

Bullying – Work and Workplace Policy

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Contents

Policy Statement.....	2
Procedure.....	2
Examples of Bullying.....	3
Complaints Procedure.....	4
Informal Procedure.....	4
Formal Procedure.....	4
Mediation.....	5

Bullying – Work and Workplace Policy

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Policy Statement

Employees have the right to be treated with dignity and respect. Bullying is harmful, it causes distress and can lead to accidents, illness, and poor performance. Bullying is defined as any unsolicited or unwelcome act that humiliates, intimidates or undermines the individual involved. No form of bullying will be condoned at work. Banquo welcomes the support of the recognised trade union(s) in seeking to eradicate bullying.

The aim of this procedure is to protect employees from bullying and to enable them, if necessary, to make a complaint or assist in an investigation without fear of reprisal.

When appropriate, every effort will be made to resolve any complaint of bullying informally. Some incidents, however, because of their serious nature, will need to be dealt with immediately under the formal complaint's procedure.

The service also takes seriously the threat of cyberbullying and will support fully any member of staff who is subjected to it.

Disciplinary action, including dismissal, will be taken against those failing to fulfil their responsibilities under this policy.

Procedure

An employee who is being bullied will often feel vulnerable and isolated and believe it is best not to complain, fearing that a complaint will not be taken seriously.

If an employee reports that they are being bullied, management must take the matter seriously.

The employee must decide whether to ask for confidential counselling, or whether to proceed with a formal complaint.

Examples of Bullying

1. Examples of bullying behaviour include:

- a. derogatory remarks
- b. use of foul or abusive language
- c. insensitive or offensive (including sexist, racist or ageist) jokes or pranks

- d. insulting or aggressive behaviour
- e. ignoring or excluding an individual
- f. setting unrealistic deadlines
- g. public criticism
- h. humiliating or demeaning the individual
- i. substituting responsible tasks with menial or trivial ones
- j. withholding necessary information
- k. constantly undervaluing effort
- l. cyberbullying by colleagues.

This list is not exhaustive. The actions listed above must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

2. Any manager who receives a complaint of bullying, or witnesses bullying, must investigate the complaint or incident and ensure that the problem is resolved as quickly as possible.
3. All managers have a duty to establish and maintain a working environment free from bullying.
4. All employees must comply with this policy and take steps to ensure that bullying does not occur.
5. Any employee who believes that they are being bullied should feel confident that complaints will be taken seriously and dealt with in confidence.
6. Any manager who receives a complaint of bullying must respect confidentiality and should encourage the person being bullied to consider using this procedure.

Complaints Procedure

1. Any complaint should be made to a manager.
2. Where the allegations of bullying concern an employee's line manager, the employee should make a complaint to a senior manager.
3. Complaints will be viewed seriously and treated confidentially.
4. Care will be taken during an investigation to treat all employees involved with consideration.

5. Once the investigation is completed, the manager who has conducted it will decide, on the strength of the findings, the appropriate action to be taken. This may include disciplinary action.
6. The complaints procedure can be informal or formal. The employee must decide which procedure to use.

Informal Procedure

1. Employees should keep a written record of any incidents of bullying, including the date, time, nature of incident, the names of those involved and the names of any witnesses.
2. If possible, the person who is bullying should be told by the individual who is being bullied that the behaviour is offensive and unwanted and must stop. A colleague can act as a witness when this statement is made. Alternatively, an appropriate line manager can, with the bullied employee's agreement, speak to the alleged perpetrator.
3. Whenever possible, any complaint of bullying should be made in the first instance to the immediate line manager or supervisor.

Formal Procedure

1. Where informal methods fail, or the employee chooses not to use them or considers that the problem is sufficiently serious, a formal complaint can be made. The complaint must be made in writing, describing the incident(s) as fully as possible. This complaint should be given to the manager.
2. A manager will be appointed to investigate the complaint and will interview the person against whom the allegations are made, the complainant and any relevant witnesses. These interviews will be conducted in confidence. All employees who are party to these proceedings can choose to be accompanied by a work colleague or trade union representative.
3. The investigation should be concluded within four weeks of the complaint being received. If this time limit is exceeded, the complainant should be advised of this and given a date when the investigation will be concluded and the reasons for the delay.
4. The manager must keep a detailed written record of the investigation, its findings and recommendations. The complainant and the person(s) against whom the allegation has been made must be informed in writing of the findings by the investigating manager.
5. Once the investigation is complete, the appropriate manager will review the investigator's recommendations and, where appropriate, carry these out. The aim should be to put a stop to the bullying, prevent its recurrence and, where appropriate, instigate the disciplinary procedure in respect of the employee who perpetrated the bullying.

6. If the complainant is not satisfied with the outcome and/or any actions taken, or with the way in which the complaint was handled, they may appeal, in writing, stating the grounds for the appeal.
7. An appeal meeting will be arranged as soon as is reasonably practicable and usually within 10 working days of receiving the appeal. Wherever possible a different manager will conduct the appeal and will carry out such further investigation as is deemed appropriate. The employee who has appealed can choose to be accompanied by a work colleague or trade union representative at the appeal meeting.
8. A written record must be kept of the appeal meeting and any prior investigation. All records must be held in line with the Data Protection Act 2018.
9. The complainant and any other person affected by the complaint must be informed of the findings in writing by the manager who conducted the appeal. The appeal decision will be final.
10. If disciplinary action against the perpetrator of the bullying is justified, a disciplinary hearing will be arranged within 15 working days of the decision of the investigating manager.
11. The employee against whom the allegation of bullying has been made will have the right to be accompanied at this hearing by a work colleague or trade union representative and will have the opportunity to challenge the evidence and to state their case. The hearing will be conducted in accordance with Banquo disciplinary procedure.
12. Any disciplinary action taken will reflect the severity of the offence and may include the transfer of the employee accused of bullying, on a temporary or permanent basis, a written warning or dismissal.
13. The employee may appeal against the penalty in accordance with Banquo disciplinary appeals procedure.

Mediation

1. At any stage in the informal and formal procedure, independent and impartial mediation conducted by a qualified mediator will, at management discretion, be made available to assist in the resolution of the dispute between the person who is being bullied and the perpetrator.
2. If either party wishes to request third-party mediation, they may do so by speaking to the Registered Manager. However, mediation will only be considered where both parties agree to it.