


POLICY & PROCEDURE

Anti-Bullying, Harassment and Victimisation in the Workplace

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Index

1. Our Policy.....	3
2. What is Harassment?	3
3. What is Bullying?	4
4. What is Victimisation?	4
5. What Can You Do?	4
6. Advice and Support	5
7. Our Procedure.....	5
Reporting an Incident of Bullying/Harassment/Victimisation	5
Initial Assessment and Informal Resolution.....	5
Formal Resolution	6
Right to be Accompanied	6
Initial Meeting	6
Investigation	7
Action following the Investigation	7
8. Appeals	8
9. Protection and Support for those Involved.....	8
10. Confidentiality.....	9
11. Use of Mediators in Resolving issues of Bullying/Harassment/Victimisation	9
12. Misconduct and Performance Issues	9
13. Ex-Staff/Officer Complaints	9
14. Documentation and Record Keeping.....	9
15. Temporary Transfer/Move	10
16. Roles and Responsibilities	10

Legal Basis

Legislation specific to the subject of this policy document

Section	Act (title and year)
All	Equality Act 2010
All	The Protection from Harassment Act 1997

Other legislation which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Crime and Disorder Act 1998
Health and Safety at Work etc. Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom Of Information Act 2000
The Civil Contingencies Act 2004

Other documentation which you must check this document against

Document
College of Policing – Code of Ethics
Norfolk and Suffolk Constabularies’ Standards of Professional Behaviour
College of Policing – Authorised Professional Practice
The ACAS Code of Practice on Disciplinary and Grievance Procedures
Discipline and Grievance at Work: The ACAS Guide

1. Introduction - This Policy

- 1.1 We will ensure that everyone within the Constabularies are treated and treat others with dignity and respect, free from harassment, bullying and victimisation. We must all take the time to consider the types of behaviour that are unacceptable. This policy offers guidance on the types of behaviour that constitute bullying, harassment and victimisation and how it will be deal with by the Constabularies.
- 1.2 The Constabularies are committed to ensuring this policy complies with relevant legislation and general principles of fairness, and that consultation has been undertaken with all relevant staff groups.
- 1.3 All Norfolk and Suffolk Constabularies' policies promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's gender, race, sex, gender reassignment, sexual orientation, religion or belief, pregnancy or maternity, disability, or age.
- 1.4 Unless we have expressly stated that a policy or procedure in the Constabularies is contractual (police staff), all our policies and procedures are non-contractual. We can change our policies at any time, although we will consult with UNISON and the Police Federation on any changes proposed.
- 1.5 Our policies may also be updated periodically to reflect any updates in legislation or police regulations.
- 1.6 All police officers, police staff and volunteers should be treated with dignity and respect, and you should always consider whether your words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable and unlawful.
- 1.7 Whilst this procedure mirrors our [Grievance Policy](#), concerns relating primarily to bullying, harassment or victimisation should be considered under this policy rather than under the Grievance Policy.
- 1.8 We take allegations of bullying, harassment and victimisation seriously and will address them promptly and confidentially, where possible. Allegations of bullying, harassment or victimisation by any police officer or member of police staff which are investigated in accordance with this policy may be investigated under the [Disciplinary Policy](#) and may amount to gross misconduct which could lead to a sanction of summary dismissal.
- 1.9 This policy should be read in conjunction with the [Anti-Harassment, Bullying and Victimisation Frequently Asked Questions](#).

2. What is Harassment?

- 2.1 Harassment may include bullying behaviour, and it refers to unwanted treatment that is related to a protected characteristic, such as age, sex,

disability, race, gender, religion or sexual orientation. Harassment is unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

2.2 See ['What are examples of harassment?'](#)

3. What is Bullying?

3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear of intimidation. Bullying is not covered by the Equality Act 2010 but it may fall within the definition of harassment.

3.2 See ['What are examples of bullying?'](#)

4. What is Victimisation?

4.1 Victimisation is where a person is treated badly or less favourably as a result of them having made a complaint, or helping someone else to make a complaint, by giving evidence or information in relation to an incident of harassment or bullying or discrimination. This is different to Whistleblowing; see [Confidential Reporting and Whistleblowing policy](#).

5. What Can You Do?

5.1 Bullying, harassment and victimisation can be clear cut but can also start at a low level and gradually escalate. You may not be sure whether the way you are being treated is acceptable. Sometimes a change of management or organisational style needs time for adjustment but if you are concerned you should keep a record of any incidents which you feel could amount to bullying or harassment or victimisation. It is important that notes should be contemporaneous and kept in a safe place, whether handwritten or made electronically.

5.2 When making a record of relevant incidents you should include:

- The date the incident occurred.
- The nature of the incident.
- How it made you feel.
- Who was present.

5.3 If you feel able to you may want to raise the problem informally with the person responsible by explaining how their behaviour is affecting you. In

any event it is important to recognise that the sooner an issue is raised, the sooner something can be done to address it.

6. Advice and Support

- 6.1 The Constabularies recognise that bullying, harassment and victimisation can be a difficult matter to deal with for all involved and therefore you are encouraged to speak to your line manager for advice and support. Alternatively, you can seek support from a more senior manager, HR, UNISON, Federation or other staff association or support group. Whomever you confide in, they will sensitively discuss with you the options for reporting and or resolving your concerns.
- 6.2 Managers who become aware of issues should, as soon as reasonably practicable, offer support and will advise you of the resources available to you. See [‘What support resources are available?’](#)

7. Our Procedure

Reporting an Incident of Bullying/Harassment/Victimisation

- 7.1 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all our people and may pursue the matter independently, if, in all the circumstances, it is appropriate to do so.
- 7.2 Incidents of bullying, harassment and victimisation can be raised by you, your line manager, a representative of UNISON, Police Federation, Superintendents Association, a Staff Network Group or by any other third party. Incidents should be raised via the completion of a [Bullying, Harassment and Victimisation Incident Reporting form](#).

Initial Assessment and Informal Resolution

- 7.3 Upon receipt of the incident reporting form, an HR Advisor will be assigned to the case and will make contact with you and discuss with you next steps and the most appropriate way forward.
- 7.4 Where the matter may suit informal resolution, the HR Advisor will meet with your line manager, or other appropriate manager if the line manager is the subject of your concerns raised, to discuss the best way forward and will then arrange a meeting with you and the manager to discuss options for informal resolution and any additional support to remedy the situation. Resolution may include a facilitated meeting with all parties concerned to discuss the issue and agree a sensible way forward.
- 7.5 Where informal steps have not resolved the issue (or are not appropriate) you should follow the formal resolution procedure set out below.

Formal Resolution

- 7.6 If you wish to progress your complaint to the formal stage, you should do so through submitting the [‘Bullying, Harassment and Victimisation Incident Reporting Form’](#) and explain on this form that you would like the matter to be dealt with formally. See [‘What information will I provide on the Bullying, Harassment and Victimisation Incident Report Form?’](#)
- 7.7 The HR Advisor assigned to the case will make contact and discuss this with you.
- 7.8 The HR Advisor will then make contact with your line manager, or if the matter concerns your line manager a manager of a more senior level, who will then be assigned to the case. It will be the role of the manager to achieve a solution wherever possible, and respect the confidentiality of all concerned where possible.
- 7.9 You will be invited to an initial meeting to discuss your complaint, at which you have the right to be accompanied.

Right to be Accompanied

- 7.10 You can choose to bring a companion to a meeting under this procedure. The companion can be either a UNISON representative, Police Federation representative, Superintendents’ Association representative, a representative of another union of which you are a member, or a colleague. See [‘What is the role of my companion?’](#) UNISON and the Police Federation are able to support all parties involved in the process and you are encouraged to discuss concerns with them at the earliest opportunity.
- 7.11 You must inform the HR Advisor assigned to the case of any colleague you wish to accompany you at least 24 hours before the meeting. It would not be reasonable to be accompanied by a colleague whose presence would prejudice the process or who might have a conflict of interest.
- 7.12 Included within the FAQ of ‘What is the role of my companion?’ is a link to the Employee Assistance Programme intranet site should you need any further welfare support.
- 7.13 If you or your companion cannot attend on the proposed date, another date can be arranged so long as it is reasonable and normally within five working days, though an extension can be given in exceptional circumstances.

Initial Meeting

- 7.14 The meeting will be held by your line manager or if the matter concerns your line manager a manager of a more senior level, who will be accompanied by one of our HR Advisors for procedural advice and

support. The HR Advisor will also record the meeting on an audio recording device, subject to your consent. Any information disclosed at the meeting will be treated sensitively and in accordance with data protection legislation. A transcript of the recording will be provided to you upon request.

- 7.15 The purpose of the meeting is to let you fully explain your complaint. You will need to provide us with any information you would like us to take into account, such as relevant facts, dates and the names of everyone involved. It is important that you provide us with as much information as possible about your complaint, including names of relevant witnesses and provide any relevant documents.

Investigation

- 7.16 We may need to carry out an investigation into your complaint. The manager who carried out the initial meeting will conduct the investigation along with the support of the HR Advisor.

- 7.17 If you are the subject of the report of bullying or harassment or victimisation you are also entitled to be accompanied at any meetings.

- 7.18 The extent of the investigation will depend upon the nature of the allegations and will vary case by case. It may involve taking further statements from you and any witnesses and reviewing relevant documents. A statement may be required from the individual who is the subject of the complaint if the nature of the complaint requires it.

- 7.19 Where your complaint is about a colleague, we may consider suspending them or we may take the decision to make changes to your or their working patterns pending the outcome of the investigation. The manager conducting the investigation will ensure that everyone involved is kept regularly updated of the investigation and all parties will be updated of progress every 14 days as a minimum.

Action following the Investigation

- 7.20 At the end of the investigation the manager dealing with your complaint will arrange a meeting with you to confirm their findings and will follow this up in writing. If the manager concludes that there is evidence of harassment and/or bullying and/or victimisation and considers that there is a case to answer against the person(s) concerned the [Disciplinary](#) or [Misconduct Procedure](#) will be invoked.

- 7.21 Whether or not your complaint is upheld, we will consider how best to manage the on-going working relationship between you and the person your complaint relates to.

- 7.22 The manager may decide that at the conclusion of the process, a three and six month review will be put in place to ensure that resolutions have

been actioned and the situation is resolved. It is important that all concerns are brought in good faith and any employee or officer who provides dishonest or false information may be subject to disciplinary action under the [Disciplinary](#) or [Misconduct Procedure](#).

7.23 Where new evidence comes to light during any stage of the process, advice should be sought from HR immediately. The best course of action will be reviewed as appropriate throughout the process.

8. Appeals

8.1 If your complaint has not been resolved to your satisfaction you may appeal in writing, stating your full grounds of appeal, within seven calendar days of the date on which you received the decision. The decision letter will confirm who you should write to in order to appeal. Reasons for appeal may include:

- There was a serious procedural flaw and the anti-bullying, harassment and victimisation policy was applied incorrectly.
- The outcome was inappropriate in the circumstances of the case.
- Evidence was not taken into the account, which could impact the outcome of the case.
- There was other unfairness which could have materially affected the outcome of the case.

8.2 We will hold an appeal meeting to consider your appeal as soon as possible. This will be dealt with impartially by a manager who has not previously been involved in the case. You have a right to bring a companion to the appeal meeting. See [‘What is the role of my companion?’](#)

8.3 If it is decided that a further investigation is needed, this will be undertaken as quickly as possible by an appropriate independent manager. The extent/depth of the investigation will be proportionate to the issues raised by you. Any decision reached within the investigation will be based on the balance of probabilities, that is, whether it is more likely than not that the alleged issues occurred.

8.4 A meeting will be held with you following any further investigation and an outcome will be communicated to you in writing.

9. Protection and Support for those Involved

9.1 Anyone who makes a complaint in good faith (which means that you reasonably and genuinely raise your concerns) or who participates in an investigation under this policy must not suffer any form of retaliation or victimisation as a result. Anyone who is alleged to have subjected anyone who has raised a complaint under this policy to a detriment may face disciplinary action under the [Disciplinary](#) or [Misconduct Procedure](#).

10. Confidentiality

- 10.1 It is important that all Police Staff and Police Officers treat as sensitive and confidential any information communicated to them in connection with allegations of bullying, harassment or victimisation. Breaching your duty of confidentiality in this respect may in itself be a disciplinary matter.
- 10.2 Any information disclosed by you in relation to a complaint of bullying or harassment will be treated sensitively and in accordance with data protection legislation. We will keep records of relevant correspondence and documents relating to your complaint.

11. Use of Mediators in Resolving issues of Bullying, Harassment and Victimisation

- 11.1 Consideration may be given to use of an external mediator if all parties involved consider that this will bring about an appropriate resolution. External mediation would only be used with the approval by the Head of HR.

12. Misconduct and Performance Issues

- 12.1 Where you raise an issue or concern of bullying or harassment or victimisation during a misconduct or performance process, proceedings may, if appropriate, be temporarily suspended in order to deal with the issues or concerns raised. If the matters are related, it may be appropriate to deal with both issues concurrently or it may be appropriate for consideration to be given to disciplinary procedures. In such situations, advice should be sought from the HR Department who will liaise with the Professional Standards Department as appropriate.

13. Ex-Staff/Officer Complaints

- 13.1 Anyone who is no longer with the Constabularies but who may have experienced bullying, harassment or victimisation arising out of their employment / service with Norfolk or Suffolk Constabularies can still raise their concerns. Such concerns should be put in writing to the HR Department as soon as possible and will be reviewed in accordance with this policy.

14. Documentation and Record Keeping

- 14.1 The ['Bullying, Harassment and Victimisation Incident Reporting Form'](#) is used to formally record any issues of bullying, harassment or victimisation. Any associated paperwork relating to the matter should be attached to the form and, once complete, it will be retained by the HR department in line with the Force Data Protection Policy and Review, Retention and Disposal Schedule.

14.2 Bullying, harassment and victimisation incidents will be monitored by HR. Monitoring will allow for trend analysis of such incidents and to ensure cases are dealt with consistently.

14.3 The covert recording of any meetings forming part of this process is strictly prohibited. Where any electronic device is to be used to retain a record of proceedings it should be made clear to all parties present that this is the case. All parties must give their consent to being recorded.

15. Temporary Transfer/Move

15.1 In order to reduce any detrimental impact on anyone which may arise as a result of a complaint of bullying or harassment or victimisation, the Constabularies might request that one or more of the individuals involved move to an alternative location or role pending the outcome of the process. Every effort will be made to accommodate the wishes of anyone involved where such a temporary move is deemed necessary. It may be necessary to consider moving anyone involved in the process so that they are temporarily assigned to another role or location following the outcome. Consideration could be given to temporary transfers or even a period of absence, but advice should be sought from the HR Advisor assigned to the case before any action is taken.

16. Roles and Responsibilities

16.1 For the roles and responsibilities for all parties involved in this process, see ['What is the role and responsibilities of Managers, Officers and Staff and Human Resources?'](#)

Anti-Bullying, Harassment and Victimisation Policy FAQs

Q What are examples of bullying and harassment

A Unlawful **harassment** may involve conduct of a sexual nature (sexual harassment) or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories:

- Unwanted physical conduct “horseplay” including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space and more serious forms of physical or sexual assault;
- Unwelcome sexual advance or suggestive behaviour (which the harasser may perceive as harmless) and suggestions that sexual favours may further a career or that a refusal may hinder it;
- Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text message, video clips and images sent by mobile phone or posted on the internet);
- Inappropriate comments via social media
- Offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- Spreading malicious rumours or insulting someone by work or behaviour
- Mocking, mimicking or belittling a person’s disability;
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or national origin or religious group or gender;
- ‘outing’ or threatening to ‘out’ someone as gay or lesbian; or

A person may be harassed even if they were not the intended “target”. For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment.

Sexual or Gender harassment (including Gender Reassignment)

Sexual harassment is unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work. Sexual harassment would also include suggestive remarks, unwelcome sexual advances, offensive flirtations, or unwanted physical contact including unnecessary touching. It also includes 'put downs' or ridicules or comments about appearance, dress or physical characteristics. Harassment related to

gender reassignment may include refusing to treat a person as of their new gender when they transition, not addressing them by their preferred name and correct gender pronouns, denying access to appropriate single sex facilities such as changing rooms, or disclosing an individual's transgender status without their consent.

Sexual Orientation Harassment

Sexual orientation discrimination refers to harassment or differential treatment based on someone's perceived or actual gay, lesbian, bi-sexual, heterosexual, or other sexual orientation. It could be a verbal or written comment, what someone thinks is a 'joke', exclusion from conversations or activities, violence or threat of violence.

Disability Harassment

Disability harassment relates to offensive conduct relating to a person's disability, specific health condition or persistent ill-health, and applies to those who are perceived to be disabled, even if they are not, or because of their association with a person who is disabled. It would include making negative assumptions about the person's ability due to their impairment.

Age harassment

This relates to anyone of any age, and includes unjustified assumptions about a person's value, ability and commitment because of their age or where people look older or younger than they are. Examples of age harassment would include pressurising anyone to retire or always expecting the youngest member of the team to undertake menial tasks.

Religion or belief harassment

This applies to harassment on the grounds of religion or belief, or non-belief, and includes offensive conduct relating to the prayer, dietary or other requirements of the religion or belief concerned. It would also include where someone makes it unnecessarily difficult for anyone to conform to their beliefs, or pressure to participate in religious or other belief groups.

Racial harassment

This applies to harassment on the grounds of skin colour, descent, culture or language. It could include making racially orientated jokes or comments or making comments about anyone's clothing, hair, customs or beliefs.

Unresolved conflict caused by incidents of bullying and harassment can have significant impact on the individual(s), their colleagues and the Constabularies. It can result in feelings of isolation, depression or stress and can result in absenteeism and decreased productivity.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- Shouting at, being sarcastic towards, ridiculing or demeaning others;
- Physical or psychological threats;
- Overbearing and intimidating levels of supervision
- Inappropriate and intrusive questioning
- Inappropriate and/or derogatory remarks about someone's performance
- Abuse of authority or power by those in positions of seniority
Ignoring or shunning someone for example, by deliberately excluding them from a conversation or a workplace social activity
- Unjustified blocking of applications for leave, training or promotion

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment, will not amount to bullying on their own.

Q What information will I need to provide on the Bullying Harassment and Victimisation Incident Reporting Form?

A Your complaint should set out full details of the conduct in question, including the name of the person your complaint relates to, the nature of the harassment or bullying or victimisation, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring. You should also provide any documents / emails along with the Incident reporting form as supporting evidence.

Q What is the role of my companion?

A It is important that you are able to explain your complaint fully. Your companion can address the meeting, ask questions, confer with you and respond on your behalf to any view expressed at the meeting, provided you expressly authorise this at the beginning of the relevant meeting (so that all members of the decision-making body know who may make representations on your behalf.) Your companion cannot normally answer questions for you that are directed to you during the course of the meeting as it is important that you give us your version of events.

In some circumstances, we may not be able to allow your choice of companion: for example, anyone who may have a conflict of interest or whose presence may prejudice the meeting.

Should you require any further support or guidance we have the Employee Assistant Programme which you can access 24/7 confidentially. See [Workplace Health, Safety Wellbeing](#)

Q What support services are available?

A Workplace Health, Safety and Wellbeing

The Workplace Health Safety and Wellbeing department will provide independent counselling and support, when requested. See [Workplace Health and Wellbeing Intranet](#)

Staff Associations and Trade Unions

These are the Police Federation, Superintendents Association and UNISON.

Staff Network Groups

Please click on the link [here](#) for details of staff network groups who can offer advice and support to their members.

Line Manager

Your line manager or another manager in whom you have confidence can offer advice / support regarding the policy.

Human Resources

An appropriately qualified HR professional can also offer you guidance and advice in respect of the policy and process.

ACAS

ACAS (Advisory, Conciliation and Arbitration Service) provides information, advice, training, conciliation and other services for employees to help prevent or resolve workplace problems. Information regarding Bullying, Harassment and Victimisation can be found on their website, www.acas.org.uk

Q What are the roles and responsibilities of managers, officers/staff and Human Resources?

A Managers

- Be conversant with and lead locally on the application of this policy
- Understand responsibilities and expectations under the Code of Ethics 2014 and the Constabularies Statement of Professional Behaviour for Police Staff
- Be alert to the possibility of bullying and/or harassment and immediately challenge incidents of inappropriate behaviour
- Challenge and report any experienced or witnessed incidents of bullying, harassment or victimisation immediately
- Treat **all** incidents of bullying, harassment and victimisation seriously and in accordance with the requirements of this policy
- Ensure all your staff are aware of this policy and expectations of their behaviour
- Ensure all involved in the process are kept informed and updated with regards to decisions and processes and that individuals involved are aware of the support available to them from the Police Federation and UNISON

Officers and Staff

- Be familiar with and comply with the requirements of this policy
- Understand responsibilities and expectations under the Code of Ethics 2014 and the Constabularies Statement of Professional Behaviour for Police Staff
- Be sensitive to the potential impact of their own behaviour on colleagues, acknowledging the importance of perception regardless of intention
- Treat colleagues, managers, partner agency staff and the public with dignity and respect
- Challenge and report any experienced or witnessed incidences of offensive behaviour

Human Resources

- Provide guidance and support to everyone
- Keep accurate records of all reported incidences of bullying and harassment and victimisation
- Act as an advisor at meetings and hearings as appropriate in relation to policy and procedures
- Provide guidance and support to line managers to ensure that this policy is used appropriately.

- Review this policy at appropriate intervals to ensure that it meets the needs of the Constabularies
- Monitor reports, undertake trend analysis of patterns of incidents of bullying, harassment and victimisation and review consistency of dealing with cases.