

Raising Concerns Policy

1.1

Version Control			
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1.1	Kiran Hans	September 2024	NEW Policy incorporates the worker protection (amendment of Equality Act 2010).

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Raising Concerns Policy

1. Policy Statement

- 1.1 Huntingdonshire District Council (HDC) has a duty of care to all workers and aims to provide a safe and harmonious working environment.
- 1.2 Workers have the right to be treated with respect and not to be discriminated, harassed, bullied, stalked or victimised, this is not acceptable behaviour within the workplace and such behaviours will not be tolerated. All concerns will be taken seriously and where these behaviours are proven, disciplinary action will be taken.

2. Scope

- 2.1 This policy applies to all employees as well as variable workers, volunteers, contractors and agency workers.
- 2.2 Concerns regarding Councillors should be raised through the Members Code of Conduct.
- 2.3 Sexual harassment complaints regarding members of the public should be raised using this policy.
- 2.4 All other complaints regarding members of the public should be raised through Huntingdonshire District Council's Complaints Procedure.
- 2.5 Employees are able to use this procedure in relation to matters that arise from their employment, which directly affect them as individuals/as a group of individuals.

The Raising Concerns policy cannot be used:

- to deal with matters which have been addressed through another Policy/procedure.
 - To complain about the actions of others that are not employed by the Council (In these situations, the Whistleblowing Procedure and/or the Complaints Procedure would apply).
 - To raise issues about a councillor's conduct
 - To dispute the performance management procedure if this is being applied fairly and professionally.
- 2.6 All concerns must be raised within 3 months of the incident/concern occurring, unless there are exceptional circumstances preventing this. The same/related concern cannot be raised within 12 months of the resolution, outcome or withdrawal of the same concern – however an employee may ask for a concern to be revisited if specific follow up actions agreed or repeated behaviours as part of the original concern have not been carried out

3. Definitions

- 3.1 Grievance concerns are problems or complaints that employees raise with their employers about their employment. This could include concerns about terms and conditions of employment,
- 3.2 Bullying is characterised by ACAS as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to someone.” In addition, bullying can be defined as ‘an attack on someone else’s dignity by persecution, oppression, physically or morally by (threat of) superior force’. Appendix 1 outlines the types of Bullying, Harassment and Discrimination.
- 3.3 Harassment is defined under the section 26 of the Equality Act (2010) as “Unwanted conduct relating to a relevant protected characteristic, which has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person”.
- 3.4 Bullying and Harassment ‘At work’ includes any place where the occasion can be identified within the requirements of employment, including social events that are linked with or associated with HDC.
- 3.5 Protected characteristics - the Equality Act (2010) defines protected characteristics as age, disability, gender reassignment, marriage and civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex or sexual orientation.

4. Principles

- 4.1 The Council encourages its employees to raise concerns as they arise so that they can be resolved quickly and effectively, preventing these from developing into more serious concerns that have a negative impact on service delivery. Employees and managers should strive, at all stages of the procedure, to constructively resolve the issue raised.
- 4.2 Every effort must be made by all parties to resolve the concern in a timely manner to avoid undue stress and concern to those involved and to limit any negative impact on service delivery.

The following principles should be adhered to whilst working to this policy:

- 4.2.1 An employee must always attempt to resolve an issue via the informal stage in the first instance. An issue should not be raised as a formal concern until the informal stage has been exhausted.
- 4.2.2 Managers dealing with concerns must be impartial and listen carefully to the concern with an open mind. It is not appropriate for a manager to consider a concern/complaint if it is against him or her, or there is a conflict of interest.
- 4.2.3 Where the concern/complaint relates to the conduct/behaviour of another employee they have the right to be told the details and to respond to any allegations made. In certain circumstances, however, (for example criminal investigations) information may be withheld.

- 4.2.4 Confidentiality will be maintained at all times. Information will be shared only with those necessary to resolve the concern/complaint.
- 4.2.5 If an employee raises a concern that proves to be vexatious or malicious he/she may be subject to disciplinary action.
- 4.2.6 It is not appropriate to make an audio recording of any of the meetings during the raising concerns process due to GDPR.
- 4.2.7 Where the concern/complaint affects a group of employees, the group should nominate a spokesperson. This spokesperson can be one of the affected employees or a jointly chosen colleague, member of Employee Representative Group or a Trade Union Representative. Where the concerns are in relation to bullying and harassment all individuals may need to be spoken to.

5. Responsibilities

There are several things that all employees can do that help prevent bullying, harassment and discrimination such as:

- set a positive example by treating others with dignity and respect at all times
- be aware of the contents of HDC's policy and comply with it at all times
- consider carefully the impact of personal comments, actions and behaviour on others
- take positive and constructive action to challenge any unacceptable behaviours that may cause offence to you or to others
- recognise that failure to comply and adhere to this policy may constitute a disciplinary offence.

5.1 Responsibility of Employees

- 5.1.1 To raise any concerns immediately with their line manager with a view to resolve informally.
- 5.1.2 To follow this policy in lodging a concern (including ensuring all forms are fully completed prior to submission).
- 5.1.3 To not engage in behaviour that could cause offence and if you witness these behaviours to raise them in an appropriate and professional manner.
- 5.1.4 To adhere to the iCARE values.
- 5.1.5 Ensure all mandatory training and refresher courses are completed on time.
- 5.1.6 Employees should report to a Manager, HR, an Employee Representative Group or Trade Union Representative any incidents of bullying, harassment, victimisation or discrimination that comes to their attention.

5.2 Responsibility of the Manager

- 5.2.1 Managers are responsible for ensuring that this policy is applied fairly and consistently.
- 5.2.2 Have a responsibility to familiarise themselves with the protected characteristics.
- 5.2.3 Ensure that all staff are aware of the policy and understand the process for raising concerns.
- 5.2.4 Lead by example by treating others with dignity and respect and setting standards of acceptable behaviour, also promote a working environment where bullying, harassment, victimisation or discrimination is unacceptable and will be challenged.
- 5.2.5 Act before waiting for a complaint to be lodged.
- 5.2.6 Consult with HR for advice and support as and when required.
- 5.2.7 Employee wellbeing should be considered throughout the application of this policy. Employees should be made aware of the support available to them including the Employee Assistance programme – please refer to section 15 below.
- 5.2.8 Ensure all mandatory training and refresher courses are completed on time.
- 5.2.9 Demonstrate acceptable behaviours in line with HDC iCARE Values.
- 5.2.10 Challenge and act (where necessary) on any unacceptable behaviour.

5.3 Responsibility of Human Resources

- 5.3.1 Support managers and employees on the application on this policy.
- 5.3.2 The Human Resources Team will ensure that the policy is applied fairly and consistently.

6. The Right to Representation

- 6.1 At the formal stage of the Raising Concerns policy employees have the right to be accompanied and/or represented. Employees may be accompanied by an Employee Representative Group representative, a trade union representative, or a work colleague of their choosing. It is the responsibility of the employee to ensure that the chosen representative is available to attend the meeting, and to meet any associated costs.
- 6.2 A representative is allowed to address the hearing to put the employee's case, sum up that case and respond on the employee's behalf. They can also confer with the employee during the hearing. However, a representative is not permitted to answer questions on behalf of the employee, and must not prevent the employer from explaining their case or prevent any party making their contribution.
- 6.3 The choice of companion should be reasonable given the circumstances of the case - it would not be reasonable to be accompanied by a colleague whose presence would

prejudice the hearing or who might have a conflict of interest, and this will not be permitted.

- 6.4 At least 3 calendar days before the hearing, the employee should inform the HR representative of who they have chosen as a representative/companion.
- 6.5 When the chosen representative is unavailable on the day scheduled for the meeting or appeal hearing, the meeting may be rescheduled.

7. Raising a Concern

- 7.1 Employees are encouraged to raise their concerns as soon as possible after an incident directly to either their Line Manager or Service Manager if their Line Manager is causing the concern.
- 7.2 Contractors and agency workers should raise any issues in line with their own company procedures.
- 7.3 The following Informal and Formal Procedure applies to employees only.
- 7.4 The outcomes of informal concerns should be documented by the relevant manager.
- 7.5 Duty of Care to employees is paramount and there may be occasions where information provided is deemed so serious it may need to be shared to help manage/resolve the concern.

Should this become apparent management will ensure that issues of confidentiality are clarified early in the discussion and you will be informed of the action that will be taken in disclosing your concern.

8. Informal Procedure

- 8.1 The informal procedure can be applied in relation to any workplace concerns including any allegations of discrimination, harassment, bullying, stalking or victimisation. The informal procedure is particularly relevant to workplace concerns and/or to deal with allegations that are of a non-violent nature or where the person who the concern has been raised against may not be aware that his or her behaviour is causing offence.
- 8.2 Employees who have a concern or believe that they have been subjected to discrimination, harassment, bullying, stalking or victimisation should initially raise their concerns with the person the concern is against if they feel comfortable doing so.

Individuals can do this through a number of options to try to enable a resolution:

- Face to face meeting
- Facilitated conversation
- In writing/e mail
- By feeding back to your/their line manager
- Mediation.

8.3 Whether face to face or in writing, the employee should:

- describe specifically the concern/behaviour that has caused offence and explain the impact/how this has made him/her feel;
- If relevant, explain that he or she believes that the behaviour constitutes discrimination, harassment, bullying, stalking or victimisation;
- explain that the aim of the conversation/letter/email is to resolve the matter now;
- request an agreement that the unacceptable behaviour stop, identifying exactly what change is required;
- confirm what they would like the outcome to be.
- state clearly that a formal complaint will be made if there is no change in behaviour.

Where the individual does not feel comfortable raising their concerns to the individual(s) involved directly, they should approach their manager in the first instance.

Should this not be possible, or if there is a reason why the individual may not be comfortable raising the concern with their line manager, they may wish to approach another manager in their service or the overall service manager.

Should an employee need support or guidance with these processes, ERG and Union reps are available to provide advice.

These options enable you to be supported to resolve your concern without needing to go through a formal process. If the concern is not satisfactorily resolved at this point or the concerns can't be resolved at one of the informal stages, this would move to the formal process.

8.4 **Mediation**

Mediation is a process used to rebuild relationships when there is a disagreement at work. Mediation is not judging who was right or wrong in the past but looks at how to agree on working together in the future. The employee can also ask his or her Line Manager or Service Manager (if the Line Manager is the person that concern is against) to arrange mediation. In order for mediation to take place, all parties must agree to take part in the process.

Mediation can be used during the early resolution process, but also at any point during the formal processes where all parties feel a resolution is possible.

Managers who receive a request to participate in mediation should contact HR Team to arrange this.

9. Formal Procedure

- 9.1 If it is not possible to resolve the concern informally (or where the concern relates to bullying and harassment and is sufficiently serious) the matter may be dealt with formally and the employee should complete the 'Notification of Concern Form' included as Appendix 3 of this Policy.
- 9.2 Employees should make a formal complaint to their Line Manager or to their Service Manager if their Line Manager is perceived to be causing the alleged behaviour,

outlining the alleged behaviour on the Notification of Concern Form'. The concern should be acknowledged in writing within 7 calendar days.

Issues of discrimination, harassment, bullying, stalking or victimisation may be identified by Managers or HR without a concern being raised (e.g. through exit interviews, employee surveys and 1-2-1's). In these cases, the formal procedure can be instigated without a formal complaint being made.

9.3 **Suspension and relocation**

In certain circumstances, an authorised manager may suspend the person perceived to be causing the alleged behaviour from duty on full pay during an investigation. Suspension is a precautionary measure designed to protect the interests of both the Council and the employee and to allow a thorough investigation into the allegation(s) to be undertaken.

Suspension or relocation may be appropriate where a serious allegation has been made that, if proven, would be an act of gross misconduct (e.g. physical or sexual assault or where there is a risk of harm to the person raising the concern).

An employee who is suspended does not have the right to:

- prior notice that he or she will be suspended;
- representation while being suspended;
- an appeal of the decision to suspend.

Similarly, an authorised manager may move the person perceived to be causing the alleged behaviour to another suitable role / location where they will not be in contact with the person raising the concern.

9.4 **Investigation and Representation**

On receipt of a formal complaint, the manager should contact HR immediately who will arrange for an investigating manager to be appointed. This could be the manager receiving the complaint, or a manager from another team or service, depending on the nature of the complaint.

Where the concern is in relation to bullying or harassment an independent Investigating Manager who is from a different service area would usually be appointed to ensure impartiality.

The aim of an investigation is to establish the facts of the situation. A meeting will be arranged with the Investigating Manager, who will lead the meeting (supported by a HR representative if required), to allow the employee the opportunity to explain their concern and to state how they consider that the issue could be resolved.

During the investigation all relevant parties will be interviewed. A written record of all investigation interviews will be made and shared, however interviews will not be tape-recorded or digitally recorded by any party. Employees are required to make all

reasonable efforts to make themselves available to attend investigatory interviews to avoid any unnecessary delays.

At the formal stage employees have the right to be accompanied by an Employee Representative's Group member, a trade union representative or a work colleague (the work colleague should not be involved in the investigation process). It is the responsibility of the employee to ensure that the chosen representative is available to attend the meeting.

It is the responsibility of the Investigating Manager to ensure that the person raising the complaint is kept up to date on timescales and progress, throughout the investigation.

9.5 **Witnesses**

All employees are expected to fully cooperate with investigation processes. Where employees are required to participate in the investigation process as a witness, they will be given time during the working day to attend a meeting and/or hearing.

9.6 **Investigation Report/Letter**

Once the formal investigation is complete the Investigating Manager will write a report outlining:

- Details of how the complaint was received and summary of contents of complaint
- How the investigation was conducted.
- Summary of evidence collected.
- Findings – whether the allegation(s) have been substantiated, the conclusion of the investigation.
- Recommendations for further action, including service recommendations, resolution work e.g. rebuilding relationships, or any appropriate management action.

The report will be made available to the person raising the concern. In some cases, it may be appropriate to adapt the investigation report for sharing to protect confidentiality. Any recommendations as a result of the investigation may be shared with the appropriate member of the Management Team.

9.7 **Outcome**

As part of investigation into the concerns raised, a documented outcome will be given to the individual who has raised the concern, confirming whether the concern is upheld, partially upheld or not upheld. Where the concern is upheld or partially upheld, the investigating manager will make recommendations as to how the issues can be resolved.

Possible recommendations of a formal investigation could include, but are not limited to, the following:

- an apology;
- appropriate workplace behaviour training to restore the employee's confidence and to reinforce that raising a concern should not negatively impact a career.
- Steps to rectify the concerns raised, implementing the outcomes desired

- coaching or mentoring;
- personal skills training to improve communication;
- appropriate workplace behaviour training;
- appropriate management action with individuals
- mediation.

Where a concern has been raised against another employee, the investigating manager may recommend to the service manager that there is a disciplinary case to answer or a need to invoke the Improving Performance Policy.

In such cases, the employer's service manager will be provided with relevant information gathered throughout the investigation to allow them to take any further steps necessary.

10. Appeal

10.1 The employee has the right to appeal against the outcome of the formal investigation, It's important to note that the purpose of the appeal is to decide whether the formal procedure was followed correctly and whether the outcome was reasonable and proportionate to the facts established i.e. this is not a reconsideration of the original issue.

To initiate an appeal the employee should put details of the issue in writing within 10 calendar days to the HR Manager. The appeal must be in writing; an email will suffice, clearly stating that this is a Raising Concerns appeal. The employee must detail how they consider the Raising Concerns policy has not been correctly applied or how the outcome was not reasonable or proportionate.

The appeal must be heard with the minimum possible delay, ideally within 14 calendar days following submission of the appeal or a mutually agreed date.

10.2 The appeal will be heard by an appropriate independent Manager, supported by an HR representative.

10.3 During the appeal meeting, the manager considering the appeal will:

- Clarify with the employee what aspect of the Raising Concerns policy has not been correctly applied or how the outcome is considered unreasonable.
- Review the outcome summary and ask questions of the investigating manager and the employee raising the appeal.

10.4 The manager chairing the appeal meeting will consider all of the information presented and to reach a decision as whether the original outcome/resolution is appropriate.

10.5 The decision will be delivered - either after immediate consideration at the meeting, or within 10 calendar days of the meeting. The decision will be confirmed in writing to the employee as soon as possible. The decision of the manager considering the appeal is final.

11. Leaving and raising concerns

- 11.1 The Council is not obliged to hear concerns from former employees. The Raising Concerns Policy focuses on resolving issues raised by current employees.
- 11.2 When an employee raises a concern just before leaving employment with the Council, there may be insufficient time for the concern/complaint to be heard and/or resolved. In these circumstances the Council will deal with the concerns via the exit procedure – asking the employee to detail the issues in the exit questionnaire and offering an exit interview. The Raising Concerns Policy will not be appropriate in these cases. Issues highlighted in an exit questionnaire or exit interview will be followed up as appropriate despite the employee having left the organisation.

12. Links to the disciplinary procedure

- 12.1 There are scenarios in which the Raising Concerns Policy and Disciplinary Policy and procedures may be linked:
- 12.1.1 An employee raises a concern as a direct result of disciplinary action being taken against them – the concern should be dealt with through the appeal mechanism within the disciplinary procedure and not through the Raising Concerns Policy.
 - 12.1.2 An employee raises a concern at the same time as misconduct is alleged against them and the two issues are not related in any way – in these circumstances the two issues should be dealt with simultaneously and be treated separately following the two different procedures.
 - 12.1.3 An employee raises a concern that leads to the investigation of another employee or manager under the disciplinary procedure – in these circumstances the employee who raised the concern will be expected to act as a witness in any disciplinary investigation.
 - 12.1.4 Where cases lead to formal disciplinary action, evidence gathered during the Raising Concerns process may be used as evidence to avoid where possible individuals having to be re-interviewed.

13. Collective Concerns (also known as Collective Grievances)

- 13.1 This policy can be applied to a group of employees sharing a collective concern. Where the concern is collective and the issues are the same in all respects, it is expected that the concern will be presented by a nominated spokesperson. The final outcome will however be binding on all employees raising the collective concern. Management will therefore not be expected to separately hear each employee's case.

14. 3rd Party Harassment is prohibited

- 14.1 Harassment by a 3rd party will not be tolerated and everyone has a duty to report incidents of inappropriate behaviours.

Any concerns should be raised with your Manager as early as possible to allow the facts to be determined and any evidence to be gathered where relevant.

Steps to resolve the concerns could include where possible:

- Limiting the relationship with the 3rd Party.
- Ceasing the business relationship with the offending 3rd Party.
- Offer the employee an opportunity to work in a different area where there is no contact with the offending 3rd party.
- Involve the police where appropriate

15. Recording of meetings

- 15.1 Where meetings and/or hearings are held with the employee and witnesses, non verbatim notes of the meeting/ hearing should be taken and retained at all stages.
- 15.2 HDC do not permit recordings at any meetings and unauthorised recordings may result in disciplinary action being taken.

16. Advice and Support

- 16.1 It is recognised that raising a concern is not always easy, the following support services are available for all employees:
- Line Manager - Speak to your Line Manager/ supervisor (or their manager if the concern is about your direct manager).
 - A Member of the Management Team.
 - A member of the Employee Representative Group (ERG) – a full list of ERG representatives is available on the Intranet site - [Employee Representatives Group \(ERG\) \(sharepoint.com\)](#)
 - A Trade Union Representative.
 - A Member of the HR Team.
 - The Council offers an Employee Assistance Programme (EAP), this is a confidential employee benefit designed to help you deal with personal and professional problems that could be affecting your home life or work life, health, and general wellbeing. The EAP service provides a complete support network that offers expert advice and compassionate guidance 24/7, covering a wide range of issues such as:
 - Life support: Access to counselling for emotional problems
 - Legal information: For issues that cause anxiety or distress including debt management, consumer, property or neighbour disputes.
 - Bereavement support: Health Assured offers qualified and experienced counsellors who can help with grief plus legal advisors to help with related legal matters.
 - Medical information: Qualified nurses are on hand to offer support on a range of medical or health-related issues offering practical information and advice.
 - Online CBT: to help dealing with a range of issues
- 16.2 Mental Health First Aiders are also available to support the ongoing wellbeing of staff, there are a number of trained staff available across the sites and they wear a yellow badge to help identify them. The representatives can be contacted by email at mentalhealth.firstaiders@huntingdonshire.gov.uk . The names of representatives can also be found on the Intranet, notice boards, via your manager or HR.

Appendix 1 – Types of Bullying, Harassment and Discrimination

1. Discrimination

There are two forms of discrimination: direct discrimination and indirect discrimination.

1.1 Direct discrimination

Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have. The protected characteristics are:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation
- Association with a person who has any of the above characteristics

1.2 Indirect discrimination

Indirect discrimination can occur when there is a practice, policy, local rule or criteria that apply to all employees in the same way, but particularly disadvantage people who share a protected characteristic.

2. Harassment

2.1 Harassment is unwanted conduct by an individual or group that relates to a protected characteristic. Harassment violates (or has the purpose of violating) a person's dignity or creates (or has the purpose of creating) an intimidating, hostile, degrading, humiliating or offensive environment for that person.

2.2 The intention of the perceived perpetrator is irrelevant. Behaviour may constitute harassment if the victim perceives the behaviour as offensive.

Please see in the tables below examples of harassment:

Sexual harassment	
Physical Actions	Suggestive looks and gestures, staring and leering, threatening behaviour, touching in a sexual manner, promises of job benefits in exchange for sexual favours, threats of job detriment if sexual favours are not granted.
Verbal Conduct	Sexual remarks, jokes, catcalls, asking questions about sex life, turning discussions to sexual stories, sexual innuendo, sexual comments about clothing, anatomy or looks,

	patronising derogatory remarks, repeated requests for dates or sexual favours.
Non Verbal Conduct	Pin up materials, sexually explicit materials, pornography, sexist graffiti.

Disability harassment

Physical Actions	Unnecessary touching of body parts, stereotypical impressions of people with disabilities, physical abuse or intimidation.
Verbal Conduct	Asking intimate questions about a person's disability, name-calling, taunts, jokes or mockery.
Non Verbal Conduct	Exclusion from workplace events or conversations.

Age harassment

Physical Actions	Physical abuse or intimidation on the basis of the person's age.
Verbal Conduct	Derogatory comments or jokes about a person's age or perceived age; patronising remarks, stereotypical comments.
Non Verbal Conduct	Exclusion from workplace events or conversations.

Religious harassment

Physical Actions	Stereotypical impressions, physical abuse or intimidation on the basis of the person's religion.
Verbal Conduct	Offensive comments or jokes or patronising remarks, stereotypical comments, name calling, intrusive, persistent and derogatory questioning regarding a person's religion.
Non Verbal Conduct	Segregating people from different religious groups, display or circulation of offensive material, exclusion from workplace events and conversation.

Racial harassment

Physical Actions	Physical abuse or intimidation on the basis of the person's race.
Verbal Conduct	Racist and offensive comments or jokes, racist or patronising remarks, stereotypical comments, racial name calling, intrusive, persistent and derogatory questioning regarding a person's racial or ethnic origin and culture.
Non Verbal Conduct	Racist graffiti, segregating people from different racial groups, display or circulation of racially offensive material, exclusion from work place events and conversation.

3. Bullying

- 3.1 Bullying is unwelcome and unreasonable behaviour by an individual or group. The following table provides some examples of bullying behaviours:

Physical Actions	Intimidating threatening behaviour, shouting and uncontrolled anger, abuse and humiliation in public or private, blocking promotion possibilities.
Verbal Conduct	Being overly critical of a person's work without justification, persistent criticism and/or sarcasm. Use of nicknames towards colleagues where these are unwanted or are offensive to others.
Non Verbal Conduct	Exclusion from work information, setting unrealistic targets, taking credit for work and ideas, ignoring or isolation.

4. Stalking

4.1 Stalking is an offence under the Protection of Freedoms Act. Stalking is action by an individual or group of individuals that harasses a person through behaviours such as those listed below.

- Following the victim.
- Excessive contact unrelated to work (phone/email).
- Contacting, or attempting to contact the victim by any means.
- Publishing statements or material about the victim or purporting to originate from the victim.
- Monitoring the victim's email account or internet usage.
- Unreasonably loitering in a public or private place.
- Interfering with property in the victim's possession.
- Watching or spying on the victim.

4.2 Where stalking occurs outside of the workplace, contact should be made with the Police to report the incident and to your line manager and HR to consider whether there is any support that needs to be put in place.

5. Victimisation

5.1 Workers have the right not to be victimised as a result of making a complaint. Victimisation means treating an employee in an unacceptable way because he or she has made a complaint, or provides evidence or information in connection with a complaint. For example, preventing an employee from applying for a vacancy or attending a team training event.

6. Upward bullying

6.1 Bullying can also happen from employees towards someone more senior, for example a manager. This is sometimes called 'upward bullying' or 'subordinate bullying'. It can be from one employee or a group of employees.

Examples of upward bullying can include:

- showing continued disrespect
- refusing to complete tasks
- spreading rumours
- constantly undermining someone's authority
- doing things to make someone seem unskilled or unable to do their job properly

It can be difficult for someone in a senior role to realise they're experiencing bullying behaviour from their staff.

It's important to consider the real reasons for the behaviour. For example, there might be a wider issue with the culture of the organisation that can be identified and addressed.

Appendix 2 - The difference between robust management and bullying

Often those accused of bullying find it difficult to recognise themselves as behaving in a bullying or aggressive way. Conversely, some managers are concerned about tackling poor performance or behaviours and being accused of bullying.

When managers find themselves having to deal with poor performance, part of their role is to motivate people to perform more effectively.

The table below looks at the difference between management and bullying behaviour;

Addressing poor performance/ behaviour	Strong management	Bullying
Identifying the performance issue	Looks at all potential reasons for poor performance, e.g. people, training, systems, equipment	Makes no attempt to identify the nature or the source of the poor performance
Agreeing new standards of performance with individuals	Involves setting and agreeing standards of performance and behaviours for individuals and the manager	Imposes new standards without discussion
Failure to achieve performance standards is dealt with as a performance issue	Opportunities are taken to identify individuals who are struggling and support is provided. If individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, personal criticism, shouting, teasing, sarcasm, withholding of benefits or demotion
Recognising positive contributions	Recognises and rewards improvements in performance, attitudes and behaviour	Focussing on only the areas that require improvement without passing on positive feedback where this has been given.
Managing employees through Council processes i.e disciplinary/sickness absence.	Managing staff consistently, applying processes fairly and giving appropriate support when/where required.	Inconsistent management of employee related issues. Not following processes or seeking advice when required.
Delegating work tasks to achieve team objectives	Communicate requirements and timelines clearly, offering support as required.	Delegate without clear instructions, potentially setting an employee up to fail. Not offering support or being clear about why task is being requested

Appendix 3

Raising Concern Notification Form

Please read the Raising Concern Policy before completing this form.

Please complete Section 1-4 plus either Section 5 (for a formal concern) or Section 6 (for an appeal). Please sign the declaration at the end of this form.

Where possible concerns should be resolved using the informal stages of this Policy.

Where the informal process has not been successful or the alleged behaviour is deemed so serious that it warrants formal investigation, the formal stage should be invoked.

The form should be completed and returned to either your Line Manager / Service Manager.

Your Details	
Name:	
Post Title:	
Service Area:	
Line Manager:	

Nature of the Concern
<p>Please list the issues below (Include all of the relevant details but bear in mind that you will have the opportunity to discuss more fully as part of the investigation)</p> <p>a)</p>
<p>b)</p>
<p>c)</p>
<p>(Continue as necessary)</p>

Section 4 – Informal resolution

The Raising Concerns Policy requires that attempts are made to resolve matters informally wherever possible and before moving to a formal process. Have you tried to resolve this matter informally and if so what steps have been taken?

Section 5 – Resolving your concerns

Please outline what would be your preferred outcome from this complaint (please bear in mind that this may not necessarily be achievable).

Section 6 – Raising Concerns appeal

Please list the grounds for your appeal, please be aware that the purpose of the appeal is not a re-hearing but to consider the specific areas in which you remain dissatisfied. New information is not usually admissible

a)

b)

c)

Declaration

Employee signature

Date form submitted
