

## **DEALING WITH HARASSMENT AND BULLYING AT WORK – POLICY AND PROCEDURE FOR STAFF**

### **1. Policy statement**

The College is committed to the elimination of discrimination on the grounds of sex, marital status, sexual orientation, race, colour, nationality, creed, or religious belief, ethnic or national origins, age and disability. It is the right of every member of staff to work or study without fear of harassment or victimisation. The Corporation and Recognised Trade Unions recognise the problems associated with harassment and are committed to providing an environment in which all individuals can operate effectively, confidently and competently. If a complaint is brought to the attention of management, it will be investigated promptly and appropriate action taken.

The College recognises that any form of harassment or bullying of employees or students whilst at work is entirely inappropriate and can seriously undermine working relationships and ultimately affect the quality of services provided. At a personal level it can cause extreme distress and anxiety and can affect health, performance, promotion or job prospects. In some cases, it is unlawful and a criminal offence.

A separate policy exists for Dealing with Bullying and Harassment of students.

**Any form of harassment or bullying is unacceptable in the College, whether or not it is unlawful.**

The College is committed to:-

- ensuring that all staff are treated with dignity by promoting a culture where harassment or bullying is neither condoned nor tolerated where it is found to exist
- providing a climate where staff have the confidence, knowledge and appropriate skills to identify and deal with any harassment or bullying issues
- ensuring that any complaints of harassment and bullying are investigated quickly, effectively and sensitively
- ensuring that all staff are aware that incidents of harassment and bullying as well as malicious, claims of harassment and bullying are regarded seriously, can amount to gross misconduct and as a consequence, can be grounds for disciplinary action, including dismissal.

### **2. What is Harassment?**

Harassment is defined as any conduct which is unwanted by the recipient, or any such conduct based on the above characteristics which affects the dignity of any individual, or group of individuals at work. Harassment may be repetitive, or an isolated occurrence against one or more individuals.

Harassment may be:

- Physical - contact, assault or gestures, intimidation, aggressive behaviour
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter based on any of the above characteristics
- Non-verbal - offensive literature, pictures, e-mails, text messages, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities
- Bullying - persistent, offensive, abusive, intimidating or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.

### **3. Responsibilities**

It is the duty of every member of the College and those visiting the College premises, to take responsibility for their behaviour and modify it if necessary, as harassment is not acceptable under any circumstances. This includes behaviour at events organised by the College outside of normal office hours or off-site. In the event of a failure to do so, disciplinary action in accordance with the College's disciplinary procedure may be a consequence and anyone found responsible may also be held personally liable should the person who has been harassed undertake legal proceedings. Managers are required to ensure that the policy is effectively applied and that harassment does not occur.

Anyone experiencing harassment has the right to avail themselves of the procedure on harassment. The Corporation will ensure that this policy is widely publicised and its contents made known to all staff, students, contractors and visitors.

### **4. Training**

Training will be provided, as appropriate, to all staff as part of the induction process. Specific training will also be provided for managers to ensure they gain the knowledge, skills and awareness necessary to operate the College's policy and relevant legislation efficiently and effectively and to communicate this to their staff and students.

### **5. Supportive Framework**

The College recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for employees to raise complaints directly with their line managers. Accordingly, employees and students may approach

a colleague, (who must be an employee of the College) or trade union representative to accompany them to raise the issue with management in line with procedure.

## **6. Review and Monitoring of the Procedure**

It will be the responsibility of the Director of HR & Projects to review and monitor the progress of the policy and procedure and to recommend change where necessary.

## **7. Procedure for dealing with Harassment**

### **7.1 Introduction**

This procedure has been designed to deal with complaints of harassment, which need to be handled in a sensitive manner. The procedure, therefore, seeks to ensure minimal stress for the complainant, timely resolution of complaints and a degree of flexibility appropriate to individual circumstances.

At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.

This procedure is separate from the disciplinary procedure, which may be used following the results of the investigation under this procedure. Alternatively, an incident may be so serious, or there may be sufficient evidence to proceed straight away with the disciplinary procedure.

It is recognised that in bringing a complaint, the complainant must be protected from further harassment or detriment arising from the alleged incident and associated complaint.

### **7.2 Keeping a record**

It is important that anyone who believes that they have suffered from harassment should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

Detailed notes should include the following:

- date;
- time;
- place;
- name of person harassing them;
- what actually happened;
- how the person actually felt at the time;
- name of any witnesses;
- action taken and whether reported to management;
- any correspondence relating to the incidents and subsequent complaints.

### **7.3 Stage 1: Informal Resolution**

Every effort will be made to resolve the issue informally in the first instance, if this is appropriate. As soon after the incident as possible, the individual should make it clear to the offender that the incident is not welcomed and should stop. If too embarrassed to speak directly, this could be done by asking a colleague (who must be an employee of the College) or trade union representative to do this for them. A note should be made of the action taken.

If these informal attempts have been unsuccessful or the employee feels unable to approach the offender in this way, they should then contact the HR Manager, Equality and Diversity Manager, Training and Development Manager, or line manager (if appropriate) for advice on the next stage. If the line manager is the person against whom the complaint is being made, the matter should be reported to the next manager above.

Any discussion will be confidential and no further action will be taken without the consent of the complainant. Unless the manager considers the incident so serious, in which case they will inform the employee of their need to take action against the alleged harasser, following consultation with the employee concerned.

Employees may have a colleague who must be an employee of the College or a trade union representative present at all stages of the procedure.

One of the following courses of action may then be followed:

- to take no further action at this stage, but to record any future incidents as recommended above and to keep the situation under review, enabling the employee to seek further advice in the future if necessary;
- if the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
- make a formal complaint.

### **7.4 Counselling**

If the behaviour does not cease, or is serious, then the complainant can contact the HSA confidential helpline on 0870 600 1505 (24 hours) quoting 71697 to talk in confidence to a trained professional.

HSA has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between the counsellor and employee are confidential.

### **7.5 Stage 2: Formal Complaint**

If the harassment persists and the individual wishes to make a formal complaint this should be put in writing to their CLMG Manager, or the next in line manager if their CLMG manager is implicated. The letter needs to specify that it is a formal complaint giving details of the incident(s).

## **Investigating a complaint**

The investigating managers are required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

All departments are expected to co-operate in releasing staff from their normal duties to participate in the investigation as required.

## **Time Limits**

The investigation should normally be completed within 15 working days of the formal complaint being received. On occasions, it will not be possible to keep within this timescale. In such cases, the complainant and the alleged offender must both be kept informed of any need for an extension and the likely timescale for completion.

## **How the Complaint will be Investigated**

### **Initial response**

The investigation will be carried out by the CLMG manager who received the complaint and at least one other manager, nominated by the Director of HR & Projects. He/she will ensure that as far as possible, the investigation team reflects the nature of the complaint in terms of sex/race/disability. This may require bringing in a third person.

The person against whom the complaint has been made should be informed of the nature of the complaint and sent a copy of the letter and details of the procedure involved and advised to seek representation.

### **Possible suspension or redeployment during the investigation**

In order to relieve the stress and pressure on one or both parties; to prevent the risk of further incidents and to prevent victimisation it may be necessary to suspend the alleged harasser.

Suspension under this procedure does not constitute part of the disciplinary procedure and will be on full pay.

Temporary redeployment of one or both parties may also be considered. The Director of HR and Projects will determine whether such measures are appropriate.

### **Meeting the parties involved**

The investigation managers will meet with the complainant and the alleged harasser separately and with their respective representatives. Detailed written statements will be taken, which the relevant parties should sign and date, confirming that they agree with the statements collected. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.

## **Meeting with witnesses**

The investigators will meet with others who may have information which is relevant to the issue. Notes of these meetings will also be taken and the individuals called will be able to be accompanied by a work colleague who must be an employee of the college or a trade union representative.

The investigators will need to ensure that they have collected all relevant written materials.

## **Consideration of Information**

The investigators will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.

In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the investigators will consider whether on the balance of probabilities, the incidents/actions occurred.

## **Further action**

The investigators will consider the facts and will decide either to:

- take no action, that is the allegation has not been substantiated; or
- initiate the College's agreed disciplinary procedure; or
- take management action other than to initiate the disciplinary procedure. This could include:
  - a recommendation of redeployment of one or both parties, either on a temporary or permanent basis. Should a transfer take place, this must not be on any less favourable terms and conditions of employment, unless action is taken within the disciplinary procedure to demote an individual;
  - setting up arrangements to monitor the situation;
  - required attendance on training courses;
  - making arrangements for both parties to work as separately as possible within the same workplace.

## **7.6 Keeping management records**

After a complaint has been heard, the following storage arrangements should be followed:

- Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant makes a note of their meeting.
- Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
- Where the matter proceeds to a disciplinary hearing, then the storage of records should be in accordance with the disciplinary procedure.

## **7.7 Action when the complainant is dissatisfied**

If the complainant or alleged harasser disagrees with the decision, then they have the right to raise this matter under the College's grievance procedure.

## **7.8 The disciplinary process**

The normal disciplinary procedure should be applied, however the following points should be taken into account:

- The complainant will be encouraged to attend the disciplinary hearing as a witness.
- If they do attend, then they should be allowed to bring a colleague who must be an employee of the College, or a trade union representative.

**Pathway for Dealing with Complaints of Harassment**



