



ORGANISATIONAL DEVELOPMENT

Issued: April 2024

4. Definitions

The definition of harassment within the context of the Equality Act 2010 is:

Whether intentional or not, harassment is unacceptable and all complaints will be treated seriously.

Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means which undermine, humiliate, denigrate or injure the individual or a group of employees. This kind of conduct is usually, but not always, sustained over a period of time.

Examples of bullying are:

- shouting at an employee in front of others
- sarcastic comments deliberately aimed at the individual
- ridiculing someone or deliberately setting them up to fail
- overbearing supervision or other misuse of power or position
- making threats about job security without foundation
- undermining a competent worker by overloading and constant criticism
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Harassment can take many forms including (but not limited to):

- Spreading malicious rumours, or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation, religion or belief, gender reassignment, marriage and civil partnership, pregnancy and maternity);
- Copying memos that are critical about someone to others who do not need to know;
- Ridiculing or demeaning someone i.e. 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; including signs, pin ups and calendars (Wales TUC have produced a Sexual Harassment Toolkit which is available via their [website](#));
- Making threats or comments about job security without foundation;
- *Deliberately* undermining a competent worker by overloading and constant criticism;
- Preventing individuals progressing by intentionally blocking promotion or training opportunities;
- Jokes, banter, emails or deliberate abuse directed at a person or group perceived as inappropriate;

- Using social networking sites such as Facebook, X, etc. to make inappropriate comments on colleagues. This includes misuse of such sites outside of working time.

Victimisation is being treated unfairly because you made or supported a complaint
Protected

characteristics under the law are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Whilst the list of above examples of bullying and harassment are not exhaustive it is representative of many types of behaviour that others may object to and find offensive which could create an intimidating working environment.

An important consideration in cases of bullying, harassment and

6. Procedure

The decision-maker may choose not to investigate a dignity at work complaint that is raised a considerable length of time after the incident or issue arises. This will generally apply to complaints raised more than 6 months after the incident or issue occurred, although this will depend on the facts of each case.

Issues of bullying, harassment or victimisation can be addressed using either the informal process and/or the formal process as outlined below. The complainant has the right to proceed to _____ if they feel that:

a. the complaint is serious and therefore the informal processes are insufficient

or

b. has tried to resolve the issue informally without success

STAGE 1 - INFORMAL

Many problems can be resolved at a very early stage by using some or all of the following methods:

- Speaking to the alleged harasser - This would involve the complainant speaking to the alleged harasser explaining that they feel uncomfortable in the way that they act towards them. If complainants feel unable to do this, they may ask their Manager, Headteacher or a colleague to do this on their behalf. If the alleged harassment concerns the persons Manager Manager.

In the case of concerns being raised against a Headteacher then this should be directed to the Chair of Governors. Employees may wish to seek support from their Trade Union representative or Organisation Development to facilitate reporting the complaint.

- Employees may wish to seek support from a trained Counsellor (see section on Employee Assistance Programme).
- Mediation

STAGE 2 - FORMAL

Making a formal complaint

If the complainant feels it is necessary to progress the matter more formally, the complaint must be made in **writing** either to their Manager or next appropriate Senior Officer/Headteacher/Chair of Governors (in the case of a complaint against a Headteacher).

Duty of Care During Investigation

The Council/School has a Duty of Care towards all employees, therefore depending on the nature of the allegations, and to ensure that the integrity of the investigation is not compromised, it may be difficult for both parties to continue to work in the same environment. In specific circumstances, it may be appropriate to consider temporary redeployment (if available) or suspension, however, it would be advisable in situations like this to contact your OD Team to discuss alternative options in the first instance. In cases where suspension is being considered this must be done in line with the Council/School Disciplinary Procedure. All staff involved should be notified of the Council/School Employee Assistance Programme and where additional support can be accessed.

Investigation Process

An Investigating Officer will be assigned to explore the allegations made by the complainant and provide a written report of their findings.

The employee will be invited to a meeting with the Investigating Officer and will be informed in writing of the date, time and location of the meeting together with confirmation that the employee has the right to be accompanied by a Trade Union representative or a workplace companion.

The purpose of this meeting is to discuss the allegation(s) and to determine how they believe the matter may be resolved. The complainant should be advised that the allegations are being taken seriously however, if allegations are found to be malicious or vexatious, that disciplinary action may be initiated. In addition to the meeting with the complainant any witnesses considered relevant will be interviewed and signed statements taken. Witnesses must be advised that, should the matter proceed their statement may be referred to or they may be called to give evidence which could include at a disciplinary hearing or Employment Tribunal.

All those involved in the investigation should be reminded of the relevant confidentiality statement.

An accurate record will be taken of all relevant meetings and notes distributed as appropriate. Once the Investigating Officer has completed their investigation they will prepare a report containing their findings as soon as possible.

Investigation Outcome

The investigation should normally be concluded in a timely manner following the meeting with the complainant, however, this will depend on the complexity of the complaint and the number of individuals to be interviewed.

The Investigating Officer should conclude the written report and in the cases of corporate cases will consider the next steps. In cases for school-based staff the investigator will present the report to the Headteacher (Chair of Governors, in case against a Headteacher) who will consider the next steps.

Following completion of the investigation, one of the following outcomes need to be determined:

- On the balance of probabilities there is a case to answer and the matter referred to the relevant Disciplinary Policy regarding the alleged harasser;
- No case to answer therefore no further action;
- Both parties partially responsible therefore recommend support through mentoring/training, counselling and/or mediation;
- Complainant raised a vexatious claim and matter referred to the relevant Disciplinary Policy;
- Where applicable - no formal action but consideration given to potential redeployment of either party **if** a suitable post can be identified on the grounds of a fundamental breakdown in the working relationship and relevant action plans developed.

The employee will be informed in writing of the outcome of the complaint as determined by the Investigating Officer/Headteacher/Chair of Governors.

The employee will be notified of the right of appeal (see Appendix 3)

9. Monitoring & Review

This Policy will be reviewed as per the agreed OD policy review timetable involving the Trade Unions and taking into consideration legislative changes and best practice. There is a responsibility on each service area to monitor Dignity at Work statistics for their services and to identify any patterns. This Policy has been Equality Impact Assessed and no adverse impact has been identified.

10. General Information

This Policy will be made available to all employees through both electronic and hard employment.

Appendix 2: Mediation

What is mediation?

Mediation is a process of conflict resolution between two individual employees facilitated by a trained mediator. The purpose of mediation is to allow the individuals concerned an opportunity to explore issues of conflict with the aim of reaching a mutually agreeable solution. There needs to be willingness on the part of the employees concerned to enter into mediation on a voluntary basis, no-one can be forced into this process, and the outcome will be non-binding.

Mediation is appropriate when:

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Appeal Form

Blaenau Gwent

Council Personnel Council

To be completed by employee.

To:

Name:

Job title:

Service/Directorate:

I am not satisfied with the decision reached at Stage 2 and wish to appeal against the decision.

I am appealing on the following grounds (please continue on a separate sheet):

The outcome I am seeking to achieve is:

Signature:

Date:

Please send this completed form to:
HRpayroll@blaenau-gwent.gov.uk