

**BULLYING AND HARASSMENT IN THE WORKPLACE**

**1. INTRODUCTION**

**1.1 Bullying and/or harassment in the workplace is an organisational issue and is, without exception, unacceptable in Runnymede and will be dealt with under the Council's Disciplinary Procedure.**

1.2 Effective working relationships between staff and between staff and Elected Members are important not only for individual well-being but also in the effective delivery of the Council's services.

1.3 All complaints of bullying and/or harassment will be properly investigated. The following procedure details the arrangements for dealing with such complaints.

1.4

<b>Definitions</b>	
Bullying	<p>Regular and persistent intimidation that undermines the confidence and integrity of the victim often causing stress and anxiety in the victim. Typically, but not exclusively, bullying is committed by an individual who is in a position of power or authority over the victim.</p> <p>This definition would usually exclude one-off incidents, but there cannot be a requirement that the conduct has to happen a specified number of times or to pass any severity test before it is taken seriously. A single and extreme incident could be dealt with under this procedure</p>
Harassment	<p>Unwanted conduct that affects the dignity of men and women at work. It may be of a racial or sexual nature or concern a disability, including appearance. It covers unwanted physical contact, verbal or non-verbal conduct (including silence) as well as harassment in writing, via the internet or e-mail.</p> <p>This definition can include a single incident, as well as a pattern of persistent unwanted behaviour.</p>

1.5 The following procedures relate to complaints from staff of unwanted behaviour that is perceived to be bullying or harassment carried out by another member of staff or Elected Member.

1.6 The aim of the procedures is to stop unwanted behaviour and to prevent recurrence.

1.7 Whilst it is no less potentially damaging, it may be that the perpetrator is unaware that their behaviour is unwanted and is causing distress. It is felt, therefore, that the process normally should start with informal steps. However, this does not preclude the ability to proceed directly to the formal stage, if appropriate.

## **2. INFORMAL STEPS**

2.1 An employee who feels that they have been bullied or harassed should, as soon as possible after the incident occurs, make it known to the perpetrator that the behaviour causes offence and is unwanted. This may be done by the employee:-

- verbally either face-to-face or over the telephone; or
- in writing; or
- through or with a colleague; or
- through his/her trade union representative or Human Resources who will arrange for an appropriate person to facilitate mediation.

2.2 Regardless of the approach taken, a detailed note should be made and kept, by the employee who is making the complaint, of the nature of the behaviour and how it was agreed that it would be resolved.

2.3 If the unwanted behaviour continues after an informal approach has been made, the matter should be dealt with using the following formal steps.

## **3. FORMAL STEPS**

The following steps will apply if the informal approach has not been successful or if the circumstances are such that the employee involved feels that the informal approach is inappropriate.

### **3.1 Complaints about another Member of Staff**

#### **3.1.1 Raising the Complaint**

3.1.1.1 The employee may raise the matter formally, in writing or orally, either in person or with or through a third party, e.g. a colleague or a Union Representative, with either:-

- their line manager; or
- another appropriate manager; or
- the Head of Human Resources (or his/her representative).

3.1.1.2 In all cases where the complaint is not made direct to the Head of Human Resources, s/he (or his/her representative) must be informed of the complaint. In the event that the complaint is about the Head of Human Resources, the matter must be referred to the Chief Executive.

#### **3.1.2 Responsibilities of the Person Receiving the Complaint**

The person who receives the complaint will be responsible for:-

3.1.2.1 informing the Chief Officer(s) of the parties involved

3.1.2.2 informing the Head of Human Resources (or his/her representative);

#### **3.1.3 Responsibilities of the Complainant's Chief Officer**

3.1.3.1 At the earliest opportunity to appoint an appropriate officer to undertake an initial investigation of the complaint to establish the relevant facts. The Chief Officer of the individual against whom the complaint is made shall ensure that the person investigating the complaint is afforded every assistance and co-operation.

- 3.1.3.2 N.B. As the investigation could result in disciplinary proceedings, the investigating officer should not be the Head of Human Resources (or his/her representative) or the Chief Officer of the individual against whom the complaint is made.
- 3.1.3.3 establishing whether the complainant wants support/specialist counselling;
- 3.1.3.4 establishing whether training is appropriate for either party;
- 3.1.3.5 informing the complainant and the alleged bully or 'harasser' of the outcome of the initial investigation. This should be within 10 working days of the complaint being received. Any delay beyond that period in completing the investigation must be notified to the complainant and the alleged bully or 'harasser';
- 3.1.3.6 invoking the appropriate level of the disciplinary procedure if the initial investigation identifies that there is substance to the allegations;
- 3.1.3.7 where the individual against whom the complaint is made is in a different department to that of the complainant, the Chief Officers of the two parties will liaise and, if appropriate, disciplinary proceedings will be undertaken by the employing Chief Officer. Any matters of disagreement between the heads of the two departments shall be resolved by the Chief Executive or if the Chief Executive is one of the two, by another Chief Officer;
- 3.1.3.8 checking with the complainant that the matter has been dealt with in accordance with the Council's procedures and has or has not been resolved satisfactorily.

## **3.2 Complaints about Elected Members**

### **3.2.1 Raising the Complaint**

- 3.2.1.1 The employee should raise the matter formally, in writing or orally, either in person or through a third party, e.g. a colleague, a Line Manager or a Union Representative, with their Chief Officer.

### **3.2.2 Responsibilities of the Chief Officer**

The Chief Officer will be responsible for:

- 3.2.2.1 informing the Chief Executive who in turn will inform the Leader of the appropriate political group;
- 3.2.2.2 at the earliest opportunity, conducting an initial investigation of the complaint to establish the relevant facts;
- 3.2.2.3 establishing whether the complainant wants support/specialist counselling;
- 3.2.2.4 establishing whether training is appropriate for either party;
- 3.2.2.5 informing the complainant and the alleged bully or 'harasser' of the outcome of the initial investigation. This should be within 10 working days of the complaint being received. Any delay beyond that period in completing the investigation must be notified to the complainant and the alleged bully or 'harasser';
- 3.2.2.6 reporting the findings to the Chief Executive who will discuss with the Leader of the appropriate political group the appropriate action, if any, that needs to be taken against the individual Elected Member;
- 3.2.2.7 checking with the complainant that the matter has been dealt with in accordance with the Council's procedure and has or has not been resolved satisfactorily.
- 3.2.2.8 N.B. If the complainant is a Chief Officer, or the Chief Executive, another Chief Officer will undertake the investigation and, in the case of the Chief Executive, liaise with the Leader of the appropriate political group.

### **3.3 Dissatisfaction with the investigation**

- 3.3.1 Where the complainant is not satisfied that the matter has been dealt with in accordance with the Council's procedures, the matter shall be referred to the complainant's Chief Officer for review.
- 3.3.2 Where the complainant is dissatisfied with the outcome of the Chief Officer's review then the complainant may request the Chief Officer to arrange for a hearing before the Standards Committee who will determine the matter under the Grievance appeals procedure. The Council's case will normally be presented by the Chief Officer who instigated the investigation.

### **3.4 Dissatisfaction with the outcome of the investigation**

- 3.4.1 Where the complainant considers that the matter has not been resolved satisfactorily then the matter shall be referred to the complainant's Chief Officer for review.
- 3.4.2 Where the complainant is dissatisfied with the outcome of the Chief Officer's review then the complainant may request the Chief Officer to arrange for a hearing before the Standards Committee who will determine the matter under the Grievance appeals procedure. The Council's case will normally be presented by the Chief Officer who instigated the investigation.
- 3.4.3 N.B. If as a result of a Grievance Appeal Hearing a decision is taken that a Disciplinary Hearing should be convened by the employing Chief Officer, any subsequent disciplinary action taken will be subject to a right of appeal by the disciplined employee. That appeal, however, will only be based upon the disciplinary proceedings and not on the proceedings of the Grievance Appeal Hearing.

### **3.5 Confidentiality**

- 3.5.1 Matters raised under this procedure must be treated as confidential by all parties and not communicated outside of those immediately involved and their appointed representatives and anyone having a right to such information as may be required to be disclosed by law.
- 3.5.2 Any breaches of confidentiality by any party involved will be dealt with under the Council's Disciplinary Procedure.

### **3.6 Victimisation and Retaliation**

- 3.6.1 It will be considered a disciplinary offence to victimise or retaliate against a person bringing a complaint under this procedure or assisting in an investigation..

### **3.7 False and Malicious Accusations**

- 3.7.1 Accusations of bullying and harassment can be extremely distressing and disruptive to all concerned and if found to be false or made with malicious intent may lead to disciplinary action being taken against the individual making these accusations.

### **3.8 Training**

- 3.8.1 Appropriate training will be available for staff.

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