service was most important. He believed that students do deserve to receive a high-quality education and get what they paid for. Student satisfaction, loyalty, motivation, social network promotion and retention were enhanced significantly by his interventions. Consequently, despite the economic downturn, the department had been lucky enough to have secured the highest intake of students ever and an intake that was ever more highly qualified. All in all, it seems that everybody – Dr Stone, Management, Students – was happy and thoroughly satisfied with these changes.

Unfortunately, things changed when Dr Sam returned from her study leave on June 2011. Dr Sam had been working at the University of Middle England for more than fifteen years, and she had been the course director of this unit for the last five years. As soon as she came back, she realised that there were lots of changes, which were not to her liking. She believed that the teachers should have more formal contact with the students. And that more frequent communications were not suitable to the aims of this distance course. Certainly, she did not think that there were problems with the course previously and she did not understand the point of the changes that had been implemented.

In general, Dr Stone and Dr Sam had totally different beliefs about this MSc courses. As Course Director, Dr Sam disagreed with several changes made by Dr Stone. For example: about academic style; how to mark students’ work; who is qualified to be a marker or first supervisor; how to give feedback on students’ dissertations, and how to communicate with students... There was some communication between Dr Stone and Dr Sam; unfortunately,
this was not very helpful, and acted to increase the disagreements between them. Because Dr Sam was again the course director when she returned, she started to reinstate the old ways. Eventually, almost all of Dr Stone's changes had been reversed.

Study School returned to its original format
Next Markers' Training Day postponed until December 2011 at the earliest
Any further refresh/reformat of the Course Materials cancelled
Signalled that open communication with students is inappropriate
Associate Markers (whose performance, Dr Stone believed, was unacceptable) reinstated

In addition, what worried Dr Stone more was that it seemed that people noticed these tensions, but nobody would say anything. He realised that there was a lack of support for the changes he had made. In order to protect what he was fighting for, he sent a confidential and private email to the Registrar, Mrs Porter, to explain his concerns and ask advice. The feedback from Mrs Porter suggested arranging a meeting with Dr Stone, Miss Brown, the Head of HR, and herself to discuss the matters. The result of the meeting was that they agreed to ask a professor from a different department to arrange an informal review.

A few days later, Dr Stone was shocked by the process and the results of the investigation. As the following investigation meetings involved Dr Sam as well, the emphasis of the meeting was not on the quality of the course, or changes that either Dr Stone or Dr Sam had made, it was about Dr Stone's performance or personality, which Dr Stone could not accepted. They even started to question Dr Stone's "overspending" during his time in charge of the MSc course. Dr Stone argued the investigation should emphasise the changes Dr Sam had made, and should not be focused on personality. Maybe the senior management could do something to improve the situation.

Dr Stone believed the investigation result was unfair, in presenting him as a person who was out of control, just making changes for fun, without considering other people's feelings or advice. Dr Stone was very angry; he did not understand why colleagues could not see the
benefits of his changes, or why nobody would make a stand and say something. Personally, he believed that the changes he had made were right: right for the students, and right for securing a niche for the University in the market. Although the director of the University and the registrar had asked him to improve the course, there was nothing written down, which made it difficult for him to find any supporting evidence for his actions.

Whilst his bruised feelings no doubt required some help. Therefore, urgently and emotionally, Dr Stone decided to protect the changes he had made. However, he did not understand why no one listened to him. Then he recognised one potential ally in another registrar of the University of Middle England, Mr Smith; one important reason for his thinking that Mr Smith may be the right person to talk to about his problems was that Mr Smith had a similar military background to Dr Stone. Another important reason was that Mr Smith's job entailed ensuring the quality of University courses. After Dr Stone contacted Mr Smith and explained the issues, Mr Smith promised that he would find out what was going on and do something about it. Things seemed to be going in the right direction, and seemed like they could be solved in a short period of time.

Unfortunately, that did not transpire as Dr Stone had hoped. The investigations still focussed on Dr Stone's performance and personality. Dr Stone had been required to attend different meetings with Dr Sam (as his direct line manager), Head of HR, Miss Brown, and the Registrar, Mrs Porter, to investigate his performance and attendance. Dr Stone believed that he was “being penalised for blowing the whistle on a serious matter." As an individual employee, he did what management had asked him to do; he did nothing wrong; he worked hard for the benefit of the organisation; however, the consequences were that he was to be “isolated”, marked as a "bad employee" and treated unfairly.

Dr Stone used the whistle-blowing procedure in accordance with the HR policy of the University of Middle England. However, Mr Smith responded, he could not accept the whistle-blowing, because the matters that Dr Stone raised were being investigated through another procedure. Mr Smith said that the "whistleblowing procedure could not be used to consider issues already under investigation through another process."
Dr Stone believed that the concerns Dr Stone raised should have been reviewed under the whistle-blower policy, and management should have conducted an investigation. However, Mr Smith argued that the concerns Dr Stone had raised were not related to matters that warrant investigation under the Whistleblowing Policy, and that the concerns would be more appropriately dealt with under the University's grievance procedure.

Dr Sam's profile and account
Dr Sam is 40 years old. She is a senior lecturer in the Strategy and Business Department of the University of Middle England. Her responsibilities are facilitating learning by designing and preparing teaching materials, developing and implementing new methods of teaching to reflect changes in research, delivering lectures, seminars and tutorials, assessing student coursework, and setting and making examinations. She also carries out research activities in universities, such as: undertaking personal research projects and actively contributing to the institution's research profile, writing up research for publication (she has had several research works published, either in book form or scholarly articles). She also undertakes administrative tasks related to the department, and is involved on committees and boards.

Dr Sam has worked at the University of Middle England for more than 15 years; she has a considerable employment experience within this organisation, and a good relationship with both the Registrar and the Head of Department, as well as other staff. She believes that one significant benefit of long-term employment with a single organisation is that people come to know each other well, which makes things simple and easy.

Dr Sam has been the course director of this unit for the last five years. She understands that this distance-learning course is very important to the University of Middle England, generating large amounts of capital. She believes it has a good reputation, and is pleased at being in charge of it.

While on six months study leave, the Head of Department appointed a new academic member of staff – Dr Stone – to replace her. She became aware that some academic staff had complained about Dr Stone's changes, and alleged that Dr Stone did not follow the procedures and rules of University. One of her friends, who is a professor and Head of Department, had written to Dr Stone, warning him to “consult with others when
implementing changes.” Dr Sam knew about some of the changes to her distance-learning course but not the full details.

**Simulation exercise questions for the participants to consider and discuss were:**

1. *Dr Stone made a complaint to management and HR about what happened? Discuss the issue and makes a decision on how to solve the problem.*

2. *From your point view, what would be the cost of this HR risk?*
Appendix 9-B: Personal Description of Individual Player

• Head of HR

You have been the Head of HR for the University of Middle England for the last four years, with 20 years HR working experience in the public sector. You report to the Heads of the organisation, and serve on the executive management team, assisting and advising departmental managers about HR issues. Regularly, you feel stressed. You have great responsibilities to ensure the strategic focus of HR, to balance the relationships between departments, to cooperate with the unions, to keep up to date with legislation and regulations, to follow the rules and procedures, and to ensure good HR practice in operation and control the flexibility of HR’s day-to-day activities.

• HOD Professor X

You are an experienced academic holding the title of Professor and Head of Department in a prestigious centre at the University of Middle England. Over the years you have worked with Dr Sam, you have come to respect her judgement as an expert in her subject area, and as a close friend. You supported Dr Sam's sabbatical leave and appointed Dr Stone as a replacement in her absence.

• Registrar

You were involved in the process of selecting Dr Stone to replace Dr Sam during her study leave.

• Dean for Quality

You are Dean of the University of Middle England, and are responsible for the general welfare and discipline of staff. You are especially responsible for the quality of all courses, and regularly review the materials and standards of courses. You are a member of the Academic Standards Committee of the university. You have been working in this university for many years, and have an excellent relationship with Professor X. You were aware that during Dr Sam's study leave, a new academic – Dr Stone – would be in charge of one important distance-learning course.

• Professor Y (independent member of the team)

You are a senior lecturer in the HR Department at the University of Middle England; you are not involved in the MSc distance-learning programme that was previously the responsibility of Dr Sam. You do not know Dr Stone, but you knew Dr Sam had been working in this department for a long time and had a good relationship with HOD.
Appendix 9-C: The result of Dr Stone’s case

Few days later after Dr Stone’s whistleblowing, Dr Stone was dismissed with immediate effect by HR for "gross misconduct" and for having more than one full-time job. Dr Stone argued that there had been no concerns raised with or by him concerning his performance at the University of Middle England, also that much of his work as Teaching Fellow had been "out of hours" due to the distribution of the distance-learning students across time zones. He also argued that there had been no disciplinary process, which breaks both University procedures and employment law. The Head of HR had refused to indicate what contractual or University regulation Dr Stone had breached or in what way this amounted to "gross misconduct". Therefore, Dr Stone believed that the University of Middle England was in breach of the law and its Regulations for:

- having dismissed Dr Stone as a result of making a protected disclosure under the whistleblowing procedure
- having dismissed Dr Stone for gross misconduct, where there has been none
- having dismissed Dr Stone for breach of contract, where there has been none
- having dismissed Dr Stone without following any disciplinary procedure
- Deleteriously impugning Dr Stone's professional and personal reputation.

With disappointment and anger, Dr Stone took the University of Middle England to the employment tribunal. The tribunal case lasted more than one year. In order to win the case, the University employed an external legal consultant to help them prepare the documents, which cost nearly £10,000. Dr Stone prepared the case all by himself as he was not a union member at that moment. In the end, Dr Stone lost the case, with £1500 to pay. The reasons given for the loss of the case were that Dr Stone only followed the whistleblowing policy of the University but did not follow the guidelines of government legislation. Employees can only be protected by government legislation, not the organisational policy.
BIBLIOGRAPHY

A


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E


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**H**


J


K


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FORM UPR16
Research Ethics Review Checklist

Please include this completed form as an appendix to your thesis (see the Postgraduate Research Student Handbook for more information).

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Thesis Word Count: (excluding ancillary data)

If you are unsure about any of the following, please contact the local representative on your Faculty Ethics Committee for advice. Please note that it is your responsibility to follow the University’s Ethics Policy and any relevant University, academic or professional guidelines in the conduct of your study.

Although the Ethics Committee may have given your study a favourable opinion, the final responsibility for the ethical conduct of this work lies with the researcher(s).

UKRI0 Finished Research Checklist:
(If you would like to know more about the checklist, please see your Faculty or Departmental Ethics Committee rep or see the online version of the full checklist at: [http://www.ukrio.org/what-we-do/code-of-practice-for-research/](http://www.ukrio.org/what-we-do/code-of-practice-for-research/))

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<td>c) Have you complied with all agreements relating to intellectual property, publication and authorship?</td>
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<td>d) Has your research data been retained in a secure and accessible form and will it remain so for the required duration?</td>
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<td>e) Does your research comply with all legal, ethical, and contractual requirements?</td>
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UPR 16 (2013) – November 2013
**Candidate Statement:**

I have considered the ethical dimensions of the above named research project, and have successfully obtained the necessary ethical approval(s)

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If you have not submitted your work for ethical review, and/or you have answered 'No' to one or more of questions a) to e), please explain why this is so:

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