

## **Staff Bullying & Harassment Policy**

<b>Responsibility for Policy:</b>	Deputy Chief Executive, Organisational Enhancement
<b>Relevant to:</b>	All LJMU Staff
<b>Approved by:</b>	SMT on 21 May 2013
<b>Responsibility for Document Review:</b>	Director of People and Organisational Development
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### **RELEVANT DOCUMENTS**

- Employment Rights Act 1996
- Equality Act 2010

### **RELATED POLICIES & DOCUMENTS**

- Staff Handbook
- Code of Conduct
- Staff Disciplinary Procedure
- Grievance Procedure
- Equality & Diversity Policy
- Social Network Statement



## **BULLYING & HARASSMENT POLICY**

### **1. INTRODUCTION**

The University is committed to promoting an ethos that safeguards the dignity and well-being of everyone and encourages practices that take into account the rights of individuals to be treated with dignity and respect. It recognises that bullying and harassment may be experienced by all in a number of ways, including day to day interaction with colleagues, peers, visitors and students.

The University recognises that all forms of bullying and harassment are unacceptable, and, in certain circumstances, unlawful and consequently operates a policy of zero tolerance towards any form of bullying and harassment.

There are also legal implications arising out of Health and Safety legislation. Any form of bullying or harassment may be a source of great distress to the recipient and the University has a legal 'duty of care' under Health and Safety legislation, as well as anti-discrimination legislation, to protect its staff.

Bullying and harassment can prevent effective performance and creativity, instead causing increased illness, absenteeism, under achievement and reduced opportunities. It also represents a waste of human resources and a denial of opportunity for individual fulfilment.

Individuals may be unaware of the effect of their behaviour on others and, therefore, everyone should take care to avoid giving offence. The University expects all staff, students, visitors and contractors to support the establishment of a pleasant working and learning environment that is free from bullying, harassment and discrimination. If, however, bullying and harassment do occur, there are a number of actions that individuals, including anyone who is aware that bullying and harassment of someone else may be occurring, can take.

### **2. PURPOSE**

In operating this policy, the University has an overall intention that there should be fairness and consistency in the treatment of any individual. However, the policy can only be operated in a fair and consistent manner if all parties co-operate and behave responsibly.

Any incidents of bullying or harassment that do occur will be taken seriously and could provide grounds for disciplinary action that may lead to the dismissal of individuals who bully or harass others. They may also be subject to criminal and/or civil proceedings.

As part of their managerial responsibilities, all line managers have a professional as well as legal obligation to remain aware of where bullying and harassment may occur and to act to prevent it or deal with it where it arises. All individuals are personally accountable for their behaviour, actions and/or lack of actions, in cases of complaint of harassment or bullying.

This is a policy document and does not form part of the contract of employment. It may be amended by the University at any time.

### **3. OPERATING PRINCIPLES**

This Policy applies to:

- all members of staff irrespective of contract (including whilst working away from the University)
- all persons working or acting on the University's behalf.

(NB. A separate Bullying and Harassment Policy applies to students.)

The University will consider the most appropriate course of action in cases involving individuals who are not staff or students. For example, contract work may be suspended or terminated.

The University takes reasonable steps to ensure that:

- a clause is inserted in every staff contract, including that of external contractors operating on University premises, to the effect that no one should subject any member of the University community to discrimination, bullying or harassment on the grounds of a protected characteristic
- staff are made aware of this policy through the Staff Handbook and the Staff Code of Conduct
- no individual will be victimised for bringing an allegation of personal harassment

- all parties can expect to receive support from the appropriate University staff including counselling where necessary
- in implementing good practice and complying with legislation all staff and/or students who may be involved as an alleged victim of bullying /harassment or as the alleged perpetrator of bullying/harassment will have the right to be accompanied at any meeting under these provisions
- bullying, harassment and discrimination are disciplinary offences and such incidents will be dealt with under the University disciplinary procedures, at which point the bullying and harassment policy will cease to apply and any investigation which has already taken place will be carried forward into the disciplinary procedure
- where a malicious or vexatious complaint is made the University reserves the right to discipline the complainant.

#### **4. DEFINITIONS**

Bullying or harassment can take many forms, often involving the abuse of power or position and may be a single event, sporadic events or a continuing process. Such behaviour may not necessarily be face to face.

##### **4.1. Bullying**

Bullying is generally considered to be the abuse of power or position to, for example, threaten, abuse, intimidate, insult, ridicule or criticise; to humiliate and undermine a person so that their confidence and self-esteem is diminished or destroyed. Bullying may happen in public or in private and may range from overt forms, such as shouting, to more subtle forms such as marginalising and ignoring a person. It may arise from the personal style of the bully and attacks may be irrational, unpredictable and unfair.

It should be noted that one person's perception of bullying may be different from another person's, and that bullying can also be manifested upwards in the organisational structure, e.g. from a team member to a manager, and this is just as unacceptable as the other way round. It can also occur between peers and/or other colleagues, students harassing academics or other members of staff and vice versa, or involve visitors and other users of the University's premises.

## **4.2. Harassment**

Harassment is unwanted conduct which takes place with the purpose or effect either of violating a person's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive working environment. It may be related to a protected characteristic, and may be persistent or an isolated incident.

Harassment often arises from the abuse of a power base and both individuals and groups may be harassed. The harasser does not have to intend to harass. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient. Whilst the perception of the recipient is very important, the test of reasonableness must also be applied, i.e. that a reasonable person in possession of the same information and in the same circumstances would regard it as harassment. Normally the unwanted/unwelcome behaviour must continue after an objection is made before action will be taken, although a single incident may be serious enough to constitute harassment and trigger action immediately.

## **4.3. Examples of behaviour which could constitute Bullying or Harassment**

Bullying and harassment can range from extremes such as physical violence to less obvious forms such as excluding someone. It can occur in a variety of ways – with or without witnesses, be persistent behaviour over a period of time, or a one-off act. These behaviours may include the following, although this will depend on the perspective of the recipient.

This list is provided for illustrative purposes only and is not intended to be exhaustive:

- physical contact which is unwanted
- unwelcome remarks about protected characteristics of an individual, offensive language or gestures, posters, graffiti, inappropriate jokes, gossip
- overbearing supervision or other misuse of power or position
- isolation, non-cooperation or exclusion of individual/s
- coercion to engage in sexual activity
- pressure to participate in political/religious groups
- inappropriate use of e-mails
- “cyber bullying” e.g. SMS messages or comments / images on external websites, including social networking sites
- shouting at / humiliating people
- setting unreasonable deadlines

- persistent criticism
- personal insults.

#### **4.4. Positive Behaviours - Responsibilities of Staff and Managers**

All staff are responsible for ensuring that their own behaviour is appropriate, and that they comply with this policy. Below are examples of positive behaviours that can help prevent bullying and harassment, such as:

- be aware of this policy and comply with it
- set a positive example by treating others with respect
- take care that jokes, banter, sarcasm are not potentially hurtful to others
- be mindful of body language – e.g. what an individual finds acceptable in terms of personal space,
- do not make personal comments, and take care not to make casual remarks which could be insensitive to issues individuals may be facing in private
- do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- try to find the right balance between appearing uninterested and appearing intrusive
- do not act on assumptions which may make others feel excluded
- be supportive of colleagues who may be subject to bullying and/or harassment.

#### **4.5. Cases of Assault**

Physical assault is a criminal offence and for your own protection and the safety of others you should report immediately any assault to the police as well as report the matter within the University. In such cases a Business Partner will be able to offer appropriate support and advice.

### **5. RESPONSIBILITIES**

The co-operation of all University staff is essential to ensure the success of this policy, and to create and maintain a positive working and learning environment. In general, managers and staff should be able to discharge their responsibilities under this policy, and the relevant Acts of Parliament, by behaving towards others in a manner which is acceptable by normal standards and is not disadvantageous or prejudicial to others.

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of bullying and harassment.

There is an important distinction to be made between bullying and firm management. Firm management may involve setting demanding performance targets, but these must be fair, achievable and appropriate to the person's job role and level of responsibility. When it is necessary for poor performance to be addressed, this should be done in a fair, supportive and constructive manner, using, where appropriate, the University's performance management policy and/or disciplinary procedures.

Managers should:

- communicate with people privately, in a professional manner, as soon as a problem occurs.
- explain the reason for deadlines and timescales for work, and discuss them, ensuring that all involved are aware of the requirements for the work to be completed
- set a positive example by treating others with respect and setting standards of acceptable behaviour; also, promote a working environment where harassment is unacceptable and not tolerated
- treat any complaint seriously and deal with it promptly and confidentially, giving all those involved full support as appropriate during the entire process
- tackle, and where possible, resolve incidents of harassment
- consider the diverse needs of individuals when planning events / meetings  
consulting People and Organisational Development for advice and support as necessary
- be mindful that all individuals will be held personally accountable for their actions or lack of actions, and behaviour in cases of complaint of bullying.
- be aware that managers and supervisors have a particular responsibility to act to prevent or deal with bullying or harassment where it arises. They have a duty to investigate any reported instances of harassment or bullying. Those in positions

of authority or trust should be especially careful that this power is not misused.

Members of the People and Organisational Development Team will provide guidance and advice regarding any complaints received of bullying or harassment.

## **6. PROCEDURES**

Some people feel that incidents perceived by others to be bullying and harassment are trivial and nothing more than a bit of fun, however, the University regards bullying & harassment as serious and is committed to challenging and eradicating such behaviour. If you feel you are being subjected to bullying or harassment in any form do not feel that it is your fault or that you have to tolerate it. There are practical steps that can be taken by an individual experiencing bullying, harassment and/or discrimination:

- i. speak or write to the person concerned asking them to stop the behaviour that is distressing you
- ii. speak to a Business Partner, who will suggest options open to you
- iii. where you witness bullying, harassment or discriminatory behaviour you should offer support to the colleague who is being treated badly. You should also consider challenging the offending person since by remaining silent you would simply be encouraging the perpetuation of such behaviour
- iv. bring this matter to the attention of your line-manager
- v. you may wish to initiate the procedure.

Note: Individuals should be aware that if they report an alleged incident of bullying/harassment to either their line manager or a Business Partner then the person they have reported it to has a duty take the matter seriously and to take appropriate action.

The University is committed to dealing with complaints from staff in a fair, just, timely and transparent manner.

### Stage 1 - Informal route

The individual should always try to resolve the matter with the person concerned in the first instance. Alternatively, individuals may want to talk to the Equality and



Diversity Adviser, their line manager, a Business Partner or a Trade Union representative.

Individuals are reminded of the benefit of using mediation as a process to resolve difficulties prior to embarking on any formal process. If mediation has been attempted but the matter is not resolved and it is not appropriate to consider the matter via the informal route then the matter should then be considered under the Formal Route.

While the informal route is being progressed, all complaints of bullying and harassment will be dealt with at the local Faculty /School and Division level, with the support of the relevant staff. At this stage the individual concerned may choose not to submit the complaint in writing.

If it is not possible to resolve the matter informally, individuals should consider making a complaint via the Formal Route.

All complaints will be handled in a sensitive and confidential manner, however, it should be noted that if the person handling the complaint feels that there is an unacceptable risk to the individual concerned, another person or to the institution itself, they have a responsibility to seek further advice from People and Organisational Development.

## Stage 2 - Formal Route

If the matter is not resolved informally, or through mediation, or the informal route is deemed to be inappropriate under the circumstances, then a formal investigation will be held. The individual should submit a formal complaint.

In such cases full and specific grounds for the complaint must be presented in writing to the appropriate Business partner .The Director of people and Organisational Development will assign responsibility to a manager (in accordance with the extant scheme of delegation ) to conduct an investigation in to the complaint to ascertain whether any action is required. This may take the form of a fact gathering investigatory meeting with the employee in question and with any other relevant individuals. Any employee involved in the investigatory stage is expected to co-operate fully and promptly and provide assistance to the Investigating Officer.

The extent of any investigation will depend on the nature of the complaint and will vary from case to case.

The person against whom the allegations are made is entitled to make a reasonable request to be accompanied to investigatory interviews by a companion, who may be either a trade union representative or an employee of the University. The individual must tell People and Organisational Development who their chosen companion is, in good time before the meeting.

At the investigatory meeting, the companion may make representations and ask questions, but should not answer questions on the individual's behalf. The individual may talk privately with the companion at any time during the meeting (by requesting a short adjournment).

Acting as a companion is voluntary and employees are under no obligation to do so. If they agree to do so, they will be allowed reasonable time off from duties without loss of pay to act as a companion.

Where the individual has made a reasonable request to be accompanied to an investigatory meeting or hearing under this procedure but their chosen companion is unavailable at the time proposed for the meeting or hearing by the University, the meeting or hearing will be postponed if the individual proposes an alternative time for the hearing which is within five working days of the original meeting or hearing date.

Where the Investigating Officer decides that disciplinary action may be warranted, the matter should proceed under the process set out in the Staff Disciplinary Procedure.

The Investigating Officer may make any other recommendations he/she considers appropriate in the light of his findings when disciplinary action is not warranted.

The employee will be informed in writing of the Investigation Officer's decision.

If the individual is not satisfied with the outcome of the investigation their grievance will be heard under the appeal stage of the University's Grievance Procedure. In such cases the individual must notify, in writing, the Director of people and Organisational Development, within 5 working of the receipt of the investigation outcome.

## **7. CONFIDENTIALITY**

Due to the sensitive nature of such complaints, they will be investigated with particular care and will remain, where possible, confidential. The purpose being to protect the confidentiality of the person making the complaint and the

reputation of the person being complained about until the matter has been resolved. Everyone involved in the operation of this policy, whether making a complaint or involved in the investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused should only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action.

It should be understood, however, that should the investigation of such a complaint result in the instigation of the disciplinary procedure, those involved will be called to the ensuing hearing to give evidence. Steps will be taken in such cases to support staff during the hearing.

## **8. VEXATIOUS COMPLAINTS**

The University treats complaints of bullying and harassment seriously. It should be noted, therefore, that anyone making mischievous or malicious complaints will be dealt with under the disciplinary procedures.

## **9. VICTIMISATION**

Anyone seeking advice, making a complaint or assisting in an investigation will be offered support and protection against intimidation, victimisation or discrimination.

Retaliation against an individual for complaining about bullying and harassment is a disciplinary offence.

## **10. TRAINING**

The University provides appropriate training for those with designated responsibilities under this policy, and also provides opportunities to raise awareness through staff development activities.

## **11. MONITORING AND REVIEW OF THIS POLICY**

This Policy will be monitored and reviewed by the Director of people and Organisational Development. The outcome of such monitoring and review will be published on an annual basis to relevant committees.

The policy will be reviewed:

- i. Every three years, or

- ii. When major statutory change takes place, or
- iii. When the procedures are drawn into question in a particular case.

## 12. SOURCES OF HELP

- Equality & Diversity Adviser
- Business Partners
- Line manager
- Security
- Chaplaincy (The Chaplaincy can also provide contact to representatives of other faiths and persons who could support those without religious beliefs)
- Trade Union
- Counselling Service (confidential for staff)
- Staff Support Groups (Lesbian, Gay, Bisexual Transsexual Group, Cultural Diversity Group; staff with Disabilities Group)
- Health and Safety Unit

## 13. EXTERNAL SOURCES

Samaritans (24 Hour Service) 0151 708 8888  
UK National Workplace Bullying Advice Line [www.bullyonline.org](http://www.bullyonline.org)  
Equality and Human Rights Commission: <http://www.equalityhumanrights.com/>

Equality Advisory Support Service 0800 444 205  
Merseyside Constabulary 0151 709 6010  
or non urgent calls 101  
First Assist Advice & Counselling 01455 255131  
Division 24 Hour Help Line (quote verification number 33779)