

Subject: Bullying and Harassment Policy
and Dignity at Work Policy

Status: For Publication

Report to:

Full Council

Date:

1st July 2010

Report of:

Head of People and Policy

Portfolio

Holder: Portfolio Holder for Finance and Resources

Key Decision: No

Forward Plan

General Exception

Special Urgency

1. PURPOSE OF REPORT

- 1.1 To consult with Members on the development of a Bullying and Harassment Policy and a Dignity at Work Policy.

2. CORPORATE PRIORITIES

- 2.1 The matters discussed in this report impact directly on the following corporate priorities and associated corporate objective.

- Encouraging healthy and respectful communities.
- Delivering quality services to our customers

3. RISK ASSESSMENT IMPLICATIONS

- 3.1 There are no specific risk issues for members to consider arising from this report.

4. BACKGROUND AND OPTIONS

- 4.1 The Policy has been developed to manage the Council's commitment to providing a working environment that is free from bullying and harassment and creating an organization that treats employees fairly and with dignity and respect. It will work in conjunction with the Dignity at Work Policy which details

the expected behaviours and Rossendale's legal obligations in respect of the duty of care to employees and equality legislation.

4.2 The Policy details the behaviours which we expect individuals within the organization to display and these are underpinned by the Council's competency framework These include:

- Take into account the thoughts, concerns and feelings of others when giving and receiving information;
- Contribute to a healthy and safe working environment;
- Project a helpful and professional image to colleagues and customers;
- Recognise the needs of (internal and external) customers who may have special requirements, e.g. barriers to communication or access;
- Be positive and helpful when communicating with customers;
- Communicate clearly, effectively and concisely avoiding jargon;
- Build working relationships based on trust, respect, sharing, co-operation and mutual support, by:
 - ✓ Co-operating with others, sharing useful or relevant information and experience;
 - ✓ Being supportive and offering assistance when required;
 - ✓ Encouraging and listening to other team members' ideas, opinions and feelings and appreciating their perspective;
 - ✓ Establishing and maintaining constructive and open relationships with colleagues;
 - ✓ Understanding how their own work can impact on other team members;
 - ✓ Speaking positively about the team, manager and the Council, not blaming others;
 - ✓ Display a commitment to equality of opportunity and dignity at work by:
 - ✓ Demonstrating an understanding of the Council's Equality of Opportunity Policy commitments;
 - ✓ Respecting, Championing and valuing race, gender and other diversity issues;
 - ✓ Contributing to a non-discriminatory work environment

4.3 The document applies to all permanent, temporary, full-time and part-time employees of Rossendale Borough Council, contractors, agency workers, volunteers and external customers. Council members are also committed to this policy. If following investigation there appears to be a case to answer involving a member, this will then be dealt with under the member's code of conduct.

4.4 Rossendale Borough Council has a legal duty of care to provide both a safe place and a safe system of work. Any bullying that is reported must be considered, first informally and later, if appropriate, investigated formally, in order to comply with this duty of care.

COMMENTS FROM STATUTORY OFFICERS:

5. SECTION 151 OFFICER

5.1 No financial implications form the report.

6. MONITORING OFFICER

6.1 No legal implications arising from the report.

7. HEAD OF PEOPLE AND POLICY (ON BEHALF OF THE HEAD OF PAID SERVICE)

7.1 Training and Development may be needed to support the application and delivery of the policy. This will be met from the People and Policy budget.

8. CONCLUSION

8.1 The Council is committed to providing a safe place of work for all employees and expects the highest standard of conduct of employees in their dealings with colleagues and customers. It will not tolerate any form of unfair discrimination or intimidation and recognizes the right of all employees to work in a healthy and safe harassment free environment.

9. RECOMMENDATIONS

9.1 To note the contents of the policy.

10. CONSULTATION CARRIED OUT

10.1 Trade Unions.

11. COMMUNITY IMPACT ASSESSMENT

Is a Community Impact Assessment required Yes

Is a Community Impact Assessment attached Yes

12. BIODIVERSITY IMPACT ASSESSMENT

Is a Biodiversity Impact Assessment required No

Is a Biodiversity Impact Assessment attached No

Contact Officer	
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Service / Team	People and Policy Team
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Community Impact Assessment Checklist & Signature Sheet

This should be commenced at the start of the Community Impact Assessment (CIA) process.

Name of Strategy/Policy/Service or Function:	Harassment and Bullying Procedure incorporating Dignity at Work
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Initial CIA

Full CIA

Please check the following steps have been completed before signing below:

- Sections 1 to 4 completed
- Action Plan completed (where appropriated)
- Notified all relevant Officers/Service Areas/Partners

Signed:

Job Title: Head of People and Policy

Department: People and Policy

Date commenced Assessment: 23/7/2009 Date completed: 23/7/2009

Received by and date received in the People & Policy Team: 23/7/2009

Please sign the CIA as indicated above, retain a copy and send a copy of the CIA to:

Liz Murphy
Head of People and Policy
Rossendale Borough Council
Stubbylee Hall
Stubbylee, Bacup
Rossendale
OL13 0DE
lizmurphy@rossendalebc.gov.uk

MANAGEMENT ACTION REQUIRED (to be completed by the Head of P&P)

- Referred back to Assessor for amendment : (date)
- Refer to Committee: (specify committee & date)
- Considered by Community Impact Assessment & Scrutiny Group: (date)
- Published/made publicly available on: (date)

Signed:..... (Head of P&P) Date:

Date of Review¹:

¹ This date will be set on an annual basis as default for review unless otherwise specified by you.

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COMMUNITY IMPACT ASSESSMENT INITIAL SCREENING FORM

Name of Community Impact Assessment (the policy, decision, strategy, programme, procedure, action plan, function or service etc.):	Harassment and Bullying Procedure incorporating Dignity at Work	
Officer Name(s):	Liz Murphy	
Job Title & Location:	Head of People and Policy Stubbylee Park	
Service Area/ Team:	People and Policy	
Telephone & Email Contact:	01706 252452 lizmurphy@rossendalebc.gov.uk	
Date Assessment: 23/7/2009	Commenced: 23/7/2009	Completed: 23/7/2009

Is the policy² or decision under review (please tick)

New/Proposed

Modified/adapted

Existing

1. Scope of the Community Impact Assessment

The scope of the CIA is to assess if the implementation of the Harassment and Bullying Policy incorporating Dignity at Work has any detrimental effects on any of the Equality Strands.

2. Aims & Objectives – summaries the main aims/objectives of the policy, decision, strategy, action plan, project or procedure (please refer to CIA Guidance for details)

The purpose of the Policy is to clearly define Rossendale Borough Council's Policy regarding Dignity at Work and Harassment and Bullying. The Policy aims to provide the framework and information required to protect the dignity at work of all employees. Rossendale Borough Council is committed to a working environment that is free from bullying and harassment and is working towards creating a working climate in which all employees are treated fairly and with dignity and respect. The Policy details the harassment and bullying complaints procedure and how it applies to all agency, permanent, temporary, casual, full-time and part-time employees and Members of Rossendale Borough Council.

² Policy can be defined as a policy document, decision, strategy, function, service, action plan, programme, procedure, initiative or process.

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3. Impact – Could a particular group of people be affected differently in either a negative or positive way?				
	Positive Impact – it could benefit	Negative Impact – it could disadvantage/ affect differently	Neutral Impact (Neither)	Please indicate whether this is high (H), medium (M) or low (L). If a negative impact is identified please complete a Full CIA ³
Women	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Men	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Race (Ethnicity or Nationality) – BME or Majority Population - please state which group(s):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
People with a disability (physical, learning/ mental health)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Lesbians, gay men and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Transgendered people	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Older people (60+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Younger people (17-25), and children	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Religious / Faith groups⁴	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other excluded groups (e.g. careers, rurally isolated, gypsies & roma travelers, people on low incomes etc.). Please state which group(s):	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Is a Full Community Impact Assessment required? Yes: No:

Head of P&P signature:

Lead Officer signature:

³ If you have identified any negative impact you *will* need to complete a Full Community Impact Assessment. If there are no negative impacts identified you do not need to complete a Full Community Impact Assessment.

⁴ Faith groups cover a wide range of groupings, the most common of which are Muslims, Buddhists, Jews, Christians, Sikhs, and Hindus. Consider faith categories individually and collectively when considering positive and negative impacts.

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Dignity at Work Policy incorporating Bullying and Harassment

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PART ONE

Dignity at Work

1. PURPOSE/SCOPE

The purpose of this document is to clearly define Rossendale Borough Council's Policy regarding Dignity at Work. The document aims to provide the framework and information required to protect the dignity at work of all employees.

This document applies to all permanent, temporary, casual, full-time and part-time employees and Members of Rossendale Borough Council. The document also applies to Agency staff.

2. DEFINITION

By the term, "Dignity at Work", we mean that every employee and Elected Member has the right to work in an environment which is free from harassment or bullying or any act, omission or conduct which causes him / her to be distressed.

3. DIGNITY AT WORK POLICY STATEMENT

Rossendale Borough Council has a legal duty of care to its employees to provide both a safe work place and a safe system of work. The Council expects the highest standard of conduct of employees in their dealings with colleagues and customers. It will not tolerate any form of unfair discrimination and/or acts of intimidation acts and recognises the right of all employees to work in a healthy and safe harassment free environment. The Council is committed to preventing and eradicating any behaviour which does not respect others' dignity at work, including personal harassment and bullying in all its forms; this includes a commitment to providing appropriate education and training.

4. EXPECTED BEHAVIOURS (consistent with Rossendale Borough Council's values and Competency Framework)

4.1 You should, and you can expect your colleagues to:-

- Take into account the thoughts, concerns and feelings of others when giving and receiving information;
- Contribute to a healthy and safe working environment;
- Project a helpful and professional image to colleagues and customers;
- Recognise the needs of (internal and external) customers who may have special requirements, e.g. barriers to communication or access;
- Be positive and helpful when communicating with customers;
- Communicate clearly, effectively and concisely avoiding jargon;
- Build working relationships based on trust, respect, sharing, co-operation and mutual support, by:
 - Co-operating with others, sharing useful or relevant information and experience;

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- Being supportive and offering assistance when required;
- Encouraging and listening to other team members' ideas, opinions and feelings and appreciating their perspective;
- Establishing and maintaining constructive and open relationships with colleagues;
- Understanding how their own work can impact on other team members;
- Speaking positively about the team, manager and the Council, not blaming others;
- Display a commitment to equality of opportunity and dignity at work by:
 - Demonstrating an understanding of the Council's Equality of Opportunity Policy commitments;
 - Respecting, Championing and valuing race, gender and other diversity issues;
 - Contributing to a non-discriminatory work environment.

4.2 In addition to the behaviours listed for all employees, Managers should:-

- Actively encourage co-operative working;
- Involve others in the process of making decisions and planning and provide opportunities for others to explore problems and arrive and or contribute to solutions;
- Know the importance of getting feedback from others;
- Encourage, enable, use such feedback and learning in a constructive manner;
- Provide equal learning opportunities for all employees;
- Encourage others to take an active part in their own development, while ensuring that team development is relevant and cost-effective.
- Demonstrate that they are actively listening.
- Champion and lead by example the behaviour required.

These expected behaviours will be reviewed as part of the Personal Development Review process.

5. DEALING WITH INAPPROPRIATE BEHAVIOUR

Where someone behaves in a way which detracts from your, or someone else's dignity at work, there are a number of ways of dealing with this, depending on the circumstances. For instance:-

- Informally (usually the most effective) by letting the person know that you find an aspect of their behaviour unacceptable or by making your manager aware of the problem so that he/she can help to resolve it;
- For bullying and harassment, following the Dealing with Bullying and Harassment Procedure, which will usually mean an informal approach to the person in the first instance, but may necessitate making a formal complaint;
- Using the Whistleblowing Procedure, where you reasonably suspect malpractice;
- Following the Grievance Procedure, where the procedures mentioned above are not appropriate.

6. COMMUNICATION AND IMPLEMENTATION

This document is available electronically via Rossendale Borough Council's Intranet and in hard copy from the People and Policy Team.

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7. MONITORING AND EVALUATION

The effectiveness of this policy will be measured actively by completing regular monitoring, assessment and evaluation, and through observation and feedback, to ensure that we consistently manage dignity at work, not only reactively but proactively as well.

The People and Policy Team will review this policy periodically or following significant changes, challenges and/or individual and team demands.

PART TWO

HARASSMENT AND BULLYING

1. PURPOSE / SCOPE

1.1 Rossendale Borough Council is committed to a working environment that is free from bullying and harassment and is working towards creating a working climate in which all employees are treated fairly and with dignity and respect.

However, even in the best organisations, there are times when an individual can feel that they have been bullied, harassed or treated unfairly and it is important that the individual can feel that they can raise any concerns they may have with confidence that the matter will be dealt with quickly and effectively.

Any complaints will be treated with sensitivity and in the strictest confidence in accordance with the Council's Dignity at Work Policy.

The most effective way of dealing with any allegations is informally and in the early stages.

Employees are encouraged to discuss any concerns about bullying or harassment initially with the individual but where the issue is not resolved with their line manager, the people and policy team, trade union representative.

1.2 This document applies to all permanent, temporary, full-time and part-time employees of Rossendale Borough Council, contractors, agency workers, volunteers and external customers. Council members are committed to this policy and are also expected to subscribe to it. If following investigation there appears to be a case to answer involving a member, this will then be dealt with under the member's code of conduct.

1.3 All employees are expected to behave in such a manner which respects the dignity of others at work, in line with the Dignity at Work Policy.

1.4 Rossendale Borough Council has a legal duty of care to provide both a safe place and a safe system of work. Any bullying that is reported must be considered, first informally and later, if appropriate, investigated formally, in order to comply with this duty of care.

1.5 A formal complaint made under this policy will be dealt with as an harassment and bullying complaint and is excluded from the formal grievance procedure.

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2. DEFINITIONS

- 2.1.1** Bullying is usually persistent behaviour, directed against an individual or group, which is intimidating, offensive or malicious and which undermines the confidence and self-esteem of the individual.
- 2.1.2** Bullying is largely identified not so much by what has actually been done but rather by the effect that it has on its target. Bullying can take many forms. It can be: Physical conduct: intimidating, threatening behaviour, shouting and uncontrolled anger, abuse and humiliation in public or in private, blocking promotion for example. Verbal: persistent criticism and/or sarcasm, refusal of reasonable work or holiday requests. Non verbal: exclusion from work information, setting of impossible targets and deadlines, taking credit for ideas and work, ignoring or isolation from work, discussions and normal conversations for example.
- 2.2** Harassment is a particular form of bullying and is often focussed on a member of staff on the basis of gender, gender identity, gender expression, marital or partnership status, sexual orientation, religion and belief, race, work pattern, age, disability, HIV/AIDS status, socio-economic background, irrelevant spent convictions, trade union activity or membership, on the basis of having or not having dependants, home-life responsibilities or any other irrelevant grounds physical attribute or any other factor which could lead to the experience of discrimination. In general terms it can be described as unwanted behaviour, which a person finds intimidating, upsetting, embarrassing, humiliating or offensive.
- 2.3** Harassment can result from a single incident or a number of small incidents whereas bullying is often an accumulation of many incidents over a period of time.
- 2.4** Victimisation occurs when someone receives less favourable treatment because they have made an allegation in good faith (i.e. not maliciously), whether or not this can be proven or have offered/ given support or acted as a witness in an allegation of bullying or harassment.
- 2.5** Bullying is not:-
- Legitimate and constructive feedback on an employee's performance or behaviour;
 - An occasional raised voice or argument between two or more people;
 - A momentary loss of temper, which an individual regrets, apologises for and learns from;
 - Reasonable management behaviour.
- It is unacceptable to condone bullying under the guise of 'firm management'. A firm management style is acceptable, providing that employees are treated with respect and dignity.
- 2.6** Complainant / Alleged harasser. Throughout this procedure the word "complainant" refers to the person complaining of bullying or harassment. The "alleged harasser" refers to the person accused of the bullying or harassment. The use of these terms is not intended to imply a pre-judgement of "guilt" for either party.

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2.7 A lapse of time between the alleged offence and the behaviour does not invalidate the complaint. Bullying and harassment issues are sensitive and the complainant may have tried to cope without complaining, been reluctant to 'cause trouble' or been too embarrassed or afraid to speak about the matter sooner. Sometimes people do not realise they have been bullied until after the event. No adverse conclusions should be drawn from the fact that the complainant has suffered in silence, although the time lapse should not be unreasonably long. The Council is seeking to develop a culture where staff feel comfortable about discussing what is happening to them in the workplace.

3. RESPONSIBILITIES

Elected Members - are responsible and accountable to the Council for the implementation of this Policy.

The Chief Executive - is responsible and accountable for the implementation of this Policy and is responsible for hearing any final appeals in relation to a complaint of Harassment and Bullying.

The Management Team – are responsible and accountable for the implementation of this policy and are responsible for considering any reports into complaints of Harassment and Bullying and considering if further action needs to be taken in accordance with the Council’s Disciplinary Procedure.

All line managers – are responsible and accountable to their line manager for ensuring effective communication and full implementation of this policy/procedure and investigating any complaints in relation to Harassment and Bullying and carrying out any subsequent Disciplinary investigations.

Line Managers -

- Are responsible and accountable to their Line Manager for ensuring that the principles of this Policy are effectively implemented for all persons and activities under their control.
- To implement this procedure and any associated policies/procedures and to ensure that employees are aware of their responsibilities under those policies/procedures.
- To treat any complaints of bullying or harassment seriously, sensitively and confidentially.
- To ensure that the work environment is non-threatening and supportive and take steps to prevent bullying or harassment.

People and Policy -

- Are responsible for promoting this Policy and any associated Policy and assisting Line Managers on its implementation when requested.
- To provide advice and guidance on how to apply the policy/procedure.
- To assist named investigators to deal with the complaint fairly and promptly, in accordance with this Policy.

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Employees (including Agency Workers, Temporary employees and volunteers) -

- Are responsible for complying with this Policy/procedure and any associated policies/procedures.
- To be aware that their behaviour, although it may be unintentional, could cause offence.
- To behave in a way which does not harass another person and to avoid behaviour which has been brought to their attention as causing offence.
- To discourage inappropriate/offensive behaviour in other employees.
- If appropriate, to tell someone that their behaviour could be or has been perceived as bullying or harassment or that it is simply inappropriate.
- To support a colleague who is being bullied or harassed and to encourage him/her to deal with their concerns in accordance with the policy/procedure.
- To report any incidents of bullying and/or harassment that they may have witnessed.
- To recognise that a breach of the policy will be dealt with in accordance with the disciplinary procedure and could be deemed gross misconduct and could result in dismissal.
- To acknowledge that all complaints will be taken seriously and handled sensitively and in the strictest confidence to cooperate with their employer.

4. COMMUNICATION AND IMPLEMENTATION

4.1 This document is available electronically via Rossendale Borough Council's Intranet and in hard copy from People and Policy.

4.2 All staff will be given periodic awareness training of this Policy/procedure.

4.3 All staff will be given a copy of this policy as part of the induction process.

5. MONITORING AND EVALUATION

5.1 The effectiveness of this policy will be measured actively through regular monitoring, assessment and evaluation, and through observation and feedback, to ensure that we consistently manage bullying and harassment .

5.2 People and Policy review this policy periodically or following significant changes, challenges and/or individual and team demands. All staff will be informed of any changes or amendments.

6. MALICIOUS COMPLAINTS

If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against them. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against them. The Investigating Officers, in cases where no evidence has been found to support the allegations, should consider whether the complaint was made in good faith and where there are grounds for believing it was not, they should bring this to the attention of the Director. In cases where, on the balance of probabilities, no evidence has been found to support the allegations, the Investigating Officers report will reflect this and make recommendations on

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how the allegations should be dealt with i.e. through the disciplinary procedure if the allegation is considered to be malicious.

It is recognised that complaints of any nature present challenges and regular contact will be maintained with the alleged harasser by the People and Policy Team.

7. CONFIDENTIALITY AND SUPPORT

- 7.1** Any allegation must be treated with confidentiality at all stages. This applies to the complainant, the alleged harasser, any witnesses, companions and trade union representatives. Any breach of confidentiality will be treated seriously and may be dealt with under the disciplinary procedure.
- 7.2** It is recognised that allegations of bullying, harassment and victimisation and any subsequent action will be potentially a cause of stress for all concerned.
- 7.3** Managers must ensure that no-one is intimidated, victimised or unfairly treated during any stage in the process, or when an investigation has been undertaken and completed.
- 7.4** Any employee who believes they have been intimidated, victimised or unfairly treated should immediately inform the Head of People and Policy Team, the relevant Director, or a member of the Investigation Team. Counselling can be accessed via the Occupational Health Unit.

8. DEALING WITH BULLYING AND HARASSMENT

- 8.1** What to do if you witness inappropriate behaviour?
- 8.1.1** If you witness behaviour which you think is inappropriate, do not ignore it.
- 8.1.2** You may witness inappropriate behaviour where the individual who has been subjected to the action feels unable to ask the other person to stop the behaviour. In these circumstances you should remember that everybody has a responsibility to attempt to prevent behaviour, which is likely to result in upset or distress.
- 8.1.3** Options for witnesses:-
- Speak to the potential complainant to discuss the matter with them, offer support and encourage them to report the matter.
 - If it is appropriate, tell the person that their behaviour is inappropriate and could be perceived as bullying and/or harassment.
 - Inform those involved that the behaviour is inappropriate and why.
 - Ask that the behaviour stops.
 - If it has personally upset or offended you, explain this to those involved.
- 8.1.4** These actions mean that the person displaying the inappropriate behaviour is made aware that the behaviour could cause offence and that the potential complainant has been given support.

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8.1.5 You should remember that the inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the alleged bully or harasser.

8.2 How Complaints of Bullying and/or Harassment will be Dealt With

8.2.1 All cases of assault at work must be reported to the Police immediately, and employees should also inform Head of People and Policy directly.

8.2.2 Informal Approach

The best way to deal with complaints of bullying and/or harassment is informally and as soon as they happen. It is preferable to 'nip things in the bud' than to let it become a much bigger and more damaging situation. There are several options that someone can take if they believe they are being or have been bullied and/or harassed. All of the following options are simply that – options, and it is for the individual concerned to decide which is the best way forward for them. They may want to seek the support of their line manager, trade union representative, or contact People and Policy.

- If an employee feels that s/he does not want to use any of these approaches or if the situation is so serious that they feel they cannot use these approaches and want to make a formal complaint then that complaint should be put in writing to the Head of Service/Manager. People and Policy will offer support to employees to help them write their letter of complaint.
- Employees are encouraged to discuss any concerns about bullying and/or harassment with their line manager, or a member of the People and Policy Team.
- Employees are encouraged to attempt to resolve the matter informally with the alleged harasser to explain that they believe that their behaviour is unacceptable, how they feel about the behaviour and that they want it to stop. This can be done in several ways:

- Talk to the person concerned:

This is useful when there are times when the working relationship is acceptable, the problems are recent and both parties are assertive.

- Write a letter to the person concerned:

This is useful when talking to the person has not brought about any change in behaviour or a meeting is not possible.

- If the complainant does not feel able to approach the alleged harasser themselves, they could consider asking their line manager, a colleague, trade union representative, the alleged harasser's manager, or a member of the People and Policy Team to do this informally on their behalf.
- Most of the time, a quick word, or a letter sent by the complainant, to alert the alleged harasser to the effects of their behaviour will be sufficient to prevent any repetition of the behaviour.

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- The complainant should make the alleged harasser aware of the following:-
 - The specific behaviour that has upset them, that this is inappropriate and contrary to the Council's policies (and possibly the law)
 - What harmful effects the behaviour is causing
 - That they will keep a diary of any further incidents, including date, time & witnesses
 - That unless the bullying/harassment stops, the complainant will initiate further informal or formal procedures
- The complainant should keep a record of the informal action taken including dates, times and any witnesses of behaviour.

8.2.3 Mediation

Mediation is where an impartial third party helps the people involved to find their own solutions to resolve their differences and mend the relationship in an amicable way to achieve a win-win outcome. The mediator usually holds an individual meeting with both parties present to explore the issues with the people involved and helps build the agreement for the future working relationship. If mediation is not successful then the complainant may choose to follow the formal procedure. Mediation is useful where both parties are willing to use it and where the Director believes it is appropriate. In very serious cases, mediation may not be appropriate.

It is expected mediation will only take place between the two parties and the impartial mediator without any representation.

The intension of mediation is to prevent the worsening of relations and resolve the issue so both parties can move forward.

Mediation can be facilitated by either an internal or external mediator as appointed by People and Policy.

8.2.4 If the Behaviour Continues

Staff are advised to keep a note, or a diary, of any incidents that occur or comments that are made, which they feel constitute bullying or harassment. Notes should include the time and date of the incident, details of how they felt about the behaviour and any witnesses.

8.3 Making a Formal Complaint

8.3.1 Where the informal stage is unsuccessful or the behaviour is so serious that it cannot be resolved informally.

8.3.2 The complainant should make a formal written complaint to the Head of People and Policy, listing any incidents of unacceptable behaviour, how s/he felt about this, dates and times and if there were any witnesses present. They should also outline what informal action has been taken (if any) or their reasons for not taking any (such as the severity of the incidents being reported).

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It is possible that in some cases action may be taken that may lead to an informal resolution of the complaint, if this is considered appropriate by the Head of People and Policy, Director trade union representative and complainant.

The Head of Service/Manager in consultation with the Head of People and Policy will undertake a risk assessment to consider the suspension, temporary re-deployment or special leave with pay for any of the individuals involved. A suspension is not a punitive measure but is to facilitate the investigation.

8.3.3 A meeting with the complainant will be arranged by the Line Manger or nominated senior officer in consultation with People and Policy to discuss the complainant; offer the employee(s) support; offer mediation; and advise on the process of the formal procedure.

8.3.4 The Council will offer assistance to anyone that needs help in writing out their complaint.

8.3.5 On confirmation from the Line Manager, that the complainant wishes to follow the formal procedure, the Head of People and Policy in consultation with the relevant Director will appoint an investigation team of two Officers within 3 working days of receiving the complaint. The complaint and the names of the complainant and alleged harasser will be given to the Investigation Team.

8.3.6 A meeting will be arranged between the Investigating Officers and the complainant as soon as is practicably possible. A further meeting will take place with the alleged harasser for them to be able to formulate a response to the allegations. The Investigating Officers may also wish to interview any witnesses. The Investigating Officers should give all those interviewed the right of representation by a work colleague or a Trade Union representative.

8.4 The Investigation

8.4.1 The Investigating Officer(s) should be trained in carrying out investigations and will investigate impartially and confidentially.

8.4.2 Where possible the Investigating Officers will be appointed from outside the service area, though it may be relevant where technical expertise is required.

8.4.3 The Investigating Officers will:-

- Interview the complainant as soon as possible.
- Interview the alleged harasser.
- Interview any witnesses. The most relevant witnesses are those who may have observed any incident. Character witnesses have a limited contribution to the investigation.
- Review any relevant paperwork.
- Ensure all those interviewed are made aware of their rights to be accompanied by a Trade Union representative or work colleague.
- Make other enquires which are appropriate and necessary to ensure a thorough investigation.

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- Conclude the investigation based on their findings and submit a report to the relevant Executive Director as soon is practicable, unless exceptional circumstances necessitate a longer period and this is agreed with or explained to the parties involved.

8.4.4 Interviews with witnesses will take place at the earliest opportunity and, where necessary, Investigating Officers will request that witnesses (who are employed by the Council) reschedule their diary commitments to be interviewed at the earliest opportunity.

8.4.5 Witness statements or records of interviews should be produced as soon as possible after the interview and sent to the interviewee for their signature. Interviewees should sign and return these as soon as possible, noting any points they wish to amend, to minimise delays in the process.

8.4.6 Following the investigation, the Investigating Officer will prepare a written report for the relevant Executive Director to consider. The reports will conclude the findings of the investigation and make recommendations for future action. These will be one of the following:-

- Complaint not validated (if the evidence is considered to be inconclusive)
- Complaint validated – informal resolution recommended
- Complaint validated – disciplinary action recommended
- Complaint considered to be malicious

8.4.7 If a complaint is not validated the Investigation Report will state the reasons for coming to that conclusion. The employee will be informed of the findings, reasons, conclusions of the report, but will not necessarily receive a full copy of the report.

8.4.8 The Director will consider the reports and decide whether further investigation is required or whether disciplinary action should be taken against the alleged harasser under the Disciplinary Procedure.

If such action is required, the report will be used as evidence, along with the verbal testimony of the Investigating Officer(s),

8.4.9 Implementation and maintenance of other recommendations, which are accepted by the e Director such as agreed actions in case of further conflict or training to address inappropriate behaviour, are the responsibility of the relevant Line Manager.

8.4.10 Mediation between the complainant and the alleged harasser is voluntary and may be appropriate in some cases, with the agreement of both parties, as a possible means of resolving the situation. Mediation can be considered at any time through out the process as a means of resolution.

8.5 Informing the Parties of the Outcome of the Investigation

8.5.1 Within 5 working days of the Director accepting the final investigation report each of the parties, with their representative if they have one, will be informed separately of the outcome of the investigation and the reasons for reaching that conclusion at a meeting with the Head of Service,/Manager, who may be accompanied by a member of the HR team.

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This will be followed up in writing and will include the main findings and proposed actions for the future. The outcome will be confirmed in writing within 5 days.

8.5.2 The Investigation Report will not be released to either the complainant or the alleged harasser, unless a Disciplinary Hearing is convened, in which case it will be made available to the person facing disciplinary action, as evidence.

8.5.3 If the alleged harasser is to be subsequently disciplined under the Disciplinary Procedure, then the complainant will be informed of this. However, the outcome of any disciplinary hearing is a confidential matter between the Council and the alleged harasser. The alleged harasser has a right of appeal in accordance with the Disciplinary Procedure.

8.5.4 Timeframes may be agreed outside those stated in the procedure, but at all times every effort will be made to ensure that investigations are completed as soon as possible.

8.6 Right of Appeal

8.6.1 The complainant will be given the opportunity to appeal within 10 working days of being informed in writing of the outcome of the investigation. The appeal must be in writing, stating the grounds for appeal against the outcome of the investigation and sent to the Head of People and Policy who will arrange for the Appeal to be heard by the Chief Executive or their nominated representative.

8.6.2 Appeals will be heard within 20 working days of receipt of notification of the appeal unless mutually agreed otherwise.
The Appeal will initially be heard by the Chief Executive or their nominated representative. Where the complainant remains concerned, they will also be given the opportunity to appeal to Council Members.

8.6.3 The alleged harasser may appeal against any disciplinary action taken as a result of the investigation as stated in the Disciplinary Procedure. The complainant has no right of appeal in relation to any measure or disciplinary sanction taken against the alleged harasser.

9. REPRESENTATION

9.1 All parties may be represented/accompanied by a Trade Union representative or work colleague. If the chosen representative/companion is someone who is a witness to the incident(s) or involved in any other way and/or may need to be formally interviewed about the incident, an alternative representative/companion should be chosen.

10. VICTIMISATION

10.1 Any member of staff making a complaint under this procedure will be protected against retaliation. Any allegation of victimisation will be dealt with under the Disciplinary Procedure.

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10.2 Any member of staff who is victimised because they have agreed to or has acted as a witness or has supported the complainant, alleged harasser or anyone else involved should report the matter to their line manager, People and Organisational Development or the investigation team immediately. Any allegation of victimisation will be dealt with under the Disciplinary Procedure.

11. USEFUL INFORMATION AND SOURCES OF HELP

11.1 Internal Contacts

People and Policy	☎ 01706 252452
Unison Branch Office	☎ 07736508155

11.2 External Helplines

International Harassment Network: ☎01584-877700

Andrea Adams Trust ☎01273-704900

12. Reading Materials

Bullying at Work: How to Confront and Overcome It - by Andrea Adams (Published by Virago in 1992)

Bully In Sight – by Tim Field (published by Success Unlimited in 1996)

Find bullying help sites by searching the Internet – search under ‘Workplace Bullying.’

13. FREQUENTLY ASKED QUESTIONS

13.1 Will I have to carry on working with the person I have complained about during the investigation?

This all depends on the nature of the complaint. The aim of this procedure is to safeguard the working environment of all employees. Many times it is appropriate for people to continue to work together. Sometimes it is appropriate to suspend the alleged harasser while the investigation is carried out. Occasionally it may be appropriate to agree a limited amount of special leave with pay or a temporary change in duties or job location. Any recommendation will be made by the Head of Service/Manager and approved by the Head of People and Policy.

13.2 What if someone complains about my behaviour?

A complaint of bullying or harassment, whatever the outcome of the investigation, can potentially stigmatise both the complainant and the alleged harasser and it is important that all complaints are fully investigated. The Council is committed to creating a workplace that respects the dignity of all employees and it also has a legal duty to investigate any allegations of bullying and/or harassment even if you believe the allegations are unfounded.

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You will be given support from people and Organisational Development who may recommend counselling support. During the investigation you will be given a full opportunity to respond to the allegations and you have the right to be accompanied by a trade union official or a work colleague at any meetings.

13.3 What if I am being bullied or harassed by a member of the public or by a contact through work?

Harassment, bullying and any other sort of unacceptable behaviour by members of the public should be reported to your Head of Service/Manager for investigation. If the matter continues you should raise the matter with People and Organisational Development, and complete an Incident Report Form.

13.4 What if the bullying or harassment takes place outside work?

Where the bullying or harassment takes place outside of normal working hours, and is in some way linked to a working relationship for example if you are on council business or at a council arranged social event, you are still entitled to full protection under the Council's rules on bullying and harassment, and you should report the incident on the Council's Incident Report Form.

13.5 I have been asked to be a witness to bullying or harassment. What are my rights?

The Preventing and Resolving Bullying and Harassment Procedures will protect you if you are victimised because you have agreed to be a witness or to support a colleague who has made a complaint. If you believe you have been/are being victimised you should raise this with your line manager (or next appropriate manager), the Head of Service or Investigating Officers. Allegations of victimisation will be taken very seriously and will be dealt with under the Disciplinary Procedure.

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Appendix 1

Types of Bullying and Harassment

Bullying can range from extremes, such as violence or swearing and shouting, to the less obvious kind like ignoring someone. Whatever form it takes, it will be unwanted, unwelcome and unpleasant behaviour. There is no single checklist of bullying behaviour because bullying and harassment is often specific to the person, relating to his or her feelings of respect and dignity.

Bullying and harassing behaviours can include:-

- Physical contact;
- Intimidating or threatening behaviour (both verbal and physical)
- Shouting and uncontrolled anger
- 'Jokes', offensive language, gossip, slander
- Posters, graffiti, obscene gestures
- Innuendo/mockery
- Explicit or provocative language
- Making assumptions about an individual's private life
- Isolation or non-co-operation and exclusion from social activities
- Coercion for sexual favours and pressure to participate in political / religious groups
- Persistent negative comments; unjustified, persistent criticism; dismissing achievements
- Trivial "nit-picking"
- Humiliating and undermining someone in front of others; name calling
- Offensive or embarrassing personal remarks
- Setting impossible targets and workloads
- Constantly changing work targets in order to cause someone to fail
- Reducing someone's effectiveness by withholding information or resources
- Isolation from work, discussions and normal conversations
- Picking on one person for criticism where there is a common problem
- Not giving credit where it is due or claiming credit for someone else's work
- Belittling and patronising comments and actions
- Making false allegations
- Refusing leave for no reason
- Monitoring work unnecessarily and intrusively
- Undervaluing work done
- Removing areas of responsibility without justification
- Imposing unfair sanctions and disciplinary action for trivial or false charges
- Harassing staff at home or on holiday unnecessarily
- Communicating instructions inappropriately (e.g. only by e-mail, memos or "post-its")
- Aggressive or intimidating e-mail (see E-mail policy)
- Coercing staff into early retirement, redundancy or resignation.

This list is not exhaustive.

In most cases, the behaviours described above will normally be repeated more than on one single occasion in order to evidence bullying or harassment.

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