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- Bullying and Harassment Policy

Internal Policy

Review

Version	Effective Date	Document Owner	Review Date Trigger
V1	Draft	Human Resources Manager	Every 3 years. Legislative/ organisational changes.

Target Audience

All Officers of the Authority.

Consultations

Group	Date
Staff Reps Personnel Committee	

Approvals

This document requires the following approvals.

Approved by	Name	Date	Signature
Leadership Team			

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1. Policy Statement

PCNPA is committed to having a workplace where everyone is treated with dignity and respect. We do not tolerate bullying, harassment or victimisation and we expect everyone who works at or with PCNPA, as well as visitors and customers, to behave respectfully towards others and never act in a way that could be regarded as bullying, harassment or victimisation.

2. Purpose, Principles and Scope

The aim of this policy is to help prevent the occurrence of bullying, harassment or victimisation and to provide guidance on how to resolve complaints both informally and formally should this behaviour occur.

The policy covers both occurrences in the 'workplace' and also work related events which take place during 'working hours' but at another location (such as training, social functions etc.).

If you make a complaint you will be treated fairly and without victimisation. However, vexatious or malicious complaints will be dealt with by the Authority's Disciplinary Procedure.

3. Definitions

The Advisory, Conciliation and Arbitration Service (ACAS) characterise bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying usually involves an abuse of power, for example a manager may bully a subordinate or a group may bully an individual, but this may not always be the case – bullying can happen to anyone!

Harassment is defined as any unwanted conduct, relating to the protected characteristics, which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. The impact of the behaviour on the victim should be key in deciding whether or not a complaint of harassment or bullying should be investigated, not the intention of the perpetrator.

The current protected characteristics are;

- a. Age
- b. Disability
- c. Gender
- d. Gender Reassignment
- e. Marriage and Civil Partnership
- f. Pregnancy and Maternity
- g. Race
- h. Religion or belief

i. Sexual Orientation

Bullying and Harassment can take many forms and may include:

- Physical contact ranging from touching to serious assault
- Verbal and written harassment through offensive language, gossip, slander, letters etc. e.g. calling someone “queer” because they are gay/lesbian
- Intrusion by pestering, spying, following etc.
- Ridiculing or belittling a person
- Setting unachievable deadlines or unequal workloads
- Excessive supervision
- Isolation or non-co-operation.
- Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- Making threats or comments about job security without foundation
- Persistently ‘singling out’ a person without good reason or deliberately excluding, isolating or ignoring an individual.
- Maliciously copying emails that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone or picking on them or setting them up to fail
- Unwelcome sexual advances or sexual innuendo – touching, displaying offensive materials

The above list is not exhaustive.

Bullying and harassment usually occur in the workplace but work-related incidents outside the workplace will also fall within the remit of this policy and will include harassment by a third party.

Bullying and harassment are not necessarily always obvious or apparent to others. It might be obvious or it might be insidious. It may be persistent, there may be a pattern, or it may be an isolated incident. It can also occur in written communications, online/social media, by phone or through email, not just face-to-face.

Victimisation is when someone treats you badly or subjects you to a detriment because you complain about discrimination or help someone who has been the victim of discrimination (or they think you have).

It is important to note that there are many actions and behaviour that do not amount to bullying, harassment or victimisation. These might include:

- Fair and reasonable feedback/criticism of your performance or behaviour
- A manager rejecting a request because of a legitimate business need
- Not being invited to a meeting where you are not required
- Being appropriately managed in accordance with Authority policies and procedures, including performance procedures where your performance is not of an appropriate standard.

4. Responsibilities

All staff must comply with this policy. You are requested to respect others regardless of their characteristics and you must not behave in a way which may cause offence, or which in any way could be considered to be harassment, bullying or victimisation. You have a responsibility to help ensure everyone you work with and those who come into contact with the Authority are treated with dignity and respect.

Where you feel you can, you should actively discourage harassment, bullying or victimisation by making it clear you find such behaviour unacceptable.

Team Leaders and Managers are responsible for ensuring that the working environment is free from harassment. They have a responsibility for the implementation of the Authority's Policy on Bullying and Harassment, for ensuring their staff have an awareness of it and for taking the necessary action to ensure compliance with its principles.

Any complaint of harassment must be dealt with seriously, swiftly and confidentially. Employees must be confident that they will be protected against victimisation for bringing a complaint of harassment. Therefore, managers will be responsive and supportive to any employee who complains of harassment, provide clear advice on the procedure to be followed and sources of support available.

Managers will maintain confidentiality and take appropriate action to ensure that there are no further problems or any victimisation after a complaint has been addressed.

Failure to respond appropriately compounds the harassment and therefore action may be taken against the manager for failure to act in accordance with their responsibilities. Harassment is not only inappropriate behaviour at work, but may also be unlawful.

In dealing with complaints of harassment, managers should be aware that failure to deal with complaints appropriately could lead to a claim being made to an Employment Tribunal or the courts under discrimination or health and safety legislation, or the employee could resign and claim constructive dismissal.

Managers should also be aware of the following Acts:

- Criminal Justice and Public Order Act 1994 - creating a criminal offence of intentional harassment.
- Protection from Harassment Act 1997 – making harassment a criminal offence even where it is not intentional

5. Complaints Procedure

Employees are encouraged to try the informal route first, but have the absolute right to go straight to the formal procedure if they wish to do so.

Informal Procedure

Any employee who feels that they or others have been harassed, victimised, bullied or treated in such a way that breaches this policy, should if they feel able, tell the person(s) immediately that the behaviour is offensive, unwanted and that they want it to stop.

Your first step may be to **talk to the person** you feel aggrieved with to explain the situation and how it made you feel. You can speak to Human Resources confidentially to help you prepare for having such a conversation with the person. You should use this opportunity to ask the person to change or stop their behaviour. It is important to remember that the other person may not be aware of their behaviour or the impact it is having or there may have been a misunderstanding or misinterpretation.

You can also contact the **Carefirst Advice Line on 0800 174319**, which is available to all employees. They provide confidential emotional support as well as practical advice and techniques for resolving such difficult matters.

Where an employee feels unable to confront the person directly, or talking to them has no effect then employees may wish to speak to their line manager or Human Resources on how else the matter can be dealt with informally.

Speaking to your Manager, their Manager, a Staff or Trade Union Rep or Human Resources will help you by providing support, advice and guidance to help you address your concerns in another way.

It may be helpful to have a list of incidents, including times and dates in order to be able to give examples of the behaviour that has caused offence.

Any discussion will be confidential and no further action will be taken without the consent of the complainant unless the incident is considered to be serious, in which case you will be informed of the need to take action against the alleged perpetrator.

One of the following courses of action may be followed:

1. Take no further action at this stage, but keep the situation under review, enabling the employee to seek further advice in the future if necessary.
2. Hold informal discussions involving HR, the complainant and the alleged perpetrator. These discussions should determine exactly what issues exist and if possible resolve them informally without having to resort to making a formal complaint. This may involve mediation, which is a voluntary process and involves all parties jointly helping to identify the root cause of a problem.
3. Make a formal complaint

If the complaint relates to or **involves your line manager** then you should approach the next tier of management or Human Resources as appropriate.

If a relates to the **Chief Executive**, the Authority will follow the statutory process for dealing with alleged misconduct of senior officers in accordance with Local Authorities (Standing Orders) Regulations 1993.

Formal Procedure

The formal procedure should be followed when the informal route has proven to be ineffective or where there is a serious allegation.

An employee has the right to raise a formal complaint on any bullying, harassment or victimisation issue.

Employees must ensure that they put their complaint in writing to their line manager with a copy to Human Resources. If the line manager is the alleged perpetrator, then the complaint should be directed to the next tier of management (or directly to Human Resources).

The complainant should state:

- The name of the alleged perpetrator
- The nature of the alleged incident(s), giving examples and time and dates where possible
- The names of any witnesses to the alleged incident
- Any action taken by the employee in relation to the alleged bullying or harassment.

Investigation must take place promptly, unless there are difficulties in obtaining relevant information, e.g. a witness is on leave or there are many witnesses to interview. In order to relieve the stress and pressure on one or both of the parties, to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged perpetrator. Suspension under this procedure does not constitute disciplinary action and will be on full pay.

The general principles detailed in the Authority's Grievance Procedure will apply during the formal procedure and these will be explained to the complainant and alleged perpetrator.

You will be invited to a formal hearing to discuss the complaint with an Investigation Officer**. Upon investigation, the Investigating Officer will then pass their report to a more senior manager. The manager, following consultation with Human Resources will then decide on appropriate management action. This will be:

1) to initiate the Disciplinary Procedure; or

2) - take management action other than initiate the Disciplinary Procedure. This could include one or more of the following:

- Referral to some form of mediation (this requires the agreement of both parties.)
- Set up arrangements to monitor the situation;
- Require attendance on training courses;
- Make arrangements for both parties to work as separately as possible within the same workplace;
- Take no action on the basis that the allegation has not been substantiated.

Note that some of the above actions may be taken in addition to use of the disciplinary procedure.

If there is a case to be answered then the disciplinary procedure will be invoked. In accordance with the disciplinary procedure, the alleged harasser will be told the precise nature of the complaint and be given time to prepare their case.

Where the seriousness of the case warrants actions under the Authority's disciplinary procedure, you and any witness(es) may be required to participate in the disciplinary process, dependent upon the case specifics; and full support will be provided to you.

***An Investigation Officer will be appointed and selected by the Authority to ensure a fair and impartial investigation and in most cases, this will be a senior member of staff from within the organisation. Where this is not possible, the Authority reserves the right to appoint a suitable external party.*

6. Support

Cases of harassment, bullying and victimisation must be dealt with sensitively in recognition of the issues involved. The impact of which may be such that during or after the complaint has been dealt with, counselling may be required.

Any employee who believes that they have been subject to, or have witnessed harassment, victimisation or bullying can seek additional external confidential support through the Carefirst counselling service.

7. Malicious complaints

While the Authority would wish to encourage and support staff to raise concerns about bullying and harassment, any allegations which are proven to be malicious and not raised in good faith will be regarded as disciplinary offences and will be dealt with in accordance with the disciplinary policy and procedure.

8. Right of appeal

If you wish to appeal the outcome of your formal complaint you should do so within 10 calendar days of the decision being provided to you in writing. You must set out the grounds of your appeal, which may include procedural errors or failure to consider relevant evidence or failure to address all allegations.

After your appeal grounds have been fully investigated and a conclusion reached, the new Hearing Manger will make a decision as to whether your appeal is upheld or not upheld.

If your appeal is not upheld, there is no further right of appeal.

9. Confidentially and Data Protection

Confidentiality is an important part of the application of his policy and we will aim to respect and maintain confidentiality where possible. There may however be instances where information you have submitted in relation to your complaint may need to be disclosed to other parties in accordance with legal or reporting obligations.

10. Reference

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11. Version History

Version	Effective Date	Summary of Changes
1	TBC	Adoption of brand new policy.

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