

**DERBYSHIRE COUNTY COUNCIL**

**CABINET MEETING**

**12 June 2012**

**Report of the Director of HR**

**HARASSMENT & BULLYING – REVISED PROCEDURE (Finance and Management)**

**1. Purpose of the Report**

To seek Cabinet approval of a draft revised Harassment & Bullying Procedure.

**2. Information and Analysis**

The revised procedure for which approval is being sought has been developed to complement the employee performance management framework.

The employee performance management procedures, including grievance, performance capability, ill health capability, and disciplinary were approved by Cabinet in October 2011. This report indicated that there was a need to revise the Harassment & Bullying procedure which has now been updated in line with ACAS Guidance. The revised policy is attached at Appendix 1.

The implementation of the Equality Act 2010 requires that the procedure be updated to reflect relevant changes to the law with regard to harassment and discrimination. Furthermore, ACAS advise that having a formal policy in place with regards to harassment and bullying is key to the prevention of such behaviour.

The revised procedure aims to provide employees who feel they are suffering harassment or bullying with the means and support to deal with the issue at an early stage and in an informal manner without the need to raise a formal complaint. The procedure is also intended to promote a culture of dignity and respect and to publicise to all employees that bullying and harassment constitutes unacceptable behaviour that will not be tolerated within the council.

It enables complaints to be dealt with quickly and effectively and supports the improvement of organisational performance.

In accordance with ACAS guidelines, the process has an informal stage and two formal stages.

There is no longer the right to move into the grievance procedure should the employee be dissatisfied with the outcome of their complaint, and any complaint which is found to be substantiated will be treated as a disciplinary matter.

Other changes include:

- Employees having the right to enter the process at the formal stage if they wish (or if the seriousness of the alleged offence necessitates it).
- Formal stage 2 to be heard by senior manager from the Leadership Job Family.

There will also be manager guidance to supplement this procedure. This will emphasise methods of informal resolution – particularly mediation, and the importance of developing a working environment that fosters dignity and respect at work.

The Employee Survey conducted in September 2011 demonstrated that 7.9% of employees completing the survey felt they had experienced some form of bullying or harassment at work, equating to over 350 employees. However, formal recorded complaints of harassment and bullying show an average of 3 cases per year in 2010/11 and 2011/12.

The implementation of the revised procedure will be supported through the embedding of the new leadership framework, which seeks to underpin the values and acceptable behaviours which are consistent with the “Derbyshire Way”. The further development of this framework for other management tiers is a priority within the HR Service Plan, and the review of Learning and Development across the Council.

The Employee Network Groups have been consulted and agree the importance of promoting positive behaviours whilst ensuring employees are aware that unacceptable behaviour will not be tolerated. Expected behaviours have been incorporated into the manager guidelines which will accompany the procedure. It is intended that the procedure be publicised following implementation to ensure that, should employees feel it necessary to invoke the harassment and bullying procedure, they are able to do so in the confidence that their complaint will be handled promptly and confidentially.

Consultation with the recognised trade unions is nearing conclusion.

An equality analysis has been produced and is attached at Appendix 2.

### **3. Legal Considerations**

In developing this policy, the requirements of legislation regarding employment, including the Employment Rights Act 1996 and the Equality Act 2010 have been taken into account. In addition, consideration has been given to ACAS (Advisory, Conciliation and Arbitration Service) guidance regarding good practice.

### **4. Other Considerations**

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, environmental, health, property and transport considerations.

### **5. Key Decision**

No

### **6. Call-in**

Is it required that call-in be waived in respect of the decisions proposed in the report? No

### **7. Background Papers**

ACAS Guidance – Mediation: An employer's guide  
ACAS Guidance – The Equality Act – what's new for employers?  
ACAS Guidance – Managing conflict at work – A guide for line managers

### **8. OFFICER'S RECOMMENDATION**

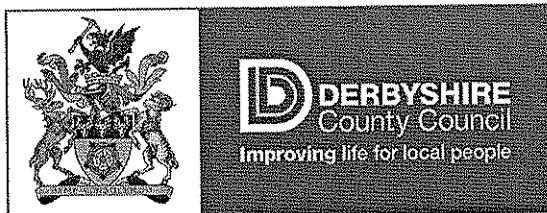
That Cabinet

- (1) Approves the revised procedure attached at Appendix 1 subject to conclusion of consultations with staff and the trade unions;
- (2) Considers the Equality Impact Analysis attached at Appendix 2.
- (3) Recommends the revised procedure and completed equality analysis be considered by the Cabinet Member for Finance and Management following final consultation.

**TONI COMPAI  
DIRECTOR OF HR**

# **HARASSMENT & BULLYING PROCEDURE**

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**Toni Compai  
Director of HR  
May 2012**

## Harassment & Bullying Procedure

### 1. Purpose

The purpose of this procedure is to develop a working environment where harassment and bullying are known to be unacceptable and where individuals have the confidence to complain in the knowledge that their complaint will be addressed fairly, promptly, and confidentially, and to provide a framework to process any such complaint.

Derbyshire County Council is committed to maintaining a workplace that encourages and supports the right to dignity at work and all employees are expected to respect the rights of individuals to:

- Dignity in their working life
- Be treated fairly
- Be respected for their individuality and diversity

The Council recognises the harmful effects of harassment and bullying which can include anxiety, distress, reduced job satisfaction and productivity, sickness absence, poor working relationships, high staff turnover, and is committed to implementing policies and procedures to:

- prevent bullying and harassment at work
- promote the provisions of this procedure
- handle complaints seriously, fairly and confidentially
- ensure complainants do not suffer further bullying or harassment as a result of raising concerns regarding their treatment

Any form of intimidating behaviour including harassment and bullying may be treated as a disciplinary matter. This applies not only at the workplace during working hours but at other work related activities – for example training courses, conferences and social functions.

### 2. Scope

This policy applies to all employees, except those employed in schools where the Governing Body performs the function of the employer.

### 3. Definitions

Harassment is unwanted conduct that violates an individual's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that individual. In the case of harassment, it is conduct that

may be related to sex, race, religion or belief, disability, sexual orientation, age, gender reassignment, marriage or civil partnership, or pregnancy and maternity, or any other personal characteristic.

Bullying may be described as offensive, intimidating, malicious or insulting behaviour or, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

In both cases, it is behaviour that the recipient finds demeaning, offensive or unacceptable. It may be persistent or an isolated incident.

There are many forms of harassment and bullying and some examples are detailed below. This is not an exhaustive list.

- Spreading malicious rumours, or insulting someone
- Unwelcome personal comments or personal insults
- Offensive jokes, language or gossip
- Humiliation, for example criticising a colleague in front of others
- Failure to safeguard confidential, personal information,
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Aggression or intimidation
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances or physical contact
- Coercion for sexual favours
- Making threats or comments about job security without foundation
- Persistent overloading, criticism or setting impossible deadlines
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

Bullying and harassment are not necessarily face to face – they may be written, verbal, visual, (displaying posters etc.), physical or electronic.

Employees should be aware that it is the effect of the behaviour that determines whether bullying or harassment has occurred; even if the alleged harassment is unintentional, this can still be considered as harassment.

Nor does it have to be directed at the employee who complains – if it creates an environment that an individual finds intimidating, hostile, degrading, humiliating or offensive.

#### **4. Key Principles**

This procedure has been developed in line with ACAS guidance.

- The Council believes that harassment, discrimination, bullying or unfair treatment of any kind is unacceptable and is committed to promoting dignity and respect at work. Accordingly, any such act may be considered to constitute an act of misconduct in accordance with the Council's disciplinary procedure.
- The primary focus should be on attempting to resolve such matters at the earliest opportunity, with the aim of achieving early conciliation between those concerned.
- High performance and productivity are dependent on effective working relationships, and the fair and reasonable handling of complaints is an important element in creating and maintaining those relationships.
- Managers and employees should approach complaints constructively, deal with issues promptly and not delay meetings, decisions or confirmation of those decisions
- Harassment and bullying are to be distinguished from a manager making reasonable requests to a member of staff
- The employee has a right to be accompanied at formal meetings, normally by a colleague or trade union representative
- Mediation should be considered where accessible and appropriate.

#### **5. Exclusions**

The harassment procedure will not apply:

- Where there are separate, specific Council procedures to address an issue e.g. Grievance Procedure, Confidential Reporting Code, Recruitment and Selection Procedure.
- Where the complaint is considered to be frivolous, malicious or vexatious, this may be treated as misconduct and lead to disciplinary action.
- To matters relating to personal grievances or for addressing personal differences between employees
- To incidents which happened more than 3 months previously. However, complaints may be considered which are out of time where there are extenuating circumstances, or if the complaint is of such a serious nature, it is in the interest of the Authority to continue with the complaint.

#### **6. Roles and Responsibilities**

Employees have a responsibility to:

- Protect the dignity of colleagues
- Avoid behaviour that may cause an individual to feel the subject of harassment or bullying.
- Challenge inappropriate behaviour from other employees.
- Familiarise themselves with the harassment and bullying procedure
- Participate in an investigation when requested to do so by an investigating officer

Managers have a responsibility to:

- Familiarise themselves with the harassment and bullying procedure and ensure it is complied with
- Protect their employees from harassment and bullying
- Take prompt action to stop any harassment or bullying they become aware of, whether a complaint has been raised or not
- Ensure their staff are aware of the Council's policy on harassment and bullying
- Ensure the workplace is free of offensive posters, documents or use of language which may constitute harassment or bullying
- Attempt to resolve such complaints fairly, promptly, and confidentially
- Promote a working environment in which harassment and bullying cannot flourish.

HR staff have a responsibility to:

- Provide support and advice to managers and employees on the operation of the procedure.
- Provide support and advice to facilitate the resolution of complaints raised through the procedure

Manager guidance supplements this procedure.

## **7. Addressing a Complaint of Harassment or Bullying**

### **Informal Stage**

Employees and their managers should aim to settle any complaint informally before implementing the formal procedure as an informal approach can often resolve matters quickly and effectively. Where this is not possible, the formal process should be followed.

If possible, the complainant should make it clear to the person against whom the complaint is being made that their behaviour is inappropriate and ask the harasser to stop. If the employee feels unable to do this, they may ask their manager, colleague or trade union representative to act on their behalf, or to accompany them. Alternatively, they may prefer to contact Departmental HR or the Council's employee counselling service.



If the complaint is about the employee's manager, another manager should be involved. Employees should take advice from Departmental HR on who to approach.

Initial steps should be taken to resolve the matter through face to face discussion and mediation, if necessary, to determine the most appropriate course of action.

Where complainants wish to attempt to resolve the issue informally, they should be supported in this wherever possible. However, if the investigation shows that an informal approach is inappropriate, due to the seriousness of the allegations, or fear that the complainant may be at risk, formal action should be considered.

### **Mediation**

The purpose of mediation is to find a solution acceptable to each party. Mediation is a voluntary process and both parties must agree to it. Either party may choose to withdraw at any point. The mediator is impartial and cannot impose a decision – the resolution must be reached by voluntary agreement between the two parties.

Mediation is most successful when both parties:

- understand what is involved,
- enter into the process voluntarily,
- are prepared to attempt to repair the working relationship

It can be particularly helpful in cases where the person against whom the allegation has been made is unaware of the impact of their actions and also in situations where, whether the allegation is proven or not, there is a need to restore the employment relationship.

### **Formal Stage 1 – Meeting Employee**

If the employee considers:

- that they have a complaint regarding an incident which occurred in the last three months; or
- that their complaint has not been resolved to their satisfaction informally; or
- their complaint is so serious that an informal approach is not appropriate

They should submit their complaint in writing to a more senior manager within three months of the alleged incident and include:

- Name/s of the individuals concerned.

- Details of the allegation/s including relevant dates, locations and nature of the incident
- Details of any witnesses or supporting evidence.
- Details of what efforts the employee and others have made to resolve the complaint.
- The reason(s) why the employee remains dissatisfied with the outcome of the informal stage of the procedure, or why the informal procedure is inappropriate
- Details of any outcomes sought

### ***Manager***

#### ***Potential Misconduct***

At this stage the manager should consider whether the nature of the allegation constitutes potential misconduct, according to the Council's disciplinary procedure.

If so, from this point, the Council's disciplinary procedure should be followed and the complainant should be advised of this decision.

#### ***Further Investigation Required***

If the complaint does not appear to concern behaviour which could be considered to be misconduct, but it is felt by the manager that further investigation will be required to clarify the issue and to determine what action should be taken, then the manager will undertake that investigation.

- At this stage, HR advice should be sought
- Separate meetings should be held with the complainant and the person against whom the allegation has been made, as soon as practically possible, but within seven calendar days of receipt of the employee's written complaint.
- Both the complainant and the person against whom the complaint has been made may choose to be accompanied at these meetings.
- If necessary, other witnesses should be interviewed, if this is considered necessary, to ascertain facts which may have a bearing on the case
- Should the relationship between the two parties create an unworkable situation, alternative working arrangements can be considered, if this appears to be the only option. HR advice should be sought in these cases and this step should only be considered as a short term temporary measure.
- Having concluded interviews, if the allegation is found to be unsubstantiated, attempts should be made to conciliate between the two parties. Following satisfactory conciliation, the process is complete.
- Where the allegation is found not to be substantiated, but it is not possible to reach conciliation (the complainant remains aggrieved) there

is a right of appeal. In these cases, both employees may need further support to successfully re-establish good working relationships.

- Where the claim appears to be substantiated, (i.e. harassment has occurred) then the manager should pursue the complaint under the disciplinary procedure. In these circumstances, it may not always be necessary to conduct a separate investigation.

All parties should be notified in writing of the decision taken and of any actions to be put in place.

### **Formal Stage 2 - Appeal**

- If the complainant is not satisfied with the outcome of the formal stage, there is a right of appeal which must be registered in writing to the Director within seven calendar days of receipt of the written notification of the outcome of the formal Stage 1.
- The grounds for appeal are that either:
  - New substantial and relevant evidence has come to light;
  - There is evidence that the complaint was not adequately investigated;
  - There is evidence that the complaint was not fairly investigated
- The grounds of the appeal should be set out in the appeal letter and the employee or their representative will use those grounds to establish their case at the beginning of the appeal.
- The Director will reply to the appeal letter within seven calendar days of receipt, acknowledging the registering of the appeal and arrange the hearing as soon as practicable. There will be a minimum of seven calendar days' notice of the appeal date.
- Any Statements of Case or evidence on which either management or the employee intends to rely should be provided to the Director and other party at least seven calendar days prior to the hearing.
- The employee has the right to be accompanied at the appeal.
- The appeal will be heard by a more senior manager in the Department and the employee will be informed of the outcome in writing within seven calendar days.

That outcome is the final stage within the Council's procedures. There is no right of appeal for the complainant regarding sanctions imposed on the harasser following disciplinary action.

## **8. Further Guidance**

For advice on what constitutes harassment or bullying and for examples, please see Manager Guidelines to Harassment.

Harassment by third parties

Employers are potentially liable for harassment of their employees by third parties, for example customers or clients. Employers are liable when harassment has occurred on at least two previous occasions, they are aware harassment has occurred, and they have not taken reasonable steps to prevent it from happening again.

If an employee makes a complaint about a third party, an investigation should be carried out and action taken to prevent a reoccurrence. When a complaint is upheld, consideration should be given to actions necessary to rectify the situation. This may include mediation, conciliation and, where the third party is a service user, may result ultimately in the withdrawal of service provision.

#### Harassment by Elected Members

Complaints against Elected Members should be made in writing and raised initially with the employee's Chief Officer. Such complaints should be reported to the Council's Monitoring Officer (the Director of Legal Services) and the Standards Committee.

#### Harassment by Chief Executive

Complaints against the Chief Executive should be made in writing to the Council's monitoring officer (the Director of Legal Services) who will consider the complaint in accordance with the procedure.

#### Harassment by Chief Officers

Complaints against an employee's Chief Officer should be made in writing to the Chief Executive who will consider the complaint in accordance with the procedure.

### **9. Monitoring**

Cases of harassment or bullying will be monitored by HR and reported quarterly to the Director of HR.

## Derbyshire County Council

## Equality Impact Analysis Record Form 2011



Department	Corporate Resources
Service Area	Human Resource Development
Title of policy/ practice/ service of function	Harassment & Bullying Procedure
Chair of Analysis Team	Tracey Wall

**Stage 1. Prioritising what is being analysed**

- Why has the policy, practice, service or function been chosen?
- What if any proposals have been made to alter the policy, service or function?

The Harassment and Bullying Procedure is a key element of Derbyshire County Council's employment practices and it is essential that it meets the needs of employees and managers who will need to use it. Providing procedures which are free from any form of discrimination is a key aim of the Human Resources (HR) Strategy.

The Harassment & Bullying Procedure has not been updated since June 2005 and this revised version has been produced to better reflect current guidance and advice.

The main changes are:-

- Updated to reflect ACAS guidance comprising informal stage, formal stage and right of appeal (limited to provision of new evidence or complaint being either unfairly or inadequately investigated).
- No right to move into grievance procedure if dissatisfied.
- Right to enter procedure at formal stage
- Cases that are substantiated must be pursued under the disciplinary procedure
- Appeals held by senior manager

Breaches of the policy are treated as potential misconduct and can lead to disciplinary action being taken.

c. What is the purpose of the policy, practice, service or function?

The Harassment & Bullying Procedure is an internal process which impacts on employees and managers but not directly on service users or the community. It is integral to the way the Council operates to ensure that the workforce operates to its optimum. Harassment is harmful to employees and, therefore, ultimately to the operational effectiveness of the Authority.

The Harassment & Bullying procedure is aimed at ensuring issues are settled informally, promptly and fairly.

This Equality Analysis seeks to ensure that the Council can be assured that the Harassment & Bullying Procedure is fit for purpose and does not discriminate against any section of the workforce.

The policy is intended to prevent discrimination, harassment or bullying, and ensure every employee is provided with a working environment that promotes dignity and respect to all.

This will enable the Authority to attract the best employees, stay within the law and promote diversity.

### **Stage 2. The team carrying out the analysis**

<b>Name</b>	<b>Area of expertise/ role</b>
(Chair) Tracey Wall	HR Consultant
Nigel Hughes	Senior HR Consultant
Helen Linacre	HR Officer – Liaison with Network Groups
Karen Beeson	HR Consultant – Management Information

### **Stage 3. The scope of the analysis**

The procedure gives particular consideration to employees that may be affected by harassment on the grounds of age, race, sex, pregnancy and

maternity, disability, marriage and civil partnership, sexual orientation, religion or belief but is aimed at all employees and managers within the Council. It examines the policy from the viewpoint of employees who may be affected by harassment on any of the above grounds.

If any issues are uncovered an Action Plan will set out how the situation will be rectified.

We have consulted available data collected on the use of the harassment procedure and analysed this for evidence of discrimination (direct or indirect) or disproportionate adverse impact. We are consulting with the Council's three employee networks – the disabled workers group, the black and minority ethnic workers group, and the lesbian, gay, bisexual and transgender employee group.

We are also consulting with the trade unions via the Corporate Joint Committee and relevant workstream.

Consultation focuses on what impact the changes in the revised policy may have.

#### **Stage 4. Data and consultation feedback**

##### **a. Sources of data and consultation used**

<b>Source</b>	<b>Reason for using</b>
Research of other organisations policies, ACAS Guidance, current best practice.	To identify current best practice and model policies.
Draft of revised harassment policy	Source material
Data from Information and Monitoring Team	Statistics regarding the use of the harassment policy
Employee Attitude Survey 2011	Comparison of numbers of staff reporting harassment / bullying
Views of the Employee Network Groups	Direct experience of the procedure
Views of Departmental HR and HR Development	Direct experience of the procedure to gain understanding of managing these issues.
View of the trade unions	Direct experience of the procedure

#### **Stage 5. Analysing the impact or effects**

a. What does the data tell you?

Protected Group	Findings																												
Age	<p>In 2010 – 2011, available data shows there were 4 cases where employees used the formal harassment procedure and the process was concluded within the period. The breakdown was as follows:-</p> <table><tr><th>Age Group</th><th>No of harassment cases</th><th>%age of harassment cases by age</th><th>% of all employees by age</th></tr><tr><td>16-19</td><td>0</td><td>0</td><td>0.46</td></tr><tr><td>20-24</td><td>0</td><td>0</td><td>3.15</td></tr><tr><td>25-34</td><td>2</td><td>50</td><td>11.88</td></tr><tr><td>35-49</td><td>2</td><td>50</td><td>41.44</td></tr><tr><td>50-64</td><td>0</td><td>0</td><td>41.19</td></tr><tr><td>65+</td><td>0</td><td>0</td><td>1.85</td></tr></table> <p>Use of the harassment procedure by the 25-34 age group and by the 35-49 age group is disproportionate. Due to the low numbers of cases this cannot be considered as a trend.</p>	Age Group	No of harassment cases	%age of harassment cases by age	% of all employees by age	16-19	0	0	0.46	20-24	0	0	3.15	25-34	2	50	11.88	35-49	2	50	41.44	50-64	0	0	41.19	65+	0	0	1.85
Age Group	No of harassment cases	%age of harassment cases by age	% of all employees by age																										
16-19	0	0	0.46																										
20-24	0	0	3.15																										
25-34	2	50	11.88																										
35-49	2	50	41.44																										
50-64	0	0	41.19																										
65+	0	0	1.85																										
Disability	<p>In 2010 – 2011, available data shows there were 4 cases where employees used the formal harassment procedure and the process was concluded within the period. The breakdown was as follows:-</p> <table><tr><th>Disability</th><th>No of harassment cases</th><th>%age of harassment cases by disability</th><th>% of all employees by disability</th></tr><tr><td>Yes</td><td>0</td><td>0</td><td>3.24</td></tr><tr><td>No</td><td>4</td><td>100</td><td>96.76</td></tr></table> <p>There was no disproportionate use of the harassment procedure by employees with a disability.</p>	Disability	No of harassment cases	%age of harassment cases by disability	% of all employees by disability	Yes	0	0	3.24	No	4	100	96.76																
Disability	No of harassment cases	%age of harassment cases by disability	% of all employees by disability																										
Yes	0	0	3.24																										
No	4	100	96.76																										
Gender (Sex)	<p>In 2010 – 11, available data shows there were 4 cases where employees used the formal harassment procedure and the process was completed within the period. The breakdown was as follows:-</p> <table><tr><th>Gender</th><th>No of harassment cases</th><th>%age of harassment cases by gender</th><th>%age of all employees by gender</th></tr></table>	Gender	No of harassment cases	%age of harassment cases by gender	%age of all employees by gender																								
Gender	No of harassment cases	%age of harassment cases by gender	%age of all employees by gender																										



	<table><tr><td>Female</td><td>3</td><td>75</td><td>77.17</td></tr><tr><td>Male</td><td>1</td><td>25</td><td>22.83</td></tr></table>	Female	3	75	77.17	Male	1	25	22.83				
Female	3	75	77.17										
Male	1	25	22.83										
	There was no disproportionate use of the harassment procedure by employees based on gender.												
Gender reassignment	No data kept on this with reference to harassment procedures. The numbers are likely to be too small to monitor.												
Marriage and civil partnership	No data kept on this with reference to harassment procedures. The numbers are likely to be too small to monitor.												
Pregnancy and maternity	No data kept on this with reference to harassment procedures. The numbers are likely to be too small to monitor.												
Race	<p>In 2010 – 11, available data shows there were 4 cases where employees used the formal harassment procedure and the process was completed within the period. The breakdown was as follows:-</p> <table><tr><th>Race</th><th>No of harassment cases</th><th>%age of harassment cases by race</th><th>%age of all employees by race</th></tr><tr><td>White</td><td>4</td><td>100</td><td>97.9</td></tr><tr><td>Ethnic Minority</td><td>0</td><td>0</td><td>2.1</td></tr></table> <p>There is no disproportionate use of the harassment procedure by employees based on race.</p>	Race	No of harassment cases	%age of harassment cases by race	%age of all employees by race	White	4	100	97.9	Ethnic Minority	0	0	2.1
Race	No of harassment cases	%age of harassment cases by race	%age of all employees by race										
White	4	100	97.9										
Ethnic Minority	0	0	2.1										
Religion and belief including non-belief	<p>In 2010 – 11, available data shows there were 4 cases where employees used the formal harassment procedure and the process was completed within the period. The breakdown was as follows:-</p> <table><tr><th>Religion</th><th>No of harassment cases</th><th>%age harassment cases by religion / belief</th><th>%age of all employees by religion / belief</th></tr><tr><td>Buddhist</td><td>0</td><td>0</td><td>0.30</td></tr><tr><td>Christian</td><td>1</td><td>25</td><td>34.5</td></tr></table>	Religion	No of harassment cases	%age harassment cases by religion / belief	%age of all employees by religion / belief	Buddhist	0	0	0.30	Christian	1	25	34.5
Religion	No of harassment cases	%age harassment cases by religion / belief	%age of all employees by religion / belief										
Buddhist	0	0	0.30										
Christian	1	25	34.5										

	Hindu	0	0	0.09
	Jewish	0	0	0.03
	Muslim	0	0	0.13
	Sikh	0	0	0.15
	Not known	1	25	44.00
	None	1	25	15.00
	Prefer not to say	1	25	5.60
Sexual orientation	In 2010 – 11, available data shows there were 4 cases where employees used the formal harassment procedure and the process was completed within the period. The breakdown was as follows:-			
	<b>Sexual Orientation</b>	<b>No of harassment cases</b>	<b>%age harassment cases by sexual orientation</b>	<b>%age of all employees by sexual orientation</b>
	Bisexual	0	0	0.14
	Gay Man	0	0	0.23
	Lesbian	0	0	0.30
	Heterosexual	2	50	49.00
	Not known	1	25	44.00
	Other	0	0	0.06
	Prefer not to say	1	25	5.92

Non-statutory

Socio-economic	No data kept on employees
Rural	No data kept on employees

- b. What does customer feedback, complaints or discussions with stakeholder groups tell you about the impact of the policy, practice, service or function on the protected characteristic groups?

<b>Protected Group</b>	<b>Findings</b>
Age	
Disability	The Disabled Worker's Group are being consulted on the revised Harassment Procedure.
Gender (Sex)	

Gender reassignment	The Lesbian, Gay, Bisexual and Transgender Workers' Groups are being consulted on the revised Harassment & Bullying Procedure.
Marriage and civil partnership	
Pregnancy and maternity	
Race	The Black and Minority Ethnic Workers' Group are being consulted on the revised Harassment & Bullying Procedure.
Religion and belief including non-belief	
Sexual orientation	The Lesbian, Gay, Bisexual and Transgender Workers' Groups are being consulted on the revised Harassment & Bullying Procedure.

#### Non-statutory

Socio-economic	No data kept on employees
Rural	Not relevant to harassment procedure

- c. Are there any other groups of people who may experience an adverse impact because of the proposals to change a policy or service who are not listed above?

No - The proposed changes are intended to increase both managers and employees awareness of what constitutes harassment and bullying, of how it can be tackled, and to increase their confidence in raising issues.

#### d. Gaps in data

What are your main gaps in information and understanding of the impact of your policy and services? Please indicate whether you have identified ways of filling these gaps.

Gaps in data	Action to deal with this
The figures show that there are a very small number of harassment & bullying cases recorded. However, many cases of harassment & bullying are dealt with on an informal basis without resorting to the formal procedure. Where the formal procedure is used and harassment or bullying is found to have occurred, then the disciplinary procedure is involved and the case is recorded as a disciplinary incident rather than one of harassment.	Need to consider reviewing the data collection / recording process

#### **Stage 6. Ways of mitigating unlawful prohibited conduct or unwanted adverse impact, or to promote improved equality of opportunity or good relations**

The Harassment & Bullying Procedure has been revised and rewritten to raise the awareness of both managers and employees as to what constitutes bullying and harassment. The process has been simplified with emphasis placed on the advantages of resolving issues informally. It is not envisaged that any of the protected groups will be disadvantaged by this procedure.

Manager and employee guidance required and briefings for managers to be developed.

#### **Stage 7. Do stakeholders agree with your findings and proposed response?**

The Harassment & Bullying Procedure is to be discussed with the Trade Unions at the Corporate Joint Committee. The three Network Groups are also being consulted.

#### **Stages 8 and 9. Objectives setting/ implementation**

<b>Objective</b>	<b>Planned action</b>	<b>Who</b>	<b>When</b>	<b>How will this be</b>
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				<i>monitored?</i>
Communicate revised procedure to employees.	"Workforce" article, team briefings	HRD	Following approval by Cabinet	Through Service Partners / monitoring number of cases recorded
Equip managers to implement the new Procedure	Manager guidelines to be developed. Policy briefings to be developed.	HRD	July 2012	
Ensure HR Staff fully briefed on new procedure	Specialist briefings	HRD	June 2012	
Implement revised procedure across the council		HRD / Managers	June 2012	
Monitoring of process to ensure consistency		HRD	Ongoing	
Monitor number of tribunal cases		Legal services	Ongoing	
Review effectiveness of revised procedure	Consultation with Trade Unions / Network Groups		Post implementation	

### Stage 10. Monitoring and review/ mainstreaming into business plans

Please indicate whether any of your objectives have been added to service or business plans, and your arrangements for monitoring and reviewing progress/ future impact?

HR Divisional objectives for 2011 – 12 were to revise all main employment

policies – capability, grievance, attendance management, ill health capability, performance capability, performance management and harassment & bullying.

### **Stage 11. Publishing the completed analysis**

Completed analysis approved by \_\_\_\_\_ on \_\_\_\_\_

Where and when published?

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### **Decision-making processes**

Where linked to decision on proposals to change, reduce or withdraw service/ financial decisions/ large-scale staffing restructures

Attached to report (title):

Date of report:

Author of report:

Audience for report e.g. Cabinet:

Outcome from report being considered

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**Details of follow-up action or monitoring of actions/ decision undertaken**

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**Updated by:**

**Date:**

DRAFT