



# Bullying and harassment policy

Human Resources

November 2023

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# Document history

Name of Policy	Bullying and harassment
Purpose of policy	To prevent bullying and harassment in the workplace and provide a framework for resolving these issues should they happen.
Policy applies to	All employees and anyone working for us. It also includes job applicants
Latest Update	November 2023
Update Overview	November 2023: separate from grievance policy to provide a clearer and more supportive framework to employees and managers.

## Policy

### 1.0 Introduction

#### 1.1 Introduction

We believe that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect.

One key to protecting our culture and our people is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

The policy accompanies our Equal Opportunities Policies.

This policy does not form part of your contract of employment and we reserve the right to amend or withdraw it at any time.

#### 1.2 Scope

This policy applies to anyone working for us. This includes employees, workers, contractors,

volunteers, interns and apprentices. The policy also relates to job applicants, and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

## 2. Commitment

### 2.1 Our Commitment to you

We believe that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellbeing and enables our people to work better because they can be themselves and feel that they belong.

We are committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

A toxic workplace culture, where bullying or harassment is tolerated, is harmful to the health and wellbeing of the workforce and can negatively impact performance, productivity, and corporate reputation.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment.

### 2.2 What we expect from you

We expect you, and every one of our people, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job is, this is part of your role.

Any dealings you have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

We expect employees to treat one another with respect, empathy and compassion. To recognise and champion our differences and therefore support an open and inclusive workplace culture.

If any of our people is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them (for those to whom it applies) under our Disciplinary Procedure, up to and including dismissal.

There is no justifiable reason to bully or harass someone else. For example, if you observe a particular religion, that does not give you a legitimate reason for bullying or harassing a colleague because of their sexual orientation. Even if you do not intend to bully or harass someone else, this does not legitimise your behaviour as it is the impact on the recipient that is important.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support (see *What to do if you are being bullied or harassed* page 7).

Employees who witness bullying or harassment behaviour are expected to report it immediately to their line manager. This supports our action led culture and enables the Council to deal with issues as they happen. If an employee is found to have witnessed bullying or harassment and not reported it, the circumstances of this will be investigated and the Council may act against them under the Disciplinary Procedure.

## **2.3 What we expect from Line Managers**

Line Managers are responsible for leading their teams with respect, dignity and compassion. This means leading by example, treating all employees with respect, dignity and care that is supportive of individual needs. Line managers are responsible for promoting and nurturing a positive workplace culture, focused on open communication that can celebrate success simultaneously with constructive feedback.

If a line manager witnesses any form of bullying or harassing behaviour, it is their responsibility to immediately respond. Depending on the circumstances, this would be immediately raising the issue with the individual and making it clear why their behaviour was unacceptable. They should set future behaviour expectations and warn the employee that further issues would result in the instigation of the formal process detailed in this procedure. Any conversation will be followed up in writing to the employee. A line manager who witnesses bullying or harassing behaviour may feel it is appropriate to immediately instigate the formal procedure, this decision would be in conjunction with HR and the impacted employee.

Any line manager who witnesses any form of bullying or harassing behaviour and does not act is likely to have action taken against them under our Disciplinary Procedure.

Line managers will be expected to work with affected employees, supported by the HR Team and this policy, to resolve issues effectively and compassionately.

## **3. Definitions of bullying and harassment**

### **3.1 Who is protected from harassment**

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;

- sex;
- gender reassignment;
- marital or civil partnership status;
- pregnancy and maternity
- race;
- religion or belief;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any ground to be unacceptable.

### **3.2 Meaning of harassment**

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

### **3.3 Examples of harassment**

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

While this is not an exhaustive list, examples include:

- "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" (ie 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; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

### **3.4 Meaning of sexual harassment**

Harassment may be sexual in nature. 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.

### **3.5 Examples of sexual harassment**

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- 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 (eg 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; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

### **3.6 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, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

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 (see Harassment).

### **3.7 Examples of bullying**

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

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 of themselves amount to bullying.

### **3.8 Microaggressions**

Microaggressions - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts". Microaggressions generally take one of three forms:

- Micro-assaults: Conscious and obvious insults made verbally or non-verbally to a

marginalised individual or group, for example demeaning remarks said to others related to religion or sexuality, such as mocking a group's dress or cultural norms.

- Micro-insults: Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me".
- Micro-invalidations: Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

## 4. What to do if you are being bullied or harassed

### 4.1 Timescale

Issues should be raised as soon as possible, and ideally within three months of the circumstances the employee wishes to complain of, or if the complaint is about a series or pattern of incidents, the latest incident. If an employee wishes to complain outside of this period, they will need to show that within this timescale they have made reasonable attempts outside of this procedure to resolve the matter informally or they could not reasonably have known about the act and have raised a complaint within three months of first becoming aware of it.

This timescale supports all parties involved to recall and resolve issues as soon as is practical.

### 4.2 Informal route

If you feel able to, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offending you.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager, a colleague, or HR for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and

instigate a formal investigation. In such a case we will, where possible, discuss this with you first.

Your line manager or HR is likely to recommend a facilitated discussion between all parties. The aim is to allow you to explain how you feel and how it has impacted you. We are likely to work together on outcomes to stop future occurrences, this could be a working agreement that supports how you will work together in the future. Your line manager or HR will support and guide you through this process, aiming to resolve your issue promptly and in a way that provides a positive environment moving forward. Where appropriate further training could be recommended. Informal resolutions supported by your line manager or the HR Team will be documented.

If it is about your line manager, you should raise this with your line manager's manager or the HR Team. They will explore ways to informally resolve this in a supportive way based on the circumstances.

If you would prefer not to discuss the issue with anyone at work, help and support is also available through our employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you. See section 5. Support for those affected or involved for details of how to access our Employee Assistance Programme.

### **4.3 Formal Route**

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with their line manager or contact the HR Team. All formal complaints will be forwarded to the HR Team.

Formal complaints regarding Bullying and Harassment should be raised under this procedure because it is specifically aimed at dealing with such issues. Any complaint raised under the grievance procedure related to Bullying and Harassment will be dealt with under this policy.

Under the formal procedure within this policy:

- A member of the HR Advisory Team will meet with you. The aims of this meeting will be:
  - To establish your welfare and agree support mechanisms for you (see section support for those affected or involved).

- To set out your complaint in writing and include as much detail as possible: the alleged bully/harasser's name, the nature of the bullying/harassment, the dates of the alleged acts of bullying/harassment, names of any witnesses, and details of any action taken to address the matter so far.
- Explore informal resolutions with you. Where possible and if right for the circumstances the formal procedure will be stopped, the HR Advisor will work with you to resolve. This may be supporting you with explaining how you feel to the alleged bully/harasser and agreeing future ways of working. Any informal resolution would be well documented with all parties, future actions recorded and training agreed where appropriate.
- If this isn't possible, your complaint will be assigned to an independent Senior Manager (band 10 or above) to investigate who will be supported by a HR Advisor.
- The details of your complaint will be passed to the alleged bully/harasser, this will likely be the notes from the meeting (excluding any agreed wellbeing support).
- Support mechanisms during the investigation process (see section support for those affected or involved) will be agreed separately for the alleged bully/harasser.
- The Investigator (in conjunction with HR Support) will:
  - hold a meeting with the alleged bully/harasser to ascertain their response to the allegations and they will have the right to be accompanied by a colleague or trade union representative;
  - carry out further investigations where necessary, including interviewing potential witnesses who we will instruct to keep the matter confidential;
  - invite you to a meeting to discuss your complaint in full (you will have the right to be accompanied by a colleague or trade union representative). This meeting will enable us to ask you further questions in light of any information we have gathered from the alleged bully/harasser and/or witnesses;
- The investigator will complete their investigation, consider all the evidence in full and produce a written report with their decision. This will include recommended resolutions to the complaint.
- The report will be shared with you and the alleged bully/harasser and you will both be informed of the investigators decision. The investigator will meet with you to discuss the outcome of the report and any next steps. This meeting may be supported by the

HR Advisory Team and will be followed up with a covering letter and/or email.

- If the complaint is upheld and disciplinary proceedings recommended, HR will arrange a disciplinary hearing to be chaired by an independent manager of at least equivalent level to the investigator. The investigator will attend, and their report will form the management papers. The alleged bully/harasser will be guided through the disciplinary procedure by the HR Team and have a full opportunity to put forward their own case. Refer to sensitivity and confidentiality section (page 10) relating to inclusion of witness statements at this meeting.
- In cases where the complaint is not upheld or the evidence clearly shows unintentional bullying/harassment has occurred, mediation may be recommended to resolve a relationship breakdown. See 4.13 Mediation Policy
- Any resolution will be well documented with all parties, future actions recorded and training agreed where appropriate.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations and we will discuss this with you.

#### **4.4 Appeals – Complainant**

If you have raised a complaint of alleged bullying/harassment under this policy and you are not satisfied with the outcome of the formal investigation, you have the right to appeal the investigators decision.

Should you wish to appeal, you should write to the HR Service Manager setting out what aspects of the decision you are unhappy with and the reasons why. Appeals should be submitted without unreasonable delay and no longer than five working days after we inform you of the investigation decision. A HR Advisor may arrange a meeting with you to confirm the content of your appeal and discuss any final, different options for resolution that have not been previously explored.

An Appeal Meeting will be arranged with you to discuss your appeal in full and to try and reach a satisfactory solution. You will be given no less than five working days notice of this meeting. The investigator and you will attend, an independent manager (Band 10 or above) will chair this meeting who will be supported by an independent HR Advisor. Copies of your

complaint, the investigators report, the reasons for your appeal and any other relevant documentation will be shared to all parties ahead of the meeting. Should you wish to add any further documentation this will be discussed with HR on submitting your appeal and deadlines agreed for submitting additional papers. You must take all reasonable steps to attend this meeting and you may be accompanied by a colleague or trade union representative. The Appeals Manager may want to speak to the alleged bully/harasser and/or witnesses themselves. If this is the case this will be arranged as part of the appeal process.

The Appeals Manager will write to you to confirm the outcome of the appeal within 5 working days, which will be final. If it is not possible to decide within 5 working days, the delay will be explained and you will be told when a decision is possible. For example, where the Appeal Manager is unable to decide without further investigation, they will make the necessary enquiries as soon as they are able to. A written response would be provided as soon as possible, normally within 10 working days.

The alleged bully/harasser will be informed of the details of your appeal (given a copy of your appeal form and any further details provided by you relating to your appeal) and they will be informed of the outcome of the meeting. This may be a verbal update, or depending on the case the written appeal outcome may be provided to them.

#### **4.5 Bully/harasser is a third party**

If you are experiencing bullying or harassment by a third party, this may be a client or supplier, we encourage you to report this to your manager or the HR team without delay so that they can advise and support you on the best course of action. This will aim to resolve matters informally and promptly.

If informal resolution does not resolve the matter or is considered by you to not be appropriate, the procedure, potential investigation and resolution of these complaints will be agreed on a case-by-case basis.

Where Elected Members have concern over an officers conduct, or an employee has concern about an Elected Members conduct, this will be resolved as set out in the [Code of Conduct for Member Officer Relations](#).

## **5. Support for those affected or involved**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working arrangements during our investigation into the matter.

Emotional support is available. You can access free, confidential counselling from our EAP. To access the EAP website, go to [Employee Support Line](#) for all the details. The Employee Support Line is available on 0800 1116 387 or online on [www.my-eap.com](http://www.my-eap.com) Login: newforestwell.

The Council has a number of Wellbeing Champions who are available to you. They have a good understanding of how issues can impact wellbeing and are able to listen non-judgementally and confidentially. Find out who they are: [Wellbeing Champions](#)

You may find these specialist organisations could help:

- [National Bullying Helpline](#)
- [Equality Advisory and Support Service](#) – for advice on dealing with discrimination
- [Samaritans](#) – if someone is struggling to cope

If you are a member of a trade union, you can also contact them for support and advice.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform the HR team as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate. Refer to 4.13 Mediation Policy. This will be discussed with you during the process and aims to resolve the current and stop future issues. These conversations and resolutions will be well documented and supported by management and the HR Team.

## 6. Sensitivity and confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and

including dismissal (or other appropriate action for non-employees).

When making a witness statement you will be made aware of the following:

- In cases where an investigation finds bullying or harassment is not upheld, witness statements are likely to remain confidential. The statement may be referred to in the covering report, but it is likely the full statement will not be included in its entirety as an appendix to the report and therefore, not shared with the complainant and alleged bully/harasser.
- In cases where an investigation finds bullying or harassment is not upheld and the complainant appeals, full witness statements will be shared with the Appeal Manager and HR support. Depending on the outcome, the full statement may be made available to the complainant and alleged bully/harasser.

In cases where an investigation finds bullying or harassment is upheld and the disciplinary procedure is started, full witness statements will be included as appendices to the management report. This means that they will be shared with the alleged bully/harasser. This is to ensure the alleged bully/harasser can understand the full details of the case against them and put forward their own case.

## **6.1 Consequences of breaching this policy**

If, following a formal investigation, we find that you have committed, authorised or condoned an act of bullying or harassment, we will deal with the issue as a possible case of misconduct or gross misconduct.

We may take disciplinary action against you, up to and including dismissal (or other appropriate action for non-employees). Please refer to our Disciplinary procedure for further information.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If we find that you have victimised anyone in this way, we will instigate disciplinary action against you up to and including dismissal (or other appropriate action for non-employees) under our Disciplinary procedure.

## **7. Training**

All new starters must complete equality, diversity and inclusion training as part of their induction programme.



Every current employee must complete regular equality, diversity and inclusion training every two years.

Line Managers will complete training on their obligations under this policy every two years.

We expect all our people to proactively support our equality, diversity and inclusion initiatives by attending events and workshops organised by the Council to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.

## 8. Record keeping

We process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation. You should immediately report any inappropriate access or disclosure of employee data as this constitutes a data protection breach. It may also constitute a disciplinary offence, which we will deal with under our disciplinary procedure.



# Process Step by Step

Bully/harass complaint received, forwarded to HR

HR led meeting with employee. Aim is to understand their experiences that have led to the complaint. Details of the complaint will be gathered and where appropriate informal resolutions proposed. Support agreed

**INFORMAL RESOLUTION AGREED**  
HR and Line Manager work to resolve informally with both parties

**FORMAL PROCESS**  
Alleged bully/harasser is informed of complaint. Support agreed. Interim ways of working agreed.

**COMPLAINT RESOLVED**  
Both parties aware of outcome agreement in place to move forward. This is confirmed in writing

Assign independent investigator. Full investigation conducted to establish facts.

Investigator does not uphold complaint. Continue to work with all to resolve relationship breakdown/consider other ways of working

Investigator produces written report, shared with both parties. Separate meetings held with complainant and alleged bully/harasser to explain initial decision outcome.

**COMPLAINANT APPEAL** chaired by independent manager. All informed of appeal

Investigator believes there is a case to answer. Progress to disciplinary action (rare cases may be resolved with mediation e.g. unintentional bullying)

Appeal outcome upholds no case to answer. Decision shared with all

Appeal Manager believes there is a case to answer

**DISCIPLINARY PROCESS**  
Independent chair. Investigator report *and (if appropriate) Stage 2 appeal outcome letter* form management case

Bullying/harassment found, likely gross misconduct dismissal. If facts of case deem lesser sanction, continue attempt to resolve relationship breakdown/consider other ways of working

No bullying found, all parties informed. Aim to resolve relationship breakdown/ consider other ways of working

**COMPLAINT RESOLVED FORMALLY**

## Roles and Responsibilities

## Executive Management Team

- Support the implementation and ongoing development of this policy which aims to reduce and stop bullying/harassment and develop organisational capacity to address bullying/harassment.
- Champions of equality, diversity and inclusion across the Council.
- Continue to sponsor Leadership Development that supports a clear vision and culture of dignity at work.
- Lead a culture of trust, that champions difference and encourages positive working environments.

## HR Team

- Provide support to employees and line managers on this policy
- Monitor and evaluate issues relating to this policy across the workforce to ensure anti bullying/harassment measures are being achieved. This is likely to include questions relating to bullying/harassment in staff engagement surveys
- Ensure all employees and line managers understand their obligations under this policy.
- Monitor the attendance of Equalities training.

## Employees

- Treat all colleagues with respect, dignity and care.
- Shows tolerance towards each other and a calm approach when pressured.
- Tell the employee immediately if their behaviour was inappropriate for you, the impact it had on you and ask them to stop.
- Or talk to your line manager immediately if you feel unable to do this.
- Complete equalities training every two years.

## Line Managers

- Proactively creating a positive workplace environment for all employees and putting

this policy in to practice

- Leading with collaboration and communication and treating all with respect, dignity and care
- If unwanted behaviour is reported to you, follow this up immediately with the support of HR and this policy
- If you witness poor behaviour, follow it up immediately with the support of HR and this policy
- Ensure team members complete their equalities training every two years.
- Complete the Managers equalities programme every two years

## Management Support

### How to support informal resolutions

1. If an employee discloses they feel bullied or harassed, create a suitable environment to support the conversation. For example, a quiet room or a walking meeting to allow the employee to explain the circumstances and how they feel.
2. It may be appropriate to arrange an informal meeting between the alleged bully and complainant aiming for the complainant to explain the effect of the behaviour and ask the employee to stop. Alternatively, it could be appropriate to hold the meeting separately.
3. Listen to all parties and aim to understand the underlying dynamics, causes of and possible solutions to the situation.
4. Listen in an open and non-judgemental way. Do not attempt to explain the behaviour away before knowing the full facts.
5. Give the alleged bully the opportunity to explain their version of events and what may have made the complainant to feel bullied or harassed by their behaviour. This may be enough to enable them to understand the effects of their behaviour and learn how they can change it in the future to prevent further problems.
6. Feedback to both parties the results of any meetings and where appropriate bring both parties together to agree a way forward. The manager should:
  - a. Describe the unwanted behaviour to the perpetrator and explain why it was unwanted.

- b. Explain what amounts to more appropriate behaviour.
  - c. Build an agreement for future working relationships.
7. Further actions may be appropriate, for example: training for the perpetrator, reallocation of work or reviewing targets to ensure they are achievable.
8. Future meetings will be arranged between both parties and the line manager to ensure the agreement remains suitable. This aims to continue the support of improved employee relationships.
9. These actions will be documented and shared with all parties

## How to conduct formal investigations

1. Gather evidence relating to the incident from the complainant, alleged bully and any witnesses.
2. During investigatory meetings explain that a full, fair, and impartial hearing will be provided if disciplinary proceedings are necessary. Give the opportunity for all involved, including witnesses, to be accompanied at the meeting by a workplace colleague or trade union representative.
3. Conduct the interviews in as open and non-judgemental way as possible.
4. Explain the confidentiality of evidence gathered and the identity of witnesses will be maintained as far as possible.
5. Interviewers must think objectively and have active listening skills, be able to investigate people's stories and challenge information. The investigator must be able to separate personal values from beliefs and facts.
6. It can be difficult to ascertain whether bullying/harassment has taken place, especially if it is one person's word against another. Witness statements are an important part of the evidence. Please refer to section 6 to explain how witness statements are used in the investigation process. However, the investigating manager may need to probe deeper into the circumstances for example:
  - a. Looking into the alleged bully/harasser history for signs of previous incidences.
  - b. Where job roles, managers and/or budgets have recently changed.
  - c. If others find the behaviour unreasonable or inappropriate.
  - d. There is a pattern to the behaviour, or others have experienced similar

behaviour.

7. The investigating manager should also be alert to circumstances that might not indicate bullying/harassment for example if complaints are trivial or where the behaviour was a one-off incident.
8. The investigation should be completed as soon as is possible to reduce the risk of employees who are involved experiencing anxiety and/or stress
9. Once complete a written report will be produced that answers the following:
  - a. Is there a case to answer? The report will summarise the investigation and its findings. A report will be produced whether the investigator believes there is a case to answer or not. The report will be shared with the complainant and the alleged bully/harasser. It will include the reasons for the decision. If the investigator feels there is no case to answer the report will propose resolutions to the complaint to prevent future issues. They will work with the affected employees, the HR Team and line management to implement this. The complainant will be given a right to appeal.
  - b. If there is a case to answer, how it should be dealt with. If the complaint is upheld and disciplinary proceedings recommended, HR will arrange a disciplinary hearing to be chaired by an independent manager of at least equivalent level to the investigator. The investigator will attend, and their report will form the management papers. The alleged bully/harasser will be guided through the disciplinary procedure by the HR Team and have a full opportunity to put forward their own case. Refer to 4.8 Disciplinary Policy. Only in cases where there is clear evidence that the behaviour may have been unintentional and both sides agree, will mediation be considered. Refer to 4.1 Mediation Policy.