

## Warwickshire County Council

### BULLYING AND HARASSMENT POLICY AND PROCEDURE

As part of Warwickshire County Council's commitment to inclusion, equality of opportunity and valuing diversity, we want our staff and members to be in an environment where they can work free from prejudice and bias, feeling valued and respected whatever their identity - driving performance, engagement and innovation.

Appropriate behaviour is fostered by an inclusive workplace culture which encourages positive, supportive and open interactions. Such behaviour will help to promote good working relationships and a positive working atmosphere.

Any form of bullying and harassment detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses, or has knowledge of the unwanted behaviour. This policy seeks to ensure that all employees and managers are aware of their responsibilities and that allegations of bullying or harassment are taken seriously, dealt with promptly and appropriate action taken. This includes, where appropriate, referral to the Council's disciplinary procedure, the outcome of which could be summary dismissal.

#### What is Bullying and Harassment?

These terms are used interchangeably by most people, and many definitions include bullying as a form of harassment.

**Bullying** may be characterised as: offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

**Harassment** as defined in the Equality Act 2010 is: unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The protected characteristics as defined in the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief and sex.

Bullying or harassment can be between two individuals or it may involve groups of people. It is not necessarily always obvious or apparent to others and may happen in the workplace without an employer's awareness. It may be persistent or an isolated incident. It can also occur in written communications, by phone or through electronic channels, not just face-to-face.

Appendix 1 of this document gives examples of bullying and harassment.

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## Line Manager Responsibilities:

- Ensure that employees are aware of the Bullying and Harassment Policy.
- Create a positive environment and inclusive culture where everyone is treated with dignity and respect.
- Set examples and standards of positive behaviour.
- Recognise destructive behaviour and take action where it occurs.
- Promote a good communication culture.
- Work to find solutions to support staff who feel they are being bullied, harassed or treated inappropriately; deal with complaints fairly, thoroughly, quickly and sensitively, respecting the feelings of all concerned.
- Keep good records and put an action plan in place and review this regularly.
- Consider what further support or training may be needed.
- Put staff in touch with [Listening Mates](#) or [our employee assistance programme](#) for external sources of support.
- Maintain confidentiality in regard to these matters.
- Seek Human Resources (HR) guidance when necessary.
- Ensure Warwickshire County Council's values and [Our Behaviours](#) underpin all aspects of employees performance and demonstrate good practice in treating all colleagues and team members fairly and with respect.
- Be a role model for others in the way they conduct themselves during the course of their duties.
- Empower colleagues to facilitate informal resolution where possible.

## Employee Responsibilities:

- Comply with all aspects of the Bullying and Harassment Policy.
- Treat all colleagues and customers with dignity and respect.
- Be continuously aware of own behaviour and how this may be interpreted by others to ensure that recipients are treated in a manner that they find acceptable.
- Be prepared to change behaviour if it is brought to the employee's attention that some of their actions are perceived negatively by others.
- Cooperate with the informal and formal procedures outlined in this policy.
- Report any inappropriate behaviour or behaviour that contravenes this policy and Warwickshire County Council's values and [Our Behaviours](#) to their line manager or another appropriate manager as soon as possible.

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# BULLYING AND HARASSMENT PROCEDURE

## 1. Procedure for resolving matters informally

An employee who feels that they are being subjected to, or have witnessed bullying or harassment may attempt to resolve the matter informally in the first instance if they feel able to. They can let the individual know their behaviour is unwelcome and ask them to stop. The employee should keep a record of the conversation for themselves in case there is a reoccurrence of the complaint.

Further information and practical advice for employees about dealing with matters informally can be found in the [Support for staff experiencing bullying and harassment](#) guide. This guide also contains details of other support for staff.

If an employee does not feel confident in raising the matter on a one to one basis then the employee should raise their concerns with their manager. Managers will help the employee to resolve the issue and monitor the situation if necessary.

Where appropriate the manager may need to engage with the other employee's manager to see whether they can help resolve the issue. The manager should continue to engage with their employee to ensure the situation is resolved.

If the issue relates to an employee's line manager then the employee has the option of raising the matter with the next level of line management.

Managers may need to seek advice and support on how to resolve matters informally and they can do so through their HR Advisor.

It may be appropriate to consider **mediation services** at any stage. Further advice on mediation is available from your HR Advisor and can be found on the intranet [here](#).

## 2. Procedure for resolving matters formally

Where the informal stage is not appropriate or has failed to resolve the issue (or the employee is dissatisfied with the outcome) the employee may raise the matter formally with their manager. If their manager is the subject of their complaint, or they feel more comfortable with someone else (e.g. someone of the same gender) they should raise the concerns with their line manager's manager (or another appropriate senior manager).

The concern should be set out in writing, explaining the issue, any informal steps taken to resolve it and the outcome they are seeking. It should also contain all relevant facts, dates and names of individuals involved. The employee may be asked to provide additional information where needed.

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Upon receipt of the written complaint the manager shall arrange a meeting to discuss the matter and confirm the invitation in writing. Please see our [formal stage invite to meeting template letter](#). This will be an opportunity for the employee to explain their complaint. The employee may be accompanied at this and all formal meetings by a fellow employee or a recognised trade union representative.

The manager shall consider the complaint and give their decision in writing. This formal process should normally be completed within 14 calendar days of receipt of the written complaint.

However, in some circumstances the manager may need to instigate a formal investigation. Please see our [formal stage confirmation of investigation template letter](#). Support and guidance can be provided by an HR Advisor. Investigations will be dealt with as confidentially and sensitively as possible and will involve a meeting with the alleged bully or harasser to give them an opportunity to respond to the allegation. The nature and complexity of the complaint and the number of interviews that need to be conducted will impact on the length of time required to undertake the investigation.

Where this is the case the employee shall be kept informed of progress and the likely date when they can expect a decision. The employee must cooperate fully and promptly with any investigation so all relevant facts can be considered.

Once the investigation has been completed, the manager will normally call a further meeting with the employee to inform them of the outcome and what action, if any, will be taken as a result. The outcome will be confirmed in writing. Please see our [formal stage outcome template letter](#).

The alleged bully / harasser will also be advised of the outcome of the investigation and what, if any action will be taken as a result.

Where it is believed that bullying or harassment has taken place, the matter may, where appropriate, be referred to the Council's [Disciplinary Procedure](#).

Managers will be responsible for ensuring that any resultant action, disciplinary or otherwise, is not detrimental to the complainant e.g. an unwelcome transfer to other work. However, in extenuating circumstances, transferring an employee to other work or making alternative arrangements may well be, for that individual, an appropriate course of action.

Support such as counselling and / or mediation is available as appropriate to accommodate continuance of working relationships or a return to work.

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## Appeal Stage

If the employee who has brought the complaint is dissatisfied with the outcome at the formal stage, they may appeal against the decision. The appeal shall be submitted to the appropriate Director or Executive Director in writing within 14 calendar days of receiving the decision. The appeal letter should outline the grounds of the appeal and what outcome the employee is seeking.

The Appeal shall normally be heard by the Director (or nominated deputy). If the complaint is against the Director, then a Executive Director will hear the complaint. Please see our [appeal acknowledgment template letter](#). The individual considering the appeal shall be supplied with all relevant correspondence. Once an appeal hearing has been arranged, this should be confirmed in writing. Please see our [appeal hearing invitation template letter](#). The appeal shall not be a re-hearing of the original complaint. It will consider whether the grounds of appeal warrant reconsideration of the original decision. The appeal may be completed as a paper exercise where the party raising the concern agrees. On occasion it may be necessary to involve an independent investigating officer to present the management case. Should an appeal hearing proceed then this shall generally follow the format below:

- Introductions
- The employee sets out the grounds of their appeal.
- If appropriate, the manager who dealt with the formal complaint may attend (or investigating officer) and shall have the opportunity to question the employee and respond. The manager (or investigating officer) may be questioned by the employee.
- The employee and manager may make a closing statement (if they wish to)
- Both parties withdraw to allow the manager hearing the appeal to consider the facts and to determine the outcome of the appeal. The manager hearing the appeal may determine an outcome outside of the hearing and subsequently confirm this in writing.
- Questions may be asked by the manager hearing the appeal at any stage
- Further investigations may be undertaken during an adjournment to the appeal where the manager hearing the appeal decides it is necessary.

The manager hearing the appeal shall normally confirm the decision in writing within 14 calendar days of the appeal hearing or any reconvened appeal hearing (where applicable). Please see our [appeal outcome template letter](#).

There is no further right of internal appeal against the appeal outcome.

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## **Rights for an employee to be accompanied**

At the formal stages of this procedure, employees are entitled to be accompanied by a fellow employee or a recognised trade union representative. It is the responsibility of the employee to arrange who they wish to accompany them. In exceptional circumstances an employee may request that a meeting is delayed (for up to 5 working days) in order that appropriate representation can be organised. The employee must tell the person holding the meeting who their chosen companion is in good time before the meeting. At the meeting, the employee's companion may make representations and ask questions, but shall not answer questions on the employee's behalf.

## **Professional Advice**

Managers are entitled to seek professional advice on all employee related matters as they see fit during all stages of this procedure (including the attendance of professional advisor at meetings / hearings).

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# Appendix 1

## Examples of Bullying and Harassment

Below is a list of examples of behaviour that may constitute bullying or harassment. The list is not exhaustive; however, they are indicative of behaviour that would be considered unacceptable conduct by the Council.

### Examples of Bullying:

Bullying can take the form of physical, verbal and non-verbal conduct. The following list provides examples of the type of behaviours that could amount to bullying:

- Verbal or practical jokes
- Shouting at, being sarcastic towards, ridiculing or demeaning others
- Making homophobic insults and threats
- Physical or psychological threats
- Outing an individual as LGBT+ without their permission
- Overbearing and intimidating levels of supervision
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of seniority, or
- Deliberately excluding someone from meetings or communications without good reason
- Making someone's working life unreasonably difficult, for example, setting of impossible deadlines, objectives and deliberately imposing an intolerable workload
- Incitement of others to do any of the above

### Examples of Harassment:

- Harassment can take many forms and may, for example, occur in a face-to-face setting, by telephone, or in written or electronic communications.
- Insults, name-calling and offensive language and gestures
- Inappropriate jokes
- Ridiculing and undermining behaviour
- Inappropriate or unnecessary physical contact
- Physical assault or threats of physical assault
- Intimidating, coercive or threatening actions and behaviour
- Unwelcome sexual advances
- Isolation, non-cooperation or deliberate exclusion
- Inappropriate comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
- Offensive images and literature
- Sexually suggestive behaviour, or compromising sexual invitations or demands
- Racial harassment – including racist jokes

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- Verbal or written abuse including non-communication and deliberate and/or inappropriate exclusion from social events or day to day activities
- Victimisation because of someone's sex or gender identity, race, disability, sexual orientation, age, religion or other beliefs
- Abuse of power by someone in authority
- Incitement of others to commit harassment
- Electronic bullying
- Use of social networking sites to post derogatory messages about someone
- Inappropriate and derogatory remarks in connection with performance
- The use of inappropriate literature, pictures, books or tapes to bully or harass others
- Unnecessary and degrading references to someone's sexual orientation, gender identity or their perceived sexual orientation or gender identity
- Systematic ostracism or exclusion from normal conversation in the work environment, or work related social events
- Spreading rumours or gossip including speculating about someone's sexual orientation or gender identity, or outing them

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