

Police Service of Northern Ireland

ABSTRACT – This Policy is designed to provide both formal and informal mechanisms for all police officers and police staff to report any incident(s) of bullying and/or harassment which arise(s) during the course of their employment

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POLICY DIRECTIVE

BULLYING AND HARASSMENT POLICY

1. POLICY IDENTIFICATION

POLICY TITLE: Bullying and Harassment Policy

POLICY OWNERSHIP:

DEPARTMENT Human Resources
BRANCH Equality and Diversity Unit

POLICY APPROVED BY:

CCF REF/OTHER Chief Constable's Forum - Ref: 66/04
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2. POLICY STATEMENT

(1) Policy

- (a) The Police Service of Northern Ireland (PSNI) (the Service) Bullying and Harassment Policy (the Policy) is designed to provide both formal and informal mechanisms for all police officers and police staff to report any incident(s) of bullying and/or harassment which arise during the course of their employment.
- (b) The introduction and implementation of such a policy is to ensure that all reported incidents of bullying and/or harassment within (and at events closely associated with) the workplace are investigated and dealt with in a fair, reasonable and prompt manner.
- (c) There is no place for bullying and/or harassment within the modern workplace and as such, the Service is committed to creating and sustaining an environment where everyone is treated with respect, dignity and free from any form of bullying and/or harassment.
- (d) Thus the Service will endeavour to ensure:
 - (i) The right of all police officers and police staff to work in an environment free from all forms of bullying and/or harassment;
 - (ii) If police officers and police staff are subjected to bullying and/or harassment they shall be able to bring a complaint without fear of reprisal or victimisation; and
 - (iii) Police officers and police staff are aware that any complaint of bullying and/or harassment will be treated seriously and dealt with quickly, sensitively and confidentially.

(2) Definitions

(a) Bullying

There is no legal definition of bullying. However, it is accepted that bullying comprises of **'persistent unwanted and unwelcome conduct or behaviour, which has the purpose or effect of violating someone's dignity or creating an intimidating, offensive, degrading or hostile environment'**.

(b) Harassment

- (i) Harassment is unwanted conduct that is linked to a person's **sex, race, marital or civil partnership status, age, dependant responsibilities, religious belief, political opinion, disability or sexual orientation**.
- (ii) The unwanted conduct **must have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment**.

3. INTRODUCTION

(1) Summary

- (a) The Service has formulated a procedure, which provides both informal and formal mechanisms for dealing with problems of bullying and/or harassment at work.
- (b) Where a police officer and/or a member of police staff has been or is being bullied and/or harassed it is this procedure, which must be used. This Policy and Procedure is distinct and separate from the Service's Grievance Policy which is to be used in situations where a police officer and/or member of police staff has for example, a 'grievance' with a work related issue.

- (c) Nonetheless, if a police officer and/or member of police staff is dissatisfied with the handling of their bullying and/or harassment complaint, they may, at the end of the internal procedures, raise a 'grievance' against the Service in relation to the manner in which their complaint was handled.
- (d) This Policy applies to all police officers and police staff and aims to ensure that those individuals are treated equally irrespective of their employment status.
- (e) In some cases allegations and incidents of bullying and/or harassment can be resolved if raised at an early stage and dealt with fairly and promptly by line management and without recourse to the formal procedure. As such, all police officers and police staff are encouraged to use and exhaust the informal complaints procedure before deciding whether they need to take further, more formal action against the alleged bully/harasser.
- (f) However, the Service recognises that the choice of which procedure to follow (ie either formal or informal) will rest with the Complainant and will depend upon the seriousness of their complaint, or for example, where a previous attempt at a less formal resolution has been unsuccessful.
- (g) If the Complainant decides to invoke the Formal Complaints Procedure rather than adopting the informal approach, they must do so promptly using the Service's Bullying and Harassment forms and follow the Formal Complaints Procedure.
- (h) Police officers and police staff are reminded that the existence of an internal complaints procedure (both formal and informal) does not in any way affect their statutory rights nor does it prevent them from seeking independent legal advice and/or assistance from statutory agencies such as the Equality Commission and/or the Labour Relations Agency.
- (i) Any police officer or member of police staff who believes they have suffered any bullying and/or harassment must not hesitate in using this procedure nor fear victimisation from doing so.
- (j) Any police officer or member of police staff will be liable to disciplinary action if they intimidate or victimise anyone who complains of bullying and/or harassment or who is involved in the information gathering exercise. This will be considered a disciplinary matter in itself and may result in dismissal.
- (k) When a complaint is made, regardless of whether it has been made using an informal or formal procedure, it must be dealt with seriously, promptly, sensitively and in confidence, ensuring that the rights of both the alleged offender and those of the Complainant are protected.
- (l) Complaints will be dealt with confidentially subject to the need to conduct an information gathering exercise and the requirement to keep a central record of any complaints made.

(2) Application

Responsibilities of Supervisors, Managers, Police Officers and Police Staff

(a) All police officers and police staff must:

- (i) Read the Service's policy on bullying and harassment and comply with its requirements. The Bullying and Harassment Policy is available in hard copy (from local Human Resource (HR) Managers) and on PoliceNet;
- (ii) Attend training designed to increase their awareness of bullying and/or harassment issues, and recognise potential for changes in their behaviour;
- (iii) Promptly report any incident(s) of bullying and/or harassment using the formal procedure if the informal procedure is inappropriate or has been exhausted;

- (iv) Challenge bullying and/or harassment in the workplace assertively and pro-actively;
- (v) Recognise that everyone has the potential to bully and/or harass either unintentionally or intentionally;
- (vi) Seek advice about or use appropriate channels to report any incidents of bullying and/or harassment witnessed;
- (vii) Know what is broadly accepted as being reasonable and acceptable behaviour in the modern place of employment;
- (viii) Update personal awareness of the types of behaviour that may constitute bullying and/or harassment;
- (ix) To avoid raising spurious or disingenuous complaints of bullying and/or harassment; and
- (x) Ask their local HR Manager about this Policy and Procedure if they are unclear about any of its contents.

(b) All Supervisors and Line Managers must:

- (i) Manage police officers and police staff in a way that demonstrates zero tolerance of bullying and/or harassment;
- (ii) Take prompt action to stop any form of bullying and/or harassment, in the manner prescribed in this Policy;
- (iii) Be both proactive and reactive regarding the management and eradication of bullying and/or harassment;
- (iv) Recognise the warning signs of bullying and/or harassment eg inappropriate and/or offensive language, behaviour, gestures, jokes, banter, materials, clothing, inappropriate use of ring tones and/or picture-messaging phones etc;
- (v) Act swiftly, decisively and fairly to resolve the issue using both appropriate management techniques and procedure;
- (vi) Make sure police officers and police staff are aware of the Bullying and Harassment Policy, its procedures and their responsibilities;
- (vii) Correctly identify behaviour from an objective and independent perspective bearing in mind that the key issue is the impact upon the recipient;
- (viii) Deal with matters of bullying and/or harassment having due regard to the need for confidentiality; and
- (ix) Ensure those who have made a complaint are not victimised, as this will be considered a disciplinary matter in itself.

(3) Legal Basis

- (a) There is no legislative requirement for the Service to adopt a Bullying and Harassment Policy, Procedure and/or Guidance on the matter. However, the PSNI Code of Ethics and Northern Ireland Civil Service (NICS) Discipline Procedure clearly state that bullying and/or harassment in the workplace is unacceptable. Harassment is also a criminal offence under the Protection from Harassment (NI) Order 1997 and it may contravene the Health and Safety at Work (NI) Order 1978.
- (b) Further, in light of the Sex Discrimination (Northern Ireland) Order 1976 (as amended), Race Relations (Northern Ireland) Order 1997 (as amended), Fair Employment and Treatment (Northern Ireland) Order 1998 (as amended), Disability Discrimination Act 1995, the Northern Ireland Act 1998, Equality (Northern Ireland) Order 2000 and the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003, the Service has recognised that the creation and implementation of such a policy and procedure is in line with current best practice.
- (c) All police officers and police staff have a duty to adhere to and comply with this Policy.
- (d) The Service will not tolerate bullying and/or harassment of or by any police officer(s) or police staff and as such, any behaviour contrary to this Policy will be considered a serious disciplinary matter/gross misconduct and will be dealt with according to the Service's Bullying and Harassment Policy and Procedure.
- (e) Any police officer or member of police staff regardless of rank/grade or position (and after a proper information gathering exercise) who is found to be responsible for any act of bullying, harassment, inciting, perpetrating or condoning such behaviour may face disciplinary action.
- (f) In situations where the bullying and/or harassment continues once it has been made clear to the bully/harasser that such behaviour is unacceptable and must cease, disciplinary action will be taken against the alleged bully/harasser.
- (g) This Policy also takes into account the provisions of the Human Rights Act 1998 (HRA 1998).

4. IMPLICATIONS OF THE POLICY

(1) Financial and Efficiency Implications

- (a) The full implementation of this Policy will require the support of HR Managers, line management from within District/Department resources, police officers and police staff.
- (b) Appropriate training and awareness raising will be delivered to all police officers and police staff.
- (c) By fully implementing this Policy the Service will ensure that it deals with every reported incident of bullying and/or harassment effectively and consistently.

(2) Risks

This Policy must be consistently applied across the Service to ensure that every reported incident is investigated to the same standard and that every alleged bully/harasser and victim of bullying and/or harassment receives the appropriate and necessary assistance and support from the Service.

(3) **Policy Links**

The following related instructions refer:

- (a) Policy Directive 02/05 – Grievance Policy;
- (b) Policy Directive 04/06 – Equal Opportunities Policy;
- (c) Policy Directive 11/07 – Integrity and Professional Standards.

(4) **Consultation**

This Policy was initially formulated by a working party representing management, police officers and police staff including:

- (a) Police Federation for Northern Ireland (PFNI);
- (b) Northern Ireland Public Service Alliance (NIPSA);
- (c) Superintendents' Association of Northern Ireland (SANI);
- (d) Unite.

5. HUMAN RIGHTS/EQUALITY/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Policy is deemed to be Human Rights compliant.
- (2) The European Convention rights enforceable under HRA 1998, which are most likely to be relevant to bullying and harassment, are the right to respect for private and family life and the right to freedom of expression.
- (3) **Right to respect for private and family life:** This right may be engaged if a person is asked gratuitous questions about their private life, or information is disclosed to others about their private life. Alternatively, a person may allege that they are being discriminated against in connection with such information. It is extremely important therefore, that details surrounding any allegation of bullying and/or harassment are kept confidential as disclosure of such information could potentially infringe Article 8 of the Human Rights Act 1998.
- (4) **Right to freedom of expression:** It is important to recognise that there is a balance to be struck between an individual's right to freedom of expression and comments which may be found to be offensive or distressing by another. Decision-makers will have to ensure that their management response is proportionate, taking into account the damage caused on each side by interference with the respective rights. 'Proportionality' requires a fair balance to be struck between individual rights and the interests of the community.
- (5) This Policy has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (6) This Policy is suitable for public disclosure in accordance with the Freedom of Information Act 2000.

6. REVIEW

The Equality and Diversity Unit will monitor and assess the impact of this Policy from 12 January 2005 and will review the application and implementation of this Policy annually.

SECTION 7: PROCEDURE

1. BULLYING AND HARASSMENT PROCEDURE

A complaint of bullying and/or harassment can be lodged in one of two ways.

Police officers and police staff can use either:

- (a) The Informal Complaints Procedure; and/or
- (b) The Formal Complaints Procedure.

2. THE INFORMAL COMPLAINTS PROCEDURE

- (1) The Informal Complaints Procedure should be used where the Complainant wants the behaviour to stop [or incident(s) to be addressed] without recourse to the Formal Complaints Procedure.
- (2) The Informal Complaints Procedure aims to allow matters to be resolved informally and in a way which maintains the integrity of the working environment, working relationships and which reassures the Complainant that the appropriate action will be or has been taken.
- (3) If using the Informal Complaints Procedure, the Complainant should:
 - (a) Approach the alleged bully/harasser personally and ask them to stop the behaviour; and/or
 - (b) If that approach fails or the Complainant feels unable or unwilling to approach the alleged bully/harasser personally, they can ask their supervisor/manager to accompany them or to approach the alleged bully/harasser on their behalf.
- (4) If the supervisor/manager is asked to approach the alleged bully/harasser on behalf of the Complainant, it is the supervisor/manager's duty to inform the alleged bully/harasser that the approach is informal and that the complaint has been made on an informal basis with a view to resolution between the parties.
- (5) The supervisor/manager must attempt to resolve the matter to the mutual satisfaction of both parties as part of their day-to-day management responsibilities.
- (6) If the parties cannot resolve the matter to their mutual satisfaction and the Complainant wishes to pursue the matter further, they must request that their supervisor/manager refers the matter for further information gathering using the formal complaints procedure.
- (7) In these circumstances, the supervisor/manager must inform the Complainant that they must lodge a Form BH1 in accordance with the Formal Complaints Procedure.
- (8) The lodging of this form will initiate the Formal Complaints Procedure.

3. THE FORMAL COMPLAINTS PROCEDURE

- (1) The Formal Complaints Procedure must be read carefully and in conjunction with the Service's Bullying and Harassment Policy.

(2) The Formal Complaints Procedure is appropriate if the bullying and/or harassment is continuing after the informal procedure has either been exhausted, has proved unsuccessful, or if the Complainant believes the formal route is more appropriate given the particular circumstances and/or seriousness of the alleged incident(s).

(3) The Formal Complaints Procedure is as follows:

(4) Raising the complaint

- (a) The Complainant must promptly raise the matter using Form BH1 and send this by email (if possible) and internal post to their District Commander/Head of Branch (or their deputy).
- (b) Where it is inappropriate for the District Commander/Head of Branch (or their deputy) to be involved in the process (eg because the complaint directly or indirectly involves or involved them), it must be referred to the Regional Assistant Chief Constable (or Headquarters equivalent), who will then be responsible for handling the matter.
- (c) The Regional Assistant Chief Constable (or Headquarters equivalent) must then direct the Head of HR to act as Information Gatherer. In these circumstances, it is the Regional Assistant Chief Constable (or the Headquarters equivalent) who decides what outcome, if any, is appropriate in the circumstances.
- (d) However, if it is inappropriate for the Regional Assistant Chief Constable (or Headquarters equivalent) to be involved in the process (eg because the complaint directly or indirectly involves or involved them), the Complainant must refer their complaint to the Deputy Chief Constable who will decide on the most appropriate course of action in the circumstances.
- (e) The Complainant must detail on Form BH1 [and any attached continuation sheet(s)] as specifically and accurately as possible the incident(s) of which they are complaining.
- (f) The basis and substance of the complaint should include, as far as is reasonably possible, specific words spoken or actions taken, times, dates, locations and names of witnesses etc.

(5) Handling the complaint

- (a) The District Commander/Head of Branch (or in their absence, their deputy) will acknowledge receipt of the Complainant's Form BH1 and must within **7** working days of receiving the complaint:
 - (i) Appoint an Information Gatherer to conduct meetings with the Complainant, the alleged bully/harasser and any relevant witnesses in order to elicit accounts of the incident(s) complained of.
 - (ii) Inform the alleged bully/harasser that a formal complaint of bullying and/or harassment has been lodged against them;
 - (iii) Wherever possible, the Information Gatherer will be a HR Manager unless there is a conflict of interests, in which case a HR Manager from another District will be appointed by the Head of HR;
 - (iv) Inform the Information Gatherer that they are to meet with the Complainant to ascertain further details about the alleged incident(s); and
 - (v) If the matter is serious (in other words, the complaint involves criminal behaviour or activity, a serious breach of the Service's Code of Ethics, a serious allegation with a compelling public/organisational interest or a breach of the NICS Discipline Procedure) refer the matter onto Professional Standards Department (PSD)/Head of HR for the purposes of the information gathering exercise.

- (b) The District Commander/Head of Branch must also consider the issue of avoiding contact between the Complainant and the alleged bully/harasser, before action is taken to inform the alleged bully/harasser of the complaint [see paragraph 3(6) below for guidance].
- (c) However, the Service recognises that the rights of the alleged bully/harasser are equally as important as those of the Complainant (as it may transpire that the lodging of the complaint was inappropriate, vexatious and/or malicious).
- (d) The information gathering exercise must be carried out discreetly and sensitively.
- (e) No information gathered as a result of this exercise can be used in any subsequent misconduct investigation(s).
- (f) The Information Gatherer must be allowed access to all relevant information/documentation about the matter.
- (g) All police officers and police staff are subject to the same information gathering exercise.

(6) Avoiding Contact Between Complainant and Alleged Bully or Harasser

- (a) The issue of avoiding contact between Complainant and the alleged bully/harasser must be considered before action is taken to inform the alleged bully/harasser of the complaint.
- (b) The Information Gatherer must advise both parties that there should be no communication between them, directly or indirectly, in relation to the complaint.
- (c) Whilst each case will turn on its own individual facts, following discussion with the Complainant and/or alleged bully/harasser, the Information Gatherer may also need to advise the District Commander/Head of Branch of appropriate action concerning avoiding contact, which may include the possibility of temporary transfer, if considered appropriate. This will only be done after consultation with HR Planning and Appointments, HR Department with the appropriate level of information being shared.
- (d) Where a case of serious bullying and/or harassment has been alleged, further consideration will be given to granting the alleged bully/harasser and/or the Complainant leave and/or a temporary transfer, to enable the information gathering exercise to proceed.
- (e) The District Commander/Head of Branch will formally advise any individual who is being assigned leave/temporary transfer of this at a meeting.
- (f) The individual will have the right to be accompanied at any such meeting by a trade union representative/staff association representative or work colleague as appropriate.

(7) Meeting with the Complainant

- (a) The Information Gatherer must meet with the Complainant to discuss the contents of their Form BH1 and to listen to what they have to say about the alleged incident(s) and any other related matter(s).
- (b) The Information Gatherer should ensure that the Complainant is aware that they have made a formal complaint and that they know of the next stages of the Formal Complaints Procedure.
- (c) The Information Gatherer (or a colleague who can be asked to act as a note-taker) must write up a formal and comprehensive record of this meeting using Form BH2A.
- (d) No information gathered as a result of this exercise can be used in any subsequent misconduct investigation(s).

- (e) The Information Gatherer should also remind the Complainant that they have a right to be accompanied by their trade union/staff association representative or work colleague at this meeting.
- (f) It must be made clear to the Complainant that their Form BH1 and details of any further relevant information will be provided to the alleged bully/harasser so that they can address the allegations that have been made against them.
- (g) Specific accounts will be elicited at this meeting rather than judgements being made.

(8) Meeting with alleged bully/harasser

The Information Gatherer must then meet with the alleged bully/harasser and:

- (a) Inform them of the nature of the complaint which has been made against them (the Information Gatherer must provide the alleged bully/harasser with a copy of the Complainant's Form BH1 and any further relevant information);
 - (i) This information must not be disclosed to any police officer or member of police staff not involved in the process.
 - (ii) In particular, the alleged bully/harasser must not disclose the contents of the Form BH1 to any police officer or member of police staff not involved in the process.
 - (iii) If the alleged bully/harasser believes that there is a witness who can provide information relevant to the complaint, they can ask the Information Gatherer to speak to that person, rather than approach them personally.
 - (iv) Once the details of the complaint have been given to the alleged bully/harasser, they have **10** working days in which to respond to the allegations either orally or in writing.
 - (v) The alleged bully/harasser may instruct a trade union representative/staff association officer/colleague to make representations on their behalf.
 - (vi) In the event that the alleged bully/harasser fails to respond to the Complainant's allegations within **10** working days, the Information Gatherer must inform the alleged bully/harasser that in their absence the process and matter will continue to its conclusion.
 - (vii) In exceptional circumstances the alleged bully/harasser can respond to the complainant's allegations outside the **10** working day time limit eg extended illness, family circle bereavement or holidays.
- (b) Confirm with the alleged bully/harasser that the complaint is being handled under the Formal Complaints Procedure;
- (c) Ensure that the alleged bully/harasser is aware of the next stages of the Formal Complaint Procedure;
- (d) Advise the alleged bully/harasser of their right to be accompanied at all stages of the Formal Complaints Procedure by their trade union representative/staff association officer or work colleague (wherever possible this should not be the same person who accompanies the Complainant); and
- (e) Ensure that they (or a colleague acting as note-taker) writes up a formal and comprehensive record of these meetings using Form BH2A.

Once again this meeting is about eliciting accounts rather than making judgements.

(9) Meeting with anyone who can assist with the information gathering exercise (ie witnesses)

- (a) The Information Gatherer must also interview anyone who can assist with the information gathering exercise and may re-interview any person at any stage;
- (b) This may include witnesses, supervisors and co-workers and anyone who (for example) observed the Complainant's demeanour immediately before and/or after the alleged incident(s) or any colleague with whom the Complainant discussed the alleged incident(s);
- (c) Each individual will be asked to fully inform the Information Gatherer what happened and they will have the right to be accompanied at this meeting by their trade union representative/staff association officer or work colleague;
- (d) The Information Gatherer must also meet the supervisors of both the Complainant and alleged bully/harasser to establish if there has been any history and/or pattern of previous conflict between them and/or with other parties;
- (e) The Information Gatherer must ensure that they (or a colleague acting as note-taker) writes up a formal record of these meetings using Form BH2A;
- (f) The Information Gatherer should make all reasonable efforts to conduct all necessary meetings within **25** working days of the date on which the complaint was received; and
- (g) Where this is not practicable, the Complainant and the alleged bully/harasser will be so advised by the information gatherer.

4. THE INFORMATION GATHERER'S REPORT

- (1) The Information Gatherer should prepare a written report on Form BH2, outlining the facts and indicate their findings based upon the evidence that was presented to them by relevant parties.
- (2) So far as is reasonably practicable, the Information Gatherer should endeavour to have completed their information gathering exercise and provide the District Commander/Head of Branch with a written report of the matter within **40** working days of receiving the Complainant's BH1.
- (3) The timescale above is greater than that which applies to a grievance under the Service's Grievance Procedure because of the seriousness of bullying and harassment allegations and the time demands for the necessary information gathering exercise.
- (4) The Information Gatherer's report must be factual, objective and contain accurate reporting of each parties' accounts of the events complained of and note any discrepancies between each parties accounts.
- (5) The Information Gatherer's report is intended to inform the decision-making process.
- (6) The decision-maker is ultimately responsible for deciding if disciplinary action is to be invoked.
- (7) In their report, the Information Gatherer must consider:
 - (a) The impact of the bullying and/or harassment on the Complainant;
 - (b) The frequency and seriousness of the alleged bully/harasser's behaviour and the incident(s) complained of; and/or
 - (c) Any previous history of such behaviour or incident(s) if elicited during the information gathering exercise.

- (8) The Information Gatherer's report must not recommend what outcome should be invoked against either the Complainant and/or the alleged bully/harasser. That decision rests with the appropriate decision-maker [see paragraph 4(6) above].

5. OUTCOME OF THE INFORMATION GATHERING EXERCISE

- (1) If it is established that any form of bullying and/or harassment of a police officer and/or member of the police staff has occurred, disciplinary action will be taken against the bully/harasser under the Service's disciplinary codes for police officers and police staff.
- (2) Where it is found that a police officer or a member of the police staff has made a malicious complaint this also will be treated as a disciplinary matter that is in keeping with the approach taken in the appropriate disciplinary procedure.
- (3) When investigating a complaint the outcome will be decided in line with civil standards of proof ie the balance of probabilities. However, serious matters of bullying and/or harassment may also be subject to a criminal investigation outside of this process.
- (4) The seriousness of the bullying and/or harassment will normally be the decisive factor in determining whether the disciplinary procedure should be invoked.

6. DECISION-MAKING

- (1) To ensure that the information gathering exercise is thorough and impartial, the Information Gatherer must have no direct or indirect involvement with the allegation that has been made and must not recommend any outcome.
- (2) All parties involved in the matter will be emailed or copied Form BH3 outlining the key findings from the information gathering process.
- (3) The District Commander/Head of Branch/Heads of HR/PSD or other appropriate level of management will decide what action should be taken and against whom.
- (4) The options are:
 - (a) To take **no further action**; or
 - (b) To take any other appropriate **management action** eg the provision of (re)training, counselling, guidance and/or advice; or
 - (c) To initiate the Service's **disciplinary** procedure against any party as appropriate.
- (5) In the case of police staff, if the NICS Discipline Procedure is to be invoked, the matter shall be referred to the Head of HR who will appoint another HR Manager (other than the one who carried out the information gathering exercise) to comply with the provisions of the NICS Discipline Procedure. Any sanction that is imposed as a result must be imposed by the Head of HR.
- (6) In the case of police officers, if as a result of the information gathering exercise, the matter is deemed to be so serious that a local outcome is not deemed appropriate, then the matter must be referred to PSD for a formal disciplinary investigation.

Examples of Outcomes

7. GUIDANCE AND ADVICE

- (1) Guidance and advice will be offered to the Complainant. It is optional if they choose to avail of this service.

- (2) Guidance and advice is a further example of management action where a disciplinary measure has been deemed inappropriate for the bully/harasser. This will be compulsory.
- (3) Guidance and advice will also be offered to the alleged bully/harasser if a complaint has not been upheld. It will be optional if they choose to avail of this service. Any guidance and advice will be provided by a trained member of staff or by an external provider as appropriate.

8. TRAINING AND/OR COUNSELLING

- (1) Training and/or counselling will be offered to the Complainant. It is optional if they choose to avail of this service.
- (2) Training and/or counselling is an example of management action where a disciplinary measure has been deemed inappropriate for the bully/harasser. This will be compulsory.
- (3) Training and/or counselling will also be offered to the alleged bully/harasser where a complaint has not been upheld. It will be optional if they choose to avail of this service.
- (4) Any training and/or counselling will be provided by a trained member of staff or by an external provider as appropriate.

9. REASSIGNMENT WHERE COMPLAINT IS UPHELD

- (1) Where a complaint has been upheld the Complainant may wish to avoid any further contact with the alleged bully/harasser. Should the alleged bully/harasser remain in employment with the organisation and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish.
- (2) Consideration should always be given to relocating the alleged bully/harasser in the first instance and where transfer of the Complainant occurs (eg by their own choice) it should not lead to any disadvantage to them. Transfer out of District/Headquarters must only be done in conjunction with HR Planning and Appointments, HR Department.
- (3) If it is determined that further contact between the individuals concerned would be unacceptable, the Service will make all reasonable endeavours to ensure that both parties do not come into direct contact with each other during the course of their day-to-day employment.

10. REASSIGNMENT WHERE COMPLAINT IS NOT UPHELD

- (1) Even where a complaint is not upheld, or, for example, where the evidence is inconclusive but relationships have been damaged beyond repair and/or the behaviour is incompatible with the roles currently being carried out, consideration will given to the voluntary transfer of police officers and/or police staff.
- (2) Police officers and police staff who do not wish to move voluntarily should try to resolve their differences.

11. COMMUNICATING THE DECISION TO THE COMPLAINANT AND ALLEGED BULLY/HARASSER

- (1) The District Commander/Head of Branch/The Head of HR/PSD or other appropriate level of management must then communicate their decision to the Complainant and alleged bully/harasser.
- (2) The HR Manager must then update SAP with details of the complaint and the action that was taken.

12. FURTHER MEETINGS

- (1) The Information Gatherer will contact the Complainant once a month for a period of three months after the resolution of the matter to offer support, advice and guidance and to ensure that no further bullying and/or harassment and/or victimisation has occurred.
- (2) The Information Gatherer will also contact the alleged bully/harasser once a month for a period of three months after the resolution of the matter to offer, support, guidance and advice.
- (3) This action will be undertaken even where a complaint has not been upheld as part of the Service's commitment to monitoring, management and eradication of bullying and/or harassment from the workplace.

13. OPERATIONAL NOTES

- (1) All police officers and police staff have a responsibility to make themselves conversant with the policies of the PSNI and as such be able to differentiate between a normal grievance (addressed via the Service's Grievance Procedure) and a case of Bullying and/or Harassment (which must be addressed through this Policy).
- (2) Advice on the procedural elements of this Policy is available from HR Managers within each District or specialist unit.
- (3) Healthy dialogue is always preferable to invoking a formal complaint and as such all police officers and police staff need to weigh up the facts and determine whether or not invoking the formal procedure is a proportionate response to what has occurred.
- (4) Procedural correctness and reasonableness are of key importance and all police officers and police staff should exhaust internal procedures prior to resorting to external measures. This does not infringe police officers' and police staffs' statutory rights to lodge a claim at an industrial tribunal.

14. RELEVANT DOCUMENTATION

All relevant documentation which is gathered, prepared and filed in relation to a bullying/harassment case will be kept locally and confidentially in a separate file in accordance with the provisions of the Data Protection Act 1998 and the Freedom of Information Act.

15. MONITORING

Use of the bullying and harassment procedure will be monitored in a proactive manner by the Service. Trend analysis data may also indicate a requirement to be proactive.

GUIDANCE NOTES

16. OVERVIEW

- (1) The Service is aware that one of the main difficulties may be identifying and recognising incidents of bullying and/or harassment and then knowing how to appropriately address and resolve the situation.
- (2) If a police officer or member of police staff is involved in an alleged incident of bullying and/or harassment they are encouraged to avail of the confidential counselling services provided by Occupational Health and/or Carecall at any time.

- (3) This confidential 24-hour telephone counselling service is complementary to other existing services provided by Occupational Health and Welfare and can provide police officers and police staff with support, counselling, advice and information outside the normal office hours of Occupational Health and Welfare. Any member of staff may contact the service by dialling free on 0808 1278811, 24 hours a day, 365 days a year. This is not a referral service to invoke the bullying/harassment procedure.
- (4) Similarly, Safecall is not a referral service either. The Safecall reporting line can be used to report concerns in relation to discrimination, sectarianism, harassment, bullying or health and safety issues. However, it must be emphasised that the line is not designed to replace any current methods of reporting wrongdoing, but is intended to complement current arrangements. Any member of staff may phone the Safecall line on 0870 2410762. The line is operated 24 hours a day, 365 days a year. Calls cost between 2p and 8p per minute.
- (5) A complaint of bullying or harassment must be lodged in accordance with the procedure set out in this Policy.

17. ACCOMPANIMENT

- (1) An individual involved in a bullying/harassment matter has the right to be accompanied by a trade union representative/staff association officer or work colleague at any stage of the process.
- (2) Under existing employment legislation an accompanying individual cannot answer questions directly on behalf of the person they are accompanying but can respond to views expressed by the interviewer/panel.
- (3) There is no legal right under existing employment legislation to be accompanied by a solicitor. [Employment Relations (N.I.) Order 1999.]
- (4) All police officers and police staff have the right to lodge a complaint with the Industrial Tribunal.

18. RECOGNISING UNACCEPTABLE BEHAVIOUR

- (1) All police officers and police staff should be able to identify **what is and what is not acceptable behaviour** in the workplace.
- (2) It is vital that all police officers and police staff, regardless of rank and/or grade, are aware of the following in the context of bullying and harassment:
 - (a) Bullying is often 'non-specific' ie the treatment is not because of someone's sex, race, disability, religion, political opinion, sexual orientation, age, dependency, and/or marital status.
 - (b) Although bullying and harassment are similar concepts, legally they are not the same thing.
 - (c) Different people have different perceptions about what is acceptable behaviour in the workplace eg firm management by one person may be deemed bullying and/or harassing behaviour by another.
 - (d) Labelling something as a 'joke or banter' or unintentional will not be an excuse or a defence to the allegation of bullying or harassment. It is the impact upon the recipient that has primacy not the bully/harasser's intention.
 - (e) Each case will turn on its own particular facts, and the procedure should be used for its proper purpose only.
 - (f) An objective approach with reasonableness at its core will ensure that spurious, vexatious or malicious complaints are identified.

- (g) The seriousness of an allegation of bullying and/or harassment is the primary reason why the Service has established a separate policy for dealing with this behaviour.
- (3) All police officers and police staff need to recognise and evaluate what, if anything, they are being subjected to before deciding on a course of action. If an employee has a 'knee-jerk' reaction to something it may result in the issue being wrongly labelled or misrepresented. Similarly, ignoring a serious issue should not be an option.
- (4) All police officers and police staff must follow the procedure set out in this Policy and line managers must apply the policy fairly, equitably and consistently, and not simply dismiss an issue out of hand or trivialise it.
- (5) Each case will always be considered on the circumstances surrounding the matter.

19. FORMS OF BULLYING AND HARASSMENT:

- (1) The list below is not exhaustive and all police officers and police staff must examine the issues bearing in mind concepts such as – an individual's perception, police officers and police staff expectations, a manager's right to manage, reasonableness, impact and effect, subjectivity and objectivity.

Bullying

- (a) intimidating behaviour;
- (b) swearing at police officers and police staff;
- (c) losing temper and shouting;
- (d) offensive language;
- (e) isolating and excluding;
- (f) excessive monitoring/scrutiny;
- (g) invalid criticism;
- (h) ridiculing and belittling;
- (i) subjugation and denial;
- (j) abdicating responsibility;
- (k) threats;
- (l) psychological abuse;
- (m) abuse of authority;
- (n) unrealistic expectations;
- (o) spreading malicious rumours.

Harassment

- (a) unwanted physical contact;
- (b) pressure for sexual favours;
- (c) sectarian comments;
- (d) racist jokes;
- (e) pornographic images;
- (f) offensive remarks about sexual orientation;
- (g) offensive: images, screen savers, ring-tones, calendars, collection boxes, posters, graffiti, pictures, characters, flags, bunting, songs, tunes, emblems;
- (h) conduct affecting dignity with regard to disability or age;
- (i) use of picture messaging phones.

- (2) All police officers and police staff must also bear in mind that each case will turn on its own particular facts and the key aspects of each complaint relate to the accuracy of facts, honesty of witnesses, an objective examination of the facts, reasonableness, quality and thoroughness of the information gathering exercise and the quality of information to provide the basis of decision.
- (3) These aspects will allow the appropriate level of management to make well-informed decisions on the course of action to be taken. It is not for the Complainant to dictate the action that should be taken although their feelings will be given due consideration and regard.

See Appendix A for Bullying and Harassment Flow Chart.

See Appendix B for Forms BH1, BH2, BH2A and BH3.

**BULLYING AND HARASSMENT FLOWCHART
(FORMAL AND INFORMAL) COMPLAINTS PROCEDURE**

Held by the Compositor, Publications Branch, Lisnasharragh.

**SPECIMEN FORM BH1 – 4 PAGES
SPECIMEN FORM BH2 – 5 PAGES
SPECIMEN FORM BH2A – 4 PAGES
SPECIMEN FORM BH3 – 3 PAGES**

These forms are held by the Compositor, Publications Branch, Lisnasharragh and on PoliceNet