

## Office of Police & Crime Commissioner – Devon & Cornwall Policy Cover Sheet

<b>Policy Name:</b>	Prevention of Harassment Policy Formerly known as Bullying & Harassment Policy & Procedure
<b>Version Number:</b>	V1.0
<b>Date:</b>	9 November 2012
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<b>Policy Authorised by:</b>	Julie Hall-Williams
<b>Policy Sign off Date:</b>	12 November 2012
<b>Policy Signed off by:</b>	Sue Howl – Chief Executive
<b>Cover note:</b>	<p>This policy sets out the high level principles and ethos around prevention of harassment and is based on the existing version held by Devon &amp; Cornwall Police (D&amp;CP).</p> <p>D&amp;CP are currently putting all HR policies into the new Force template style and reviewing content in terms of legislative changes, terminology and bringing them up to date. This policy version is based on the revised D&amp;CP draft currently being worked on to go to Partnership Group for consultation and sign off in the near future.</p> <p>It is proposed the existing PA operating procedures for managing claims of bullying and harassment remain in place from a practical implementation of policy perspective. The link between this procedure and the grievance procedure will need clarifying.</p>
<b>EIA status:</b>	Policy will require EIA from the PA/OPCC perspective.

# Office of Police & Crime Commissioner – Devon & Cornwall

## Prevention of Bullying & Harassment:

Version dated:

### 1.0 Contents List [FOIA Open]

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### 2.0 Policy Statement [FOIA Open]

- 2.1 The Office of Police & Crime Commissioner (OPCC) is firmly committed to creating a working environment free from bullying, harassment & unlawful discrimination; developing a culture of respect, dignity and fairness for all staff in its employ.

### 3.0 Introduction [FOIA Open]

- 3.1 The OPCC's 'people management' policies reflect the organisation's commitment to its staff, and are underpinned by the highest standards of integrity. They provide a high-level set of principles, which are supported by procedures, working practices and guidance. By nature, however, it is not possible to cover every eventuality that may occur within the context of 'people management'. It may be necessary to vary the approach to ensure matters are dealt with in the most efficient/appropriate way whilst maintaining equity and fairness. Any variance from the stated practice should be justifiable in these terms.

- 3.2 This policy supports legislation and guidelines contained within (but not limited to) the:

Human Rights Act 1998  
Equality Act 2010/Public Sector Equality Duty  
ACAS Guide: Bullying at Work

### 4.0 Principles/Ethos of the Policy [FOIA Open]

#### **Bullying & Harassment Defined:**

- 4.1 '**Bullying:** Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'
- 4.2 '**Harassment:** Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident(s). The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient'

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- 4.3 ***'Harassment – as applied to age, disability, sex, sexual orientation, religion or belief, race and ethnic and national origin*** is: 'unwanted conduct that has the purpose or effect of violating people's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment' (ACAS Guide: Bullying & Harassment at Work).
- 4.4 The OPCC is fully committed to providing dignity and fair treatment at work for all staff and as part of this commitment seeks to create and maintain an open, positive and supportive working environment:
- a) Where there is mutual respect and acknowledgement of the individual's needs, aspirations and feelings
  - b) That enables individuals to glean maximum job satisfaction
  - c) In which individuals can express areas of concern without fear of recrimination.
- 4.5 Bullying, harassment or unlawful discrimination on any grounds will not be tolerated between work colleagues in any circumstances, whether in the course of day to day duties, or away from the workplace and/or outside of working hours, etc. This includes discrimination on the grounds of the 9 protected characteristics (Equality Act 2010): age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, or any other factor which cannot be justified.
- 4.6 Bullying and harassment must not be confused with the legitimate management of staff. Line managers have a responsibility to issue reasonable instructions, expect them to be carried out and to ensure individuals perform their role effectively and to an acceptable standard.
- 4.7 The overriding principles of the policy are:
- 4.7.1 It is the responsibility of all individuals to ensure the organisational commitment to dignity, respect and fairness at work is delivered, irrespective of role or grade. This includes reporting incidents or cases of bullying and harassment including further details and wherever possible providing names.
  - 4.7.2 Where an individual feels that they have been or are subject to bullying or harassment and has been unable to resolve the matter themselves in the first instance i.e. speaking with the colleague or line manager in question, the OPCC's two phase Grievance Procedure is available. This is accessible to all staff.
  - 4.7.3 Line managers and the Chief Executive will follow the Grievance Procedure, seeking (where appropriate) to resolve the matter at the first stage, informally, as a means of finding a positive way forward. Where this is not viable the matter will be progressed to the formal (second) stage of the Grievance Procedure.
  - 4.7.4 Line managers will treat all claims of bullying and harassment seriously, with sensitivity and will ensure a full and fair investigation is undertaken as appropriate; the aim being to bring all matters to a successful close, wherever possible avoiding a reoccurrence of the alleged behaviour.
  - 4.7.5 Dependent on the outcome of the investigation disciplinary action may be taken against the person who is alleged to have bullied and/or harassed. Such action could result in disciplinary sanction(s) up to and including dismissal.

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- 4.7.6 Where it is established that a claim has been made of a vexatious/malicious nature this will be considered in line with the Disciplinary Procedure and could result in disciplinary action.
- 4.7.7 Line managers will endeavour to support individuals through this process and will keep them informed on how they propose to handle the case, ensuring all involved are comfortable with how the matter is to be progressed.
- 4.7.8 In the case of an individual feeling that he/she is unable to speak with the line manager, because he/she is the source of the alleged bullying/harassment, the individual should speak with their second line manager or an alternative manager of a similar grade.

### **Responsibility and Monitoring**

- 4.8 Line managers are responsible for monitoring the process ensuring:
- a) All claims of harassment or bullying are dealt with promptly and effectively
  - b) Where the grievance procedure is activated, in liaison with the Chief Executive, that timescales are adhered to
  - c) All parties are kept informed of progress/the outcome of the process
  - d) Accurate records are kept.
- 4.9 The line manager will ensure that all parties involved in cases of bullying or harassment are aware they have access to employee assistance support.

## **5.0 Audit Compliance [FOIA Open]**

- 5.1 This policy has been drafted and audited to comply with the principles of the Human Rights Act. Equality and diversity issues have also been considered to ensure compliance with equality legislation and policies. In addition Data Protection, Freedom of Information, Management of Police Information and Health and Safety issues have been considered. Adherence to this policy will therefore ensure compliance with all relevant legislation and internal policies. Under the Freedom of Information Act 2000, the document is classified as 'OPEN'.

## **6.0 Review and Ownership [FOIA Open]**

- 6.1 This policy is owned by the Office of the Police & Crime Commissioner, with a review undertaken on a two yearly basis or earlier if required.

## **7.0 Useful Links [FOIA Open]**

- 7.1 Practical procedures are available to assist with the effective and consistent implementation of the policy. For enquiries relating to this policy contact the Chief Executive until such times as the structure of the OPCC is determined.