

ANTI-BULLYING AND HARASSMENT POLICY

1.0 INTRODUCTION

1.1 The council is committed to providing a work place environment free of bullying and harassment, where everyone is treated with dignity and respect. Bullying or harassment can have serious consequences for the council and the health and wellbeing of individuals.

Bullying or harassment of any nature is always unacceptable; it may make people unhappy, it could result in loss of valued staff, high levels of stress and anxiety, reduced job performance, undermine morale and affect the personal lives of those who suffer. This policy provides a way to heighten awareness of the need for fair treatment, for individuals to raise their concerns about bullying or harassment and have these concerns dealt with quickly, fairly, sympathetically and confidentially.

1.2 This council is committed to providing a working environment for its entire staff that is comfortable and free from all forms of bullying and harassment. The council adopts a zero- tolerance approach towards bullying and harassment.

1.3 If the council has evidence to believe that an employee may have been bullying or harassing another employee, whether or not there has been a formally raised issue, the council will instigate an investigation.

1.4 Any employee who believes that another employee's conduct amounts to bullying or harassment has the absolute right to raise it as an issue to their line manager/human resources or if the issue is about the line manager, the next level manager.

1.5 Employees are encouraged to report any incidents of bullying or harassment that they experience or witness so that the council can investigate and resolve the matter. The council will take all such incidents seriously and an employee who raises a genuine incident of bullying or harassment will be protected and will not be penalised or victimised in any way. Victimisation is a disciplinary offence.

2.0 THE POLICY AIMS TO:

2.1 Prevent all forms of bullying and harassment by employees towards other employees of the council.

2.2 Help identify when bullying or harassment takes place.

2.3 Illustrate actions which may be regarded as bullying or harassment.

2.4 Provide a way for employees who believe they have been bullied or harassed to bring about action to stop the bullying and harassment without fear of reprisal.

2.5 Reassure employees that any issue will be taken extremely seriously and will be dealt with in a timely manner and treated in confidence. Any information relating to concerns about an employee's conduct or behaviour, investigations or disciplinary hearings and action should be disclosed only to those who have a direct involvement in dealing with these concerns, emphasising the need for confidentiality.

2.6 Warn employees found guilty of harassment or bullying that they may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships adversely affected. Serious harassment may be a criminal offence.

3.0 SCOPE

3.1 This policy applies to all employees of Tewkesbury Borough Council, contractors, agency staff and anyone engaged to work at the council, whether by direct contract with council or otherwise. If the complainant or the alleged harasser is not employed by the council, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the council could not dismiss the worker but would instead ask the agency to remove the worker, whilst the investigation and any disciplinary proceedings are concluded. The position regarding the Chief Executive, Chief Officers, and Elected Members, is dealt with in Sections 3.3 and 12, Responsibilities.

3.2 Bullying and harassment of employees by members of the public will not be tolerated. All incidents raised will be taken seriously and dealt with in line with this policy.

3.3 As paragraph 3.1 makes clear the principles and requirements of this policy apply to all officers of the council. It may be necessary however to modify the procedure where necessary, for example where the complaint is made against the Chief Executive or a Chief Officer and in the absence of a more senior officer to investigate it is necessary to use external people to investigate.

4.0 POLICY STATEMENT

4.1 It is the policy of Tewkesbury Borough Council to support the right of all people to be treated with dignity and respect at work. Any behaviour that undermines this is totally unacceptable. We know that workplace bullying and harassment has a detrimental and negative affect on individuals and therefore operational efficiency. We are committed to making every effort to provide a working environment free from bullying or harassment. In particular, this includes abusive or offensive behaviour or actions with regard to gender, race, sexual orientation, gender reassignment, disability, religion/belief or age. Our aim is to provide a working environment that respects the rights of each individual employee and where colleagues treat each other with the utmost respect and dignity.

4.4 All matters relating to any part of this policy are to be treated in the strictest confidence, given the sensitivity of such matters. This applies whether at an informal stage, or in obtaining relevant information at investigatory or disciplinary stages. Any breach of confidentiality may involve disciplinary action against those responsible.

4.5 This policy also applies to behaviour at or after work related functions held outside of normal working hours, either on or off the council's premises, such as Christmas parties, leaving celebrations, working lunches etc., if it has a bearing on the working relationship. Detrimental texts sent via mobiles or images of work colleagues posted on external websites following work events could amount to bullying.

4.6 Disciplinary action under the Disciplinary Procedure may be taken against any employee considered to be in breach of this policy. Mediation and training may be appropriate in addition to or instead of action under the disciplinary procedure.

4.7 Employees will be protected from intimidation, victimisation, and discrimination or from suffering any other form of detriment for making a complaint or assisting in an investigation.

5.0 DEFINITION

5.1 Bullying and harassment are illegal on a number of grounds. If insufficient steps are taken to protect employees against harassment or bullying, the council could face claims for compensation and even criminal damage. The key areas of legislation are the Equality Act 2010, the Data Protection Act 1998 and the Employment Rights Act 1996, and the Health and Safety at Work Act 1974. The council and individuals can be ordered to pay unlimited compensations where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

Harassment is defined by the Equality Act 2010 as “unwanted conduct having the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.” Unwanted conduct having the prescribed purpose or effect will be unlawful if it includes:

- On grounds of race or ethnic or national origins
- On the grounds of the complainant’s sex
- On the grounds of religion or belief
- On the grounds of sexual orientation
- On the grounds of age
- On the grounds of disability
- On the grounds of gender re-assignment

This is not an exhaustive list of harassment further examples are described below.

5.2 Many people have different views about where the boundaries lie. This policy recognises the wide range of possible situations which might be encountered in the workplace, from “innocent” or inadvertent behaviour, which nevertheless offends, through to more serious cases of deliberate and persistent bullying or harassment.

5.3 Bullying can manifest itself in persistent, offensive, abusive, intimidating, malicious or insulting behaviour, or perhaps a misuse of sanctions. It can make the recipient feel upset, threatened, humiliated or vulnerable, undermine self-confidence and may cause stress. The behaviour is unsolicited, fails to respect the rights and dignity of others, and in doing so it also fails to recognise the impact that the behaviour or actions may have.

5.4 These actions may not always be face to face, but can be via the telephone, written correspondence, e-mail, social networks, text messages or any medium which results in an adverse effect on the individual’s performance, personal safety or well being.

5.5 Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel **offended or humiliated** by it, then that individual has every right to say so, and their right to do so will be respected. If the individual feels that they have been treated in a way that is demeaning and unacceptable then they have grounds **to raise it as an issue**. Legally, the intention of the person who carried out the action is seen as irrelevant.

5.6 Conduct which may amount to bullying or harassment is often not intended to cause offence but occurs because of a lack of awareness of other peoples feelings.

6.0 EXAMPLES OF BULLYING AND HARASSMENT

6.1 The terms bullying and harassment are often regarded interchangeably. This list includes some examples of bullying or harassment covered by this policy (it is not an exhaustive list).

6.2 Physical: unwanted physical contact or intimidation, including unnecessary touching, patting or brushing against another employee, assault, coercing sexual behaviour, physical threats, insulting or abusive behaviour or gestures.

6.3 Verbal: remarks about appearance, derogatory or lewd comments, innuendoes, persistent name calling, statements which are suggestive, unwelcome, and abusive and offensive.

6.4 Behaviour: that denigrates or ridicules; intimidatory or physical abuse; making threats; attempts to stir up hatred against an individual or group.

6.5 Other: display or circulation of material (posters, magazines, calendars) which are sexually or racially offensive or degrading.

6.6 The following list gives more specific examples of behaviour which may amount to bullying or harassment, it is not exhaustive:

- Humiliating or ridiculing others about their work
- Ordering others to work below their level of competence for no reason
- Removing areas of responsibility without consultation
- Spreading rumours or gossip
- Ignoring or sending others to “Coventry”
- Shouting
- Spontaneous rages, often over trivial matters
- Invading personal space, shoving, blocking or barring the way
- Suggesting that others should leave the organisation
- Being hostile to others
- Constantly criticising others’ work and efforts
- Ignoring the views of others
- Practical jokes
- Setting unreasonable tasks or deadlines
- Making false allegations against others
- Engaging in excessive monitoring of the work of others
- Removing the rights of others
- Unreasonably obstructing an individual’s progress at work by blocking promotion or training opportunities without a genuine business reason
- Continuously or unreasonably blocking leave or preventing the use of flexi-time working hours (where flexi-time is in operation)
- Causing embarrassment by disciplining staff in public

7.0 WHAT IS NOT “BULLYING” OR “HARASSMENT”

7.1 There is a need for employee performance to be managed in order to bring about the aims of the council and this policy does not seek to diminish a manager’s ability to do this. Legitimate and constructive criticism of an employee’s performance or behaviour at work, which is delivered in an appropriate manner, is not bullying or harassment. It is also recognised that an occasional raised voice, difference of opinion or argument **may not** constitute bullying.

7.2 However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

8.0 UNTRUE ALLEGATIONS

8.1 If an employee makes an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against the employee. If, however, an employee makes an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against that employee and in such circumstances the council may not be able to preserve the confidentiality of the complainant.

9.0 THIRD PARTY HARASSMENT

9.1 The council could be found to be liable for harassment of an employee in the course of his or her employment, based on any of the protected characteristics. If management are aware that a third party for example a customer, client or supplier has subjected an employee to harassment on at least two previous occasions. The third party could be the same or a different person on each occasion and the employee may not necessarily suffer the same type of harassment.

10.0 HARASSMENT BASED ON ASSOCIATION

10.1 It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic. For example, if an employee is denied a promotion because she is taking care of a disabled relative and the line manager thinks that the employee will not have any time for new duties, this would amount to associative discrimination as disability is one of the specified protected characteristics.

11.0 HARASSMENT BASED ON PERCEPTION

11.1 It is unlawful to discriminate against or harass any individual based on perception that he or she has a protected characteristic when he or she does not, in fact, have the protected characteristic. For example, a male employee may look much older than his age. If the council does not allow him to make presentations to external customers because his line manager thinks that he is too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though he may be relatively young.

12.0 RESPONSIBILITIES

12.1 Employees

12.1.1 All employees have a personal responsibility not to behave in a way that could be offensive to others and should comply with the spirit and content of the policy and treat colleagues fairly and with dignity and respect. They should make it clear when they find another's behaviour unacceptable either informally, or if necessary, through the formal procedure. All employees have a responsibility to challenge unacceptable behaviour.

12.2 Managers

12.2.1 Managers have a responsibility to create a working atmosphere encouraging acceptable behaviour amongst their employees. They should also be responsive and supportive to any employee who **raises an issue** of harassment or bullying, and to the employee accused. Managers will act quickly, provide clear advice on the procedure, maintain confidentiality and monitor the situation after the **issue** has been resolved. **If the manager recognises unacceptable behaviour, they should take initial steps to resolve the issues.**

12.3 Human Resources

12.3.1 It is the responsibility of Human Resources to ensure procedural compliance and fairness. They will ensure the complainant and the respondent are informed of the procedure and kept up to date on what actions are being taken. They will be involved in the investigation and will advise the investigating officer on the correct procedure. A Human Resources Officer should be present at any formal meetings held.

12.4 Elected Members

12.4.1 Councillors undertake on accepting office to comply with the provisions of the Tewkesbury Borough Council Protocol for Member/Officer Relations and the Member Code of Conduct. The Code contains certain express obligations (such as the requirement not to bully any person, to treat people with respect and to do nothing to bring the council or the Councillor's office into disrepute). A breach of these obligations may render a councillor liable to investigation. If a breach of the Code is found, sanctions may be imposed.

12.4.2 Elected Members carry out some of their duties in the workplace and will come into contact with the council's employees. Elected Members will be expected to conduct themselves in a way that is consistent both with the provisions of their Code and this policy.

13.0 PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

13.1 Advice

13.1.1 The council recognises that it can be difficult to raise an issue of bullying or harassment, but anyone being bullied must take action. Tewkesbury Borough council has developed both an informal and formal procedure to ensure that **issues** are dealt with in a sensitive and confidential manner.

13.1.2 Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. The council operates an open door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis. However, if this is not appropriate, employees can discuss the situation with a member of the Human Resources section, a Trade Union Representative, the next higher level manager or work colleague or with a Contact Officer who can act either as a "listening ear" or give advice on measures which can be taken to resolve the situation. A list of Contact Officers can be found on the intranet. The Contact Officer's role is described in paragraph 14.

13.1.3 Any one giving advice will:

1. Ensure the conversation remains confidential as far as possible
2. Listen sympathetically
3. Help employees consider objectively what has happened
4. Discuss what outcome the employee would wish to see
5. Draw attention to the available procedures and options
6. Help weigh up the alternatives, but without pressure to adopt any particular course
7. Assist the employee in dealing with the situation (if the employee asks for help)

13.1.4 Confidentiality will be maintained as far as possible. However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious or potentially unlawful, the council reserves the right to investigate the situation – as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged bully/harassers behaviour.

14.0 **CONTACT OFFICERS**

14.1 The Contact Officer will meet the individual and maintain where possible confidentiality. They will provide support to employees raising the **issue(s)** of bullying and/or harassment, explain how the policy works, establish the facts from the employee's point of view, agree appropriate action with the employee and aim to prevent a re-occurrence.

14.2 There may be circumstances where the Contact Officer may be compelled to act in order to protect other employees or the council's position. In these circumstances the approach will be agreed with the employee and anonymity maintained where possible. In cases of such a serious nature that anonymity cannot be protected, the employee will be advised by the Contact Officer.

14.3 The role of the Contact Officer is to work with the individual to identify informal resolution. If the individual decides to take the case to a formal level the role of the Contact Officer ceases.

15.0 **MEDIATION**

15.1 To help an employee or group of staff to address and resolve bullying or harassment in the workplace, a process of mediation could be available within both the informal and formal procedures. Mediation is a process which brings together people in the presence of an impartial third party, which facilitates the individuals to come to a joint resolution. Mediation seeks to provide a speedy solution to individual workplace conflict. The process is flexible and entirely voluntary. The process offers a safe, confidential space for parties to find solutions that are acceptable to each side.

15.2 The mediation process will be conducted as follows:

- The parties concerned, not the mediator, decide on the terms of any resolution. The mediator does not offer advice or solutions, but facilitates that all possible options are explored to provide an agreed resolution.
- The service will be co-ordinated by the Human Resources Section. Mediation and the choice of mediator must be agreed by both parties.
- The details of the case will be given to the appointed mediator to facilitate the process.
- The appropriate manager will be informed of the wish to use mediation as an attempt to resolve issues relating to the alleged bullying or harassment.
- Both the complainant(s) and the individual who is the subject of the complaint will be asked in writing if they wish to participate in a mediation process.
- There may be a number of separate meetings before there is a joint meeting.

- Where a joint meeting breaks down, the appropriate manager will be informed that mediation was not successful. Where the agreed mediation breaks down, then recourse to formal procedures, as detailed below, may be necessary.
- Any agreements reached through mediation will be jointly signed by all parties. A copy of the agreement will be retained by the Human Resources Section for monitoring purposes.
- It is important that the mediation process is carried out confidentially with only the fact that mediation is taking place being shared with the appropriate manager, Human Resources and the relevant trade union representative (if appropriate).
- If the matter is still not resolved through a mediation process then the issues are placed in the formal bullying and harassment process.

16.0 WHAT TO DO IF YOU ARE FEELING BULLIED OR HARASSED

16.1 INFORMAL PROCEDURE

- 16.1.1** Before raising **the issue formally** the employee is encouraged in the first instance to talk directly and informally to the person whom he/she believes is creating the problem and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop, otherwise a formal complaint will be made.
- 16.1.2** It may be that the person whose conduct is causing offence is genuinely unaware that his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.
- 16.1.3** If the employee would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support should be sought from a Contact Officer or an appropriate independent person who could be a friend, colleague, a human resources adviser, trade union representative, or their service/line manager or their chief officer. This person can play a vital role, by providing a confidential avenue for an informal approach and perhaps the opportunity to resolve the complaint without the need for any further action.
- 16.1.4** It is advisable that the employee keeps a record of this approach. If, for example, there is a subsequent repetition, the record will be helpful if the employee decides to raise the matter formally. Include:
- Who the issue is about
 - The time, date and place
 - What happened
 - The employees feelings at the time and their reactions
 - The response of the bully/harasser
 - The effect on complainants work
 - Any witnesses
 - Action plan(s)/next step(s) agreed with the Contact Officer
- 16.1.5** The council encourages staff to alert their manager to the problem (where it is appropriate and feasible) so that he/she can give advice and/or monitor the situation.

16.1.6 It is acknowledged that the alleged bully/harasser may be an employee's direct line manager. If this is the case (and a direct approach is not possible) the employee should approach the next level manager. In these circumstances, all references in this procedure to "the line manager" should be regarded as that next person in the supervisory chain.

16.2 **FORMAL PROCEDURE**

16.2.1 The following procedure will be invoked when alleged cases of bullying or harassment have taken place and/or where the informal procedure has failed to resolve the problem. The complaint must be put in writing to their line manager or if he/she prefers the next level manager. The employee should clearly state that he or she wishes to activate the formal procedure, the reasons for doing this with specific accounts of the unacceptable behaviour. In any event the **issue** must be reported to the Human Resources Section.

16.2.2 **In raising the issue formally**, the employee should be prepared to state:

- The name of the person whose behaviour he/she believes amounts to bullying or harassment;
- The type of behaviour that is causing offence, together with specific examples if possible;
- Dates and times when incidents of bullying or harassment occurred, and where they occurred;
- The names of any employees who witnessed any incidents, or who themselves may have been the victims of bullying or harassment by the same person; and
- Any action that the individual has already taken to try to deal with bullying or harassment.

16.2.3 An Investigating Officer will be appointed who is more senior than the employee against whom the allegations have been made and, where reasonably practicable, has no prior knowledge of the case. The Investigating Officer will be supported by a member of the Human Resources Section to carry out the investigation (the Investigating Team). Human Resources will be mindful to ensure that the Investigating Officer dealing with the complaint has had no previous involvement with the situation and has been formally trained to carry out investigations.

16.2.4 At this point the Investigating Team will explain the procedure to the complainant and the person against whom the complaint is being made (the respondent), their right to representation and their duty to give full assistance to the investigation. Both parties should be referred to counselling services, provided with a point of contact for the duration of the investigation and a provisional timescale for the investigation.

16.2.5 There may be a need to make arrangements to stabilise the situation during the investigation. Ways of allowing a 'cooling off' period should be considered and could include the taking of leave either paid, unpaid or flexi or being temporarily re-deployed to another section, subject to management discretion.

17.0 **THE INVESTIGATION**

17.1 The investigation will work on the principles of being speedily resolved, thorough, confidential, impartial and sensitive to the needs of all parties.

17.2 At this stage the matter will be investigated as outlined in the Council's Disciplinary Procedure. The Investigating Officer, will thoroughly investigate the complaint which will involve gathering evidence, obtaining statements, interviewing the complainant, the respondent and any witnesses.

- 17.3** The Investigating Team will arrange an initial meeting with the complainant to clarify the nature of the allegations being made, and to obtain further details allowing the investigation to proceed, such as the names of any witnesses to the acts of bullying or harassment complained of.
- 17.4** A letter will be sent to the respondent, outlining the basis of the complainant's complaint against him or her and will invite the respondent to a meeting to discuss the allegations. The letter should make it clear that the complaint is being investigated under the formal procedure prescribed by the Disciplinary Procedure and their rights to representation.
- 17.5** The employee, the respondent and any witnesses have a right to representation at any stage of the formal procedure, by a trade union representative, or to be accompanied by a work colleague.
- 17.6** The purpose of the investigation will be to determine whether the employee's allegations are founded.
- 17.7** Following the investigation a report will be written and will recommend one of the following courses of action:
- **No case to answer** - Not to uphold the complaint with reasons given for the decision, or
 - **Informal Resolution** - To uphold the complaint and undertake counselling and/or extra supervision for the respondent/complainant as appropriate if the complaint can be resolved informally, or
 - **Formal Action** -To uphold the complaint and recommend that there is a case to answer
- 17.8** It is the responsibility of the appropriate managers of both parties to initiate action required by the outcome from the investigation. If the investigation finds that the complaint is upheld, prompt action will follow, designed to stop the bullying or harassment immediately, and to prevent its reoccurrence. This may range from additional training for the respondent, through to possible disciplinary action (in accordance with the council's Disciplinary Procedure). In any event, the employee and respondent should be informed of the action to be taken within 10 working days of the outcome of the investigation. In the event of a Disciplinary Hearing, provision will be made for the complainant not to be in the same room as the respondent, if this is necessary.
- 17.9** Where disciplinary proceedings are instigated and where evidence about an employee's alleged misconduct has been obtained from third parties, the council reserves the right to withhold the identity of any or all parties if there is a legitimate reason to do so, such as where there may be a risk to the safety of others if the identity of witnesses is disclosed. In those circumstances, the council will consider providing a summary of the information to the employee.
- 17.10** If the investigation indicates that there is no case of bullying or harassment both parties will be given a full explanation by the Investigating Officer.
- 17.11** The investigation may show that there is no case to answer, due to a lack of positive evidence. However, where the complainant still feels aggrieved; this should be acknowledged because a lack of evidence does not necessarily mean that the bullying or harassment did not take place – only that it could not be proved. Both people may have to work together again and they should be assured of their rights and responsibilities under this procedure, including protection from victimisation. The manager(s) should be asked to set up monitoring procedures to see how they are coping.

17.12 Decisions taken under this policy do not preclude any employee from pursuing a grievance in the usual way, in accordance with the Grievance Procedure.

17.13 Consideration will be given to a voluntary transfer to another post for either party. Where a transfer is not reasonable or practical other ways of bringing about reconciliation will be considered. This may include sensitive supervision and guidance, professional counselling, or team building. If redeployment proves necessary, every effort will be made to redeploy the respondent and not the complainant.

18.0 FORMAL COMPLAINTS – GUIDANCE FOR INVESTIGATING OFFICERS

18.1 The Human Resources Section is available to support managers investigating complaints of bullying or harassment. In investigating the complaint it is important for the manager to consider the feelings of the complainant. What is offensive and unacceptable may vary according to the recipient.

18.2 In some instances there will be not be any witnesses or evidence to substantiate a complaint of bullying or harassment. In such cases it may be necessary for the manager to interview the complainant's colleagues and supervisor or an employee with whom the complainant discussed the bullying/harassment, to see if there has been any change in the complainant's behaviour or in the alleged bully's/harasser's treatment of any employee in the workplace. Evidence of other employees being bullied or harassed by the same person should be taken into account.

19.0 COMMUNICATION, TRAINING AND MONITORING

19.1 Communication

19.1.1 Prominent and regular communication of the policy is important to ensure all employees understand the council's commitment to provide and maintain a work place environment free from bullying and harassment. Employees should know how to raise issues, be confident these will be handled properly, and be clear about whom to approach for help. Communication of this policy and the Council's Equality and Diversity Policy will be consistent through induction and regular articles on the intranet and News4U highlighting these policies, the process and who is available to help.

19.2 Training

19.2.1 A number of employees will be appointed to act as Contact Officers and Mediators - their role is explained in paragraph 14. They will be given training to ensure they meet the needs of the employees and are able to guide the process. Investigating Officers must undertake appropriate training.

19.3 Monitoring

19.3.1 Where, why and how issues raised occur will be monitored by Human Resources to identify any trends. Anonymous details are recorded on the public drive and updated by the Contact Officers. Areas where there is evidence that bullying/harassment are recurrent will be investigated.

19.3.2 Follow-up is also necessary to ensure the issue has been effectively handled, the issue resolved, and that no victimisation or retaliation has occurred.

19.3.3 The council will also ensure that the employee who committed the act of bullying or harassment is not victimised in any way.

19.3.4 This policy will be reviewed at any time (through consultation) if it is considered that the policy is not meeting its objectives.

20.0 PROVISION OF SUPPORT

20.1 The council recognises the need for employees who feel bullied or harassed to seek support and advice. The support should:

- Enable the employee to identify their experiences
- Advise the employee of their options to help stop behaviour
- Act as a link with management to raise the issue
- Help the employee to obtain counselling as required
- Support the employee by accompanying them to both informal and formal meetings as appropriate.
- Ensure a high level of confidentiality

20.2 The council also recognises the need for employee's accused of bullying or harassment to seek support and advice and the same provision of support is available to them as to the complainant.

20.3 Support is available from a Trade Union Representative and a member of the Human Resources Section.

20.4 Any parties involved in a bullying or harassment case have access to use this facility at any time if they feel they need to talk to somebody in confidence that is unconnected to the case.

21.0 COUNSELLING SERVICE

21.1 The council has an arrangement with an experienced **independent** counsellor to offer a free counselling facility to any employee who feels this would be of some benefit. It is a completely confidential service offering one-to-one counselling. No details or records will be disclosed without the explicit permission of the member of staff concerned. Employees should seek contact details from the Human Resources Section in the first instance.

21.2 Counselling can be particularly useful where the investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint.

21.3 Counselling may resolve the issue or help support the employee accused as well as the complainant.

22.0 OCCUPATIONAL HEALTH

22.1 Employees would be encouraged to agree to be referred to Occupational Health where there are concerns about their health and well being.

23.0 **APPEAL**

23.1 In the event of the complaint not being upheld, the complainant can ask for the case to be reviewed. This will be conducted by a member of HR and a manager independent of the original investigation and any previous meetings, who will examine the evidence recorded during the investigation and any previous meetings. Such review can only be considered appropriate:

1. If there are flaws in the way the investigation was conducted,
2. If the procedure was tainted with bias,
3. If new evidence has come to light since the conclusion of the investigation,
or
4. If the final decision was manifestly unfounded.

An appeal will not involve undertaking the investigation procedure afresh. The complainant must request a review within 10 working days of the decision and provide written reasons for the request along with any additional supporting evidence. Where the formal disciplinary procedure is invoked and the complaint is upheld the respondent has the right of appeal under the disciplinary procedure.