

**Preston City Council
Equal Opportunities and Diversity Policy**

Contents

Part 1- Equal Opportunities and Diversity

Section 1- Statement of Principles	Page 2
Section 2- Equality and Employment	Page 3
Section 3- Service Delivery	Page 5
Section 4- Information	Page 6
Section 5- External Relations	Page 7
Section 6- The Law	Page 7
Section 7- further Information	Page 8
Appendix- Definitions of Frequently Used Terms	Page 9

Part 2- Harassment, Victimisation and Bullying

Section 1- Statement of Principles	Page 12
Section 2- The Consequences of Harassment	Page 12
Section 3- Definitions	Page 13
Section 4- Harassment and the forms it can take	Page 14
Section 5- Prevention of Harassment	Page 14
Section 6- further Information	Page 14

Part 3- Resolution of Harassment and Bullying Complaints

Section 1- Introduction and Purpose	Page 15
Section 2- Action to Take in the Event of Harassment	Page 15
Section 3- Vexatious and Malicious Complaints	Page 17
Section 4- Appeals Following Investigation of the Complaint	Page 17
Section 5- Further Information	Page 17

**PRESTON CITY COUNCIL
EQUAL OPPORTUNITIES POLICY
PART 1- EQUAL OPPORTUNITIES**

1. Statement of principles

1.1 Equality of opportunity for all sections of our workforce and the community we serve is a core value of Preston City Council. The Council exists to represent and provide services to all sections of the community in Preston and this core value is, therefore, key to everything we do. Everyone associated with the Council has a role to play in the promotion of equal opportunities through their work with colleagues and the community.

1.2 We recognise that certain groups face unfair discrimination because of race, sex, gender reassignment, marital/civil partnership status, pregnancy and maternity age, disability, sexuality and religion and belief and for other unjustified reasons. Unfair discrimination leads to the social exclusion of some people in these groups. To address these issues we all have a duty to ensure we act to remove unfair discrimination from our policies, structures and practices and to promote equality in all areas of our work and influence.

1.3 Prejudices and negative attitudes have, historically, disadvantaged some people within the workforce and the community. These people continue to face problems today resulting in them being treated less favourably than others. The Council is committed to a fair deal for everyone by ensuring that its structures, policies, procedures and the behaviour of its employees are appropriate to the needs of all sections of the community. We will actively work to tackle the prejudices and negative attitudes by promoting equality of opportunity and fairness for all.

1.4 Equal opportunity means providing *fair* equivalent access to jobs, services and information for everyone. The opportunity to participate fully in community life must be equally available to all. The discrimination faced by and prejudicial attitudes towards some people creates additional barriers to participation in democratic processes, employment and access to services. To overcome these difficulties, we must all make extra efforts to ensure that opportunities are available to all. This is ever more important because of the changes in role and expectation taking place in the community.

1.5 The Council's equal opportunities policy requires its members and workforce to recognise and respect diversity within the community. Everyone should be aware of the services available and the standards they can expect. To achieve this, the Council will be open and even handed in its approach to all sections of the community. We will make sure we find out, understand and consider the views, experiences, needs and hopes of our diverse community.

1.6 At a time of dramatic change and increasing pressure on scarce resources, seeking and achieving equality of opportunity is of fundamental importance. Through its members, staff and partners, the Council has to meet these challenges in the workplace, in service delivery and all other areas of its influence.

1.7 The Council is proud of its equality achievements so far. It recognises that there is no room for complacency. The progress made must be protected and renewed commitment given to the development of new and innovative means of achieving and promoting greater levels of equality.

1.8 The Council requires that all members and employees use their best endeavours to ensure that no one in his or her dealings with the Council suffers unfair discrimination, harassment, bullying or victimisation because of their gender, gender reassignment, marital/civil partnership status, race, age, disability, sexuality, religion or belief or other unjustified reason.

1.9 The Council recognises that all relevant groups, the workforce, their representatives, partner agencies and community groups need to be involved in the development and implementation of this policy. Further, it recognises that regular reviews of the policy must be undertaken to ensure the application of best practice in equality and compliance with relevant legislation.

1.10 The Council recognises the need to ensure all staff and members are fully aware of their own responsibilities in respect of the achievement of equality of opportunity.

1.11 The Council will treat any breach of this policy seriously. All complaints that the policy has been breached will be fully investigated and disciplinary action may be taken against those responsible.

2. Equality and Employment

2.1 The Council's staff are its most valuable resource and our workforce is key to meeting our commitments in respect of service delivery in terms of both quality and equality. The people who manage and deliver our services should reflect the diverse community we serve. This will allow the Council to respond to the diverse needs of the community more effectively and with sensitivity.

2.2 We need to demonstrate our commitment to Equal Opportunities in practice. We need fair and consistent recruitment policies conforming to all relevant codes of practice both in intent and application. We will apply these policies fairly and make use of all good practice information available and where necessary, seek specialist advice for example, from disability organisations and trade unions. We **will** ensure that all staff involved in the recruitment process are properly trained. This action will allow the Council to appoint the best people solely on the basis of their ability to do the job regardless of race, gender, gender reassignment, marital/ civil partnership status, pregnancy and maternity, disability, age, sexuality or religion or belief other unjustifiable reason leading to a workforce, the composition of which, more closely reflects the community we serve.

2.3 The Council is committed to meeting its obligations to ex- offenders. Information concerning past Criminal Convictions of potential employees can

be obtained through the Criminal Records Bureau set up under part V of the Police Act 1997. Such information will only be used where the nature of the offence(s) has a direct bearing on an applicant's suitability for the type of work applied for. In practice, this means that a risk assessment of the post has been carried out. The information will only be requested where it can be justified. Each case will be considered solely on its own merits. The Council's procedures in relation to the employment of ex-offenders and the Criminal Records Bureau give further guidance in this area.

2.4 The Council's staff are its most valuable resource. The Council seeks to provide people with what they need to do the best possible job, to create opportunities for the development of new skills and for staff to progress within the Council. These are important ways in which the Council can demonstrate a practical commitment to equal opportunities. All our employment policies are designed to set a framework through which equality of opportunity can be achieved.

2.5 The Council recognises that members of ethnic minority groups and people with disabilities in particular are under represented in the workforce generally. These groups as well as women are under represented in skilled, technical and management positions. Positive action measures including the encouragement of applications from under represented groups will be taken. Unnecessary educational requirements will be removed from job outlines and employee specifications since they have a disproportionate impact on certain groups. Age requirements **will** not be included in recruitment advertising unless they can be justified objectively.

2.6 As part of the statutory duty to promote equality, the Council carries out regular monitoring of the workforce to determine how representative it is of the wider community we serve. The Council will also review the equal opportunities data gathered during the recruitment process to see how representative of the community we serve the range of applications received actually are. This monitoring will help us identify and avoid unfair discriminatory practices and make certain that our recruitment advertising is reaching all sections of the community. Positive action measures such as those identified in 2.5 above may follow where justified.

2.7 In order to deliver high quality services we will do all we can to develop a committed and highly motivated workforce. This will be achieved through effective communications, training and development and through leadership that sets clear goals and openly encourages the participation of all staff.

2.8 In recognition of the high standards expected from our workforce, the Council is committed to good employment practice including innovative and flexible working patterns.

2.9 The Council recognises that flexible work patterns, career breaks and support for caring responsibilities are all crucial to the achievement of equal opportunity for all.

As an employer, we have implemented maternity and maternity support leave schemes, part-time working arrangements and where possible, flexi time working. The Council is seeking to develop family friendly policies through more flexible working arrangements. We recognise that much of the responsibility for family care falls on women. The achievement of equality of opportunity can only be realised when these forms of support are fully available. They are also a means of encouraging men to share more of the responsibility for family care.

The Council recognises that in a diverse community, there are a number of models of parenting and caring responsibility. In developing family friendly policies, due regard must be given to traditional and less traditional models of parenting and meeting caring responsibilities.

2.10 The Council recognises that making employees feel welcome and comfortable in the workplace is key to achieving equality of opportunity. All employees have the right to be treated with dignity and respect at work. The Council's statement on harassment, bullying and victimisation (dignity at work?) and the procedure for dealing with the resolution of these issues form part of and appear later in this policy. The Council considers these forms of behaviour to be totally unacceptable and no one should have to tolerate them in the workplace.

3. Equality and Service Delivery

3.1 The Council's equal opportunities policy in respect of employment is designed to lead to the delivery of better services that respond to the needs of the community. This means being friendly, responsive, knowledgeable and accessible to users and potential users of services encouraging all sections of the community to use the services and facilities the Council provides.

3.2 We will strive to ensure that our services are equally available to all sections of the community. Where necessary, we will develop services for groups whose needs are not met. Examples of where this has been done include the provision of Asian women only leisure activities and leisure sessions for people with disabilities.

3.3 In addition to being a major employer and service provider, the Council is also a local government designed to give people a voice in how their local area is run. Key to success in this area is for all sections of the community to identify positively with the Council, confident that they will be listened to and properly represented in the decision making process. This will allow everyone to have some influence on policy makers. Our approach and commitment to community engagement and involvement embraces these needs.

3.4 We need to make sure that we know people's views and experiences of the services we provide. This allows us to make improvements to services and the ways in which they are delivered. We need to consult, engage with and involve community groups and individuals on a regular basis. We must ensure that those we involve such as leisure centre user groups and

organisations representing specific interest groups such as people with disabilities are representative of a broad cross section of the community. We recognise that some established groups are not representative of all sections of the community and that some people lack the confidence to make a contribution to public meetings. To overcome this, the Council uses and will continue to use other methods of consultation, engagement and involvement.

3.5 We are committed to the elimination of unfair discrimination against and harassment, victimisation and bullying of service users for any reason by elected members, employees and other members of the wider community. The Council recognises that some people are at far greater risk of certain types of unfair discrimination, harassment, victimisation and bullying and that some may be the victims of dual/multiple discrimination.

3.6 In a climate of decreasing resources, difficult decisions in respect of resource allocation have to be made. Our commitment to equal opportunities means that we will endeavour to make choices taking into account the needs of different groups within the community.

3.7 The Council is working towards meeting the requirements of the Equality Framework Local Government. The key areas addressed in the framework are Knowing your Community, Place Shaping, Community Engagement, Responsive Services and Customer Care and Employment. The framework is written in the context of all protected characteristics allowing the Council to monitor its success across all areas of the community it serves. We will develop, implement and monitor action plans to ensure a process of continuous improvement in equality practice leading to equalities being embedded in everything we do.

4. Information

4.1 The provision of and access to information by the community is key to the achievement of equality of opportunity. Information needs to be available in ways it can be understood by all to prevent access to services being available only to those “in the know”. Clear information on the services provided, entitlements and the standards to be expected will be widely circulated in plain English and where needed in other languages and formats to encourage all groups to use the services provided. Information from community groups and the citizen’s panel as well as census *and other* data will be used to determine the community languages and formats appropriate to community needs.

4.2 The take up of services will be monitored allowing us to ensure that disadvantaged groups have access to them and that service use is in line with what the Council knows about the needs of different groups in the community. This monitoring allows the Council to review the effectiveness of services and to make changes where needed. The Council recognises that some people may not wish to be monitored and will consult with relevant groups and individuals as to how we can ensure our services are being taken up.

4.3 We will monitor how service users became aware of the services they use. This will help the Council establish the effectiveness of the information it provides and to develop new and innovative means of making that information more widely available.

5. External relations

5.1 The Council will challenge unfair discriminatory practices, prejudices and attitudes towards disadvantaged and minority groups by external organisations in all areas of its influence.

5.2 The Council is committed to working with the Police, other statutory bodies, the voluntary sector, community groups and individuals representing minority and disadvantaged people in preventing unfair discrimination, harassment, bullying and victimisation and to provide an effective means of resolving such issues including the provision of support to complainants.

5.3 The Council seeks to improve the quality of life in the city through building a stronger and safer community in conjunction with its partners and members of the community it serves. Ways in which this can be achieved include the Preston Strategic Partnership, the Community Safety Partnership and through the 'Brighter Futures' programme.

5.4 Section 17 of the Crime and Disorder Act 1998 requires the Council to "exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area". Social inclusion of marginalised groups, equality of opportunity, the provision of employment and the elimination of prejudice between different sections of the community will all have a profound impact on the creation of a safer community.

5.5 All Council staff now have a responsibility for the reduction of crime and disorder. The achievement of equality of opportunity will help staff meet that responsibility to the wider community.

6. The law

6.1 The Council is committed to meeting its statutory obligations under the following legislation and related codes of practice:-

- Equality Act 2010
- Gender Recognition Act 2004
- Local Government Act 1988
- Human Rights Act 1998
- Rehabilitation of Offenders Act 1974
- Crime and Disorder Act 1998
- Civil Partnership Act 2004
- Harassment Act 1997
- Equalities Act 2006
- Racial and Religious Hatred Act 2006

7. Further information

7.1 Further information on equality issues can be obtained from the Human Resources Advisor (Equal Opportunities) on 01772 906370 or from other members of the human resources team.

Appendix to the Council's Equality Policy- Definitions of Frequently used Equal Opportunities Terms.

1 Direct discrimination is less favourable treatment of a person because of race, sex, gender reassignment, marital/ civil partnership status, pregnancy and maternity, disability, age, sexuality and religion and belief than others in the same or similar circumstances. Direct discrimination on these grounds is unlawful.

2 Indirect discrimination occurs if A applies to B a provision, criterion or practice which is discriminatory in relation to a protected characteristic of B. The provision, criterion or practice is discriminatory if:

- If it is applied or would be applied to someone with whom B does not share the characteristic
- It puts or would put people with whom B shares the characteristic at a particular disadvantage when compared with people who do not share it
- It puts or would put B at that disadvantage and
- Which A cannot show to be a proportionate means of achieving a legitimate aim.

3 Combined Discrimination/ Dual Characteristics occurs when a person is treated or would be treated less favourably because of a combination of two relevant protected characteristics than someone who does not share either of those characteristics. An example would be a black woman treated less favourably than a white man because she is black and because of her gender.

4 Race Discrimination occurs where because of their race, colour, nationality ethnic or national origin a person is treated less favourably than a person of a different group in the same or similar circumstances unless there are objective reasons for doing so.

5 Institutional Racism is defined in the McPherson report as "The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people". This principle can be applied to other forms of disadvantage and the Council has adopted it.

6 A Racist Incident is defined as "any incident which is perceived to be racist by the victim or any other person". The Council has adopted this definition of such incidents.

7 Discrimination on the grounds of religion and belief occurs where because of their religion or belief, a person is treated less favourably than a person with a different religion or beliefs in the same or similar circumstances unless there are objective reasons for doing so.

8 Sex Discrimination occurs where because of their gender, a person is treated less favourably than a person of the opposite gender in the same or similar circumstances unless there are objective reasons for doing so.

9 Gender reassignment Discrimination occurs where occurs where because of gender reassignment, a person is treated less favourably than a person of the opposite gender in the same or similar circumstances unless there are objective reasons for doing so. Gender Reassignment/ transgendered- as defined in the Equality Act is a person who is proposing to, is undergoing or has undergone a process(or part of a process)for the purpose of reassigning their sex by changing the physiological or other attributes of sex..

10 Disability discrimination occurs when because of a disability a person is treated less favourably than a person without disability or with a different disability is in the same or similar circumstances unless there are objective reasons for doing so.

11 Age discrimination occurs when because of age, a person is treated less favourably than people of other age groups in the same or similar circumstances unless there are objective reasons for doing so. Whilst older people are generally perceived to be the victims of age discrimination, those aged under 25 are also particularly vulnerable.

12 Discrimination on the grounds of sexual Orientation occurs when because of their sexual orientation, people are treated less favourably than people of a different sexual orientation in the same or similar circumstances unless there are objective reasons for doing so.

Sexual orientation means orientation towards:

- People of the same sex
- People of the opposite sex
- People of either sex

13 Lesbian- A woman who is emotionally and or sexually attracted to other women.

14 Gay Man- A man who is emotionally and or sexually attracted to other men.

15 Heterosexual- A person who is emotionally and or sexually attracted to a people of the opposite sex.

16 Heterosexism- The assumption that everyone identifies as being heterosexual and that such a lifestyle is better than any other whether gay, lesbian bisexual or celibate.

17 Bisexual- A person who is emotionally and or sexually attracted to people of both sexes.

18 **Homophobia-** Prejudice and bigotry against lesbians and gay men based on fear.

19 **Multiple discrimination** occurs when for more than one reason a person is treated less favourably than others without those characteristics in the same or similar circumstances unless there is an objective reason for doing so. An example would be an ethnic minority, female wheelchair user who could be treated less favourably for a combination of these reasons simultaneously. In this example all three forms of discrimination are unlawful in their own right.

20 **Associative Discrimination** is direct discrimination against a person because they associate with someone who has a protected characteristic.

21 **Discrimination by perception** is direct discrimination against a person because others think they possess a particular protected characteristic. This also applies in situations where the person does not possess that characteristic.

22 **Racial and religious Hatred** occurs where words or behaviour are used which are threatening and intended to stir up religious hatred against a group of people defined by reference to their religious belief or lack of belief.

PART 2- (Dignity at Work? HARASSMENT, BULLYING AND VICTIMISATION IN THE WORKPLACE AND OF SERVICE USERS BY COUNCIL EMPLOYEES

1. Statement of principles

1.3 The Council is committed to employees and service users' rights to be treated with dignity and respect and to ensure that each person can take pride in his/ her own unique identity.

1.2 Preston City Council is committed to eliminating harassment, bullying and victimisation from the workplace and of service users by employees. No employee of the Council or service user should have to tolerate such behaviour from colleagues, elected members, members of the public or contractors.

1.3 The Council acknowledges the problems of harassment, bullying and victimisation at work and of service users. It emphasises that such forms of behaviour are totally unacceptable. The Council recognises that any worker or service user can be subjected to these forms of behaviour and that some workers and service users are at greater risk of specific types of harassment, bullying and victimisation.

1.4 The Council considers that the determining factor in assessing whether harassment, victimisation or bullying has occurred is the impact of the action(s) on the victim rather than the intent of the alleged perpetrator.

1.5 All employees or service users who feel they or a colleague are being harassed, bullied or victimised by Council employees or elected members can make use of the harassment and bullying procedure for the resolution of complaints accompanying this policy. The procedure is designed to ensure the issues are properly addressed effectively and quickly to ensure the unacceptable/ unwanted behaviour stops.

2. The consequences of harassment bullying and victimisation

2.1 Harassment, bullying and victimisation have a negative impact on the victim, the perpetrator and those around them both within and outside the workplace.

2.2 These forms of behaviour impact adversely on the quality of service the Council provides. This is as a consequence of higher levels of sickness and absenteeism, diminished job performance of all those affected, increases in the levels of staff turn over and low morale.

2.3 Harassment, bullying and victimisation can lead to adverse publicity about the Council as an employer and service provider. Publicity of this nature detracts from the Council's objective of being an employer and service provider of choice amongst all sections of the wider community. It also

detracts from the Council's desire to have a diverse workforce at all levels that is representative of the community it serves. It may also lead to the exclusion of some groups from access to services.

2.4 Harassment, bullying and victimisation can all lead to successful claims in employment tribunals for sex, gender reassignment, race, age, Sexual orientation, disability, age and religion and belief discrimination under the relevant legislation. It can also lead to successful claims in the County Court where harassment, bullying or victimisation has occurred but without being related to any of the above issues, under the provisions of the Prevention of harassment Act 1997. In all such cases potential compensation awards are unlimited. Claims for constructive and unfair dismissal can also be made under the Employment Rights Act 1996. The potential financial consequences are, therefore, great. It can also lead to civil action being taken for stress suffered by a person who has been harassed, bullied or victimised.

2.5 Service users can also take legal action against the authority and or individual employees where harassment, bullying or victimisation have occurred. Such acts may amount to a criminal offence, particularly in the areas of racial and religious hatred. Action may be taken against the perpetrator under the Prevention of Harassment Act 1997.

2.6 Employees who harass, bully or victimise their colleagues or service users leave themselves open to disciplinary action including dismissal. In more extreme cases, they may also be liable to criminal prosecution.

3. Definitions

3.1 **Harassment** occurs where a person engages in unwanted conduct related to a protected characteristic and it has the purpose or effect of:

- a) Violating the other person(s) dignity or
- b) Creating an intimidating, hostile, degrading, humiliating or offensive environment for the other person(s)

It also applies in situations where a person engages in unwanted conduct of a sexual nature

In deciding whether conduct has the effect(s) set out in a) and b) above, the following must be taken into account

- The perception of the other person
- The other circumstances of the case
- Whether it is reasonable for the conduct to have had that effect

3.2 **Bullying** is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

The Council recognises that strength and power can come from a person's assumed status. It is not limited to traditional working relationships.

3.3 Victimisation occurs when an employee is subjected to a detriment because he/ she has done a protected act or it is believed he/she has or may do a protected act. This includes bringing proceedings, giving information and making allegations that policy has been breached.

From an employers point of view victimisation whether lawful or not will be treated equally seriously.

4. Harassment and the forms it can take

4.1 Harassment can take many forms examples of which are given below.

- Insults or jokes which are racist, sexist or homophobic in nature
- Lewd suggestive or over familiar behaviour including conduct of a sexual nature
- Display or circulation of sexually suggestive, racist, homophobic, offensive (e.g. about religion) material whether printed or electronic.

4.2 All forms of harassment, victimisation or bullying can consist either of a single act or an unacceptable pattern of behaviour.

5. Prevention of Harassment by Employees

5.1 All Council employees and members are responsible for ensuring that the workplace and service provision is free of harassment, bullying and victimisation and this can be done in a variety of ways:-

- (i) Awareness of the issues of harassment bullying and victimisation.
- (ii) Intolerance of harassment, victimisation and bullying.
- (iii) Making sure your own behaviour or conduct does not cause offence or misunderstanding.
- (iv) Giving support to colleagues and service users who are being harassed, victimised or bullied.
- (v) Managers dealing with the issues properly when they are brought to their attention.

6. Further Information

6.1 Further information on equal opportunities issues including harassment, victimisation and bullying, can be obtained from your line manager, trade union representative, Human Resources Advisor (Equal Opportunities) Tel: 01772 906370 or from other members of the human resources team.

PART 3- HARASSMENT BULLYING AND VICTIMISATION AT WORK PROCEDURE FOR THE RESOLUTION OF COMPLAINTS

The procedure for the resolution of complaints of harassment, bullying and victimisation is written in the context of such behaviour at work, by employees against other employees. However, the principles outlined in the procedure apply equally to the harassment, victimisation and bullying of service users by Council employees and the same procedure for resolving complaints will be followed. It is recognised that there are occasions on which members of staff are harassed by service users. Such incidents should be reported on accident/ incident reporting forms.

1. INTRODUCTION AND PURPOSE.

1.1 Preston City Council seeks to maintain excellent working relationships between members of staff across all Directorates within the authority, for the benefit of staff and the wider community we serve.

1.2 It is acknowledged that on occasions, members of staff may be subject to harassment, bullying and victimisation. The purpose of this procedure is to provide an effective means of resolving and preventing the recurrence of this behaviour. This procedure applies to all staff employed by Preston City Council. The full range of harassment issues is encompassed, i.e. discrimination on the grounds of race, sex, gender reassignment, disability, age, sexual orientation and religion and belief as well as all forms of bullying and victimisation.

2. ACTION YOU SHOULD TAKE IF YOU THINK YOU OR A COLLEAGUE IS BEING HARASSED, BULLIED OR VICTIMISED BY ANOTHER EMPLOYEE OF THE COUNCIL.

2.1 Where an employee raises a complaint, it will be dealt with in accordance with the Council's procedure. The Council's "Harassment, Bullying and Victimisation at work- Procedure for the Resolution of Complaints" is designed to ensure confidentiality where possible and to make certain that all complaints are handled sensitively, investigated thoroughly and dealt with speedily.

2.2 Staff who feel that they, or a colleague are the victims of harassment, bullying or victimisation at work can either deal with the issue: -

a) Informally

Where you feel able to do so, you should ask the alleged harasser to stop the unwelcome behaviour either in person, or through a third party such as a union representative, work colleague or your line manager, explaining that it (the behaviour) is unwanted/ unwelcome. Under this stage of the procedure, no other person will be involved and no investigation carried out. You should keep a record of the date of the conversation and a note of what was said by the parties involved. This record may be needed in the event of the

unwelcome behaviour not ceasing and a subsequent formal complaint being made.

N.B. At all stages of the procedure, Chief Officers, managers and investigating officers will have regard to the need for or appropriateness of mediation between the parties.

b) Formal Complaint

Where you feel unable to deal with a complaint informally, an informal complaint has failed to resolve the unwelcome behaviour, or where you feel the complaint is serious enough to be raised formally at the outset, the Council's formal procedure for dealing with harassment, bullying and victimisation should be used.

2.3 The Council recognises that due to the nature of harassment, bullying and victimisation, you may not wish or feel able to discuss complaints with your line manager. When making a formal complaint, you or the person acting on your behalf may therefore raise the matter with your line manager, or the Assistant Director (Human Resources), either verbally or in writing.

2.4 When raising a formal complaint in person, you may feel more comfortable with a friend or work colleague of your choice present. Every effort will be made to accommodate this.

2.5 When a manager becomes aware of any behaviour which breaches, or apparently breaches, the Council's policy or receives a complaint concerning harassment, bullying or victimisation, he/ she has a duty to progress the matter.

- An investigation will take place to establish the facts and to recommend what action, if any (including discipline), needs to be taken to resolve the situation and prevent a recurrence. The investigating team will consist of two people. One of these will normally be a manager or senior officer from the complainants employing department unless the complainant or alleged harasser can demonstrate that this would be inappropriate, in which case an officer from another department will be appointed. Efforts will be made wherever possible to ensure one of the team is a person sensitive to the issues raised in the complaint. The second person will assist in and advise on, the conduct of the investigation. Both the complainant and the alleged harasser will have the opportunity to provide evidence to the investigating team and to be represented throughout.
- Both the complainant and alleged harasser will be advised of the outcome of the investigation as soon as possible after its conclusion. The conclusion reached will also be confirmed in writing to both parties.
- The investigating officers will present their report and conclusions to the departmental Director. Should the Director decide to pursue the

2.6 All complaints, associated documentation and interview statements will be treated in strict confidence as far as is possible. All those involved in any harassment, bullying or victimisation proceedings; i.e. complainants, alleged harassers and witnesses will be informed that the matter is confidential and that breaches of confidentiality may result in disciplinary action being taken.

2.7 The Council recognises that whatever the outcome of an investigation, there will be a need to re- establish normal working relationships. Action taken to achieve this will be monitored to ensure that there is no repetition of the unwanted behaviour or victimisation of the complainant, alleged harasser or witnesses as a result of the complaint.

2.8 The Council provides a confidential counselling service. You may wish to use the counselling service prior to raising complaints through this procedure. If this is the case you should contact Alison Young in the guild Team (ext 3629 or Jo Cleminson in Internal Audit (ext 6013). Should you raise a formal complaint, you will, in any case, be afforded the opportunity of counselling at that time. Counselling is also available to the alleged harasser. It may also be available from other sources such as your trade union.

3. VEXATIOUS AND MALICIOUS COMPLAINTS

3.1 It is recognised that complaints of harassment, bullying and victimisation are generally made in good faith. However, on occasions, complaints are made either vexatiously or maliciously. Where a complaint is found to be vexatious or malicious, disciplinary action will be taken against the complainant.

4. APPEALS FOLLOWING INVESTIGATION OF THE COMPLAINT

4.1 Where the complainant or alleged harasser feels that the investigation of the complaint was flawed, or the response to the investigating team's report was inappropriate, the matter may be raised through the grievance procedure (stage 3). The grievance will be dealt with by a manager independent of both parties who played a part in the original investigation. An employee may of course appeal under the disciplinary procedure against the outcome of any disciplinary action which may have been taken against them as a result of the complaint.

5. FURTHER INFORMATION

Further information on the resolution of harassment, bullying and victimisation complaints can be obtained from the Human Resources Advisor (Equal Opportunities), other staff of the Human Resources department, your line manager or Trade Union representative.