

Version	
Last Revision Date	October 2025

Y Garfan Amrywiaeth a Chynhwysiant
Cyngor Rhondda Cynon Taf, gweithio gyda chi, gweithio gyda'n gilydd

gweithio'nwell
workwell

Diversity and Inclusion Team
Rhondda Cynon Taf Council, working with you, working together

Anti-Bullying and Harassment Policy and Procedure

Mae'r adroddiad/canllaw yma ar gael yn Gymraeg, ac mae modd i chi wneud cais i'w weld mewn fformatau ac ieithoedd eraill hefyd.

This report / guidance is available in Welsh and, upon request, other formats, and languages



DOCUMENT CONTROL	
POLICY NAME	Anti-Bullying and Harassment Policy (Previously Dignity at Work Policy)
Department	Human Resources
Telephone Number	01443 444529
Initial Policy Launch Date	May 2007
Reviewing Officer	Policy Review Group
Review Date	September 2016
Date of Equality Impact Assessment	September 2016
REVISION HISTORY	
Date	Revised By
November 2009	Dilys Jouvenat
May 2011	Dilys Jouvenat
September 2012	Dilys Jouvenat
March 2015	Michelle Lindley
September 2016	Policy Review Group
April 2019	HR Welsh Language Standards Group
April 2025	Melanie Warburton/Michelle Lindley
DOCUMENT APPROVAL	
This document has received approval from:	Date of Approval
HR Senior Management Team	September 2016
Senior Leadership Team	
Cabinet	N/A

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SECTION 1 - POLICY

1. AIM

This Policy reinforces the Council's values, that:

- our organisation will provide equality of opportunity for all, where all staff feel valued and can reach their full potential.

As an inclusive employer we will promote a positive culture of behaviour across our workforce. This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, apprentices, volunteers and interns. Our obligations and your duties under this policy also extend to job applicants and former employees. It covers all areas of the Council.

We have a zero-tolerance approach towards bullying, harassment or discrimination against anyone in our workforce, under any circumstances.

We recognise that bullying and harassment at work can have a profound, long-lasting and damaging impact on our workforce. It damages the mental and physical health of individuals, affecting both personal and working life, and has a negative impact on the work environment and productivity.

Please note that if an issue has already been subject to an investigation process under another policy (e.g. grievance or disciplinary) then this policy does not apply, and the issue will not be investigated again under this policy. This position can be reviewed only in cases where substantial new information has come to light.

2. THE COUNCIL'S APPROACH TO ANTI-BULLYING AND HARASSMENT

The Council will deal promptly and sensitively with any reported cases of bullying and harassment at work and will act in a supportive manner to anyone who brings a complaint of harassment to a supervisor's or manager's attention, whether this be the victim or any other person.

We recognise that what may appear to be bullying or harassment to one person, may not appear so to another. However, we recognise that victims are able to judge for themselves whether they feel bullying or harassment is occurring and all cases will be investigated fairly. The important factor is how the victim or any other person perceives the situation, not whether the situation is intended to cause offence.

The Council will not tolerate any form of victimisation, meaning that no employee will be treated unfairly because they have made a complaint or

intend to make a complaint of bullying or harassment involving themselves or any other person. In all cases the Council's aim is to eliminate unwanted behaviour with the intention of promoting dignity at work for all employees.

Where contravention of the Anti-Bullying and Harassment Policy is proven, in respect of bullying, harassment or victimisation, then disciplinary action may be taken which could include the ultimate sanction of dismissal. Aggravating factors, such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take.

3. **DEFINITION**

By 'anti-bullying and harassment', the Council means that everyone has a right to be treated with dignity and respect at work and to work without fear of harassment from their work colleagues. Harassment is unlawful within the Equality Act.

The Equality Act (2010) makes 3 types of harassment unlawful. These are:

- harassment related to a 'relevant protected characteristic'
- sexual harassment, and
- less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.¹

Under the Equality Act (2010) harassment occurs when:

²A person engages in unwanted conduct which is related to a relevant protected characteristic and which has the purpose or effect of:

- **Violating the employee's dignity or**
- **Creating an intimidating, hostile, degrading, humiliating or offensive environment for that employee.**

Unwanted conduct

Unwanted conduct covers a wide range of behaviours. It can include:

- Spoken words
- Written words
- Banter
- Posts or contact on social media
- Imagery
- Graffiti

¹ and

² [Sexual harassment and harassment at work: technical guidance | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/sexual-harassment-and-harassment-at-work-technical-guidance)

- Physical gestures
- Facial expressions
- Jokes or pranks
- Aggression
- Physical behaviour towards a person or their property.

The employee does not have to have the protected characteristic themselves but could be connected to someone who has, such as a parent of a disabled child or may be wrongly perceived as having a protected characteristic such as an assumption being made, for example, that a Sikh employee who wears a Turban is Muslim and subjecting them to Islamophobic abuse.

It is the individual who defines whether the behaviour makes them feel uncomfortable and an employee can complain about harassment even if it is not directed at them personally, for example if a colleague is being harassed. This harassment would need to have been witnessed by the individual.

Relevant protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Race
- Religion or Belief
- Sex
- Sexual Orientation.

We also recognise that people can experience harassment that is not related to any particular protected characteristic but can be experienced as workplace bullying. Any unwelcome behaviour based on any of these grounds will not be tolerated.

³Although there is no legal definition of bullying, it can be described as unwanted behaviour from a person or group that is either:

- Offensive, intimidating, malicious or insulting
- An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone.

4. PREVENTING SEXUAL HARASSMENT

The Council has a positive legal duty to prevent sexual harassment of its employees and workers. As such we must take reasonable steps to prevent sexual harassment of workers in the course of their employment.

³ [What bullying is - Bullying at work - Acas](#)

⁴Sexual harassment is unwanted conduct of a sexual nature which has the purpose or effect of:

- Violating a worker's dignity, or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker.

Sexual harassment of a worker can be committed by:

- Another worker
- An agent acting on behalf of the employer, for example, this could mean an independent contractor, or a consultant.
- A 3rd party, for example, this could mean a member of the public.

We will take reasonable steps to prevent sexual harassment of our workers. This will include, but is not limited to:

- Communication of zero-tolerance of bullying and harassment
- Training and awareness for managers and staff
- Undertaking risk assessments
- Review the effectiveness of reporting mechanisms.

During the 'Course of Employment'

The duty applied to sexual harassment can take place in the course of employment. The course of employment can have a wide meaning. It includes acts committed in the workplace or in any other place where the worker is working, such as, working from home, offsite or attending a training course, conference or external meeting.

It also includes other circumstances in which the worker is not actually working but that are connected with work.

 Example:

A worker is harassed by her colleague on 2 occasions. The 1st time is during drinks in the pub with colleagues immediately after work. The 2nd occasion is at a leaving party for another worker, which also takes place in the pub. Although the workers are not working at the time, the employment tribunal decides that these social gatherings with work colleagues immediately after work or at an organised leaving party are closely connected with employment. Therefore, they fall within the definition of 'in the course of employment'.

⁴ [Sexual harassment and harassment at work: technical guidance | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/sexual-harassment-and-harassment-at-work-technical-guidance)

3rd Party Harassment

The law requires employers to take reasonable steps to prevent sexual harassment by 3rd parties. A 3rd party could mean a member of the public, a service user or workers from an organisation we commission for services.

Sexual harassment or any other form of harassment from a 3rd party is unlawful and will not be tolerated and employees are encouraged to report any harassment.

Although a member of staff cannot bring a claim for 3rd party harassment alone, it can still result in legal liability for an employer when raised in other types of claims.

Following any such report against a worker of a 3rd party or the 3rd party themselves, their employer will be required to undertake an investigation. Following the investigation, if it is determined that an employee or worker has experienced harassment by a 3rd party, the following actions will be considered:

- May remove the worker/s from the provision while the investigation is ongoing
- Early termination of a contract or legal agreement with that party or their employer
- A supplier may be excluded from future tender opportunities
- Restriction to services or facilities operated by the Council and/or restricted contact arrangements.

The Council will be proactive in informing the 3rd party that we have zero-tolerance toward harassment. This will include, but is not limited to:

- Posters in our buildings
- Social media messages
- Notices on our website.

Managers have a key role in ensuring any form harassment, including sexual harassment, is effectively reported and dealt with. Supervisors and managers should refer to the Managers Guide – How to tackle Harassment and Sexual Harassment. This guide outlines how you should deal with a report of discrimination, harassment or sexual harassment.

5. EFFECTS OF HARASSMENT

Harassment or bullying behaviour has serious and negative consequences for victims and their colleagues. Examples of these effects include:

- Low morale
- Increased anxiety and stress related illness
- Feeling powerless or isolated
- Loss of confidence and self esteem
- Higher absence rates
- Reduction in work productivity.

It is therefore in everyone's interest to ensure that harassment at work is dealt with as soon as it is reported. The Council recognises that it has a duty of care to its employees and needs to respond promptly to any incidents that may lead to the above occurring.

6. TYPES OF HARASSMENT

Bullying and harassment can take many forms. Harassment, intimidation or victimisation at work can be verbal, written or physical; overt or subtle, occur over a period of time or just be one occasion. Bullying is persistent action and can often occur through abuse of power or position.

The following are examples of the different types of harassment and bullying behaviour that may occur, none of which will be tolerated:

Examples of Sexual Harassment

Examples of conduct of a sexual nature:

The following are examples of conduct of a 'sexual nature'. This form of harassment is also applicable to gender reassignment.

- Sexual comments or jokes
- Displaying sexually graphic pictures, posters or photographs
- Suggestive looks, staring or leering
- Propositions and sexual advances
- Making promises in return for sexual favours
- Sexual gestures
- Intrusive questions about a person's private or sex life or a person discussing their own sex life
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing.

 Example:

A female worker alters a pornographic image by pasting an image of her male colleague's face onto it. She then sends it to their other colleagues, causing

them to ridicule him. There was no sexual motive behind this act, but the use of the image is sexual in nature.

 Example:

A worker has a brief sexual relationship with their supervisor. The worker tells their supervisor that they think it was a mistake and does not want the relationship to continue. The next day, the supervisor grab's the worker's bottom, saying 'come on stop playing hard to get'. Although the original sexual relationship was consensual, the supervisor's conduct after the relationship ended is unwanted conduct of a sexual nature.



Example of less favourable treatment for rejecting or submitting to unwanted conduct:

In the previous example, the worker responds to the supervisor's behaviour by saying, 'get off me, I'm not playing hard to get!'. After that, the supervisor starts to make things more difficult for the worker, giving them more work to do than others and being more critical of their work. The supervisor is treating the worker less favourably because they rejected their unwanted conduct.



Example of unwanted conduct with the effect of violating the worker's dignity and creating and intimidating, hostile, degrading, humiliating or offensive environment for them, even if that was not the intended purpose:

 Example:

Male workers download pornographic images to their computers in an office where a woman works. She may make a claim for sexual harassment if she is aware the images are being downloaded and the effect of this is to create a hostile and humiliating environment for her. In this situation, it is irrelevant the male workers did not intend to upset the women, and that they considered the downloading of images to be 'having a laugh'.

Examples of Age related harassment

- Using ageist language or treating someone in an offensive way because of their age or perceived age
- Insinuating that someone is 'too old' or 'too young' to be able to undertake certain duties or participate in certain activities, or that they will be less likely to deliver effective outcomes

- Using patronising language when speaking to someone considered to be 'old' or 'young'
- Insinuating that older people are less likely to be able to adapt to or cope with change
- Unfair treatment based on age, such as refusing training requests for an older employee.

Example of making someone feel humiliated, offended or degraded

 Example:

During a training session at work, the trainer keeps commenting how slow an older employee is at learning how to use a new software package because of their age. The employee finds this distressing.

Examples of Disability related harassment

- Use of offensive language or behaviour aimed at a disabled person
- Behaving in a patronising way towards a disabled person due to negative stereotypical views about disability
- Asking invasive, personal questions about someone's disability
- Communicating negative and offensive assumptions about disabled people, such as the view that disabled people do not have a social life or that a disabled person will be less capable of doing their work
- Unfair treatment based on disability, such as promotion opportunities being withheld because of negative assumptions about disabled people.

 Example:

A worker with hearing loss is verbally abused because they wear a hearing aid, this could amount to harassment related to disability.

Examples harassment relating to Gender Reassignment

- Treating someone in an offensive, abusive or exclusionary way because of their gender reassignment
- Repeatedly misgendering someone
- Making jokes or comments about a person's gender transition
- Excluding a person from social events
- Unfair treatment based on views held about gender reassignment, such as promotion or training being withheld because of negative assumptions about gender reassignment
- Disclosing someone's gender reassignment status ('outing' someone) at work.

 Example:

A person who has undergone male-to-female gender reassignment is in a staff room with several colleagues, one of the colleagues keeps calling her 'him', despite her complaining about it.

 Example:

An employee has a son who is a trans man. The employee's colleagues make jokes about their son's transition. The employee could have a claim for harassment related to gender reassignment.

Examples of Racial harassment

- Use of racist words or derogatory or degrading language aimed at people from ethnic minority groups
- Use of racist jokes or banter
- Use of stereotypical nicknames based on ethnic background
- The display, storage or sharing of racially offensive pictures or materials
- Unfair treatment based on racial background, such as promotion or training being withheld because of negative assumptions about race.

 Example:

A young British Asian man at work keeps being called a racist name by colleagues. His colleagues say it is just banter, but the employee is insulted and offended by it.

 Example:

A manager racially abuses a Black employee in front of a White colleague. The Black employee has a clear claim for harassment related to race. In addition, the Black worker's White colleague is offended and could also bring a claim of harassment related to race.

Examples harassment related to Religion or Belief

- Using derogatory comments relating to someone's religious or deeply held beliefs
- Making fun of clothing or jewellery worn for religious reasons

- Belittling a person because they are committed to a cause
- Using offensive or joking language to refer to important figures within a person's belief system
- The display, storage or sharing of offensive pictures or materials relating to religious or philosophical beliefs
- Putting persistent pressure on colleagues to take on the same religious or philosophical beliefs

 Example:

A Muslim employee visits a number of workplace sites due to the nature of their job. Every time they go to a particular work site, another employee makes comments about them being a terrorist. They find this offensive and upsetting.

 Example:

A Sikh employee wears a turban to work. His manager wrongly assumes he is Muslim and subjects him to Islamophobic abuse. The employee could have a claim for harassment due to religion or belief because of his manager's perceptions of his religion.

Examples of harassment related to Sexual Orientation

- Treating someone in an offensive, abusive or exclusionary way because of their sexuality
- Questioning someone about their sexuality, perceived sexuality or private life, or gossiping or speculating with others about someone's sexuality
- Using homophobic language, joking or banter, or expressing negative stereotypical views about gay, lesbian or bisexual people
- Disclosing someone's sexuality ('outing' someone) at work
- Insinuating that orientation towards the same sex is abnormal.

 Example:

A co-worker repeatedly asks overly personal questions about an employee's romantic relationships or sexual history, making the individual feel uncomfortable or targeted.

 Example:

An employee is subjected to homophobic banter and name calling. They are not gay. Because the abuse related to sexual orientation, this could amount to harassment related to sexual orientation.

Examples of Bullying Behaviour

- Using aggressive, threatening or intimidating language or behaviour
- Belittling or undermining employees in front of others
- Excessive supervision and monitoring
- Setting unrealistic objectives and targets
- Withholding information from an employee or intentionally excluding them
- Picking on one person when there is a wider problem.

The above are examples only and are not the only possible ways in which harassment or bullying can occur at work.

Overall, the Council recognises that all employees have the right to be accepted at work and the right to feel comfortable in their social surroundings. We do not expect colleagues to tolerate behaviour from others that makes them feel unduly uncomfortable or to feel that their dignity is compromised in any way.

7. LANGUAGE

The Council recognises that everyone has the right to be spoken to with respect and to work without listening to abusive or discriminatory comments.

Council employees must refrain from using abusive or threatening language, including use of jokes or comments that perpetuate discrimination or have negative connotations about people or their lifestyles.

All employees should be aware of the Council's Basic Rules which outlines expected standards of behaviour.

8. DEALING WITH HARASSMENT

The Chief Executive, Directors, Heads of Service and all managers and supervisors have the responsibility of leading by example. They are therefore required to communicate the message of the Anti-Bullying and Harassment Policy to employees, ensuring that bullying and harassment will not be accepted within the Council and that disciplinary action, up to and including dismissal, will be taken if it is found to occur.

The appropriate procedure to be taken when any complaint of harassment is received is outlined in the section entitled 'Contravention of the Anti-Bullying and Harassment Policy'.

In all cases of alleged or actual bullying or harassment, the outcome the Council aims for is that harassment stops and does not reoccur.

9. REVIEW OF THIS POLICY

We will monitor its effectiveness and implement and changes that may be required.

10. CONCLUSION

The Council values the diversity that exists among its employees. All employees must work together to ensure that everyone who works for Rhondda Cynon Taf Council is treated with respect and does not experience prejudice, discrimination, harassment, or hurtful and negative language whilst at work. Everyone has the right to be accepted for who they are and the Council will work to communicate this message to all employees.

If you need to discuss any problem arising from alleged or suspected harassment or discrimination, or wish for more detailed information about equality, diversity and inclusion please contact the Diversity and Inclusion team at equality@rctcbc.gov.uk.

SECTION 2 - PROCEDURE

2.1 CONTRAVENTION OF THE ANTI-BULLYING AND HARASSMENT POLICY

If anyone believes they have been subjected to harassment, bullying, abuse or intimidation or those who think they may have witnessed a case of harassment, bullying or abuse shall in the first instance be able to receive advice and assistance on a confidential basis, from the Employee Relations team or the Diversity and Inclusion team in Human Resources.

The Council takes a zero-tolerance approach to harassment, bullying, or abuse and if, following initial investigation by the relevant manager, it is found that an act of harassment, bullying or abuse is likely to have been committed, the following will occur:

1. **For employees:** The procedures of the Council shall apply and may result in disciplinary action, which may include the ultimate sanction of dismissal.
2. **For elected Members:** The procedures outlined in the Council Constitution, Code of Conduct, codes and protocols shall apply.
3. **For anyone contracted by the Council:** In the first instance, a written report detailing the breach of policy will be made by the Director of Human Resources, or the Director of Legal Services if the allegation involves a person or persons contracted by the Director of Human Resources, to the Chief Executive, who will determine the appropriate course of action up to and including the withdrawal of the contract.
4. **For any persons subcontracted to the Council:** The Principal Contractor will be considered responsible and action will be followed as detailed in paragraph 3 above.

Information, advice and/or assistance on the Anti-Bullying and Harassment Policy and its application can be obtained from the Employee Relations team or the Diversity and Inclusion team.

2.2 COMPLAINTS PROCEDURE FOR EMPLOYEES

2.2.1 REPORTING A COMPLAINT OF BULLYING OR HARASSMENT INCLUDING SEXUAL HARASSMENT

This procedure is designed to enable employee complaints of harassment, bullying or abuse to be dealt with promptly, fairly and sensitively. It covers both the complainant and the alleged harasser.

Employees who consider themselves to be the subject of harassment, bullying, or abuse will be taken seriously. Any victimisation or retaliation against an employee who complains is a serious disciplinary offence.

Allegations of harassment, bullying, or abuse made with the intention of damaging someone's reputation maybe investigated under the disciplinary procedure of the Council.

Employees who feel they have experienced or witnessed harassment, bullying, or abuse should contact:

- their supervisor or line manager; or
- a more senior manager in their service area; or
- an officer from the Employment Relations team; or
- an officer from the Diversity and Inclusion team, or
- a trade union representative, or
- a colleague or friend may make initial contact on their behalf.

Potential issues may also be recognised by Occupational Health practitioners through other interventions and may be raised by the Occupational Health and Wellbeing Unit with the informed consent of the employee.

Complaints may be made in either Welsh or English and the employee's language choice needs to be respected during this procedure

Employees who do not wish to raise a complaint under the Anti-Bullying and Harassment Policy but feel that they need support can access support from:

- Viv Up 0800 023 9387 [Employee Assistance Programme](#)
- Local Police 999 or 101
- Live Fear Free Helpline 0808 8010 100 [Live Fear Free helpline | GOV.WALES](#)
- Pontypridd Safety Unit (Oasis Centre) 01443 494190 pontypriddsafetyunit@rctcbc.go.uk
- Bright Sky App - That can be downloaded from Apple Store or Google Play www.hestia.org/brightsky

2.2.2 RECEIPT OF COMPLAINTS

We will investigate complaints in a timely, respectful and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it.

We will arrange a meeting with you, as soon as possible after receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation.

There is recognition that not all complaints can be made at the time of the alleged harassment, and that complaints may be of historical matters.

Some acts of harassment may amount to a criminal offence. In such cases, we would raise the possibility of reporting the matter to the police.

Where your complaint is about an employee, we will consider what additional action may be appropriate to protect you and other staff pending the outcome of the investigation, for example, considering day to day working arrangements. Your supervisor or manager, or other relevant officer where complaints are about a supervisor or manager will also meet with the alleged harasser to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and other staff pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the 3rd party.

We will also consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours to avoid or minimise contact with the alleged harasser.

The supervisor or manager, or other relevant officer where complaints are about a supervisor or manager, will complete an initial fact-finding template, shown in Appendix 1. This template assists in gaining relevant information to determine the next course of action. The facts will determine whether the complaint will proceed to an informal process or a formal process.

As well as referring to the Anti-Bullying and Harassment Policy, your supervisor or manager will refer to:

- Anti-Bullying and Harassment Policy Initial Fact-Finding template (Appendix 1);
- Guidance for Line Managers and Supervisors – Managing Workplace Conflict (Appendix 2);
- Guidance of Line Managers and Supervisors – How to Tackle Harassment Including Sexual Harassment (Appendix 3);
- Anti-Bullying and Harassment Process Map (Appendix 4).

2.2.3 INFORMAL PROCESS

Workplace conflict and disagreements between people can stem from a number of work issues. Example could include:

- rude verbal and non-verbal behaviours

- poor performance
- poor attendance and time keeping
- unacceptable language
- excessive personal use of the internet or email
- drink or drug problems.

Other, less obvious sources include:

- uncivil behaviour
- differences in personality style or working style
- taking credit for other people's work or ideas
- belittling somebody
- not valuing other people's views, background or experiences
- talking over people in meetings
- failing to include people in round-robin emails
- ignoring people or being discourteous.

Often, it's these more subtle behaviours that, over time, if not tackled, lead to workplace disputes.

Once the initial fact-finding document is complete this will determine the next course of action. Should the complaint meet the threshold it will become a disciplinary investigation. If the complaint does not meet the threshold then the manager will be in the best position to support the resolution of these issues. Any such complaints should be reported to your manager, or a more senior manager than your manager. Additional support should be sought from the Employment Relations team, or the Diversity and Inclusion team, or a trade union representative.

Where every effort has been made to resolve the conflict, sometimes, the situation can develop to the point where it's appropriate to use formal procedures to address unresolved conflict at work.

Please note that formal methods should only be where informal interventions have been unsuccessful.

Progression to the formal stage must be via submission of the Anti-Bullying and Harassment Policy: Request to Progress to Formal Stage/Appeal Process show in Appendix 5.

2.2.4. FORMAL PROCESS

Formal complaints can be made to the manager, or a more senior officer than the manager, or to an officer of the Employee Relations team or the Diversity and Inclusion team. A full investigation will then be carried out by an independent Officer/Adviser.

The results of the investigation will be referred to a Head of Service or Service Director independent of the Service Area from which the originating complaint was made.

Where it is established that there is a case to be answered, the formal disciplinary procedure of the Council may then apply.

Where it has been established that there is no case to answer, the complainant will be notified appropriately in writing, outlining the reasons.

3. CESSATION OF INVESTIGATION

If an employee who has made a complaint under the Anti-Bullying and Harassment Policy leaves the employment of the Council before the conclusion of the complaint the Council has no further obligation to that individual to complete the process.

If the complaint has been made by more than one employee the Council will continue the process on behalf of those employees who remain in employment only.

However, the Council reserves the right to consider the issues raised during a complaint and to determine an appropriate way forward if necessary, which may include continuing the complaint to its conclusion.

Should the subject of the complaint leave the employment of the Council the same principles will apply.

4. APPEAL PROCESS

If the matter cannot be resolved despite the formal stage above or the employee is dissatisfied with the decision, then the employee accompanied by their trade union representative, or work colleague may appeal to a Chief Officer.

Progression to the appeal stage must be via submission of the Anti-Bullying and Harassment Policy: Request to Progress to Formal Stage/Appeal Process show in Appendix 5.

This must be lodged within 5 working days and the grounds **must** be either:

1. A procedural flaw, clearly indicating what this was and how the policy or procedures were not correctly followed/applied.
2. The findings were inconsistent with the evidence presented providing reasons in writing for this.

The Chief Officer will arrange a meeting with the employee as soon as they are able to consider the grounds for the appeal as above. The purpose of this

meeting is to consider the appeal under one or more of the two conditions and not to review the case again.

Once this meeting has been held the Chief Officer will respond to the employee in writing and will notify the employee's line manager of the outcome.

This concludes the process and no further appeals can be made.

APPENDIX 1 – Anti-Bullying and Harassment Policy Initial Fact Finding Document

Introduction

At any point in considering the response to concerns about the conduct between members of staff or others in the workplace, advice should be sought from the Diversity and Inclusion team, your Human Resources representative or Head of Service.

Where the complaint involves a serious incident, assault or incident relating to a protected characteristic contact the Diversity and Inclusion team or your HR Representative for further advice.

When completing this form please refer to:

- **the Anti-Bullying and Harassment Policy;**
- **Guidance for Line Managers and Supervisors – Managing Workplace Conflict;**
- **Guidance for Line Managers and Supervisors – How to Tackle Harassment including Sexual Harassment.**

The purpose of the Fact-Finding Stage

This document is for the line manager to capture information regarding bullying and harassment concerns so that a Head of Service can determine what the next course of appropriate action might be.

This aims to ensure that all concerns about behaviour or relationships within the workplace are dealt with in a timely, appropriate, consistent and proportionate manner.

Therefore, it is important to complete all sections of the form as close to when the issue is brought to your attention as possible.

Line Manager – Recording Fact Finding

Your role is **not** to investigate or determine what did or did not happen, but to gather available facts. In certain cases, it **may** be appropriate to speak to the individual/s concerned informally to understand the situation. This relates to the individual who has raised the concerns **only**. The document needs to capture the key points from this conversation. It is important to be courteous and sensitive at all times and deal with this procedure promptly.

This is not a disciplinary investigation.

1. Name and Job Title of Line Manager recording the Fact-Finding information.	Name: Job Title: Date completed:
2. Name of person raising the concern. 3. Job title and employee number if RCT staff member.	
4. Please state whether this concern relates to another staff member, agency worker, contractor or member of the public?	
5. Name of the employee/s etc that the concern relates to.	
6. Job title and employee number if RCT staff member.	
7. Service Area	
8. What is the concern/complaint?	
9. When did the alleged incident take place? (note that in complaints of harassment and/or bullying there maybe multiple dates/incidents)	
10. How has the incident made them feel and what impact has it had on them?	
11. Are any of the following factors relevant to the complaint: <ul style="list-style-type: none"> - Power imbalances - Job insecurity e.g. casual contract, agency worker - Lone working or night working - Out of hours working - The presence of alcohol - Customer facing duties - Particular events that raise tensions locally or nationally - Lack of diversity in the workforce - Being on secondment 	

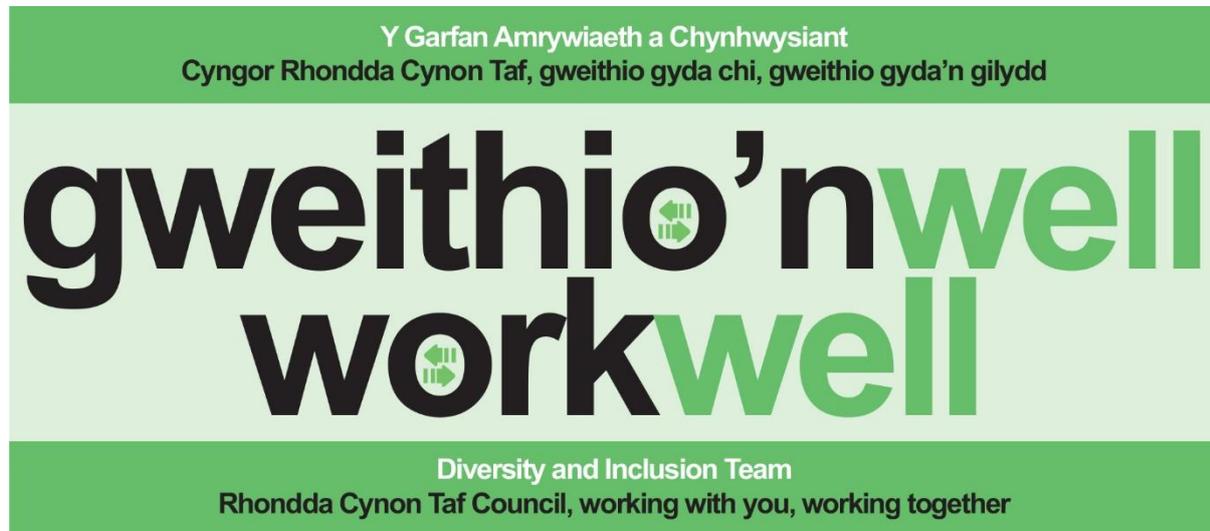
<ul style="list-style-type: none"> - Travel to different work locations - Working from home - Attendance at events outside of the usual working environment - Socialising outside work - Social media contact between workers 	
<p>12. What is the workplace demographic e.g. predominately male/female workforce, predominately White workforce.</p>	
<p>13. Date when the alleged incident was raised with you.</p>	
<p>14. Names of potential witnesses (if already known)</p>	
<p>15. How would the person raising the concern like you to deal with the situation?</p>	
<p>16. Are you aware whether the individual/s named in the concern has any other employment/connections within the Council?</p>	<p>If yes, provide the details here from ITrent:</p>
<p>17. Is there any information available that would disprove the details of the complaint e.g. the member of staff was not in work on that day?</p>	
<p>18. Is there any other evidence to support the complaint? CCTV, Records, other complaints etc.</p>	
<p>19. Does the individual named in the concern hold a professional body membership or is expected to adhere to a code of conduct?</p>	<p>If yes, please provide details:</p>
<p>20. Does the alleged behaviour contravene a professional code of conduct?</p>	
<p>21. Is all workplace, statutory and mandatory training relevant to the issue raised up to date – including Keeping People Safe at Work and</p>	

Equality, Diversity and Inclusion training?	
22. Are you aware of any health, or personal circumstances, that may offer mitigation, including reasonable adjustments to the working environment?	
23. Have any similar conduct issues occurred before with this member of staff?	If yes, please provide details:
24. Has any informal action been taken so far in relation to the allegation (e.g. management discussions, notes on file)	
25. Can you confirm whether any conversations have already taken place with anyone else regarding the allegations?	If yes, what was their response?
26. Has a complaint been made to the police or any other organisation?	
27. What support has been signposted e.g. Wellbeing Support e.g. Vivup Staff Equality Networks Peer Support External agencies Workplace buddy Trade union representative.	
Please send this form to your Head of Service/Director to recommend the next course of action	
Human Resources Representative	Name: Date consulted:
Head of Service/Director:	Name: Job Title: Date:

<p>A. Do you believe the complaint meets the definition of harassment contained in the Equality Act 2010:</p> <p>Unwanted conduct (related to a protected characteristic) having the purpose or effect of violating the workers dignity.</p> <p>or</p> <p>Sexual harassment:</p> <p>unwanted conduct of a sexual nature which has the purpose or effect of:</p> <ul style="list-style-type: none"> • Violating a worker’s dignity, or • Creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker. 	<p>If yes, please explain how?</p> <p>If no, why not.</p>
<p>B. Do you believe the complaint meets the ACAS definition of bullying:</p> <p>Unwanted behaviour from a person or group that is either:</p> <ul style="list-style-type: none"> • Offensive, intimidating, malicious or insulting • An abuse or misuse of power that undermines, humiliates, or causes physical or emotional harm to someone 	<p>If yes, why?</p> <p>If no, why not?</p>
<p>Decision & Rationale</p>	<p>Comments</p>
<p>1. No further action</p>	
<p>2. Apply an appropriate intervention e.g. managing conflict guide, mediation, conflict coaching, manager facilitated session with agreed action plan</p>	

<p>Note: mediation and conflict coaching are only effective interventions when initiated at an early stage.</p>	
<p>3. If the answer to point A or B is yes, formal investigation under Disciplinary Policy</p>	
<p>4. Date decision returned to Line manager or HR: 5. Date communicated to employee if applicable:</p>	
<p>Once you get the decision from the Head of Service, arrange to meet with the employee as soon as possible to let them know.</p> <p>In the case of a formal disciplinary investigation (3) you must first contact Human Resources so that the Council's disciplinary process can be followed.</p> <p>You should also advise the employee of wellbeing support available to them through Occupational Health and partner programmes such as Vivup.</p> <p>Where an employee has other jobs within the Council, contact the other manager or HR Officer to determine whether there is any potential impact for the other employment.</p>	

APPENDIX 2



GUIDANCE FOR LINE MANAGERS AND SUPERVISORS MANAGING WORKPLACE CONFLICT

This guide is intended for anyone with line manager responsibilities to include supervisors. It should be used in conjunction with the following:

- Anti-Bullying and Harassment Policy and Procedures
- Guidance for Line Managers and Supervisors – How to Tackle Harassment including Sexual Harassment.



Mae'r adroddiad/canllaw yma ar gael yn Gymraeg, ac mae modd i chi wneud cais i'w weld mewn fformatau ac ieithoedd eraill hefyd.

This report / guidance is available in Welsh and, upon request, other formats, and languages

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1. **Introduction**

This guide reinforces the Council's values, that: our organisation will provide equality of opportunity for all, where all staff feel valued and can reach their full potential.

This guide is intended for anyone with line manager responsibilities to include supervisors.

As an inclusive employer we will promote a positive culture of behaviour across our workforce. As such we have a zero-tolerance approach towards bullying, harassment or discrimination against anyone in our workforce, under any circumstances. This means any reports of bullying, harassment or discrimination will be taken seriously and if substantiated will be dealt with in line with Council Policy.

This guidance is to support you to manage workplace conflict at team level and ensure Council policy is used in the proper way. Please note that formal methods such as the Anti-Bullying and Harassment Policy and Procedures or the Grievance Policy and Procedures should only be used where informal interventions have been unsuccessful, or where formal investigation and disciplinary procedures must be used. If you are unsure of the appropriate route, please contact your HR representative.

Employees should consider the appropriate policy when raising a complaint or concern. If a complaint is serious an employee should have the right to pursue a grievance or use the Anti-Bullying and Harassment Policy. Where serious incidents occur – such as alleged harassment or discrimination, persistent bullying or verbal abuse or physical intimidation – they must be dealt with promptly and taken seriously, and you should refer to the Anti-Bullying and Harassment Policy. If you are unsure which policy applies, please contact your HR representative.

This guide deals with workplace conflict in place of the general grievance process. Once actioned, no further grievances relating to this matter can be raised through any other policies. If an issue has already been subject to an investigation process under another policy then this guide does not apply, please contact your HR representative.

2. **Informal Process**

On receipt of a complaint or concern you should:

1. Take steps to determine what evidence is available. The Initial Fact Finding template in Appendix 1 can you assist you in this.
2. Where the complaint or concern does not meet the threshold of the Anti-Bullying and Harassment Policy nor the Grievance Policy, it should be dealt with informally by the line manager or supervisor.
3. Informal options could include:
 - Coaching to help an individual to raise issues;

- Supervisor/line manager to speak to the other party;
 - Manager to arrange a meeting between both parties;
 - Other suitable interventions suggested in this guide.
4. If either party is absent from work due to sickness, then an Occupational Health Practitioner will be consulted to confirm whether the individual is fit to take part in the process. If either party is still not fit after a reasonable period, the informal process will be held in abeyance until they are fit and either party can forward a written submission for consideration by a Head of Service for the formal process.
 5. If either party refuses to engage in the informal process then the complaint cannot continue. If the complainant chooses, they can then request that this progresses to a formal review. If the complaint is withdrawn, no further information will be shared.
 6. It is hoped that the supervisor/line manager, with support, is able to resolve most cases of workplace conflict. If the issue remains unresolved, then formal procedures may need to be used.

3. **What does workplace conflict look like?**

Workplace conflict can stem from a work issue like poor attendance or timekeeping or from a disagreement between people. Bullying or harassment may involve single or repeated incidents across a wide spectrum of behaviour. This can range from extreme forms of intimidation, like physical violence, to more subtle behaviours, like inappropriate jokes or ignoring someone.

Obvious sources of conflict at work include:

- low-intensity deviant acts, such as rude verbal and non-verbal behaviours
- any form of bullying behaviour or harassment
- any form of discriminatory behaviour
- poor performance
- poor attendance and time keeping
- unacceptable language
- excessive personal use of the internet or email
- theft
- drink or drug problems.

Other, less obvious sources include:

- uncivil behaviour
- differences in personality style or working style
- taking credit for other people's work or ideas
- belittling somebody
- not valuing other people's views, background or experiences
- talking over people in meetings
- failing to include people in round-robin emails

- ignoring people or being discourteous.

Often, it's these more subtle behaviours that, over time, if not tackled, lead to workplace disputes.

4. **Prevention is better than cure**

Intervene at an early stage

Workplace conflict is likely to fester and intensify if you ignore it. As a manager, you need the skills and confidence to intervene at an early stage to nip disagreements in the bud before they escalate. Handling workplace conflict in a proactive and positive way will help you improve your team's morale, retain valuable skills and talent, and reduce sickness absence. Reflecting on your management style and learning to handle workplace conflict and people management issues are key to this.

Below, are the practical steps you can take to prevent serious workplace conflict from occurring in the first place.

Get to know your team better

By getting to know the people in your team as individuals and building and sustaining relationships with each team member, you'll be better placed to:

- foster good working relationships
- anticipate any potential conflict within the team
- understand any personal pressures which might be affecting them at work
- talk frankly about any problems they might be experiencing with their colleagues (or the job itself).

Things to consider:

- Understand what really matters to your team and remember that everyone's different. What are their personal triggers for stress? Do they feel secure and supported in their role? Do they have a sense of belonging and inclusion in their team?
- Give every team member a good induction when they start in a new role. This helps you get to know them, and helps them settle in.
- Get to know their preferred working styles. This encourages effective teamworking and reduces the risk of conflict.
- Make yourself personally available to talk. Show empathy and listen to their concerns. This encourages them to open up and approach you should they have a problem.
- Try not to shy away from personal issues. People aren't always able to leave their domestic responsibilities and worries at home. If you know someone has suffered a bereavement or is going through a relationship breakdown, they may be understandably more emotional and have a lower tolerance level at work than they would do under normal circumstances.

Be aware of simmering tensions

People deal with relationships and conflict in different ways. Some show their annoyance swiftly and openly, while others who appear laidback and tolerant on the surface may find themselves becoming progressively annoyed until they lose their temper, often over a minor issue proven to be the last straw. It is important to build and sustain relationships with your team nurturing your capacity to handle conflict and manage employee issues so that you become aware of problems early and know what to do if simmering tensions start to appear.

Things to consider:

- Be aware of team relationships. Tension can arise in any team, so be alert to signs of serious conflict developing. Many disputes start as mild disagreements which appear to be resolved or forgotten straight away. However, just because a disagreement isn't visible doesn't mean it's been resolved.
- Be confident to challenge any hint of inappropriate behaviour (for example, a sexist remark or personal insult) immediately. This will send a clear message to your team that unfair treatment, like bullying, is not tolerated.
- Have regular one-to-one's and try to create an environment in which people feel comfortable discussing their concerns about projects or issues in team meetings. Find ways to have informal conversations to pick up on any issues that are beginning to fester beneath the surface. You could, for example, use the feedback gained from employee feedback to highlight potential areas of frustration and kick off conversations.
- Make sure you intervene and talk to the individuals concerned about what's happening and what the real source of the disagreement is. Often there are other underlying issues at play, for example, an issue raised concerning someone's performance could highlight underlying feelings of resentment.

Acknowledge when a team member is causing stress to others

It only takes one person to cause disharmony within a team because of negative behaviour or poor performance.

Examples of behaviour and performance that can create stress at work:

- being overly critical
- having a short temper
- making personal remarks
- not sharing information
- talking about others behind their backs
- avoiding unpopular team tasks
- poor timekeeping or attendance.

Things to consider:

- Encourage people to talk to you if they have concerns about a work issue or are experiencing difficulties in their personal lives. By understanding an employee's context and situation, you'll be closer to understanding how it impacts their behaviour at work, how they're dealing with it, and how you can address it accordingly.

- Be prepared to step in and talk to the individual as soon as you're aware there's a problem (irrespective of whether it's a performance or behavioural issue). In many cases, the person might be unaware of how they (or their behaviour) are perceived by others and will quickly – and positively – respond to a quiet word. If it's a conduct issue causing conflict (like poor timekeeping), encourage a conversation to understand if there's a deeper, underlying problem, for example, a health or personal issue.

Be clear about your expectation of team conduct

As a manager, you're an important role model. You'll need to spell out what behaviour is not tolerated and demonstrate the positive behaviours employees should follow (in terms of how they interact with each other, their customers, clients and the public).

Things to consider:

- Always maintain professionalism. Set an example by visibly living the organisation's values around dignity and respect and following policies and procedures.
- Respect individuals' points of view, background and working styles, but be confident to call out unacceptable behaviour.
- Treat all employees with the same level of importance and avoid favouritism. If you don't manage people fairly and reasonably, you'll struggle to build working relationships based on mutual trust and respect. Any sign of favouritism is also likely to lead to resentment, becoming a cause of conflict.
- Always discourage employees from talking about their colleagues behind their backs. Ignoring this type of behaviour can lead to resentment, cliques and a work culture where bullying is more likely to occur. Establish if there's a genuine problem and then deal with it openly by talking to the individuals concerned.

Try not to get involved in office politics or gossip

Though a certain level of office gossip is inevitable and need not cause any problems, office politics can be a source of misunderstanding and tension. Maintain objectivity and resist the urge to join in.

Things to consider:

- If office gossip is malicious, intervene and spell out clearly, to those involved, that spreading unsubstantiated rumours is unacceptable and could be construed as bullying or harassment.
- Encourage an open working environment in which everyone's contribution is valued.
- Always give positive feedback where it's due to help foster collaboration and effective teamworking.
- Keep employee issues private and confidential. To build relationships based on trust you'll need to respect employees' privacy, particularly if the issues they discuss with you are of a personal nature.

Using performance management to prevent workplace conflict

Performance management should be a positive, supportive process, yet performance issues can sometimes be a cause of conflict themselves (for example, if someone feels they've been unfairly treated by being overlooked for promotion or received a negative performance rating).

Things to consider:

- Manage performance proactively and positively to avoid misunderstandings or conflict arising. Make sure every individual is aware of the expectations on them, and how they're expected to deliver.
- Set clear goals and realistic deadlines for every team member. Give everyone in your team all the information, training and development they need to perform their job to a high standard. Make sure everyone's roles and responsibilities are well matched with their skills, experience and career aspirations.
- Don't rely on a one-off appraisal meeting to assess performance – give regular and constructive feedback as part of a two-way conversation.
- Address poor performance at an early stage. Ask simple, open questions about how the employee's doing, and whether anything is affecting their conduct (such as a health or personal issue).
- The reasons for misconduct and poor performance aren't always properly understood or discussed. Where there are suspected or known health issues, make sure you explore these prior to initiating any formal procedures. Also explore whether there are any workplace issues, like negative relationships with colleagues, which may be impacting performance.
- If performance improvements are needed, make clear the issues that need addressing and discuss any additional support needed along the way (such as extra training or supervision). Develop an action plan and arrange regular catchups to discuss progress.

5. Informal ways to resolve workplace conflict

Despite the preventative measures we've outlined above, workplace conflict can still develop. If it does, you'll need to take action to resolve it early and informally. This can appear daunting, but it's a core part of your role as a manager. If you ignore unacceptable behaviour, problems can escalate leading to formal disciplinary, or grievance procedures. This can make it much harder to achieve a successful resolution and repair relationships.

Take action to resolve conflict early and informally

Be proactive and initiate informal discussions if you think a problem's brewing. Conflict at work can lead to absences, so return-to-work interviews are also a good opportunity for you to ask questions about any issues that might be bothering employees. Your HR representative is available if you need informal advice to help you deal with conflict, so do seek appropriate support when you need it.

Be ready to facilitate

Make sure you engage in challenging conversations as soon as you begin to observe early signs of conflict at work, for example, a heated argument or an inappropriate personal remark. This shows you're treating the conflict seriously. It's more difficult to be respected if you've appeared to give certain behaviours tacit approval by letting a situation drift on for weeks or months. This will also impede your capacity to build an environment in your team that is open, respectful, kind, fair and consistent, in which people feel 'psychologically safe'.

Things to consider:

- Intervene quickly in cases of workplace conflict. Deal with issues firmly but in a sensitive, fair and constructive way.
- Encourage people to talk. Listen carefully to their concerns. Help the individuals involved to identify the root of their disagreement.
- Remain objective. Avoid taking sides or making hasty judgements and listen to everyone's views and concerns. Make sure you fully understand all the issues at play, including any underlying tensions.
- Try to establish what the individuals need to resolve matters or move forward, and any changes or compromises they're prepared to make in their behaviour or attitudes.
- Where an issue is so serious that it amounts to discrimination, harassment or a fundamental breach of the employment relationship, then you should seek advice from your HR representative.

Speak to each team member individually

If there's an open disagreement between colleagues or you suspect a conflict is developing, start by having an informal, one-to-one discussion with each of the individuals concerned. This will help you identify the source of the problem while allowing you to hear people's concerns in a safe, confidential setting.

Things to consider:

- Choose an appropriate place. It's important to make people feel comfortable, so it's good to have the conversation somewhere private and quiet.
- Avoid making assumptions. Many people find it difficult to open up about problems at work, let alone dealing with conflict itself. Keep an open mind and give them the space to talk.
- Always act with integrity and maintain confidentiality. Reassure the employee that the private information they disclose will stay confidential, and you'll only pass this information onto the other person with their permission.

Bring both sides together to communicate

Once you've gained a clear understanding of the workplace conflict (as well as everyone's different perspectives on the problem), bring the parties together and act as an objective facilitator to find common ground. Your capacity to do this skilfully will depend on your ability to handle conflict and people management issues, having built and sustained relationships in an environment that is open, respectful, kind, fair and consistent.

Things to consider:

- Encourage people to acknowledge their colleague's views and concerns so they see both sides of the situation.
- Take a problem-solving, constructive approach. Encourage the individuals to discuss any changes that can be made by either side to help find solutions and move forward.
- Remain impartial and objective. Avoid taking sides and focus on helping the individuals to discuss their options and reach a resolution.

Protect employees by removing them from conflict situations

In those instances where conflict at work has become particularly heated, it might simply be untenable (when one considers the needs of the rest of the team) to keep the disruptive colleague present. In such cases, it might be necessary to temporarily separate team members to prevent the situation from escalating.

Things to consider:

- Understand what to do in the event of a major disagreement. If attempts to calm the situation down don't help, the risk is that someone will do or say something in the heat of the moment that could become a bigger source of grievance than the original problem.
- Once the disputing parties have been physically separated (where the workplace environment permits), it should be possible to have a calmer, more rational conversation about what sparked the disagreement and find a possible resolution.
- Consider transferring the disruptive team member to another team or area – only where fair, necessary and feasible. In some circumstances there may be personality clashes that are hard to resolve, or a member of staff who consistently causes conflict. If so, consider whether it could be helpful for the individual to move to a different job role or team, which they may be more suited to. Any change would have to follow full consultation with the individual.

Gather ideas on how to address conflict from within the team

In those cases where a dispute affects the whole team (for example, because of tensions arising from having to meet particular deadlines, or changes to working practices), hold a discussion meeting to find possible solutions. This works most effectively when you have built good relationships with team members and created a culture that is open, respectful, kind, fair and consistent, in which people feel **'psychologically safe'** (where people feel they can speak up and share concerns, questions or ideas freely without being criticised or made to feel 'wrong' for doing so).

Things to consider:

- Use regular one-to-one's with employees and listen to different people's perspectives to get a clear picture of what exactly is creating team disharmony.
- Help prevent future instances of dispute by having regular consultations with your team. This ensures you consider their views before introducing any changes that might affect their work or working environment.

Follow up on conflicts after resolution

It's tempting to believe once a situation has been resolved, the problem's gone away for good. However, it is likely one party or another will still feel aggrieved to a greater or lesser extent. Part of handling workplace conflict effectively is following up as appropriate to check the issues have been resolved and continuing to sustain good relationships with team members.

Things to consider:

- Talk to the individuals involved during one-to-one's, or during discussions around performance appraisals, to find out whether the conflict really has been resolved, or if there are any renewed tensions or feelings of unhappiness.
- Regular one-to-one's serve as 'temperature checks' to ensure that old disagreements do not resurface.

6. Using formal procedures

Even when you have made every effort to resolve the conflict, sometimes, the situation can develop to the point where it's appropriate to use formal procedures to address unresolved conflict at work.

Please note that formal methods should only be considered where informal interventions have been unsuccessful, or where formal investigation and disciplinary procedures must be used.

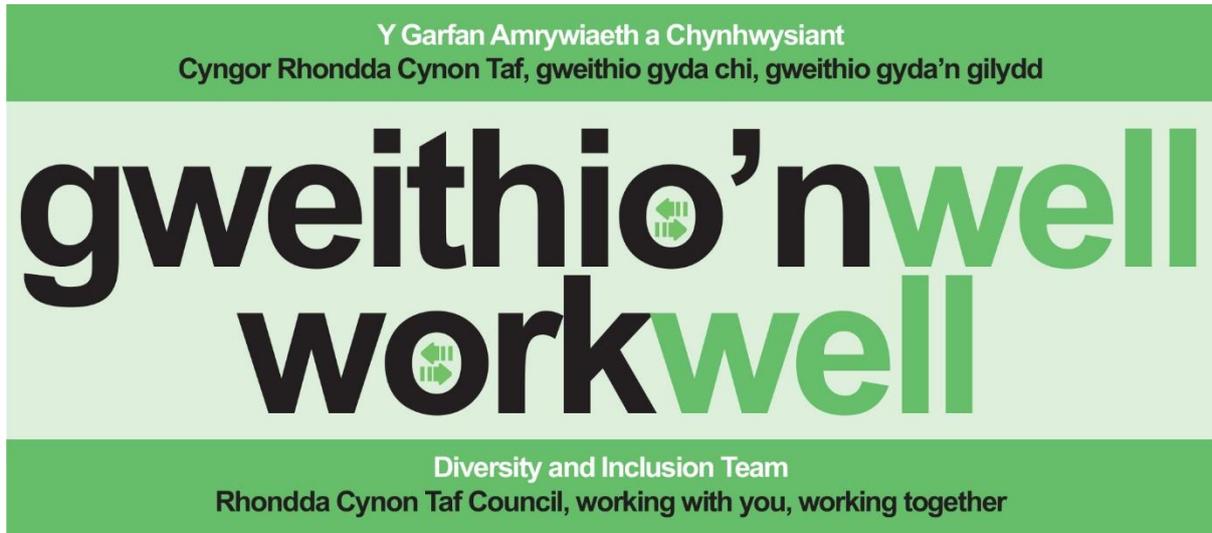
If a complaint is serious it should be investigated formally, and the complainant should have the right to pursue a grievance or use the Anti-Bullying and Harassment Policy. Where serious incidents occur – such as alleged harassment or discrimination, persistent bullying or verbal abuse or physical intimidation – they must be dealt with promptly and taken seriously. Please refer to the Anti-Bullying and Harassment Policy.

Complaints can be made in either Welsh or English. The language choice should be respected throughout the formal process.

References:

[Dealing with bullying and workplace conflict: Guide for managers | CIPD](#)

APPENDIX 3



GUIDANCE FOR LINE MANAGERS AND SUPERVISORS HOW TO TACKLE HARASSMENT INCLUDING SEXUAL HARASSMENT

This guide is intended for supervisors and anyone with line manager responsibilities. It should be used in conjunction with the following:

- Anti-Bullying and Harassment Policy and Procedures
- Guidance for Line Managers and Supervisors – Managing Workplace Conflict.

Mae'r adroddiad/canllaw yma ar gael yn Gymraeg, ac mae modd i chi wneud cais i'w weld mewn fformatau ac ieithoedd eraill hefyd.

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This guide reinforces the Council's values, that:

our organisation will provide equality of opportunity for all, where all staff feel valued and can reach their full potential.

As an inclusive employer we will promote a positive culture of behaviour across our workforce. As such we have a zero-tolerance approach towards bullying, harassment or discrimination against anyone in our workforce, under any circumstances. This means any reports of bullying, harassment or discrimination will be taken seriously and if substantiated will be dealt with in line with Council Policy.

1. Your role in creating an inclusive workplace culture

1.1 Leading by example

You should act as a role model by consistently demonstrating respectful and inclusive behaviour. This includes being aware of how your status and actions as a line manager or supervisor may impact on others. In addition to self-awareness, you should regularly seek and act on feedback from your team and peers.

Preventing harassment including sexual harassment requires all of our line managers and supervisors to communicate that any form of unfair treatment, such as sexual harassment will not be tolerated. Offensive behaviour can sometimes be excused as banter or jokes, so you need to maintain high standards, even when you may face criticism for doing so. You should also have the confidence and capability to be proactive and deal with unacceptable behaviour at the earliest possible stage.

You are well placed to pick up on any underlying tensions in your team that could indicate potentially inappropriate behaviours or attitudes. These may include employees unwilling to work together, heated exchanges or perceived favouritism. Open communication and reinforcing values based on dignity and respect can help you to understand and resolve issues in your team quickly, effectively and impartially.

1.2 Creating safe space to speak out

You are crucial in fostering a culture built on mutual respect where people feel safe to share their views and raise concerns. This is key to ensure reporting procedures are effective and people feel able to speak up about inappropriate behaviour they have experienced or observed. You need to be open and approachable so that people have a direct channel to share concerns.

1.3 Fostering an inclusive and empowering team culture

One of the most important actions to prevent discrimination and harassment including sexual harassment is to create an inclusive culture where everyone is treated with dignity and fairness. Micro-managing can undermine a positive culture, and therefore you should act in a way that empowers people and demonstrates trust. You should also clearly follow procedures and ensure their decision-making is open, fair and

evidence based. Providing your team with regular updates about issues that affect them can help avoid negative behaviours that may escalate such as gossiping or backstabbing. You also need to avoid behaviours that reinforce stereotypes.

1.4 Engaging with and reinforcing training

Whilst we have zero-tolerance to all forms of harassment, we have an additional duty to prevent sexual harassment in the workplace.

You should receive training and/or awareness on what constitutes sexual harassment, as well as how to report alleged harassment. You may receive additional training on how to spot and deal with potential sexual harassment behaviours as well as how to support employees who have been victims of, or witnessed, sexual harassment. You should also be aware of when to refer to more specialist support or your HR representative. You should ensure everyone in the team is aware of expected standards of behaviour and what constitutes sexual harassment.

If you feel you have not had the appropriate training and/or awareness please contact equality@rctcbc.gov.uk.

1.5 Supporting reporting

You will often be the first point of contact for receiving reports of harassment and sexual harassment. It is important that you are also alert to any signs of inappropriate behaviour as employees may be reluctant to report due to fear of potential negative implications for themselves or their careers. Providing reassurance and demonstrating that issues raised are taken seriously can encourage team members to report any concerns. Managers who receive a report of sexual harassment, or believe that a report should be made, should follow the Council's Anti-Bullying and Harassment Policy and seek advice from their HR representative or the Diversity and Inclusion team.

2. **How should I deal with a report of discrimination, harassment or sexual harassment**

2.1 Receiving a report or complaint

You have a key role in ensuring any form of harassment including sexual harassment is effectively reported and dealt with. Your openness to receiving complaints and acting on them will send a strong signal that harassment is taken seriously. Therefore, all complaints or reports of harassment including sexual harassment should be treated seriously and sensitively. It's also important to handle each complaint fairly.

[Equally Safe at Work guidance](#) has some useful tips on how to respond effectively to reports, such as listening, providing reassurance, respecting thoughts and opinions and signposting. Whilst this guidance is an excellent resource it relates to Scotland, therefore the signpost for support should be replaced with:

- Local Police 999
- Live Fear Free Helpline 0808 8010 100 [Live Fear Free helpline | GOV.WALES](#)

- Pontypridd Safety Unit (Oasis Centre) 01443 494190
pontypriddsafetyunit@rctcbc.go.uk
- Viv Up 0800 023 9387 [Employee Assistance Programme](#)
- Bright Sky App - This can be downloaded from Apple Store or Google Play
www.hestia.org/brightsky

[Acas guidance](#) encourages managers to think carefully about what they say during these conversations and to keep an open mind by not letting their own opinions influence the reporter.

Whilst we have an Anti-Bullying and Harassment policy and procedure available for reporting all forms of harassment including sexual harassment, you should bear in mind that complaints might be received in different ways. For example, the complaint may be received from a bystander who has witnessed harassment, or managers may spot something. If the complaint does not come directly from the person being harassed, managers should confidentially speak to the person affected and ideally encourage them to report. In cases where individuals are reluctant to report despite encouragement, managers need to respect the wishes of the person making the complaint as far as possible.

2.2 Documenting the complaint

Incidents of alleged harassment and sexual harassment should be documented. This ensures they can be dealt with consistently and provides the organisation with a realistic overview that can inform policy, strategy and change.

While all complaints should be dealt with as confidentially as possible, you should make it clear to the person reporting the incident that you may need to disclose information to others, such as your HR representative, so the issue can be resolved. In line with [Acas guidance](#), information should be handled confidentially and only shared on a strictly need-to-know basis.

In some cases, it may be appropriate to resolve the issue informally, depending on the seriousness of the complaint and whether or not the person affected wants to. Ask for advice on whether it's appropriate to try and resolve informally and if you should offer this as an option. Whatever happens, the complainant should not be forced to confront the alleged harasser, nor to resolve the situation informally against their wishes.

2.3 Supporting the investigation

All reports of harassment and sexual harassment should be believed and protecting the person raising the complaint should be paramount. Alongside this, the alleged harasser also needs to be treated fairly in line with procedure and the law. Investigations should be conducted in accordance with Council policy.

In some cases, more immediate action may need to be taken, such as suspending or moving the alleged harasser. You should seek advice from your HR representative

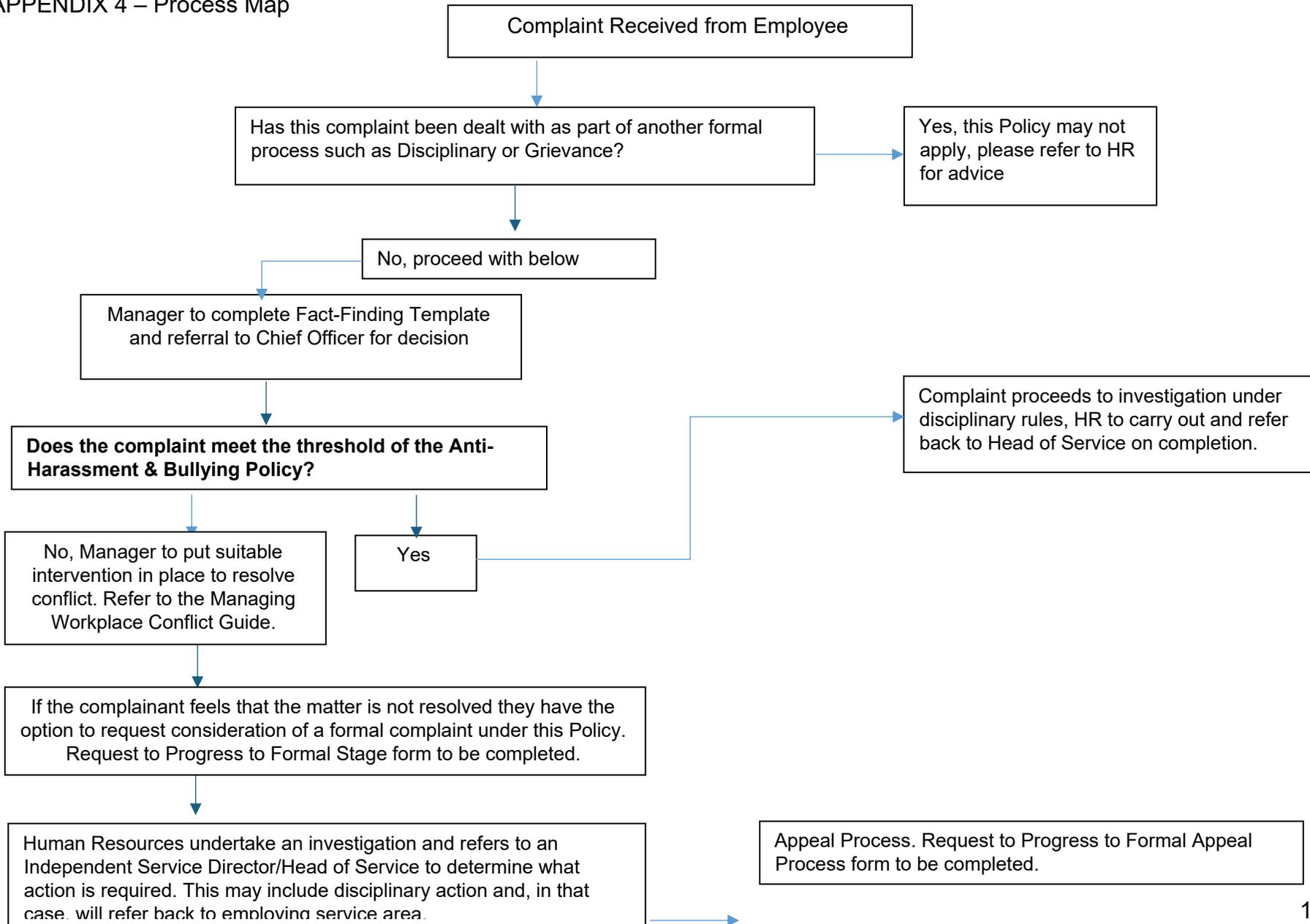
before taking any formal action. Care must be taken to ensure no action is taken that could be perceived as punishing the person raising the complaint.

2.4 Providing Support

Reporting harassment and sexual harassment takes courage and can be extremely stressful. Individuals raising the concern or complaint will need reassurance and support and their performance is likely to be affected, especially while an investigation is ongoing. Bystanders who have witnessed sexual harassment may also require additional support. As well as providing opportunities to talk, managers can signpost employees to relevant services such as occupational health or counselling. You should also be vigilant for signs of victimisation whereby an employee is treated less favourably because they have reported sexual harassment. If you suspect victimisation is occurring, you should speak to the person affected and encourage them to report it via the Council's Anti-Bullying and Harassment Policy and Procedures.

Ref: [People manager guide: How to tackle sexual harassment | CIPD](#)

APPENDIX 4 – Process Map



APPENDIX 5

**ANTI-BULLYING AND HARASSMENT POLICY
REQUEST TO PROGRESS TO FORMAL STAGE / APPEAL PROCESS**

This form must be completed by an employee when requesting to progress from the informal stage of the process to the formal stage and officer appeal stages. The form should be received by the relevant Manager within 5 working days of receiving the outcome of the informal/formal/officer appeal stage.

Name		Job Title	
Manager		Contact details	

Please indicate one of the following: (delete others as appropriate)

1. I am requesting progression to the formal stage, please complete part A
2. I am requesting an appeal to a Chief Officer, please complete part B

A.	<p>The informal procedure has not resolved the problem, or I am unable to take part in the informal resolution.</p> <p>Please explain:</p>	Yes/No
B.	<p>I am dissatisfied with the outcome of the formal process due to:</p> <ol style="list-style-type: none"> 1. A procedural flaw, clearly indicating what this was and how the policy was not correctly followed/applied or: 2. The findings were inconsistent with the evidence presented providing reasons in writing for this. <p>Please explain:</p>	Yes/No

If necessary, please explain your continuing concerns in full, in doing so you may also wish to state the outcome(s) that you are looking for.

Information that has been submitted in relation to another employee may be shared with that employee in the interests of transparency, unless there are circumstances (which suggest to the Council) that to do so will cause avoidable harm to either party. If there is specific information that the employee raising the grievance feels cannot be

shared with the respondent, they must make their manager and/or Human Resources aware.

Signed:	
Dated:	