

TREATING PEOPLE WITH RESPECT

**PREVENTING BULLYING AND HARASSMENT AT WORK
POLICY****1.0 INTRODUCTION**

- 1.1 This policy is intended to apply to all Bournemouth Borough Council employees and elected members of the Council. The Governing Bodies of schools are encouraged to support these principles and are recommended to adopt this policy.

2.0 DEFINITION OF TERMS**2.1 BULLYING**

- 2.1.1 'Offensive, intimidating, malicious, insulting or humiliating behaviour, abuse of power or authority which attempts to persistently undermine an individual or a group of staff and which may cause them to suffer stress.'
- 2.1.2 Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on its target(s).
- 2.1.3 At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure. Examples of bullying behaviour could include:-
- persistently criticising an individual unnecessarily;
 - shouting at colleagues in public or private;
 - deliberate isolation by ignoring or excluding a person;
 - withholding information or removing areas of responsibility without justification;
 - spreading malicious rumours;
 - making inappropriate personal comments;
 - blocking leave or training applications without valid reason;
 - setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
 - deliberate misrepresentation of the views of senior management;
 - undermining a person's self respect by condescending, patronising or threatening treatment that humiliates, intimidates or demeans.
 - sending menacing text messages.

2.2 HARASSMENT

2.2.1 Harassment, in general terms, can be defined as a range of behaviour which is demeaning and offensive to the person to whom it is directed. The behaviour displayed will vary according to the type of harassment that is taking place. This could be on the basis of:

2.2.2 **Age**

Ridicule or demeaning behaviour based on stereotypical perceptions and prejudices about a person's age and experience.

2.2.3 **Disability**

Undignified treatment, ridicule or exclusion of people because of their disability, vulnerability or actual or perceived reduced independence

2.2.4 **Gender**

Unwanted conduct of a sexual nature, or other conduct based on sex affecting the dignity of women and men at work.

2.2.5 Repeated and unwanted verbal advances, sexually explicit derogatory statements or sexually discriminating remarks made by someone in the workplace which are offensive to the worker involved, which cause the worker to feel threatened, humiliated, patronised or harassed or which interfere with the worker's job performance, undermine job security or create a threatening or intimidating environment.

2.2.6 **Race**

An act or series of actions directed at a person or group of people because of their colour, race, nationality or ethnic origin. It can range from creating an uncomfortable or unpleasant atmosphere, using racist language to physical abuse.

2.2.7 **Religion**

Socially unacceptable behaviour which fails to tolerate or acknowledge the rights or needs of individuals with different religious convictions, beliefs and practices

2.2.8 **Sexual Orientation**

Behaviour which condemns, ridicules or excludes individuals, on the basis of their sexual orientation.

2.2.9 Harassment can occur for other reasons also. Nobody is immune from harassment but individuals or groups who are perceived as different or lacking power are particularly at risk.

2.2.10 Employees can be harassed by their managers, colleagues, or subordinates. Sometimes, individuals are harassed by groups and vice versa.

2.3 Forms of Harassment

2.3.1 The following list is not exhaustive but illustrates the sorts of behaviour which may amount to harassment.

- Physical, e.g. unnecessary touching, pushing, assault.
- Seeking or demanding sexual favours
- Coercion to participate in political or religious groups
- Verbal, e.g. shouting, abuse, name calling, using offensive/racist language, joking at the victim's expense, public humiliation, spreading rumours.
- Non verbal, e.g. ignoring or isolating the person, making aggressive or obscene gestures, displaying offensive posters or notices.
- Electronic communication eg. E mail abuse, offensive text messages, nuisance calls

2.3.2 The reaction of the alleged perpetrator is critical. Comments which one person may regard as normal office banter, another may find distressing and/or offensive.

Complainant	The individual who feels subjected to bullying/harassment
Alleged Perpetrator	The individual(s) said to be bullying/harassing another individual(s)
External Investigating Officer	Independent contractor appointed by the Authority/School

3.0 STATEMENT OF PRINCIPLES

3.1 Bournemouth Borough Council/The School fully supports the right of all people to be treated with dignity and respect at work. The purpose of this policy is to assist in developing a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying should it arise, in the knowledge that their concerns will be dealt with appropriately, fairly and in a timely fashion.

3.2 The following principles apply to the Authority's/School's procedures on bullying and harassment in the work place:

- Employees who feel they are being harassed or bullied have the right to make a complaint and will have the opportunity to access appropriate support.
- Allegations of harassment or bullying will be treated seriously and confidentially.
- Complaints will be dealt with fairly and promptly.

- Employees shall be given a fair and impartial hearing whether they are the complainant or the person against whom a complaint is made.
- Where counselling or staff care advice is needed, the Authority/School will provide appropriate information and support.
- Intimidation, victimisation or discrimination for making or being involved in a complaint will not be tolerated.
- Retaliation against an employee for complaining about or assisting in an investigation of bullying is a disciplinary offence.
- Disciplinary action (which may include dismissal in serious cases) will be taken against any employee who is found to have bullied or harassed another employee.
- The Authority/School recognises that bullying and harassment can affect job performance and cause stress. Where bullying/harassment is identified as a cause of deterioration in job performance, this will be recognised and dealt with appropriately.
- Employees suffering from stress caused by bullying or harassment will be encouraged to seek help under the terms of this policy and will have access to the Occupational Health Service if appropriate.
- Support will be given to individuals who have recognised the need to adapt their own behaviour in dealing with staff, including professional advice.
- The process of performance reviews, work evaluation and disciplinary measures taken by the employer for any valid reason, do not constitute bullying or harassment in the work place.
- Statistics on the number of incidents of bullying/harassment reported will be collated for the purpose of monitoring the effectiveness of this policy and its procedures.
- The Prevention of Bullying and Harassment at Work policy will be monitored and reviewed on a regular basis to ensure that it continues to meet the Authority's/Schools aims and complies with these principles. Staff and Trade Unions will be encouraged to be involved in this process.

3.3 Bournemouth Borough Council/The School expects all employees and elected Members to:

- Comply with this policy and to assist in creating a working environment, which is free from fear and unacceptable behaviour.
- Be aware of their own conduct and consider how others might perceive their actions or words.
- Co-operate fully with any complaints procedure.

3.4 Bournemouth Borough Council/The School expects all managers and supervisors to:

- Take appropriate preventive or corrective action and to put a stop to any harassment they are aware of, whether or not a complaint is made. Failure to take appropriate action may result in disciplinary measures being imposed on the manager as well as the alleged perpetrator.

3.5 Other Supporting Policies

- 3.5.1 Bournemouth Borough Council/The School also recognises that it has a responsibility to protect employees from bullying at work by members of the public. All staff have the right to be treated with respect by the public they provide services to. Bullying and harassment of staff by members of the public are dealt with in a separate policy on 'violence to staff'.

In addition, the Authority has other relevant policies. These include:

- Managing Stress at Work
- Equal Opportunities Policy
- Violence to Staff
- Standards of Conduct
- Attendance at Work
- Grievance Procedure
- Disciplinary Procedure

4.0 WHAT DOES NOT CONSTITUTE BULLYING BEHAVIOUR

- 4.1 It is important to distinguish harassment or bullying from a legitimate firm management style and what constitutes an unacceptable abuse of power.

- 4.2 In order to carry out their role, it is necessary for managers to:

- Issue instructions to employees
- Set work related targets and objectives for employees and monitor their achievement.
- Set standards of workplace performance and behaviour for their employees and monitor compliance.
- Address poor performance.
- Monitor absences through the Council's/School's Attendance at Work policy.

- 4.3 The above managerial functions **do not** constitute harassment, even if any concerns have to be raised repeatedly with an individual. These activities should be carried out in a manner which does not undermine the dignity of employees and will only constitute as harassment if the manager behaves unreasonably, unfairly and/or aggressively.

5.0 ROLES & RESPONSIBILITIES

5.1 A Shared Responsibility

- 5.1.1 Bullying or Harassment is not acceptable under any circumstances within the Authority/School.
- 5.1.2 All managers and employees share responsibility for understanding and preventing harassment in the workplace. Everyone has a responsibility to behave in a way that is not offensive to others.
- 5.1.3 Everyone has a responsibility to acknowledge that views, opinions held by others and decisions made by managers and supervisors may not always coincide with their own; such differences are unlikely to constitute harassment.

5.2 Employees & Members:

- 5.2.1 It is every individual's responsibility not to practice, encourage, incite, or condone any form of behaviour which may be viewed by others as bullying or harassment. In a case where an individual is in doubt that behaviour might be viewed by another as harassment then s/he should ask. Behaviour by a person which was not previously considered unwelcome by the recipient may become so for various reasons. In this case, the recipient must state that it is unwelcome as soon as it becomes so.
- 5.2.2 Individuals can do much to discourage harassment even when it is not happening to them personally, by making it clear that they find such behaviour unacceptable, by refusing to collude or accept it in any way when it occurs, and by supporting colleagues who suffer such treatment and are considering making a complaint. Individuals who witness harassment should bring it to the attention of management or Personnel Services.
- 5.2.3 Any individual, regardless of grade or position, found to be responsible for inciting, perpetrating or condoning harassment may face disciplinary action, which may lead to dismissal.
- 5.2.4 In addition, the alleged perpetrator can be held personally liable if the person who has been harassed undertakes legal proceedings via an employment tribunal or other channel. In some cases the harasser may have committed a criminal act and be liable for prosecution.
- 5.2.5 Whilst the Authority/School will always take these matters seriously, if it transpires that a individual claiming harassment has deliberately misled the Authority/School or that a complaint has been made maliciously, this will be deemed to be gross misconduct and disciplinary action will be taken.

5.3 Managers

- 5.3.1 All staff in managerial or supervisory roles have a responsibility to promote a culture free from unacceptable behaviour and to react to any allegations of harassment / bullying as quickly as possible.

5.3.2 Those who have the authority to prevent or discourage harassment may be held accountable for failing to do so. This accountability extends to anyone in a management or supervisory position.

5.3.3 Managers must ensure that:

- They fully understand the Authority's/School's Prevention of Bullying & Harassment at Work policy, have attended appropriate training and are therefore able to offer advice on the procedure when required to do so.
- They advise and inform their team to increase awareness and understanding of the policy
- Their work environment is free of inappropriate material which could cause offence (e.g. Pinups).
- They are alert to physical and verbal harassment in their work area and deal with it immediately, whether or not it is brought formally to their attention.
- They maintain, at all times, complete confidentiality relating to all aspects of cases of harassment and do not mention or discuss the case unnecessarily with any person not involved in its investigation.

5.4 Complainants

5.4.1 Complainants have the right:

- To be accompanied by a trade union representative or work colleague during the interview and
- Not to be subject to intimidation, victimisation or discrimination for making a complaint under this policy

5.4.2 It is the responsibility of the complainants:

- To immediately make known, if possible, their disapproval or unease to the individual;
- To follow all procedures under this policy;
- To co-operate with all those responsible for dealing with the investigation of the complaint; and
- To maintain confidentiality

5.5 Alleged Perpetrators

5.5.1 Have the right:

- To be informed that a complaint has been made;

- To be presented with a written statement of allegations and to be afforded an opportunity to respond to them within an agreed timescale; and
- To be accompanied by a trade union representative or work colleague during their interview

5.5.2 It is the responsibility of the alleged perpetrator:

- To follow all procedures under the policy;
- To co-operate with all those responsible for dealing with the investigation of the complaint; and
- To maintain confidentiality

5.6 Prevention of Bullying Advisers

5.6.1 The Authority/School recognises that there can be difficulties in raising the issue of bullying. The following are examples, but not an exhaustive list:

- If the immediate line manager is allegedly doing the bullying.
- If the employee is reluctant or too embarrassed to raise the matter with their manager, or feel the manager may lack the skills, knowledge or sensitivity to deal with complaints of bullying or harassment.
- If the employee finds the prospect of using the formal grievance procedures intimidating.

5.6.2 The Authority/School is concerned to ensure that such potential difficulties are overcome and that allegations of bullying are raised so that they can be acted upon.

5.6.3 To help ensure this, specially trained officers have been designated to deal with complaints of bullying and to offer advice to employees who believe that they or their colleagues have been bullied or harassed. These officers are known as 'Prevention of Bullying Advisers'.

5.6.4 An employee who comes to a Prevention of Bullying Adviser to talk about bullying is under no obligation to take further action.

5.6.5 The main role of the Prevention of Bullying Adviser is to:

- Provide impartial, sympathetic assistance to employees with complaints of bullying.
- Establish the main details of any complaint.
- Discuss with the employee, ways in which the matter could be resolved.

- Support employees by agreeing to accompany them when they 'confront' the alleged bully or when they raise complaints with their managers.
 - Encourage, where appropriate, the early intervention of mediation services.
 - Explain to the employee how the procedures for making a complaint operate.
 - Channel the complaint to Personnel Services or School's Personnel provider for action if the employee decides to take the matter further.
- 5.6.6. Prevention of Bullying Advisers will be appropriately trained to undertake their role, however they are not trained mediators and where this service is required, referrals will be made through Personnel Services or the Schools Personnel provider to an external service provider.
- 5.6.7 Employees can contact **any** of the Authority's Prevention of Bullying Advisers. The Advisers do not act specifically on behalf of their own Directorate or School.
- 5.6.8 Employees who have been bullied are not obliged to refer their complaints to Prevention of Bullying Advisers; it is entirely up to them whether they do so. However, the nomination of these Advisers is an additional means of ensuring that such employees are not discouraged from bringing forward complaints.
- 5.6.9 A list of Prevention of Bullying Advisers can be found at Appendix A.

5.7 Trade Union Representatives

- 5.7.1 Trade Union representatives will offer advice or support to members who feel that they have been bullied or harassed. This will include supporting members in taking complaints forward.
- 5.7.2 The Authority/School encourages all Trade Union members who are concerned about bullying or harassment to speak to their Trade Union representatives.
- 5.7.3 Bournemouth Borough Council/The School:
- Will allow Trade Union representatives and members paid time off to attend union approved training courses on bullying and harassment.
 - Will support the Trade Unions' activities on raising awareness and tackling the issue of bullying/harassment amongst their members.
 - Recognises that stress at work in general could contribute to work place bullying and harassment, and is committed to jointly agreeing with the Trade Unions' ways of tackling stress and implementing the Health and Safety Executive's guidance set out in the Managing Stress at Work policy.

- Will consult with the Trade Unions in good time over any proposals that may alter the Terms and Conditions of Employment of staff.
- Is committed to preventing any bullying, harassment or victimisation of trade union activists or members because of their trade union activities.

5.8 Mediators

- 5.8.1 Mediation is a process in which the mediators help people who are in dispute to work together to solve their problem. The solution is chosen, negotiated and agreed by the people themselves.
- 5.8.2 The mediators are impartial and do not act on behalf of either or any of the parties involved and they are not there to give advice. Their role is to help to provide a secure atmosphere in which everyone is able to work towards a solution. If a joint mediation meeting takes place it will be at a neutral venue which is convenient for both or all parties.
- 5.8.3 The mediators will not take over the problem. They use certain steps to help find a range of possibilities for dealing with the problem. When an agreement is reached this can be verbal or written. A report detailing the outcomes or agreements reached will not be provided to the Authority/School unless both parties request and are in agreement with this happening or if there is a legal requirement or serious issue of safety. Contact will be made with both parties, in the form of a follow up review, two and six weeks after a conclusion has been reached.

5.9 Personnel Officers

5.9.1 Personnel Officers shall:

- Appoint an external Investigating Officer (where agreed) as soon as possible;
- Consult with the Investigating Officer to set a reasonable time frame for the completion of the investigation;
- Provide advice and support to the Investigating Officer where required;
- Ensure the Business Unit Head/Head Teacher is informed of the findings of the investigation in a timely fashion;
- Assist the Business Unit Head/Head Teacher in determining an appropriate course of action;
- Arrange timely follow up reviews where appropriate.

(In Schools, this is only applicable to those that buy back the Personnel Service).

6.0 Step 4 – Mediation

- 6.1 If the matter has not been resolved, as both parties cannot reach a satisfactory agreement as a result of steps 1, 2 or 3, it may be appropriate for both/all parties involved to be referred to the Mediation service. There will be an expectation that the employee will have attempted to follow steps 1, 2 and 3 before this is done.
- 6.2 Referrals can only be made with the consent of both/all parties and will be made via Personnel Services by either:
- The Line Manager/Senior Manager
 - Prevention of Bullying Adviser
 - Trade Union representative
 - Staff Care Officer
- 6.3 When both/all parties are in agreement, Personnel Services will make appropriate arrangements for a trained mediator to contact both/all parties. The mediator will make initial contact within three working days of the referral being made and a conclusion will attempt to be reached within 20 working days from first contact.
- 6.4 Refer to the role of the Mediator (see policy).

7.0 Step 5 – Making a written, formal complaint

- 7.1 Step 5 of this procedure is adopted when steps 1 to 4 have been exhausted but the bullying/harassment continues, and/or the bullying is of such a serious nature that it would not be appropriate to follow steps 1 to 4. (Where this is considered to be the case, advice should be sought from Personnel Services in the first instance).
- 7.2 If the employee has not previously done so, they should raise the matter with any or all of the following:
- Line manager/Senior Manager
 - Prevention of Bullying Adviser
 - Trade Union representative
 - Personnel Officer
- 7.3 A formal complaint must be written and signed by the employee and it should provide an accurate account of the incident or incidents of harassment including times, places and the names of any witness(es). This complaint must be submitted to the line manager (or senior manager if more appropriate).
- 7.4 The employee may choose, as an alternative route, to raise a grievance under the Authority's/School's Grievance procedures. The employee must be clear about which process they wish to follow as recourse to any other complaints procedure (under other policies) for the same issues, will not be possible.

- 7.5 At this stage of the process, all cases, if they have not already done so, will be referred to Personnel Services.
- 7.6 Throughout steps 5 to 8 the complainant and the person against whom the complaint is made, will have the right to be accompanied by a trade union representative or by a work colleague or to seek advice from any of the Authority's Prevention of Bullying Advisers.
- 7.7 Trade Union members should be aware that if the complainant and the person against whom the complaint is made are both members of the same branch, they cannot both be represented by the same person. Where this is the case, the Unions will offer representation from an alternative steward.

8.0 Step 6 – Investigating the Complaint

- 8.1 Personnel Services will be responsible for initiating an investigation by an external Investigator and will ensure that the alleged bully is informed in writing of the complaint made against him/her. He/she will be given the opportunity to respond.
- 8.2 The Investigator will respond to a request within three working days of the referral being made and will arrange, as soon as possible, to interview separately both the complainant, and the person against whom the complaint has been made, together with any witnesses and other parties involved. The purpose of these interviews is to obtain all relevant information prior to reaching a decision as to how to resolve the issue.
- 8.3 The investigation will be thorough, impartial and objective with an intention to complete the investigation within a four-week period (20 working days). Individual circumstances may unavoidably alter these timescales.
- 8.4 All members of staff will be entitled to have a work colleague, Prevention of Bullying Advisor or trade union representative present while being interviewed.

9.0 Step 7 – The Outcome of the Investigation

- 9.1 Once the investigation is complete, the Investigating Officer will report his/her findings in writing to Personnel Services within ten working days of the final interview having been conducted. The report will state whether the complaint is upheld and the evidence upon how this conclusion has been reached. In addition, the report may set out options or recommendations but it will be the responsibility of the Business Unit Head/Head Teacher in consultation with Personnel Services to determine what action to take (unless the Business Unit Head or Head Teacher is the alleged perpetrator).
- 9.2 A copy of the report will be given to the Business Unit Head/Head Teacher, the line manager (or Senior Manager), the complainant and the alleged perpetrator.
- 9.3 The Business Unit Head/Head Teacher will arrange to see the parties concerned to discuss the conclusions, consider any views on the report which

either party make wish to make and agree a way forward. Both parties may choose to be represented at this meeting.

9.4 If the complaint is upheld

- 9.4.1 If the complaint is upheld then all appropriate action will be taken to ensure that the harassment stops and relevant steps are taken to prevent it reoccurring in the future.
- 9.4.2 Disciplinary action may be taken against the alleged perpetrator which may result in the dismissal of that person.
- 9.4.3 If the complainant and the perpetrator are required to work together in close proximity, and if the perpetrator's employment is not terminated, the Authority/School will investigate sensitively the options for separating the complainant and the perpetrator to avoid any victimisation or recurrence of the offence.
- 9.4.4 Where appropriate, training and/or counselling will be offered to the perpetrator to assist him/her in understanding how to avoid repeating the offending behaviour. Counselling will also be offered to the complainant.
- 9.4.5 It must be noted that the perpetrator, their supervisors and their managers may be held personally liable in the event of any legal proceedings.

9.5 If the complaint is not upheld

- 9.5.1 If the complaint is not upheld, reasons will be given for how this conclusion has been reached to all parties.
- 9.5.2 The Authority/School may choose to separate the complainant and the other person involved in the interests of harmonious employee relations.
- 9.5.3 If it transpires that the complainant has deliberately misled the Authority/School or a complaint has been made maliciously and in bad faith, this will be deemed to be potential gross misconduct and disciplinary action will be taken.

9.6 The Outcome

- 9.6.1 The complaints process will cease when the investigation has been undertaken and the final report received.
- 9.6.2 The complainant and the alleged perpetrator have the right to appeal against the way the complaint has been dealt with but **not the outcome of the complaint.**

9.7 Appeals

- 9.7.1 Appeals should be put in writing to the Head of Personnel Services/Head Teacher (or Chair of Governors where the Head Teacher is the perpetrator) within ten working days from their receipt of the report.

10.0 Step 8 – Follow up Reviews

- 10.1 Approximately six months from the conclusion of the complaint, Personnel Services will be responsible for writing to both parties to arrange a follow up review. The purpose of the review is to establish whether issues have been resolved and if any further support can be provided. Both parties will have the option to choose how they would like the format of the review to be, i.e. telephone discussion, individual meeting or joint meeting and who they would like to attend, i.e. Prevention of Bullying Advisor, Trade Union representative, work colleague, etc.

TREATING PEOPLE WITH RESPECT

**PREVENTING BULLYING AND HARASSMENT AT WORK
PROCEDURES****1.0 General Principles**

- 1.1 Employees are encouraged to follow each step of this process. If the matter can be dealt with at an early stage, this may be beneficial to all concerned. For this reason, employees may choose to either start at step 1 or go straight to step 2.
- 1.2 If the employee wishes to be supported or accompanied whilst raising a complaint, the alleged perpetrator must also be offered the opportunity to be supported/represented during the meeting.
- 1.3 It is recognised, that in cases of serious misconduct, the employee may need to go straight to step 5. Where this is considered to be the case, advice should be sought from Personnel Services in the first instance.
- 1.4 If, at any point in the process, there is clear evidence that the alleged perpetrator is guilty of gross misconduct, this process will be suspended and the matter dealt with in accordance with the disciplinary procedures.

2.0 Keeping a Written Record

- 2.1 Employees who believe that they are being bullied or harassed should keep a written record of the alleged incidents. The record should, where possible, include the date and time of the incident(s), details of what was said or done, and names of any witnesses who were present. This record may be needed as evidence should harassment continue or subsequently reoccur.

3.0 Step 1 – Discussion with the alleged perpetrator

- 3.1 Many problems of harassment can be solved in the early stages. This will be particularly true if the individual is unaware that their behaviour is causing offence.
- 3.2 Employees who feel that they have been harassed in a way that breaches this policy may wish, if they feel comfortable enough, to tell the alleged perpetrator how they feel.
- 3.3 The following steps provide some guidance on how to do this:
 - Plan what you want to say. Choose a suitable time and place when you can talk without interruption or being overheard. This does not mean waiting until everyone has gone home.
 - Be specific about their behaviour. Have an example ready to support what you are saying.

- Say how you felt, how it affected you. Were you hurt, embarrassed, humiliated, angry?
- You do not have to justify why you were offended or why you want things to change.
- Do not discuss or debate their behaviour with them.

3.4 Alternatively the above steps could be carried out in a written format.

4.0 Step 2 – Seeking Advice / Support

4.1 If the situation persists or the employee feels they cannot approach the person causing the problem, then they may choose to contact someone who can listen to their concerns, support them in raising their complaint and advise them about this policy and the complaints procedure. This person may be any one of the following:

- Line Manager / Senior Line Manager
- Prevention of Bullying Adviser
- Trade Union representative
- Staff Care Officer
- Personnel Officer

4.2 Employees may choose to be accompanied by a work colleague or a trade union representative whilst approaching any of these people.

4.3 An employee who raises a bullying issue is not under any obligation to take further action. Equally, employees should be made aware that action cannot be taken if they choose not to pursue a complaint, unless there is a legal requirement to do so.

4.4 Confidential advice is also available to other employees who themselves may not be the subject of bullying but are concerned about the bullying of others.

5.0 Step 3 – Line Manager

5.1 The employee's line manager (or senior manager if the line manager is the alleged perpetrator) should be made aware of the complaint and the manager will be expected to meet with both parties separately so that he/she can understand the complaint as soon as possible but then try to hold a joint meeting to achieve an end to the unacceptable behaviour.

5.2 Either party may be accompanied by a work colleague, trade union representative or Prevention of Bullying Adviser if they wish to.

5.3 The manager is encouraged, where appropriate, to seek advice from Personnel Services.

3.4 Bournemouth Borough Council/The School expects all managers and supervisors to:

- Take appropriate preventive or corrective action and to put a stop to any harassment they are aware of, whether or not a complaint is made. Failure to take appropriate action may result in disciplinary measures being imposed on the manager as well as the alleged perpetrator.

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 - Encourage, where appropriate, the early intervention of mediation services.
 - Explain to the employee how the procedures for making a complaint operate.
 - Channel the complaint to HR Operations or School's HR provider for action if the employee decides to take the matter further.
- 5.6.6. Prevention of Bullying Advisers will be appropriately trained to undertake their role, however they are not trained mediators and where this service is required, referrals will be made through HR Operations or the Schools HR provider to an external service provider.
- 5.6.7 Employees can contact **any** of the Authority's Prevention of Bullying Advisers. The Advisers do not act specifically on behalf of their own Business Unit or School.
- 5.6.8 Employees who have been bullied are not obliged to refer their complaints to Prevention of Bullying Advisers; it is entirely up to them whether they do so. However, the nomination of these Advisers is an additional means of ensuring that such employees are not discouraged from bringing forward complaints.
- 5.6.9 A list of Prevention of Bullying Advisers can be found at Appendix A.

5.7 Trade Union Representatives

- 5.7.1 Trade Union representatives will offer advice or support to members who feel that they have been bullied or harassed. This will include supporting members in taking complaints forward.
- 5.7.2 The Authority/School encourages all Trade Union members who are concerned about bullying or harassment to speak to their Trade Union representatives.
- 5.7.3 Bournemouth Borough Council/The School:
- Will allow Trade Union representatives and members paid time off to attend union approved training courses on bullying and harassment.
 - Will support the Trade Unions' activities on raising awareness and tackling the issue of bullying/harassment amongst their members.
 - Recognises that stress at work in general could contribute to work place bullying and harassment, and is committed to jointly agreeing with the Trade Unions' ways of tackling stress and implementing the Health and Safety Executive's guidance set out in the Managing Stress at Work policy.

- Will consult with the Trade Unions in good time over any proposals that may alter the Terms and Conditions of Employment of staff.
- Is committed to preventing any bullying, harassment or victimisation of trade union activists or members because of their trade union activities.

5.8 Mediators

- 5.8.1 Mediation is a process in which the mediators help people who are in dispute to work together to solve their problem. The solution is chosen, negotiated and agreed by the people themselves.
- 5.8.2 The mediators are impartial and do not act on behalf of either or any of the parties involved and they are not there to give advice. Their role is to help to provide a secure atmosphere in which everyone is able to work towards a solution. If a joint mediation meeting takes place it will be at a neutral venue which is convenient for both or all parties.
- 5.8.3 The mediators will not take over the problem. They use certain steps to help find a range of possibilities for dealing with the problem. When an agreement is reached this can be verbal or written. A report detailing the outcomes or agreements reached will not be provided to the Authority/School unless both parties request and are in agreement with this happening or if there is a legal requirement or serious issue of safety. Contact will be made with both parties, in the form of a follow up review, two and six weeks after a conclusion has been reached.

5.9 HR Officers

5.9.1 HR Officers shall:

- Appoint an external Investigating Officer (where agreed) as soon as possible;
- Consult with the Investigating Officer to set a reasonable time frame for the completion of the investigation;
- Provide advice and support to the Investigating Officer where required;
- Ensure the Business Unit Head/Head Teacher is informed of the findings of the investigation in a timely fashion;
- Assist the Business Unit Head/Head Teacher in determining an appropriate course of action;
- Arrange timely follow up reviews where appropriate.

(In Schools, this is only applicable to those that buy back the HR Service).

5.10 Investigating Officers

5.10.1 The role of the Investigating Officer is to ensure a thorough investigation of the complaint. The Investigating Officer will be supported by an HR Officer (where required) and will interview separately the complainant, the respondent and any witnesses.

5.10.2 Investigations will be thorough, impartial and objective. They will be conducted by an external Investigating Officer and will be carried out as promptly as possible.

5.10.3 The Investigating Officer shall:

- Ensure the alleged perpetrator has received a written statement of the allegations;
- Ensure all parties involved have been informed of their rights and responsibilities;
- Interview the parties concerned and any witnesses;
- Collect all relevant evidence;
- Use a mediation process where appropriate;
- Prepare a report; and
- Ensure the investigation is completed in a timely fashion taking into account particular circumstances.

5.11 Witnesses

5.11.1 Witnesses have the right:

- Not to be subject to intimidation, victimisation or discrimination because he or she has participated as a witness

5.11.2 It is the responsibility of the witness:

- To meet with the investigator and to co-operate with all those responsible for the investigation of the complaint; and
- To maintain confidentiality with respect to the investigation

5.12 Business Unit Heads/Head Teachers

5.12.1 Business Unit Heads/Head Teachers shall:

- Determine, in consultation with HR Operations, the outcome and the appropriate action to be taken following receipt of the findings of an investigation (unless they are the alleged perpetrator)

- Ensure the parties are informed of the outcome in a timely fashion
- Meet with both parties to discuss the conclusions of any investigations and agree a way forward.

6.0 CONFIDENTIALITY

6.1 In principle, the following will apply:

- Information shared with Prevention of Bullying Advisors will be confidential.
- Witness statements obtained by an Investigating Officer in the course of their investigation, will be retained in confidence by the external supplier and will not be disclosed without consent.
- Information will be processed in accordance with the requirements of the Data Protection Act 1998 and retained for the period specified in the Authority's/School's Retention & Destruction Schedule on Personnel/Payroll records.

6.2 It may be necessary however, for such information to be disclosed to a third party in the course of legal proceedings (e.g. Employment Tribunal), if there is a serious issue of safety or for the protection of vulnerable individuals. In all cases, the consent of the individual will be sought wherever practicable.

7.0 BULLYING/HARASSMENT AND THE LAW

- 7.1 The Authority/School, as an employer, is subject to duties imposed by Health and Safety legislation. These include assessing the causes of stress at work and introducing measures to reduce or prevent stress. (Refer to the Authority's/School's policy on Managing Stress at Work.)
- 7.2 Harassment based on race, gender, sexuality, religion or disability are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Religion or Belief) Regulations 2003, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or Equal Opportunities Code of Practice.
- 7.3 Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions.
- 7.4 Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability, sexual orientation or religion may have direct recourse to the law through an Employment Tribunal.
- 7.5 Employees may also have the right to pursue a claim in the County Court for personal injury against the employer and/or the alleged perpetrator and may

also report harassment to the Police who may consider prosecuting under the Protection from Harassment Act 1997.

- 7.6 In addition, the Human Rights Act 1998 may also provide legal redress for complainants of harassment or bullying.

8.0 INFORMATION & TRAINING

- 8.1 Information and training about bullying and harassment and about this policy will be available to all employees, including supervisors and managers and new staff. This will include information on what constitutes bullying and harassment and, for managers, on what their responsibilities are. Trades Unions will be invited to speak at training sessions on bullying and harassment and, where appropriate, participate in joint training. Prevention of Bullying Advisers will be given training for this role.

- 8.2 This policy on preventing bullying and harassment will be made available to all Business Units/Schools and published widely in a number of formats - for example, leaflets, notice boards, BORIS/MINE. This policy will be brought to the attention of casual/relief workers, contractors and agency staff.

9.0 SUPPORT FOR EMPLOYEES

- 9.1 Staff suffering stress as a result of allegedly being bullied or harassed will be encouraged to seek support. Counselling may be offered and will be provided by independent and trained counsellors. The service is strictly confidential between the counsellor and member of staff and arranged through the Staff Care Officer. No details or records will be disclosed without the agreement of the member of staff concerned.
- 9.2 Employees who have been bullied/harassed will be offered paid time off to attend counselling sessions. Contact with counsellors will be made initially through the Staff Care Officer (in Schools, this will only be available to those that buy into this service). Staff can make arrangements for counselling outside their working hours if they wish (this is for staff who do not want to ask for time off which would draw attention to their request for counselling).
- 9.3 Support will also be given to individuals who have recognised the need to adapt their own behaviour in dealing with staff, including professional advice.

10.0 SUPPORT FOR ALLEGED PERPETRATORS

- 10.1 Alleged perpetrators can seek advice and guidance from:
- Line Manager/Senior Manager
 - Any of the Prevention of Bullying Advisers – (except the Adviser that has been approached by the complainant)
 - HR Officer
 - Trade Union Representative

- 10.2 In addition, support can be provided through the Authority's Staff Care Service.

11.0 TIME OFF

- 11.1 It is recognised that the implementation of the Policy will require time off from normal duties for Prevention of Bullying Advisers and Trades Union Representatives. Confidentiality at all stages is essential and must be respected by line managers in agreeing appropriate time off.

12.0 MONITORING / STATISTICS

- 12.1 To monitor the effectiveness of this policy and its procedures, the following officers will be responsible for reporting the number of complaints of bullying/harassment received. Such information will be treated in the strictest confidence and only used for these purposes.

- HR Operations
- Staff Care Service
- Prevention of Bullying Advisers
- Trade Union representatives

13.0 COSTS

- 13.1 The cost of external mediation and investigation services will be met by the relevant Business Unit/School.

TREATING PEOPLE WITH RESPECT

**PREVENTING BULLYING AND HARASSMENT AT WORK
PROCEDURES****Informal Resolution and Formal Grievance Procedures****1.0 General Principles**

- 1.1 The employee may choose, as an alternative route to following these procedures, to raise a grievance under the Authority's/School's Grievance procedures. The employee must be clear about which process they wish to follow as recourse to any other complaints procedure (under other policies) for the same issues, will not be considered.
- 1.2 These procedures are considered to be equitable to the Statutory Grievance procedures as laid down in the Employment Act 2002.
- 1.3 If these procedures are chosen, it is anticipated that each step of this process will be followed. If the matter can be dealt with at an early stage, this may be beneficial to all concerned. For this reason, employees may choose to either start at step 1 or go straight to step 2.
- 1.4 If the employee wishes to be supported or accompanied whilst raising a complaint, the alleged perpetrator must also be offered the opportunity to be supported/represented during the meeting.
- 1.5 It is recognised, that in cases of serious misconduct, the employee may need to go straight to step 5. Where this is considered to be the case, advice should be sought from HR Operations in the first instance.
- 1.6 If, at any point in the process, there is clear evidence that the alleged perpetrator is guilty of gross misconduct, this process will be suspended and the matter dealt with in accordance with the disciplinary procedures.

2.0 Keeping a Written Record

- 2.1 Employees who believe that they are being bullied or harassed should keep a written record of the alleged incidents. The record should, where possible, include the date and time of the incident(s), details of what was said or done, and names of any witnesses who were present. This record may be needed as evidence should harassment continue or subsequently reoccur.

3.0 Step 1 – Discussion with the alleged perpetrator

- 3.1 Many problems of harassment can be solved in the early stages. This will be particularly true if the individual is unaware that their behaviour is causing offence.

3.2 Employees who feel that they have been harassed in a way that breaches this policy may wish, if they feel comfortable enough, to tell the alleged perpetrator how they feel.

3.3 The following steps provide some guidance on how to do this:

- Plan what you want to say. Choose a suitable time and place when you can talk without interruption or being overheard. This does not mean waiting until everyone has gone home.
- Be specific about their behaviour. Have an example ready to support what you are saying.
- Say how you felt, how it affected you. Were you hurt, embarrassed, humiliated, angry?
- You do not have to justify why you were offended or why you want things to change.
- Do not discuss or debate their behaviour with them.

3.4 Alternatively the above steps could be carried out in a written format.

4.0 Step 2 – Seeking Advice / Support

4.1 If the situation persists or the employee feels they cannot approach the person causing the problem, then they may choose to contact someone who can listen to their concerns, support them in raising their complaint and advise them about this policy and the complaints procedure. This person may be any one of the following:

- Line Manager / Senior Line Manager
- Prevention of Bullying Adviser
- Trade Union representative
- Staff Care Officer
- HR Officer

4.2 Employees may choose to be accompanied by a work colleague or a trade union representative whilst approaching any of these people.

4.3 An employee who raises a bullying issue is not under any obligation to take further action. Equally, employees should be made aware that action cannot be taken if they choose not to pursue a complaint, unless there is a legal requirement to do so.

4.4 Confidential advice is also available to other employees who themselves may not be the subject of bullying but are concerned about the bullying of others.

5.0 Step 3 – Line Manager

5.1 The employee's line manager (or senior manager if the line manager is the alleged perpetrator) should be made aware of the complaint and the manager

will be expected to meet with both parties separately so that he/she can understand the complaint as soon as possible but then try to hold a joint meeting to achieve an end to the unacceptable behaviour.

- 5.2 Either party may be accompanied by a work colleague, trade union representative or Prevention of Bullying Adviser if they wish to.
- 5.3 The manager is encouraged, where appropriate, to seek advice from HR Operations.

6.0 Step 4 – Mediation

- 6.1 If the matter has not been resolved, as both parties cannot reach a satisfactory agreement as a result of steps 1, 2 or 3, it may be appropriate for both/all parties involved to be referred to the Mediation service. There will be an expectation that the employee will have attempted to follow steps 1, 2 and 3 before this is done.
- 6.2 Referrals can only be made with the consent of both/all parties and will be made via HR Operations by either:
- The Line Manager/Senior Manager
 - Prevention of Bullying Adviser
 - Trade Union representative
 - Staff Care Officer
- 6.3 When both/all parties are in agreement, HR Operations will make appropriate arrangements for a trained mediator to contact both/all parties. The mediator will make initial contact within three working days of the referral being made and a conclusion will attempt to be reached within 20 working days from first contact.
- 6.4 Refer to the role of the Mediator (see policy).

7.0 Step 5 – Making a written, formal complaint

- 7.1 Step 5 of this procedure is adopted when steps 1 to 4 have been exhausted but the bullying/harassment continues, and/or the bullying is of such a serious nature that it would not be appropriate to follow steps 1 to 4. (Where this is considered to be the case, advice should be sought from HR Operations in the first instance).
- 7.2 If the employee has not previously done so, they should raise the matter with any or all of the following:
- Line manager/Senior Manager
 - Prevention of Bullying Adviser
 - Trade Union representative
 - HR Officer
- 7.3 A formal complaint must be written and signed by the employee and it should provide an accurate account of the incident or incidents of harassment

including times, places and the names of any witness(es). This complaint must be submitted to the line manager (or senior manager if more appropriate). If the complainant requires assistance to write the complaint, they may seek advice/support from any of the following:

- Line manager/Senior Manager
- Prevention of Bullying Adviser
- Trade Union representative
- Staff Care Officer
- HR Officer

- 7.4 At this stage of the process, all cases, if they have not already done so, will be referred to HR Operations.
- 7.5 Once the complaint has been received in writing, HR Operations will organise a meeting to discuss the issues raised and outline the next stages of the process.
- 7.6 Throughout steps 5 to 8 the complainant and the person against whom the complaint is made, will have the right to be accompanied by a trade union representative or by a work colleague or to seek advice from any of the Authority's Prevention of Bullying Advisers.
- 7.7 Trade Union members should be aware that if the complainant and the person against whom the complaint is made are both members of the same branch, they cannot both be represented by the same person. Where this is the case, the Unions will offer representation from an alternative steward.

8.0 Step 6 – Investigating the Complaint

- 8.1 HR Operations will be responsible for initiating an investigation by an external Investigator and will ensure that the alleged bully is informed in writing of the complaint made against him/her. He/she will be given the opportunity to respond.
- 8.2 The Investigator will respond to a request within three working days of the referral being made and will arrange, as soon as possible, to interview separately both the complainant, and the person against whom the complaint has been made, together with any witnesses and other parties involved. The purpose of these interviews is to obtain all relevant information prior to reaching a decision as to how to resolve the issue.
- 8.3 A written record of each interview will be taken by the Investigator and sent to the employee. The employee will have five (5) working days from receipt in which to make comments. Only in exceptional circumstances will this timescale be extended at the discretion of the Investigator and HR Operations.
- 8.4 The investigation will be thorough, impartial and objective with an intention to complete the investigation within a four-week period (20 working days). Individual circumstances may unavoidably alter these timescales.

9.0 Step 7 – The Outcome of the Investigation

- 9.1 Once the investigation is complete, the Investigating Officer will report his/her findings in writing to HR Operations within ten working days of the final interview having been conducted. The report will state whether the complaint is upheld and the evidence upon how this conclusion has been reached. In addition, the report may set out options or recommendations but it will be the responsibility of the Business Unit Head/Head Teacher in consultation with HR Operations to determine what action to take (unless the Business Unit Head or Head Teacher is the alleged perpetrator).
- 9.2 A copy of the report will be given to the Business Unit Head/Head Teacher, the line manager (or Senior Manager), the complainant and the alleged perpetrator.
- 9.3 The Business Unit Head/Head Teacher will arrange to see the parties concerned to discuss the conclusions, consider any views on the report which either party make wish to make and agree a way forward. Both parties may choose to be represented at this meeting.

9.4 If the complaint is upheld

- 9.4.1 If the complaint is upheld then all appropriate action will be taken to ensure that the harassment stops and relevant steps are taken to prevent it reoccurring in the future.
- 9.4.2 Disciplinary action may be taken against the alleged perpetrator which may result in the dismissal of that person.
- 9.4.3 If the complainant and the perpetrator are required to work together in close proximity, and if the perpetrator's employment is not terminated, the Authority/School will investigate sensitively the options for separating the complainant and the perpetrator to avoid any victimisation or recurrence of the offence.
- 9.4.4 Where appropriate, training and/or counselling will be offered to the perpetrator to assist him/her in understanding how to avoid repeating the offending behaviour. Counselling will also be offered to the complainant.
- 9.4.5 It must be noted that the perpetrator, their supervisors and their managers may be held personally liable in the event of any legal proceedings.

9.5 If the complaint is not upheld

- 9.5.1 If the complaint is not upheld, reasons will be given for how this conclusion has been reached to all parties.
- 9.5.2 The Authority/School may choose to separate the complainant and the other person involved in the interests of harmonious employee relations.
- 9.5.3 If it transpires that the complainant has deliberately misled the Authority/School or a complaint has been made maliciously and in bad faith,

this will be deemed to be potential gross misconduct and disciplinary action will be taken.

9.6 The Outcome

- 9.6.1 The complaints process will cease when the investigation has been undertaken and the final report received. Employees will not have recourse to any other complaints procedure (under other Council/School policies) in relation to the same issues (refer to paragraph 1.1).

9.7 Appeals

- 9.7.1 Appeals should be put in writing to the Head of Resources/Head Teacher (or Chair of Governors where the Head Teacher is the perpetrator) within ten working days from their receipt of the report.
- 9.7.2 The appeals procedure will mirror the Grievance Procedures appeal process.

10.0 Step 8 – Follow up Reviews

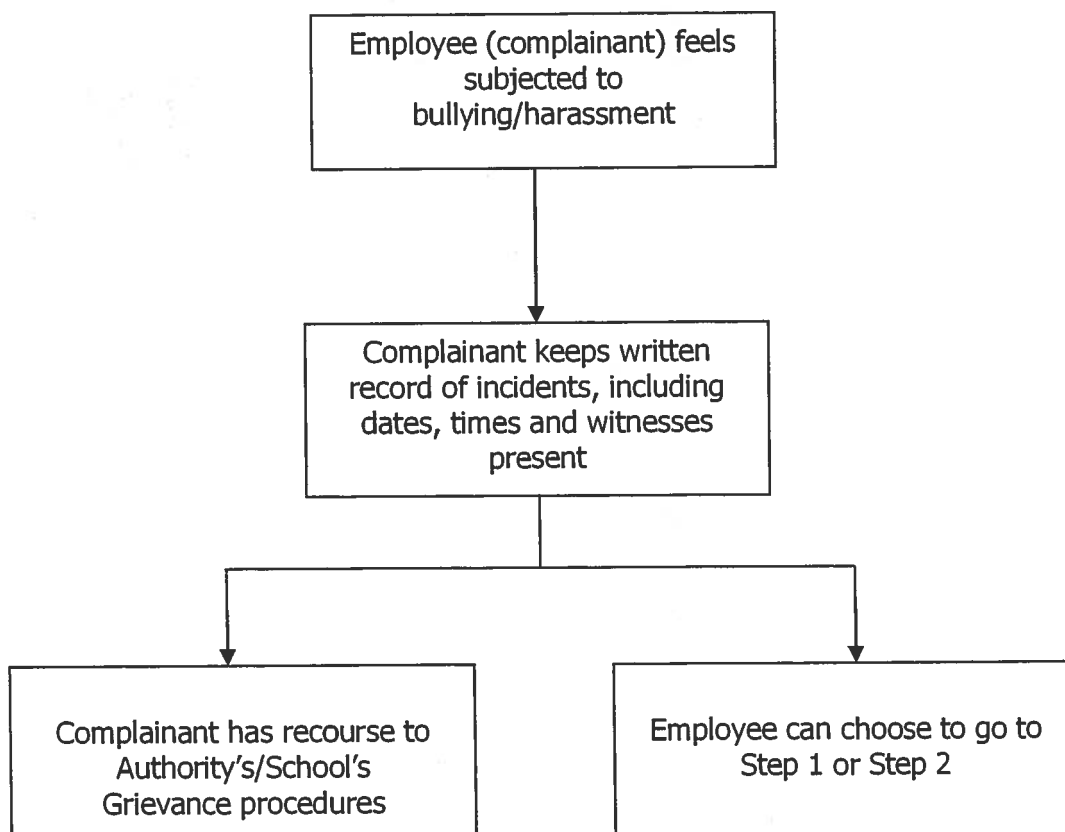
- 10.1 Approximately six months from the conclusion of the complaint, HR Operations will be responsible for writing to both parties to arrange a follow up review. The purpose of the review is to establish whether issues have been resolved and if any further support can be provided. Both parties will have the option to choose how they would like the format of the review to be, i.e. telephone discussion, individual meeting or joint meeting and who they would like to attend, i.e. Prevention of Bullying Advisor, Trade Union representative, work colleague, etc.

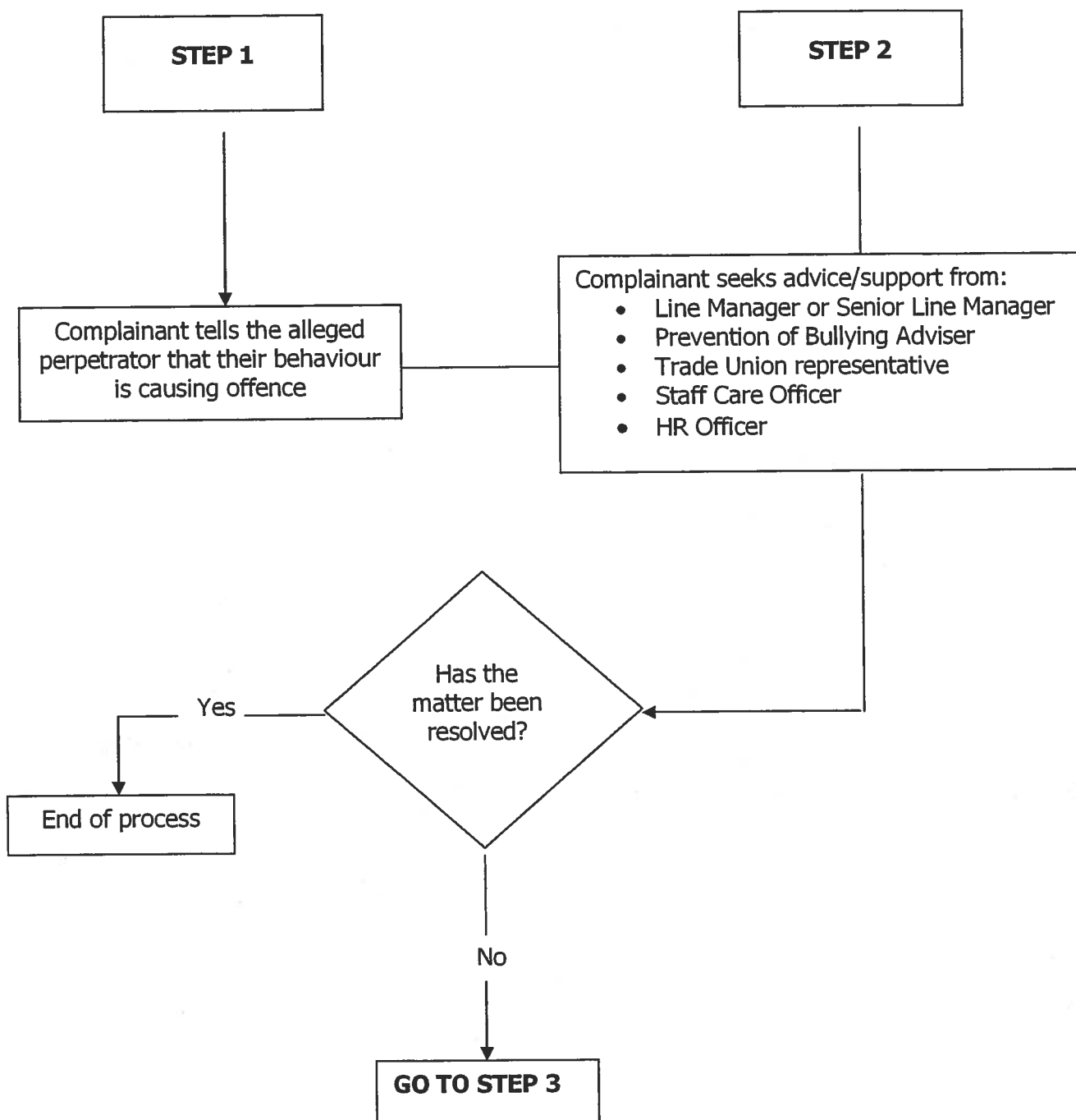
TREATING PEOPLE WITH RESPECT

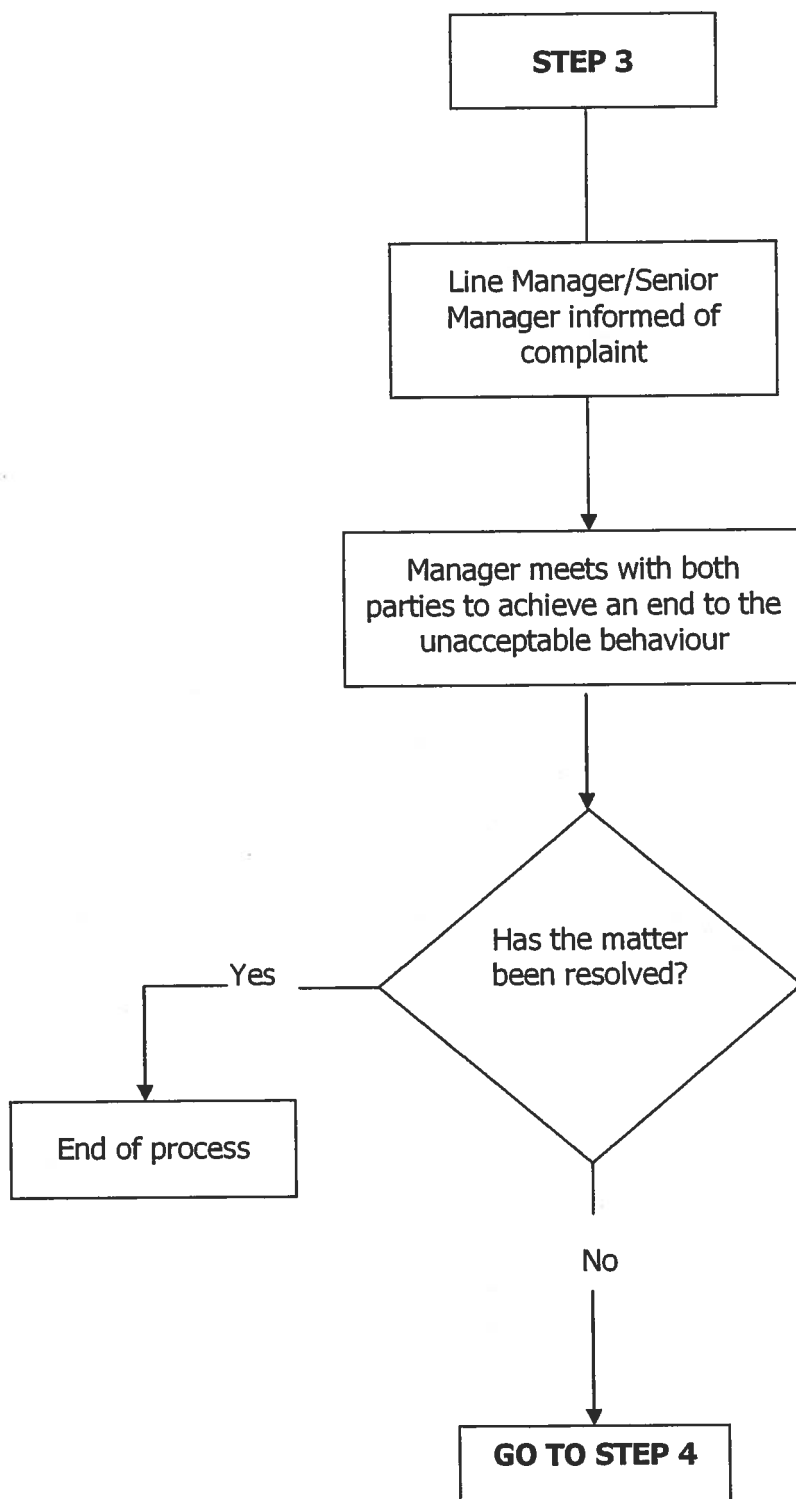
PREVENTING BULLYING AND HARASSMENT AT WORK**Informal Resolution and Formal Grievance Procedures
FLOW CHART**

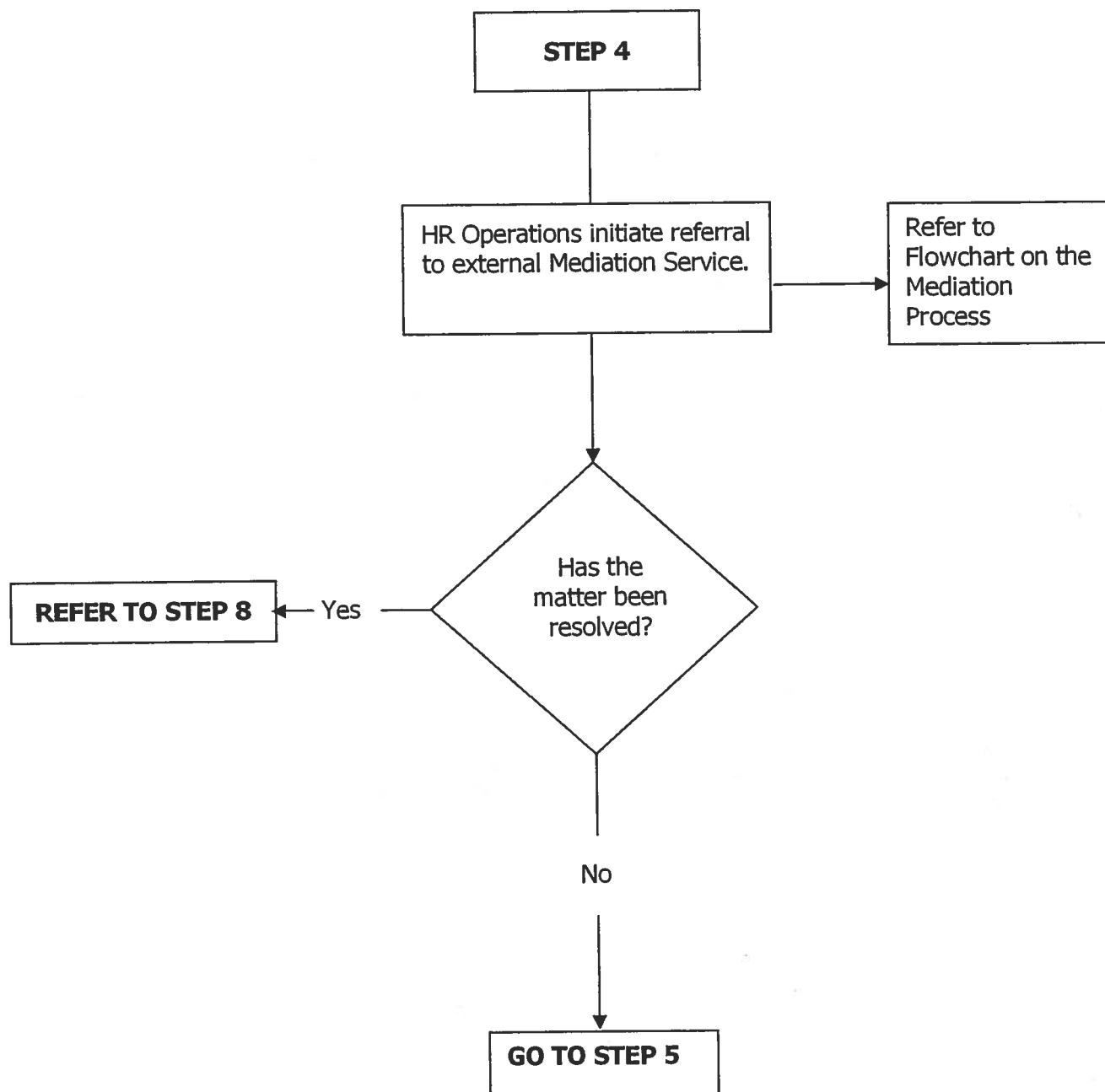
At any stage of the process, advice and support can be obtained from:

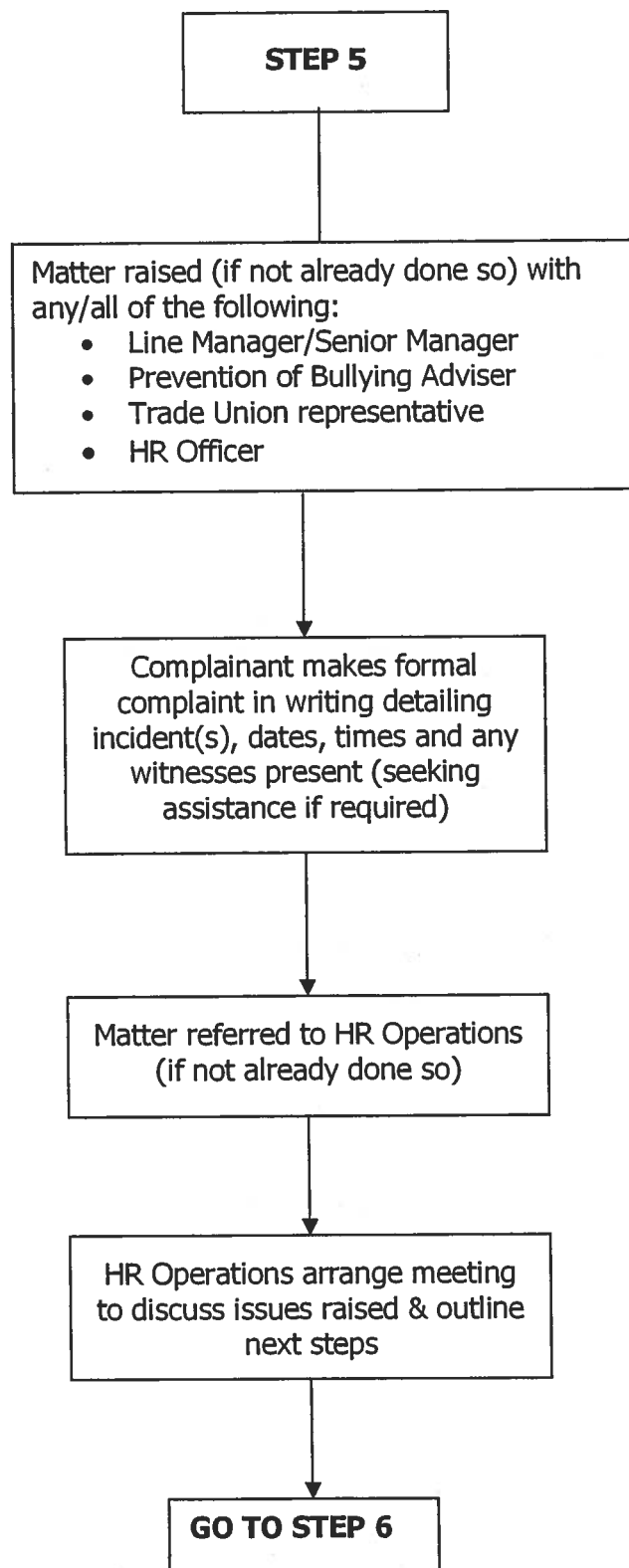
- Line Manager (or Senior Manager if more appropriate)
- Prevention of Bullying Adviser (see Appendix A)
- Trade Union representative (for members of a Trade Union)
- Staff Care Officer
- HR Officer

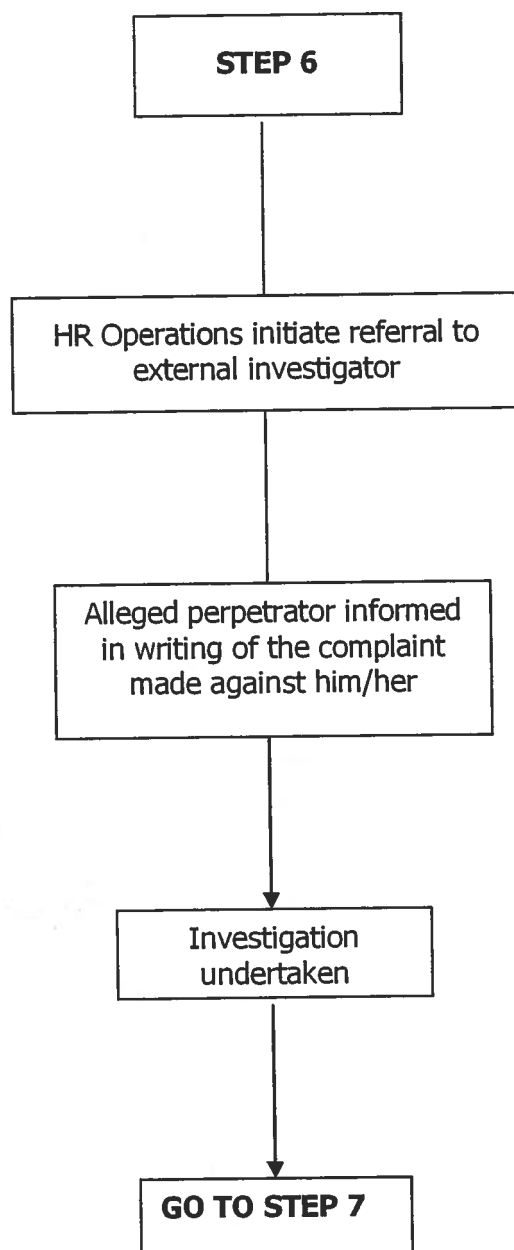


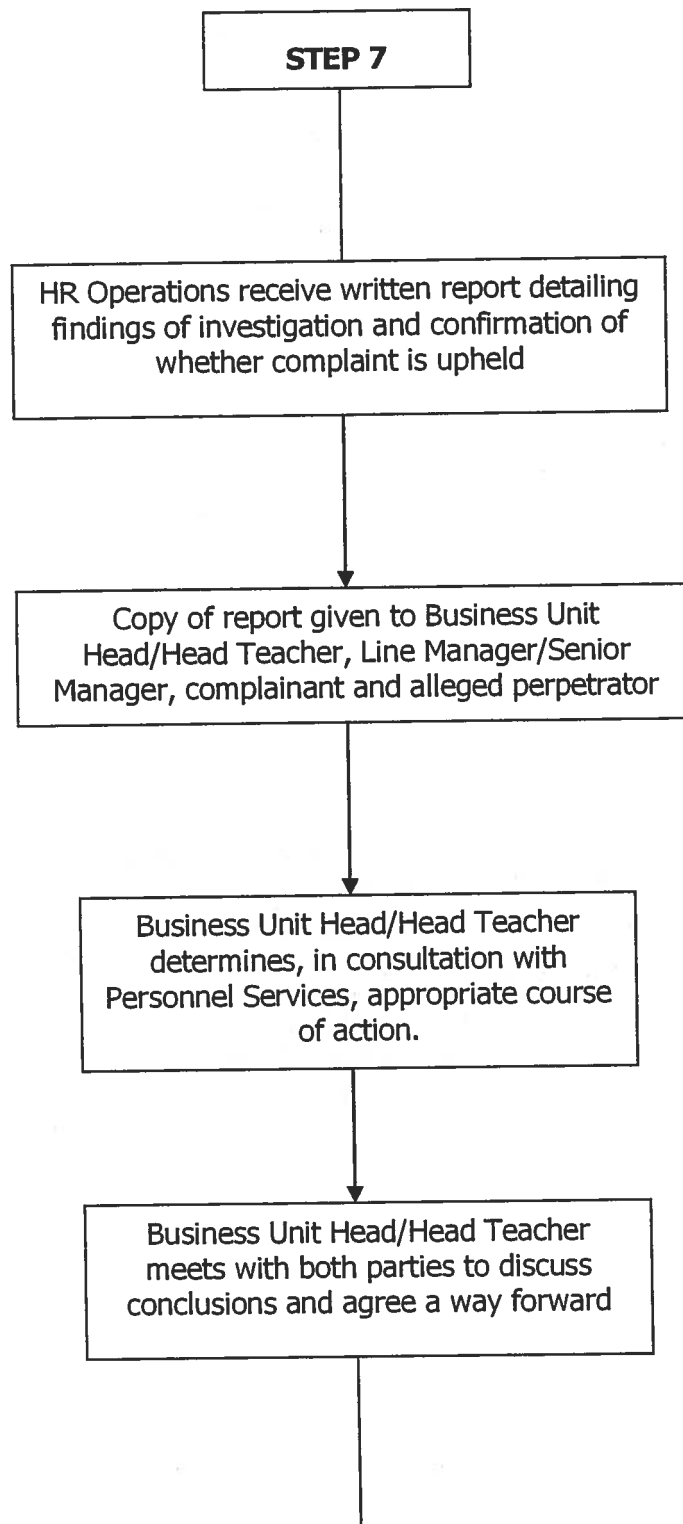


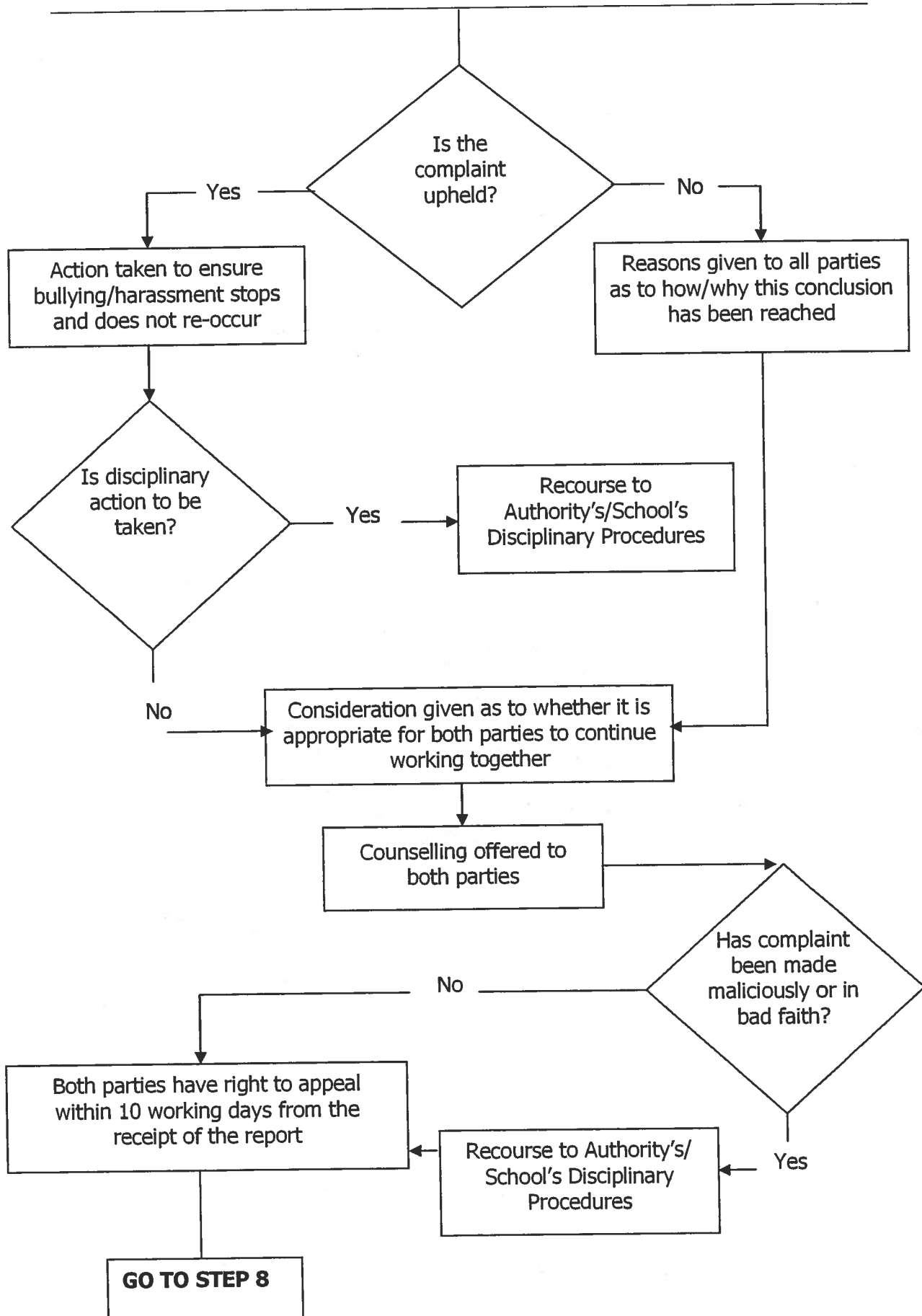


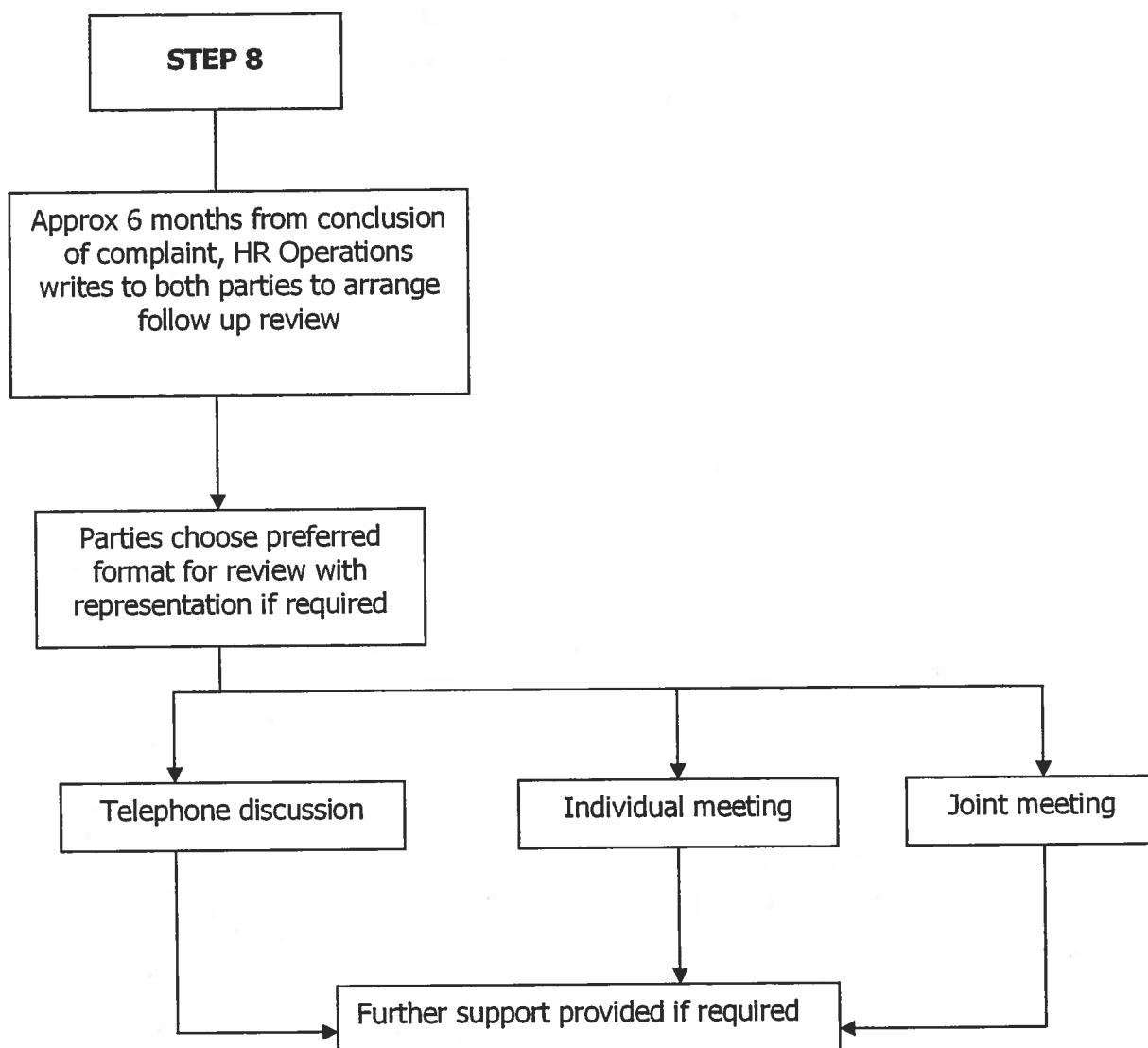




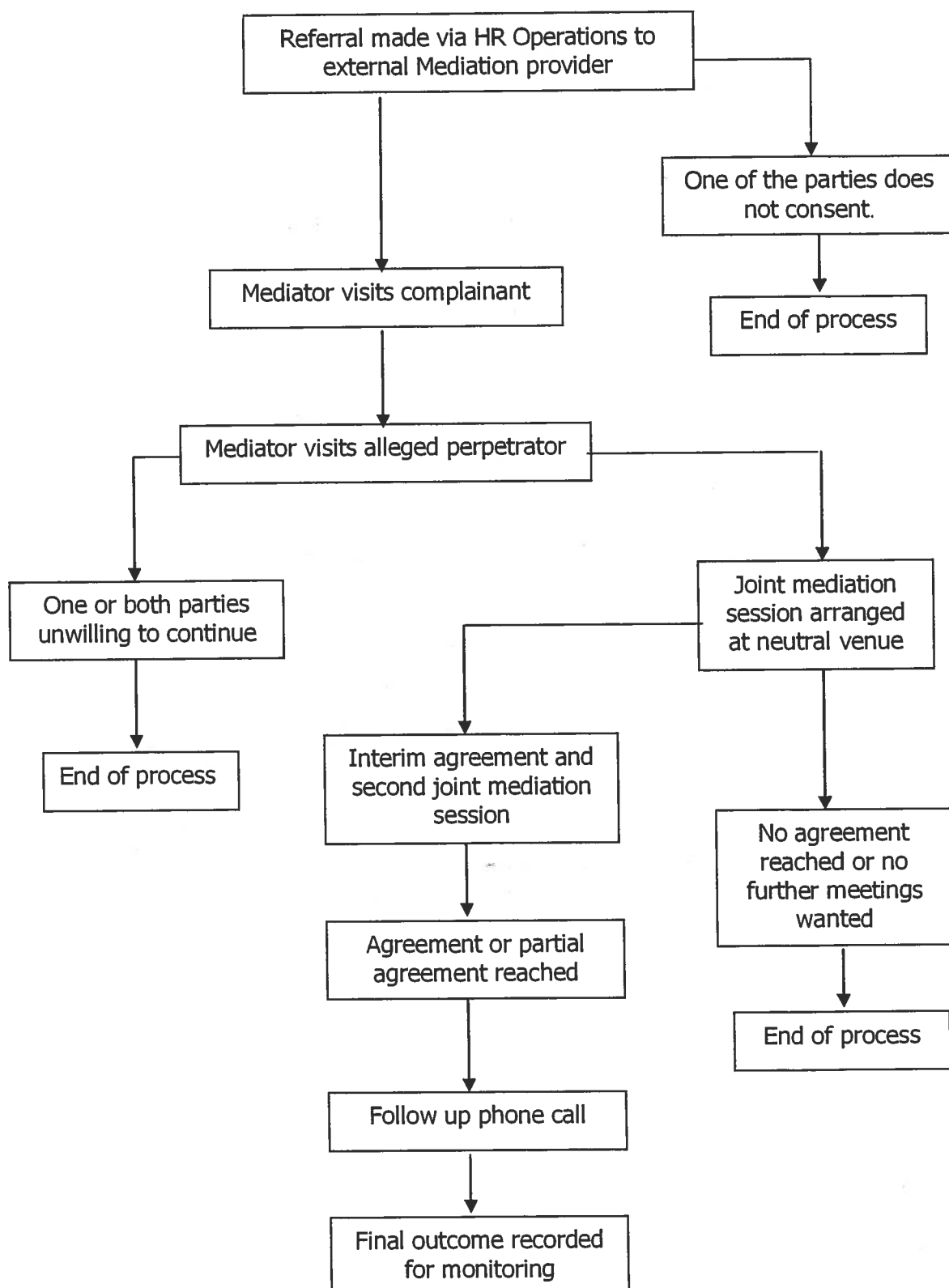








TREATING PEOPLE WITH RESPECT

**PREVENTING BULLYING AND HARASSMENT AT WORK
FLOW CHART ON THE MEDIATION PROCESS**

TREATING PEOPLE WITH RESPECT

PREVENTING BULLYING AND HARASSMENT AT WORK

SUPPORT CONTACT DETAILS

Prevention of Bullying Advisers

*Employees can contact any of the Authority's Prevention of Bullying Advisers.

The Advisers do not act specifically on behalf of their own Business Unit.

Name	Business Unit*	Telephone Number
Brian Mentor	BIC/Pavilion	01202 451888 (Thur/Fri)
Medi Bernard	Leisure & Tourism	01202 451804
Carole Banton	Social Services	01202 458888
Vanda Woodward	Social Services	01202 458030
Brian Scott	Central Services	01202 451235
Jackie Real	Education	01202 456246 (Tues/Weds/Thurs/Fri)
Teresa Quain	Social Services	01202 454990
Helen Gale	Social Services	01202 581671
Nicola Hastings	Social Services	01202 456783
Sheila Garrett	Central Services	01202 454874
Paul White	Social Services	01202 577966
Leigh Hayler	Environment & Community Services	01202 454674 (Tues/Weds/Thurs)

The Andrea Adams Trust - National Bullying Help line 01273 704900

Staff Care Office - 01202 454752/3 > e-mail: staffcare@bournemouth.gov.uk

E-mail enquiries to: prevent.bully@bournemouth.gov.uk

UNISON	-	01202 451313
GMB	-	01202 451623 / 01202 451607
NUT	-	01202 889887
NASUWT	-	01202 471051
ATL	-	01202 558439
PAT	-	TBA
NAHT	-	01202 530960 (Mr Sid Willcocks)
SHA	-	01202 527818 (Mrs Pam Orchard)

Equalities Officer	-	01202 451249
HR Operations	-	01202 458831/458833/451134/451136/454894/456358

OTHER SUPPORT CONTACT GROUPS

Dorset Lesbian & Gay Helpline	01202 318822
Metropolitan Community Church	01202 430888
Terrence Higgins Trust	020 7792 1200
Al Haba ib (Muslim) Helpline	07957 157 132
Over the Rainbow	01202 257478

