Bullying and Harassment policy and procedure

Guidelines and Operating Procedures

Introduction

1.0 Policy Statement

The Council seeks to provide a working environment where all employees are treated with dignity and respect in the workplace, irrespective of their level, status or position within the organisation.

The Council therefore promotes a zero tolerance approach for all forms of harassment and bullying.

All employees are expected to abide by this policy and ensure their behaviour in work related situations respects the dignity of others and does not cause offence or distress. It is only through the efforts of individual employees, managers, HR staff, council members and trade unions that the dignity of all employees is maintained and a working environment created where everyone is treated fairly.

1.1 Scope

The policy and procedure applies to all employees of the council during working hours, and outside normal working hours where an employee’s action detrimentally affects another employee and where this has a bearing on the workplace relationship.

During the course of your work you may experience harassment from members of the public, employees of other organisations or councillors. This policy only deals with harassment by employees of the council, but the council takes its responsibility to prevent harassment very seriously. If you consider that you are being harassed by a member of the public, an employee of a partner organisation or a councillor then please tell your manager who will decide the appropriate course of action, and will if appropriate inform the Monitoring Officer.

This procedure incorporates the best practice identified within the ACAS guide on Harassment and Bullying procedures.

1.2 Key Principles

A framework of reasonable and fair principles, which guide this policy and procedure, has been adopted as follows:

- Every effort will be made to resolve complaints of bullying or harassment firstly through our informal process, but where informal resolution is not possible or, in the circumstances considered to be appropriate, the formal route may be pursued.

- All complaints will be taken seriously, investigated swiftly, with all parties being treated with respect. All discussions, written evidence and general dealings, which take place with regard to harassment or bullying, will be treated in confidence. However, there may be occasions where other parties may for legal or other reasons need to be advised of the complaint. Breaches of confidence may lead to disciplinary action.
• Proactive interventions will support the policy and procedures to identify and deal with issues of harassment or bullying such as:
  • Training for Managers
  • Training for Employees
  • Training for Investigating Officers
  • Training for Bullying and Harassment Advisors
  • Training for Trade Union Representatives
  • Provision of a Stress Counselling Service

• Victimisation as a result of an employee raising a complaint or because they have assisted in an investigation will be treated as harassment and may be subject to disciplinary action.

• Disciplinary action may be taken against those whose behaviour is contrary to this policy. Harassment or bullying, in any form, could constitute gross misconduct and may lead to dismissal.

• Although rare, it is recognised that an allegation of harassment or bullying may be made in bad faith and with malicious intent. Where it is considered that this is the case, this may be regarded as gross misconduct and lead to disciplinary action.

• The Council expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues. The policy will be regularly monitored by Human Resources to ensure that it is achieving its aims, and that managers and employees are confident about its application. Additional support and guidance will be available from the Human Resources team.

2.0 WHAT IS BULLYING AND HARASSMENT

2.1 HARASSMENT

The Advisory, Conciliation and Arbitration Service (ACAS) define harassment in general terms as:

‘Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, trade union membership, religion, nationality or any personal characteristics of the individual, and may be persistent or an isolated incident’.

Examples (although not exhaustive) will include:-

• Unwelcome sexual advances – touching, standing too close, the display of offensive materials;

• Spreading malicious rumours, or insulting someone by work or behaviour (particularly on racial, sexual or disability ground);

• Derogatory remarks, graffiti, jokes about a person’s race, sexuality, disability or age;

• Circulation of sexist, homophobic or racially offensive material

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel affected by it, then that individual has every right to say so, and their right to do so will be respected.

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once and it has been made clear by the victim that the behaviour is regarded as offensive. However, just one incident may constitute harassment if it is sufficiently serious. As harassment can occur on a variety of grounds, anyone perceived to be different is at risk.
Harassment on any grounds, including the above, will not be tolerated.

Harassment at work is not only despicable and demeaning, but it is also unlawful under the following:

1. Sex Discrimination Act 1975
2. Race Relations Act 1976
5. Employment Equality (Religion or Belief) Regulations 2003 (SI 2003/1660)
6. Age Discrimination Regulations - October 2006

The council may be exposed to a number of legal consequences if it fails to deal with allegations or incidents of harassment and held liable for employee’s actions during the course of their employment, whether or not the employer knows of those actions i.e. vicarious liability.

An employee who has committed the act of harassment may be held liable for their unlawful actions and may be required to pay damages to the victim.

There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

Harassment on any grounds can also be a criminal offence under the:

3. Anti-terrorism, Crime and Security Act 2001 (which cites religiously aggravated harassment as a criminal offence)

These Acts mean that employees who are harassed by fellow employees or third parties may call in the police.

2.2 BULLYING

Definition

Bullying as defined by ACAS, may be characterised as:

‘Offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, through means intended to undermine, humiliate, denigrate or injure the recipient.’

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work. These can be split into two categories:

1. **Obvious bullying:**
   
   Examples include:
   
   a. Shouting or swearing at people in public and private
   b. Persistent criticism
   c. Ignoring or deliberately excluding people
   d. Persecution through threats and instilling fear
   e. Spreading malicious rumours
f. Constantly undervaluing effort  
g. Dispensing disciplinary action which is totally unjustified  
h. Spontaneous rages, often over trivial matters

2. **Less obvious bullying:**

Examples include:

a. Withholding information or supplying incorrect information  
b. Deliberately sabotaging or impeding work performance  
c. Constantly changing targets  
d. Setting individuals up to fail by imposing impossible deadlines  
e. Removing areas of responsibility and imposing menial tasks  
f. Blocking applications for holiday, promotion or training

These examples listed are not exhaustive. The actions listed must be viewed in terms of the distress they cause the individual. As with harassment, it is the perceptions of the recipient that determines whether any action or statement can be viewed as bullying.

**3.0 THE IMPACT OF BULLYING AND HARASSMENT**

The Council considers that bullying and harassment can extract a high price on our employees and the Council alike. Employees can be subject to fear, stress and anxiety, which can put great strains on personal and family life. Bullying and harassment can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict that bullying and harassment creates should not be underestimated. The result is not just poor morale, but higher staff turnover, reduced productivity, divided teams, poor service and poor product quality.

Our public image can be badly damaged when incidents of bullying and harassment occur, particularly when they attract media attention.

**4.0 ROLES AND RESPONSIBILITIES**

**4.1 Managers’ Duties**

Service Managers are responsible for ensuring this policy is communicated to their employees and is effectively applied. They are also responsible for carrying out their managerial functions in a professional way, which does not undermine the dignity of employees. This policy and procedure is not intended to prevent them from undertaking their normal managerial duties. It recognises the right of managers to carry out their normal role, which requires them:-

- To emphasise that bullying and harassment is not tolerated in the workplace and to build an open and fair workplace culture.
- To treat complaints of harassment, bullying and/or discrimination seriously, being sensitive to personal feelings and perceptions and to take swift, sensitive and effective remedies where harassment/bullying/discrimination takes place.
- To ensure that complainants are not victimised as a result of making a complaint.
- To carry out thorough and immediate investigation of any alleged accidents, within specified timescales in a confidential manner.
- Issue reasonable instructions to employees and expect them to be carried out;
- Set and monitor work-related targets/objectives and standards of performance for employees;
- Set and monitor standards of conduct and behaviour;
- Take action where unsatisfactory work or unsatisfactory levels of sickness absence have been identified;
• Discipline staff for proven misconduct following a fair and reasonable investigation;
• Address poor performance or unacceptable behaviour on the part of employees using the appropriate procedure and/or best practice guidelines.

4.2 Employees Duties

All employees have a personal responsibility to prevent complaints or personal harassment or bullying by:

• Ensuring at all times their own behaviour cannot be construed as harassment or bullying;
• Making their work colleagues aware that certain conduct or behaviour is causing concern or offence to either themselves or others;
• Where employees believe that harassment or bullying have taken place they should discuss it with their immediate line manager or next in line manager if the immediate manager is implicated.
• Providing support to the person who is being harassed or bullied.

4.3 Support mechanisms

Many Council managers operate an open-door policy to discuss workplace problems and employees can fully discuss the matter with their supervisor on an informal basis should they require. The council recognises that this may not always be appropriate in some circumstances; if this is the case, employees can discuss the situation with the next higher level of management, a member of the Human Resources team and/or a trade union representative.

The decision to make a complaint lies with the person who feels they are being bullied or harassed. However, there may be circumstances where an employee is unwilling to make a complaint and the manager has to override this right to protect the individual. In these circumstances advice must always be sought from Human Resources and/or your trade union representative.

4.4 Bullying and Harassment Advisors

To provide support to employees we have trained advisors if you believe you are being bullied or harassed you may wish to discuss your particular situation with a harassment advisor in the first instance before deciding what action to take. The advisors are volunteers from within the council, who have appropriate skills and have been given full training to carry out an independent, objective role to offer support and advice.

You don’t have to use the services of an advisor but they can:
• provide support
• advise on possible course of action
• channel complaints and negotiate between the parties concerned

4.4.1 What will happen?

When you first contact an advisor they will arrange to meet you in a safe, comfortable place to discuss what has been happening. The meeting will be held in confidence, and support and advice will be given. These Advisors will not make judgments, recommendations or reports; they will listen to you in an informal atmosphere and they will allow you to decide what action (informal/formal) you may want to take and the support you think you may need.

The Advisor will complete a brief, anonymous record of any discussion that will be used only for the purpose of monitoring the effectiveness of the policy and the Advisor network. The Advisor will discuss the contents of this record with the complainant. Such records will be held by Human Resources.
4.4.2 What happens next?

A further meeting will be arranged so that you are given time to consider the options available. After you have decided upon the action you wish to take then the advisor will continue to provide an independent supportive role. Your options would include: learning how to respond positively when someone says something to upset you, writing a letter explaining your feelings, talking to the person directly in a safe environment and with full support, talking to your service area manager in a safe environment and with full support.

If the Advisor considers that the appropriate manager should be informed, as there is unacceptable risk to the individual, another person or the council, you will be advised of this before any disclosure is made.

5.0 OPERATING PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

When dealing with grievances on a particular issue such as bullying and harassment this procedure should be used instead of the normal grievance procedure.

5.1 Dealing with it informally

Experience shows that many issues can be resolved informally. Therefore the Council encourages employees to try to resolve problems informally before using the formal process. The Harassment Advisors, HR team and/or a trade union representative can help employees to resolve problems informally. Attempts to resolve the problem informally do not prevent the matter being raised through the formal procedure at a later date.

The informal process can have advantages including:

- Clearing up misunderstandings before the problem becomes difficult to resolve
- Giving the other party concerned a chance to explain their perspective on the issue
- Allowing both parties space to change and to agree a way forward
- Providing speedy and effective solutions
- Positively benefiting the working relationship
- Minimising the stress experienced by the parties and other team members by not prolonging the time taken to resolve the issue
- The matter is kept confidential between the parties concerned
- Reducing the level and length of disruption to working relationships
- Avoiding expensive litigation

Informal mediation may be arranged through your line manager and Head of Human Resources.

5.2 Timescale for Informal Resolution

The parties should attempt to resolve their issues within 4 weeks. Where problems are long-standing and mediation is in progress, the issues may take longer to resolve. It is important that the parties feel that progress towards resolution is positive. However, where the parties have not been able to resolve their issues within two months with mediation, the employee who considers that they are being harassed can ask for the matter to be dealt with under the formal procedure.

6.0 FORMAL PROCEDURE (This is equivalent to Stage 2 of the Council’s Grievance Procedure)

6.1 Raising the Formal Complaint

A formal complaint may be made where informal attempts at resolution have been
The investigating officer will submit his/her report to the line manager including a recommended outcome.

Each step and action under the formal procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially whilst ensuring that the rights of both the alleged victim and the alleged harasser are protected.

### THE FORMAL PROCEDURE

#### Step 1

a) If the employee decides to complain formally under the Bullying and Harassment procedure the complaint should be put in writing, using a complaint form (appendix 1) outlining the alleged incidents - when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully and how they want the matter to be resolved.

b) If the employee finds it too distressing to complete a form, then they should ask a Bullying and Harassment Advisor, Human Resources or their Trade Union representative to help them complete it.

c) The written complaint should initially be given to the employee’s supervisor/manager. However, if this would not be appropriate in the circumstances, it should be lodged with the next level of management.

#### Step 2

The manager will acknowledge receipt of the complaint within 5 working days.

#### Step 3

The Head of HR will appoint an independent officer to conduct an investigation including interviewing the complainant, the individual against whom the complaint has been lodged, and any relevant witnesses. Any relevant witness will also include any specific persons that the complainant has asked to be interviewed.

#### Step 4

The investigating officer will submit his/her report to the line manager including a recommended outcome.

#### Step 5

Once the line manager is satisfied that an appropriate and thorough investigation has been carried out the complainant will be invited to a meeting to discuss the complaint and the result of the investigation.

The line manager will also meet with the alleged harasser to discuss the result of the investigation and how the matter will be progressed.

Both the employee and the alleged harasser have the right to be accompanied by a work colleague or trade union representative at the
respective meetings. The manager may decide to combine these two meetings (with their approval) if he or she considers this appropriate.

**Step 6**

Within five working days of the meeting management will:

a) confirm their decision as to the complaint in writing to the employee and notify the employee of their right to appeal against that decision if the employee is not satisfied with it.

b) send written confirmation to the alleged harasser on how the matter will be progressed and that the complainant has the right to appeal against the decision.

Copies of the relevant documents including reports by the Investigating Officer should be sent to the Head of HR.

### 6.2 During the Investigation

*If during the investigation the manager considers that there is likely to be a disciplinary investigation then the disciplinary procedure may be used to suspend the alleged harasser. In such cases Human Resources must be consulted.*

Consideration may also be given to temporary changes to working arrangements to separate the parties to the complaint.

### 6.3 Outcomes

If the complaint is substantiated, the Investigating Officer, together with the Head of HR will make recommendations to the Manager who referred the case to decide on a course of action.

Action may include:

- An agreement between the parties on standards of behaviour
- Support, including mentoring for the complainant and/or the other party
- Assistance to help the other party to understand and to change their behaviour
- Assistance to help the other party understand the impact of their behaviour on others
- Transfer of either or both parties - the Council may consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed.
- Alternative working arrangements
- Training and counseling
- Team development
- Disciplinary action against the complainant or harasser
6.3.1 Where the Manager believes that the allegations proven are of a serious nature, the matter may be transferred to the formal disciplinary procedure. The evidence used in the investigation of the complaint will be made available for a disciplinary hearing and the person carrying out the investigation under this policy will usually be the person presenting the employer’s case at the hearing.

6.3.2 At the end of the process HR will keep a record of the complaint, the discussions between the parties and of any witness’s statements, and any agreements for action made between the parties for a period of 12 months.

6.4 **Appealing against the outcome (This is equivalent to Stage 3 of the Council’s Grievance Procedure)**

A complainant has the right to appeal if they are dissatisfied with the outcome or the way in which their complaint was handled.

If the complainant wishes to appeal he/she must indicate this, in writing, to the Service Manager who heard the complaint, within 10 working days of being notified of the decision. The Bullying and Harassment form and the Investigators report will then be submitted to the appropriate Service Manager or Director if the Service Manager heard the complaint in the first instance.

The Director or Service Manager will acknowledge receipt of the complaint within 5 working days and take positive steps to arrange a hearing. A hearing will be arranged as soon as possible and the outcome confirmed in writing within 5 working days of the hearing.

7.0 **USE OF OTHER PROCEDURES**

Where the allegations are so serious that it is not appropriate to deal with them under the Bullying and Harassment procedure, the manager must use the disciplinary procedures although if the employee raises something as a grievance managers must investigate and hold a formal meeting with the person complaining of harassment.

8.0 **MONITORING**

Where harassment or bullying has been found to occur, and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. The Council will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Anonymous statistical information regarding the number and nature of complaints of harassment and bullying will be compiled to assist the Council to monitor the effectiveness of the policy and procedure.

Managers and Bullying & Harassment Advisors who deal with a complaint of harassment whether informally or formally should ensure that the monitoring form (Appendix 2) is completed and returned to Human Resources as soon as possible.

9.0 **COMPLAINTS INVOLVING SERVICE USERS, COUNCILLORS OR THIRD PARTIES**

Complaints of bullying and harassment made by service users or other third parties will not be dealt with under this policy but under the appropriate Council policy, e.g. Complaints Procedure. If you are unsure about which policy to use please speak with your Service Manager.

10.0 **EQUALITY AND DIVERSITY STATEMENT**

IBC is committed to promoting equality and valuing diversity in everything we do including service delivery and employment. Further details can be obtained by referring to the Council’s Equal Opportunities Policy.
Appendices

Appendix 1: Bullying and Harassment Complaint form

Appendix 2: Monitoring form

Appendix 3: List of Bullying and harassment Advisors can be found: (To be completed when Advisors have been identified and trained)
Ipswich Borough Council
Bullying & Harassment Complaint Form

Name of complainant:
Address: (work)
Job Title:
Service Area:

What address do you wish any correspondence to be sent to you if different from above?

DETAILS OF COMPLAINT

Name:
Job Title:
Service Area:

Please give the full circumstances of the bullying/harassment in detail and include dates, incident, times, key parties, witnesses and any action taken.
(Please continue on a separate sheet if necessary)

If you believe that you are being bullied or harassed please try and specify the grounds of your complaint. Please refer to section 2.0 of the policy for guidelines.

Have informal attempts been made to resolve the problem? If so please give details.

How would you like to see this matter resolved?

Signature of Complainant ________________________ Date:_________________
Signature of person receiving complaint: _____________________ Date:_________________

PLEASE ALSO COMPLETE THE MONITORING FORM ATTACHED
Ipswich Borough Council
Bullying & Harassment Monitoring Form

This form is to record complaints of harassment and bullying without identifying individuals. It must be completed by service managers to record all complaints of bullying and harassment received, whether dealt with formally or informally.

Monitoring complaints is an important part of the Bullying and Harassment procedure and the Councils Equal Opportunity Policy. It will enable the Council to monitor the nature and pattern of cases of harassment and bullying of employees, and if consistent action is taken.

Note: Please contact HR if you need to verify the information below or require assistance in completing this form.

| Service Area:________________________ Date:________________________ |

1. Type of Bullying/Harassment Alleged: (please tick as many as relevant)

<table>
<thead>
<tr>
<th>Type</th>
<th>Tick</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Race</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Religion / Belief</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Bullying</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other – please specify</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Equalities Data

**Complainant Details (if known):**

- Ethnic Origin: ____________ Age: ________________
- Gender: ____________ Disabled: Yes / No
- Sexual Orientation ____________ Religion/Belief ____________
- Race ________________

**Alledged Offender Details (if known):**

- Ethnic Origin: ____________ Age: ________________
- Gender: ____________ Disabled: Yes / No
- Sexual Orientation: ____________ Religion/Belief ____________
- Race ________________

3. What was the nature of the alleged bullying/harassment: (please circle relevant ones or refer to section 2.0 of the policy for examples)
E.g. Abuse / jokes / graffiti / unnecessary touching / sexual demands / excluding colleagues from workplace activities / offensive manner / unwanted personal comments / persistent discrimination / other If “other” is circled, please briefly describe

4. Having received the complaint, what management action was taken?
(Please complete all relevant sections below)

• Informal action to stop the bullying/harassment YES / NO
If “YES”, please briefly describe the action taken to stop the bullying/harassment:

• Was there a formal investigation? YES / NO
If “YES”, did the investigation find the complaint substantiated? YES / NO
If not substantiated, what did the investigation find?

• Was the Disciplinary Procedure used under the formal procedure? YES / NO
If “YES”, what was the outcome?

Please return this form under confidential cover to
Human Resources, 5th Floor, Grafton House, 15-17 Russell Road, Ipswich IP1 2DE