



~~HARASSMENT~~ BULLYING AND HARASSMENT
POLICY
AND PROCEDURE

Approved by Personnel Committee - March 2002

READING BOROUGH COUNCIL

HARASSMENTBULLYING AND HARASSMENT POLICY AND PROCEDURE

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This document has five main sections:

Section 1: The purpose, scope and principles of the document

This section outlines the purpose of the document, the employees covered by it and the principles contained within it.

Section 2: Preamble - General Principles

| Section 3: ~~Harassment~~Bullying and harassment Policy

| Section 4: ~~Harassment~~Bullying and harassment Procedure

Section 5: Harassment by customers of the Council or members of the public

SECTION 1: PURPOSE, SCOPE AND PRINCIPLES

PURPOSE

- To ensure that employees are aware that the Council is committed to eliminating [harassmentbullying and harassment](#) and will not tolerate any form of it
- To inform managers and supervisors of their legal responsibilities to manage any [harassmentbullying and harassment](#) problems of employees at work
- To provide a framework for dealing with any allegation of [harassmentbullying and harassment](#)
- To give examples of unacceptable behaviour
- To meet statutory requirements

SCOPE

Employees covered by the procedure:

This procedure addresses allegations of [harassmentbullying and harassment](#) by or of members of staff of the Council. Employees should also familiarise themselves with the provisions of the Council's Equal Opportunity Statement / Fair Treatment at Work Policy, Racist Incident Monitoring procedure and Facing Aggression at Work procedure.

All employees of Reading Borough Council are covered by this procedure whilst they remain in employment with the Council. The procedure for school-based teachers and staff will be based on the principles contained within this corporate procedure, with appropriate amendments to terminology.

[Complaints of bullying and / or harassment by elected members shall be dealt with using the Member Code of Conduct.](#)

PRINCIPLES

The following important principles are encompassed within this procedure:

- it is based on the ACAS advice: bullying and harassment at work, and it has been agreed between the Council and the recognised trade unions;
- all employees have a right to a working environment free from [harassmentbullying and harassment](#) and to be treated with dignity and respect;
- allegations of [harassmentbullying and harassment](#) will be dealt with seriously and confidentially;

- any allegation will be investigated as quickly as possible;
- the alleged offender will know the nature of the allegations made against them;
- employees will be given an opportunity to state their case;
- an employee may be accompanied by a trade union representative or a representative of his / her choice at any stage in this procedure;
- where management believe there is a case of ~~harassment~~bullying and harassment to answer, the Council's disciplinary procedure will be invoked;
 - where an allegation has been made in good faith and a case cannot be proved, no action will be taken against the employee and he/she will not suffer detriment as a result of raising a concern. Employees who make malicious allegations will be subject to the Council's disciplinary procedure.
 - those in the Council with identified responsibilities (e.g. managers, designated officers, trade union representatives) will receive appropriate and sufficient advice and training.

The contents and operation of this procedure will be reviewed by management and the joint trade unions, every 3 years following its introduction, or at some other time as circumstances may require. The first review will be due in ~~2005~~.

SECTION 2: PREAMBLE - GENERAL PRINCIPLES

1. Links with the Grievance Procedure

This procedure provides for a complaint of harassmentbullying and harassment to be registered as a formal grievance using that procedure's pro-forma (as amended for complaints of workplace harassmentbullying and harassment, and attached as an appendix to this document). It is recognised, however, that alleged harassmentbullying and harassment or bullying complaints often need to be handled differently. For example, it is particularly important that this form is treated as a confidential document. Also it may not be appropriate to record every individual example of alleged harassing or bullying behaviour on the form as a complainant may find this distressing.

The procedure details the particular actions to be taken at each stage of the Grievance Procedure. If the HarassmentBullying and harassment Procedure has been followed, therefore, a further formal grievance may not be registered on the same matter.

2. Time Limits

The time limits referred to in the Grievance Procedure should generally be followed for harassmentbullying and harassment cases. Time limits may be varied by agreement between the parties involved. A 'working day' shall mean Monday to Friday (inclusive), irrespective of operating practices and excluding public/bank holidays.

3. Disciplinary Action

Where disciplinary action is proposed, the matter will be dealt with at a disciplinary hearing in accordance with the Council's disciplinary procedure.

4. Role of HR Adviser

Human Resources help is available at all times and managers are encouraged to seek it, especially in more complex cases. Directorate HR TeamsHuman Reasources will also ensure that application of this policy is monitored. Where disciplinary action is proposed, Designated Officers will decide whether they wish to be accompanied at a hearing by an HR Adviser.

5. Confidentiality

Managers may find themselves in a position where they are unable to offer unconditional confidentiality to a complainant, because they have a duty to take management action, and may have to act on information given to them "in confidence". If this is the case then the manager should discuss this with the complainant before taking the action.

6. Records

Written records relating to this procedure should be retained by ~~the Directorate HR Teams~~ [Human Resources](#) separately and under confidential conditions. The record should not be included on the employee's personal file. Employees can examine their own records on request. Anonymous information will be retained by HR for monitoring purposes.

7. How to get help

It is recognised that anyone who feels that they are being harassed or bullied may be nervous and apprehensive about discussing their feelings with their manager. This may be because the manager is the cause of the feelings, or just that it is such a sensitive matter.

Advice can be sought from directorate HR teams or trades union representatives.

8. Mediation

It is in everyone's interest that problems are resolved quickly and, wherever possible, informally. One option available is mediation. It provides for an additional route to assist employees who are unsure about pursuing formal procedures, but who do not have the confidence in the matter being resolved at an informal stage. Anyone wishing for mediation support should contact his or her manager. An independent manager may be approached or the Council's [Employee Assistance Programme \(EAP\)](#) could offer this service.

An employee who uses this service does not prejudice their right to have a complaint investigated should the issue not be resolved and the alleged harassment or bullying continues.

9. Counselling

The Council has a confidential counselling service provided by the [Employee Assistance Programme \(EAP\)](#), which is available to offer support to individuals and discuss how to pursue a complaint of ~~harassment~~ [bullying and harassment](#). More information can be found by calling 0800 282193.

Alternatively, they may be able to mediate between parties in an allegation of ~~harassment~~ [bullying and harassment](#), in order to resolve problems outside of the formal procedure.

10. Supervisors and Section Managers

In some cases the supervisor and section manager will be the same. It is difficult to give a precise definition of who the 'manager' will be since who tackles the problem may depend on the seriousness and sensitivity of the complaint, the stage it had reached and whether both parties are in the same service area.

The supervisor may be the person who oversees an individual's work on a day to day basis, whereas the section manager may be responsible for organising the work of the team on a long-term basis.

Managers have a vital role in this procedure, through recognising and dealing with harassment and bullying, and ensuring their own behaviour is of the highest standards.

11. Nominees

Managers may nominate an alternative person to deal with matters under this procedure. However, to show the Council's and management's commitment to the elimination of ~~harassment~~bullying and harassment, a nominee should only be used in **exceptional circumstances**. If at any time an individual feels that his/her complaint is being dealt with at the wrong level, due to the seriousness of the complaint, these concerns must be raised so that they can be discussed.

12. False Accusations

People who feel that they have been falsely accused can pursue their complaint through the Council's [Grievance procedure](#).

13. Managing Performance

The Council has agreed recognised methods of performance management. These methods must be applied equally, consistently and fairly to all staff.

SECTION 3: HARASSMENTBULLYING AND HARASSMENT POLICY

This is a general statement on harassmentbullying and harassment. It is intended to reinforce the message to employees that they have the right not to be harassed on any grounds.

STATEMENT

The Council is committed to eliminating harassmentbullying and harassment, and as an equal opportunity employer will not tolerate any form of it. By introducing an effective policy, we aim for a climate of greater confidence, where people can challenge harassmentbullying and harassment. The goal is to develop a productive working environment, where employees are treated with dignity and respect, in which harassmentbullying and harassment is known to be unacceptable and where individuals are confident enough to bring complaints without fear of ridicule or reprisal.

Any allegations of harassmentbullying and harassment will be dealt with seriously and confidentially. They will be investigated, following the procedure set out within the HarassmentBullying and harassment Procedure in [section 4](#), which may result in action being taken under the Council's disciplinary procedure.

This policy and supporting procedure seeks to promote the Council's core values of equality and making our services open and accessible, by ensuring all staff are treated fairly, listened to and treated with respect. It seeks to work in partnership with staff, in dealing effectively with alleged cases of harassment and/or bullying.

What is workplace bullying and harassment?

We define this as unwanted and unwelcomed behaviour which makes the recipient feel unpleasant or uncomfortable. It can take many forms, for example:

- Physical contact ranging from touching to serious assault, including that of a sexual nature.
- Verbal and written harassment through jokes, offensive language, gossip or slander.
- Visual displays of posters, graffiti or obscene gestures.
- Displaying or circulating offensive material or comments by email, mobile phone or social media sites from Council equipment during work or personal equipment in your own time.
- Isolation or non co-operation at work and exclusion from social events.
- Intrusion by pestering, spying or following another employee.

Definition of bullying

We define bullying as unwarranted offensive, intimidating, malicious or insulting behaviour towards an individual or group of employees. It's an abuse or misuse of power intended to undermine, humiliate, insult or injure the recipient. It's usually persistent and repetitive behaviour however; some bullying can be serious enough to be recognised even if the behaviour was a one off incident. It can range from extreme forms such as violence and intimidation to less obvious actions, such as deliberately ignoring someone.

Definition of harassment

We define harassment as unwanted conduct affecting the dignity of others. Unlike bullying, it's related specifically to age, sex, gender reassignment, race, religion or belief, sexual orientation, disability or any personal characteristic of an individual. It's unwanted conduct that:

- Violates another person's dignity; or
- Creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

It takes many forms including physical, verbal or non-verbal conduct. It can include comments, actions, jokes or suggestions that may be viewed as demeaning and unacceptable to the recipient. It may be an isolated incident or repeated actions that may create a stressful working environment.

WHAT IS HARASSMENT?

Harassment can take many forms, and may involve inappropriate actions, behaviour, comments or physical contact that is objectionable or causes offence. It can cause the recipient to feel threatened, humiliated or patronised and it creates an intimidating work environment.

People can be subject to harassment on a wide variety of grounds including:

- race, ethnic origin or nationality
- gender or sexual orientation
- religious or political convictions
- willingness to challenge harassment, leading to victimisation
- membership, or non-membership of a trade union
- disability or learning difficulty
- status as an ex-offender
- age
- real or suspected infection with HIV/AIDS.

This list is not exhaustive or in order of importance.

Anyone who is perceived as different, or who is perceived to be in a minority, or who lacks status or confidence, may run the risk of being harassed. Therefore, health, physical characteristics, personal beliefs and numerous other factors may lead to harassment, which can occur between people of the same sex or the opposite sex.

Methods of harassment range from extreme forms such as violence and bullying to less obvious actions. Examples are set out below:

- Spreading malicious rumours;
- Ridiculing or demeaning someone—picking on them or setting them up to fail
- Overbearing supervision or other misuse of power or position
- Deliberately undermining a competent worker by overloading and constant criticism
- Verbal and written harassment through jokes, offensive language or gossip
- Intrusion by pestering, spying or following
- Isolation or non-cooperation at work, or a perceived lack of career progression different from everyone else within a team.

Bullying is a form of harassment that may be characterised as:

- offensive, intimidating, malicious or insulting behaviour,
- abuse or misuse of power through means **intended to** undermine, humiliate, denigrate or injure the recipient. This may include the setting of impossible deadlines, or changing instructions without notice, in a way that puts intolerable pressure on an individual and where failure seems inevitable. This may also be

~~manifested in continually refusing reasonable requests without good reason, or blocking of promotion or career progression.~~

It is important to remember that harassmentbullying and harassment cannot really be defined 'out of context', and very much depends on the perception of individuals. For example, what may be regarded as acceptable or tolerable by one person may be regarded as harassmentbullying and harassment by another. Behaviour that might be acceptable to a person in one context is not necessarily tolerable in another.

People may be genuinely unaware that their behaviour causes offence. It is the responsibility of everyone to be sensitive towards the feelings of others, taking responsibility for their own remarks and actions.

EFFECTS OF HARASSMENTBULLYING AND HARASSMENT

HarassmentBullying and harassment can have an adverse effect on a person's working life and general health, and can prevent them from doing their job effectively. It can lead to ill health, absenteeism, lack of commitment and poor performance.

~~One characteristic of harassment is that employees may be vulnerable and are as a result reluctant to complain. They may be too embarrassed or unsure about making a complaint, for fear that it will not be taken seriously. They may react badly to something that was the "last straw" following a series of incidents.~~

~~If unchecked or badly handled, harassment and /or bullying can create serious problems for an organisation including:~~

- ~~• poor morale and poor employee relations~~
- ~~• loss of respect for managers and supervisors~~
- ~~• lost productivity, lower efficiency and divided teams~~
- ~~• damage to the Council's reputation as a fair employer~~
- ~~• reduced job satisfaction, loss of confidence and damaged career prospects for employees~~
- ~~• problems recruiting and retaining quality staff~~

HARASSMENT AND THE LAW

~~Certain types of harassment are regarded as unfair discrimination and are covered by statute. The Sex Discrimination Act 1975 (as amended) and the Race Relations Act 1976 (as amended) cover sexual and racial harassment. The Disability Discrimination Act 1995 (as amended) protects people with disabilities against unfavourable treatment. Under the Criminal Justice and Public Order Act 1995, the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, alarm or distress is a criminal offence.~~

~~General harassment, such as bullying, is not currently protected by statute, but employers may be liable for failure to deal effectively with such behaviour. Liability~~

~~may arise from the duty at common law to provide a safe place of work and maintain mutual trust and confidence or by virtue of a claim of constructive dismissal in the event of inadequate protection from the employer.~~

~~The Trade Union and Labour Relations (Consolidation) Act 1992 contains the right not to be dismissed on the basis of trade union membership or activities, or non-trade union membership.~~

~~The Health and Safety Executive has recognised that “bullying and harassment are a major cause of workplace stress and that employers need to have effective systems in place for dealing with it”.~~

~~COUNCIL RESPONSIBILITIES~~

- ~~• be committed to eliminating harassment, creating a climate of greater confidence, where people can challenge harassment;~~
- ~~• the Council is responsible for working within the legal context and framework identified above, and to ensure that appropriate measures are properly communicated to managers to enable them to do their jobs properly;~~
- ~~• those with responsibilities under this procedure (designated officers, managers and trade union representatives) should have appropriate support through training and corporate guidance to help them deal with staff suffering from harassment, and to deal with complainants as well as alleged harassers;~~
- ~~• to ensure that appropriate counselling arrangements are in place to allow employees to pursue informal support;~~
- ~~• to ensure that the policy and both informal and formal procedures are monitored and reviewed regularly to ensure they meet the requirements of the law and good practice.~~

~~MANAGERS' RESPONSIBILITIES~~

~~Managers and supervisors have a vital role to play in implementing the Council's harassment policy and procedure. They must:~~

- ~~• ensure that their employees are aware of the Council's policy and their rights under that policy;~~
- ~~• through team meetings, make it clear that harassment is unacceptable and will not be tolerated;~~
- ~~• lead by example, through recognising and dealing with harassment and bullying and ensuring their behaviour is of the highest standards;~~
- ~~• develop a productive working environment where employees are treated with dignity and respect;~~
- ~~• be sensitive and receptive to staff who may be suffering from harassment;~~
- ~~• respond to complaints that may arise in line with the procedure outlined in section 4, and ensure that their own behaviour is consistent with the aims and objectives of the policy;~~
- ~~• be aware of the Council's disciplinary procedure and its relationship with the harassment procedure;~~

- ~~be aware of the role of the Employee Assistance Programme (EAP);~~
- ~~note that all matters, notes and conversations relating to harassment matters are to be kept confidential.~~

MONITORING

It is important to monitor the operation of this policy in order to ensure its effectiveness, and to provide the Council with invaluable information on the nature and extent of any problem.

Records of complaints and where, why and how they occurred should be monitored by ~~directorates HR teams~~ Human Resources, to identify any problem areas, and reported (without identifying individuals) to ~~DMTs and DJFs~~ CMT. Monitoring can help to ensure that complaints are resolved and that no reprisals occur.

An important aim of this policy is to eliminate harassment and bullying from the workplace, not just provide a mechanism for dealing with individual actions or omissions.

SECTION 4: HARASSMENTBULLYING AND HARASSMENT PROCEDURE

PROCEDURE FOR DEALING WITH COMPLAINTS OF BULLYING, DISCRIMINATION OR HARASSMENT

It may be difficult for an individual to discuss a complaint directly with their manager, although managers should recognise the problems faced by employees who feel they are being harassed, and be sensitive to the fact that making a complaint of harassmentbullying and harassment is likely to be a traumatic experience for the employee.

Individuals may seek the confidential support, advice and assistance of a work colleague or trade union representative, who if requested, will try to resolve the matter informally, consulting management or Directorate HR Teams as appropriate, on the employee's behalf.

Individuals may also wish to seek the confidential support of the Employee Assistance Programme (information on [IRIS](#)).

When complaints are brought to the attention of a manager, either informally or by formal complaint using the harassmentbullying and harassment procedure, the manager will deal with the matter immediately, thoroughly and fairly to all parties.

It should be remembered that participation in any investigation is likely to prove stressful for all parties involved, so it is essential that the matter is dealt with quickly and in a sensitive manner. All formal complaints of harassmentbullying and harassment will be investigated.

Depending on the circumstances and facts of the complaint, the initial emphasis should be on dealing with the matter informally and, if considered helpful, by discussion between the parties themselves. It is to the advantage of all parties involved with a complaint of harassmentbullying and harassment if the matter can be dealt with informally, as this will hopefully reduce unnecessary stress to all concerned. It is important that confidentiality is always maintained, so that neither complainant nor alleged offender suffers any subsequent repercussions.

Managers and others involved in complaints, will respect confidentiality and not make pre-judgements. Care should be taken by all managers to ensure employees feel confident to bring forward and progress any complaint or allegation which they feel requires investigation.

How to deal with a complaint

1. As a first step the complainant should ask the alleged offender to stop, and/or make it clear that the action is unwelcome.

In circumstances where this is too difficult for the complainant to do, the approach may be by his/her supervisor, a work colleague, trade union representative, or a representative from the Directorate HR Teams.

If going to the supervisor is not possible because he/she is the alleged offender, then the complainant should take the matter to his/her section manager (in some cases this may be the Service Head).

If the complainant believes that the complaint is too serious to just tell someone to stop, then he/she should tell the supervisor/section manager as soon as possible.

2. It is advisable that the complainant keeps a note of the details of this initial approach. This could be done in the form of a diary of events with names of witnesses, times, dates and place clearly recorded.
3. In the event of the alleged offender being a 2nd tier officer, Service Head, Corporate Director or Councillor the matter should be reported to the [Chief Managing Director Executive](#) at the beginning of the process. In the event of the alleged offender being the [Chief Executive Managing Director](#), the matter should be reported to the [Head of HR Head of Legal and Democratic Services](#) who will notify the Leader of the Council. (Further guidance on dealing with complaints against the [Chief Executive Managing Director](#) or Councillors, can be obtained from [the Head of HR](#)).

STAGE 1

4. If this initial informal approach does not cause the alleged offender to stop the action, or the complaint was considered to be too serious, the complainant and/or the person who made the initial approach should inform his/her section manager of the situation. **At this stage, the complainant should register the complaint as a formal grievance at Stage 1 of the Grievance Procedure.** The complainant's section manager will then approach the alleged offender's section manager and ask for the problem to be dealt with, and/or decide whether the problem needs to be investigated under the Council's disciplinary procedure. The alleged offender's manager should quickly examine the facts and investigate the problem, referring to the Service Head for guidance if necessary. It may be necessary to refer the matter to the Service Head for him/her to discuss the matter with the individuals in order to achieve objectivity. The complainant and the alleged offender may, of course, have the same section manager, in which case this manager should take responsibility for investigating the problem at this early stage.
5. In order to commence an investigation the manager will need to discuss the complaint with the complainant and the alleged offender. The aim is that the matter can be dealt with at this stage and a verbal warning may be all that is needed. The complainant and the alleged offender may have a trade union representative or other representative of choice through this investigatory stage.

The result of this stage should be recorded as the response to Stage 1 of the Grievance Procedure.

STAGE 2

6. If this has not resolved the matter, or the allegation is a serious one the complainant's section manager should discuss the matter with the alleged offender's senior manager or Service Head. **Moving to this stage should be recorded at Stage 2 of the Grievance Procedure.** If the matter is unresolved then it will be referred to this more senior manager / Service Head and investigated formally. The complainant and the alleged offender will be told of this; the alleged offender will have an early opportunity to know the complaint and to respond to it; in addition, he/she should be told that the outcome of the investigation could lead to action being taken under the Council's disciplinary procedure.
7. It is the responsibility of the person dealing with the case (the senior manager or Service Head) to appoint an investigating officer (see 10 below) and ensure that the investigation is carried out. The manager may need to consider the possibility of rearranging working times to avoid contact between the alleged offender and the complainant, give special leave to the complainant or even suspend the alleged offender. If the manager does not have the authority to suspend the employee, the case should be passed on to the appropriate designated officer (refer to the Council's agreed disciplinary procedure).

The Formal Investigation

8. The object of the investigation is to establish clearly the facts which have led to the complaint. It must be emphasised that participation in an investigation can prove traumatic and stressful to all parties, and it is therefore essential that this is recognised and the matter is dealt with quickly and in a sensitive manner.
9. The object of the investigation is not to prove that **harassmentbullying and harassment** has occurred, but to collect relevant facts and any background information regarding the complaint.
10. The investigation will be carried out by a manager, but not someone who has been connected with the allegation.

Care must be taken to ensure that the investigation does not cause unnecessary distress to either party. It may, however, be difficult to avoid this in some circumstances. If either party is unhappy with the choice of the person responsible for the investigation, management will then consider any request for change.

11. It is essential that investigations are conducted swiftly. The investigation stage should therefore take no longer than 15 working days.

12. This should be time to conduct a thorough and full investigation. If additional time is required this can be varied by mutual agreement, however due to the sensitive and possibly distressing nature of the complaint this should be avoided wherever possible.
13. As part of the investigation both the complainant and the alleged offender will be interviewed, as well as any witnesses required to speak on behalf of either party. Written statements will need to be taken to support these interviews. All persons interviewed will have the right to be accompanied by a trade union representative, or other representative of their choice.
14. Following the investigation the findings will be presented to the alleged offender's manager or Service Head dealing with the case, including all the relevant facts and statements from witnesses, together with any recommendations.

The Decision

15. The alleged offender's manager / Service Head must now decide whether there is a case to answer or not. As any time delay can result in stress for all parties, the person dealing with the case should make a decision on what action he/she will take within 3 working days and seek appropriate advice where necessary. **The result should be recorded as the outcome at Stage 2 of the Grievance Procedure.**
16. If after consideration of the findings there is found no case to answer, the manager should ensure as far as possible by discussion with both parties involved that future working relationships are harmed as little as possible. The situation needs to be monitored to ensure that any further problems do not develop.
17. If the manager considers there is a case to answer he/she will have to decide what action to take. The decision should be based on all the relevant facts and circumstances involved in the case. This will include ensuring that action is not detrimental to the complainant, for example an unwelcome transfer to other work.
18. If both parties work in the same section, the manager must consider carefully the working relationship between them. In serious cases it may be necessary to consider a transfer of the alleged offender to another section or service area. The practicalities of this may prove difficult. The complainant should not be transferred unless this is his/her specific wish.
19. In common with other complaints made under the grievance procedure, the manager must decide whether action should be taken under the Council's disciplinary procedure, for example in serious cases or where, despite earlier warnings, the behaviour is persistent. At this point if the manager is not a

designated officer for disciplinary matters, then the case and any subsequent disciplinary action should be passed to the appropriate designated officer.

20. In such cases, at this point, the individual will be subject to the formal disciplinary procedure, and the steps under the disciplinary procedure will be followed. The ~~harassment~~bullying and harassment investigation findings should be used in the disciplinary process, as another investigation of the same matter will be distressing for all parties. However, if additional information is disclosed then this will need to be considered and investigated quickly.
21. The manager will inform both parties of his/her decision. The letter to the complainant should include the investigating officer's recommendations and the manager's decision on these.

It is important that other employees, who may have been involved in any investigation, are made aware of the outcome and any recommended action, within the bounds of confidentiality. This should not include any disciplinary penalty arising from a proven case. This will ensure that confidentiality is maintained, particularly with regard to any mitigating circumstances that may have influenced the outcome. This is important, as without this contact employees are left not knowing, and are therefore inclined not to draw attention to any future unacceptable behaviour.

It is important to remember that information received in confidence should remain in confidence. Staff who fail to observe this may be subject to the disciplinary procedure.

STAGE 3

22. If the complainant feels that the complaint has not been resolved, he/she has the right to refer the matter in writing to the Corporate Director (including the ~~Chief Executive~~Managing Director) within 5 working days of the manager's decision. **This represents Stage 3 of the Grievance Procedure.**
23. The Corporate Director will, within 5 working days, notify the complainant of the date and arrangements for the meeting to consider the complaint. The meeting will be held as soon as possible. The decision will be confirmed within 5 working days of the meeting.

STAGE 4

24. The complainant has the right to refer the complaint to a Panel of Members selected from the Personnel Committee (**Stage 4 of the Grievance procedure**), if the complainant feels that it has still not been resolved. The complainant should make this request in writing, within 5 working days of receipt of the Corporate Director's decision.

25. The Member Panel meeting will be held as soon as possible. The decision of the Panel will be confirmed within 5 working days of the meeting.
26. This decision of the Panel will be final.

SECTION 5: HARASSMENT BY CUSTOMERS OF THE COUNCIL OR MEMBERS OF THE PUBLIC

Do we need this section within this Policy or is there another document that this is covered in?

The Council's ~~Harassment~~Bullying and harassment Policy and Procedure focuses on alleged bullying, harassment or discrimination by work colleagues. It is also recognised, however, that employees of the Council may face harassment from customers of the Council or members of the public on any of the grounds detailed in the policy. The purpose of this section is to reinforce the message to employees that they have the right not to be harassed, abused or threatened in this way, and to set out the means by which the Council will seek to support employees faced with such harassment.

As a general rule, the principles of the Harassment Procedure will equally apply to situations where the alleged offender is a customer of the Council, or a member of the public. However, the following additional provisions should be included:

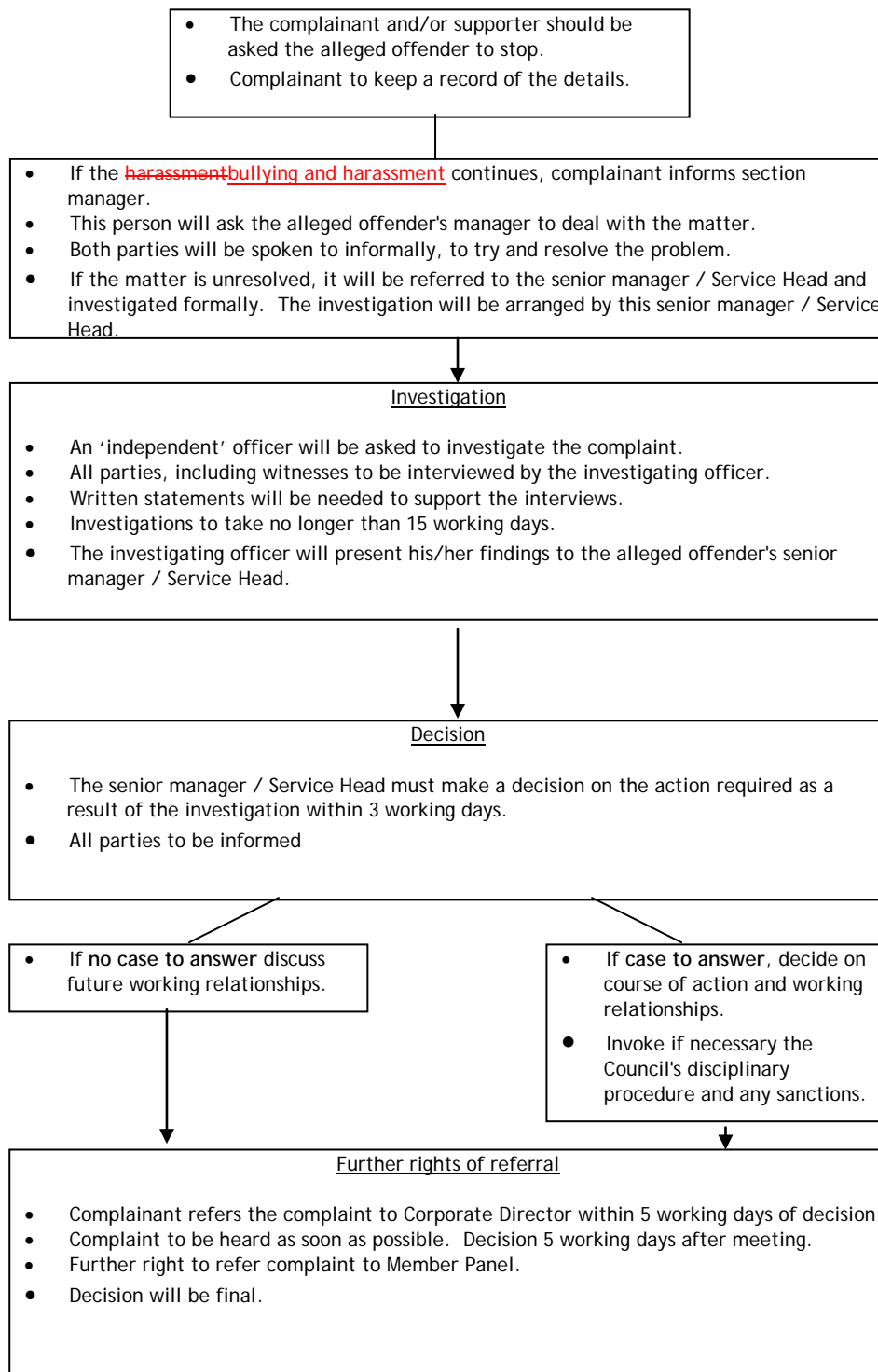
- a) If an employee is or feels harassed, abused or threatened by a customer of the Council or a member of the public, in the course of their work for the Council, he/she should bring the matter to the attention of his/her section manager as quickly as possible, unless the situation can be safely and effectively resolved through discussion with the individual concerned. An accident/incident form should be completed and copies circulated to those detailed on the form.
- b) In cases of serious or persistent harassment, where the individual has been identified, section managers should ensure that the customer or member of the public receives prompt written advice making it clear that such behaviour is unacceptable.
- c) Section managers should seek the advice of more senior managers and the Council's legal section if it is believed that sanctions against the customer / member of the public may be warranted (e.g. withdrawal of Council services; civil or criminal action; bans or injunctions). Such action should follow a reasonable process whereby the individual would be informed of the consequences of his/her behaviour and given adequate warning.
- d) Where harassment is anticipated, employees and their managers should assess the risks involved in contact with the customer and make adequate provision for the personal safety of the employee to be safeguarded e.g. physical environment, accompanied visits only etc.
- e) Where customers object to contact with an employee on prejudiced grounds, section managers should ensure that these customers receive prompt written advice firmly rejecting their attempt to influence the choice of officer.

In addition, if individuals find themselves in an unwelcome situation with a customer or member of the public, reference should be made to the Council's Fair Treatment Policy and Facing Aggression at Work Procedure.

Appendix A

HarassmentBullying and harassment Procedure

This chart should be read in conjunction with the HarassmentBullying and harassment Procedure detailed in [Section 4](#) of this document. It is not an exhaustive list, but a quick reference guide.



GRIEVANCE FORM - for Complaints of Workplace ~~Harassment~~Bullying and harassment

This form should be used in order to proceed with a formal grievance relating to workplace ~~harassment~~bullying and harassment.

You or your trade union representative should complete this form and hand it to the section manager as indicated at Stage 1 of the procedure for dealing with ~~harassment~~bullying and harassment grievances. Attach any supporting information to this form.

You should contact your Directorate HR Team if you need advice.

NAME:		DIRECTORATE:	
JOB TITLE:		SECTION:	

STAGE 1 GRIEVANCE - TO SUPERVISOR / SECTION MANAGER

Please state the nature of your grievance. Please give only as much information as you feel able to record:

Have you tried to resolve your grievance informally? YES / NO If YES, please state what happened:

Why are you unhappy with the response?

What resolution are you seeking?

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Please list any witnesses or statements / documents that may be referred to should it come to a hearing:

Signed (employee):	Date:
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DECISION AT STAGE 1

Outcome of meeting held at Stage 1, and reason(s) for decision *(to be completed by Supervisor / Section Manager)*:

Employee's view / comments:

Has anything changed since the original grievance form was completed (*to be answered by Supervisor / Section Manager*)? If so, this grievance should be submitted separately.

Name of Supervisor / Section Manager:

Signed (*Supervisor/Section Manager*):

Date:

STAGE 2 GRIEVANCE - REFERRAL TO SENIOR MANAGER / HEAD OF SERVICE

This pro-forma and supporting information should be forwarded to the appropriate Senior Manager / Head of Service within 5 working days of receipt of the written decision at Stage 1.

DECISION AT STAGE 2

Outcome of investigation held at Stage 2, and reason(s) for decision (*to be completed by Senior Manager / Head of Service*):

Employee's view / comments:

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Name of Senior Manager / Head of Service:

Signed (<i>Senior Manager / Head of Service</i>):	Date:
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STAGE 3 GRIEVANCE - REFERRAL TO CORPORATE DIRECTOR (INCLUDING ~~CHIEF EXECUTIVE MANAGING DIRECTOR~~)

This pro-forma and supporting information should be forwarded to the appropriate Corporate Director within 5 working days of receipt of the written decision at Stage 2.

DECISION AT STAGE 3

Outcome of meeting held at Stage 3, and reason(s) for decision (*to be completed by Corporate Director*):

Employee's view / comments:

Name of Corporate Director:

Signed (<i>Corporate Director</i>):	Date:
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STAGE 4 GRIEVANCE - REFERRAL TO PERSONNEL PANEL

This pro-forma and supporting information should be forwarded to the appropriate Corporate Director who heard the grievance at Stage 3, asking for the grievance to be heard by the Personnel Panel. This request should be made within 5 working days of receipt of the written decision at Stage 3.

DECISION AT STAGE 4

Outcome of Personnel Panel hearing at Stage 4, and reason(s) for decision:

Signed (*on behalf of Personnel Panel*):

Date: