



# Workforce

## **Bullying and Harassment : guide for an employee who has had a complaint made against them**

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>

In addition, confidential advice and support can be obtained from the following:

- Trade Union Representatives
- Line Manager
- Another Manager (where your concern is about your Line Manager)
- Human Resources (HR)
- Confidential contacts
- Occupational Health Services

If a complaint has been raised about you, it may be helpful 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, dates, times, witnesses and informal approaches made to you
- determine if early resolution approaches could help resolve the situation:
  - Listen to the person and the concerns that they are raising
  - Engage in Supported conversation
  - Participate in Mediation

Where these approaches are unsuccessful, or your behaviours are considered serious and / or persistent, the person may formally raise a complaint.

On receipt of their complaint the manager will:

- Advise you that a complaint has been raised and offer support
- Advise you 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
- The manager will arrange an investigation under the [Workforce Policies Investigation Process \(WPIP\)](#) <sup>5</sup>

The investigation team will:

- Share the nature of the complaint with you

- Meet with you to hear your response to the concerns, obtain further details and explore with you whether you have any witnesses that you wish to be interviewed

## Feedback / Outcome

The manager and / or investigation team will meet with you, clarifying the reasons for their decision and any recommendations. You should be aware that you may not be able to receive the full report or full information about any recommendations regarding the other party for confidentiality reasons.

The investigation can have the following Outcomes:

- The complaint is not upheld
- The complaint is upheld and justifies learning outcomes
- The complaint is upheld and justifies referral to a formal [Conduct Hearing](#)<sup>6</sup>

Following the feedback meeting, the need for any further processes will be confirmed in writing.

If you are dissatisfied following the feedback from the formal investigation, you can request a review of the process followed, not the outcome of the investigation. The request should be in writing within 14 calendar days to the designated manager indicated in the feedback confirmation letter.

On receipt of your review request the manager will:

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

At the review Hearing:

- The manager will be asked to present their findings and the process that they followed
- You will be asked to explain why you feel that the process was not followed correctly
- In exceptional circumstances, witnesses may be called by either party
- Where there are witnesses both parties will have the opportunity to question them

A written outcome of the review will be provided to you within 7 calendar days.

The review process is separate from any right of appeal in relation to any formal action taken under the Conduct or Capability Policies. Any concerns

relating to the process can be covered as part of your case at a formal hearing and / or as part of an appeals process. On that basis, the appeal process may be more appropriate.

## **Maintaining relationships**

There is an expectation that people will continue to work together at all stages wherever possible. Your manager will offer appropriate support to enable this to happen.

## **Failure to Engage**

There may be occasions where you feel unable to attend a hearing. Where this is for health reasons, Occupational Health advice will be obtained to consider when you will be in a position to do so or if there are alterations to the process which can be made to support your attendance.

If you intend to be supported or represented then the availability of all parties will be considered, in order to agree on a suitable date for all parties. If your representative is unavailable, further dates will be agreed to allow the hearing to happen.

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

## **Grievances / Bullying and Harassment Complaints**

If you raise 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/uzgdzttz/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> NHSScotland Workforce Policies Investigation Process  
<https://workforce.nhs.scot/policies/workforce-policies-investigation-process-overview/>
- <sup>6</sup> NHSScotland Conduct Policy  
<https://workforce.nhs.scot/policies/conduct-policy-overview/>