



RBFRS Policy Document

Policy Name	Grievance, Bullying and Harassment Policy
Author	HR Adviser
Owner	HR Manager
Protective Marking	Official
Version	7
Status	<p>This policy is contractual forming part of the terms and conditions of employment for employees covered by this policy. The procedure for dealing with grievances has been negotiated at national level.</p> <p>This local policy has been subject to local consultation with relevant stakeholders.</p>
Issue Date	
Review Date	Feb 2022

Policy Statement	<p>Royal Berkshire Fire and Rescue Service (RBFRS) believes that everybody should be treated fairly and with respect. We undertake that everybody will be given constructive and supportive assistance throughout their working life with the Service, and all incidents of any inappropriate behaviour will be challenged, investigated and suitable action will be taken. The confidentiality of all those involved will be maintained wherever possible. All stakeholders can trust that their concerns, problems or complaints will be dealt with sensitively and fairly and be resolved as soon as possible. Complaints should ideally be dealt with informally in the first instance, however if the complaint is of a serious nature a formal complaint may be immediately made. If the grievance is not resolved informally, the Employee Complaints Procedure (below) outlines the formal actions to be followed in order to resolve the complaint.</p> <p>Any grievance or complaint will be settled as near to its source as is possible and within the timescales detailed in the Employee Complaints Procedure which makes up part of this document.</p> <p>If you have concerns that you feel cannot be raised through this policy you can raise a confidential issue through our external 'Say So' hotline or if it is more appropriate to do so, via the Whistleblowing policy</p>
Purpose	<p>The policy sets out the process required if a stakeholder has a complaint regarding their treatment in the workplace. It lays down actions which need to be taken and the appropriate timescale.</p>

Scope	This policy applies to employees of RBFRS, and voluntary representative of RBFRS.
Supporting Information	Management Tools - Mediation Process - Managers Guide to Investigating Complaints The Code of Conduct Equality, Diversity and Inclusion Policy Whistleblowing Policy

Revision History			
Revision	Description	Author	Date
7	Full up date of Policy and Procedures	P Walker	Feb 2019

Authorisation	
Approving SLT Member	Becci Jefferies
Approving Director (if required)	Nikki Richards

1. Policy

Bullying, Harassment, Discrimination and Victimisation

RBFRS considers this type of behaviour unacceptable and you should report any incident of bullying, harassment, discrimination and victimisation either towards yourself or others immediately. It is an expectation that employees treat everyone with kindness and respect and recognise and challenge inappropriate behaviour.

2. Definitions

Grievance - If you have an issue with your work, working environment or terms and conditions of employment you should bring this up with your Line Manager who will help you solve the problem.

NB Collective grievances by a group of staff (or made on behalf of a group of staff by their representative body) fall outside the scope of this policy and are dealt with between management and the Trade Union or employee representatives.

Bullying - Workplace bullying is when someone persistently mistreats you in a way that causes you either physical or emotional harm. It can include verbal, non-verbal, psychological, physical

abuse and humiliation.

Harassment - is when someone behaves in a way which offends you or makes you feel distressed or intimidated. This could be abusive comments or jokes, graffiti or insulting gestures.

Discrimination - is when you are treated unfairly because of who you are or because you possess certain characteristics. Under the Equality Act 2010 these characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Victimisation - refers to unfair treatment directed towards you, if you have made or if people think you have made or supported a complaint under discrimination law. It includes situations where a complaint hasn't yet been made but you are being badly treated because it is suspected that you might make one.

If you have concerns that you feel cannot be raised through this policy you can raise a confidential issue through our external 'Say So' hotline or if it is more appropriate to do so, via the Whistleblowing policy

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Specific Examples of Inappropriate Behaviour

The following are examples of inappropriate behaviour (This list is not exhaustive).

- Verbal or physical assault offensive language or comments toward you or others
- Offensive or insulting jokes, banter, gibes, insinuations and graffiti
- Displaying offensive materials including the contents of internet sites
- Inappropriate comments, pictures or videos on public internet 'chat site' or social networking sites
- Persistent intrusive questions about your private life or marital status, sexual interests or orientation, ethnic origin, culture or religion
- Attempts to impose religious or political beliefs on you or other people
- Encouraging others to behave in a way which is discriminatory
- Ridicule or behaviour which demeans you
- Someone mimics you or others or mimics a stereotypical view of a particular group of people
- Unwelcome sexual advances towards you
- Unwelcome physical contact
- Someone spreading rumours or insults, including by communications such as email or copying communications that are critical about someone to others who do not need to know
- Aggression, including swearing, shouting and verbal abuse
- You are excluded from discussions or decision making
- You are not given the training or information you need to do your job

- You are refused time off for religious purposes despite giving sufficient notice of your requirements
- You feel you have been isolated from your team

3. Policy Detail

Royal Berkshire Fire and Rescue Service (RBFRS) believes that everybody should be treated fairly and with respect. We undertake that everybody will be given constructive and supportive assistance throughout their working life with the Service, and all incidents of any inappropriate behaviour will be challenged, investigated and suitable action will be taken. The confidentiality of all those involved will be maintained wherever possible. All stakeholders can trust that their concerns, problems or complaints will be dealt with sensitively and fairly and be resolved as soon as possible. Complaints should ideally be dealt with informally in the first instance, however if the complaint is of a serious nature a formal complaint may be immediately made. If the grievance is not resolved informally, the Employee Complaints Procedure (below) outlines the formal actions to be followed in order to resolve the complaint.

Any grievance or complaint will be settled as near to its source as is possible and within the timescales detailed in the Employee Complaints Procedure which makes up part of this document.

The Employee Complaints Procedure lays out the routes you should follow to raise a complaint and details the three stage process. A summary of the stages is detailed below.

- Informal - Discuss complaint or grievance with your line manager
- Formal - If the informal approach is not successful or you feel the issue warrants a more formal approach you should follow the process outlined below
- Appeal - If you remain dissatisfied with the decision at the formal level you may appeal as outlined below.

Raising a Complaint

Where possible, you should raise complaints informally with your line manager. If you do not feel comfortable speaking to your line manager, speak to another manager or raise the issue with the HR department, who will advise you what you should do. You should raise the complaint as soon as practicable, no later than one month from the date of the incident (or the latest incident if a series of incidents has occurred). Complaints will not be investigated more than three months after the alleged occurrence except in exceptional circumstances (for example long term sickness).

Informal Complaint Process

In order to monitor the nature of complaints within the organisation to support improvements in our service, we would encourage you to complete the Informal Complaint Monitoring Form (available on Siren). This anonymous form will be forwarded to HR on completion and will be logged and destroyed thereafter.

Your line manager will arrange to meet with you to discuss your complaint. Your Line Manager will use the investigation checklist on the reverse of the complaint monitoring form. Having heard your

complaint your line manager will outline the actions to be taken and time frames.

Formal Complaint Process

If you are unhappy with the outcome of your informal complaint or you feel that the complaint is more serious, you can make a formal complaint. In this case, you should submit your complaint in writing using the Formal Complaint Reporting Form. Cases will normally be investigated by your Line Manager, however you have the right to request an Investigating Officer of the same gender for cases involving harassment of a sexual nature. In some cases, i.e. where the complaint concerns the Chief Fire Officer, the matter may be referred to the Fire Authority.

When the Investigating Officer has completed the investigation, you will be informed of the findings in an outcome letter. A meeting can be arranged if necessary.

Where situations raised by third parties are of a serious nature, RBFRS may investigate the issue without receiving a formal complaint. The line manager should ensure that individuals are aware that the action being taken is a managerial decision.

If you are the subject of a complaint you will be notified in writing and will be given the opportunity to respond to the issues raised.

Forms for Completion

Formal Complaints Reporting Form – The first part of the form should be completed by you (the complainant) prior to any formal investigation. The second part of the form serves as a check list for the person investigating the form.

If the Complaint leads to a disciplinary issue, the complaint will be suspended pending the disciplinary outcome. When this has been completed, you will receive an outcome letter from the investigating officer which will outline the findings. A meeting can be arranged if necessary.

Please note, you will not be informed of the specific details in relation to any third party disciplinary or management action nor actions personal to an individual such as additional training or development. You may however be called as a witness to any subsequent investigations or hearings as necessary.

General Issues

Confidentiality and Anonymity

All parties should maintain confidentiality as far as possible given the scope and nature of the investigation.

In bullying or harassment cases you may ask to remain anonymous. However, in practice this is often difficult as all parties involved should be given a fair opportunity to put their case and this may include being given details of your identity and the allegations made by you. If we need to disclose your details and you have asked for anonymity, you will be consulted beforehand and supported throughout the process. If disciplinary action results from the complaint it will be necessary for your identity to be disclosed.

On rare occasions, the matter raised may be so serious that you or someone else is at serious risk, or the act constitutes a breach of legislation. In such cases RBFRS may be obliged to take action despite your wishes. This may include disclosing the information to the police or other statutory or governmental bodies. In this case you will be supported throughout the process.

NB: Allegations raised by the public against an employee or employees are outside of this procedure. Where a complaint or an allegation of bullying and/or discrimination comes from a member of the public, a Complaints form must be completed. The complaint will be fully investigated and appropriate procedures and policies implemented depending on the outcome. If a disciplinary investigation is appropriate the evidence gathered in the complaint investigation will be used as evidence for the investigation.

If you raise a complaint once you have left the organisation it will be treated as an external complaint.

Malicious / Frivolous Complaints:

RBFRS believe that all complaints of inappropriate behaviour should be taken seriously and fully investigated, however in some very rare cases complaints may be brought maliciously. Where the Investigating Officer has a belief that this is the case, they will consult HR before a decision is made. The decision to not progress the complaint will only be made if there is clear evidence to support the allegation of malicious or frivolous intention. If there is any uncertainty a full investigation will be carried out. Complaints that are found to be malicious may potentially lead to disciplinary action.

What will happen at work?

Unless individual circumstances make it difficult, or compliance with the law makes this impossible all work roles will remain the same whilst the issues are resolved.

Timescales

We will endeavour to meet the timescales prescribed within the flow chart (below) but occasionally there may be issues beyond our control which will cause delays. In these cases, all parties will be advised. Investigations will be considered a priority in order to facilitate a prompt solution for the benefit of all parties.

Rights of Appeal

The right of appeal applies to both the person raising the complaint under the Grievance, Bullying and Harassment Policy and those against whom allegations have been brought.

The name of the person to whom you should appeal will be made clear in your outcome letter. You should put your appeal in writing, stating the grounds for the appeal, no later than seven days after you have been informed of the outcome of your complaint.

Your appeal will be heard by a higher level of management than those that investigated the complaint as detailed below:

Level of Initial Investigator	Minimum Level of those hearing the Appeal
Watch Manager / Team Leader	Station Manager / Department Manager
Station Manager	Group Manager A / Department Manager
Group Manager A	Group Manager B / Head of Service
Group Manager B / Department Manager	Area Manager / Head of Service
Area Manager / Head of Service	Deputy Chief Fire Officer / Director
Deputy Chief Fire Officer / Director	Chief Fire Officer
Chief Fire Officer	Fire Authority

The grounds for appeal are:

- The laid down procedure was not followed correctly.
- The issue was not proved on the balance of probabilities
- The actions identified by the Investigating Officer were too severe or not appropriate
- New evidence has come to light since the hearing, which will have an impact on the original decision

Managers hearing appeals will be accompanied where possible by an alternative HR representative to that which advised the original Investigating Officer.

Access to Investigation Reports

You are not entitled to receive a copy of the full final report and any witness statements in their entirety as they may contain personal data, but the Investigating Officer may agree to release part or all of the report where this does not compromise the confidentiality of other people. Details of any disciplinary action arising from the case are considered to be confidential and therefore cannot be made available to you. You will, however, be informed in the outcome letter that your complaint has been upheld or overturned and, in broad terms, the action to be taken.

4. Review

This policy will be reviewed within 2 years of its publication date or when required by a change in circumstances.

Appendix 1 – Employee Complaints process

