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NOTTINGHAMSHIRE
POLICE
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PS 151: Harassment and Bullying

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PD 603 Dispute Resolution Procedure
PD 462 Professional Standards Reporting Procedure
Staff Misconduct Policy and Procedure

Functional owner

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Statement of legislative compliance

This document has been drafted to comply with the general and specific duties in the Equality Act 2010; GDPR 2018; Freedom of Information Act; European Convention of Human Rights; Employment Act 2002; Employment Relations Act 1999, and other legislation relevant to policing.

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1. Aims and objectives of the policy

Nottinghamshire Police and Office of the Police & Crime Commissioner (OPCC) are committed to equality of opportunity and valuing diversity for all. Nottinghamshire Police welcomes diversity and inclusion and believes that individuals have the right to work in an environment, which encourages harmonious relationships and promotes a working environment where all individuals are treated with respect and courtesy whilst carrying out their duties. Harassment or bullying of any individuals working for Nottinghamshire Police or the OPCC will not be tolerated.

Nottinghamshire Police and the OPCC's aim is to provide a working environment free from discrimination and where everyone is treated with dignity and respect. This supports our commitment to being an employer of choice and supporting our employees' health and wellbeing.

The objective of the policy is to prevent harassment, bullying and/or victimisation and provide guidance to resolve any problems should they occur and to avoid recurrence.

Nottinghamshire Police and the OPCC will treat all complaints of harassment and bullying seriously and will act promptly to investigate the complaint.

2. Policy statement

Scope

The policy applies to all police officers, police staff and special constables working for Nottinghamshire Police and the OPCC.

The policy should be read in conjunction with the Dispute Resolution Policy and Procedure.

3. Definitions (Please refer to Appendices 1 & 2 for more detailed definitions)

Harassment is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual; or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwanted and unwelcome to the individual.

Work place is considered as any place where the business of Nottinghamshire Police is conducted. This extends, for example, to locations away from the office or station (such as police vehicles and on patrol) and can include work related social activities.

Victimisation occurs when an individual is treated in a way that is detrimental because they have made a complaint about being discriminated against or harassed, or they intend

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to make a complaint about discrimination or harassment or they have or intend to act as a witness or give evidence in support of another person(s) relating to a complaint about discrimination or harassment.

3.1 Responsibilities

Nottinghamshire Police and the OPCC is responsible for preventing bullying or harassing behaviour. It is the responsibility of all line managers and supervisors to ensure that their team complies with this policy and that any incident of harassment, bullying or victimisation is investigated immediately and sympathetically. It is the responsibility of all those working for Nottinghamshire Police and the OPCC to behave in an acceptable and appropriate manner at all times.

Managers are responsible for addressing all areas of people management including relevant performance, attendance or conduct issues in a timely, open and appropriate manner. This would not constitute bullying or harassment.

Every member of Nottinghamshire Police and the OPCC, regardless of grade, rank, role or position, who is found to be responsible for inciting, perpetrating or condoning behaviour which amounts to workplace bullying or harassment may be subject to misconduct/discipline procedures. Such a person can be held personally liable if the target of the behaviour undertakes legal proceedings.

3.2 Process

If an individual believes that they have been subjected to, or witnessed harassment and/or bullying, then their concerns should be raised with their line manager or supervisor. All concerns raised will be taken seriously and dealt with promptly and sensitively.

- Informal resolution should be the first step where possible. If and only if you feel comfortable, tell the individual to stop whatever it is they are doing that is causing distress and point out their behaviour is unwelcome, inappropriate or offensive. They may be unaware of the effect of their actions. This may be done verbally or in a written format.
- If the individual is not comfortable of raising the issue, they may wish to get someone to act on their behalf. This could be a colleague or workplace representative.
- In some cases, it may be appropriate to refer to PD 462 Professional Standards Reporting Procedure or Integrity Messenger, the Force's confidential tool for reporting suspected misconduct or corrupt practices.
- The individual, work colleague or work place representative may raise the issue with their line manager, supervisor or second line manager, who should then raise the issue with the individual to whom the complaint has been made. This should be actioned quickly and sensitively.
- If the informal route does not bring about the appropriate resolution then PS 141 Dispute Resolution Policy and PD603 Procedure should be utilised. These provide a formal route to resolve workplace issues.

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- A prime consideration during the process must be the individual who has raised the complaint and their wishes. In serious cases, the matter may be referred to the Head or deputy head of Professional Standards or the Head of PS & OD with or without the individual's consent.
- The Head of Professional Standards will determine if the complaint should be investigated as a misconduct or discipline matter under the provisions of the Police Conduct Regulations or Staff Misconduct Policy and Procedure.

4. Administration

Version Control	
Section changed	Details of change
V1.0	New policy
V2.0 New appendices	Addition of Appendices to expand on definitions of harassment and bullying
V2.1	Update to include the Office of Police and Crime Commissioner, employer of choice and ethical veganism.

Registered Owner	
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Reviewer	Jasvir Ginda - December 2020

5. Appendices

Appendix 1

Harassment & Bullying Policy

1. What is Harassment?

1.1 Harassment is any behaviour that is unwelcome and affects the dignity of those subjected to it. For the purposes of this Policy, we will use and apply the following definition of harassment as being:

‘Unwanted conduct related to a protected characteristic which has the purpose or effect of:

- violating a person’s dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for them.’

1.2 Harassment may take place for any number of reasons. A person may be subjected to harassment because they are perceived as being ‘different to the norm’ in some way or are in a less powerful position than the alleged harasser. For this reason, people who are in a minority position – be it numerical or hierarchical – may be more vulnerable to being harassed. It is important to recognise however, that harassment can occur in less obvious scenarios and outside of traditional power relationships.

1.3 In addition, an individual may feel harassed even if the behaviour is not directed at them (**harassment because of association**) or it is directed at them but they do not have the protected characteristic but are perceived to have it (**harassment because of perception**).

The protected characteristics applicable here are:

- age
- disability (physical or mental)
- gender reassignment (including gender identity and gender expression)
- race (including ethnic and national origins, colour and nationality)
- religion or belief (including lack of belief and ethical veganism as a philosophical belief)
- sex (including sexual harassment)
- pregnancy or maternity
- sexual orientation

Harassment related to these characteristics is unlawful.

1.4 The following sections describe these forms of harassment in greater detail and provides examples of how such harassment may manifest. These examples are not intended to be exhaustive. They are, however, indicative of conduct that would be considered unacceptable by Nottinghamshire Police.

2. Harassment related to Age

2.1 Harassment related to age is unwanted conduct related to a person's age. It can occur because of a person's real or perceived age and applies to the 'young' and 'old' alike. Specific examples of age-related harassment include jokes, name-calling and comments relating to a person's age or comments about their presumed abilities. Harassment related to age is unlawful under the Equality Act 2010.

3. Harassment related to Disability

3.1 Harassment related to disability is unwanted conduct directed at a person because of their physical or mental disability. It may relate to the disability itself or the person's real or presumed capabilities. A person can also be harassed on the grounds of disability where they themselves are not disabled - for example, if they are the carer of a child with disabilities and suffer harassment on that basis.

3.2 Specific examples of disability-related harassment include individuals being ignored, disparaged or ridiculed, inappropriate personal remarks, unnecessarily intrusive and inappropriate questions about a person's condition or excessive and unnecessary references to a person's disability. At its extreme, it can manifest as refusal to work or study alongside someone with a disability. Harassment related to disability is unlawful under the Equality Act 2010.

4. Harassment related to Gender Identity

4.1 Harassment related to gender identity is unwanted conduct directed at a person who is transgender or transsexual. This includes individuals who are undergoing, have undergone or plan to undergo a gender reassignment process to change their gender identity. Specific examples of such harassment include excluding a person, jokes and name-calling and refusing to acknowledge the person in their acquired gender. Harassment related to gender reassignment is unlawful under the Equality Act 2010.

5. Racial Harassment

5.1 Racial harassment is unwanted conduct related to a person's race, including their ethnic or national origins, colour or nationality. It is usually, although not exclusively, directed at individuals from minority ethnic groups.

5.2 Specific manifestations of racial harassment may include racist jokes, 'banter' and language, the expression of racist views and stereotypes related to, the display of racist materials, or deliberately excluding or refusing to cooperate with someone because of their race. Conduct that focuses upon a person's appearance, dress, culture or customs can also constitute racial harassment, as does behaviour that has the effect of fostering hatred and/or prejudice towards individuals of particular racial groups. Racial harassment is explicitly prohibited under the Equality Act 2010.

6. Harassment related to Religion or Belief

6.1 Harassment related to religion or belief is unwanted conduct directed at a person because of their religion or a comparable belief system. It can also occur because a person is presumed to be of a particular religion or belief, even if this is not the case, or because of a person's non-adherence to a religion or belief system.

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6.2 Harassment may take the form of insults or ridicule of a person's religion or belief. Behaviour may focus upon a particular aspect of a religion or belief system, such as clothing, religious artefacts, beliefs and rituals or the expression of stereotyped perceptions and assumptions about a religion or belief and its followers. It can also take the form of coercive pressure to convert or conform to a religion or belief system.

6.3 Harassment related to religion or belief is unlawful under the Equality Act 2010.

7. Sexual Harassment

7.1 Sexual harassment is unwanted conduct by either sex that is sexual in nature. Conduct that would amount to sexual harassment includes:

- Physical contact, ranging from invasion of personal space, inappropriate touching or physical assault
- Intrusive questions and remarks about a person's private life
- Inappropriate remarks about a person's appearance or dress
- Sexually explicit language, jokes, verbal and physical innuendo
- Using demeaning, gender-specific terminology
- Display or circulation of sexually explicit materials
- Coercive demands for sexual favours, (such as promotion or academic success depending on the response to the demand)
- Intrusion by pestering, spying or stalking

7.2 Persistent, unwanted advances, (e.g. inviting a colleague or friend out would not in itself amount to harassment. However, if it was indicated that the approach was unwelcome and the individual persisted in making such approaches, this is likely to be considered harassment by the recipient).

7.3 Sexual harassment is specifically prohibited under the Equality Act 2010.

8. Harassment related to Sex, Including Pregnancy or Maternity

8.1 Harassment related to sex describes unwanted conduct that is directed at a person because they are male or female. For example, to deliberately exclude someone because they are the only man or woman in a team, group or class would be considered sex harassment.

8.2 Harassment because a person is pregnant, breastfeeding or recently given birth, could be harassment related to sex.

8.3 Harassment related to sex is distinct from sexual harassment as, whilst the behaviour relates to a person's sex, it is not sexual in nature.

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8.4 Harassment related to sex is unlawful under the Equality Act 2010.

9. Harassment related to Sexual Orientation

9.1 Harassment related to sexual orientation is unwanted conduct directed at a person because of their actual or perceived sexual orientation. It most frequently affects individuals who are gay, lesbian or bisexual, but can sometimes be directed at heterosexuals too. Harassment related to sexual orientation may go unreported because a person does not wish to disclose their sexuality.

9.2 Harassment related to sexual orientation may be specifically manifested as intrusive questions about a person's private life, homophobic comments, jokes and 'banter' about sexuality, gossip and speculation about a person's sexuality, refusal to work or study alongside someone because of their sexuality and actual physical assault. 'Outing' someone by, for example, the release of personal information, would also be considered harassment. Harassment related to sexual orientation is unlawful under the Equality Act 2010.

Appendix 2

Harassment and Bullying Policy

1. What is Bullying?

- 1.1 Bullying can be defined as unwanted 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.'
- 1.2 Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships.

2. What behaviour constitutes Bullying?

- 2.1 Behaviour generally accepted as amounting to bullying includes:
- Ridiculing a person
 - Shouting or screaming at a person
 - Setting someone up to fail, e.g. withholding necessary information or deliberate work overload
 - Unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
 - Persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
 - Making threats or comments about job security or academic success or failure without foundation
- 2.2 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by Nottinghamshire Police.
- 2.3 Bullying is distinct from vigorous debate, or the actions of a supervisor or manager making reasonable (if unpopular) requests. It is also distinct from techniques used to manage and improve performance, the distinguishing factor being that these have the effect of supporting and developing potential or promoting desired work performance, whereas bullying has the effect of undermining, humiliating, denigrating or injuring the recipient.

3. Homophobic, biphobic or transphobic (HBT) bullying

- 3.1 HBT bullying is behaviour or language which makes a person feel unwelcome or marginalised because of their sexual orientation or gender identity, whether actual or perceived, or because of their association with people who are, or perceived to be, gay, bisexual or transgender (e.g. children of same-sex couples).
- 3.2 Some behaviours that have been associated with HBT bullying include:
- verbal bullying: being teased or called names;

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- rumour-mongering;
- being compared to LGB or T celebrities, caricatures or characters that portray particular stereotypes of LGB or T people;
- threat of being exposed (or 'outed') to friends and family as LGB or T even when this is an incorrect perception;
- being ignored or left out (i.e. indirect bullying or social exclusion);
- the use of inappropriate sexual gestures; and
- physical bullying: hitting, punching, kicking, sexual assault, and threatening behaviour.