

# Bullying and Harassment Policy

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<b>Document History</b>	
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# 1. Objectives and scope

- 1.1 This policy applies to all employees, contractors, agency staff and anyone else engaged to work at Reading Borough Council (the 'Council'). It does not apply to schools based staff who may be covered by separate procedures. The Council is committed to protecting the dignity and equality of opportunity for all employees at their place of work and has a zero tolerance approach to bullying and harassment. This policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, for example business trips or any work related social events.
- 1.2 The Council aims to support the creation of a work environment that is free from discrimination, harassment and bullying, where everyone is treated with dignity and respect and no one is treated less favourably than any other person or group of persons on the grounds of their sex, age, disability, race, sexual orientation, gender reassignment status, religion and belief, pregnancy and maternity, marriage and civil partnership status or any other characteristic.
- 1.3 The purpose of this policy is to ensure a working environment in which bullying and harassment are unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly. Complaints will be treated seriously and dealt with swiftly and confidentially ensuring the rights of all are protected. This policy has been agreed with the Joint Trade Unions as the most effective means of resolving a concern about bullying or harassment. No employee will be made to feel disadvantaged in any way because they have raised or pursued a concern in good faith.
- 1.4 Any incident(s) of bullying and harassment should initially be reported to the line manager who will advise the employee. If the concern relates to their line manager then the employee can speak to any other manager and/or seek support from any of the support services available to staff detailed in [section 8](#) of this policy. If the complaint relates to a Councillor, employees should speak to their line manager and refer to the Protocol on Member/Officer Relations in the Council's Constitution.
- 1.5 In complying with the Equality Act 2010, the Council has a legal obligation to ensure that harassment does not take place at work, as this is discrimination. In addition, it has a duty of care towards employees under the Health and Safety at Work Act 1974.

## 1.6 Responsibilities

- 1.6.1 **All employees** have a responsibility to behave in ways which support a working environment that is not intimidating. They should play their part in making the Council's policy a reality and be prepared to take appropriate action if they observe or have evidence that someone else is being bullied or harassed. Individuals can be prosecuted under criminal as well as civil law and they could be personally liable and have to pay compensation themselves, in addition to any payment the Council may be ordered to make.
- 1.6.2 **Additionally**, managers must aim to uphold a working environment in which harassment and bullying do not occur. They must take immediate action if bullying

and/or harassment is suspected or identified, whether or not a complaint has been made, and provide support to the employee. Allegations of bullying and harassment received either informally or formally through this policy must be taken seriously and dealt with promptly and sensitively. A grievance will not necessarily be raised as a result of an investigation taking place.

## 2. Definitions

### 2.1 General information

- 2.1.1 In this policy **“Complainant”** refers to the employee experiencing the bullying or harassing behaviour; **“Respondent”** and/or **“Perpetrator”** refers to the person against whom the complaint is brought. The term **“parties”** refers to the complainant and the person against whom the complaint is brought.
- 2.1.2 Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), social media, email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all employees.
- 2.1.3 The lists below are not exhaustive nor in order of importance. Anyone who is perceived as different or who is in a minority, or who lacks organisational power, runs the risk of being bullied or harassed. Health, physical characteristics, religious or personal beliefs etc. may lead to victimisation, bullying or harassment and this can occur between people of the same sex or opposite sex.

### 2.2 Bullying

- 2.2.1 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Some examples of bullying behaviour are:
- spreading malicious rumours, or insulting someone by word or behaviour
  - copying memos that are critical of someone to others who do not need to know
  - ridiculing or demeaning someone – picking on them or setting them up to fail
  - exclusion or victimisation
  - unfair treatment
  - overbearing supervision or other misuse of power or position
  - unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected, sexual harassment
  - making threats or comments about unfounded job security
  - deliberately undermining a competent employee by overloading and constant criticism
  - preventing individuals progressing by intentionally blocking promotion or training opportunities.

- Cyberbullying – the use of electronic communication to bully a person, for example by sending messages of a threatening or intimidating nature.
- Microaggression - a microaggression is a comment or action that negatively targets a marginalized group of people. A microaggression can be intentional or accidental. It can be a form of indirect, subtle, or unintentional discrimination against members of a marginalized group such as racial or ethnic minority.
- Social media can be used to bully people, e.g. through making defamatory posts. This is explained further in the [Social Media Policy](#).
- Communication – inappropriate/insensitive messages to colleagues/clients

## 2.3 Harassment

### 2.3.1 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.
- I. In the Equality Act 2010 harassment is defined as ‘unwanted conduct related to a relevant protected characteristic (sex, disability, race, gender reassignment etc.), 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’. Harassment is unlawful when a person is harassed because they are believed to have a protected characteristic (whether they have or not) and when they associate with someone with a protected characteristic.
  - II. **Racial Harassment** can include jokes about, or the derogatory treatment of, staff because of their physical appearance or cultural background, racist name calling, discriminatory remarks which cause a member of staff to feel threatened, racially motivated behaviour which interferes with job performance or creates a threatening work environment.
  - III. **Disability Harassment** can include jokes about, or at the expense of, someone's disability (which can include conditions affecting physical or mental health) or the disabled group to which the member of staff belongs. Remarks of an abusive or unfavourable character about people with disabilities are also classified as harassment.
  - IV. **Harassment Because of a Person's Sexuality** or gender reassignment status can include jokes about, or at the expense of, the member of staff's

sexuality or transgender status. The use of names or titles which give offence is also classified as harassment.

V. **Sexual Harassment** involves unwanted and unwelcome attention of a sexual nature. This may be physical or verbal or involve the denigration of an individual on sexual grounds or by sexual means. Any unwelcome behaviour of a sexual nature which creates an intimidating, hostile or offensive environment for the recipient may be regarded as sexual harassment. It affects both men and women. Sexual harassment can happen in any number of ways, including:

- written or verbal comments of a sexual nature, such as remarks about an employee's appearance, questions about their sex life or offensive jokes
- displaying pornographic or explicit images
- emails with content of a sexual nature
- unwanted physical contact and touching
- sexual assault

## 2.4 Sexual assault and physical threats

2.4.1 Some types of sexual harassment, such as sexual assault and other physical threats, are a criminal matter as well as an employment matter. Criminal matters should be reported to the police.

- Call 999 if you or someone else is in immediate danger, or if the crime is in progress.
  - Call 101 or report online at <https://www.thamesvalley.police.uk> to contact the police if the crime is not an emergency.
- If a complaint is reported to the police, or criminal court proceedings are being pursued, a manager must still investigate the complaint as an employment matter. A manager may then follow the disciplinary procedure, without awaiting the outcome of criminal proceedings, provided this can be done fairly.

## 2.5 Employment tribunal

2.5.1 Employees are usually expected to try and resolve the problem in the workplace first. If that does not work, employees can contact the ACAS Helpline before going to an employment tribunal (see [section 8](#) on Getting Support for further information about ACAS).

## 2.6 Historic allegations

2.6.1 Complaints of harassment will usually only be considered at an employment tribunal if the employee makes a claim within three months of when the incident took place. A pattern of behaviour which took place before the final incident can be referred to still. The Council's [Grievance Policy](#) contains the same timescale for raising a concern. Sometimes a complaint of harassment will be reported much later than this. A manager should always take such a complaint seriously. They should handle things in a way that is sensitive and fair to the employee who has made the complaint, anybody who has witnessed it and anybody who is being accused of harassment. It

is usually helpful for the employee and the manager to discuss what outcome is desired in these circumstances - sometimes it might be that the employee now feels confident enough to speak out and wants to make sure nobody else in their workplace experiences what they went through.

## 2.7 What is Not “Bullying” or “Harassment”?

- 2.7.1 There is a need for employee performance to be managed in order to achieve the aims of the Council and this policy does not seek to diminish a manager’s ability to do this. Evidenced, constructive and fair criticism of an employee’s performance or behaviour at work is not bullying or harassment. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style, such as micro-management. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

## 3. How to raise concerns

- 3.1 In the event that an individual considers that they are experiencing bullying or harassment they have a number of options open to them.
- I. They can seek advice from a trade union representative or fellow employee, or from their line manager or any other manager at the Council, or from a member of the HR Team;
  - II. They can speak directly to the individual concerned or write a letter or email to him/her expressing their concerns, requesting that the unacceptable behaviour stop immediately;
  - III. Alternatively, or subsequently if they achieve no success, they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about the unacceptable behaviour. If the allegation is related to the conduct of the line manager, the manager’s manager or HR can be approached; or
  - IV. They can make a formal complaint without following the informal approach.

## 4. Investigating complaints of bullying and harassment

- 4.1 Managers investigating complaints of bullying and harassment will do so in accordance with the Council’s [Grievance Policy](#). Where the allegation is proven, the [Disciplinary Policy](#) will guide the outcome for the perpetrator. Proven cases of bullying and/or harassment will always be treated as a disciplinary offence, and the Council’s [Disciplinary Policy](#) may be invoked at any stage where there is a case of bullying or harassment to answer.
- 4.2 Employers investigating claims of bullying and harassment should consider all the circumstances before reaching a conclusion. In any allegation, it is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by *reasonable normal standards*, and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

## 5. Stage 1 – Informal Action

- 5.1 In the first instance the line manager, after seeking advice from HR, should try and resolve the matter informally. Separate meetings should be convened with both parties. In the case of a bullying or harassment allegation it is inappropriate that both parties meet to try to resolve the situation until investigations have been conducted and conclusions drawn. Either party is entitled to bring a representative to these meetings and this should be confirmed to them by the line manager.
- 5.2 If, and only if, it is agreeable to the complainant, it may be helpful for a HR Partner/Officer to facilitate a meeting between both parties to give the complainant the opportunity to talk to the respondent about the offending behaviour.
- 5.3 The informal action outlined above may be appropriate in many cases and will often be sufficient to resolve matters. A formal complaint should only be considered as a final option if the unacceptable behaviour begins again or in exceptional circumstance such as the nature of the incident(s) warrants a more formal approach.
- 5.4 The HR team will help to resolve difficulties by providing independent confidential advice and support. Intervention such as professional mediation or counselling can be provided at any stage in the process. By choosing an informal resolution or mediation an employee does not prejudice their right to have a complaint investigated and considered formally should the issue not be resolved and the alleged harassment or bullying continues.
- 5.5 A note to file must be provided by the line/investigating manager, following the conclusion of the informal stage of the procedure.

## 6. Stage 2 – Formal Action

- 6.1 Formal action will begin if, after monitoring, the informal action has not been acceptable to the complainant, or if the complainant wishes to progress straight to the formal stage.
- 6.2 The purpose of the formal stage is to ensure that the perpetrator stops the unwanted and unacceptable behaviour. Investigation in accordance with the [Grievance Policy](#) will be used to investigate the case of the complainant and provide a resolution. A thorough and impartial investigation must be undertaken with care and sensitivity.
- 6.3 Should the investigation find there is a case to answer, the Disciplinary Policy will be invoked, as appropriate. [Disciplinary policy | Reading](#)
- 6.4 The Council must protect the rights of both the respondent as well as the complainant during the investigation, and therefore confidentiality is crucial. The procedure for taking and admitting witness statements will follow the Grievance Policy. Witnesses can request anonymity and this will be granted if appropriate, but ideally it is preferable for witnesses to be known in the interest of openness and natural justice.
- 6.5 Outcomes of disciplinary hearings will not be disclosed to third parties due to privacy and confidentiality.



## 7. Follow-up

- 7.1 Following a formal bullying or harassment complaint, either party may be concerned about working with the other again. Due regard of such views should be taken into account when offering counselling or mediation and a transfer of one or both parties to another section or department may be appropriate in some cases and without disadvantage to the complainant's terms and conditions where feasible. The situation should be monitored carefully by the line manager going forward, in discussion with both parties.
- 7.2 If either the complainant or the respondent believes they have not been dealt with fairly, they should appeal using the Grievance Policy.
- 7.3 Should the complaint be found to be untrue or malicious, disciplinary action may be taken in accordance with the disciplinary policy.

## 8. Getting Support

- 8.1 The Council's Employee Assistance Programme (EAP) provides free, confidential telephone counselling and support and is available 24/7. Telephone 0800 282193 (minicom 0800 0854739) and quote username RBC. Support is also available online at [www.livewell.optum.com](http://www.livewell.optum.com) (Username: RBC).
- 8.2 Trade Union – members of a trade union can speak to their local representative if they have any concerns. You can find the contact details for trade union representatives on the Council's intranet or by following this [link](#).
- 8.3 HR and managers - You can also speak to your line manager or to a member of the HR team. You can find the contact details for HR on the Council's intranet or by following this [link](#).
- 8.4 ACAS (Advisory, Conciliation and Arbitration Service). You can contact the ACAS Helpline for free and impartial advice, whether you are an employer, employee or representative. The telephone number is 0300 123 1100. It is available Monday to Friday 8am to 6pm. You can also use the [ACAS Helpline Online](#) tool.
- 8.5 Samaritans - A charity who can provide emotional support for employees who are struggling to cope and need somebody to listen to them. They can be found at [www.samaritans.org](http://www.samaritans.org).

## 9. Data protection and retention of employee records

- 9.1 The Council will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken, in accordance with its data protection policy. Such data is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to such complaints. It will be held on an individual's personal record file, where appropriate, which is retained for seven years after their date of leaving the Council. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the data protection policy

immediately. It may also constitute a disciplinary offence, which will be dealt with under the Council's [Disciplinary Policy](#).