



## RBFRS Policy Document

Policy Information	Details
Policy Name	Grievance, Bullying and Harassment Policy
Author	HR Adviser
Owner	Head of HR and L&D
Protective Marking	Official
Version	
Status	Contractual Minor change only – no formal consultation required
Issue Date	
Review Date	2 Years from issue date

<b>Policy Statement</b>	<p>Royal Berkshire Fire and Rescue Service (RBFRS) values and celebrates diversity and believes that everybody should be treated with dignity and respect without the fear of discrimination, harassment or bullying. Employees are expected to model positive behaviours by treating everyone with dignity and respect and recognising and challenging inappropriate behaviours.</p> <p>RBFRS has a zero tolerance approach to all forms of discrimination and expects that everybody will report any incident of bullying, harassment, discrimination and victimisation either towards themselves or others immediately.</p> <p>All incidents of any inappropriate or unacceptable behaviour will be challenged, investigated and suitable action will be taken. The confidentiality of all those involved will be maintained wherever possible. All individuals can trust that their concerns, problems or complaints will be dealt with sensitively and fairly and be resolved as soon as possible.</p> <p>If an employee has concerns they feel cannot be raised through this policy, these can be raised through RBFRS' external 'Say So' hotline or if it is more appropriate to do so, via the Whistleblowing policy.</p>
<b>Purpose</b>	<p>The policy sets out the process individuals can follow should they have a complaint regarding their own or another's treatment in the workplace. It lays down actions which need to be taken and the appropriate timescales.</p>
<b>Scope</b>	<p>This policy applies to all employees of RBFRS, and voluntary representatives of RBFRS.</p>
<b>Supporting Information</b>	<p>Management Tools</p> <ul style="list-style-type: none"> <li>- Mediation Process</li> <li>- Managers Guide to Investigating Complaints</li> </ul> <p>Equality, Diversity and Inclusion Policy</p> <p>Whistleblowing Policy</p> <p>Trans Equality Policy</p> <p>Employee Code of Conduct</p> <p>Behavioural Competency Framework</p>

<b>Revision History</b>			
Revision	Description	Author	Date

<b>Revision History</b>			
v8	Added to new policy template, general review and removal of repetition	HR Adviser	09/04/2021
v9	Inclusion of information on dual discrimination and expansion of specific examples of inappropriate behaviour.	HR Adviser	17/08/2021

<b>Authorisation</b>	
<b>Approving SLT Member</b>	Becci Jefferies
<b>Approving Director (If Required)</b>	Nikki Richards

**Contents**

Policy Information ..... 1

Policy Statement ..... 2

Purpose..... 2

Scope..... 2

Supporting Information..... 2

Revision History ..... 2

Authorisation ..... 3

Policy Detail ..... 5

    Definitions..... 5

        Grievance ..... 5

        Bullying ..... 5

        Harassment ..... 5

        Discrimination ..... 5

        Dual Discrimination ..... 5

        Victimisation..... 5

    Specific Examples of Inappropriate Behaviour ..... 5

Employee Complaints Procedure ..... 6  
    Raising a Complaint..... 6  
    Stage 1 - Informal Complaint ..... 7  
    Stage 2 - Formal Complaint ..... 7  
    Stage 3 – Appeal ..... 7  
General Issues ..... 8  
    Disciplinary Issues ..... 8  
    Confidentiality and Anonymity..... 8  
    Malicious / Frivolous Complaints ..... 9  
    Access to Investigation Reports..... 9  
    Sources of Support ..... 9  
Review ..... 10  
    Appendix 1 – Employee Complaints Process..... 11

## **Policy Detail**

### **Definitions**

#### **Grievance**

Grievances are issues employees may have with their work, working environment or terms and conditions of employment.

Note - 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 and/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**

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**

Discrimination is when you are treated unfairly because of who you are, because you possess certain characteristics, because you are perceived as holding a certain characteristic or if you are a friend or family member who holds a certain characteristic. 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.

#### **Dual Discrimination**

Dual discrimination is when you are treated less favourably because of a combination of two protected characteristics (for example a homosexual woman).

#### **Victimisation**

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.

### **Specific Examples of Inappropriate Behaviour**

The following are examples of inappropriate behaviour (note, this list is not exhaustive).

- Bullying and/or harassment based on a particular characteristic or protected characteristic
- Using stigmatising language or behaviours
- 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
- 'Virtual' harassment remotely over remote video meetings/workplace chat forums
- 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
- Unnecessary references to sexual orientation or gender identity
- 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 or others
- Someone mimics you or others or mimics a stereotypical view of a particular group of people
- Unwelcome sexual advances
- 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 and 'outing' someone without their permission
- Aggression, including swearing, shouting and verbal abuse
- Exclusion of individuals from discussions or decision making
- Not providing individuals the training or information you need to do your job
- Refusing employees time off for religious purposes despite them giving sufficient notice of their requirements
- Isolating employees from other members of the team

## **Employee Complaints Procedure**

Any grievances or complaints should ideally be dealt with informally in the first instance, however if the complaint is of a serious nature or cannot be resolved informally a formal complaint may be immediately made. If an employee has concerns they feel cannot be raised through this policy, these can be raised through RBFRS' external 'Say So' hotline or if it is more appropriate to do so, via the Whistleblowing policy

Any grievance or complaint will be settled as near to its source as is possible and within the timescales detailed in Appendix 1. Wherever possible, those investigating the complaint will endeavour to meet the timescales prescribed in Appendix 1. However there may occasionally be times that issues beyond the control of the investigating officer will cause delays – where this is the case all parties will be advised. Investigations will be considered a priority in order to facilitate a prompt solution for the benefit of all parties.

### **Raising a Complaint**

If employees wish to raise a complaint, the three stage process detailed below should be followed.

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).

Unless individual circumstances make it difficult, or compliance with the law makes this impossible employee will remain in their current role and at their current workplace whilst the issues are resolved.

### **Stage 1 - Informal Complaint**

Discuss the complaint or grievance with your line manager.

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](#) . 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.

### **Stage 2 - Formal Complaint**

If you are unhappy with the outcome of your informal complaint or you feel that the complaint is more serious and warrants a more formal approach, you can make a formal complaint. In this case, you should submit your complaint in writing using the [Formal Complaints 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, RBFRRS 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.

### **Stage 3 – Appeal**

If you remain dissatisfied with the decision at the formal level you may appeal as outlined below.

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:

<b>Level of Initial Investigator</b>	<b>Minimum Level of those hearing the Appeal</b>
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.

**General Issues**

**Disciplinary Issues**

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.

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.

**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.

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.

### **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.

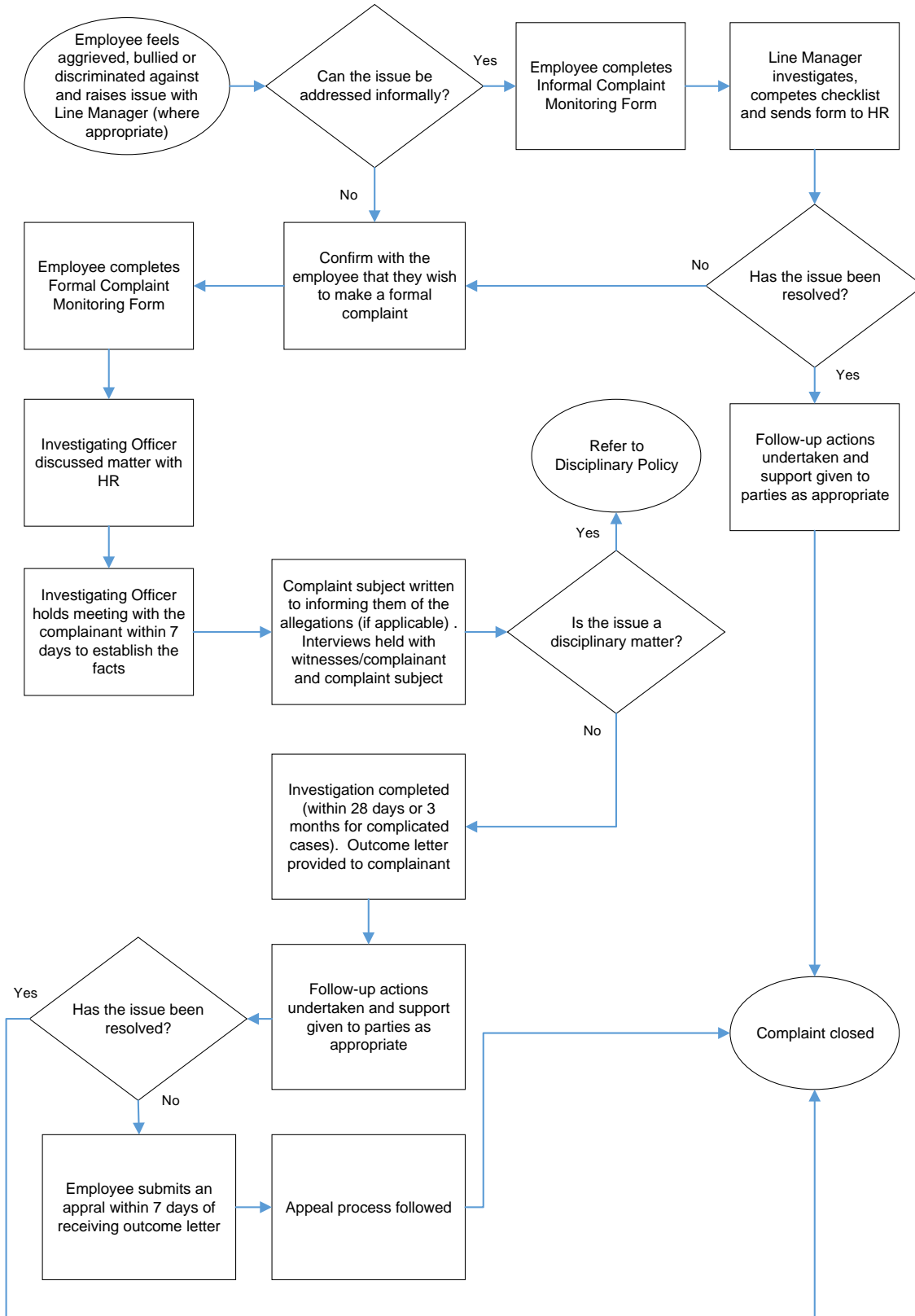
### **Sources of Support**

In addition to the support provided through this policy, employees are reminded of the additional sources of support available through the Employee Assistance Programme (details are available on Siren), Trade Unions and the Blue Light Champions.

**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



## Initial Equality Impact Assessment

Please complete the below if making significant revisions or this is a new policy.

<b>Name and Role of Person Completing Assessment:</b> Lucy Greenway		<b>Date of Assessment:</b> 10/11/2021
1. Who is intended to benefit from this policy/service, and in what way?	This policy outlines the behaviours expected from employees and provides examples of unacceptable behaviour. It outlines the process for dealing with employee complaints, which ensures all complaints are dealt with effectively, fairly and consistently. It also ensures all individuals understand the expected levels of conduct and behaviour.	
2. Who are the main stakeholders in relation to the policy/service? (e.g. applicants, service users, member of the public, RBFRS employees, partner organisations)	RBFRS employees and voluntary representatives	
<b>Please briefly describe any potential impacts (neutral, positive, negative) of the policy / revisions of the policy on the groups below:</b>		
Sex (Men and Women)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.	
Race (All Racial Groups)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.	
Disability (Mental, Physical, and Carers of Disabled people)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.	
Religion or Belief	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.	

Sexual Orientation (All diverse sexual orientations)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
Pregnancy and Maternity (Includes new mothers and those returning to the workplace)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
Marital Status (Married and Civil Partnerships)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
Trans People (Includes non-binary identities and all other diverse gender identities/expressions)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
Age (People of all ages)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
People in different family circumstances (including those with caring responsibilities)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
People in different social circumstances (including socio-economic factors i.e. poverty and isolation)	Positive – this policy is designed to offer equality protection for all groups, and provides a process for any concerns or issues relating to discriminatory behaviour can be addressed effectively.
Different employee groups (including consideration of on-call staff, grades, contract status. Also consider non-employee groups i.e. casual workers, volunteers)	Positive

Other – this may include consideration of other factors as relevant to the activity such as unemployment, homelessness, urbanisation, rurality, health inequalities

Positive

**If any potential negative impacts have been identified you must complete a full Equality Impact Assessment ([Form 280](#)) before publication.**