

# Bullying, Harassment, Discrimination, and/or Victimisation Policy

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<b>This policy has been agreed by:</b>	<b>Approval Date:</b>
Policy Forum	
EJCC	
Date for Review:	

## 1.0 Introduction

Shropshire Council believes that every colleague has the right to be treated with consideration, dignity and respect at work and its aim is to provide a working environment that is free from bullying, harassment, discrimination, and victimisation.

In addition to this, Shropshire Council is fully committed to creating a working environment where individuals have the confidence to complain about bullying, harassment, discrimination, or victimisation should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.

## 2.0 Scope

This policy applies to all Shropshire Council employees and volunteers (with the exception of employees employed directly by schools who should refer to the Schools Human Resources Handbook).

Every individual working for Shropshire Council is expected to treat everyone they encounter such as service user, clients and members of the public with consideration, dignity and respect and they are entitled to be treated the same in return.

Shropshire Council believes that any behaviour that undermines this aim is totally unacceptable and therefore, deplores any and all forms of bullying, harassment, discrimination, and victimisation, none of which will be tolerated under any circumstances.

## 3.0 Aims and Objectives

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. Shropshire Council will not tolerate bullying, harassment, discrimination and/or victimisation of:

- job applicants and new recruits
- employees
- contractors
- agency workers
- the self-employed
- ex-employees
- customers/clients

This policy covers bullying, harassment, discrimination and victimisation in the workplace and in any work-related setting outside the workplace. Examples of which include, but are not limited to business trips or any work-related social events such as Christmas parties, leaving celebrations, working lunches, etc. It also covers contact between colleagues outside of working hours such as through social media or messaging apps.

## 4.0 Definitions

### 4.1 Bullying and Harassment

Bullying is a sustained form of psychological abuse that aims to make victims feel demeaned and inadequate. ACAS define bullying as:

*“unwanted behavior from a person or group that is either offensive, intimidating, malicious or insulting, or an abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone”.*

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions like deliberately ignoring someone at work.

A single incident may amount to bullying or harassment - It does not have to be a series of events.

Under the Equality Act 2010 harassment is “unwanted conduct that intentionally or unintentionally violates a person's dignity, or creates an intimidating, hostile, degrading, humiliating, or offensive working environment for that individual”.

Sexual harassment occurs when a worker is subjected to unwelcome sexual advances, comments, requests for sexual favours or other unwanted behaviour which is of a sexual nature.

Bullying and harassment may not necessarily be face to face but may occur through written communications, visual images, email, phone, through social media, it may not always be obvious or noticed by others.

Bullying may also take place in or outside of the workplace this includes cyber bullying.

Cyberbullying can be defined as the use of information and communication technologies to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Typically cyberbullying involves the use of the Internet, email or mobile phones to send or post text or images intended to hurt or embarrass another person. In many cases, the spreading of offensive jokes or shocking or sexual material via phone or email may also constitute cyber harassment.

Anyone found to be using technology or social media to bully or harass a colleague or third party will be subject to Shropshire Council's disciplinary procedure. In social media the boundaries between professional and personal life can sometimes become more blurred the **Social Media Terms of Use policy – Personal Accounts** provides guidelines for all employees when using social media via personal accounts. Unacceptable behaviours, example can be found in **appendix 1 of this policy – Unacceptable behaviours**.

Workplace harassment or bullying must not be confused with legitimate comment and advice (including relevant negative comment or feedback) from managers and supervisors on the work performance or work-related behaviour of an individual or a group.

## **4.2 Discrimination**

Discrimination is when someone is treated unfairly because of any of the protected characteristics listed under the Equality Act 2010 and at section 18 – Equality, except in very rare circumstances:

We aim to provide a safe working environment for all of our employees. If you feel that you have been exposed to unwanted conduct because of a protected characteristic, we encourage you to use our bullying and harassment procedure.

## **4.3 Victimisation**

Victimisation occurs when someone is unfairly treated because they are suspected or known to have made or supported a complaint to do with a 'protected characteristic' under the Equality Act.

Guidance and examples of unacceptable behaviour can be found in Appendix 1- Guidance on unacceptable behaviour.

## **4.4 Unreasonably Persistent and Vexatious behaviour**

The Councils Unreasonably Persistent and Vexatious details that unreasonably persistent behaviour may occur when someone makes frequent contact often on the same, or very similar, matters. This could be regardless of whether their complaint or concerns have been dealt with.

Vexatious behaviour may be used to describe someone who raises a complaint/s in order to cause annoyance or disruption and unnecessarily aggravate rather than raise or resolve a grievance.

## **4.5 Disability**

The term disability is used as it is defined in the Equality Act 2010 recognising that the Act's intention is both positive and protective for disabled people "a person is considered disabled if they have a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on their ability to carry out day to day activities".

However, we also recognise that 'disability' is a dynamic term, within which terms such as 'neurodivergence' and 'neurodiversity' are emerging and changing, including the relationship between neurodivergence and definitions of disability.

## 5.0 The Impact of Harassment and Bullying

Harassment and bullying can extract a high price on our employees and the organisation alike. Employees can be subject to fear, stress, anxiety, depression or symptoms of post-traumatic stress disorder or exacerbate a pre-existing health condition which can put great strains on personal and family life. Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance, and resignation.

The damage, tension, and conflict that harassment and bullying creates should not be underestimated. The result is not just poor morale, but higher employee turnover, reduced productivity, divided teams, poor service, and poor product quality.

Shropshire Council's public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention.

## 6.0 Management Responsibilities / Responsibilities of Shropshire Council

Shropshire Council expects all colleagues to treat each other with consideration, dignity and respect in line with our vision of Shropshire living the best life and Code of Conduct supporting the Shropshire Plan's objectives Healthy People and Healthy Organisation.

While implementing and upholding the policy is the duty of all of our elected members and managers, all employees have a responsibility to ensure that bullying, harassment, discrimination, and victimisation have no place in our organisation.

### 6.1 Managers and Supervisors

The Health and Safety at Work etc Act 1974 sets out that employers have a legal and contractual obligation to prevent harassment and bullying from taking place.

Managers are responsible for: -

- Set appropriate workplace standards and inform employees clearly of what is and is not acceptable workplace behaviour.
- Set a good example ensuring that their own behaviour does not constitute bullying, harassment, discrimination, and/or victimisation.
- To create and maintain a working environment free from bullying, harassment, discrimination, and/or victimisation.
- Ensure that all employees and workers are treated fairly and with consideration, dignity, and respect.

- To inform employees of the actions they can take if they feel they are being bullied, harassed, discriminated against, and/or victimised and of the support available to them.
- To inform employees that bullying, harassment, discrimination, and/or victimisation of an individual complaining of bullying, harassment, discrimination, or victimisation are disciplinary offences.
- To treat any complaint seriously and take prompt action to stop bullying, harassment, discrimination, and/or victimisation. as soon as it is identified or witnessed.
- Ensure that the complainant is not further bullied, harassed, discriminated against, and/or victimised for making a complaint.
- To implement this policy and ensure employees are aware of it and understand it.

## 7.0 Employee Responsibilities

All employees have a duty of care for themselves and others they encounter in the workplace. Each person is responsible for their own behaviour and its impact on others. Employees should: -

- Treat colleagues with dignity and respect.
- Help create and maintain a work environment free of bullying, harassment, discrimination, and/or victimisation.
- Make colleagues aware that any form of bullying, harassment, discrimination, and/or victimisation. is unacceptable and that they do not support this kind of behaviour.
- Not participate in any form of bullying, harassment, discrimination, and/or victimisation.
- Encourage colleagues to respect each other.
- Be aware of how their behaviour may affect others and adapting it, if necessary.
- Provide support to anyone being bullied, harassed, discriminated against, and/or victimised
- Report any incidents of bullying, harassment, discrimination, and/or victimisation in the workplace they are aware of appropriately and support Shropshire Council in the investigation of complaints.

Additional roles and guidance can be found in **Appendix 3 – Roles and Responsibilities**.

Any bullying, harassment, discrimination, and/or victimisation will be classed as gross misconduct, for which employees may be summarily dismissed.

## 8.0 Performance Management

It is necessary and appropriate for managers to be able to manage their employees. This may involve:

- Issuing reasonable instructions and expecting them to be carried out.

- Setting and publicising expected standards of performance supported with relevant appraisal framework.
- Disciplining employees for misconduct, where appropriate, following a fair and reasonable investigation.
- Implementing action in respect of the management of sickness absence in line with Shropshire Councils Sickness Absence policy, Managing employee performance or Capability policy.

It is reasonable to expect a manager to perform these functions fairly and consistently. Performing them does not constitute an act of bullying/harassment, although some employees may feel stressed or anxious while the procedures are ongoing.

However, abusing these procedures may constitute bullying/harassing behaviour. It is important to differentiate between firm, fair management and bullying/harassment. It is in the interests of the organisation that managers should be able to execute their duties without threat of ill-intentioned, malicious or vexatious complaints – which in themselves could be deemed to be a form of bullying/harassment.

It is recognised that it is not always easy to differentiate between firm, fair management and bullying/harassment. Please refer to Appendix 2 Guidance on acceptable behaviour for comparisons between good management and bullying and harassment to help you discern between the two. It is accepted that these descriptions represent extremes of behaviour, although in practice things may not be so clear and individuals may display characteristics which fall somewhere in the middle.

## 9.0 Training, Communication and Awareness

Shropshire Council recognises that a written policy, though an essential first step, is not sufficient to eliminate bullying, harassment, discrimination, and/or victimisation.

Prominent, regular, and meaningful communication, training, and awareness are important to ensure that all our employees:

- understand our commitment to preventing bullying, harassment, discrimination, and/or victimisation.
- understand their role and responsibilities in the process.
- know where to seek advice and guidance.
- know how to make complaints and are confident that they will be handled effectively.

Shropshire Council is committed to using a number of different ways in which to communicate our policy effectively.

These include, but are not limited to:

- Training and awareness programmes for all employees at all levels.
- Briefings for employee and trade union representatives.



- Items on the Intranet.
- Support Officers who can guide employees through the policy and procedures.
- Induction training and coaching is also available to: -
  - 1) Help managers deal with allegations of bullying, harassment, discrimination, and/or victimisation raised by a member or members of their team.
  - 2) Support employees to change their behaviour where a need for change has been identified.

Please contact [Ask.HR@shropshire.gov.uk](mailto:Ask.HR@shropshire.gov.uk)

## 10.0 Procedure for Dealing with Bullying and Harassment

Each person has the right to decide what behaviour is either acceptable or unacceptable; if an individual finds certain behaviour unacceptable and they feel damaged by it, then they have every right to say so, and their right to do so will be respected.

All employees therefore have the right to:

- Make a complaint about bullying, discrimination, harassment and victimization at work.
- Have their complaints taken seriously and handled appropriately.
- Have their complaints dealt with in the up most confidants.
- Receive support and help from the Council regarding any complaints raised.

If an employee raises a concern in relation to bullying, discrimination, harassment or victimization the Council will ensure that appropriate measures are taken to investigate independently and thoroughly. Where possible an informal resolution will be found, or formal proceedings may commence.

### 10.1 Advice

Shropshire Council recognises the sensitive nature of bullying and harassment. Employees who believe they are being bullied or harassed may wish to discuss their particular situation before deciding what action to take. Shropshire Council operates an open-door policy to discuss workplace problems and employees can fully discuss the matter with their manager on an informal basis.

However, we recognise that this may not always be appropriate in the circumstances. If this is the case, employees can discuss the situation with:

- the next higher level of management.
- with a Support Officer (refer to appendix 6 – Support for details).
- or with a HR Advisor

Anyone giving advice will:

- ensure the conversation remains confidential as far as possible.
- listen sympathetically.
- help individuals consider objectively what has happened.

- discuss what outcome the individual would wish to see.
- draw attention to available procedures and options.
- inform the individual of the legal liabilities involved.
- help weigh up the alternatives, but without pressure to adopt any particular course.
- assist the individual in dealing with the situation (if the individual asks for help).

Confidentiality will be maintained as far as possible.

However, if an employee decides not to take any action to deal with the problem and the circumstances described are very serious, Shropshire Council reserves the right to investigate the situation — as it has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/bully's behaviour.

Employees who have had allegations of harassment and bullying made against them can seek support from the HR Advice & Projects Team or email

[ask.hr@shropshire.gov.uk](mailto:ask.hr@shropshire.gov.uk)

## **10.2 Solutions**

Just as it is for the individual to decide what behaviour is either acceptable or unacceptable, then it is also for the individual to decide which route to take in solving any problem that has occurred. There are two types of solutions available: informal and formal.

### **10.2.1 Informal solutions**

Employees can choose to solve the matter themselves by simply approaching the harasser/bully, telling the harasser/bully that their behaviour is unwelcome and that it must stop, otherwise a formal complaint will be made.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a colleague, union representative or support officer who can accompany the victim when speaking to the harasser/bully. In cases where the victim finds the situation particularly difficult, this representative can speak on the victim's behalf if the victim is both present and in agreement.

A third option is that the victim can put their views in writing to the harasser/bully, telling them that their behaviour is unacceptable and that it must stop. The Council has trained a number of employees as Support Officers who can be contacted by those experiencing harassment and bullying, and who will provide support and guidance on how to handle the problem. For more information, on the Informal procedure may be found at Appendix 5 – Informal Procedure for dealing with claims of bullying, discrimination and victimization.

### **10.2.2 Mediation**

Independent and impartial mediation conducted by a trained mediator will be made available to assist in the resolution of the dispute between the person who is being bullied or harassed and the perpetrator.

If either party wishes to request third party mediation, he or she may do so by speaking to Human Resources. However, mediation will only be considered where both parties agree to enter into the process.

### **10.2.3 Formal solutions**

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a Grievance.

Each step and action under the formal Grievance Procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially whilst ensuring that the rights of both the alleged victim and the alleged harasser are protected.

Employees and witnesses can be assured that they will not be ridiculed or victimized for making, or assisting in making a complaint, even if it is not upheld, as long as it is made in good faith.

Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality — a failure to do so will be a disciplinary matter.

The procedure is set out in the [Grievance Procedure](#)

If the complaint is upheld, the matter will be passed to the appropriate Senior Officer for the area/team to make a decision about whether any action should be taken under the disciplinary procedure.

Any bullying, harassment, discrimination, and/or victimisation will be classed as gross misconduct, for which employees may be summarily dismissed.

### **10.2.4 Continuing to Work Together**

Whether a complaint is upheld or not, Shropshire Council recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case, we will consider a voluntary request from either party to transfer to another job or work location. However, a transfer cannot always be guaranteed.

### **10.2.5 Counter Complaint**

In the event of a counter complaint, it will usually be the same investigating officer/HR support who will investigate the counter complaint unless there is a compelling reason for this not to happen.

## 11.0 Monitoring

Where bullying, discrimination, harassment or victimization has been found to have occurred, and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. Shropshire Council will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

## 12.0 Dealing with Harassment by a Third Party

Employees have the same rights as a third party – that is, to be treated with respect and dignity and work in a safe environment where they are protected from abuse or harassment at all times and have the right to complain if bullied or harassed by a third party such as a client, contractor, employee from another agency or visitor.

An employee who is bullied or harassed by a third party is not expected to enter into any confrontation with the third party that may put their personal safety at risk.

An employee should take the following steps if they choose to resolve the matter by themselves:

- Politely ask the third party to stop the bullying or harassment and inform them that bullying, or harassment of the company's workers will not be tolerated.
- If the third party does not stop the bullying or harassment — repeat step 1 and warn them that action will be taken against them if the bullying or harassment continues.
- If the third party does not stop the bullying or harassment — immediately report the incident to their line manager.

The complaint will be investigated immediately and if the allegation is well founded, we will take steps we deem necessary in order to remedy the complaint. This can include but is not limited to:

- Warning the individual about the appropriate nature of their behaviours.
- The bully or harasser may be asked to leave Shropshire Council's premises and not return.
- Reporting the individual's actions to the police.

It is inappropriate to swap the bullied or harassed employee with another employee without explaining to the complainant the reasons for this action.

In all cases employees are encouraged to report any and all instances of bullying or harassment by a third party to their line manager which they have already managed to resolve. **Appendix 8 - Incident Report Form** should be completed. The report will be used for the purpose of monitoring the effectiveness of Shropshire Council's bullying and harassment policy.

It is a priority of the organisation that no employees are put in a situation of potential risk, services are expected to complete local risk assessments as necessary.

If an employee is bullied or harassed in the course of carrying out their duties, the following procedure should be adopted (**appendix 6 Guidance to managing Bullying, Discrimination, Harassment or Victimisation by a third party**).

In the rare event that a third-party complaint is felt to be unreasonably persistent and vexatious the Unreasonably Persistent and Vexatious Customers Procedure should be referred to for further information and guidance.

### 13.0 Bullying and Harassment by Elected Members

Shropshire Council finds unacceptable any bullying or harassment of employees by elected Members. If an employee has concerns of this nature, they should raise the matter their line manager who will contact the Council's Monitoring Officer (Corporate Head of Legal & Democratic Services) for the complaint to be dealt with under the appropriate Member procedure.

### 14.0 Malicious Complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to Shropshire Council's Disciplinary Procedure, as will any witnesses who have deliberately misled the organisation during its investigations.

### 15.0 Support for Employees

The Council recognises that raising issues of harassment and bullying can be difficult and stressful both for the complainant and the alleged harasser/bully. Other team members may also become adversely affected.

The Council has trained a number of employees as Support Officers who can be contacted by those experiencing harassment and bullying, and who will provide support and guidance on how to handle the problem. See **Appendix 7** for a list of trained Support Officers. It is not the role of the Support Officer to make the decision for the employee, but merely to provide the information the employee needs so that they can decide how to proceed. Support officers are not expected or trained to fulfil a professional counselling role.

17.2 Employees who have had allegations of harassment and bullying made against them can seek support from the HR Advice & Projects Team.

A number of additional support mechanisms are also available for those experiencing difficulties and all employees are encouraged to seek support. Including the Occupational Health Service 01743 252833 and the external counselling service provided by Optima Health, telephone 01978 780479, email [therapyservices@optimahealth.co.uk](mailto:therapyservices@optimahealth.co.uk), website [www.optimahealth.co.uk](http://www.optimahealth.co.uk)

Colleagues who may be experiencing emotional distress or mental health issues are also able to contact a mental health first aider (MHFA) for signposting to professional services and support.

See **appendix 7** for a list of mental health first aiders and other external sources of support.

## 16.0 Whistleblowing

Employees who witnesses unacceptable behaviours towards other colleagues and third parties by another employee or in the case of a third party's actions towards another colleague should raise concerns directly to a manager, HR colleague or by referring to the Councils Whistleblowing policy.

The Council recognizes that deciding to report a concern can be difficult, not least because of the fear of possible reprisals. The Council will not tolerate harassment or victimization and will take action to prevent this when you raise a concern.

Further guidance can be found in the Councils **Whistleblowing policy**.

## 17.0 Equality Statement

The Council employs employees from a diverse range of backgrounds and all employees should be treated with respect. It is recognized that discrimination abuse is a specific type of abuse that has a particular impact on employees from certain groups that includes but is not limited to groups with protected characteristics as outlined in the Equalities Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, faith or belief, sex and sexual orientation.

In addition, the Equality Act makes three types of harassment unlawful:

- Harassment related to a 'relevant protected characteristic. These are Sex, Age, Disability gender reassignment, Race, Religion, faith or belief, sexual orientation. Unlike other forms of discrimination, pregnancy and maternity are not included, however somebody because of pregnancy or maternity would be harassment related to sex.
- Sexual Harassment
- Less favorable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

As a public sector employer, we must also comply with the Public Sector Equality Duty (further information can be found in the Councils 'Equality Policy') which means we must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.

- Foster good relations between people who share a protected characteristic and those who do not.

The Council is committed to taking robust actions to oppose any incidents of workplace harassment and recognizes that employees who do not have a 'protected characteristic' can still experience discriminatory harassment, for example people belonging to an alternative subculture (defined as appearance and lifestyle).

## 18.0 Data Protection

Any personal data collected will be processed in accordance with our Data Handling Policy.

## 19.0 Related Policies and Procedures

- Code of Conduct
- Disciplinary Policy/Procedure
- Written statement of Particulars, section 17 – Equal Opportunities
- Equality Policy
- Grievance Procedure
- Whistleblowing Policy
- Recruitment Policy, section 17 Equality Statement
- Social Media Terms of use – personal accounts
- Procedure for dealing with unreasonably persistent and vexatious complaints.

## 20.0 Key Stakeholders

Key stakeholders for this policy are employees, Line Managers, Human Resources and recognised Trade Union Representatives.

## 21.0 Key Legislation

This policy is guided by the ACAS Code of Practice on bullying and harassment procedures.

## 22.0 Monitoring of Policy

Human Resources will monitor the incidents of harassment and bullying that occur in the Council on a regular basis to determine whether action (e.g., training) needs to be taken in specific areas. In order to do this, HR will keep a 'case file' of the documents used when either the Informal Procedure or the Grievance Procedure has been followed.

The Informal Procedure Monitoring Forms will not show the names of the individuals involved. Therefore, if the informal procedure is used, the employee and alleged harasser/bully can be assured that their identities are only known by those who need to know.

## 23.0 Review

The policy will be reviewed at regular intervals and no later than 2 years after its implementation by the Assistant Director - Workforce and Improvement in consultation with Trade Unions.

## Document version control

Version	Date	Comments
Bullying and Harassment v1		