



Dignity at Work (Anti-Bullying & Harassment) Procedure

Human Resources & Organisational Development

Dignity at Work (Anti-Bullying & Harassment) Procedure**Content**

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Supporting Documents

Dignity at Work Policy

Dignity at Work Guidance for Managers

Dignity at Work Flowchart

Dignity at Work FAQs

Guidance on Mediation

Dignity at Work (Anti-Bullying & Harassment) Procedure

1. Introduction

This document sets out the procedure that should be followed where an issue is raised under the Council's Dignity at Work (Anti-Bullying & Harassment) Policy. It must be read in conjunction with the policy. Managers should also refer to the management guidance.

2. What should I do if I think I am being bullied or harassed?

If you feel you are being bullied or harassed you can:

- Speak to one of your managers about it
- Approach the person concerned
- Seek advice from Human Resources
- Seek advice from your trade union
- Seek advice from the Employee Assistance Programme
- Make a formal complaint through the Grievance Procedure

* The Council's policy is to try and resolve matters informally and as early as possible where that approach is appropriate depending on the nature of the complaint.

3. Informal approach

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in Human Resources, a manager, trade union representative or another employee.

Alternatively, an initial approach could be made on your behalf by one of the people above. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your line manager or to Human Resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If you choose to raise this in a meeting, before that meeting you should:-

- identify the behaviours that you find unpleasant or bullying and the impact they are having upon you
- be specific (times, frequency where possible)
- keep a diary of events

At the meeting:-

- clearly describe the behaviour to the offending person and explain to them
 - the impact it is having upon you
 - say that it is unwanted
 - describe the appropriate behaviour that should be used
 - seek agreement for the behaviour to stop

The benefits of this approach are that issues can be resolved quickly and relationships can be improved.

Alternatively, there may be circumstances where it may be appropriate and preferable to write to the person with whom you are having problems. This may be when talking to the person has not brought about the expected results, or a meeting is not possible (e.g. distance, timing).

When writing the letter:-

- clearly describe the negative behaviours
- explain why the behaviours are unwanted and the impact they have upon you
- describe the alternative, appropriate behaviours
- say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter)

It is important that you don't:-

- make the letter too long
- personalise the bad behaviours (e.g. say 'the behaviour was disrespectful' rather than 'you are disrespectful')
- be too emotional/emotive in your language

The benefits of this approach are that:-

- it allows preparation time
- it enables you to say what you want
- it acts as a record

4. Formal approach

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Council's Grievance Procedure.

In accordance with that procedure you should provide the following information:

- a. The nature of the grievance – what is alleged to have occurred, by whom and when.
- b. What the outcome of the informal approach was.
- c. The reason for your dissatisfaction with the informal solution (if appropriate).
- d. The remedy or resolution you are seeking.
- e. Any witnesses to the matters complained about.

A manager will be nominated to deal with the grievance and you will be invited to a meeting as part of that process. In certain circumstances an investigating officer may be appointed by the manager. The manager should deal with any matter decisively and promptly, in line with the Council's grievance timescales of 1 month.

The Council will investigate complaints promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the progress of the investigation and the broad outcome of any disciplinary proceedings. The Council will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

Once the facts are established, the manager who is responsible for dealing with your grievance will take into account all relevant facts and evidence available including the intention of the alleged harasser. The manager will have to make a determination as to whether it was reasonable for you to have been offended.

If you are not satisfied with the outcome of your complaint, in accordance with the Council's Grievance Procedure you may take the matter to the next stage of that procedure.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months, beginning with the act complained of.

5. Working Arrangements

Wherever possible, the Council will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. This may not always be possible and the Council has to consider a range of factors in making that determination.

In a serious case, the alleged harasser may be suspended or assigned to alternative duties while investigation and any disciplinary proceedings are underway. This is not to suggest the complainant is believed or that the alleged harasser is at fault.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the Council's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post if there is a suitable alternative available.

If your complaint is not upheld, Human Resources will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships or to consider whether alternative arrangements can be made.

6. Confidentiality

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so that they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

If the complaint is upheld, and a person who has been found to have harassed you is kept in the Council's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

7. What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive.

It's important to remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the Council may bring disciplinary proceedings, if appropriate. The Council will follow its Disciplinary Procedure and you will have the rights set out in that procedure.

You will have the right to be informed of the allegations against you and you will have the full opportunity to provide all information that you wish to in response.

You will also have the right to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some relevant details may have to be shared with potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, the Council will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is very serious, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the Council could decide to transfer you to another post.

If the complaint made against you is upheld, your managers, with support of Human Resources will consider how both parties can resume working or to consider alternative arrangements that can be made. If the Council has grounds for believing that the complaint was not made in good faith, the Council may take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action may be taken against you if the Council has good reason to think that you may have victimised the complainant or someone else connected to the complaint.

If the complaint against you is not upheld, Human Resources will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships where possible.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the Council's

disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

| Document Ownership | |
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