

SUMMARY COVER SHEET - Bullying And Harassment Policy

**DEVON & SOMERSET
FIRE & RESCUE
SERVICE**

**Human Resources
Service Policy
Document**

Summary of Main Changes:

This policy harmonises the strategic aims of the Service with regard to bullying and harassment. It clarifies the responsibility and accountability of the:

- Organisation
- Management
- Individual employees
- Occasional Contractors

Devon and Somerset Fire & Rescue Service is committed to providing a workplace that ensures all our employees are valued and treated with dignity and respect, irrespective of race, colour, nationality, ethnic origin, disability, sex, marital status, sexual orientation, religion, belief, age or any other reason.

Bullying and Harassment at work is unacceptable and will not be tolerated under any circumstances. This policy and combined toolkit clarifies the Service's approach to bullying and harassment as a result of changes in legislation and learning across the Service.

Bullying And Harassment Policy

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Document Purpose:-

This document outlines the strategic aims of Devon and Somerset Fire & Rescue Service with regard to Bullying and Harassment; the responsibility and accountability of the organisation, managers, individual employees and others who are contracted to work for us from time to time.

NOTE – If you are reading a paper copy of this document it may not be the most up to date version. For the latest version view the information on the Service Intranet.

NOTE – This document replaces Devon SID Bullying and Harassment May 2004 and/or Somerset SIS document Harassment and Bullying Aug 2002.

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Key Consultee	CFO

Further Information:-

Equality & Diversity Unit, East Devon House, Service Headquarters

[Equality & Diversity Intranet Page](#)

HR (Operations) Team, East Devon House, Service Headquarters

[HR Intranet Page](#)

HR Officer (Welfare), East Devon House, Service Headquarters

[Welfare Intranet Page](#)

Cross-References:-

Bullying and Harassment Toolkit (which will form the working section of this policy):

- Guidance for individuals who are the subject of bullying or harassing behaviours;
- Guidance for Managers.

Equality Scheme “Making the Connections”
Equality Impact Assessment Guidance and Toolkit
Discipline & Grievance SPD
Mediation Policy
Staff Supporters Intranet page
Investigation Guidance

POLICY STATEMENT

Bullying and harassment at work is unacceptable. It will not be tolerated – UNDER ANY CIRCUMSTANCES. This applies to everyone in the organisation – no matter whom you are or where you work. It will apply when you are working at your usual workplace and when you are working away from your base, for example, within the community. Our aim is to “nip things in the bud” at the earliest and most local stage.

Allegations of unlawful discrimination, bullying, harassment or victimisation by an employee towards another employee, group of employees or members of the public will be thoroughly investigated and, if proven, be the subject of disciplinary action.

The purpose of this policy document is to:-

- define what bullying and harassment is...and what it is not;
- explain the rights and responsibilities of individuals;
- set out the responsibilities of DSFRS as an employer;
- give guidance on how to report allegations of bullying and harassment;
- give guidance and direction to managers and others about what to do when they are informed of allegations of bullying and harassment;
- set out clearly the support for victims, witnesses and alleged perpetrators as well as the roles of Investigating Officers, Trade Union Representatives, Human Resources Department, Equality & Diversity Team and the Welfare Officer.

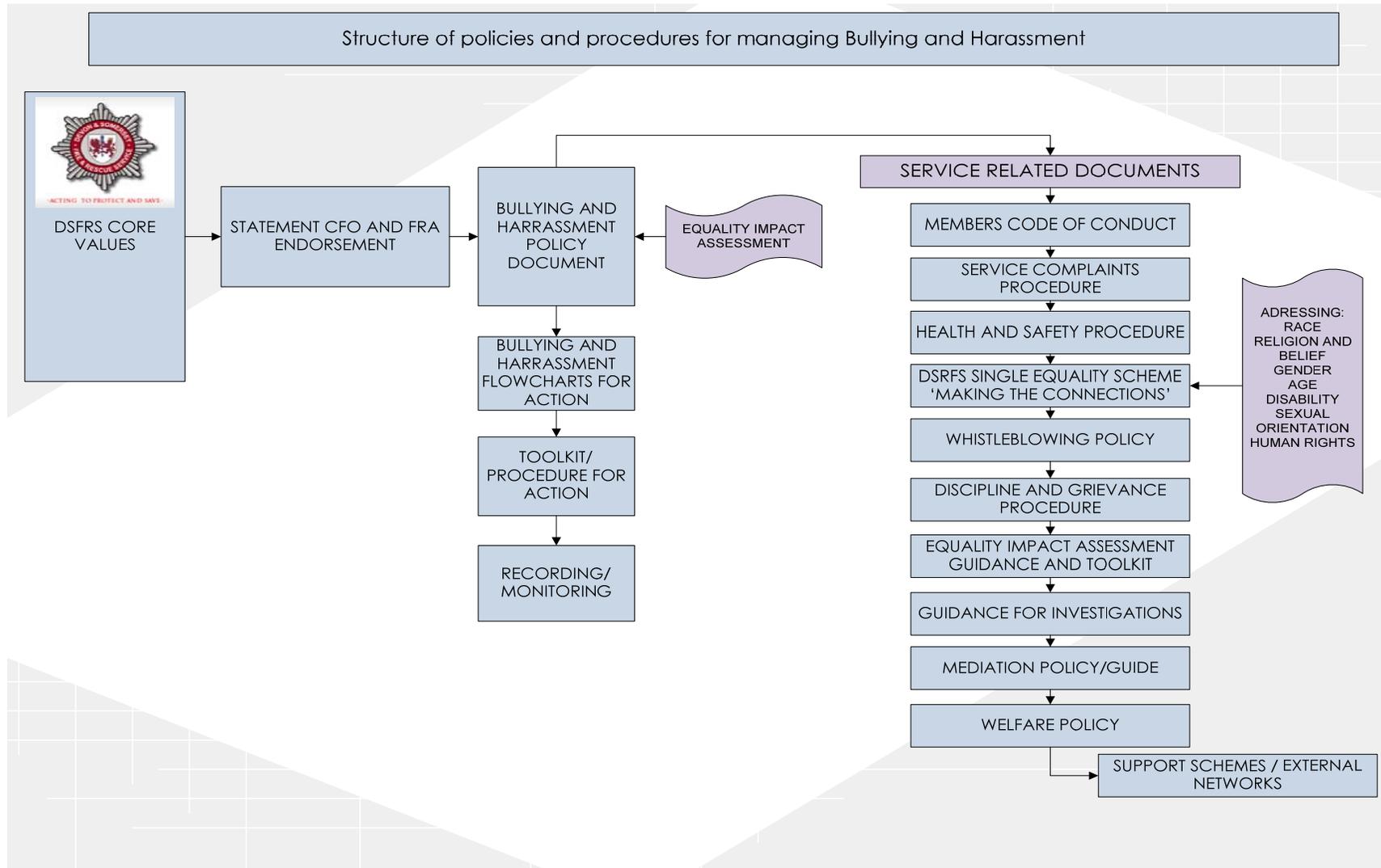
COMPLIANCE STATEMENT

The Service will not unjustifiably discriminate against any persons in the application of this policy or any subordinate procedures.

An Equality Impact Assessment has been completed for this policy and is available through the Service Information Point (SIP).

This policy is OPEN under the Freedom of Information Act 2000

KEY INFORMATION



Bullying and Harassment

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Message from the Chief Fire Officer



Devon and Somerset Fire & Rescue Service aims to be an organisation that embraces diversity and treats everyone with dignity, respect and in accordance with our core values. I am personally committed to eliminating any form of bullying and harassment and I expect everyone working for the Service to support these principles by their own active commitment and by their own personal behaviour.

Lee Howell

1. INTRODUCTION

Devon and Somerset Fire & Rescue Service is committed to providing a workplace that ensures all our employees are valued and treated with dignity and respect, irrespective of race, colour, nationality, ethnic origin, disability, sex, marital status, sexual orientation, religion, belief, age or any other unjustified reason.

It is an employee's right to be able to seek, obtain and remain in employment without fear of harassment, bullying or unjustifiable discrimination.

2. LEGISLATION

There is no specific legislation in the UK dealing with the general issue of workplace bullying but a number of areas of law are relevant and applicable.

1974: Health and Safety at Work Act
1975: Sex Discrimination Act
1976: Race Relations Act
1995: Disability Discrimination Act
1995: Criminal Justice and Public Order Act
1996: Employment Rights Act
1997: Protection from Harassment Act
1998: Human Rights Act
1998: Crime & Disorder Act
1998: Data Protection Act
2000: Race Relation (Amendment) Act (Race Equality Duty)
2002: Employment Act (Dispute Resolution) Regulations 2004
2003: Employment Equality Regulations (Religion or belief) and (Sexual Orientation)
2004: Disability Discrimination Act (amends the DDA 1995)
2004: Gender Recognition Act
2005: Civil Partnership Act
2006: Disability Equality Duty
2006: Employment Equality (Age) Regulations
2006: Equality Bill (on course to become Equality Act 2009)
2006: Equality Bill (on course to become Equality Act 2009)
2007: New Equality & Human Rights Commission replaces Equal Opportunities Commission; Commission for Racial Equality and Disability Rights Commission
2007: Gender Equality Duty

3. DEFINITIONS

What is “Harassment”?

- It is unwanted conduct affecting the dignity of an employee which leads to an intimidating, hostile or humiliating work environment for the victim. It includes unwelcome physical, verbal or non-verbal conduct.
- It can take many forms and be experienced by anyone – irrespective of who they are. It is a particular issue in relation to race, gender, ethnic origin, nationality, sexual orientation, religious or political beliefs, trades union membership, disability and age.
- It can occur between people of the same group as well as between people from different groups. Most important, are the feelings and perceptions of the victim.
- It is no excuse to say it was only a joke...unwanted behaviour is never a joke.

Forms of Harassment

Harassment can take many forms but always consists of actions that are unwanted and unwarranted. It is unwanted conduct affecting the dignity of all in the workplace. It can be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. It results in discomfort and humiliation for the person on the receiving end and the undermining of their confidence.

There is specific legislation where harassment is related to age, sex, race, sexual orientation, disability, religion, nationality or any personal characteristic of the individual.

Whilst the following list is not exhaustive, examples of harassment include:-

- physical contact, ranging from touch to serious assault;
- offensive language (including in letters and e-mails);
- jokes, gossip, slander (including in letters and e-mails);
- posters, graffiti, obscene gestures;
- isolation and non-cooperation and exclusion from social activities;
- coercion for sexual favours;
- pressure to participate in political/religious groups;
- intrusion by pestering and stalking.

Sexual Harassment

This takes the form of attention which (is either gender or orientation based), physical or verbal, of a sexual nature, which make the recipient uncomfortable. Sexual harassment can be experienced by either men or women and can include:

- sexual contact - from unwelcome touching to assault;
- compromising invitations or presents;

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- unwanted requests or demands for sexual encounters;
- suggestive remarks, jokes or conversations;
- derogatory or degrading gender-related remarks eg on dress or appearance;
- display of pornographic material, (including on computer screens);
- display of inappropriate images (including on computer screens) eg: screensavers, mouse mats or calendars;
- any comments which imply that gender or sexual orientation impairs the person's ability;
- denial of access to training and development on grounds of gender.

Harassment Created by Pornography in the Workplace

The Service is committed to eradicating all conduct which could adversely affect the dignity of women and men in the workplace. Consequently this Policy imposes a total ban on the displaying of pornographic material which will include:-

- pornographic video and cinematography film;
- pornographic cable and satellite channels, terrestrial TV programmes whether by subscription or not;
- magazines and books displaying pornographic images and text;
- accessing inappropriate websites using Service equipment ([see internet usage policy](#)) or on Service premises.

If you are in any doubt as to whether a particular item would be considered pornographic then it probably is.

What is bullying?

Workplace bullying is not always understood so it is helpful to have a working definition. In this policy workplace bullying is defined as:

“persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened”,

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humiliated or vulnerable, which undermines their self confidence and which may cause them to suffer stress.”

Bullying is not isolated to actions by a supervisor to a subordinate, but also a subordinate, or group of subordinates, to a supervisor and between colleagues of equal standing.

Most people only associate bullying with school playground behaviour. This is not the case. Workplace bullying can be hard to recognise and its effects attributed to something else. It creeps up on you long before you are able to appreciate what it is that is making you feel the ill effects.

Workplace and Organisational Factors

Workplace and organisational factors play an important part in bullying that takes place. Bullying is more likely to occur in the following situations:

- an extremely competitive environment;
- fear of redundancy;
- lack of security;
- envy amongst colleagues;
- an authoritarian style of management or supervision;
- organisation change and uncertainty;
- lack of training/development opportunities;
- deskilling;
- lack of respect for others and their point of view;
- poor work relations;
- a lack of adherence to organisational standards and values;
- excessive workloads;
- unrealistic targets or deadlines;
- lack of procedures for resolving problems.

Forms of Bullying

Workplace bullying is the misuse of power or peer position which has an adverse effect on an individual. Whilst the following list is not exhaustive, behavioural examples of bullying include:

- initiation ceremonies which may cause injury or embarrassment;
- the continuous use of unwanted nicknames;
- ridiculing and humiliating someone in front of others;
- ignoring and isolating someone over a period of time;
- unconstructive or unwarranted criticism;
- unachievable work objectives;

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- restriction of work, training, development or promotion opportunities without good reason;
- withdrawing or preventing access to benefits such as leave, flexible working etc without good or justifiable reason;
- physical abuse;
- malicious rumours;
- excessive supervision or monitoring;
- overly critical;
- setting unrealistic objectives;
- restricting information which is required to undertake the role effectively.

Example: A senior manager may consistently berate one individual in private whilst taking care to give constructive feedback to the rest of the team in public.

What is Victimisation?

It is detrimental treatment (such as further harassment, disciplining or dismissal) because a person has made, or intends to make, a complaint about harassment or discrimination, or support such a complaint.

4. THE EFFECTS OF HARASSMENT AND BULLYING

People who are constantly bullied may lose their self-confidence, their self-esteem and are at increased risk of suffering stress.

Bullying is a gradual wearing down process that makes people feel demeaned and inadequate. They may feel that they never get anything right and that they are hopeless. These feelings spread to all parts of their life – not just work.

Bullying can have long or short-term effects on an individual's health which can be physical and emotional, with the worst outcomes including nervous breakdowns, heart attacks and suicide.

Bullying and Harassment can also affect the ability of DSFRS to deliver its service to the public.

Where bullying occurs and is not dealt with, sickness absence, staff turnover, morale and performance levels may be negatively affected.

5. WHAT IS NOT BULLYING OR HARASSMENT?

Managers should feel that they can legitimately challenge poor behaviour in a fair and reasonable manner without fear of recourse. Some behaviour and actions which may not be bullying or harassment are:

- when a manager or colleague addresses genuine issues with someone but does so with respect and is focused on the issue in hand;
- fair use of disciplinary, capability or other appropriate procedures to address performance or conduct issues at work;
- managers or colleagues behaving in an assertive but fair and reasonable manner;
- fair instructions or delegation of work by colleagues or managers.

Remember

Bullying or Harassment is seldom a “one-off” event. Victims of bullying or harassment may experience many, on the face of it insignificant, acts that when looked at objectively form a pattern of behaviour that is insidious, systematic, calculated and harmful. Often the victim is already badly affected before action is taken to report the behaviour.

6. RIGHTS AND RESPONSIBILITIES

Each and every one of us has a responsibility to help create a culture where people feel included, safe, comfortable and able to grow and develop.

Employer:

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems including:

- poor morale and poor employee relations;
- loss of respect for managers and supervisors;
- poor performance;
- lost productivity;
- absence;
- resignations and high turnover of staff;
- damage to organisational reputation;
- legal action.

It is the responsibility of DSFRS to:

- promote and develop a culture which encourages a safe, healthy and fair environment in which people can work in accordance with our Core Values;
- develop and implement coherent policies and processes that:
 - ❖ minimise bullying and harassment;
 - ❖ ensure the effective management of allegations of bullying and harassment as and when they occur ;
 - ❖ implement training and development strategies that support and encourage a fair working environment.

Are you aware of the Equality and Diversity Training Strategy? This enables you and your manager to access a training programme which can be built into personal and group training plans. The e-learning package “Equality & Diversity Essentials” is mandatory for all staff and should be undertaken by existing staff and all new joiners as part of their induction.

Bullying and Harassment

It is the contractual and moral responsibility of each employee to:

- create an inclusive and welcoming culture in which to work and deliver our services;
- be aware of **this** policy and any associated policies and processes;
- be aware of his or her own behaviour and its potential impact on others;
- prevent behaviour and situations that contravene this policy;
- challenge behaviour and situations that contravene this policy;
- report behaviour and situations that contravene this policy;
- prevent victimisation of those who challenge and/or report unacceptable behaviour;
- not use this policy to make malicious or vexatious claims.

It is the contractual responsibility of Managers and Supervisors to (in addition to the above):

- ensure that all employees have access to relevant policies and processes;
- ensure a working environment that:
 - a) prevents bullying and harassment;
 - b) encourages people to discuss any concerns they may have that bullying and harassment is occurring;
- take seriously reported allegations of bullying or harassment;
- assess thoroughly the facts of reports of bullying or harassment;
- act in a mutually agreed time frame that is appropriate for the seriousness and impact of the allegation;
- ensure that where possible any action taken is agreed with the individual reporting the allegation;
- be aware of their own limitations and take specialist advice to support themselves and their actions;
- note agreed findings and actions taken;
- keep themselves (and all involved with the allegations) up to date with any subsequent actions and processes undertaken.

NB: Unfounded and mischievous allegations will be treated as unacceptable behaviour and may be addressed through the Disciplinary Process. They detract from genuine cases, waste valuable time and could, themselves, be viewed as bullying and harassment.

THE BULLYING AND HARASSMENT TOOLKIT

Guidance for

- **individuals affected by bullying and harassment**
- **managers working with the impact of bullying and harassment**
 - **individuals witnessing bullying and harassment**

The following guidance is provided to help you through the process should you find yourself experiencing, managing or witnessing bullying and harassment. If you need advice or support please do not hesitate to contact your line manager; the HR department; the Equality & Diversity Unit; the Welfare Officer or a Staff Supporter. You will always be taken seriously and you will be dealt with in a sensitive and confidential manner. It may be necessary to obtain your agreement to involve others in the remedial process if this is considered necessary.

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Please note that flowcharts are a reference guide and should only be used in conjunction with the full policy text

Bullying and Harassment: Employees guide BH01

You experience behaviour that is unacceptable to you

You could speak or write to the perpetrator and make a note of any action

Do you feel that you can deal with the situations yourself?

Yes

Is the matter concluded satisfactorily?

Yes

No

Do you feel that you could deal with the situation with third party help?

You could seek the help of a third party, for example a line manager or work colleague (refer to page 14)

No

Is the matter concluded satisfactorily?

No

Yes

If Either:

- The situation is too serious
- You feel unable to deal with the situation informally
- The informal route has been tied but behaviour continued

Commence formal action through either:

- Line manager
- Manager
- Section head
- If not possible refer to page 15 for further advice

- Contact carries out preliminary investigation
- Support is offered to you

- See managers' flowchart BH02

No further action

Remember: Mediation or a facilitated meeting can be introduced at any stage in the process. Contact the Welfare Officer on 01392 872241

Bullying and Harassment

Please note that flowcharts are a reference guide and should only be used in conjunction with the full policy text

Bullying and Harassment: Employees guide BH02

Issue of Bullying or Harassment brought to you

Discuss in private and determine complainant's wishes

Is there evidence of a serious nature or does the employee want to pursue a formal route?

Please note it may be necessary in some cases of a serious nature, to take action despite the complainant's wishes.

Check with the complainant how they would like the issue dealt with, for example support in speaking with the alleged perpetrator. Refer to the policy text for options.

No

Yes

Verbally inform the perpetrator that you are making preliminary investigations into the matter

If facts appear to suggest inappropriate behaviour has occurred, refer case to senior manager for full investigation

Investigation team appointed and full investigation takes place (this investigation will be used for any disciplinary process that occurs)

As a manager you should offer appropriate support to all parties. Make sure you access support yourself if required.

Bullying and Harassment

Please note that flowcharts are a reference guide and should only be used in conjunction with the full policy text

Bullying and Harassment: Employees guide BH03

A colleague (or their representative) speaks to you informally about behaviour **they** consider unacceptable.

Stop the behaviour immediately (even if you see nothing wrong with what you are doing)

If you are asked to take part in a meeting to resolve the conflict you should do so.

If the unacceptable behaviour continues or the allegation is serious formal action may be instigated.

You are entitled to access a variety of options and a contact officer will be appointed to ensure you are aware of the case progress at all times.

Remember:

Accept and Change:

It is the perception of your behaviour that is the reality for the complainant, not your interpretation of your behaviour. Look at the definition of Bullying and Harassment and speak to the Equality and Diversity Unit if you would like further information about bullying and harassment and the effect it has on victims.

1.0 Dealing with Bullying or Harassment

Need some help or advice? The Equality and Diversity Unit operate a confidential Bullying and Harassment Helpline (01392) 872134. Your call **will** be taken seriously.

1.1 Procedures

You can feel secure that you can make a complaint and that it will be taken seriously and treated in confidence and with sensitivity. However, if the situation involves criminal actions or a risk to someone's health and safety, the Service may need to take action. If this happens, we will talk to you beforehand. All matters will be dealt with as quickly as possible.

If you feel that you have been subjected to harassment or bullying in the form of inappropriate or unwelcome behaviour by another member of the organisation, **you have a choice** when dealing with the matter.

You may:-

- deal with the matter informally yourself;
- involve a third party (***e.g. work colleague; HR Officer; Equality & Diversity Advisor; Trade Union Representative; Mediator; Staff Supporter or Line Manager***) to help you in dealing with the matter informally;
- report the matter formally which may result in a formal investigation.

Remember, the behaviour is unlikely to stop unless action of some kind is taken. The perpetrator may be unaware that their behaviour is offensive or causing you distress and, often, a quiet word may be all that is needed to resolve the issue.

For most people who are subjected to bullying or harassing behaviour, their primary wish is for this to stop!

The Service offers a confidential one-to-one mediation service where you can be supported through a process that enables you to deal with difficulties in working relationships. This can be put in place at any time during an informal or formal resolution to bullying or harassment. Call the Welfare Officer on (01392) 872241 to find out how mediation may be able to help you.

During leavers interviews bullying and harassment will be raised and may be discussed to identify if it was a factor in their decision to leave.

1.2 Informal Action

Wherever possible, issues arising from harassment or bullying should be resolved, directly with the perpetrator, informally. Advantages to this approach are that this will:-

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- produce speedy and effective solutions;
- reduce embarrassment and minimise the number of people involved;
- reduce the risk of inflaming the situation;
- minimise disruption at work.

You will need to consider how best to approach the issues. You may (if you feel able):

- make a clear statement informing the perpetrator that the behaviour must stop;
- describe the behaviour or conduct that is offensive to you; how this made you feel; how it is interfering with your work and your ability to function effectively and ask that the behaviour stops immediately;
- make it clear that if the harassment continues, further action will be taken;
- if necessary, remind the perpetrator that we have this policy and that the organisation has a position of zero tolerance on bullying and harassment;
- remind the perpetrator that the discussion is informal and confidential at this stage however, that the situation may be monitored.

You could:-

- keep a note of the unacceptable behaviour and any action you have taken to stop it (this could be just a note in your diary) recording the:
 - ❖ date and time of incidents;
 - ❖ location;
 - ❖ your response and feelings at the time;
 - ❖ any action you took;
 - ❖ the names of anyone who witnessed the behaviour or conduct.

If you feel unable to discuss the matter directly with the perpetrator, it may be easier to write. Give details of the unacceptable behaviour and ask that it be stopped immediately or you will take further action. Keep a copy of the note for your records. You may wish to discuss such a letter with the Welfare Officer or another appropriate person before you send it.

It is sometimes difficult to find the right time to approach someone with your issue. It is always best to find a private space in which to have the conversation but this will not always be possible or practical. If it is not possible to tackle the situation immediately, because of lack of privacy, don't leave it too long as you will find excuses not to tackle the situation at all.

If the unwanted behaviour stops, no further action is required.

If the unwanted behaviour continues, move onto one of the other two methods of dealing with the harassment or bullying.

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Each of us has an individual responsibility to ensure that nothing in our behaviour, attitude or actions causes offence to a colleague. We should treat each other with respect and courtesy.

1.2.1 What language should I use?

Try to use language that is non-confrontational and describes what you are experiencing. For example, rather than saying “I hate it when you call me (nickname)”. Rather say “When you call me (nickname) it makes me feel inadequate and embarrassed. I don’t like that name and would like you to use my real name when you speak to me”.

If you are unable to deal with the situation when it happens, when you do have the opportunity you may wish to say “I have reflected on something you said to me in the office yesterday and need to have a word with you in private”

Case Study:

*A retained firefighter was given a derogatory nickname when they first joined their Station. Although they found the nickname offensive, their “newness” made them reluctant to raise the issue initially. All the station personnel had a nickname but, it seemed, that everyone else liked their “tag” and it made the new member of staff even more reluctant to speak up. The Watch Manager used the nicknames too so it felt as if there was nowhere to go. After several months, the firefighter confided in another member of the station personnel, telling that they had an issue with the nickname. Surprisingly, the confidant said that they too were embarrassed by the name but had gone along with it and even used it themselves because they were afraid of speaking out. After taking some advice from the Equality & Diversity Unit, they approached the Watch Manager privately and explained how they felt. Initially the Watch Manager was defensive. Non-confrontational persistence paid off and the Watch Manager, with help and advice from the Equality & Diversity Unit, held a session on nicknames in general. This was based very much on how he himself felt that times had changed and the culture on station needed an overhaul. He realised how hurtful and damaging the use of nicknames could be. This meant that those who had initially taken the courage to raise the issue were not singled out and the culture of the station was the better for the changes made. Over the following months it became clear that whilst there were one or two members of the team who were sad to lose their nicknames most had only followed the culture in order to “fit-in”. **This** story had a happy ending.*

1.2.2 Informal Action with the Assistance of a Third Party

If you feel unable to deal with the unwanted behaviour alone, but do not wish to make a formal complaint, you may wish to seek help from a third party who will help you to resolve the matter informally.

The third party could be a work colleague, someone from the HR Department or Equality & Diversity Unit, your Trade Union representative, a fully trained peer Mediator

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(accessed through the Welfare Officer), a Staff Supporter or your Line Manager (unless this is inappropriate).

The third party should have undertaken some training in bullying and harassment to be required to deal with these matters. As part of the Equality and Diversity training strategy, an e-learning package has been developed and will be rolled out to all employees across the Service so that they are equipped to deal with bullying and harassment matters.

The assistance could take the form of:

- giving support whilst you deal with the matter;
- helping you to write a letter to the harasser asking them to stop;
- assisting you to recall and record details of events, meetings and attempts to stop the unacceptable behaviour;
- making an approach to the harasser or bully on your behalf (wherever possible you should be present, if this approach is used, to make it clear that this is your complaint);
- arranging for the intervention of a trained mediator;
- helping you to start formal action if informal action has not worked.

Mediation can help people reach agreement on a wide range of issues, even if they are not communicating well, or are in strong dispute. Mediation reduces anger and stress. Mediation can shorten the period of anxiety caused by not knowing what will happen. If the situation reaches stalemate or you feel that an independent person could help resolve the situation, the Service is able to offer mediation on more than one level

NB: Mediation only has a chance of working if both parties are prepared to give it a try. There are no guarantees that mediation will give you the outcome that you want, however, you may be able to see things more clearly or from another perspective.

1.3 Formal Action

A formal complaint may be appropriate where:

- the conduct is of such a serious nature that informal action is not appropriate e.g.- physical assault;
- you feel unable to deal with the matter informally;
- your informal actions have failed to stop the unacceptable behaviour.

Initially, a formal complaint should be made to your line manager, manager or section head. Where this is not possible (for example, if your line manager is involved in the bullying or harassment) or you do not feel that the matter has been dealt with satisfactorily then you should go further up the chain of management or speak directly with a member of the HR/Welfare team or Equality & Diversity Unit.

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Whoever you make your formal complaint to should carry out a brief investigation to establish the facts of the allegations and pass this, as quickly as possible, to a Senior Manager. You will be involved and consulted at all times and your wishes regarding any formal action taken will always be considered. It is at this stage that a formal investigation may be put into place. A suitable internal investigating officer will be appointed together with a co-investigator to support the investigation. In some circumstances it may be judged necessary to appoint an independent external investigation team.

During the investigation process, support will be offered to both parties through the HR Department.

All subjects of a complaint are entitled to be represented at all interviews. Representation can be a work colleague; an HR Officer; Equality & Diversity Advisor; Trade Union Representative; Mediator; Staff Supporter or your Line Manager.

Your representative body may produce its own advice or guidelines to assist you.

E.g. FBU Representation – see FBU document “All different. All equal”

Mediation is a way of helping to resolve and settle difficulties and disagreements. A mediator works confidentially with those directly involved to help clarify and explore the issues, develop options and work towards an agreement that is satisfactory for everyone. The Mediator will not make judgements or decisions – the decisions are yours.

Case Law: English v Thomas Sanderson Blinds

In 2009 the Court of Appeal held that the Employment Equality (Sexual Orientation) Regulations 2003 do cover homophobic harassment against a person who is not gay and is not perceived to be gay by those who made the remarks.

English was known to be heterosexual but, because he had been to boarding school and lived in Brighton, he was tormented and called a “faggot”. The regulations prohibit harassment “on grounds of sexual orientation”. The sexual orientation does not have to be that of the claimant. The issue is whether the harassment was based on sexual orientation.

This case has been quoted to illustrate the perils of indulging in “banter”. Banter may be seen as good natured, innocent humour – in reality we need to consider the context, frequency and intent of what is being said and to whom! Thinking that someone is “ok with it” may not actually be the case.

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1.3.1 Investigating a Formal Complaint

Please refer to Investigation Guidance Document for a full explanation of the process.

The Service guarantees that all complaints will be investigated correctly, thoroughly and fairly by an Investigating Officer. All complaints will be investigated with the same level of seriousness and confidentiality. Both the complainant and the alleged harasser will be treated with fairness and respect throughout the investigation and will be offered options to support them through the process.

Embarking on an investigation process may sound daunting, particularly if you have never been involved in any kind of investigation before. The main thing to **remember is that if you are being harassed or bullied it must be stopped.**

Involvement in an investigation process is stressful for **everyone**. All parties should be given regular progress updates during the formal investigation process through an appointed contact.

If following any investigation the complaint is found to be malicious or mischievous, disciplinary action may be taken against the complainant.

1.3.2 Investigation Outcomes

Upon completion of the investigation, a Senior Manager will review the facts (requesting further information from the Investigation Team if necessary) and make one of the following decisions:-

- **No case to answer**

The Senior Manager will meet with both parties involved and discuss justification for the decision. If either party is dissatisfied with the outcome they will have recourse to the Grievance Procedure.

- **Case to answer - Resolution**

The Senior Manager will confirm the outcome to both parties and provide them with a copy of the report. A Bullying or Harassment Resolution Meeting will be held (giving 14 days notice) at which both parties will be expected to attend, together with their representatives if required. The meeting will discuss ways in which the conflict can be resolved and the steps which need to be taken to achieve this (Action Plan).

The harassment or bullying will be discussed fully and openly and the perpetrator will be required to commit to stop the unwanted behaviour. We recognise that behaviour can be changed. Individuals will be given the opportunity to recognise and address areas of development.

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A record of the meeting and a copy of the Action Plan will be placed on the personal files of both parties and timely follow ups should be put in place to ensure that any agreed actions have been complied with and that no further incidents of the unwelcome behaviour have occurred.

Intervention of a trained mediator may be necessary if either party disagrees with the findings or if the perpetrator continues the unwanted behaviour. If this is not successful, recourse to the Disciplinary Procedure may be necessary.

- **Case to answer - Disciplinary**

The Senior Manager may find recourse in the Disciplinary Procedure where it is felt that the situation is serious enough to merit this. When this happens, a Bullying or Harassment Resolution will not take place with both parties present at the same time. Both parties will be advised of the outcome by the Senior Manager.

Where it has been decided to follow a Disciplinary Process, care must be taken not to cause those involved inappropriate further stress and worry. The Bullying and Harassment investigation will be used for the Disciplinary Investigation. This will help to prevent individuals having to go over their evidence, and therefore re-visiting the cause of their distress, more than is absolutely necessary. It will also help to minimise the time taken to collect evidence. As the Disciplinary Investigation Team may be different from the Bullying and Harassment Investigators they may have to check certain pieces of information for clarity.

1.4 Monitoring

It will be necessary for a record of complaints and actions in relation to bullying and harassment to be maintained and this will be done by the HR Department through the Equality & Diversity Officer.

This will provide statistical information and also help to monitor the effectiveness of our policies and procedures and to identify patterns and hot spots.

Whilst this is easily accomplished when the formal route is adopted, where matters are “nipped in the bud” through informal resolutions it is more difficult to capture information. If you have been involved with an **informal complaint** it would be most helpful if you could inform the Equality and Diversity Officer, of the following:-

- nature of complaint;
- gender, ethnicity, age, sexual orientation/religion or belief (if this is connected with the reason for the harassment), and any disability of persons involved in the conflict;
- outcome.

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Any information provided should be anonymous to protect the confidentiality of those involved. No names or other form of identification will be used when the information is checked for monitoring purposes.

A six monthly report will be produced by the Equality & Diversity Unit and presented to the Human Resources Management and Development Committee of the Fire Authority confirming commitment to eradicate all forms of bullying or harassment.

Case Study

A non-uniformed team member confided in a Staff Supporter that she felt isolated and marginalised from the rest of her team. The team member felt that her line manager treated her differently and did not include her when the rest of the team were chatting socially or, indeed, when work was being allocated. Initially, the team member felt that she was imagining this and would join in the social chat or ask for work to be allocated to her but gradually her self esteem eroded and she was embarrassed and withdrawn. Although part of the team for over a year the team member had not received a Performance Review nor had she had any one to one meeting with her line manager. Other members of the team confirmed that they had regular meetings with the line manager and always seemed to be going on some training course or development opportunity. The team member now felt so low that she felt unable to approach her line manager directly. She had thought about seeking other employment but didn't feel that she would promote herself very well. The Staff Supporter helped the team member to acknowledge that she was experiencing a form of bullying behaviour which the line manager may or may not be aware of. The team member took advantage of the Counselling Service which gave her the confidence to have a meeting with the line manager, facilitated by the Staff Supporter, in which she outlined her concerns. Initially, the line manager's stance was defensive but following Mediation, which both parties agreed to, the working relationship improved. The content of the Mediation is confidential to the two parties so we are not privy to the discussion that took place. The team member is now on a development programme and has recently applied for promotion within the Department.

1.5 Challenging Inappropriate Behaviour

You may witness behaviour that you know is wrong or that makes you feel uncomfortable. The easiest thing to do is to walk away and pretend that you did not see or hear the bad behaviour. By walking away you walk away from your responsibility and the opportunity to make positive improvement to the culture of the organisation.

- **What makes challenging inappropriate behaviour difficult?**
 - ❖ making matters worse;
 - ❖ feared or actual reaction of individual or group being challenged (people rarely change their beliefs simply because they have been criticised – if attacked they may behave defensively). However, they may need to change their behaviour to reflect the organisations values rather than their own;
 - ❖ lacking confidence in your own ability to challenge or not being sure that behaviour is inappropriate;
 - ❖ visible/invisible;
 - ❖ fear that you will not be supported by local or senior managers/organisation;
 - ❖ “offender” someone senior or higher up in the organisation;
 - ❖ no privacy to challenge – do not want to initiate confrontation in front of others.

- **Tips for dealing with inappropriate behaviour:**
 - ❖ giving ourselves permission to deal with issues;
 - ❖ empowerment – this is not another word for aggression;
 - ❖ finding the right approach for the individual;
 - ❖ signing up to the Core Values – employees need to know that the workplace is not the forum for inappropriate behaviour;
 - ❖ dealing with non-compliance in structured manner ie: warnings; development action plans; reporting;
 - ❖ reporting incidents; think about good and not so good outcomes of challenges; how would you do things differently;
 - ❖ if unable to challenge at the time – OK to refer back but don’t leave it too long! If in doubt as to whether something should be challenged or not probably it should;
 - ❖ don’t collude with behaviours by ignoring or joining in!

2.0 Guidance and direction for managers

As a manager, you may have additional responsibilities connected with your role such as:

- responsibility for other employees and teams;
- leading on service delivery for your team;
- dealing with customers and job applicants;
- arranging suppliers;
- working with members of the community;
- receipt of internal and external services.

As a manager you should:

- make sure you are fully conversant with this policy and any other relevant and cross referenced Service policies;
- ensure that employees in your care are made aware of the above, have appropriate access to information and know what their personal responsibility is;
- ensure that employees know where they can go for help and that they have access to any relevant internal or external support networks;
- incorporate regular discussion topics on equality issues in your team briefings/meetings and introduce the concept of Equality Impact Assessment for all functional policies and processes.

As Managers you can influence behaviour. You are in the best position to do this and make a real difference. A particular responsibility rests with first line managers. You have to exercise control and must not allow inappropriate, discriminatory or prejudiced language or actions to go unchallenged or be part of your own behaviour. If you don't challenge you are condoning the bad behaviour

We must all take responsibility for our own actions and Managers should keep the following in mind.

- Would I like this to be said or done to me or a member of my family?
- Is what I am saying or doing likely to cause offence?
- Do I fully understand the issues surrounding equality, diversity and fairness in the Fire & Rescue Service?
- If not where can I find out?
- How effective am I as a manager of people?
- Do I have the skills that I need?

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Managers!

If someone brings to your attention that they believe that they have been subject to inappropriate behaviour, how do you want them to feel?

It takes courage to report incidents of bullying, harassment or inappropriate behaviour. Think about how you would like to feel if it was you...

Supported

Listened to

Empowered

Believed

Understood

My options will be explained to me

Trusted

It will be sensitively handled

Confident that something will be done to help me

Confident the matter will be treated confidentially

Confident I will be taken seriously

I want to report this but how will it be dealt with?

I want to feel...

2.1 Your responsibilities if a complaint is brought to you

You have a responsibility to take action. You must discuss the matter with the individual who believes they have been the subject of inappropriate behaviour, in private, and determine their wishes. If the alleged harassment or bullying is of a serious nature, or the complainant wishes to pursue the formal complaint route, you must immediately verbally inform the alleged perpetrator that you are investigating the matter.

Behaviour considered bullying by one person may be considered firm and appropriate management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the grey areas that cause most problems.

Do not take any disciplinary action or issue any threat of further action, at this stage, but make it clear that:-

- you are aware of a situation and you are investigating the circumstances;
- the alleged behaviour must stop;
- further action may follow or, if considered appropriate, a report will be made in line with existing disciplinary procedures.

If you are satisfied that the incident is of a minor nature, such as a genuine mistake or misunderstanding, and the individual does not wish to complain further, no further action is required.

In some cases, where your investigation indicates a mistake or misunderstanding or where communication has been an issue, you may wish to consider using the internal and confidential Mediation service to enable individuals a safe space to explore their differences.

2.2 What if the complainant asks me to take no action?

An individual may bring an issue to light but request that no action be taken. This may present you with a dilemma but you should bear in mind the employer's duty of care and your liability for the actions of all employees, so the occasions where no action at all is taken will be rare.

Once a matter has been brought to your attention, "no action" option may not be an option. The complainant should be encouraged to agree some form of remedial action for their own safety, the safety of others and to alert the perpetrator to the fact that their behaviour or some aspect of their behaviour is unacceptable to one or more than one person.

Individuals experiencing harassment or bullying behaviours are often vulnerable and are reluctant to pursue a complaint. They may feel that any complaint could be trivialised and they could be accused of being over sensitive. If they have been subjected to inappropriate behaviour for any length of time they will probably be experiencing low self

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esteem and feel isolated, disempowered and excluded. Their reluctance to pursue a complaint, even informally, may be a fear of reprisals or victimisation. They may also feel that the incident that brought them to you will seem trivial, despite being part of a series of incidents. Your support and guidance at this time will be paramount and you may need to exercise skills of tact, diplomacy and reassurance, amongst others. Above all you will need to build a feeling of trust and rapport.

There may be times when you need to take action without the permission of the subject of the unacceptable behaviour. If this situation arises you may wish to seek advice from an HR Officer or Equality & Diversity Advisor.

2.3 What about the subject of the complaint?

You must ensure that the rights of the alleged harassers or bullies are protected by maintaining appropriate confidentiality and providing the opportunity for their point of view or explanation of events to be expressed. They should also be given the same access to appropriate support as the individual who has brought the complaint.

Consideration should also be given to working arrangements whilst the matter is being investigated. This may include making temporary changes to the workplace, if this is considered appropriate, whilst recognising that neither party should be victimised.

2.4 Where can I go for support whilst I am dealing with the situation?

If you are in doubt or require support and advice, contact the Human Resources Department; your own Line Manager; the Welfare Officer or the Equality & Diversity Unit at Service Headquarters. You can be assured that appropriate confidentiality will be maintained and no action will be taken without your knowledge or consent.

2.5 Support for victims, witnesses and alleged perpetrators

All individuals involved in a complaint, whatever their status, should be offered the opportunity of accessing support.

This support will be available from a variety of sources and will, sometimes, depend on individual preference:

- line manager;
- work colleague or friend;
- member of internal support network;
- specialist worker;
- union representative.

Where support is required as part of an internal process, the supporter should be a work colleague or Trade Union representative

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2.6 What should I do if I become the subject of a formal complaint?

If you have made a genuine mistake, you will be helped to resolve the situation and supported through any identifiable gaps in your understanding and awareness.

If you become the subject of a formal complaint and are asked by a Senior Manager to stop the behaviour that is the subject of the complaint, you must do so at once – even if you cannot see anything wrong in what you are doing.

If you are asked to take part in a meeting to resolve conflict you should do so. Failure to do so may be seen as obstructive and could result in disciplinary action being taken. The aim of the meeting will enable you and the complainant to discuss the situation and will be an opportunity for all to give their version of the event. You should be honest in explaining what happened when you are asked.

At any time during the process you will have access to support through the Welfare Officer or the HR Department (please see next section for full details). Alternatively, you may prefer to consult your Trade Union representative. You are entitled to representation (a work colleague or Trade Union representative) at all interviews.

FBU – guidance for members who are or believe they may be the subject of allegations of discrimination, harassment or bullying

FBU members accused of discrimination, harassment or bullying are afforded an interim period of representation between the time the allegation is made and the time it takes for an investigation to be carried out and a decision to be taken by a regional committee. Any member who considers or is informed that they may be party to any proceedings in which it is or may be alleged that they have committed any action of discrimination, harassment or bullying will not automatically qualify for union or legal assistance. Any such member who wishes to apply for such assistance should do so as soon as is practicably possible to the Regional Secretary outlining the reason for the application.

See “All different. All equal” for further information & flow chart or contact your representative body.

3.0 Supporting you through the process

3.1 Who can I talk to?

- **A Friend, Colleague or Line Manager**

If it is too difficult to make a direct approach to the alleged harasser or bully on your own, you may wish to see the support of a friend or colleague you feel at ease with and can trust. You may want to tell your line manager or a senior manager. Make it clear to all

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parties that, if this is a first informal approach, that you are not making an official complaint at this stage. Even in the absence of an official complaint no manager should ignore such a problem and they are expected to find some way of ensuring the problem is addressed through informal means and without compromising confidentiality. The issue will be within your control.

Talking to someone will help and you may find it easier to confront the alleged harasser or bully or make a formal complaint.

- **A Staff Supporter**

A number of Service employees have undertaken additional training to enable them to help you deal with a variety of issues, including Harassment and Bullying. Their role is to listen, discuss options, signpost you towards sources of help and advice, give information and support you without taking over or imposing solutions. They will offer confidential support without making judgements. However, if the issues you talk about cover criminality, dangerous activities or areas where health and safety to individuals is raised the level of confidentiality will have to be discussed.

You will find the names of [Staff Supporters](#) on notice boards, on the Intranet or by contacting the Welfare Officer on 01392 872241

- **A member of the Human Resources team**

HR Officers have training and experience in dealing with issues of this nature. We even have a dedicated HR (Welfare) Officer. You can talk to them informally and they can help to sort out problems quickly and tactfully. However, if the situation is serious and needs some formal action you will need to be prepared to make a formal complaint. Remember that confidentiality may be qualified in that it could be overridden by Health and Safety or Criminal Law.

- **A Trade Union Official**

Many Trade Union Branch and Service officials have a wealth of knowledge on equality issues and can offer support and guidance. In addition they can source further assistance including independent legal advice if this is needed.

The **Fire Brigades Union (FBU)** document “All Different, All Equal” provides comprehensive guidance in cases of bullying and harassment including help and options for members. Call the FBU Helpline on 0181 974 9027. The FBU have specialist groups eg: Black and Ethnic Minority Members; National Women’s Committee and Lesbian, Gay, Bisexual and Transgender Committee which can be contacted directly or through the local branch. All groups within the FBU are trained and have first hand experience of dealing with issues around fairness.

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Unison and **Retained Firefighters Union** can also offer help and support. They can be contacted locally or via their national organisations.

- **Fire Officer's Association**
- **The Equality and Diversity Unit ...**

The Service has its own Equality & Diversity Team whose role includes advice, guidance and support on meeting legislation and adopting good practice. It may be that talking to a member of the team will give you ideas on how to deal with the situation yourself or where you can get specific help and support. For example, they may recommend mediation or a facilitated meeting to help you resolve issues. The team will treat any approach sensitively and will discuss the level of confidentiality appropriate to your particular situation.

Are you aware of the National Disabled Fire Association (NDFFA)?

The NDFFA is a registered charity which was set up by 3 members of Devon & Somerset Fire & Rescue Service to provide a support network on disability for the Fire & Rescue Service nationally; their present and future employees and the communities served. If you are experiencing harassment or bullying that is related to disability get in touch with the NDFFA now for free help and advice. <http://www.ndfa.info/about-us.html>

- **Networks**

There are a whole host of internal Fire Service and external networks that you may find helpful. A selection of these can be accessed through our internal [Welfare page](#) on the Intranet.

4.0 Useful Links

Equality & Human Rights Commission

The Commission brings together the work of the three previous equality commissions and also takes on responsibility for the other aspects of equality: age, sexual orientation and religion or belief, as well as human rights.

<http://www.equalityhumanrights.com>

Gender

<http://www.hmso.gov.uk>

www.womenandequalityunit.gov.uk

Disability

<http://www.hmso.gov.uk/acts.htm>

<http://www.disability.gov.uk>

Age

www.dti.gov.uk/er/equality/age.htm

www.agepositive.gov.uk

Race

www.hmso.gov.uk/si/si20013458.htm

www.hmso.gov.uk/si/si2003/20031626.htm

Sexual Orientation

<http://www.dti.gov.uk/er/equality/eeregs.htm>

General

Equality Direct – Government sponsored website for business on discrimination issues

www.equalitydirect.org.uk

National Bullying Helpline – 0845 22 55 787

www.nationalbullyinghelpline.co.uk

The Andrea Adams Trust – 01273 704 900

Committed to preventing bullying at work

www.andreadamstrust.org

ACAS (Arbitration and Conciliation Service)

www.acas.org.uk

Trades Union Council (TUC)

www.tuc.org.uk

Business Link

www.businesslink.gov.uk

CIPD (Chartered Institute of Personnel & Development)

www.cipd.co.uk

Employment Tribunal

www.employmenttribunals.gov.uk

www.employmentappeals.gov.uk

www.ets.gov.uk

Government Websites:

www.dti.gov.uk

www.opsi.gov.uk

www.dwp.gov.uk

www.parliament.uk

Health and Safety Executive:

www.hse.gov.uk

www.hse.gov.uk/stress