

BULLYING AND HARASSMENT PROCEDURE

1. INTRODUCTION

1.1 Purpose

Blackburn College recognises its responsibility to provide a safe, healthy environment and uphold the rights of employees at all levels to be treated with dignity and respect. Positive behaviour can help foster an inclusive environment where everyone feels valued. The College is committed to the promotion of equality, diversity and a supportive environment for all staff. The College is committed to maintaining a culture of professionalism, respect and a positive working environment. However, it recognises that circumstances may arise where employees could perceive that the behaviour of others makes them feel bullied or harassed.

The aim of this procedure is to protect employees from bullying and harassment and to enable them, if necessary, to make a complaint, confident that it will be taken seriously and dealt with in confidence. This procedure sets out a means for any employee who has a complaint relating to alleged incidents of bullying and or harassment to have an effective means of dealing with them in an expeditious manner. This procedure:-

- Provides a framework where a complaint of bullying and harassment can be dealt with effectively;
- Seeks to achieve resolutions of employee complaints of this nature initially through informal means, before recourse to formal processes, where this is appropriate;
- Provides the general steps that will be followed by the College but is non-contractual.

The College reserves the right to vary any stage in this procedure as it deems necessary in order to comply with any current legal obligations and best practice.

1.2 Scope

This procedure shall apply to all employees of the College other than senior post holders as defined in the College's Articles of Government.

This procedure should be followed where an employee has a complaint in relation to alleged bullying and harassment.

Grievances in relation to other matters of employment shall be dealt with under the College's Grievance Procedure. Where the matter constitutes an appeal against a disciplinary decision, or relates to a disciplinary decision, these should be taken up in accordance with the disciplinary procedures, or where the College has specifically applicable procedures such as in relation to public interest disclosure.

This procedure has been revised following a review, as part of the normal cycle of review set by the Policy and Procedures Committee.

2. PRINCIPLES

- 2.1 It is the expectation that confidentiality is respected by all parties engaged under this procedure.
- 2.2 Nothing in this procedure should preclude informal meetings at any time, without creating undue prejudice should a case of complaint be taken to the formal stages.
- 2.3 All managers have a duty to establish and maintain an environment free from bullying and harassment. Any manager who receives a complaint of or is witness to such behaviour must deal with the situation sensitively, listen to the employee making the complaint and investigate the complaint or incident, ensuring that the problem is resolved as quickly as possible.
- 2.4 Anyone who receives a complaint of bullying or harassment must respect confidentiality and should encourage the person who has made the complaint to consider using this procedure. It must be noted that confidentiality may not be able to be maintained if it is deemed there is a risk to the health and safety of the individual making the complaint. Under no circumstances must any such complaint be ignored.
- 2.5 It will be necessary to undertake an investigation to determine the facts and decide upon appropriate action.
- 2.6 Once a complaint of bullying and / or harassment has been stated no additional complaints may be raised during the procedure.
- 2.7 Complaints of bullying and / or harassment raised under the formal stages must be in writing and as clear and specific as is reasonably possible and include what an employee would seek as a resolution.
- 2.8 If a complaint of bullying and harassment is not resolved to the satisfaction of the employee he or she shall have the right to proceed to the next stage of the procedure, unless the procedure has been concluded.
- 2.9 A complaint of bullying and / or harassment that has been upheld and therefore has been demonstrated as justified should be remedied to the extent that it is reasonably possible.
- 2.10 Depending on the severity of the complaint, the alleged action could be regarded as gross misconduct and disciplinary action, including dismissal could be taken against anyone found guilty of bullying and / or harassment. If at any stage a matter emerges that should properly be dealt with under the College's procedure for discipline or capability, then the bullying and harassment procedure may be halted until the appropriate other procedure has been exhausted.
- 2.11 The College will provide appropriate briefing and training for managers involved in the operation of the procedure to enable complaints of bullying and / or harassment to be dealt with fairly and effectively.
- 2.12 An employee may, at any stage of the procedure, seek clarification and / or guidance about the complaint process from the HR and OD Service.
- 2.13 During any stage of the procedure, managers may seek advice from the HR and OD Service. It is recommended that a HR representative attend all formal meetings under this procedure.

3. THE PROCEDURE

Where possible, employees will be encouraged to resolve the situation through informal means with the assistance of their line managers. However, some incidents, by virtue of their serious nature will need to be dealt with immediately under the formal procedure.

3.1 Informal Process

- I. Individuals who feel they have been bullied or harassed should keep a written record of any incidents, including the date, time and nature of incidents, names of those involved and those of any witnesses.
- II. Whenever possible, any complaint of bullying or harassment should be made in the first instance to the immediate line manager. In circumstances where the subject of the complaint is the line manager, the employee making the complaint should make it to the manager their line manager reports to.
- III. If possible, the person who is the subject of the complaint should be told by the person making the complaint that the behaviour is unwanted, the impact the behaviour is having on the employee and subject of the complaint asked to stop the inappropriate behaviour. A colleague or an appropriate manager can act as a witness when this statement is made. If the person making the complaint is unable to do this verbally, then a written request may be appropriate. Alternatively an appropriate line manager can speak to the person who is the subject of the complaint.

3.2 Failure to resolve a complaint of harassment or bullying informally

Where the informal methods fail to resolve the issue or it is not considered appropriate to seek resolution by informal means, the employee should use the formal procedure set out in section 3.3.

3.3 Formal Process

3.3.1 Formal Process - Stage 1

- I. An employee with a complaint of bullying and / or harassment, which has not been resolved by informal means, should set out the nature of their complaint in writing and state:-
 - a. The name of the subject of their complaint
 - b. The nature of the complaint i.e. whether it is one of bullying or harassment and the type of behaviour which they consider to be bullying or harassment
 - c. The dates, times, when the alleged bullying and / or harassment took place
 - d. The names of any witnesses to any incidents of alleged bullying and / or harassment
 - e. Any action already taken by the person making the complaint to stop the alleged bullying and / or harassment
 - f. What his or hers desired outcome / remedy is
- II. The written complaint of harassment or bullying should then be sent to the Head of HR and OD and/or HR Manager who will arrange for an appropriate member of the College Leadership Team (CLT) to be appointed as the Investigatory Officer.
- III. The Investigatory Officer will investigate the complaint and will interview the person making the complaint, the subject of the complaint and any relevant witnesses. All individuals in the investigation will be expected to respect the need for confidentiality. All parties to these proceedings will be advised of their right to be accompanied by a work colleague or trade union representative.
- IV. The investigation will ordinarily be concluded within ten working days of the complaint being received, unless otherwise indicated. If it is not possible to complete the investigation within the specified time, the person making the complaint will be given an explanation for the delay and given a date when it is expected to be completed.
- V. Where required, action will be taken to separate the subject of the complaint from the person making the complaint, which could involve suspension with pay until the situation has been resolved.

- VI. The Investigatory Officer will keep a detailed record of the investigation and its findings. A written decision will be issued within ten working days of the conclusion of the investigation, including the employee's right to appeal against the decision if he / she is not satisfied with it. Copies of the decision will be sent to all parties. If the written outcome cannot be achieved within the timescales, the Investigatory Officer will write to the employee informing him / her of the reasons for any delay.

3.3.2 Formal Process - Stage 2 Appeal

- I. If the employee is not satisfied with the outcome of stage 1, he or she may within 5 working days of receipt of the decision, appeal in writing to the Principal. Appeals should be sent to the HR and OD Service who will arrange for an appropriate Appeal Officer to hear the appeal, normally a member of the College's Executive.
- II. The Appeal Officer will write to the employee who made the complaint to invite him or her to attend an appeal meeting. This will normally take place within ten working days of receiving the appeal, unless otherwise agreed and the employee will have the right to be accompanied (see section 3.5).
- III. At the appeal meeting, the employee will be given the opportunity to explain his / her complaint and the grounds of appeal and state how he/she thinks it may be resolved.
- IV. The Appeal Officer will review the issues and if necessary adjourn the appeal meeting to seek advice or undertake further investigation.
- V. The decision of the Appeal Officer shall be either that the decision of the Investigatory Officer:
 - a. Stands
 - b. Is amended
 - c. Is not upheld
- VI. Following the appeal meeting, the Appeal Officer's decision will normally be conveyed in writing to the employee within 10 working days of the completion of the meeting. If the decision is against another employee, he / she will also be advised of the outcome of the appeal meeting. This shall be the final stage of the Bullying and Harassment procedure within the College.

3.3.3 Potential Disciplinary Action against the Subject of the Complaint

If, as an outcome to the investigation into the complaint, a case for disciplinary action is made, a disciplinary hearing will be arranged in accordance with the appropriate College disciplinary procedure, within ten working days of either the decision of the Investigatory Officer or the Appeal Officer. The subject of the complaint will be informed of the hearing in accordance with the College disciplinary procedure. Any disciplinary action taken as an outcome of the disciplinary hearing will reflect the severity of the offence and may include dismissal.

3.4 Time Limits

The indicative time limits applicable to each stage of the procedure are included in the procedure in order to ensure as far as possible that matters are dealt with promptly and without undue delay. However they shall be without prejudice to any decision by the person investigating the complaint or hearing an appeal to adjourn the appropriate meeting for enquiries to be made or for another purpose, the reason for the adjournment being stated at the time it is announced. It also should be recognised that in certain circumstances it may be necessary to extend these time limits in order that the bullying or harassment complaint and any appeal is dealt with properly.

3.5 Representation

It is the employee's responsibility to arrange their own representation. An employee may be accompanied by a companion at any formal stage of the procedure. The person chosen by the employee as his/her companion may be a fellow worker, a trade union representative or an official employed by a trade union. The companion may not be a legal representative. It is also not normally reasonable for employees to insist on being accompanied by a companion whose presence would prejudice the hearing nor would it be reasonable for an employee to be asked to be accompanied by a companion from a remote geographical location if someone suitable and willing was available on site.

The companion may address the hearing / meeting to put or sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the hearing / meeting. The companion does not have the right to answer questions on the employee's behalf, address the hearing if the employee does not wish it or prevent the Investigatory Officer or Appeal Officer from explaining the College's position.

An employee making the complaint or against whom a complaint is made, may request that a work colleague or an official of a Trade Union, attend any meetings or discussions during the informal stage of this procedure. This request will usually be granted unless it would be obstructive to the normal line management of the individual.

4. STAKEHOLDER CONSULTATION

Representatives of all recognised trade unions of the College have been consulted through the College's JCC on 25 April 2013, 6 June 2013, 4 July 2013 and 12 February 2014, before submission to the Policies and Procedures Committee for approval.

5. MONITORING AND REVIEWING

The policy will be monitored by the HR & OD Service on a quarterly basis and reported to the Policy and Resources Committee.

This procedure will be reviewed every three years or when there has been a change in related legislation.

6. RELATED POLICIES/PROCEDURES/CODES AND GUIDANCE

- 6.1 Individual Grievance Procedure.
- 6.2 Disciplinary Procedure for Staff.
- 6.3 Capability Procedure - Managing Performance.
- 6.4 Whistle Blowing / Public Interest Disclosure Procedure.
- 6.5 College Code of Ethics.
- 6.6 College Code of Conduct.

7. EQUALITY IMPACT ASSESSMENT

Blackburn College is committed to the promotion of equality, diversity and providing a supportive environment for all members of our community. Our commitment means that this policy has been reviewed to ensure that it does not discriminate (either intentionally or unintentionally) any of the protected characteristics of age, disability, gender (including gender identity), race, religion or sexual orientation and meets our obligations under the Equality Act 2010. Therefore, this policy has no adverse impact on any of the above protected groups.

8. DISSEMINATION OF AND ACCESS TO THE PROCEDURE

This procedure will be made available electronically to all employees in a document repository on the College's intranet and a hard copy deposited in the Executive Office.

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