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Challenging Bullying and Harassment Policy

A. PURPOSE AND SCOPE

1. The Institute of Cancer Research (ICR) is committed to providing a working and learning environment which promotes equality and diversity, encourages harmonious relationships and which maintains a community that is safe, supportive and free of intimidation, bullying or harassment. The effects of harassment and bullying can be very damaging to a person's physical and/or emotional well-being, and, if unaddressed, can have long term implications for their career, prospects and health.

2. Staff, students, consultants, visitors, clients, honorary appointees, agency workers and contractors at ICR are all entitled to be treated with courtesy, fairness and respect and are expected to treat others in the same way. Accordingly, bullying or harassment in any form will not be tolerated.

3. This Policy aims to give individuals the confidence that any concerns they have as to bullying or harassment will be considered seriously, fairly and sensitively and that appropriate action will be taken. It sets out the courses of action that can be taken when concerns as to bullying and harassment arise. Everyone should be alert to the possibility of bullying or harassment occurring. Managers have a responsibility both to ensure that their staff are aware of, and understand, this Policy - and to intervene to prevent or address unacceptable behaviour when it does occur.

4. This policy applies to all staff, consultants, visitors, clients, honorary appointees, agency workers and contractors at ICR. It applies to students who hold a contract of employment with the ICR or students who are complaining about an ICR employee but it does not extend to concerns in relation to the conduct of students towards other students (see section E – other relevant policies). Where a complaint of harassment or bullying concerns an individual who is not employed by the ICR, this Policy will apply with any necessary modifications (eg. in the case of an agency worker, the agency will be called upon to investigate and take appropriate action).

B. DEFINITIONS

5. Guidance on the ICR's standards of acceptable and unacceptable behaviour are set out in [Appendix A.](#)

Bullying

6. Bullying is conduct - often, but not necessarily, involving the abuse or misuse of power - with the intention or the effect of undermining, humiliating, demeaning, oppressing or intimidating the recipient. In many cases it takes the form of aggressive, offensive, intimidating, malicious or insulting behaviour. There may be no direct intention to bully.

7. Examples of bullying include: public reprimands, ridicule, sarcasm or humiliation; making demeaning or hurtful comments, verbal or physical intimidation; setting wholly unreasonable targets; the imposition of unjustifiable workloads; shouting; repeated and/or unreasonable criticism; the unjustified withholding of information; giving false information; making threats about job security or dismissal; and ostracism.

Harassment

8. Harassment is unwanted conduct or behaviour which has the purpose, or the effect, of violating a person's dignity, or which is intimidating, humiliating, degrading, or offensive to the recipient(s) - where this is related to a 'personal characteristic' of the recipient (ie. their age, sex, marital status, race, colour, nationality, ethnic origin, pregnancy or maternity, disability, religion or belief, sexual orientation or gender reassignment). It may be persistent or a single incident. Harassment is likely to constitute unlawful discrimination. If sufficiently serious, intentional harassment can be a criminal offence.

9. Examples of harassment include: conduct (ranging from lewd, suggestive or over-familiar behaviour to serious assault); unwelcome sexual advances; promises made in exchange for sexual favours; offensive or

hurtful remarks, gossip, innuendo, insensitive jokes or pranks; obscene gestures or language; spreading malicious rumours; insults; the display or electronic transmission of offensive material, pictures or graffiti; speculation about a person's sexuality or sexual behaviour; and isolation or exclusion from social activities.

C. PRINCIPLES

10. The ICR will treat any complaints very seriously and deal with them fairly, sensitively - and so far as is practicable, confidentially - in accordance with this Policy. See also paragraph 13.

11. It is recognised that bullying and harassment may occur outside the workplace, such as at work-related events, including conferences, parties, training courses, etc. The ICR will deal with complaints of harassment or bullying in the same way, irrespective of where they occur.

12. The ICR encourages the informal resolution of complaints of harassment and bullying where possible (see paragraph 28). Individuals may not be aware that their behaviour is causing offence or distress. Most people who experience harassment or bullying just want it to stop. Accordingly, informal approaches and/or mediation can often be effective in achieving a satisfactory resolution. However, where the issue is more serious, or an informal approach has not succeeded in resolving the situation, then a formal complaint may be appropriate. Such complaints may lead to formal disciplinary action.

13. It is recognised that individuals who believe they are being harassed or bullied may be reluctant to make their concerns known or to take action for a variety of reasons, (for example: they may be embarrassed, worried that they will be accused of overreacting, will

not be believed, or are concerned that they may be victimised or isolated as a result of making a complaint). Individuals who consider that they are experiencing harassment or bullying will be given advice and support, so far as is practicable. Where individuals feel the need to make complaints anonymously, the request will be considered on a case-by-case basis - balanced against the interests of natural justice and the need to conduct a full and fair investigation.

14. The ICR will protect individuals from victimisation - ie. being subjected to a detriment because they have, in good faith, made a complaint of harassment or bullying, or have been involved in assisting another individual who has done so.

15. Any individual who makes a complaint of bullying or harassment which proves to be malicious, mischievous, vexatious or frivolous may have disciplinary proceedings invoked against them.

16. The ICR recognises that it has a duty of care both to the complainant and to the person against whom a complaint has been made. Allegations will not be presumed proven until properly investigated. Complaints will be handled with consideration to both sides, regardless of status. Guidance notes for complainants are set out in Appendix B and for those accused of harassment or bullying at Appendix C.

17. Save in exceptional circumstances, individuals accused of bullying or harassment have the right to be informed of the complaint without undue delay. They will also be given the opportunity to state their own case in response.

18. Where either of the parties involved feels unable to maintain their usual work, learning or

client relationship, the ICR will address this in a sensitive way, avoiding distress or disruption wherever possible. In exceptional cases, it may be necessary to consider a separation of the parties.

19. Where the complaint concerns particularly serious misconduct, a limited period of suspension of the alleged bully/harasser on full pay as a neutral measure may need to be imposed while the complaint is investigated. Any suspension will be for as short a period as is reasonably practicable and will be kept under regular review. The suspension will be confirmed in writing without delay and it will be made clear to the employee that the suspension itself is a neutral step and is not a disciplinary action.

20. During any period of suspension, arrangements will be made to enable the suspended employee to have appropriate access to such of the Institute's premises, documents and/or staff as is necessary to enable them to prepare their response to the complaint(s).

21. If any aspect of this policy causes an individual difficulty on account of any disability, or if they need assistance because English is not their first language, they should raise this with their [HR contact](#), who will make appropriate arrangements and consider reasonable adjustments, as appropriate. Students may wish to contact a member of [Registry](#).

Representation

22. Both the complainant and the person against whom the complaint has been made are entitled to be accompanied by a companion at any Complaint Hearing under paragraph 41. This companion may be a work colleague, or a trade union representative who is either an employed official of the union or

another official who has been certified by the union to act as a companion. External representatives, including solicitors and third parties such as family members, will not be permitted to attend as companions, save in exceptional circumstances. Individuals are not entitled to bring a companion to investigatory meetings.

23. If an individual wishes to be accompanied in accordance with paragraph 22 above, they must give the name of their companion to the Chair of the hearing at least two working days before the hearing. It is the responsibility of the employee to provide their companion with any documentation or information necessary for them to represent them.

24. At the hearing, a companion accompanying either the individual raising the complaint, or an individual who is the subject of it, is entitled to address the meeting, to put their case, to confer with them, to respond on their behalf to points made and to sum up - but they are not entitled to answer questions on their behalf.

Confidentiality

25. A satisfactory outcome is more likely if all involved maintain confidentiality and do not discuss the situation with colleagues. Accordingly, the ICR expects confidentiality to be respected and maintained, so far as is practicable, by anyone involved in raising, responding to, or dealing with, a complaint of harassment or bullying. All involved are required to refrain from discussing the complaint with anyone who does not have a specific need to be aware of it. In conducting investigations, the ICR will balance respect for confidentiality with the need to observe natural justice and to undertake a full and fair investigation.

Training

26. The ICR recognises the importance of raising awareness and of providing training to minimise instances of bullying and harassment and to help individuals deal with them when they occur. The ICR will ensure that all staff members and students have access to relevant training - and those tasked with investigating harassment and bullying will receive training appropriate to that role. Active Bystander training, including refresher training, is mandatory for all staff. For new starters, this training is a condition of their probation.

Reporting and Monitoring

27. The HR Department will monitor the incidence of reported cases of bullying and harassment through liaison with Staff Side, the Deputy Dean, HSEQ and Wellbeing Advisers and will seek information through the Staff Attitude Survey. Relevant information will be included in an annual report to the Equality Steering Group and Corporate Leadership Board (for action and approval) and to the Staff Consultative Committee (for information).

D. PROCEDURE FOR DEALING WITH COMPLAINTS

Informal Action - Personal Resolution

28. Sometimes, the alleged harasser may be unaware of the effect of their actions or behaviour or careless about the effect that it has. In such cases, a direct informal approach to them, either in writing or in person, by the individual affected, or by another person on their behalf, may be effective.

29. When making such an approach, individuals should consider the following:

Where possible, have notes prepared as to what happened, when, where and whether it was witnessed by anyone else;

Be clear to the alleged harasser/bully as to what has caused concern, describing the behaviour and the effect that it has had (eg. 'you made an inappropriate reference to my age which made me feel undermined'). As far as possible, avoid being emotional or judgmental;

Include a clear request that the behaviour should not be repeated;

If appropriate, make suggestions as to how the situation might be handled in future if the circumstances are repeated;

Where making a personal approach, consider being accompanied by a colleague;

Keep a record of the approach and the response to it.

Informal Action - Mediation

30. In some cases, mediation can assist to resolve the issue. The ICR encourages this, where appropriate. Mediation can be proposed either by the person raising the concern or by the person against whom the concerns are raised. However, it can only be taken forward if both parties are content to participate and have confidence in the mediator. Mediation should be undertaken by an independent person uninvolved in the issues raised - normally from another Department, or via an external individual. Further details are available from the HR department - who would facilitate any mediation.

Informal Action - Sources of Advice And Support

31. Many sources of advice and support are available at the ICR. These include:

a network of Wellbeing Advisers and Student Confidants - members of staff and students

who have been trained to help support colleagues. Details are available on [Nexus](#) or from [HR](#); the union Unite (known at the ICR as Staff Side), which has accredited representatives able to support their members. Details of their representatives are also on [Nexus](#); your line manager, who can provide advice and guidance on dealing with bullying and harassment. Where this is inappropriate (eg. because the line manager is involved) advice can be sought from another manager; [Human Resources](#) (or [Registry](#) in the case of students), who are trained to deal with a range of employment situations. They can advise on policy and procedure and discuss the options available to individuals; a free, completely confidential Employee Assistance Programme for staff and students. This provides information, advice and support. Full details are available on [Nexus](#); an independent Telephone Hotline Service is also available, providing an alternative, safe and secure way for staff and students to discuss any concerns in confidence - in addition to the above routes. This can be accessed at a time convenient for the individual, with ongoing communication and follow up provided. This service is provided by [Expolink](#), Their hotline number is 0800 374 199. Contact can also be made online using the link: <https://wrs.expolink.co.uk/icr>.

Formal Action - Formal Written Complaint

32. Where informal resolution as above is not appropriate (for example because of the seriousness of the allegations) or if informal attempts to resolve the situation have not been successful, the individual may bring a

formal written complaint.

33. Formal complaints should be made in writing, as soon as possible after the incident(s) referred to, using the Complaint Form (Appendix D). This should be lodged with the individual's Team Leader or Line Manager, as appropriate - or if the complaint concerns their Team Leader or Line Manager, to the manager at the next ascending managerial level. Complaints about the Chief Executive should be made to the Chair of the ICR. The complaint must be copied to the Chief People Officer.

34. The Recipient of the formal complaint will, as appropriate, and before taking any further action, take advice from the HR Department via their HR contact.

35. With advice from the HR Department, the Recipient of the complaint will decide if a formal investigation is necessary. In the majority of cases, it will be necessary. If so, an assessment will be made as to whether it is appropriate for the Recipient to act as Investigator, or whether (for example, in complex or serious complaints) the investigation should be undertaken by another person without a personal or professional connection to the parties (ie. from another Directorate/Division). It may be appropriate for the Investigator to be appointed from outside the ICR.

36. The HR Department will then:

save in exceptional circumstances, notify the alleged harasser/bully in writing that a complaint has been received, the nature of it and of the action that will now ensue (normally, the undertaking of an investigation); inform the complainant in writing of the action being taken;

initiate any necessary investigation, where appropriate by appointing an Investigator and setting an initial timescale for it.

37. Where a complaint is sufficiently serious, it may be considered necessary to separate the parties from each other in the work environment, or as a neutral measure, to suspend the alleged harasser/bully (on full pay) pending the outcome of the investigation (see paragraphs 19 and 20).

The Investigation

38. The investigation will be undertaken in accordance with the principles set out in Section C above to ensure prompt, objective and appropriate consideration of the complaint. The Investigator (who may be either the Recipient of the complaint acting as Investigator, or another appointed Investigator) will:

- interview the complainant to explore the complaint and, so far as is possible, establish the facts; interview the alleged harasser/bully to obtain and explore their response;
- interview any other witnesses, as appropriate, to obtain relevant information; Obtain any other evidence relevant to the investigation; and, finally;
- prepare a formal written Report as soon as is practicable. This will include records of the interviews conducted and will summarise the conduct of the investigation, the Investigator's assessment of the complaint and the response to it, the facts that have been established - and set out the Investigator's conclusions as to whether or not the complaint appears to be substantiated.

Investigations should normally be completed and a Report prepared by the Recipient of the complaint (or, as appropriate, by the Investigator) within twenty working days of the receipt of the complaint. Where longer time scales are necessary, these will be notified to both parties to the complaint.

39. Copies of the Investigator's Report will be given without delay to the HR Department, the complainant and to the alleged harasser/bully.

The Complaint Hearing

40. On receipt of the Investigator's Report, the Director of Human Resources (or nominated representative/deputy) will review the content of the Report and appoint a Senior Manager to consider the findings via a Complaint Hearing. The Senior Manager will not be connected or previously involved with the case (or the parties) and will be advised by the Director of Human Resources (or their nominee). *Where the complaint concerns the Academic Dean, or the Chief Operating Officer of the ICR, or the Chief Executive, the Chair of the ICR will conduct the Complaint Hearing.*

41. The Complaint Hearing will be convened as soon as is practicable and normally within ten working days of the receipt of the Investigator's Report. The complainant and the alleged harasser/bully will be given at least five working days' notice of the hearing and will be notified of their right to bring a companion in accordance with paragraphs 22 to 24 above.

42. At the hearing, the Senior Manager chairing it will normally be accompanied by an HR representative to advise on procedure and

take notes. At the outset, the Chair will normally: introduce those present, outline the purpose and procedure of the hearing; explain their role; and confirm that the parties have had the documents to which reference will be made. Where appropriate, the Investigator will attend to present their Report.

43. The Complaint Hearing will review the Investigator's Report, giving both parties the opportunity to respond to it and decide what further action is appropriate. Such action may include:

- to refer the issue to a disciplinary hearing in accordance with the ICR's Disciplinary Policy and Procedure, at whatever level of seriousness is appropriate. In making this decision, the wishes of the complainant will be taken into account, but will not be conclusive;
- to conclude that the complaint has not been substantiated and that no further action should be taken;
- to recommend other action, such as mediation, training, mentoring, monitoring or facilitating a written apology;
- in exceptional cases, to refer the complaint back to the Investigator for further investigation.

44. The Director of Human Resources or their nominee will convey the outcome of the Complaint Hearing in writing to the complainant and alleged harasser/bully within five working days of the decision. Where action other than disciplinary action has been recommended, this will be communicated to the appropriate line manager to take forward. The relevant HR Manager or HR Adviser for that Division/Directorate will monitor and review any action to be implemented by the line manager.

Appeal

45. The complainant has the right to appeal against the outcome of the Complaint Hearing's decision, but not against a decision to initiate disciplinary action against the alleged harasser/bully. The appeal must be lodged in writing to the Head of HR Operations within ten working days of receiving the written notification of the outcome, setting out the grounds of appeal. The appeal will be heard by a manager who has had no prior involvement in the case and, wherever possible, by a more senior manager.

46. The Appeal Hearing will be convened as soon as is practicable and normally within ten working days of the receipt of the complainant's appeal. The complainant and the alleged harasser/bully will be given at least five working days' notice of the hearing and will be notified of their right to bring a companion in accordance with paragraphs 22 to 24 above.

47. At the hearing, the Senior Manager chairing it will normally be accompanied by an HR representative to advise on procedure and take notes. At the outset, the Chair will normally: introduce those present, outline the purpose and procedure of the hearing; explain their role; and confirm that the parties have had the documents to which reference will be made.

48. The procedure for the appeal will normally be for the individual (or their representative) to set out their grounds of appeal and for the alleged harasser/bully (or their representative) to respond. The appeal will be undertaken as a review of the Complaint Hearing's decision, rather than as a full re-hearing of the case. The outcome will be confirmed in writing to the parties within five working days of the hearing. The decision of the appeal shall be

final.

Record Keeping

49. Records will be kept throughout the process and stored confidentially in accordance with the ICR's policies on record retention and data protection legislation. These will include:

all relevant documentation, correspondence and notes of meetings;

the Investigator's Report;

the decision of the Complaint Hearing;

whether an appeal was made against any decision taken and its outcome;

the dates of and attendees at meetings;

any subsequent developments.

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E. OTHER RELEVANT POLICIES

The ICR Grievance Policy, the Disciplinary Policy and Procedure and the Whistleblowing Policy.

Student disciplinary procedures (for taught courses students and research degree students)

APPENDICES

Appendix A - acceptable and unacceptable behaviours

Appendix B - guidance for those who feel they are being bullied or harassed.

Appendix C - guidance for those accused of bullying or harassment.

Appendix D - form for registering a formal complaint of bullying and/or harassment.

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