

# Surrey County Council

## Ending Bullying & Harassment Policy

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# Ending Bullying & Harassment Policy

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# Glossary

Acronym or term	Definition
SCC or Surrey County Council	Defined as the Employer in this policy. It can also be referred to as the Council and/or organisation.

<b>Policy Scope and Purpose</b>	
<b>Scope and Purpose:</b>	<p>The council is committed to eliminating bullying and harassment and to promoting a harmonious work environment where every employee is treated with respect and dignity.</p> <p>The council will not tolerate bullying or harassment of any member of the organisation by colleagues, or by third parties such as service users, or suppliers.</p>
<b>Who uses this Policy:</b>	<p>This Policy applies to all Surrey County Council (SCC) employees on Surrey Pay and employees on different terms and conditions in the absence of national conditions, except firefighters and teachers employed by schools.</p>
<b>Roles and Responsibilities:</b>	<ul style="list-style-type: none"> <li>• Line Managers are responsible for implementing the policy in a fair and consistent manner.</li> <li>• All employees will be responsible for engaging with and adhering to this policy and procedures.</li> <li>• Trade Unions will be consulted in regard to the content of the policy and will be reasonably available to support and represent their members</li> <li>• The Human Resources team will be responsible for ensuring compliance with this policy and procedure and providing advice and guidance</li> <li>• All parties will be expected to apply the policy correctly</li> </ul>
<b>Is there a procedure or any other appendices attached to this policy?</b>	<p>This policy should be read in conjunction with the Grievance Policy.</p>

## 1. Policy Statement

This policy is designed both to help end bullying or harassment in any form and to offer support to any employee of the council who feels that they are being bullied or harassed by another council employee or by a third-party. It aims to assist in developing and encouraging an inclusive working and learning environment and culture in which bullying and harassment is known to be unacceptable.

The council takes grievances or issues about unacceptable behaviour towards employees seriously and wants individuals to have the confidence to report harassment without fear of victimisation.

This policy should be read in conjunction with the councils Grievance Policy however, issues directly related to bullying and harassment can follow the informal and procedure as set out in this document. Should an issue persist or be deemed too serious to be resolved informally then the formal grievance procedure should be adopted.

## 2. Equality Impact Statement

Equality is not about treating everyone the same; equality is about valuing a person as an equal regardless of their characteristics and treating people according to their needs in order to achieve a fair outcome. Line managers are responsible for having an Equality, Diversity & Inclusion (EDI) discussion with their employee at the earliest stage possible, to understand if equality issues could be a contributing factor and to understand if anything could be considered to enable them to fully participate in a process. This could include but are not limited to; disabilities or long term health conditions (including undiagnosed), religious or cultural needs, caring responsibilities, interpreters, specific location access, specialists or modified equipment.

It may also be appropriate to check in from time to time to ensure any measures put in place are fit for purpose and likewise an employee should notify their line manager of any changes in their circumstance. Additional advice and support can be sought from My HR Helpdesk or Trade Unions.

## 3. What is Harassment

Harassment is defined under the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

Harassment related to the following ‘protected characteristics’ (as defined by the Equality Act 2010):

- Race
- Age
- Disability
- Gender reassignment
- Marriage & Civil Partnership
- Pregnancy & Maternity
- Sex
- Sexual Orientation
- Religion & belief

Harassment may take many forms and includes behaviour related to a protected characteristic outlined above. However, harassment can occur without being related to any of the above. Examples of behaviour which is likely to constitute harassment are given below. The list is not exhaustive and other forms of harassment will be viewed equally as seriously:

- Behaviour of a racist, sexist, homophobic, ageist or disablist nature.
- Any behaviour or abuse which may cause distress, such as name-calling, ridicule, insults, jokes, graffiti, verbal or physical abuse etc.
- Offensive sexual behaviour such as, lewd or suggestive comments, offensive flirtations, unwanted sexual advances or demands for sex and compromising invitations.
- Offers of favoured treatment in return for sexual acts (or threats of disadvantage if refused).
- Unnecessary bodily contact or the invasion of personal space
- Threatening behaviour
- Deliberate exclusion from conversations or work activities on the basis on the characteristics outlined above
- Using email, the internet, text, instant messaging services or other electronic media for the purpose of bullying or making offensive remarks.
- Displaying offensive material (on paper or electronically).
- Drawing unwelcome attention to or abusing someone's religious beliefs.

'Sexual harassment' includes unwanted sexual behaviour or advances, requests for sexual favours or unwanted verbal, written or physical behaviour of a sexual nature. Sexual harassment also includes harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

The word 'unwanted' means essentially the same as 'unwelcome' or 'uninvited'. It does not mean that expressed objection must be made to the conduct before it is deemed to be unwanted.

Employees are able to complain of harassment that they find offensive if it relates to a protected characteristic, even if it is not directed at them. The complainant need not possess the relevant characteristic themselves.

Protection from harassment is also given because of perception and association. Harassment occurs even if the person harassed does not have the characteristic but is wrongly perceived to have the characteristic or harassed because of their association with someone who has the characteristic, such as a family member, friend or partner.

In order for the council to take action, harassment or bullying does not have to be so serious and/or unrelenting that the person who is being or has been harassed feels it necessary to change their job although the council recognises that this may be a consequence of harassment, if no action is taken to stop the harassment.

#### **4. Third Party Harassment**

The council acknowledges that an employee, from time to time, may suffer unacceptable behaviour by users of its services or people providing services to the council. Unacceptable behaviour directed at an employee of the council by a third party (e.g., service users, suppliers, contractors, agency staff, member of the public) should be reported immediately to the employee's manager.

The council will investigate any complaint of unacceptable behaviour made by an employee against a third party and take appropriate action. The manager should investigate the allegation. The investigation should include speaking to the complainant and may include speaking to any witnesses or the alleged perpetrator if possible.

Where a complaint is about a service user and depending on the type of service being provided, it may not be possible to withdraw services due to statutory responsibilities.

However, alternative arrangements can be considered and implemented where one or more of the below have taken place:

- Abusive or threatening behaviour towards Council employees;
- Persistent intimidation, bullying or harassment of staff despite warnings;
- An actual physical assault on a member of staff.

The list is not exhaustive.

Where an incident has occurred, the individual should report the incident on the accident reporting system [OSHENS](#), under the category of 'abuse/threat/violence' or 'injury' as appropriate.

Staff and managers should always work towards a resolution that maintains staff safety while continuing to provide necessary services. Heads of Service should seek advice from Legal Services when considering the withdrawal of a service and this should always be a last resort.

Any employee who has been subjected to unacceptable behaviour must be dealt with sympathetically and supportively by management and should be offered suitable support such as the Employee Assistance Programme.

## **5. What is Bullying?**

Bullying can be described as threatening, abusive, intimidating, undermining or insulting behaviour that may be an abuse of power, position or knowledge.

Inappropriate behaviour that leads to other people becoming stressed, demotivated or frightened is unacceptable. Examples of bullying are given below. These are just a small number of the many forms bullying can take and other forms will be viewed equally as seriously:

- Unreasonable supervision, shouting, verbal, written or published abuse.
- Abuse of power or behaviour that causes fear or distress for others.
- The deliberate undermining of an individual through unfair work allocation and/or constant unwarranted criticism.
- Inconsistent management style where there is evidence of unfavourable treatment.
- Public ridicule, sarcasm or humiliation.
- Ostracising or excluding colleagues from work events or social activities

Bullying does not include appropriately conducted constructive feedback of an employee's behaviour or job performance by their line manager.

## 6. Employee Wellbeing Support

Employee wellbeing is our priority. Employees, both the individual raising the concern and the alleged perpetrator, will be asked whether they require support during and after the period of investigation by their line manager. They will be given information about any other relevant persons or services which are available to support them. Individuals seeking wellbeing support can find additional information on the [wellbeing hub](#).

## 7. Reporting Bullying and Harassment

Where an employee believes they have experienced or witnessed any behaviour that is in breach of this policy they can raise their concerns to their line manager or if this is not appropriate to another member of senior management. Alternatively, they can seek assistance from the HR Helpdesk.

Any form of bullying or harassment is taken extremely seriously by the council and if proven, could lead to disciplinary action and possibly dismissal. In addition, individuals who engage in such behaviour may be in breach of the law.

The possibility that allegations may be made with vexatious or malicious intent is also recognised by the council and such complaints will be treated as grounds for possible disciplinary action.

An employee should report incidents of bullying or harassment on the council's online incident reporting system [OSHENS](#), under the category of 'abuse/ threat/ violence' or 'injury' as appropriate.

Further information can be found in [Section F4 of the Health and Safety Manual](#), on the council's approach to minimising risks to health and safety from violence, including aggressive behaviour not causing actual physical harm.

The council believes there may be occasions where allegations of bullying and harassment can be resolved informally. The alleged perpetrator may not realise that their behaviour is unwanted or perceived as bullying or harassment. It is therefore very important that where an employee feels they are being bullied or harassed that they do everything as reasonably possible to resolve this informally as detailed in section 7.1. Where the matter is so serious it may be more appropriate to raise their concerns formally, as detailed in section 7.2.

### 7.1 Informal Procedure

An employee who feels that they are being subjected to unacceptable behaviour may find it useful to discuss the details with an independent person (e.g., a work colleague, manager or Trade Union representative) in the first instance. Having a second opinion can help the employee to determine whether they have reacted reasonably or if they may have misinterpreted the situation.

If the employee still believes that they are being subjected to unacceptable behaviour, they should attempt to resolve the matter informally by raising it with the person subjecting them to the behaviour. The employee should explain that they found the behaviour offensive and/or unwelcome and request that it is not repeated. It is recognised that sometimes an individual may not be aware how their behaviour or conduct is impacting on another individual. Making that individual aware may be sufficient to stop the bullying or harassment.



This initial approach can be made either in person, written communication or by telephone. If the employee feels unable to make the approach on their own, they can ask their manager (or the next most relevant manager if the complaint is about their manager) to make the approach on their behalf. This action should be taken as soon as the bullying or harassment becomes apparent.

It may be appropriate to consider mediation as a restorative approach to dealing with bullying or harassment. The restorative approach recognises that the quality of working relationships may be influenced by certain issues or incidents and seeks to provide ways in which colleagues can constructively address these to find a positive way forward.

Further advice on mediation can be found on the [wellbeing support hub](#) or by contacting my HR Helpdesk.

The employee should keep a record of the action they have taken and the response. If the unacceptable behaviour continues or reoccurs, this information could be used as evidence in any formal investigation.

A potential outcome of a formal procedure may result in both parties being required to attend a meeting to agree strategies to restore the working relationship. Individuals are therefore encouraged to exhaust informal measures to resolve the matter in the first instance.

## **7.2 Formal Procedure**

If an informal approach does not resolve the issue or the concern is too serious to be dealt with informally (e.g., threatening behaviour), the employee can raise a formal grievance. The council has a duty to protect all employees and reserves the right to commence an investigation into concerns raised informally, even where the employee has not raised a formal grievance, if it considers it appropriate to do so.

In any cases of bullying, harassment, and victimisation, an independent or external person may be sourced to investigate the case at the discretion of the council. The term 'external/independent' may mean that a director or senior manager from another directorate across the council is appointed as an Investigating Officer, or in certain situations an investigator may be sourced from an external company.

This approach is to ensure the council has a clear approach to responding to inappropriate and potentially discriminatory behaviour, and that any resulting recommendations are acted upon in a timely manner. The overall aim is to ensure people feel confident in and protected by the council's approach and can raise concerns regarding other people's behaviour knowing they are safe and that their complaints will be taken seriously.

Please refer to the grievance policy for more information.

## **8. Victimisation**

We do not tolerate retaliation against anyone who speaks up and raises concerns. Retaliation means any kind of unfair treatment, whether subtle or overt towards a person who raises a concern or who participates in a process.

All employees who experience or witness any behaviour they believe to be revengeful should immediately report such behaviour to their line manager, contact the HR Helpdesk.

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