

Bullying, Harassment, Discrimination and/or Victimisation policy and procedure – Appendix 4

Frequently asked questions

How do I know what is deemed as acceptable or unacceptable behaviour?

It is difficult to be specific and judgment will have to be exercised in each situation, but Appendices 1 and 2 provide examples of what is deemed as acceptable and unacceptable behaviour, which can be used for guidance purposes.

Is Harassment and Bullying unlawful?

Harassment and bullying can be unlawful, and there are a number of laws in place to protect an individual who is experiencing harassment and bullying in the workplace.

Employers can be prosecuted by law, but individuals can also be prosecuted under criminal as well as civil law and can be held personally liable to pay compensation. Employers and individuals can be ordered to pay unlimited compensation where discrimination-based harassment has occurred, including the payment of compensation for injury to feelings.

What do I do if I feel a child or vulnerable adult may be at risk?

Harassment or bullying can be a form of abuse. In each case, consideration should be given to whether the alleged harasser or bully is working with children or vulnerable adults.

If they are, it will be the role of the person supporting the complainant (line manager/support officer/union representative/occupational health) to identify whether a child or adult protection referral needs to be made. If the complaint is regarding an employee, it should be reported first to Michele Leith, Strategic Business Partner for People and Schools. If the complaint is regarding someone not employed by the council, the Customer Services Centre should be contacted on 0345 678 9000 and child protection referrals made to the Initial Contact Team, and adult protection referrals to the relevant social care team.

What happens with cases where other organisations are involved?

Where Shropshire Council employees are working alongside employees of other authorities or agencies and an issue of harassment or bullying arises, the complaint

organisations.

should be handled jointly with the partner organisation, taking into account the policy arrangements of both

What do I do if I witness harassment and/or bullying behaviour in my workplace?

If you feel confident about tackling the issue, you should challenge the individual or individuals concerned, referring to Appendices 1 and 2 as a guide to what is acceptable and unacceptable behaviour. If the behaviour persists, you should speak in confidence to an appropriate person i.e. your line manager, trade union representative, or a support officer. You could also contact the HR Advice & Projects Team on Ask.hr@shropshire.gov.uk for guidance.

What support is available for teams where there have been allegations of harassment/bullying?

Dealing with the aftermath of allegations can be very difficult for both the complainant, the alleged harasser/bully, and for other team members if they are aware of the issue. Support may need to be given to help team members come to terms with what has happened, and to help improve working relationships.

There are a number of employees who have been trained in mediation skills who can provide support; contact the HR Advice & Projects Team. The Occupational Health Service and external counselling service provided by NOSS can also be contacted by employees (see FAQ 11 for the contact numbers).

What do I do if I suspect a complaint may be linked to the complainant's mental health problems?

A symptom of mental illness can be paranoia – a false belief that people are 'picking on you' or particularly targeting you. However, if an employee with mental health problems raises an issue of harassment and bullying, it must not be assumed that it is a result of paranoia on their part. The complaint must still be taken seriously, because the harassment and bullying could be taking place. Efforts should be made to try to resolve the issue using the informal procedure in the first instance.

If the employee has made you aware that they have mental health problems, it may be appropriate to discuss with them whether it's possible their state of mind is playing a part. However, great care and sensitivity need to be shown, and it is recommended advice be sought first from the HR Advice & Projects Team and/or the Occupational Health Service.

Does this policy cover activities outside of work?

Yes, it may do if the activity is work-related e.g. social gatherings organised by the employer such as work parties or outings. Employers may be held liable for any harassment or bullying that takes place at these activities, so employees should ensure that their behaviour is also acceptable at these times.

Is redeployment a possible option for either the complainant or the alleged harasser/bully?

Yes, it is an option but will only be considered where other options are not suitable. Wherever possible, both parties should be encouraged to try to resolve their issues so they can maintain a professional working relationship in the future.

What is mediation and is it available?

Mediation is facilitation by a neutral third party to help the parties communicate with each other and come to an agreement so that a positive working relationship is restored. The mediator will provide both parties with a written statement outlining the issues addressed and any agreed actions to be taken by the parties to resolve the issues. Both parties must agree to mediation or it cannot be used.

Some council employees have been trained in mediation skills and can be used to help resolve workplace issues (contact the HR Advice & Projects Team).

General contact details

HR Advice & Projects Team (01743) 252777; Ask.hr@shropshire.gov.uk

Occupational Health Service (01743) 252833

NOSS – external counselling service (01978) 780479

Unison (union) – 01743 252952/8

GMB (union) – Joan Clarke (Mon to Wed) (01691) 677244/mobile 0781 6592974

GMB office at Stafford (01785) 255978

Unite the Union – regional office 0121 553 6051