1. **Policy Summary**

This guidance should be read in conjunction with the Dignity and Respect Procedure.

The University aims to promote a working and learning environment and culture in which differences are tolerated, harassment and bullying are known to be unacceptable and where individuals have the confidence to deal with harassment and bullying without fear of victimisation. The Dignity and Respect Procedure aims to ensure that if harassment or bullying does occur employees, students or visitors have support and adequate procedures to deal with the problem.

Harassment and bullying can have a detrimental effect on health, confidence, morale and performance of those affected by it, and on the working and learning environment. The University undertakes to ensure a prompt response to all complaints and to treat them with due respect, relevant confidentiality and fairness.

2. **Purpose of the guidance**

The guidance is written for managers who have an issue with bullying and harassment amongst their staff. It gives an overview of the process, provides some ideas on how to approach an issue of bullying and harassment and where to go for further advice and information.

3. **The Legal Perspective**

The Equality Act 2010 defines harassment as

- “unwanted conduct that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment for the complainant, or violating the complainant’s dignity”;
- Unwanted conduct of a sexual nature (sexual harassment);
- Treating a person less favourably than another person because they have either submitted to, or did not submit to, sexual harassment or harassment related to sex or gender reassignment.”

This can be a single act or a series of incidents. The perceptions of the recipient of the harassment are very important.
4. Managing issues of bullying or harassment

As a line manager, you will have an important role in discouraging inappropriate behaviour and building a culture of respect. You also have a duty of care to members of your team to sort out problems or issues with efficiency and sensitivity. You have an overriding responsibility, as a University Manager, for the health and safety of your staff. The responsibilities of line managers are clearly defined in the “Responsibilities” section of the Procedure.

The Dignity and Respect Procedure allows managers to explore informal options for dealing with bullying/harassment without going through the formal procedure. It may be appropriate to consider mediation at this point. The formal procedure will only apply where the employee submits a written complaint using a Dignity and Respect complaint form.

It is important that claims of bullying and harassment (whether informal or formal) are treated seriously and confidentially. Confidentiality relates to the details of the case and the investigation (if applicable). If however, you are made aware of something that could seriously affect the wellbeing of an individual or group, you should contact your HR Manager/Adviser as a matter of urgency, even if this is against the wishes of the employee.

5. Building a Culture of Respect

The following are some general best practice techniques which can help to create an environment where bullying and harassment are known to be unacceptable:

- Consider your own behaviour and lead by example;
- Discourage inappropriate or risqué exchanges which could violate a person’s dignity;
- Make it clear that aggressive or abusive emails, shouting and dressing people down in public are not acceptable;
- If you witness inappropriate behaviour, deal with it swiftly, consistently and in accordance with University procedures;
- Raise awareness of the Dignity and Respect Procedure within your team. This will send out a positive message that you take issues of bullying and harassment seriously.
- Raise awareness of Just Ask which is a support network for University staff which can support people who have an issue with bullying or harassment.

6. Dealing with informal complaints

The Dignity and Respect Procedure allows managers to explore informal action if this is appropriate to the situation and if the staff member is agreeable.
Informal approaches are often the quickest and most effective way to deal with issues of bullying and harassment. Resolving issues promptly means less stress on the individuals concerned. It may be appropriate to consider mediation at this point. In this section the terms “complainant” and “alleged perpetrator” are used only for purposes of clarity. The “complainant” refers to the person who feels they are being bullied or harassed and the “alleged perpetrator” refers to the person accused of bullying/harassment.

If you are approached by an employee who says they are being bullied, it is recommended that you hold a discussion with the complainant to find out the exact nature of the problem:

- Try and establish some facts (dates, what was said/done, any witnesses, how it made the staff member feel).
- Find out what steps the complainant has taken already to address the situation.
- Find out what the individual would like you to do about the situation (they may decide they want to make a formal complaint).
- Consider the complainant’s perspective and whether it is reasonable.
- Do not keep detailed formal records – this is an informal approach and should be treated as such.

Although the legal definition of harassment places a degree of importance on the perception of the victim, their reaction should be reasonable. In order to resolve an issue of bullying or harassment you will need to get more information than just one person’s perception of events. You will also need to consider differences in attitudes and cultures. What is a harmless joke to one person may cause embarrassment to another, and when this behaviour is persistent it can cause a difficult and stressful working environment.

How you deal with an issue of bullying/harassment will very much depend upon the individual circumstances. The following steps may be appropriate:

- Speaking informally to the alleged perpetrator, finding out their perception of events. It is not unusual for the alleged perpetrator to be unaware of the impact of their behaviour.
- You may need to advise them that their behaviour is inappropriate and ask them to change it.
- Consider training or coaching for the alleged perpetrator or the complainant.
- Following individual discussions with each party, facilitate discussions with both parties to try and deal with the problem and find a way forward. HR is available for advice with this.
- Arrange review meetings to ensure the issue remains resolved to the complainant’s satisfaction.
- Consider external mediation which is available through your HR
Manager/Adviser.

In certain circumstances it may be appropriate to invoke the University disciplinary procedure if there are grounds for believing wilful misconduct has taken place. If you require any advice or assistance in dealing with an issue of bullying and harassment, your HR Manager/Adviser will be able to help.

It is important to stress that it may not always be appropriate to deal with issues of bullying or harassment informally. If employees wish to make a formal complaint, they are entitled to do so and should follow the Procedure outlined in the Dignity and Respect Procedure.

7. The Formal Procedure

Individuals may make a formal complaint through the Dignity and Respect Procedure.

In summary, the individual makes their complaint to the Executive Director of HR using Dignity and Respect complaint form. An investigating officer is then appointed and will be responsible for carrying out an investigation and making recommendations to the Executive Director of HR. The investigation will usually include interviews with all parties and witnesses. The outcome is a written report which goes to the Executive Director of HR, who then writes to both parties advising what the outcome is and what courses of action are to be taken.

8. The line between firm management and bullying

All those with the responsibility for managing staff have a responsibility to manage the performance of their staff in a reasonable way, issue reasonable instructions and expect them to be carried out to an acceptable standard. Providing employees with feedback on their performance is also a legitimate management task. The legitimate supervision of staff and students which is carried out in a reasonable way will not be classed as bullying or harassment.

Managers should consider their style in dealing with others and behave in a way that would generally be considered to be reasonable. Managers may also need to adjust their style when dealing with certain individuals to take into account cultural or other differences. Managers can help to avoid complaints of bullying by ensuring that any written (including email) or verbal communication regarding performance is objective rather than subjective. Avoiding making assumptions or stereotyping a person because of their personal characteristic e.g. parental status, will also help.
9. Supporting staff who are involved in a formal process

For most people, making a formal claim of bullying or harassment against a colleague is a last resort. Once the formal complaint is made, relations within a team can be very tense. If both the claimant and the alleged harasser are members of your team, you will need to try and support both parties. You can best do this by keeping an open mind and trying to facilitate a working relationship that can move forward once investigation is concluded. You should also remember that you have a duty to other members of the team to ensure the environment is not hostile or degrading.

On a practical level, it is advisable to establish a regular point of contact with the appropriate HR Manager/Adviser, so that you are up to date with any recent developments and can help to move things along if necessary.

Being accused of bullying or harassment is an extremely difficult experience for many individuals. If a member of your team has been accused of bullying you can help them in the following ways:

- Encourage them to think objectively about the accusations and reflect carefully about the complaint and consider if it can be justified.
- Discuss if it would advisable for them to change their behaviour, taking differences in attitude and culture into consideration.
- Ensure they understand the procedure, what will happen and what their rights are.
- If they want to talk things over suggest they contact a Just Ask Volunteer.

Once the investigation has been concluded, managers will usually be involved in putting into place any recommendations, such as training or coaching. If this is the case, the manager should make this a priority and arrange review meetings to ensure the staff member is supported in making the required changes to their behaviour.

If you have been accused of bullying and harassment by a member of your team, you should expect the same level of support from your line manager that you would be offering to a member of your team.

10. Further information and advice

For further information and advice on bullying or harassment issues, contact your HR Manager/Adviser.

Other sources
Equality Challenge Unit