



# Bullying, Harassment and Victimisation Policy

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Compliance with Legislation	<input checked="" type="checkbox"/>
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Freedom of Information issues	<input checked="" type="checkbox"/>
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**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

# **Bullying, Harassment and Victimisation Policy**

## **1. Policy statement**

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Cleveland Police and the Office of the Police and Crime Commissioner (OPCC) is committed to promoting and ensuring an inclusive working environment where everyone is treated with dignity, respect and courtesy.

An effective, professional Police Force and OPCC is built upon firm foundations of values, ethics, transparency, inclusion and fairness with an internal maturity to challenge behaviours or attitudes that do not support that. All staff are expected to behave in a professional manner in line with the Code of Ethics and the Police Staff Code of Conduct which incorporates the Police Staff Council (PSC) Standards of Professional Behaviour.

Cleveland Police and the OPCC also has a legal duty to protect its members of staff from unlawful and unfair discrimination and treatment on the grounds of their protected characteristics, as defined in the Equality Act (2010). See list on page 3.

Harassment, bullying or victimisation is unacceptable and will not be tolerated, whether in the workplace or outside of the workplace where it involves or affects the staff of Cleveland Police. Such conduct will not be ignored and any complaints of bullying, harassment and/or victimisation will be taken seriously and investigated quickly, proportionately and effectively.

Bullying, harassment or victimisation may lead to a formal investigation for a police officer under the Police Officer (Conduct) Regulations 2012 or for a Police Staff member under the Police Staff Disciplinary procedures.

## **2. Purpose**

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The aim of this policy is to prevent bullying, harassment and/or victimisation, provide guidance to resolve any problems should they occur, and avoid recurrence.

## **3. Underpinning procedures and definitions**

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### **Definitions**

**Bullying** is not specifically defined in law but ACAS gives the following definition: Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the participant.

**Harassment** is defined by law as any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual. A single incident can amount to harassment

It also includes treating somebody less favourably because they have submitted or refuse to submit to such behaviour in the past.

Unlawful harassment may involve contact of a sexual nature (sexual harassment), or it might be related to age, disability, gender reassignment, 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.

**Victimisation** is a term used in discrimination law to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting a complaint of discrimination. Examples include refusal to promote an employee because he or she has previously invoked a grievance procedure, or given evidence against the employer at a tribunal.

Relevant **protected characteristics** are defined in the Equality Act (2010). These are the grounds upon which **discrimination** is unlawful:

- Age
- Disability
- Gender reassignment
- Maternity & pregnancy
- Marriage & civil partnerships
- Race
- Religion or belief
- Sex
- Sexual orientation

Harassment under the Equality Act 2010 does not cover the protected characteristics of maternity and pregnancy, and marriage and civil partnerships. However depending upon the circumstances the behaviour may be covered under one of the other protected characteristics i.e. Sex or Sexual Orientation.

Bullying and harassment are terms used interchangeably by most people. **The difference between bullying and harassment** is that harassment is unlawful and is unwanted behaviour relating to a protected characteristic.

Treating someone with **respect and dignity** means having a positive attitude towards them, showing consideration and politeness so that they feel valued and have a sense of wellbeing and self-worth.

### **Examples of bullying, harassment or victimisation behaviours**

Harassment, bullying or victimisation may be against one or more people. It may involve single or repeated incidents ranging from extreme forms of

intimidating behaviours such as physical violence, to more subtle forms such as ignoring someone. It can often occur without witnesses. Examples include:

- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Unwanted physical contact or 'horse play', including touching, pinching, grabbing, pushing
- 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 (includes e-mails/ text messages/ video clips / social media content or images sent by mobile phone or posted on the internet)
- Unwelcome sexual advances or suggestive behaviour (which the harasser might perceive as harmless)
- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender
- Outing or threatening to out someone as gay or lesbian
- Mocking, mimicking or belittling a persons' disability
- Jokes at someone's personal expense, offensive language, obscene gestures or slander. (It is important to note that a person may be harassed, even if they were not the intended 'target' e.g. a person might be harassed by racist jokes about a different ethnic group, as the joke would create an offensive environment)
- Spreading malicious gossip or rumours
- Coercion for sexual favours
- Personal intrusion from pestering, spying or stalking
- Persistent unwarranted criticism
- Personal insults
- Giving someone unachievable and meaningless tasks
- Constantly undervaluing someone's work performance
- Shouting, swearing and bawling
- Isolation and exclusion

## **Responsibilities**

All officers, staff and managers, including volunteers, must comply with, and demonstrate active commitment to this policy.

All officers, staff, volunteers and managers should discourage bullying, harassment or victimisation by making it clear that they find such behaviour unacceptable and supporting colleagues who suffer such treatment. It is not acceptable for anyone to ignore, condone or encourage unacceptable behaviour.

## **Responsibility of officers and staff**

All officers and staff have a responsibility to challenge or report inappropriate behaviour, whether directed at themselves or others. You should treat colleagues and others, such as suppliers and members of the public, with respect. You have a personal responsibility to be aware of the impact of your behaviour and to make sure you do not cause offence to others by your words or actions.

You should speak to your manager about any concerns you have about bullying, harassment or victimisation, so your manager can address them. If you feel unable to discuss such matters with your manager, please refer to 'Support Options' (appendix 1). However the matter must be reported. Allowing issues to continue and often escalate should never be considered as an option.

## **Responsibility of Human Resources (HR)**

The Head of HR is responsible for developing, implementing and embedding a Bullying, Harassment and Victimisation Policy which promotes a safe, healthy and fair working environment.

HR Business Partners, Employee Relations (ER) Case Managers and Advisors are available to both staff and managers to provide guidance on the policy / processes to be followed at both an organisational and individual level.

## **Responsibility of all managers**

Managers are responsible for setting an example and creating a working environment which supports the respect and dignity of all staff.

They must ensure that officers and staff in their teams have familiarised themselves with, and understand this policy and to make every effort to ensure that harassment, bullying and victimisation by colleagues or external parties does not occur.

Where bullying, harassment or victimisation does occur, an early and considered intervention is a key responsibility of all managers to prevent escalation. Managers are required to take action whether or not the matter has been brought formally to their attention.

Managers must remember that a failure to act is likely to have a damaging impact on everyone involved and a lack of action could also be regarded as colluding with the person accused. A failure to act may lead to a formal investigation for a police officer under the Police Officer (Conduct) Regulations 2012 or for a Police Staff member under the Police Staff Disciplinary procedures.

When dealing with an issue or incident managers should:

- Apply the national decision making model

- Ensure that this policy and other relevant procedures are followed
- Ensure that appropriate support is given to everybody either directly or indirectly involved, both during and after any action has been concluded
- Treat the matter in a sensitive and confidential manner
- Keep a record of incidents, information received and action taken
- Ensure that appropriate remedial action is taken e.g. training

## **Resolution Approach and Options**

It is essential to identify and manage issues at an early stage. Delays will have a negative impact on everyone involved and could lead to an escalation in behaviour or a situation made worse by hardened views and a situation where change and resolution is harder to achieve.

**A delayed and passive response is counterproductive.** To prevent this, it is essential that the member of staff in question considers all options open to them as quickly as possible and it is vital for line managers to act in a sensitive, proportionate and professional manner.

## **Resolution Options**

Any member of staff concerned may decide how they wish to proceed and is advisable to seek early advice to consider options available to them.

The options below provide an escalation approach for raising and managing issues and it is recommended that, where possible and appropriate, attempts to resolve the issue informally should be taken in the first instance. However there may be situations where behaviour is so serious that it is appropriate to apply option 5 or 6 straightaway.

### **Option 1 Deal with the matter individually:**

A member of staff may attempt to resolve the matter personally. In this option, a member of staff will make the other person aware of how they are feeling and the impact of the other person's behavior. Preferably this should be done directly to allow effective communication and to help build positive relations. Occasionally it may be suitable to address the issue in writing, for example by email. It is recommended that all parties keep a record of any discussion or action taken.

### **Option 2: Deal with the matter individually with advice:**

A member of staff may wish to seek formal advice before speaking with the other person concerned. This will allow the member of staff to obtain information about options available to them and how best to deal with the situation.

### **Option 3: Report the matter to a supervisor:**

A member of staff may feel the matter is most effectively dealt with by a supervisor or line manager and in such circumstances they may refer it directly to them. If they feel they can't approach supervision within their own team or department, which could be for a variety of reasons, they may

consider approaching supervision from another team. The supervisor, where appropriate should assume ownership of the matter and progress it as considered most appropriate in the circumstances. The complainant should be kept well informed and records of conversations and disclosures should be maintained.

**Option 4: Deal with the matter using mediation:**

A member of staff may wish to use workplace mediation to deal with the issue. Cleveland Police can arrange a mediator to help two or more people in dispute/or experiencing an issue to attempt to reach an agreement. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

**Option 5: Deal with the matter using the grievance procedure:**

A member of staff may wish to use the Grievance procedure as a way to raise a concern such as their treatment at work, a work place relationship or lack of management action. The grievance procedure is in place to deal with matters quickly and fairly before they escalate into something more serious. Refer to the grievance policy.

**Option 6: Deal with the matter by raising it with the Directorate of Standards and Ethics (DSE):**

On occasion, the nature or gravity of the conduct, on-going relationship or specific incident may require early referral and management by the force DSE.

**What if you are accused of bullying, harassment or victimisation?**

You may be accused of bullying, harassment or victimisation before a formal complaint has been made. It's very important that you remain calm and listen to the points that are being made. Allow the person to explain how they are feeling and clarify what aspects of your behaviour they feel to be unacceptable. You will need to carefully consider your past behaviour. It's the effect of that behaviour on others, rather than the intention, which matters in any claim of harassment.

If you accept that your behaviour may have caused offence – apologise as soon as possible. If you believe that your behaviour does not amount to bullying, harassment or victimisation and you are not prepared to alter your behaviour, be aware that the complainant may want to take matters further. They may raise a formal complaint against you under the Grievance Policy.

**What is not bullying, harassment or victimisation?**

Bullying harassment or victimisation should not be confused with legitimate management practices such as providing constructive feedback on an individual's performance or behaviour at work. Cleveland Police expects

managers to set clear direction and achieve and maintain high standards of professionalism and performance.

### **Record Keeping**

It is important to assist any subsequent process or investigation and that an accurate record of any such incidents or discussions is kept. This is the responsibility of the individuals concerned and should be proportionate to the circumstances presented. This will include details of where a person feels they are being subjected to bullying, harassment or victimisation, or whether a third party witnesses such behaviour. Details of the time, date, location and type of conduct should be recorded as well as details of other potential witnesses.

When there is correspondence between the parties, or when the respective parties meet, records should be kept. Where a written record is kept of meetings or conversations between respective parties, whether facilitated through a third party or not, it would be best practice for both parties to view and agree a written record as a true and accurate record of the meeting.

### **Confidentiality**

Cleveland Police recognises that bullying, harassment or victimisation involve sensitive issues and therefore must be treated with the utmost discretion and confidentiality. Wider knowledge within the workplace, which can lead to inaccuracies or misrepresentation of events between other parties, can be particularly damaging, destructive and upsetting. This means that information must only be divulged to other parties on a strict 'need to know' basis and any records are graded in accordance with protective marking schemes if necessary.

### **Support Options**

If you are being subject to bullying, harassment or victimisation it is advisable to talk to someone before taking any action either informally or formally.

There are a range of support options available for anyone suffering or witnessing inappropriate behaviour which may be a breach of this policy. A list of support options and key contacts are provided in appendix 2.

## **4. Appendices**

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<b>Appendix</b>	<b>Description</b>
1.	Support Options
2.	Line Manager's guide



## 5. Compliance and monitoring

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The Head of HR is responsible for the accuracy and integrity of this document. This policy will be continuously monitored, and updated when appropriate, to ensure full compliance with legislation.

The Head of HR will review this process to ensure that all aspects are being adhered to in accordance with the framework of this policy.

## 6. Version control

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

Version	Date	Reason for update	Author
0.1	June 2016	New Policy	██████████
0.2	June 2016	Policy for consultation	██████████
1.0	July 2016	Policy approved at Management Board and published	██████████
1.1	June 2018	Review date extension	██████████
1.2	Mar 2019	Review date extension	██████████
1.3	Oct 2019	Review date extension	██████████
1.4	November 2019	Review of policy in line with force schedule	██████████
1.5	Nov 2019	Policy revised following consultation	██████████
1.6	Dec 2019	Policy approved at People and Wellbeing Board, submitted for approval to the Executive	██████████
1.7	17/12/19	Policy approved and published	██████████
1.8	Feb 2020	Change of owner dept. change	██████████
1.9	Apr 2020	Addition of COVID 19 message	██████████
1.10	August 2021	Review date extended	██████████

1.11	Jan 2023	Extension of review date as agreed at Nov 22 P & W and Dec 22 EMB	██████████
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## Support Options

- Line Management
- Colleagues
- HR Business Partners
- ER team (employee relations)
- Unison
- The Police Federation
- Superintendents Association
- Everyone Matters Board
- Everyone Matters Team
- Wellbeing Team (internally and external support services)
- ACAS
- MIND
- Citizens Advice
- Employee assistant programme
- Blue light champions

### **Line Managers Guidance**

This guide provides a summary of the types of activity to manage and prevent bullying, harassment and victimisation in the workplace. It should be used in conjunction with other documents such as the grievance policy, the code of ethics, the police staff code of conduct which incorporates the police staff council (PSC) standards of professional behaviour and conduct/disciplinary policies relevant to officers and police staff.

#### **Early Intervention**

In many cases conflicts and issues can be defused by effective early intervention by the line manager. Line managers must act quickly to prevent the escalation of an issue and to support the members of staff involved and to resolve the actual issue. Prompt, proportionate, effective and sensitive intervention is crucial.

#### **Speak with each party individually**

In most cases the starting point is to have an informal one-to-one conversation with the parties in dispute to identify the crux of the problem and hear everyone's perspective on what is happening. This will facilitate early problem solving and ensure that everyone is supported fully. It also provides an opportunity to reinforce the importance of nipping matters in the bud and the consequences of breaching this policy and other standards.

#### **Adopt a participative approach and acting as an intermediary in conflict situations**

Line managers should use their supervisory skills and experience to step in and attempt to resolve disputes before they escalate. Line managers can help individuals in dispute to identify what is at the root of their disagreement, what they need to happen to resolve matters and move forward and any changes or compromises they are prepared to make in their behaviour or attitudes.

#### **Use all available procedures to investigate incidents**

Where serious incidents occur – such as alleged harassment, bullying or out-of-character outbursts of verbal abuse or physical intimidation – they must be dealt with and taken seriously. Any form of behaviour which may amount to gross misconduct must be properly investigated and dealt with using the formal conduct or disciplinary procedure. Line managers must be wary of second-guessing the results of any investigation and must ensure that other members of the team do not either.

#### **Following up on conflicts after resolution**

It is important to monitor relationships after an incident has taken place as in many cases one party or another will still feel aggrieved to a lesser or greater extent. So it's important that line manager's talk to the individuals involved during informal one-to-ones or during discussions around development or performance appraisals to find out whether the conflict really has been resolved or is being managed, or if there are renewed tensions or sources of

unhappiness. Sometimes the danger with historical matters is that if they do re-occur there will be a slow build-up of further tension.

**Seek advice and support as appropriate**

It is important to access support such as HR practitioners or DSE who can provide advice about managing difficult situations at work before they escalate to conflicts. In addition line managers should use external guidance and support as signposted in this policy.

**Act as a role model**

Line managers must lead by example, If they fail to follow and positively embrace this policy and the code of ethics, others will not do the same. Line managers must also be consistent in how they deal with their team and not show any form of favouritism or bias.