

Policy: Dignity at Work Policy

1. SUMMARY

- 1.1. This policy defines WINNS Services Dignity at Work Policy to ensure it meets requirements.
- 1.2. The Operations Director is responsible for implementation and management of the Dignity at Work Policy

Rev.	Date	Nature of Changes	Approved By
1	27 February 2018	Original issue.	C Stebbing
2	7th September 2021	General Updates	C Stebbing

2. POLICY: DIGNITY AT WORK POLICY FOR DEALING WITH HARASSMENT AND BULLYING

3. Statement

- 3.1. As part of its overall commitment to equality for a diverse workforce, WINNS recognise the right of all employees to be treated with dignity in all working relationships, whether with other staff or with members of the public. WINNS acknowledge that incidents of harassment and bullying in the workplace may place the recipient in a threatening and intimidating environment as well as adversely affecting his/her performance, health and wellbeing.
- 3.2. This Policy applies to all staff, contractors and employees of other organisations who are on site, volunteers, visitors and patients/clients at the point of service delivery.
- 3.3. WINNS view **harassment and bullying** as wholly unacceptable behaviour, which contravenes WINNS Equal Opportunities Policy. Such behaviour will not be tolerated and may result in disciplinary action or legal action against the perpetrator.
- 3.4. WINNS recognise their duty to ensure that all employees are aware of the importance of a harassment free workplace.
- 3.5. Harassment can often manifest itself in many forms. These can be verbal, for example face to face or “behind someone’s back”, or written, for example through a note or through an e-mail. If the harassment is verbal aggression, this Policy and Procedure should be read in conjunction with WINNS Health and Safety Guidance.

4. Guiding Principles

- 4.1. When investigating and dealing with allegations of harassment and bullying WINNS will act in accordance with legislation, and follow the definitions and guidance given in this Policy and Procedure
- 4.2. WINNS will investigate sensitively all known allegations of harassment or bullying and take appropriate action when incidents are believed to have occurred.
- 4.3. Any action by WINNS shall be dealt with promptly and with careful consideration of the needs of the individual who has been harassed or bullied. This Policy and Procedure will aim to offer him/her a choice of sources of support and provide for a fair and objective assessment of the situation and a reasonable outcome. The manager who receives the allegation should ensure that the employee who made it receives an initial response within 7 days.
- 4.4. Harassment and bullying are forms of behaviour, which, though unacceptable, may be unintentional and unknown to the alleged harasser/bully at the time. Therefore the dignity of the alleged harasser/bully should be considered at all stages of the procedure. However, where the alleged harasser/bully was unaware of the impact of his/her actions, they may still be held responsible for their conduct. WINNS should consider whether the alleged harasser/bully acted reasonably under the circumstances.
- 4.5. Victimisation is also unacceptable behaviour and will be treated under the same procedure.
- 4.6. Throughout the Policy and Procedure, reference is made to “employees”. However it should be noted that WINNS have a responsibility to ensure the Policy and Procedures are adhered to by:
- 4.7. All employees of WINNS, including temporary employees; “Contract” workers whilst involved in work sub-contracted by WINNS and employees of other organisations, e.g. agency workers etc.

5. Legal Obligations

- 5.1. Individuals are protected by law against the harmful conduct of others and should not be subjected to harassment or bullying during the course of employment. The relevant Acts include:
 - Protection from Harassment Act 1997
 - Employment Rights Act 1996
 - Disability Discrimination Act 1995 (amended 2005)
 - Disability Discrimination Act 1995 (Amendment) Regulations 2003
 - Criminal Justice and Public Order Act 1994
 - Sex Discrimination Acts 1986 and 1975 (amended 2005)
 - Race Relations (Amendment) Act 2000

- Human Rights Act 1998
 - Employment Equality (Sexual Orientation) Regulations 2003
 - Employment Equality (Religion or Belief) Regulations 2003
- 5.2. Additionally WINNS have a responsibility under the Health and Safety at Work Act 1974 and the Workplace Health, Safety and Welfare Regulations 1992 to ensure, as far as is reasonably practicable, the health, safety and welfare at work of all its employees. The duty extends to protecting employees from verbal harassment and physical assault including racial harassment.
- 5.3. Where an individual is alleged to have committed a criminal offence, WINNS recognise their duty to notify the Police if it is considered appropriate to do so. However, responsibility to pursue such claims rests with the victim of the offence
- 5.4. It is possible that WINNS could be found liable under law for incidents of harassment or bullying behaviour in the workplace. The alleged harasser/bully could also be personally liable either for acts of harassment, discrimination or assault. Managers could be personally liable for failure to deal effectively with complaints relating to these.
- 5.5. Employees who feel they have experienced unlawful or unreasonable treatment during the course of their work are strongly encouraged to follow this procedure and bring the matter to the attention of any of the designated contacts within this policy, before taking further action.

1. Definitions

- 1.1.1 It is possible that incidents of harassment or bullying may occur without the alleged
- 1.1.2 harasser/bully's intention or awareness. Their behaviour should therefore be assessed with reference to the perception and interpretation of the recipient.

2. Harassment

General

Harassment may be defined as:

- 2.1.1 “ Any conduct (one or more acts), based on age, sex, sexual orientation, gender reassignment, disability, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, domestic circumstances, property, birth or other status which is unreciprocated or unwanted and which affects the dignity of men and women at work.”
- 2.1.2 (Department of Health Statement)
- 2.1.3 “At work” includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where WINNS services are delivered.

2.1.4 Harassment can be deliberate and conscious, or it can be unintentional. Whilst the intention of the perpetrator may provide an explanation for the harassment, it can never be an excuse. It is the perception and interpretation of the person who feels harassed that must be central to the consideration of any complaint.

2.1.5 Intentional Harassment is a criminal offence under the Criminal Justice and Public Order Act and all employees should be aware that whilst WINNS have separate internal procedures, a person(s) who is subject to harassment may choose to raise a complaint with the police.

6. Sexual Harassment

6.1. Sexual harassment is the unwanted conduct of a sexual nature or other conduct based on sex affecting the dignity of men and women at work. This can include unwelcome physical, verbal or non-verbal conduct. It can take the following forms: sexist jokes, banter, insults, taunts, gibes, literature, graffiti, shunning people because of their sex, making sexist insinuations, being condescending about dress or the way someone speaks etc

7. Racial Harassment

7.1. Racial harassment can either be blatant discrimination and/or harassment of an individual or it can be more subtle which is equally distressing. As with sexual harassment, it can take the following forms: racist jokes, banter, insults, taunts, gibes, literature, graffiti, shunning people because of their race, colour, nationality or ethnic background, making racist insinuations, being condescending about dress or the way someone speaks etc.

8. Harassment on the Grounds of Religion/Belief and Sexual Orientation

8.1. The Employment Equality (Sexual Orientation) and Employment Equality (Religion or Belief) Regulations 2003 defines harassment in the following way: when a person subjects another person to harassment on the grounds of their religion/belief or sexual orientation, when they engage in unwanted conduct which has the intention or effect of violating the dignity of that person or creating an environment which is intimidating, hostile, degrading, humiliating or offensive.

9. Bullying

Workplace Bullying can be defined as:

“offensive, intimidating, malicious, insulting or humiliating behaviour, which attempts to undermine an individual or group of employees.”

9.1. People who are bullied, may find that they are:

- Singled out for unfair treatment by a work colleague or superior
- Subjected to trivial fault finding
- Overruled, ignored, side lined or isolated
- Criticised, degraded, ridiculed or patronised
- Threatened, blackmailed, shouted at and humiliated in front of others or in private
- Set unrealistic goals and unachievable deadlines
- Denied information or knowledge necessary for undertaking work
- Denied employee benefits such as leave
- Recipients of unpleasant or threatening calls or harassed with intimidating memos, notes or e-mails
- Denied trade union representation

10. **Victimisation**

10.1. Victimisation may be defined as less favourable treatment, including harassment or bullying of an individual because he/she has:

10.2. made an allegation, either informally or formally or otherwise taken action against an alleged perpetrator of harassing or bullying behaviour **or**

10.3. given evidence or information in connection with any WINNS Procedure or other proceedings against an alleged perpetrator of harassing or bullying behaviour;

10.4. supported a victim of harassment or bullying.

11. **Discrimination**

11.1. Discrimination takes place when a person is treated less favourably than others in the same circumstances on the grounds of a particular group/type, as detailed in 4 above.

12. **Further examples**

12.1. One trivial incident will not constitute bullying or harassment, but a series of such incidents, particularly where an employee has expressed a dislike of such behaviour, or has asked for it to stop, will be considered bullying/harassment.

12.2. Harassment, bullying and victimisation can take any form, including physical actions, verbal put downs or electronic transmissions of words or material that cause offence. The following list is not exhaustive, but provides further examples of the type of behaviour that WINNS consider unacceptable:

- Unlawful violence, eg. physical blows;

- Unnecessary and unwanted physical contact ranging from touching to serious assault;
- Indecent or sexual assault;
- Shouting and/or sarcasm;
- Personal insults and name calling;
- Public humiliation, derogatory or belittling remarks concerning job performance or personal attributes;
- Constant unfounded criticism of the performance of work tasks;
- Sexual innuendo;
- Unwelcome advances, attention, invitations or propositions;
- Unwelcome or lewd references to a person's physical features; figure or dress;
- Coercion including promises of rewards in exchange for sexual favours;
- Unwelcome discussion of the effects of a disability on an individual's personal life;
- Oral and written harassment (eg. via offensive letters, telephone or email) through jokes, racist remarks, taunts offensive language, gossip and slander, threats, derogatory name-calling or ridicule for physical or cultural difference, physical impairment, or religious belief;
- Suggestive and unwelcome comments or attitudes, insulting behaviour or obscene or offensive gestures;
- Intrusion of privacy, eg. by pestering, spying, following and stalking;
- Removing areas of responsibility without good reason;
- Punishing with trivial tasks;
- Persistently ignoring or patronising a person;
- Setting an individual up for failure with impossible workloads and deadlines;
- Visual displays (hard copies or images on computer monitors) of posters, graffiti, emblems or other offensive material (such as pin-ups or degrading/indecent/pornographic material, racially offensive material);
- Isolation or non-co-operation at work, exclusion from social activities, staring and leering; and/or
- Electronic transmission of pornographic, racist, degrading or indecent material.

13. Effects

13.1. It is important to know the effects of harassment and bullying since the conduct itself may well go unnoticed for some time. Many incidents will occur when no witnesses are present and recipients of such behaviour may not wish to inform anyone of the situation. Harassment and bullying may be very subtle and does not always leave visible scars.

13.2. Some of the indicators of potential harassment or bullying in the workplace are:

- poor or deteriorating morale or self-esteem;
- poor or deteriorating work performance;
- high labour turnover;
- high absence levels;
- apparent lack of commitment.

13.3. Symptoms of stress may also be an indication that the individual is a recipient of harassing or bullying behaviour.

14. Roles and Responsibilities

Managers

- 14.1. All WINNS managers have a duty to prevent harassment/bullying taking place. Managers have a responsibility to set the standards of acceptable behaviour expected of staff. They should ensure their own behaviour cannot be construed as personal harassment/bullying by acting with fairness and equity. This includes using their judgement to correct standards of conduct or behaviour, which could be seen as harassment, and to remind staff of these standards. It is a part of a manager's responsibility to act before waiting for a complaint to be registered.
- 14.2. Managers must be sensitive to the situation where an employee may prefer to discuss their concerns with someone of the same gender or ethnicity and be prepared to offer an alternative as appropriate.
- 14.3. Failure to manage harassment and bullying in line with the guidance within this policy, including failure to take note of harassment and bullying, may constitute a disciplinary offence.

15. Employees

- 15.1. All employees have an equal responsibility to contribute towards a working atmosphere free from harassment and bullying and to report to their manager any instances of these in the workplace in line with this policy. Each member of staff carries responsibility for their own behaviour.
- 15.2. Employees should appreciate that behaviour which is acceptable to some is not always acceptable to others and the perceptions and feelings of the recipient must be considered.
- 15.3. Employees have responsibility for having an insight into their own behaviour and how it affects others. Each individual should be expected to take fair and reasonable feedback on how their behaviour is perceived by or affects others. This should be done through mechanisms such as Performance Development Reviews and supervision, which would be conducted usually by the line manager.
- 15.4. Whilst WINNS take seriously all cases of harassment, bullying or victimisation, employees are strongly discouraged from making complaints of a frivolous or vexatious nature, or from linking this Policy and Procedure to other matters regarding their employment circumstances which are unrelated to harassment, bullying or victimisation.

16. Support to Staff

- 16.1. Human Resources Department
- 16.2. Human Resources staff are available to give advice to employees on WINNS Policy and Procedure. They will give recommendations on the best process for taking a claim forward, whether informal or formal and will establish other forms of support

- 16.3. Human Resources staff will seriously and sympathetically consider all reported incidences of harassment and bullying.
- 16.4. Human Resources staff may on occasion consider that the allegations made are so serious as to put at risk the well being of an employee(s) and/or to be a serious breach of WINNS Policy or Legislation. In such circumstances they should consider referring the matter to the Human Resources to be taken further. Wherever possible, the agreement of the individual making the complaint will be sought. Support will be offered as appropriate and confidentiality of all individuals concerned will be respected where possible.
- 16.5. Trade Unions & Professional Organisations
- 16.6. Further support and advice is available from Trade Unions and Profession
- 16.7. Other Sources of Support
- 16.8. There are also a number of external sources of support. Please see Appendix One for details.

17. Training and Awareness

- 17.1. All employees will be informed of WINNSs Policies and Procedures on Equal Opportunities in employment, including harassment and bullying.

18. Working relationships

- 18.1. When a formal complaint is upheld, it may be appropriate to consider counselling for the person responsible, as he/she may be unaware of or insensitive to the impact of his/her actions. Counselling may help to raise awareness of the issues and prevent further incidents.
- 18.2.
- 18.3. In addition, where an incident of harassment or bullying has occurred, the impact on the working relationship between the affected employee and the person responsible should be considered. Where necessary, support should be provided to both parties to facilitate a satisfactory reconciliation. The objective of this is to restore a professional working relationship at the earliest possible opportunity in which each party respects the dignity of the other.
- 18.4.
- 18.5. Where the working relationships between the parties involved are considered to be damaged, all reasonable steps to re-build the working relationship must be evaluated and taken. This may include team building, facilitation, counselling and setting standards.

- 18.6. Once WINNS have taken any appropriate formal action and any appropriate steps to rebuild the relationship, it is possible that the working relationship between the parties is still damaged. WINNS may consider it necessary to transfer one of the parties to alternative work within WINNS. However, it must be acknowledged that such action may not always be practical, desirable or feasible.
- 18.7. Before considering transferring either party, the relevant manager must seek advice from the General Manager and all reasonable alternatives must be evaluated and where practicable carried out.

19. Voluntary Transfer

- 19.1. If the employee seeks a voluntary transfer, this should be facilitated depending on the availability of suitable vacancies.

20. Clients or other members of the public

- 20.1. The Dignity at Work Policy for dealing with harassment and bullying applies not only to harassment and bullying by staff but also by service users and other members of the public.
- 20.2. Once an employee has made a complaint of harassment by a service user or other member of the public, it must not be ignored or treated lightly but treated sensitively and acted upon quickly
- 20.3. In the case of harassment or bullying of staff by service users, WINNS need to consider whether the client's behaviour/actions may be due to their medication or illness or whether their illness is of such severity that they require services for their safety or the safety of others. In such cases alternative ways to deal with such incidents should be found, preferably involving the affected employee.
- 20.4. Following consideration of the above, where harassment or bullying of staff by service users or other members of the public, the relevant manager should contact them in writing, informing them that their comments or behaviour are unacceptable.
- 20.5. The manager should inform the service user that the services provided by the member of staff being harassed are the only services available. The service user should not feel that they are able to harass a staff member in the hope that a person from their same ethnic origin or gender will replace them. It should be made clear to the service user that if they refuse services on racial or gender grounds then they are effectively refusing services altogether.
- 20.6. Service Users objecting on any of the grounds identified in 4.2 of the Policy, should receive prompt written advice firmly rejecting their attempt to influence their choice of a member of staff on these grounds. Specific advice should be sought from WINNSs Risk Management department before pursuing such a course of action.

21. Monitoring

- 21.1. The relevant manager must meet with the affected employee between 3-6 weeks after the conclusion of the case to ensure the conduct has ceased, the affected employee has been appropriately supported and there has been no victimisation.
- 21.2. WINNS will monitor and review the effectiveness of this Policy and Procedure. The number, type and outcomes of complaints will be analysed by gender, ethnicity, staff group and work area and will be reported to WINNS Board as part of the annual report on Equal Opportunities. The purpose of the monitoring arrangements is to seek out the causes of harassment and bullying so as to remove them from the organisation.
- 21.3. NB. For data collection purposes, information will be retained by the General Manager that is not identifiable with any individual employee.

22. Further Advice

- 22.1. Advice and guidance on this policy and attached procedure are available from the Human Resources Department.

23. Dignity at Work Procedure

For dealing with Harassment and Bullying

General

- 23.1. This Procedure is based on the principles and commitments detailed in WINNS Policy on Dignity at Work.
- 23.2. WINNS regard harassment and bullying of staff as an act of aggression towards that individual. It is therefore viewed as a reportable incident and should be recorded on an Incident Report form. The senior manager for the service area should also be informed. The incident may also be a criminal offence and should be reported to the police for investigation if appropriate
- 23.3. An affected employee is either someone who has been harassed or bullied or someone who has witnessed an incident of harassment/bullying. An alleged harasser/bully is an individual whose behaviour has been considered to be harassment or bullying.
- 23.4. An affected employee has a right to receive advice, support and counselling. Having taken advice, the options open to an affected employee are either through the informal or formal procedure (see Appendix Three for flowchart of process).
- 23.5. Throughout all stages of this procedure strict confidentiality must be maintained in respect of both the affected employee and the alleged harasser/bully.

24. Informal Procedure

- 24.1. An employee who is the subject of harassment/bullying should consider an informal approach in the first instance, such as informing the perceived harasser/bully that their remarks, actions or behaviour are unacceptable, causing them concern and must stop immediately.
- 24.2. This informal approach may be appropriate where it is suspected that no malice is intended and that the person may not be aware of the offensive nature of his/her behaviour, and may be in person or by letter.
- 24.3. In Person
- 24.4. Employees who feel comfortable to make this approach themselves may wish to be accompanied by a trade union representative or another colleague for support. A discreet and informal conversation should be held with the perceived offender to inform him/her:
- 24.5. That he/she has caused offence and/or distress;
- 24.6. Of the specific behaviour that has caused offence and/or distress and how;
- 24.7. How the behaviour constitutes harassment, bullying and/or victimisation, and is therefore inappropriate; and
- 24.8. That the aim of the conversation is to resolve the matter now.
- 24.9. It is important to listen to the point of view of the perceived offender and to be supportive, whilst confirming that any behaviour that constitutes harassment, bullying or victimisation is inappropriate and cannot continue.
- 24.10. By Letter
- 24.11. The letter should be addressed to the perceived offender as PRIVATE and should outline:
- 24.12. That he/she has caused offence and/or distress;
- 24.13. Of the specific behaviour that has caused offence and/or distress and how;
- 24.14. How the behaviour constitutes harassment, bullying and/or victimisation and is therefore inappropriate; and
- 24.15. That the aim of writing to him/her is to resolve the matter now
- 24.16. It should go on to request an agreement that the behaviour will stop, which can be made via letter or through an informal discussion
- 24.17. A response from the perceived offender (orally or in writing) is required within 5 working days.
- 24.18. A representative, (eg. union representative, colleague or line manager) may make this informal approach on behalf of the employee(s) if they do not feel sufficiently confident or able to approach the harasser/bully themselves. In this event the

“representative” should discuss the alleged incident with the alleged harasser/bully giving him/her an opportunity to respond to the allegation.

- 24.19. It may be appropriate for the alleged harasser/bully’s line manager to take steps to help him/her to understand the effect of his/her behaviour on the recipient. This could involve offering advice, direction, counselling or other support.
- 24.20. Where the harassment/bullying is by the employee’s immediate manager, the complainant has the right to request an alternative manager or a member of the General Manager in the first instance.
- 24.21. It is advisable for the affected employee to write down what has happened for his/her own record with full details of the incident(s), any witnesses, action taken and response. It is advisable to keep a record of any information meetings, conversations and agreements reached.
- 24.22. Any employee who witnesses an incident of harassment/bullying should report it to their supervisor or manager and should support any colleagues suffering harassment/bullying. This should include, where appropriate, challenging the harasser/bully at the time of the incident, offering support in some other way and co-operating with the investigation.
- 24.23. An employee may seek advice or mediation from Human Resources, Occupational Health, Trade Union Representative, Counsellor, Work Colleague, or external agencies (see Appendix One).
- 24.24. Managers should take immediate action to stop the harassment/bullying as soon as it is identified. The matter should be discussed sensitively with the staff member who has been harassed and agreement reached on the course of action to be taken. Managers must be sensitive to the situation where an employee may prefer to discuss their concerns with someone of the same gender/race and be prepared to offer an alternative as appropriate. In many cases, by pointing out to the harasser that the behaviour is unacceptable, managers should be able to put a stop to the problem without the need for further action.
- 24.25. One solution, thought by some to be the “simplest”, might be to replace the member of staff who has suffered harassment. This is not an acceptable or appropriate course of action, unless the member of staff who has been harassed, requests it. It must be recognised that, as well as the affected employee suffering further detriment by being replaced, such action would also be an effective victory for the alleged harasser. WINNS could also be guilty of discrimination and hence liable to prosecution.
- 24.26. If the perceived offender acknowledges that he/she has behaved inappropriately then agreement should be gained at the meeting or by letter that the behaviour will not happen again. Employees may wish to document this agreement and have it signed by both parties to support them if the complaint proceeds to Formal stage.

25. Formal Procedure

Introduction

25.1. Consideration should be given to pursuing the matter formally if:

- Harassment/bullying persists after the informal approaches by the individual and/or the individual's manager **or**
- There has been a previous incident(s) of harassment or bullying involving the same individual(s), **or**
- The alleged harasser/bully's manager considers the alleged act is serious enough to warrant formal proceedings.

25.2. When taking formal action, the following will need to be considered:

- The degree to which the incident undermines the affected employee's personal dignity and the working climate.
- Any record of previous incidents, their nature and degree of severity.
- The effectiveness of the formal action in preventing repetition of the behaviour.

25.3. The affected employee may pursue the matter formally by making a verbal or written statement to any of the following people:

- His/her own line manager
- The alleged harasser/bully's line manager, especially if the alleged harasser/bully is the affected employee's own line manager
- A senior member of the General Manager

25.3.1. An example of the form, which may be used by the affected employee to ensure all of the basic points have been recorded, is shown in Appendix Three. This may be done in liaison with a Trade Union representative or work colleague.

25.3.2.

25.3.3. Any such complaint will be dealt with through the Formal Procedure outlined in the following sections.

25.3.4. Confidentiality

25.3.5. Clearly, WINNS have a duty of confidentiality to all employees. This therefore prevents the manager from being able to provide any detail about specific outcomes of any case, with regard to action, if any, against the alleged harasser/bully. However where necessary, sufficient notification will be given to reassure the affected employee that appropriate action has been taken.

26. Formal Investigation

General Principles

26.1. The Investigating Officer, assisted by Human Resources if needed, will fully and formally investigate all formal allegations, regardless of whom they are made against.

- 26.2. If the harasser/bully is the manager of the claimant, a manager from a different department/service area may carry this out, if recommended by Human Resources.
- 26.3. A formal investigation will normally take place where the seriousness of the incident requires the formal procedure to be taken, the informal procedure has been unsuccessful or the complainant prefers the formal route to resolve the incident.
- 26.4. WINNS will reserve the right to pursue the issue formally in the interests of its employees and to honour its legal duties under Discrimination, Harassment and Health and Safety legislation, even though the affected employee may not wish to pursue the matter formally themselves or withdraws his/her complaint.
- 26.5. During the investigation, if the Investigating Officer believes that the alleged incident may constitute an act of gross misconduct, the alleged harasser/bully must be suspended with immediate effect, on full pay. This should be carried out in accordance with guidelines for suspension within WINNS Disciplinary Procedure, and with advice from Human Resources.
- 26.6. Where it is considered the alleged incident may amount to a criminal offence, the police will be contacted.

Process for Investigation

- 26.7. The line manager or other recipient of the formal allegation should seek advice from the Human Resources Department.
- 26.8. The Investigating Officer should collect statements and interview separately the affected employee and any witnesses. The affected employee may be accompanied by a Trade Union representative or work colleague at such an interview.
- 26.9. The alleged harasser/bully has the right to be informed in writing of the complaint made against them. The Investigating Officer should also request a statement from the alleged harasser/bully and interview him/her to seek a response about the allegations. The alleged harasser/bully may be accompanied at such an interview by a Trade Union representative or work colleague.
- 26.10. The investigation into the incident should be completed within two weeks. If this is not possible both parties should be advised of the delay and given an indication of the likely duration.
- 26.11. Both parties will be notified in writing once the investigation has been concluded and, where appropriate, be informed of the next stage in the process. Confidentiality must, however, be maintained.

Special Leave or Temporary Transfer during an Investigation

- 26.12. There may be circumstances in which it is believed the relationship between the parties involved has deteriorated to the extent that it could be detrimental to service provision and/or work colleagues.
- 26.13. In such circumstances it may be necessary to place either party temporarily on "special leave", away from their working environment, on full pay. Alternatively, either

party may be temporarily transferred to another work area on his/her usual terms and conditions. Special leave or temporary transfers are precautionary measures, taken without prejudice to the outcome of the investigation. Such measures must be implemented with great caution and must be discussed with the General Manager prior to any action being taken.

When implemented, special leave or temporary transfer would not usually be expected to last longer than two weeks. This period may be extended in exceptional circumstances at the discretion of the Investigating Officers and in consultation with the relevant manager(s).

27. Action following an investigation

27.1. There is a range of possible outcomes after an investigation has been conducted into a formal allegation of harassment or bullying. The action taken will depend on the seriousness of any incidents under consideration, the impact on the affected employee and any other relevant factors that are considered.

Disciplinary action is considered appropriate

27.2. If disciplinary action is considered appropriate, it should be dealt with under WINNS Disciplinary Procedure.

27.3. The alleged harasser/bully has the right to appeal against warnings, other formal disciplinary action and dismissal.

No Disciplinary Action is considered Appropriate

27.4. The outcome may be that no disciplinary action is taken, for example in cases where the Investigating Officers consider that:

- There was no incident of harassment or bullying warranting formal disciplinary action, **or**
- Insufficient information is available to determine whether such an incident has occurred, **or**
- An incident(s) arose out of the capability of either party or a genuine misunderstanding between the parties and is not considered to be harassment or bullying, **or**
- It is sufficient to formulate an action plan to address behavioural issues.

27.5. In such cases, other issues may have been raised including a capability issue, a training need or an organisational issue.

27.6. Consideration must be given to restoring the working relationship between the parties involved.

27.7. If a complaint is not upheld, be it at the investigatory stage or after the Disciplinary Hearing, either party may request a voluntary transfer.

27.8. When a complaint turns out not to be made in good faith, the manager should decide whether the Disciplinary Procedure be invoked for the complainant.

Notification of End of Procedure

- 27.9. After the conclusion of the investigation and, where appropriate, the hearing, the affected employee will be advised that WINNS management have taken appropriate action. Clearly, all confidential details of any such action must not be divulged.

Rights of the alleged harasser/bully

- 27.10. The alleged harasser/bully has the right to appeal or make a complaint against any individual or part of the process of an investigation, through WINNS Grievance Procedure.

Appendix One

OTHER SOURCES OF SUPPORT

1. Race – Related Issues

Commission for Racial Equality (CRE)

They can be contacted at:

St Dunstan's House
201-211 Borough High Street
London
SE1 1GZ
Tel: 020 7939 0000

Web www.cre.gov.uk

2. Disability – Related Issues

Disability Rights Commission

They can be contacted at:

Freepost MID 02164
Stratford upon Avon
CV37 9BR
Tel: 08457 622633

Web www.direct.gov.uk

3. Gender – Related Issues

Equal Opportunities Commission (EOC)

They can be contacted at:

Arndale House
Arndale Centre
Manchester
M4 3EQ
Tel: 0845 601 5901

Web www.eoc.org.uk

Appendix Two

HARASSMENT/BULLYING RECORD FORM

CONFIDENTIAL

It is recommended that an affected employee who wishes to initiate a formal allegation of harassment or bullying at work use this form.

Help can also be given to you to complete this form by asking your Trade Union representative or a senior member of the Human Resources Department. When complete it should be given in confidence to either your own line manager or the alleged harasser/bully's line manager, (especially if the alleged harasser /bully is your own line manager) or a senior member of the Human Resources Department.

When the form is received it will be handled in strict confidence in accordance with the formal procedure outlined in the Dignity at Work Policy.

Name:
(please print clearly)

Department: **Location:** **Tel.**

Trade Union Representative (where appropriate—please include contact Dept and Tel No. if known)

.....

Details of incident (s) (dates, times etc. where appropriate)

.....

.....

.....

Informal action already pursued

.....

.....

.....

Additional information that you may wish to record about your allegation of harassment or bullying

If further space is necessary for any of the above questions please use a continuation sheet, numbering each page and signing them at the bottom. Please carefully read what you have written before you sign it. Please retain a copy for you own records.

Signature: **Date:**

Appendix Three

Harassment and Bullying

