

Bullying, Harassment, Discrimination and/or Victimisation Policy and procedure – Appendix 6

Guide to managing Bullying, Discrimination, Harassment and Victimisation by a Third Party

Informal stage

Wherever possible, any incident should initially be dealt with informally. If the employee feels able to do so they should inform the bully/harasser, at the time if possible, that they find their actions/remarks and behaviour to be unacceptable.

They should state that they wish the unwelcome behaviour to stop. If the situation warrants the need for a witness, the complainant is advised to approach a colleague to accompany them when approaching the alleged bully/harasser. The employee should then report the matter to their manager as soon as possible.

If the employee does not feel able to speak to the bully/harasser personally, they can ask their manager to do so on their behalf. It will be the responsibility of the manager involved to discuss the action taken to date and what should be done if any further incidents occur.

At any stage, if the employee who made the complaint is dissatisfied with the action taken by management, he or she may lodge a grievance.

If the harasser is a service user, it may be appropriate to discuss the matter with a carer or relative at the earliest opportunity. It may be that a carer or relative could be more successful in addressing the unwanted behaviour with the service user.

The manager must inform the harasser of the consequences of further incidents. Where it appears the harasser is refusing services on personal/racial grounds, they should be advised that their action might be discriminatory. It should also be made clear to the harasser that in taking this action they may be deemed to be refusing services altogether which could result in either the withdrawal of a service or the loss of access to Shropshire Council premises.

A file note should be kept of the details of the incident (appendix 6), the action taken and by whom. If informal action proves insufficient to deal with persistent acts of bullying, discrimination, harassment or victimisation then management reserves the right to take formal action.

In serious cases, it may be appropriate to move directly to this next stage.

Formal action

The manager must consider the following prior to taking any action and making their decision:

- The degree to which the incident undermines the relationship between parties.
- If any previous incidents have occurred and, if so, how severe they were.
- The health problem of the service user.
- The effects of the incident on the employee.
- If the incident is serious, or a repetition of a previous incident(s) which resulted in informal action being taken.

Then the bully/harasser should be written to officially by the relevant senior manager informing them:

- That their comments/actions/behaviour is not acceptable (and, if appropriate, that it is potentially discriminatory).
- That further incidents will not be tolerated That further incidents may result in the withdrawal of services.
- Where the incident is sufficiently serious, the senior manager will meet with the complainant prior to putting the matter in writing as above.

Any letters should be copied to the appropriate senior management.

In cases of physical violence or serious threats of violence:

- Suitable security arrangements should be considered and put in place to ensure the employee is as safe as possible in their work place. This could include reinforcing security protocols with reception/security staff, reviewing work locations, priority car park space in close proximity to workplace for employees who fear an attack at work and an escort to and from the employees car if required. Arrangements will be agreed on an individual basis, in conjunction with Human Resources and a risk assessment completed.
- the senior manager should also involve the police as appropriate. Notwithstanding this, a member of staff may at any time involve the police as they wish.

If the employee who made the complaint is dissatisfied with the action taken, he or she may lodge a formal grievance in accordance with Shropshire Council's Grievance policy.

Bullying/harassment by contractors and staff from other agencies

Due to the specific nature of the relationship between the organisation and these individuals/organisations, the following additional steps should be included at the informal stage.

If the harasser is a contractor or staff member from another agency, the manager will contact the appropriate senior person within the company/organisation concerned to advise them that this type of behaviour is unacceptable and that if it is repeated, the individual concerned may be refused entry to Shropshire Council premises.

This action is predicated on the basis that all contractors are advised that the provisions of the Policy apply to them before entering into the contract for services under which they operate. It is also predicated on the basis that partnership organisations are aware that whilst their representatives are on Shropshire Council premises and/or dealing with staff employed by Shropshire Council, such individuals will be expected to behave acceptably at all times.

Should the matter not be resolved informally, the formal stage would require the appropriate senior manager to write to the appropriate senior person within the company/organisation concerned to advise them again that this type of behaviour is unacceptable and that if it is repeated then the individual concerned may be refused entry to Shropshire Council premises or refused continued contact with Shropshire Council staff. If the employee who made the complaint is dissatisfied with the action taken, he or she may lodge a formal grievance in accordance with Shropshire Council Grievance policy.