

SALISBURY
CITY COUNCIL



Dignity at Work Policy Bullying & Harassment Procedure

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Distribution

Internal: All SCC Staff

External (if requested): Website/Councillors/Partners

Communication:

1. Organisation meeting (to announce any amendments)
2. Highlight in Gilberts Gossip following amendments
3. Request Managers raise in Team Meetings
4. Email to SCC Distribution advising of policy reference number

Dignity at Work Policy

1. Aim

- 1.1. To provide all employees with a working environment that ensures all are treated fairly and with respect, regardless of their background or ability. The Council is committed to valuing all people as individuals and recognising their personal abilities and strengths in order to gain from the diversity of its employees.

2. Purpose

- 2.1. The Council recognises that not only is it in the interests of individuals, but it makes good business sense to ensure all employees are treated with dignity and respect in order that they may feel comfortable and confident in their working environment.
- 2.2. The procedure has also been written within the context of the Council being a parish council and small organisation.
- 2.3. It has been created in consultation with the Trade Unions and is supported by both management and those Trade Unions.
- 2.4. This policy is designed to ensure that SCC has a workplace culture that is free from hostility
- 2.5. We expect all staff (whether permanent or casual) to adhere to the following:
 - 2.5.1 Treat colleagues, and service users, with dignity and respect
 - 2.5.2 Be aware of the effect that own behaviour and activities can impact on others
 - 2.5.3 Dress appropriately for the workplace
 - 2.5.4 Set a positive example to all colleagues
 - 2.5.5 Consider language, attitudes and culture of colleagues, service users
 - 2.5.6 Think before making personal comments to or about others and
 - 2.5.7 Promote dignity and respect in the workplace
- 2.6 Harassment or victimisation on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race religion or belief, sex or sexual orientation is unacceptable.

Commented [TA1]: Amended from previous paragraph which listed protected characteristics

Commented [TA2]: Amended to give some specific examples

3. Commitment from Senior Management

3.1 Message from the City Clerk:

It is essential in order to both create a healthy working environment and to achieve our standards of service, that all of our employees feel comfortable and respected in the workplace. This policy is designed to ensure that everyone understands the types of behaviour expected of all employees, and those forms of behaviour, which the Council finds unacceptable. Because each employee is an individual it is understandable that what one person may find acceptable another may feel very uncomfortable about. So the purpose of this policy is to ensure

that all employees understand what is expected of them and that they have a right to challenge behaviour that they find unacceptable.

The Senior Management team are aware of the contents of this policy and are committed to listening to and taking seriously all complaints made. It is important to make clear that if an employee feels it necessary to make a complaint against a member of the Senior Management Team, or a Council Member then their complaint will be dealt with fairly and objectively.

4. Scope

- 4.1. This policy covers all employees at all levels within the council. It also applies in circumstances where employees may feel that they have cause for complaint against elected council members although certain adjustments may have to be made to comply with the Members' Code of Conduct if a formal complaint is made against a Councillor. Councillors have a duty to treat all employees with respect and dignity at all times (see SCC Member's Code of Conduct)
- 4.2. It does not cover members of the public or other third parties or suppliers with whom the Council works in conjunction but who are not employed by the Council. However there are other policies that cover these aspects.
- 4.3. All employees have a duty to treat all third party operatives and suppliers with dignity and respect at all times.
- 4.4. If an employee is subject to bullying or harassment by a third party not employed by the Council, they can still raise a complaint about the situation as the Council has a duty of care to protect its employees, where possible, from this type of behaviour. Where a complaint is raised, the relevant Manager or the senior officer managing the contract on behalf of the Council, will discuss the matter with those responsible for managing that third party in order to determine what action is appropriate.

5. Responsibilities

- 5.1. ~~The Council will take all necessary steps to remove unreasonable behaviour from the workplace, however, individuals also have a responsibility to all their colleagues to treat them fairly and with respect. All employees must ensure they abide by both the letter and spirit of the standards laid out in this policy. Whilst it is the responsibility of management to set and uphold standards, all employees must play their part.~~

Commented [TA3]: Remove paragraph as is saying the same as above

5.1 Employees

5.2 SCC requires its employees to behave appropriately and professionally at all times during the working day, and this may extend to events outside of working hours which are classed as work-related such as social events. Employees should not engage in discriminatory, harassing or aggressive behaviour towards any other person at any time. A breach of this policy by will

be treated as a disciplinary manner

5.3 Disciplinary action may also be taken where a person is victimised (treated badly) as a result of things such as:

- 5.3.1 Making a claim or complaint of discrimination (under the Equality Act)
- 5.3.2 Helping someone else to make a claim by giving evidence or information.
- 5.3.3 Making an allegation that you or someone else has breached the Act
- 5.3.4 Doing anything else in connection with the Act

5.4 Managers

5.5 SCC will be responsible for ensuring all members of staff, including seniors and those within management positions, understand the rules and policies relating to the prevention of harassing, bullying or victimising behaviour at work and during work-related social events. We will promote a professional and positive workplace whereby managers are alert and proactively identify areas of risk and incidents of harassment, sexual harassment and bullying.

5.6 Where an incident is witnessed, or a complaint is made under this policy, the Council will take prompt action to deal with this matter. All incidents will be deemed serious and dealt within in a sensitive and confidential manner.

6. Harassment

6.1 Harassment can range from extreme cases like violence to less obvious actions like deliberately ignoring a colleague. Whatever the form of harassment, *if the recipient finds the behaviour offensive, unpleasant, unreasonable or just unwelcome* then it is unacceptable for the perpetrator/s to continue with it. Employees may not always realise that their behaviour constitutes harassment. Personal harassment is unwanted behaviour by one employee towards another and examples of harassment include:

- 6.1.1 insensitive jokes and pranks
- 6.1.2 lewd or abusive comments
- 6.1.3 deliberate exclusion from conversations
- 6.1.4 displaying abusive or offensive writing or material
- 6.1.5 abusive, threatening or insulting words or behaviour
- 6.1.6 name-calling
- 6.1.7 picking on someone or setting them up to fail
- 6.1.8 exclusion or victimisation
- 6.1.9 undermining their contribution/position
- 6.1.10 demanding a greater work output than is reasonably feasible
- 6.1.11 blocking promotion or other development/advancement.

6.2 These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

Commented [TA4]: This has replaced previous paragraph of: You can help stop harassment and bullying by:

- Being aware of the behaviours that could constitute harassment or bullying.
- Making sure your own conduct does not cause offence or misunderstanding and support the values and code of behaviour expected by the organisation.
- Being prepared to stand up against harassment or bullying at work or to support colleagues who are being harassed.
- If necessary, seeking advice and support.

Commented [TA5]: This paragraph has replaced previous paragraph which was:

Managers

All managers have a responsibility for the implementation of this policy and to prevent, stop and take action to deal with offensive behaviour without awaiting a complaint from staff. If you are a manager, you have a duty to take an active role in ensuring proper standards of conduct among your staff. Once you are aware of an issue relating to bullying or harassment, you have a duty of care to take action to resolve the matter. 1.1. Managers have a responsibility to maintain and promote a work environment where bullying or harassment is not tolerated and to set examples and standards of behaviour which support the organisation's code of conduct and values. The HR department has responsibility to support managers and employees in maintaining a harassment free workplace by providing support and guidance on the policy and procedures and providing practical help to resolve issues at the lowest level possible.

Senior Management also have the responsibility for maintaining awareness in the workplace of the required standards through periodic training and briefing. From time to time the HR Manager will review the policy to make sure it is up to date with current legislation and best practice.

1. Core Standards

1.1. Employees must ensure by their attitude and behaviour to their colleagues and to everyone with whom the Council works that they are without prejudice of any kind and that they promote fair treatment and acceptable behaviour. Employees who unfairly discriminate against others will be in breach of their contract of employment and liable to be subjected to the disciplinary procedure, which may lead to their dismissal. Equal treatment and an atmosphere of mutual respect will maintain good morale and a harmonious working environment.

6.3 Sexual harassment can take place in many forms within the workplace and can go undetected for a period of time where employees do not understand that particular behaviour is classed as sexual harassment. Sexual harassment is unwanted behaviour related to sex, or of a sexual nature, by one employee towards another and examples of sexual harassment include:

- 6.3.1 lewd or abusive comments of a sexual nature such as regarding an individual's appearance or body
- 6.3.2 unwelcome touching of a sexual nature
- 6.3.3 displaying sexually suggestive or sexually offensive writing or material
- 6.3.4 asking questions of a sexual nature
- 6.3.5 sexual propositions or advances, whether made in writing or verbally.

6.4 Sexual harassment can also take place where an employee is treated less favourably because they have rejected, or submitted to, the unwanted conduct that is related to sex or is of a sexual nature. Whether less favourable treatment occurs as a result will be examined broadly and includes areas such as blocking promotion and refusal of training opportunities or other development opportunities

7. Bullying

7.1 There is no legal definition of bullying and in reality, it can be similar to harassment in the effect that it may have on an individual, however, the focus of the behaviour need not be a protected characteristic.

7.2 It is likely to have a negative impact on the victim's confidence, self-esteem and overall wellbeing. Bullying is not necessarily overt and can be done using a number of different methods. It may take place with colleagues in public or in private, at work or socially.

8. Complaining about harassment and/or bullying

8.1 Informal method

8.2 We recognise that complaints of personal harassment, and particularly of sexual harassment or those associated with issues of mental health, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper.

8.3 If you are the victim of minor harassment you should make it clear to the harasser on an informal basis that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your confidential helper can assist you in this.

Commented [TA6]: This paragraph has replaced previous paragraph:

2. Harassment

Harassment can range from extreme cases like violence to less obvious actions like deliberately ignoring a colleague. Whatever the form of harassment, *if the recipient finds the behaviour offensive, unpleasant, unreasonable or just unwelcome* then it is unacceptable for the perpetrator/s to continue with it.

Examples of harassment are:

- Physical contact ranging from touching to serious assault.
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials, making decisions on the basis of sexual advances being accepted or rejected
- Verbal and written harassment (including email) through jokes, offensive language, gossip, sectarian songs, etc.
- Visual display of posters, graffiti, obscene gestures, flags, bunting, emblems and screen savers, etc.
- Isolation and non co-operation at work, exclusion from social activities etc.
- Coercion, intimidation and threatening behaviour, ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following, telephoning, etc.
- Shouting at an individual to get things done.
- Conduct that denigrates ridicules or humiliates an individual, especially in front of their colleagues.
- unwelcome remarks about a person's age, dress, appearance, race or marital status
- jokes, offensive language, gossip, slander, sectarian songs and letters
- pressure to participate in political/religious groups
- failure to safeguard confidential information
- setting impossible deadlines
- persistent criticism

2.1. The need to tackle harassment should not stop welcome banter and friendly gestures between colleagues. But where such behaviour becomes unwanted or offensive it becomes unacceptable and must be stopped.

Commented [TA7]: This paragraph has replaced:

Bullying includes unjustifiably singling out a person for special adverse treatment (usually sustained) i.e. being 'picked on'. Bullying can take place upwards or downwards through the hierarchy. It may emanate from a misuse of power or position to criticise and condemn, unreasonably or unjustifiably, to humiliate, frighten, denigrate or injure the recipient of that behaviour. The following are examples, but not an exhaustive list, of inappropriate behaviour that may be perceived as bullying:

- Shouting at an individual
- Personal insults.
- Humiliating an individual in front of others
- Picking on one person when a common problem exists
- Conduct that denigrates, ridicules or humiliates an individual
- Victimisation where a person is unjustifiably treated less favourably.
- Consistently undermining someone in an unacceptable and unjustifiable manner
- Unjustifiable complaints made against a colleague
- Persistently attacking an individual in terms of their professional or personal standing
- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on grounds of age, race, sex, disability, sexual orientation, and religion or belief)
- Copying memos that are critical about someone to others who do not need to know

8.4 Formal method

8.5 Where the informal approach fails or if the harassment is more serious, you should bring the matter to the attention of HR Manager as a formal written grievance and again your confidential helper can assist you in this. If possible, you should keep notes of the harassment so that the written complaint can include:

- 8.5.1 the name of the alleged harasser
- 8.5.2 the nature of the alleged harassment
- 8.5.3 the dates and times when the alleged harassment occurred
- 8.5.4 the names of any witnesses
- 8.5.5 any action already taken by you to stop the alleged harassment.

8.6 Where it is not possible to make the formal complaint to the above named person, for example where they are the alleged harasser, we would encourage you to raise your complaint to City Clerk.

8.7 On receipt of a formal complaint we will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved. We will carry out an investigation into the matter once the formal complaint has been received. This investigation may require holding an investigation meeting with you. A report of the findings will be submitted to the person who will hold a grievance meeting.

8.8 On conclusion of the investigation which will normally be within 10 days of the meeting with you, a report of the findings will be submitted to the manager who will hold the grievance meeting.

8.9 You will be invited to attend a meeting, at a reasonable time and location, to discuss the matter once the person hearing the grievance has had opportunity to read the report. You have the right to be accompanied at such a meeting by a colleague or Union representative and you must take all reasonable steps to attend. Those involved in the investigation will be expected to act in confidence and any breach of confidence will be a disciplinary matter.

8.10 You will be able to put your case forward at the meeting and the manager will explain the outcome of the investigation and ask you to contribute any further information. You have a right to appeal the outcome.

8.11 If there are no grounds to substantiate the allegation that unacceptable behaviour has taken place, this outcome will be confirmed in writing to all involved.

8.12 If the decision is that the allegation is well founded, the harasser will be liable to disciplinary action in accordance with our disciplinary procedure.

8.13 Those involved in any formal meetings will approach the meeting sensitively and it will be conducted in confidence. Any breach of this

confidence will be deemed a disciplinary matter.

8.14 The Council is committed to ensuring employees are not discouraged from using this procedure and no employee will be victimised for having brought a complaint.

9. Malicious false allegations

9.1 Any allegations found to be both false and malicious will be taken very seriously and may result in disciplinary action up to and including dismissal.

10. Monitoring and record retention

10.1. Monitoring will be the responsibility of the HR Manager who will work in conjunction with the Senior Management Team to assess the impact of the policy.

10.2 Records will be kept in line with the retention schedule policy.

Commented [TA8]: This paragraph has replaced the following, this is to highlight the informal approach and formal approach taken from advice from CIPD (HR Professional body)

1. Disciplinary Procedure

1.1. The Council has a legal and moral obligation to ensure that employees are treated fairly, and it expects its employees at all levels to be totally committed to eliminating any form of harassment from the workplace and associated work activities. Disciplinary action, up to and including dismissal may be taken against any employees, regardless of position, found to be responsible for inciting or perpetrating harassment, bullying or victimisation.

1.2. Please refer to the Council's Disciplinary Procedure.

1.3. Where appropriate, harassment complaints can be pursued through the disciplinary procedure or the capability procedure, whichever is most applicable to the individual case.

Harassment and Bullying Complaints Procedure

1. Introduction

No employee need put up with bullying or harassment. It is recognised that making a complaint may be a distressing experience, but all complaints will be taken seriously and dealt with in a confidential, sympathetic and sensitive manner.

2. Informal Complaints

- 2.1. Staff wishing to seek information or advice about bullying or harassment should speak to their Line Manager, HR Manager or their Trade Union representative. It may also be helpful to discuss concerns or talk informally with a colleague. Where a complaint is about the individual's Line Manager they may approach another Line Manager or seek confidential advice from Human Resources as to whom to approach.
- 2.2. It is important to be aware that if you raise an issue with your manager or HR Manager, they have a duty of care to take this forward with a view to resolving the problem. They would discuss this with you and progress the issue only with your express agreement, the exception to this would be if it was considered extremely serious and to not deal with it would be failing the Council's duty to staff.

3. Informal Process

- 3.1. Ideally, if you feel that you are being harassed, you should attempt to speak to the individual concerned to make it clear that you do not like the behaviour, that it is unwelcome and ask him/her to stop behaving in that way.
- 3.2. You may ask a friend, work colleague or Trade Union representative to be with you when you do this. For example you could say: *"I'm afraid I find ... (state exact behaviour which is causing offence) unacceptable, it makes me feel uncomfortable and I want you to stop doing it from now on."*
- 3.3. If you feel unable to speak directly to the person concerned, you may wish to write to them in the above terms.
- 3.4. You may discuss the matter with your Line Manager or HR to facilitate a meeting between you both or individually.
- 3.5. If you feel unable to speak or write to the individual who is the cause of your concern, you should seek advice from a manager with whom you feel comfortable discussing such an issue, from the HR Manager and/or from a Trade Union representative.
- 3.6. All individuals within these roles will help you in confidence to review the options available to you. These could include supporting the you in a number of ways, for example, writing a letter to the harasser specifying the behaviour considered to be offensive and asking them to stop. It is always up to the person making the complaint to decide if they want to take their complaint further.
- 3.7. Trades Union members may, either instead of or in addition to the above, refer any issues they have to their Trade Union representative
- 3.8. If you feel you are being harassed you should keep a written record of the incident/s and note any witnesses who may have seen or heard the behaviour to help substantiate a formal complaint if this becomes necessary.

In most instances, particularly if the harasser was unaware that their behaviour was causing offence, simply making it known to them that the behaviour is unwanted will be enough to resolve the problem. It is always recommended that in the interests of maintaining good working relationships, wherever possible complaints should be dealt with informally in the first instance.

However the Council does recognise that where the situation cannot be resolved informally, or where an employee feels that it is necessary, there is a need for a formal complaints procedure.

If you feel an informal approach would be inappropriate, or it has been unsuccessful, or you do not feel able to take these steps, you have the right to make a formal complaint.

4. Formal Process

Step 1 – Making a complaint:

You should put the complaint in writing to your Line Manager, or where the complaint is about the Line Manager, the complaint should be in writing to their manager, or contact the HR Manager who can advise on which other manager may be appropriate to hear the complaint. Your formal letter of complaint should include:

- the nature of the complaint
- reference to dates, times and places (where possible) in relation to a specific incident(s)
- the names of any witness(es) to the incident(s) should also be included.

In the interests of natural justice, where an employee decides to make a formal complaint, this should be made as close as possible to the date that the incident occurred. Due consideration will be given to any time taken by the informal process being used first.

If the formal complaint relates to a series of incidents where, in the view of the complainant, it was the accumulation of a series of actions which merited a formal complaint being made, rather than a single issue, the formal complaint should be made as close as possible to the date that the 'final straw' incident is deemed by the complainant to have taken place.

Under these circumstances, only incidents which took place in the year preceding the 'final straw' incident will normally be taken into account by the investigation, unless there are very exceptional reasons for doing otherwise. Where the complainant contends that there are such reasons, these should be recorded in the original submission of the complaint in order that the Senior Management Team may consider whether or not to accept this request.

No complaint that relates either to a single or a 'final straw' incident that took place more than three months before the formal complaint was received will be accepted. The only very rare exception to this may be where actions arising from the informal part of this procedure are still in progress, and it is deemed to be in the interests of all parties that these are carried to a conclusion prior to any definite decision being required from the complainant on whether or not to take his/her complaint to the formal stage.

In this event, the complainant should write to the HR Manager, stating the reasons why a request to extend the deadline for a formal complaint to be made is in his/her view reasonable. The HR Manager will then make a decision on this matter and notify the complainant accordingly. Where the decision is to allow the deadline to be extended, the period of time of the extension will be stated. This is unlikely to be in excess of one month. Where such an extension is granted, the employee against whom a formal complaint may be made will be informed of the situation.

Once this Dignity at Work Procedure is invoked neither employee(s) using it nor employees who are the subject of the complaint can use the Grievance procedure in relation to the complaint or its outcomes.

At this point, options available to resolve the matter include:

- Facilitating a meeting with the subject of the complaint (both parties would be entitled to be accompanied by a work colleague or Trade Union representative).
- Appointing an acceptable person to speak to the subject of the complaint on the victim's behalf.
- Helping the victim to write a letter to the subject of the complaint asking for the behaviour to stop.
- Monitoring the situation with support from HR.
- Using an external mediator to re-establish a working relationship

Other actions may be appropriate and realistic for each individual situation. This will include considering whether or not either the complainant or the individual complained about should be removed from the environment pending/during the implementation of actions identified. Any decision to do so would not be and should not be considered to be disciplinary action but would be designed to prevent any further cause for complaint from arising.

Step 2 – Investigation Commences:

If the complaint is not resolved once the chosen actions are completed, the HR Manager will arrange for an appropriately skilled manager, to conduct an investigation to ascertain whether bullying or harassment may have occurred.

The manager will conduct a preliminary investigation to gather all pertinent facts to decide whether allegations of harassment have been substantiated. The manager will arrange for the investigation to start within ten working days of receipt of the written complaint, and will advise the complainant of the time needed to complete the investigation.

Every effort will be made to conclude the investigation and compile the report speedily, but given the sensitivity and complexity involved in such complaints, it is difficult to be prescriptive in relation to time scales. If it becomes clear that the investigation will take longer than a calendar month to conclude, the complainant and subject of the complaint will be notified at the earliest possible moment.

Step 3 – Conclusion of Investigation and Report:

The Investigating Manager will conduct the preliminary investigation of the complaint by separately interviewing the complainant, the alleged perpetrator and any witnesses, all of whom have the right to be accompanied by a friend, work colleague or Trade

Union representative on the understanding that the issues discussed must be kept confidential as far as it is reasonably possible to do so.

Notes will be made of the interview, and interviewees will be asked to agree and sign the statements made to confirm it is a true record of the interview.

All complaints will be dealt with seriously, sensitively and in confidence. They will help the complainant to decide which course of action they would like to take to resolve the situation.

It may be desirable to separate the two parties during the investigation. One party may be moved, and any decision on this will take account of the circumstances prevalent at the time or if it is felt desirable that the complainant and the accused should not be in a situation where they could confront each other in the workplace. In some cases where there is a risk to the health and safety of staff or the security of the organisation, it may be necessary to suspend the alleged harasser or bully, with pay.

The length of time needed to investigate a complaint will vary depending upon the nature of the complaint and the complexity, however, in all cases a response should be made to the complainant within four weeks of the start of the investigation, unless otherwise mutually agreed.

The report will be referred to either the City Clerk or Deputy City Clerk. Copies of the report will also be provided to the complainant and the subject of the complaint.

Step 4 – Outcomes:

Following the investigation the Investigating Manager will decide whether there is a case to answer and state the reasons to support any conclusion in the report. Outcomes will include a view on whether or not harassment or bullying has occurred and whether or not a disciplinary hearing will be held.

Potential outcomes:

- It may be that the complaint is not upheld and in this case all records of the matter will be disregarded. The person complaining will receive feedback on the reasons for this decision.
- The manager may decide that the matter may be resolved through mediation or conciliation if both parties agree.
- If it has been found that harassment has occurred, the Investigating Manager will decide what action to take. If the matter is of a serious nature, then it may become a disciplinary matter. In this case the manager should inform HR and make arrangements for a disciplinary hearing to be held.

If a disciplinary hearing is to be held, the investigation, report and any additional recommendations made by the Investigating Manager arising from the complaint will form the investigation stage under the Council's Disciplinary and Appeals procedure.

The complainant and the subject of the complaint will be informed, in writing by HR of the outcome. Normally, this will be via a covering letter with the report and associated annexes attached. There may, however, be exceptional circumstances which require a different approach to be taken to the communication of outcomes. Where this is considered to be the case, reasons will be provided to the complainant and to the subject of the complaint why the report and/or all or some of the annexes have been withheld.

Step 5 – Appeal:

If the complainant is unhappy with the decision, s/he may lodge an appeal within ten working days of the receipt of the outcome letter.

If a disciplinary hearing was an outcome and no appeal is received from the complainant, action to convene a hearing will be initiated after these ten days.

If an appeal is lodged by the complainant, and disciplinary action was an outcome from the complaint, disciplinary action will not start until the appeal has been heard.

The appeal will be considered by a different senior manager and should take place as soon as possible and certainly within 20 working days of notification of an appeal. A minimum of 5 days' notice will be given. As far as is possible, matters relating to the appeal will be kept confidential.

The appeal will take the form of a written statement to the Appeal Officer by the complainant and can, if the complainant wishes, also have as an attachment a submission from the Trade Union representative or work colleague who accompanied the employee to the first hearing.

It is not appropriate, to introduce any new evidence or statements at this point as all available information relating to the case should have been presented at the original hearing.

The Appeal Officer will be provided with all written information concerning the case and may choose to see relevant parties in person if they feel this to be necessary to clarify any points.

Where an appeal is made, the Appeal Officer will reach a decision on whether to support or not the original Investigating Manager's assessment including: whether harassment or bullying has in his or her view, occurred and (where harassment has occurred), whether a disciplinary hearing will take place. Details of any variations from the original Investigating Manager's decision will be fully recorded together with any other recommendation.

Any disciplinary hearing should be convened as soon as possible after the outcome of the complainant's appeal hearing is known. The Disciplinary and Appeals Policy would then be followed in the normal way. If the situation merits it, the alleged harasser may be suspended on full pay until this process is completed.

Given the sensitive nature of any hearing arising from a complaint under this procedure, every attempt will be made to ensure that all parties are treated as sensitively as possible in terms of how the hearing is conducted. In determining these needs, however, due care will need to be taken to ensure that the individual who is the subject of the hearing must be treated fairly and be able to have a clear view of the case against him/her.

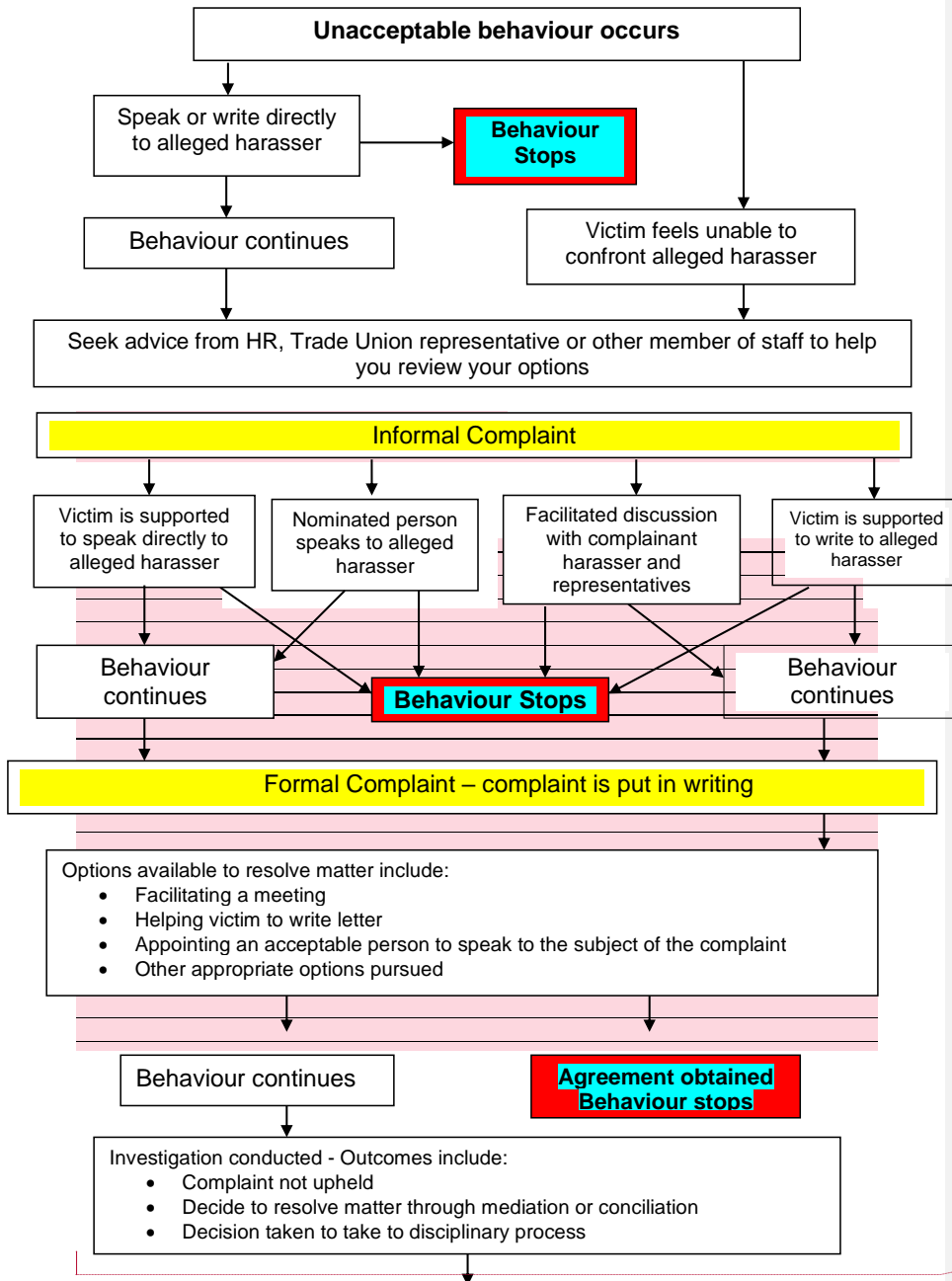
An employee who raises or supports a complaint in this way will not be subjected to victimisation or less favourable treatment as a result of doing so. However, where an allegation of harassment is formally investigated and disproved, to protect the alleged harasser and complainant, all documentation will be held on file for 6 months.

5. Malicious Claims

5.1. This procedure is designed to protect individuals who raise their concerns. Whilst it is accepted that some allegations may arise from genuine misunderstandings, if, after an investigation, a claim is found to be malicious, contains no substance, and has been made with the sole intention of causing embarrassment or difficulties for the person accused, this will be considered a disciplinary offence and dealt with under the Council's Disciplinary and Appeals Policy.

Harassment Complaints Procedure:

The purpose of this flow chart is to show how a complaint can be dealt with through both informal and formal channels. However, serious complaints could be subject to immediate disciplinary investigation without the other processes being followed



Commented [TA9]: Removed as covered within policy

