



# Workforce

## **Bullying and Harassment : guide for managers**

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

It is not always easy to tell the difference between appropriate behaviours and bullying and harassment. There is helpful information in the following:

- [examples of bullying behaviour](#) <sup>1</sup>
- [examples of harassment](#) <sup>2</sup>
- [Am I being bullied: self-reflection tool](#) <sup>3</sup>
- [Am I being harassed: self-reflection tool](#) <sup>4</sup>
- [Royal College of Surgeons Edinburgh Campaign: Is my behaviour affecting the team?](#) <sup>5</sup>

As a manager, you should be aware of the potential signs of bullying or harassment in the workplace.

## Signs of bullying or harassment in the workplace

General:

- change in the atmosphere in a work area, for example, silence
- high levels of absence
- breakdown in certain work relationships
- changing behaviour patterns
- lack of commitment
- low morale
- increased staff turnover in a particular area

Individual:

- poor performance
- suspected alcohol or substance abuse
- lack of enthusiasm
- emotional or unhappy
- lack of confidence
- irritable
- reduced self-esteem

This list is not exhaustive. It is important to remember that these signs need not necessarily be linked to harassment but could indicate other non-related problems.

Any employees affected by bullying or harassment can be sign-posted to confidential advice and support from the following:

- trade union representatives
- another manager

- human resources (HR)
- confidential contacts
- occupational health services

## Employees who believe that they have been bullied or harassed

You should encourage those employees to:

- access the self-reflection tools and examples of [bullying behaviours](#) <sup>1</sup> and [harassing behaviours](#) <sup>2</sup>
- keep a personal record detailing any incidents, dates, times, witnesses and informal action taken
- participate in early resolution, for example:
  - speaking to the person to inform them that their behaviour is causing offence or distress
  - writing to the individual
  - engaging in a supported conversation
  - participating in mediation

Where the employee does not feel able to approach the individual directly, you may be asked to raise the concern on behalf of the employee with the subject of the complaint. It is important that you inform the subject of the complaint that they are entitled to be represented by a trade union representative or be accompanied by a work colleague. The supported approach meeting invite and outcome letters should be used.

Where these approaches are unsuccessful, or the behaviours are serious and / or persistent, the employee can formally raise a complaint. If the manager considers the behaviours are serious and / or persistent following attempts at early resolution, they may arrange an investigation under the [Workforce Policies Investigation Process \(WPIP\)](#) <sup>6</sup>.

On receipt of the complaint, you should:

- acknowledge the complaint within 7 calendar days
- assess the risk to determine whether the individuals involved are safe to continue to work in their current roles and / or workplace
- meet with the employee to consider whether further early resolution processes are appropriate
- where early resolution is not appropriate, meet with the employee to understand their concerns and obtain further details, for example, statements or notes as required and detailed above
- arrange an investigation under the [Workforce Policies Investigation Process \(WPIP\)](#) <sup>6</sup>

## Feedback and outcomes

You and / or investigation team will meet with the employee to clarify the reasons for the decision. You should make the employee aware that they may not be able to receive the full report or full information about any recommendations regarding the other party for confidentiality reasons. The standard letter template should be used.

You should confirm the detail of the feedback meeting in writing using the standard letter template.

The investigation can have the following outcomes. The complaint is:

- not upheld
- upheld and justifies learning outcomes
- upheld and justifies referral to a formal [Conduct Hearing](#)<sup>7</sup>

If the employee remains dissatisfied following the feedback from the formal investigation, they can request a review of the process followed, not the outcome of the investigation. The request should be to you in writing within 14 calendar days.

On receipt of your review request you should:

- write to the employee giving 14 calendar days' notice of a review hearing
- ask the employee to provide a written statement to be shared 7 calendar days before the Hearing

Further information is provided in the [Formal hearing guide](#)<sup>8</sup>.

## Employees who have had a complaint raised about them

You should encourage those employees to:

- access the self-reflection tools and examples of [bullying behaviours](#)<sup>1</sup> and [harassing behaviours](#)<sup>2</sup>
- keep a personal record detailing any contact including dates, times, witnesses, and informal approaches made to them
- be open to early resolution approaches that could help resolve the situation:
  - listen to the person and the concerns that they are raising
  - engage in a Supported conversation
  - participate in mediation

Where these approaches are unsuccessful or their behaviours are considered serious and / or persistent, they should be advised that the person may formally raise a complaint against them.

On receipt of the complaint, you should:

- advise that a complaint has been raised and offer support
- advise that an investigation will be undertaken
- undertake a risk assessment to ensure all individuals involved are safe to continue to work in their current roles and workplace
- arrange an investigation under the [Workforce Policies Investigation Process \(WPIP\)](#) <sup>6</sup>

The investigation team will:

- share the nature of the complaint with the employee
- meet with them to hear their response to the concerns, obtain further details and explore with them whether they have any witnesses that they wish to be interviewed

## Feedback or outcome

You and / or investigation team will meet with the respondent to clarify the reasons for their decision and any recommendations. A standard invitation letter is available. The employee should be made aware that they may not be able to receive the full report for confidentiality reasons but will receive all information pertaining to them. This should include confirmation of any further processes.

The investigation can have the following outcomes. The complaint is:

- not upheld
- upheld and justifies learning outcomes
- upheld and justifies referral to a formal [Conduct Hearing](#) <sup>7</sup>

This should be confirmed in writing using the standard outcome letter template.

## Maintaining relationships

There is an expectation that people will continue to work together at all stages wherever possible.

You should offer appropriate support to enable this to happen. This should include:

- individual meetings with affected parties
- agreeing on a process for raising future concerns

- A joint meeting to establish ways of working together
- Agreeing on a timescale for check-ins to ensure parties feel supported

Finally, you should be aware of the impact on witnesses, any support required and that any recommendations such as learning outcomes have been implemented.

## **Failure to engage**

There may be occasions where an employee feels unable to attend a hearing. Where this is for health reasons, occupational health advice will be obtained to consider when they will be able to do so, or if there are alterations to the process which can be made to support their attendance.

If the employee intends to be supported or represented then the availability of all parties will be considered, to agree on a suitable date for all parties. If their representative is unavailable, further dates will be agreed to allow the hearing to happen.

Where the employee decides not to attend and there is no reasonable explanation for this, they will be offered a second meeting and if they fail to participate, the panel will consider any reasons for this and whether to progress the hearing in their absence.

## **Grievances, bullying and harassment complaints, and counter complaints**

If an employee raises a grievance or bullying and harassment complaint during the bullying and harassment process, the process may be temporarily suspended in order to deal with the grievance or complaint. Where the grievance or complaint and matters under consideration are related, it may be appropriate to deal with both issues at the same time.

# References

- <sup>1</sup> Bullying and Harassment Policy: examples of bullying behaviour  
<https://workforce.nhs.scot/supporting-documents/tool/bullying-and-harassment-policy-examples-of-bullying-behaviour/>
- <sup>2</sup> Bullying and Harassment Policy: examples of harassing behaviour  
<https://workforce.nhs.scot/supporting-documents/tool/bullying-and-harassment-policy-examples-of-harassing-behaviour/>
- <sup>3</sup> Bullying and Harassment Policy: am I being bullied at work self-reflection tool  
<https://workforce.nhs.scot/media/uzgdzztz/bullying-and-harassment-policy-am-i-being-bullied-at-work-reflection-tool.pdf>
- <sup>4</sup> Bullying and Harassment Policy : am I being harassed at work self-reflection tool  
<https://workforce.nhs.scot/media/f25hnxxm/bullying-and-harassment-policy-am-i-being-harassed-at-work-reflection-tool.pdf>
- <sup>5</sup> The Royal College of Surgeons Edinburgh, anti-bullying and undermining campaign: Is my behaviour affecting the team?  
<https://www.rcsed.ac.uk/professional-support-development-resources/anti-bullying-and-undermining-campaign/is-my-behaviour-affecting-the-team>
- <sup>6</sup> NHSScotland Workforce Policies Investigation Process  
<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>
- <sup>7</sup> NHSScotland Conduct Policy  
<https://workforce.nhs.scot/policies/conduct-policy-overview/>
- <sup>8</sup> NHSScotland Formal Hearing Guide  
<https://workforce.nhs.scot/supporting-documents/guides/formal-hearing-guide/>