



Prevention of Bullying & Harassment Procedure

Policies and Procedures Control Page

Title	Prevention of Bullying & Harassment Procedure
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1. INTRODUCTION

- 1.1 The introduction of this procedure is to promote dignity at work and to reinforce Stratford on Avon District Council's commitment to providing a working environment which is free from harassment, bullying or intimidation of any nature. Every employee of the Council has a responsibility for their own behaviour by treating colleagues with dignity and respect irrespective of their gender, ethnicity, disability, sexual orientation, age, religion, marital status, trade union membership, working hours or other personal characteristics and by ensuring their actions attitudes or behaviours do not cause upset or distress.
- 1.2 The aim of the Council is to create a situation in which this type of discriminatory behaviour is eliminated and thus to create a working environment in which employees can work efficiently and effectively.
- 1.3 The Council will regard actions by an employee which amount to work related harassment, bullying, discrimination against or victimisation of any employee, councillor, contractors, and agency staff, member of the public or any other person who has access to the Council's premises as a serious offence. Such offences could result in disciplinary action against the offender including dismissal in appropriate circumstances.
- 1.4 The Council value and wish to support employees and these guidelines aim to reinforce that intent by promoting a culture in which employees feel valued and supported in bringing forward complaints without fear of victimisation or recrimination.
- 1.5 Managers have a specific responsibility to be vigilant in respect of the identification and elimination of bullying or harassment at work and to ensure implementation of, and adherence to, this procedure.
- 1.6 This procedure relates to all employees of the Council including Members, Chief Executive and Directors.

2. HARRASSMENT

- 2.1 Harassment is defined as unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment". Employees should be free from intimidation, humiliation, patronising or insulting behaviour in the workplace. It may or may not be intentional but it will be directed at an individual or a group of employees and will be found to be offensive or objectionable to the recipient(s).
- 2.2 We all have a responsibility to recognise harassment when it occurs and to take steps to deal with any cases as they arise. We should all endeavour to prevent it happening in the first place. Harassment does not include, however complaints about necessary and properly directed management action addressing work performance or conduct.
- 2.3 This procedure sets out the Council's approach on the matter together with guidelines to be followed by employees who believe that they have been subjected to harassment. It further states the responsibilities of line managers in dealing with any cases which arise using the procedures set out in the paper.
- 2.4 It needs to be made clear that the Council is not prepared to tolerate harassment in any form and will view such acts seriously.
- 2.5 The Council wishes to encourage employees who consider they have been subjected to workplace or work related harassment to use the procedures set out

in this paper. The Council, with the full co-operation of Unison, is committed to doing all that it can to prevent or remove unwarranted and unacceptable conduct.

3. WHAT CONSTITUTES HARASSMENT?

- 3.1 It is difficult to be precise as to every instance which will constitute harassment but it will always take the form of unwanted, unacceptable behaviour. Harassment may be of a persistent nature or an isolated one off incident.
- 3.2 The styles of harassment will vary and comments, etc., about health, age, physical characteristics, personal beliefs and numerous other factors may lead to harassment as could the use of abusive or indecent words, actions or demeanour in breach of generally accepted conduct and aimed at any individual. Harassment can occur between people of the same sex or of the opposite sex. People can be subject to harassment for a wide variety of reasons including their willingness to challenge harassment, leading to victimisation; their membership, or non-membership, of a trade union; their gender or sexual orientation; their religious or political convictions; their status as ex-offenders; their age (or youth) or their real or suspected infection with AIDS/HIV. This list is not exhaustive. Anyone runs the risk of being harassed.
- 3.3 Some of what is set out below not only breaches the standards of conduct the Council expects but can also contravene the law. Breaches of the law can result in legal proceedings in which an employee carrying out the harassment can be held personally liable.
- 3.4 Examples of Harassment or Discriminatory Behaviour

Sexual Harassment

- The display of pornographic or sexually suggestive pictures, objects or written materials.
- Leering, whistling or making sexually suggestive comments or gestures or innuendoes.
- Unwanted non-accidental physical contact.
- Sending suggestive/offensive emails.
- Insults that are gender related.
- Stereotyping.
- Jokes banter or remarks about men or women generally which are demeaning or derogatory.
- Sexist remarks.

Racial Harassment

- Derogatory nicknames or racial name calling.
- Isolating, excluding behaviour.
- Stereotyping.
- Racist jokes/ridicule.

Disability Harassment

- Mimicking the effect of a disability or speech impairment.
- Making fun of a disability.
- Inappropriate personal questions/comments about a disability.

- Staring.
- Holding team events at non accessible venues.
- Use of inappropriate terms e.g. cripple, spastic.

Age Discrimination

- Ridiculing or demanding behaviour focused towards people because of their age, describing them as too young or too old.
- Making assumptions about people because of their age e.g. assuming a young employee lacks maturity to carry out a certain task or an older worker will take longer to complete a task.
- Stereotyping.

Harassment on the Basis of Sexual Orientation

- Derogatory remarks, jokes which results in the individual feeling uncomfortable, excluded or threatened.
- Stereotyping.
- Jokes about gay, lesbian, bi-sexual or transgender.
- Offensive terminology either written or spoken.

Harassment on the Basis of Religious Belief

- Discriminatory behaviour which fails to acknowledge the rights or needs of people with different beliefs or practices.

Harassment on the Basis of Working Hours

- Isolating, excluding behaviour not recognising the contribution of part time workers.
- Derogatory remarks about not pulling their weight, no commitment etc.
- Arranging team meetings on set days where some part timers do not usually work.

3.5 Victimization

This is where an employee is treated less favourably than another because they have brought proceedings, given evidence, or complained about the behaviour of someone who has been harassing, bullying or discriminating against them.

3.6 Bullying

Bullying is not two people having a disagreement or falling out over something. Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. It can be criticism of a person rather than constructive criticism about their mistakes. Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying is an inefficient way of working which can result in the recipient feeling demotivated and alienated. It may also have an effect on self-confidence and self-esteem.

The harmful effect bullying behaviour can have on the Council is:

- An increase in absenteeism and ill-health.
- Unhealthy working climate.

- Increase in recruitment costs.
- Poor customer service.
- Loss of public image and reputation damage.

Examples of Bullying

- Constantly criticised and subjected to destructive criticism.
- Subjected to nit-picking and trivial fault finding.
- Isolated and excluded.
- Threatened, shouted at and humiliated.
- Subjected to excessive monitoring or supervision.
- Either over loaded with work or have their work taken away.
- Set unrealistic goals and deadlines which are unachievable.
- Offensive language, personal remarks, or inappropriate bad language.
- Undermined, especially in front of others.
- Intimidating or belittling behaviour.
- Spontaneous rages.
- Constantly undervaluing effort.
- Excessive demands for out of work activities (expecting staff to continuously work beyond their normal contracted hours resulting in repeated loss of hours under the flexitime system).

3.7 It is important to differentiate between management and bullying or harassing behaviour. Managers must be able to carry out their duties without threat of ill-intentioned or malicious complaints. However, it is unacceptable for managers to display the behaviours detailed above.

4. APPLICATION

4.1 The Council's Prevention of Bullying and Harassment Procedure applies to any form of work related harassment, bullying or victimisation which occurs between employees of the Council; and this procedure is designed to deal with complaints against employees. If an employee considers that they have grounds to complain against a member of the public, then the matter should be raised with their Head of Service who will advise what action should be taken. If the complaint is against elected members of the Council, it should be referred to their Head of Service, who may then refer it to the Chief Executive.

4.2 When does this Procedure Apply?

For this purpose 'work related' means anything which is related to the employment of the 'harassed' employee.

Work related harassment may occur during or outside normal working hours, at work or away from work location. When or wherever it occurs, work related personal harassment is covered by the Council's procedure.

4.3 Disciplinary Action

These notes do not form part of the disciplinary rules and procedures - hence this procedure provides a facility for an individual to be able to resolve any issue

without the need to lodge a formal complaint.

However, if the investigation of a formal complaint suggests a breach of the procedure and standards set out by the Council, then the Council's disciplinary procedure will be used in the same way as for alleged breaches of any of the Council's other policies, rules and procedures.

5. MANAGEMENT AND EMPLOYEE RESPONSIBILITIES

5.1 Management Responsibility

It is the responsibility of the Heads of Service and all their line managers to ensure that the principles contained in this procedure become a normal part of the custom and practice of daily working life. They should be knowledgeable about this procedure and they have a responsibility to ensure that personal discrimination in any form is eliminated in the Council.

Each individual manager will have responsibilities to ensure that the Council's procedure is known to all employees for whom they are responsible and to take action to deal properly with any issues which arise. A full statement of these responsibilities is set out in Appendix 1. Managers will also have the responsibility of identifying possible harassment, bullying or victimisation in its early stages and for taking the necessary steps to prevent it, where possible, reaching the state where formal action is necessary.

Managers must also be prepared to support those who suffer bullying or harassment.

5.2 Employee Responsibility

It is the responsibility of each and every employee to avoid behaviour which harasses another person and also to discourage such behaviour in other employees.

Each employee can support the procedure and discourage harassment by making it clear to all concerned that they find such behaviour unacceptable. They should not collude in any way when it occurs and should support colleagues who are subjected to any form of harassment, including encouraging them to make a complaint.

Any employee who wishes to complain about personal harassment should be encouraged to use the Council's procedure.

6. MAKING A COMPLAINT

6.1 Procedure

The Council has made it clear that it regards bullying and harassment of any kind against individuals as a serious breach of its aims and objectives. Offensive, action by an employee which amounts to harassment, bullying, discrimination against or victimisation of any employee or member of the public or Councillor, will be regarded as a disciplinary offence - particularly so where the Council has legal responsibilities.

6.2 Advice

Employees have the choice to refer complaints of alleged bullying or harassment, whether internal or external, in the first instance, to either their line manager or, where they feel unable to approach their line manager, Human Resources or their trade union representative. Human Resources also have a role in advising managers.

7. INFORMAL PROCEDURE

- 7.1 If an employee considers that they have grounds to complain that they are being harassed or bullied, they can choose whether to ask their line manager or their Head of Service to deal with it, or to make an approach to Human Resources as soon as possible after the incident or the behaviour about which they wish to complain. If wished, the complaint may be made through a colleague or Unison.
- 7.2 If an authorised nominated officer from Human Resources is involved at this stage of the procedure, the same officer will not be involved in any disciplinary hearing(s) which may be appropriate later.
- 7.3 Since harassment may be repeated over a period of time, the employee can expect to be asked what steps, if any, they have taken to stop it. An employee should normally tell any harasser that their conduct is unacceptable, seeking the support of a colleague where necessary. They may have good reasons why they have felt unable to do this and if these are explained, they will not prejudice the investigation of the complaint.
- 7.3 The line manager or a representative from Human Resources will be able to counsel the employee on the appropriate action, which could be taken.

To do this, they will need to clarify certain points and could suggest:

- That the employee approaches the alleged offender to make them aware of the effect of the action complained about. Where appropriate, a request to stop such behaviour should be made; if there are difficulties which prevent an employee from doing this, the authorised officer may do it on their behalf and let the employee know the outcome.
- That the employee writes directly to the alleged bully or harasser detailing the offensive behaviour and confirming the requirement to stop any further incidents. The employee should keep a note on file of the action taken and should only be taken into account if formal procedures are initiated.
- That the employee provides more information to substantiate the allegations and to keep detailed records of any further incidents.
- That a facilitated discussion between both parties is arranged.

8.0 FORMAL PROCEDURE

- 8.1 Where the informal approach is unsuccessful or the employee has chosen to go straight to the formal stage of the procedure the following arrangements will apply.

8.2 General

A complaint under this procedure presents a particularly sensitive problem for those officers responsible for investigating the allegations. Such officers are required to protect the rights of the accused harasser as well as protecting the rights of the individual making the allegations. Both employees are entitled to a full and fair opportunity to put their version of events.

All departments are expected to co-operate in releasing employees from their normal duties to participate in the investigation as required. The detailed arrangements for dealing with complaints may vary slightly from service to service but the following principles will be applied in all cases.

8.3 Investigation Procedure

Where an employee so chooses, any complaint about alleged harassment should

be put in writing to the Heads of Service and will be referred to another officer for investigation ("the Investigating Officer"). This person can be either an officer nominated by their Heads of Service and agreed with the complainant, or the complainant can stipulate that they wish a representative from Human Resources to be the Investigating Officer. The Investigating Officer and all those dealing with the complaint should not be connected with the allegation in any way.

If an officer from Human Resources is the Investigating Officer, the same officer will not be involved in any disciplinary hearing(s) which may be appropriate later.

The complainant must expect to be interviewed by the Investigating Officer and give, in confidence, full details of the alleged bullying or harassment. A detailed record of the interview will be prepared in duplicate with a request for signature. The record will reflect the content of the interview but will not be a verbatim report.

The complainant may be accompanied at the interview, if they wish, by a friend, relative, colleague, Unison or other appropriate representative.

The employee against whom the complaint is made should be informed in writing by the Investigating Officer to attend an investigatory interview (which may lead to the disciplinary procedure being involved). At least five working days notice will be given (Monday - Friday excluding Bank and extra Statutory holidays). The employee is allowed to postpone an investigatory interview if their chosen representative is unavailable and can nominate a reasonable alternative date within five working days of receiving the letter to attend for interview. The investigatory interview shall be postponed for a reasonable period if the employee is sick, or for five working days of receiving notification of the letter if the employee is unable to attend the interview for any other satisfactory reason. If the employee does not give a suitable reason and fails to attend, a second date will be set and if again the employee does not attend, the investigation will commence and a decision commuted to the employee.

A copy of this Dignity at Work procedure must be attached to the letter requiring the employee to attend the interview.

Employees are entitled to know the evidence, which has given rise to an investigatory interview. Any documentary evidence, which the Investigating Officer wishes to introduce into the proceedings (including any witness statements to be used), shall be supplied to the employee and their representative as soon as possible before the interview. The responsibility for issuing this information will rest with the Investigating Officer. In some situations it may not be appropriate to release complete documents but an extract or synopsis may be sufficient.

It is also the employee's responsibility (or their representative's) to copy documentation which they wish to introduce into the proceedings (including witness statements to be used) to the Investigating Officer. The information should also include the names of any witnesses. This information should be sent to the Investigating Officer as soon as possible before the interview.

The Investigating Officer will meet and interview individually the nominated witnesses. They may be accompanied by a friend, colleague, Unison representative or other appropriate representative.

The Investigating Officer may need to interview the complainant more than once if on reflection there are points from the interview(s) which are still unclear.

A detailed record of the interview will be prepared in duplicate with a request for signature of agreement and attached to the letter, or if this is not practicable, sent as soon as possible to the employee. The record will reflect the content of

the interview but will not be a verbatim report. If the employee is dissatisfied with the record of the interview, the reasons for the dissatisfaction shall be considered and, unless satisfactorily resolved shall be separately recorded.

- 8.4 At this stage, the Investigating Officer will report direct to the appropriate Head of Service within ten working days (unless justified postponement has been made). The Head of Service will then respond to the complainant within a further five working days. If the Head of Service feels that further information or investigations are needed, they may refer the matter back to the Investigating Officer. In this event, an extension of the time limits may be necessary. If the complaint is against a Head of Service, the report will go to the Chief Executive. If the complaint is against the Chief Executive, the report will go to the Chairman of the Council, who shall report to full Council. The Investigating Officer may, at their discretion, recommend in writing a particular course of action to the Head of Service (or equivalent). The total period of fifteen working days may be extended in complex cases with the agreement of the employee making the complaint.
- 8.5 On receiving the Investigating Officer's report and any recommendations they may have made, the Head of Service has various options available depending on the circumstances:
- a) They may decide to take no further action, perhaps because in their view the complaint cannot be substantiated.
 - b) They may decide to take management action other than to initiate the Council's disciplinary procedure. This could include:
 - setting up arrangements to monitor the situation
 - arranging training or counselling or mediation where appropriate for either the complainant or the alleged harasser or both
 - making arrangements for the complainant and alleged harasser to work as separately as possible within the same workplace
 - A recommendation for redeployment of one or both parties, either on a temporary or permanent basis
 - c) They may decide to initiate the Council's disciplinary procedure.
- 8.6 In some cases, there will not be any witnesses and it will be one person's word against another's. In these instances, the Heads of Service will consider whether, on the balance of probabilities, the incidents/actions occurred.
- 8.7 It must be emphasised that if, having considered the complaint, the Heads of Service decides that a disciplinary hearing is appropriate then, from that point on, the matter is to be dealt with strictly in accordance with the Council's disciplinary procedure applicable to the employee who is the subject of the complaint. There is no separate or 'special' disciplinary procedure specifically for dealing with alleged bullying or harassment. Should disciplinary action ensue then the employee concerned would have all the usual prescribed rights of representation and of appeal.
- 8.8 There may be circumstances where it would be desirable for a complainant to have recourse beyond their Head of Service if they are dissatisfied either with the way the complaint has been dealt with or with the eventual decision of the Heads of Service regarding the need for future action, including disciplinary action.
- 8.9 If the complainant is dissatisfied on either point then they may raise the matter direct or through their trade union representative with the Chief Executive. The

Chief Executive would then delegate a senior officer ("the Reviewing Officer") to carry out a further investigation on his behalf. This may or may not include further interviews with the complainant, their Head of Service, etc. On receipt of the Reviewing Officer's report the Chief Executive would decide whether the original decision of the Head of Service should stand or, exceptionally, whether the Head of Service should be asked to review the situation.

- 8.10 The Chief Executive will communicate the decision to the complainant and the complainant's Head of Service as quickly as possible and in any event within 15 working days of the complaint being referred unless an extended period is agreed with the complainant. It must be emphasised that the Chief Executive would only review the decision of the Head of Service on the original complaint. Under no circumstances would the Chief Executive intervene in the formal disciplinary process itself, once this has been put in hand. Any decision of the Chief Executive under this part of the procedure will be final.
- 8.11 If a complaint against an employee is found to be justified, written notes which have been made of all statements and other evidence obtained by the Investigating Officer when investigating the complaint will be retained on that employee's personal file for 2 years and then marked "spent". If no case is made out then the notes will be retained separately from the employee's personal file for 2 years, in case the matter should proceed to further action in the Courts.

9. MONITORING OF COMPLAINTS

- 9.1 An Investigating Officer who receives a complaint will advise Human Resources of the receipt of the complaint and the date on which a report was submitted to the Head of Service.
- 9.2 Each Head of Service will make a report to the Head of Customer Services showing the result of the investigation and the action taken.

10. REVIEW

- 10.1 The operation and effectiveness of the procedure set out in this policy will be kept under regular review by the Council and by the representative trade unions. Either of them may raise matters relating to the procedure through the normal joint consultative arrangements.

11. SEEKING ADVICE AND SUPPORT

- 11.1 Any employee who considers they may have grounds to use this procedure can seek advice from their line manager, from Human Resources or from a Trade Union or staff representative in the knowledge that any approach will be dealt with sensitively and confidentially.
- 11.2 It is difficult to cover every situation which is likely to arise and the list of actions which are seen to constitute harassment or bullying is neither complete nor exhaustive. It is recognised that there will be occasions when an employee considers that they are being subjected to unreasonable pressure (even victimisation) by a more senior employee but may not wish to make a formal complaint. This is the time at which to seek informal advice as to the action which can be taken and how to set about it.
- 11.3 Any employee who considers they are being subjected to bullying or harassment should make it clear to the 'harasser' that the behaviour complained of is not acceptable with a request that it stop. If an employee feels unable to do this personally they should seek the help of a friend, colleague, and Human Resources representative, Union or staff representative or their line manager to deal with it or to support them in an approach to the harasser.

- 11.4 The Council will protect an employee who makes a complaint of harassment, or who provides evidence of harassment, from victimisation. This may include the use of counselling, the Disciplinary Procedure where appropriate, and also by ensuring management awareness.

12. POST INVESTIGATION

- 12.1 Where a complaint of harassment is found proven, either the immediate line manager, or if they are the harasser, another nominated officer, will be expected to offer support and counselling in assisting the complainant to carry on with their normal working arrangements.
- 12.2 Where the alleged harasser or bully is not found blameworthy, then either the immediate line manager or, if they are the alleged harasser, another nominated officer, will be expected to provide support to the alleged harasser to reintegrate into the workplace and to regain or maintain their credibility. The nominated officer will also take steps to rebuild the necessary working relationship between all the parties concerned.

13. FALSE AND MALICIOUS ALLEGATIONS OF BULLYING AND HARASSMENT

- 13.1 An employee should not make a complaint of harassment or bullying against another unless this is justified.
- 13.2 If a complaint that is made and acted on that is subsequently found, during the course of the investigation procedure, to have been made falsely or maliciously then the Investigating Officer, Head of Service or other nominated officer (as appropriate) may recommend appropriate action regarding the complainant, depending on the circumstances. Such action could include referring the complainant for counselling or training; permanent or temporary redeployment of the complainant; or initiation of the Council's disciplinary procedure against the complainant.
- 13.3 It must be emphasised that if the disciplinary procedure is initiated then, from that point on, the matter is to be dealt with strictly in accordance with the Council's disciplinary procedure applicable to the employee who has made the false or malicious complaint. There is no separate or 'special' disciplinary procedure specifically for dealing with this matter. Should disciplinary action ensue then the employee concerned would have all the usual prescribed rights of representation and of appeal.

**RESPONSIBILITIES OF HEADS OF SERVICE/LINE MANAGERS UNDER
THE POLICY AND PROCEDURES FOR DEALING WITH BULLYING AND
HARASSMENT**

It will be the responsibility of each Head of Service, and line manager to:-

- (A) Explain the policy and procedures set out in this paper to all employees for whom they have any responsibility;
- (b) Positively promote the policy to eliminate bullying and harassment of any kind;
- (c) Seek to ensure a work environment free of harassment;
- (d) Be alert to the possibility of harassment by their employees;
- (e) Take action to deal properly and promptly with any cases of bullying or harassment of which they become aware;
- (F) be responsive to and support any employee who complains about bullying or harassment;
- (g) Give full and clear advice on the procedures to be followed to deal with complaints;
- (h) Make arrangements for counselling and/or training where appropriate for the complainant and alleged harasser; (Human Resources will assist)
- (I) monitor the situation following resolution of a case to ensure that there is no recurrence;
- (j) Undergo such training as the authority may consider necessary on the question of dealing with harassment.