



DIGNITY AT WORK – ANTI-HARASSMENT AND ANTI-BULLYING POLICY

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1 POLICY STATEMENT

- 1.1 Staffordshire Fire and Rescue Service is committed to providing a supportive work environment for all employees and its policies and practices will endeavour to provide a positive culture that reflects our Core Code of Ethics. We are committed to providing an environment where everyone is able to work and participate in life in the Service without fear of harassment, bullying or intimidation.
- 1.2 Harassment and bullying is behaviour that is inappropriate, unpleasant and unwelcome. It creates an environment that may affect the wellbeing and performance of employees, preventing them achieving their full potential. All Fire and Rescue Service employees have a direct responsibility to ensure that harassment of anyone, including colleagues or members of the public, in any form, does not occur.
- 1.3 Harassment and bullying is contrary to our Core Code of Ethics. Employees should enjoy a working environment that is free from harassment, where individuals are treated with dignity and respect. The aim of the policy is to develop, and maintain a working environment where:
- Harassment and bullying is recognised as being unacceptable
 - Individuals can challenge harassment and raise complaints without fear of ridicule or reprisal
 - It is a fundamental right of those that access our services and our employees, to be treated at all times with dignity and respect
 - Diversity and individual differences contribute positively to Service culture and support our interaction with the communities we serve.



- 1.4 In addition microaggressions are also contrary to the Core Code of Ethics we adhere to as a Service.
- **Microaggressions** - sometimes called micro-incivilities - are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. They are sometimes referred to as “death by a thousand cuts”. Microaggressions generally take one of three forms:
 - **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group, for example directing limp-wristed hand gestures towards a gay colleague and saying "It's just a joke"
 - **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes, for example saying to a person with a disability "You don't look disabled to me"
 - **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group, for example a white person saying "I don't think the UK has a problem with racism - some people are just too sensitive".

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

Where harassment or bullying is evidenced to have taken place, it will usually be dealt with under the [Disciplinary Policy and Procedure](#) as a form of misconduct. In some cases, it may be treated as gross misconduct and could result in dismissal. Employees should note that even if they do not intend to bully or harass someone else, this does not legitimise the behaviour as it is the impact on the recipient that is important. Employees should also be aware that they can be personally liable for harassment.

2. SCOPE

- 2.1 This Anti- Harassment and Anti- Bullying Policy is applicable to all employees, who are both protected by it and are subject to its procedures.

3. DEFINITIONS

3.1 Harassment

- 3.1.1 The Service defines harassment as:

“unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.



- 3.1.2 Harassment often (but not exclusively) targets sex, sexual orientation, marriage or civil partnership status, gender reassignment, race, religious belief, disability, age or pregnancy and maternity (“protected characteristics”).
- 3.1.3 Examples of harassment include:
- (a) Unwanted physical conduct or "horseplay". Physical conduct may include touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault.
 - (b) Unwelcome sexual behaviour, which may include unwanted suggestions, advances, propositions or pressure for sexual activity.
 - (c) Suggestions that sexual behaviour may further an employee's career or that refusal of may hinder it.
 - (d) Continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome.
 - (e) Inappropriate behaviour including "banter", jokes, pranks, taunts, gestures or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other [protected characteristic](#).
 - (f) References to material that could be considered pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet), etc.
 - (g) Ignoring or shunning an individual, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 3.1.4 Harassment can occur following a single incident, depending on the circumstances. There does not need to be repeated course of conduct for the behaviour to be regarded as harassment.
- 3.2 **Bullying**
- 3.2.1 Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.
- 3.2.2 Legitimate and constructive critique of an individual's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.



3.2.3 Examples of bullying behaviour include:

- (a) Shouting at, being sarcastic towards, ridiculing or demeaning others.
- (b) Physical or psychological threats or actions.
- (c) Overbearing and intimidating levels of supervision.
- (d) Inappropriate and/or derogatory remarks about an individual's performance.
- (e) Abuse of authority or power by those in positions of seniority.
- (f) Unjustifiably excluding colleagues from meetings or communications.

3.3 Harassment and Bullying Reporting Procedure

Where a person feels that the behaviour of a colleague is inappropriate or unwelcome and may be considered as possible harassment or bullying, the person may choose to deal with the matter in any of three ways:

- To deal with the matter themselves informally
- To involve a third party to assist in dealing with the matter informally
- To activate the formal process as detailed below.

Note: The employee should be aware that, if choosing to involve a third party, that third party may then decide to report the matter formally under this policy.

All allegations will be treated seriously and sensitively.

4. ROLES AND RESPONSIBILITIES

4.1 Principal Management Team

- To provide a working environment where harassment and bullying is unacceptable and where individuals are treated with respect and dignity, reflecting our Core Code of Ethics
- To oversee the Policy and ensure that Officers and Managers deal with allegations of harassment or bullying
- To provide appropriate training for Managers and employees to ensure all are able to manage such allegations appropriately.



4.2 Managers and Supervisors

- To support the Anti- Harassment and Anti- Bullying Policy and ensure that all employees are aware of their responsibilities under the policy
- To treat allegations of harassment and bullying seriously and sensitively
- To ensure that the work environment is non-threatening and supportive.

4.3 All Employees

- To be aware of the Anti- Harassment and Anti- Bullying Policy and ensure that their behaviour does not cause offence.
- To refrain from any behaviour that has been brought to their attention as causing offence.
- To appropriately challenge any unacceptable behaviour by other employees.

5. SOURCES OF ADVICE

5.1 Advice to employees on how to deal with harassment and bullying can be obtained from various sources including:

- Line Managers and the HR Team
- Your Trade Union will be able to offer you advice and information
- Employee Assistance Programme (EAP) 08000305182
- ACAS - the Advisory, Conciliation and Arbitration Service, see Bullying and Harassment at Work: Guidance for Employees available on the ACAS website
- Unions – Unison, FBU and NFCC can all offer support
- Samaritans- Contact number 116 123 or visit [www. Samaritans.org](http://www.Samaritans.org)

6. PROCEDURES FOR DEALING WITH COMPLAINTS OF BULLYING AND HARASSMENT

6.1 Informal action

6.1.1 Any individual who considers they are being bullied or harassed should initially attempt to resolve the problem informally by telling the perpetrator to stop and that their behaviour is inappropriate. The perpetrator may be unaware that their behaviour is causing offence. They should be told that if the behaviour continues, further action will be taken.



Keep a written record of the unacceptable behaviour recording the:

- Date and time
- Location
- Content of discussion
- Any witnesses.

6.1.2 If the unwanted behaviour stops, no further action will be required. If the unwanted behaviour does not stop, move to the next stage (6.1.3).

6.1.3 Where an employee feels unable to deal with unwanted behaviour alone, they should seek the assistance of a third party to help resolve the matter informally. The third party could be a work colleague, a manager or a Trade Union Representative.

The assistance may include:

- Giving support whilst the employee deals with the matter informally
- Assisting the employee to compile a record of actions taken to prevent the alleged harassment or bullying
- Making an approach to the alleged perpetrator on behalf of the employee and attempting to gain the commitment that the unwanted behaviour will stop.

6.1.4 If informal steps have not been successful or would not be appropriate, employees should follow the formal procedure set out, see [Formal Action](#).

6.1.5 As a general principle, the decision to progress a complaint rests with the complainant. However, the Service has a duty of care and may decide to pursue the matter independently if it is considered appropriate to do so.

6.2 Formal action

6.2.1 A formal complaint of bullying or harassment may be appropriate where:

- Informal actions have failed to stop unacceptable behaviour
- The individual prefers to make a formal complaint
- The alleged bullying or harassment is so serious it could be considered as serious or gross misconduct.

6.2.2 A formal complaint of harassment or bullying should be made initially to the employee's immediate Line Manager. Where this is not appropriate a complaint can be submitted to HR or another Manager.



6.2.3 The person to whom the complaint is made should pass the complaint to HR who will review and take the appropriate action.

6.3 Procedure

6.3.1 Where it is deemed appropriate the HR team will arrange for an Investigating Officer to carry out a formal investigation. During this process, a Welfare Officer will be offered to each party by HR.

6.3.2 The Investigating Officer will conduct their investigation and produce a report, normally within 20 working days of being nominated, where possible.

6.3.3 If the investigations cannot be concluded within this time period, the Investigating Officer will advise HR indicating when they anticipate the investigation will be completed. The Investigating Officer will liaise with the Welfare Officers in order to update the individuals concerned.

6.3.4 The name of the complainant and the alleged perpetrator will not be divulged as part of the investigatory process, other than on a “need to know” basis to those individuals involved in the investigation. The importance of confidentiality will be emphasised to those individuals involved in the investigation.

7. INVESTIGATION OUTCOME

7.1 On completion of the investigation, the Investigating Officer will report the findings to the nominated HR contact who will arrange for an independent officer (i.e. who has no previous knowledge of the case) to be nominated to consider the report, and one of the following actions will be initiated:

a) **No case of harassment or bullying to answer**

The Nominated Officer will communicate with both parties involved and fully discuss the reasons for the decision. This will include consideration of how the ongoing relationship between the parties should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

b) **Case to answer**

The Nominated Officer will communicate with both parties involved and advise them of the reasons for the decision. This may involve disciplinary action to be considered against the perpetrator.

Consideration will also be given to how the ongoing relationship between the parties should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.



c) **Case to answer of a serious nature**

A Nominated Officer will interview the complainant and fully discuss the reasons for the outcome.

The perpetrator will be subject to the Service [Disciplinary Policy and Procedure](#) and will be notified of any action to be taken against them in line with Service Policy. A copy of any evidence collected as part of the investigation will be made available to them as part of the disciplinary process.

Consideration will also be given to how the ongoing relationship between the parties should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

8. APPEALS

- 8.1 The complainant may appeal if the issue is not resolved to their satisfaction. In this case, the appeal should be made in writing to the HR Department, stating the full grounds of appeal, within 7 days of the date on which the decision was given.
- 8.2 The employee will be given written notice of the date, time and place of the appeal hearing and notified of the right to be accompanied at that hearing by a trade union representative or fellow worker. The appeal hearing will be dealt with impartially by a Manager who has not previously been involved in the case (although they may ask anyone previously involved to be present, in a witness capacity).
- 8.3 The outcome of the appeal hearing will be confirmed in writing, usually within 7 days of the appeal hearing. This concludes the process and there is no further right of appeal.

9. MEDIATION

- 9.1 Mediation is a process of conflict resolution whereby a neutral third party is invited to intervene into a workplace situation to assist with the constructive resolution of that conflict. It can resolve workplace tensions and disputes preventing conflicts from festering and becoming divisive. It is a fair and safe way of resolving disputes and empowers the parties to identify and agree a new and effective way of working together.
- 9.2 **Principles of Mediation**

Mediation has some important principles:

- **Confidentiality** – Information is kept between the mediators and the parties, no reports are submitted to managers or employee files
- **Voluntary** – Although it may be recommended as an outcome of investigation or as an informal resolution, it is a voluntary process. Anyone who feels coerced into it, is unlikely to feel they can be honest and engage in the process



- **Non-Blaming** – It is about finding a resolution not apportioning blame
- **Non Judgmental** – The mediator is a facilitator and will not express an opinion
- **Impartial** – Mediators will not take sides
- **Future focused** – Mediation recognises the history of a situation however; the focus is on future working and creating a healthy effective workplace.

9.3 Mediation Process

- Mediation is an intensive process and staff may need to be available for up to 2 days, although the process is usually completed within 1 day. The length of time will depend on the complexity of the issues and the parties' openness and willingness to resolve them.
- Mediators discuss the issues with both parties individually before any joint session takes place and, if at any stage they believe that the case is not suitable for mediation, they will end the session. Mediators will assist the parties to express themselves in an appropriate manner and facilitate an open and honest discussion within a safe and comfortable environment. If at any stage either party feels uncomfortable, they are able to take a break or end the mediation process.
- No other parties will be privy to the content of the mediation, unless both parties agree to disclose as part of their agreement. All notes made during the meeting, other than any written agreement for both parties retained, are destroyed and only a note that mediation took place is retained.

10. MALICIOUS COMPLAINTS

Disciplinary action may be taken against a person making a malicious complaint.

11. MONITORING ARRANGEMENTS

The Service will monitor the effectiveness of this Policy. To do this, Human Resources will maintain a record of all informal and formal complaints. All information collated will be used in accordance with the data protection requirements and the Service's policies.

The record will reflect individual's sex, sexual orientation, gender reassignment, race, religion or belief, disability, age, pregnancy or maternity status, marriage or civil partnership status.



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