

Runnymede Borough Council Bullying and Harassment Policy

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1. Our Commitment

Runnymede Borough Council is committed to creating and maintaining a workplace where all employees are treated with dignity and respect and feel valued for the different skills and abilities they bring to the workplace.

Harassment, bullying or victimisation of any kind are unacceptable and will not be tolerated.

It should also be remembered that bullying and harassment can in some circumstances be considered to be a criminal offence, and that any employee found guilty of such could be held personally accountable for their actions under criminal law.

2. Scope of Policy

This policy will:

- Give a clear statement on the standards of conduct expected of all employees towards each other at work.
- Provide clarification on which behaviours constitute bullying or harassment.
- Outline a fair process by which any employee can raise concerns or seek redress if they are affected by bullying or harassment.
- Provide information on the support available to anyone affected by bullying and harassment at work.

The policy applies to all employees, agency staff and anyone else engaged to work at the Council.

Elected Members must adhere to the behaviours and standards set out in the 'Code of Conduct for Members'. Should an employee wish to discuss a concern about the behaviour of an Elected Member, this should be discussed with the Corporate Head of Law and Governance in the first instance.

The policy covers incidents that take place during working hours and outside working hours, where an individual's actions adversely affect the Council or have a bearing on any workplace relationship (for example on work visits/conferences, work social events, or through social media).

3. Defining Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power. Power includes both personal strength and the power to coerce others through fear or intimidation. It is usually persistent and has the effect of undermining, humiliating or injuring the recipient.

Bullying tends to be more than one single act and often is carried out over a period of time with the intention to undermine an individual's self-confidence, competence and self-esteem.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

Examples of bullying may include but are not limited to:

- Being sarcastic towards, ridiculing or demeaning others.
- Physical or psychological threats.
- Overbearing and intimidating levels of supervision.
- Inappropriate and/or derogatory remarks about someone's performance, behaviour or appearance.
- Abuse of authority or power.
- Unjustifiably excluding colleagues from meetings or communications.
- Persistent unnecessary criticism.
- Shouting at colleagues, whether in public or private.
- Deliberately isolating a person by ignoring or excluding them.
- Withholding information from a person without good reason.
- Maliciously removing areas of responsibility from a person without justification and/or explanation.
- Spreading untrue stories which are derogatory or slanderous.
- Setting objectives with impossible deadlines to deliberately undermine a person.
- Condescending behaviour or threatening treatment that humiliates, intimidates or demeans.
- Making jokes/banter which is demeaning to specific groups for example, jokes that support or reinforce stereotypical views.

4. Bullying and Performance Management

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not amount to bullying.

One area where bullying can often be alleged is when an individual is being monitored or managed because of work performance that is seen as below standard.

It is perfectly legitimate for an employer to bring performance failings or issues with the employee's conduct, to the attention of an employee (and it has a duty to do so), but performance management should:

- Be aimed at improving the performance.
- Be supportive and constructive (where feasible).
- Consider any underlying health or wellbeing issues.
- Be done in a private environment.
- Be focused on the specific aspects or work areas that require improvement.
- Treat employees with dignity and respect.
- Be based on realistic timescales and targets for improvement.

In contrast, bullying would be seen as:

- Being personally critical of the individual.
- Picking up mistakes or errors that would not be mentioned to others making the same mistakes.
- Unreasonably micro-managing the individual.
- Creating unrealistic timescales and targets – 'setting the individual up to fail'.

- Raising issues in front of others with the intention of demeaning them.

5. Cyber Bullying

Cyber-bullying “involves the use of information and communication technologies to support deliberate, repeated, and hostile behaviour by an individual or group that is intended to harm others.” (Belsey, 2004). This can result from the use of mobile phones or the internet through emails, instant messaging sites such as WhatsApp, blogs and social networking websites such as Twitter, Facebook, Tik Tok and Instagram.

Cyber-bullying can include continuing to send e-mails to someone who has said they want no further contact with the sender, but it may also include threats, sexual remarks, posting inappropriate pictures, offensive or intimidating language directed at another employee, sensitive personal information, pressure to join someone’s online circle of ‘friends’ or work contacts and posting false statements as fact aimed at humiliation.

The nature of this type of bullying means it can occur outside working hours however, if it is instigated by an employee against another employee, it will be dealt with under this policy.

With cyber bullying, bystanders can easily become perpetrators, for example, by passing on or showing to others images designed to humiliate, for example, or by taking part in online polls or discussion groups. They may not recognise themselves as participating in bullying, but their involvement compounds the misery for the person targeted.

Runnymede Borough Council reserves the right to check emails and social networking sites if an employee reports instances of cyber bullying. Managers must seek guidance from the Corporate Head of HR & OD before doing so.

Employees who use social networking sites, emails or other forms of social media for example to air their grievances regarding their employment or other employees, defame the Council, or breach the confidentiality of the Council may be committing acts of misconduct which could lead to disciplinary action.

6. Defining Harassment

Harassment can occur in many forms and can take place either at work or outside work.

Harassment is defined in the Equality Act 2010 as “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”.

Protected characteristics are:

- Age
- Disability
- Gender reassignment
- Race, nationality and ethnic origin
- Religion or belief
- Sex
- Sexual Orientation.

- Marriage or Civil Partnership
- Pregnancy or maternity.

Harassment does not depend solely on the intention of the offender, it focuses more on the impact of their behaviour on the victim.

An employee may also be harassed on the basis that they are associated with someone with a protected characteristic or perceived to have a protected characteristic, for example:

By association - an employee is harassed because his or her spouse has a particular religious belief.

By perception – an employee is harassed because they are perceived to be homosexual (even if they are not).

A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Examples of harassment can include but are not limited to:

- Banter, jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic.
- Unwanted physical behaviour, for example, pushing or grabbing.
- Excluding someone from a conversation or a social event or marginalising them from the group.
- Derogatory comments about pregnancy, maternity leave or IVF treatment
- Mimicking or making fun of someone's disability.
- Derogatory or offensive comments about religion.
- Unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic.
- "outing" (i.e., revealing their sexual orientation against their wishes), or threatening to "out", someone.
- Consistently using the wrong names and pronouns following the transition of a person's gender identity.
- Displaying images that are racially offensive.

7. Defining Sexual Harassment

Harassment of a sexual nature is specifically outlawed by the Equality Act 2010. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. Examples of sexual harassment can include but are not limited to:

- Physical conduct of a sexual nature, unwelcome physical contact or intimidation.

- Persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions.
- Showing or sending offensive or pornographic material by any means (e.g., by text, video clip, email or by posting on the internet or social media).
- Unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults.
- Offensive comments about appearance or dress, innuendo or lewd comments
- Leering, whistling or making sexually suggestive gestures.
- Gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.
- Upskirting- this is where someone takes a picture under a person's clothing without their permission. It is now a specific criminal offence in England and Wales.

It may not solely impact the victim themselves but anyone who is affected by the inappropriate behaviour.

8. Work-related events

At any work-related event, employees are under a duty to represent the Council professionally. This extends to social events which, although not normally considered as 'work', may well be considered as an extension of the workplace.

Such events may include:

- team days or events which you attend on account of your position within the Council.
- privately arranged events to which you are invited because you are an employee of the Council.
- Parties or events organised by the Council, or other similar gatherings throughout the year.

In all circumstances, employees are expected to behave in an appropriate and responsible manner. The Council's normal standards of behaviour will continue to operate during the social event and at any subsequent or follow-on event attended by an employee.

An employee should not engage in discriminatory, harassing or aggressive behaviour towards any other person either before, during or after the social event. The Council's policy on bullying and harassment continue to apply and a breach of this policy could result in disciplinary action.

9. Victimisation

Victimisation describes less favourable treatment of an individual because they have:

- Made a complaint or intend to make a complaint about being bullied or harassed; or
- Intend to act as a witness or give evidence in support of another person's complaint about being bullied or harassed.

10. Impact

The effects of bullying and harassment on morale and productivity can be substantial and may result in undesirable consequences such as:

- Loss of self-esteem and self-confidence.
- Reduced productivity and competence.
- An atmosphere of intimidation.
- Prolonged stress leading to both physical and mental health problems.
- Poor work relationships.
- High levels of absenteeism.
- High turnover of staff.
- Legal action.

11. How to get help

Advice and support

Employees who feel that they are affected by harassment or bullying can seek advice and support from:

- Their manager.
- A trusted colleague.
- An HR Business Partner.
- Union representative.
- Mental Health First Aiders.
- [ACAS](#)

12. Informal Procedures

Where possible the employee should keep a diary of all incidents including details of dates, times, any witnesses and how they were personally affected. Copies of any documents that may be relevant, for example reports, emails, notes of any meetings that relate to the issue should also be kept.

If an employee believes they are being subjected to bullying or harassment, it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. The respondent (the person displaying the bullying or harassing behaviour) might be unaware that their behaviour is inappropriate, or their words or actions may inadvertently have caused offence.

In some cases, therefore, it may be possible for the employee to approach the person informally - either by speaking to them directly about their behaviour or writing them an e-mail explaining how the behaviour has affected them and asking for it to stop.

The complainant (the person who feels that they are being bullied or harassed) will choose to do this themselves, or they may choose to do so with support from their manager, a colleague or union representative.

It may be appropriate to have an informal facilitated conversation with a neutral third party in which the third party provides support to both parties to share their experience and the impact

that the behaviour concerned has been having. The aim of the facilitated conversation is to find a positive way to move forward from the situation.

In some situations, it may be appropriate for the manager to take the lead in working to resolve any conflict between the employees at this stage and it may be appropriate for the manager to mentor the respondent on appropriate and positive workplace behaviour.

Issues can arise between a line manager and an employee and in this scenario, it would be more appropriate for another manager, typically more senior in the organisation, to take the lead in working to resolve any conflict.

The complainant can make it clear that if the behaviour continues, a formal complaint will be made.

13. Mediation

Mediation can be used where direct discussions between the employee and respondent have failed to resolve the matter or where the relationship between these parties has completely broken down.

Mediation is more structured than the facilitated conversation listed previously and is a confidential and voluntary process in which a qualified neutral person (often from outside of the organisation) helps people in dispute to explore and understand their differences so that they can find mutually acceptable solutions to issues of conflict.

Both sides must agree to participate in mediation as it is a voluntary and confidential process. Mediation is carried out outside of formal procedures and would not normally be considered in any formal disciplinary, grievance or other proceedings that may follow.

Please liaise with Human Resources to discuss mediation options.

14. Formal Procedures

Whilst it is hoped that most issues can be dealt with informally with a problem-solving approach, in some cases a more formal approach may be necessary due to the seriousness of the complaint, or where an informal approach has not been successful. The decision whether to progress a complaint rests with the individual employee.

However, an individual may allege bullying but 'not want to take it further', perhaps because of fear of reprisals or other actions. However, once revealed, the Council cannot fail to respond to a very serious allegation.

The employee can raise the matter formally, in writing or orally, to their line manager, another appropriate manager or to the Human Resources team.

The complaint should include details of the behaviour and any attempts that have already been taken resolve the matter informally.

15. Investigation

In most cases, the Corporate Head (or a suitably impartial manager who has no direct connection with the issue or individuals involved), and a member of the HR team will independently and impartially review the information provided. They will determine if the alleged behaviours fall under the definitions of bullying and harassment and decide if an investigation is required.

Process

If an investigation is required, an investigator will be commissioned to complete a thorough and impartial investigation to discern if bullying or harassment has taken place and make recommendations to the Corporate Head who commissioned the investigation.

This will involve reviewing evidence, interviewing the complainant, the respondent and key witnesses. The investigator will consider the welfare of everyone involved and will act with sensitivity and respect, with the aim to complete the investigation in a timely manner, ideally within 2-4 working weeks.

Considering suspension of the respondent

In some cases, employees can continue to work together, however there may be extreme circumstances when this is not appropriate, and management must consider if suspension from duty on full pay is necessary.

Serious consideration must be taken before suspending an employee. It is not considered in law as a 'neutral act' and can have a serious detrimental impact on the respondent and their career and reputation, particularly if an allegation is found to be untrue.

Alternatives must be considered first, which may include for example, reallocation of tasks, creating different managerial arrangements, a change in the teams working from home arrangements, or where appropriate, special paid leave. Suspension would be considered if it is believed that there is genuine risk to an employee, the organisation or the investigation if the respondent (the alleged bully) remains in the workplace.

If it is concluded that suspension from duty is required, the respondent will need to be informed of the complaint made against them and the timescales of the subsequent investigation. Management is required to make clear that suspension is not disciplinary action in itself and is a precautionary measure. It should be reviewed on an ongoing basis and be timebound. Only if no other options were possible would the Council consider moving the complainant to a different work location or team.

Whether suspended from duty or remaining in work, the Council has a duty of care for both the complainant and the respondent. In practice, this means ensuring good communication with both parties, carrying out processes in a timely manner and providing support.

Decision making

Investigators will bear in mind when evidence is considered in bullying and harassment cases:

- Absolute proof is not necessary in employment law.
- The outcome will be determined on the balance of probabilities that an incident is more likely to have occurred than not.
- This is unlike criminal proceedings, in which the standard of proof is beyond reasonable doubt.

The investigator will consider all relevant evidence and make conclusions and recommendations to management. They must compile a thorough report which provides the details of the investigation and all evidence gathered and decides whether the alleged behaviour constitutes bullying or harassment as defined in this policy. The report will advise whether the complaint has been:

Upheld - if believed that the bullying or harassment took place.

Rejected - if believed that the bullying or harassment didn't take place.

Partially Upheld – if believed that some, but not all behaviour can be defined as bullying or harassment.

16. Next steps

If at the end of the investigation there are grounds for believing that an employee has been bullied or harassed, the Council will act under the Disciplinary Procedure. While each case must be treated on its own merits, bullying or harassment is taken extremely seriously and is not tolerated. It may be considered as gross misconduct and could lead to dismissal.

If the investigation concludes there is insufficient evidence of bullying or harassment, or that the alleged actions do not constitute bullying or harassment, it is important that the complainant is made fully aware of how the conclusions were reached and why no formal action is being taken. The respondent also needs to be informed of the outcome.

If the complaint was made genuinely, it may be that there are specific learning and development concerns, communication or behavioural issues that need to be addressed with the alleged bully. In this situation there may also be work to be done to rebuild the working relationship between the two individuals, an area where HR can provide support. Mediation could be offered at this stage.

17. Dissatisfaction with an investigation process or the outcome of an investigation

If the complainant is not satisfied that the matter has been dealt with in accordance with the Council's policy, or feels that the matter has not been resolved satisfactorily, the employee should speak to their Corporate Head (unless they were directly involved in the investigation itself). In the first instance, questions would be put to the Investigating Officer by this senior officer and the Investigator would be asked to provide information on their process and the rationale for recommendation(s) made in their report. This information would then be shared with the complainant.

If this does not resolve the issue, the employee would lodge a complaint using the Council's Grievance Procedure.

18. Harassment by a third party

Third party harassment is when employees feel intimidated or offended by someone from outside their workplace. An external party is categorised as anyone who is not employed by the same employer as the victim. Some examples of third parties include:

- Customers or clients of the Council
- Business contacts: Such as at a conference or meeting.
- Any other non-directly employed staff members: This includes independent contractors or agency workers.

If an employee feels they have been subjected to bullying or harassment due to someone making vexatious complaints about them, the Council has protocol in place to consider and manage [unreasonable complainant behaviour](#).

An employee should speak to their line manager in the first instance to consider the appropriate route for an informal or formal complaint to be made.

19. Malicious complaints

If an employee is found to have made a malicious complaint which does not have grounds, substance or evidence and could have been made to cause upset and distress, the Council may act in line with the Disciplinary Procedure.

20. Responsibilities under the Policy

Everyone working in Runnymede Borough Council has a responsibility to help create and maintain an environment free from harassment, bullying and victimisation, where everyone is treated with dignity and respect.

Council

The Council will:

- Fulfil its legal and moral responsibility to deal effectively with harassment and bullying in the workplace using this policy and its arrangements in conjunction with best practice guidelines for investigators and, if appropriate, the disciplinary procedure.
- Ensure that all employees are aware of our bullying and harassment policy and procedures; understand their rights and responsibilities under the policy; and know where to get information and support with any concerns.
- Provide guidance and training to all employees responsible for dealing with complaints of harassment or bullying as part of the Council's ongoing Management Development Programme.
- Monitor and review the effectiveness of this policy in line with best practice.

Managers

It is the responsibility of managers to:

- Read and understand this policy and its arrangements; and ensure these are communicated to all employees within their area of responsibility.
- Set examples and standards of positive behaviour in line with this policy and in our Leadership and Staff Competency Framework and individual job descriptions.
- Be aware of working relationships within their teams and respond promptly to any issues or concerns raised at an early stage to avoid unnecessary escalation of these into bigger problems.
- Take early action to deal with behaviour that may be construed as harassment or bullying under this policy - even if a complaint hasn't been made.
- Be supportive of any employees who come to them with concerns about unacceptable behaviour.
- Manage in a consistent and considerate manner to negate allegations of bullying when applying the Council's performance management processes.

Employees:

It is the responsibility of every employee to:

- Read and understand this policy and its arrangements so that they know what is expected of them, and what to do if they are affected by harassment and bullying in the workplace.
- Set examples and standards of positive behaviour in line with this policy and in our Leadership and Staff Competency Framework and individual job descriptions.
- Support the council in its efforts to eradicate bullying and harassment by challenging inappropriate behaviour they may experience or witness, and by seeking or encouraging colleagues to get support and assistance.
- To consider that managers may from time to time be required to have difficult conversations with members of their team should they observe a negative change in performance or attitude.

Trade Union:

The Union will:

- Support the Council in its efforts to provide a working environment free from harassment, bullying and victimisation.
- Read and understand this policy and its arrangements so that they know how to support members who may be affected by bullying and harassment in the workplace.
- Participate in training and development activities as and when required to support the implementation of this policy.

- Help inform the workforce of our bullying and harassment policy and encourage employees who may have a problem to seek to resolve this through the policy and procedure available to them.
- Advise members of their rights and responsibilities under the policy and represent members as and when appropriate.

21. Internal sources of support and guidance

- Mental Health First Aiders
- Free Confidential Counselling
- Human Resources Business Partners
- Unison

22. External sources of support and guidance

- [Discrimination, bullying and harassment | Acas](#)
- [National Bullying Helpline contact information](#)
- [Difficult work relations - Mind](#)
- [If you're being harassed or bullied at work - Citizens Advice](#)

23. Legislation

The development and application of this policy is guided by:

- Equality Act 2010
- Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- Human Rights Act 1998.

24. Policy Review

The Council will monitor the effectiveness of this Policy and will review at least once every three years, or earlier if appropriate.

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