



ABERDEEN

CITY COUNCIL

MANAGING BULLYING AND HARASSMENT

**GUIDANCE FOR MANAGERS AND
EMPLOYEES**

CONTENTS

Section 1: Introduction

- Purpose of the guidance notes
- Role of the manager and the employee's responsibility
- Who is covered by the policy?
- What is bullying and harassment?
- How can bullying and harassment be recognised?
- Examples of unacceptable behaviour.
- Advice and support
- Statutory requirements
- Early intervention

Section 2: The procedure in operation

- Making a complaint at the informal stage and at the formal stage
- Who responds to the complaint and who investigates?
- Investigating the complaint
- The employee's right to be accompanied
- Dealing with counter complaints
- Dealing with anonymous complaints
- Arriving at a decision – is there a case of bullying and / or harassment to answer?
- Informing the parties
- Decision to take no action
- Decision to take informal action
- Decision to progress matter to a disciplinary hearing
- Relocation or transfer

Section 3: Appeals

- What if the complainant is dissatisfied with a decision not to uphold their complaint?
- Grounds for appeal
- Registering an appeal
- Who hears the appeal?
- When should the appeal be heard?
- Who should attend the appeal hearing?
- Notifying the accused employee
- Conducting the appeal hearing
- Factors to consider before reaching a decision

Section 4: Work arrangements following outcome of complaint

Section 5: Keeping records

- What records should be kept and why?

Section 6: Monitoring

Section 7 Managing bullying and / or harassment at a glance

LIST OF APPENDICES

- Appendix 1: Model letter confirming outcome of informal stage (where a manager has had involvement in the case) – complainant**
- Appendix 2: Model letter confirming outcome of informal stage (where a manager has had involvement in the case) – accused employee**
- Appendix 3: Model letter confirming receipt of complaint**
- Appendix 4: Model letter to invite complainant to meeting**
- Appendix 5: Model letter to call accused employee to an investigatory meeting**
- Appendix 6: Model letter to call witness to a meeting**
- Appendix 7: Model investigatory report format**
- Appendix 8: Model executive summary format**
- Appendix 9: Model letter – outcome of investigation – complainant**
- Appendix 10: Model letter – outcome of investigation – accused employee – case to answer**
- Appendix 11: Model letter – outcome of investigation – accused employee – no case to answer**
- Appendix 12: Model letter to call complainant to appeal hearing**
- Appendix 13: Model letter to notify the accused employee that complainant has lodged an appeal**
- Appendix 14: Model letter to confirm outcome of appeal hearing – complainant**
- Appendix 15: Model letter to confirm outcome of appeal hearing – accused employee**

SECTION 1: INTRODUCTION

Purpose of the guidance notes

The purpose of these notes is to provide managers with practical advice and guidance on how to apply the Managing Bullying and Harassment policy/procedure. They give details on how to carry out each stage of the procedure including conducting meetings/hearings and provide general advice and assistance on how to effectively manage complaints of bullying and/or harassment.

It is recognised however that this can be a challenging area of management, therefore managers are advised to consult the HR Service Centre for advice where circumstances arise which are not specifically covered in the guidance.

Role of the manager and the employee's responsibility

Managers have a responsibility to promote an atmosphere of tolerance and respect in the workplace and to show a good example to their employees. They should take steps to address any action that may cause offence or distress and be supportive of any employees who come to them with concerns about unacceptable behaviour.

Each employee is responsible for their own behaviour and is expected to meet the standards defined within the relevant performance or professional review and development process and in relevant codes of conduct. Everyone has a duty to support a working environment free from bullying, harassment and victimisation for themselves and their colleagues.

Unfair treatment of individuals will not be tolerated and anyone who is found to have bullied or harassed another person in the organisation or victimised anyone as a result of their making a complaint may be subject to disciplinary action.

Who is covered by the policy?

The policy/procedure applies to **all** employees of the Council. All individuals working on behalf of the Council under other arrangements are not subject to the procedure but are required to comply with the standards set out in the policy statement and core principles of the policy/procedure.

What is Bullying and Harassment?

Bullying

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

Harassment

Harassment is defined as unwanted conduct related to a relevant protected characteristic (under the Equality Act 2010), or on other grounds, 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.

The protected characteristics are listed later under 'Statutory Requirements'.

The key factor is that the actions or comments of the accused employee are viewed as demeaning and unacceptable to the recipient and if not addressed quickly, could lead to the matter escalating.

Such behaviour may be physical, verbal or non-verbal.

Harassment also includes the following:

Harassment based on association – where an individual is harassed for association with another individual who has a protected characteristic. For example, if an employee is harassed because they are the carer of a disabled person.

Harassment based on perception – where an individual is harassed based on the perception that they have a protected characteristic. For example, if an employee is subjected to unwanted behaviour by a colleague due to their perception of the employee's sexual orientation, even if they are mistaken in their perception.

Victimisation is a further form of unacceptable behaviour. This is less favourable treatment of an individual because they have raised, or intend to raise, a complaint or because they have acted, or intend to act, as a witness in support of another person's complaint under this policy and procedure.

How can bullying and harassment be recognised?

Identifying whether bullying or harassment is taking place can sometimes be hard to recognise as the recipient may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will find them weak or not up to the job if they find the actions of others intimidating or offensive. They may worry they will be accused of overreacting or that they won't be believed if they do report incidents. Colleagues may also be reluctant to come forward as witnesses as they may fear the consequences for themselves. Instead they may collude with the accused employee as a way of avoiding attention.

If bullying or harassment is not tackled it can create serious difficulties for an organisation including poor morale and employee relations, loss of respect for managers and supervisors, poor performance, absence, resignations and may damage the employer's reputation. Ultimately, the Council could face an employment tribunal where unlimited compensation may be payable.

It is, therefore, not only the duty of the manager to promote a safe, healthy and fair environment for people to work, where bullying and harassment will not be tolerated, it is also in manager's best interests.

Examples of Unacceptable Behaviour

Behaviours deemed to be bullying, harassment or victimisation can take place face to face or through other forms of communication including e-mail, blogs or telephone. Examples include:

- making offensive jokes, using abusive language, slander, sectarian songs
- spreading malicious rumours, or insulting someone.
- copying correspondence that is critical about someone to others who do not need to know
- isolation, non-co-operation exclusion or marginalisation
- unfair treatment including unfair treatment on grounds prohibited by the Equality Act 2010
- misuse of power or position
- unwelcome sexual advances – touching, standing too close, displaying offensive material
- intrusion by pestering, spying and stalking
- making threats about job security without foundation
- deliberately undermining a competent worker by making excessive workload demands and constant criticism
- failing to safeguard confidential information

This list is neither exhaustive nor exclusive but is intended to give examples of behaviour that is unwarranted, unwelcome and is therefore unacceptable.

Advice and support

Advice

An individual may wish to seek advice to help them determine whether the behaviour they are experiencing constitutes bullying or harassment and if so,

what options could be available to them so that they can take appropriate action.

The following points of contact may be of assistance:

- Trade Union
- Citizens Advice Bureau www.cas.org.uk
- Grampian Region Equality Council (GREC) www.grec.co.uk
- An Acas Enquiry Point www.acas.org.uk
- Equality and Human Rights Commission www.equalityhumanrights.com
- Stonewall stonewall.org.uk

Support

Counselling Service

The counselling service is called time for talking and this is available to all employees. It is a confidential, free self-referral service where the counsellor's role is to listen to what has allegedly occurred and to talk the issues over confidentially with the complainant or the accused employee. It is an independent service that has no role in the investigation of complaints.

The complainant may find counselling helpful where they have been subject to unacceptable behaviour that has had an adverse effect on their emotional state.

The accused employee may find counselling helpful where their behaviour has been found to be unacceptable. They may have been unaware or insensitive to the impact of their actions and counselling may help them change their behaviour. It may also assist where their emotional state has been affected due to a complaint being made against them, whether founded or not.

The Council will receive information on the number of referrals made to the counselling service which are related to bullying and/or harassment. This is for monitoring and statistical purposes only and will not include information on individual referrals or any information that would allow identification of anyone using the counselling service.

Contact details are tel: 0800 970 3980 or email admin@timefortalking.co.uk

Individuals may also seek support and advice throughout the process from management and the trade unions.

Statutory requirements

The Equality Act 2010 makes harassment related to a protected characteristic unlawful. These are:

- age;
- disability;
- gender reassignment;
- race;
- religion or belief;
- sex;
- sexual orientation;

The Equality Act 2010 does not directly protect the following characteristics but unwanted conduct would amount to harassment related to sexual orientation and sex respectively:

- marriage and civil partnership;
- pregnancy and maternity.

Also covered by the Equality Act 2010 is:

- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment;
- less favourable treatment of someone because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment.

Early intervention

In the event of a complaint of bullying or harassment being made to a manager, every effort should be made to resolve the complaint timeously and, where possible, through the informal part of the procedure. However, in some instances a complaint of bullying and/or harassment will need to be investigated through the formal part of the procedure. Unacceptable behaviour that has been substantiated, following a thorough investigation, may warrant disciplinary action. In such cases, a disciplinary hearing will be conducted under the Council's Managing Discipline procedure.

SECTION 2: THE PROCEDURE IN OPERATION

Making a complaint

If a manager is approached by an employee who wishes to make a complaint they should first make the employee aware of the numerous sources of advice and support available to them so they can determine which procedural option may be best for them to follow if they believe they are being bullied or harassed. The employee should also be directed to the policy/procedure and guidance on Managing Bullying and Harassment.

- **At the informal stage**

Where an individual considers he/she is being bullied or harassed, they would be expected to consider attempting to resolve the matter informally in the first

instance unless this is inappropriate or the complaint of bullying or harassment is of a more serious nature.

The complainant may feel confident enough to inform the accused employee in person to indicate that their behaviour is unacceptable and outline the detrimental impact it is having on them and to request that such behaviour should cease immediately.

Alternatively, if the complainant considers the above approach too difficult then they may consider asking another person to act on their behalf. This could be a colleague, manager or trade union representative.

Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the unwelcome behaviour will cease.

Some individuals may not feel comfortable with their complaint being mentioned to the accused employee at all. In such situations, the employee should be offered support and encouragement to engage with the process so that the matter can be looked into. Managers should be sympathetic to employees without pre-judging any situation prior to an investigation being carried out, as it will often take significant courage to confront a bullying or harassment issue.

It is in the interests of all parties that issues are resolved as quickly as possible. Where there is no management involvement it is recommended that attempts are made to resolve the matter within 2 weeks of it being raised. Where there is management involvement the matter will normally be addressed within 2 weeks of it being raised. The manager will keep those involved informed of progress and advised of the reason for any delays if it is not possible to conclude the informal stage within this timescale.

At the informal stage there is no requirement for anything to be put in writing except that the outcome will be confirmed in writing where a manager has had involvement in addressing the issue. (See letters at appendices 1 and 2 to complainant and accused.)

Mediation may help to resolve the matter informally and individuals can request this through their manager (or next more senior manager if the matter concerns their manager). This can be arranged through an HR Business Partner. The mediator is an independent person who can help people to find a solution that they can both agree to. Seeking mediation does not formalise the process. It can only take place where it is entered into voluntarily by both parties.

- **At the formal stage**

If an individual considers that the matter remains unresolved and the informal stage of the procedure has failed because the person accused does not accept that their behaviour is inappropriate or because the behaviour does not cease or if the complaint of bullying or harassment is of a more serious nature, then they may raise their complaint through the formal stage of the procedure.

This should be done in writing to their line-manager (or next more senior manager if the matter concerns their manager) setting out the basis of their complaint of bullying or harassment.

The letter of complaint should include the following key factors:

- Who the accused employee is
- The behaviour that is causing distress and the impact that it is having on the complainant
- Dates, times and places where the alleged bullying or harassment took place
- Name(s) of any witness(es)
- Details of any action taken by the complainant or others in an attempt to cease the incidents of bullying or harassment
- The accused employee's response to the informal approach where that was taken

For reasons of confidentiality the letter must not be copied to anyone except those directly involved in the process which would include the investigating officer, Human Resources and possibly a work colleague or trade union representative.

It may not be easy for the complainant to set out their complaint in writing – especially for those individuals whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances, the complainant should be encouraged to seek help from a work colleague or a trade union representative.

If the complaint is against the line manager then the employee should approach a more senior manager. Whoever deals with the complaint should do so promptly to avoid delay and to achieve resolution quickly.

Who responds to the complaint and who investigates?

The manager who received the complaint of bullying or harassment will acknowledge receipt to the complainant in writing at the **earliest opportunity and normally within 5 working days** along with confirmation of the procedure that will be followed and the exact stage in the procedure i.e. formal stage. Confirmation of who will investigate the complaint of bullying and/or harassment will also be necessary and this will normally be the manager who received the complaint. This should enable the matter to be addressed at the lowest possible level of management. **(see appendix 3 for model acknowledgement letter).**

The manager who receives the complaint should notify the Director or Head of Service that a formal complaint of bullying and/or harassment has been received within their service. However, specific details of the complaint should not be disclosed to the Director or Head of Service to preserve their objectivity in case they are required to chair any subsequent appeal.

Investigating the complaint

The investigating officer should adhere to the principles of fairness and natural justice throughout the investigation.

Complaints need to be dealt with as quickly as possible and the investigating officer should aim to conclude the investigation and produce the report within 28 days which should be achievable in most cases. The person responsible for appointing the investigating officer should ensure that their workload allows them the time required to undertake the investigation. While the aim is to reach an early conclusion, this needs to be balanced against allowing sufficient time to complete a fair and full investigation. This will vary on a case by case basis and will depend upon a number of variables including the availability of the complainant, the accused, trade union and witnesses. Factors such as the number of witnesses and the complexity of the case will also have a bearing on how long the investigation takes.

Prior to undertaking the investigation

The Investigating Officer should:

- Ensure that they have had no prior involvement in the matter to be investigated
- Be clear about the remit of such an investigation i.e. a thorough investigation must be undertaken and that a report and executive summary will be required at the conclusion of the investigation
- Understand the content of the procedure and be aware that procedural advice and guidance is available from Human Resources
- Give priority to the investigation in respect of other work issues and conclude the investigation within a **reasonable timescale**

Gathering information/ Conducting the Investigation

The investigating officer should contact the HR Service Centre requesting an HR Adviser be assigned to the case to ensure that appropriate procedural and HR advice is available.

- The Investigating Officer should commence the investigation by meeting the complainant to allow them to discuss the complaint in more detail and gain further information. Adequate time must be set aside for preparation prior to meeting with the complainant.
- The complainant should be given adequate notice in writing prior to the meeting. **(see appendix 4 for model letter)** The letter should detail the proposed structure of the investigation, the right to be accompanied and a copy of the procedure should be attached. This will allow the individual to prepare and arrange for a work colleague or trade union representative to be available.
- The accused employee will then be called to an investigation meeting to be interviewed, prior to which they must be given adequate notice. They have the right to be accompanied by a work colleague or trade union representative. **(see appendix 5 for model letter)**

- It is essential that the investigating officer interviews all relevant witnesses and gathers any documentary evidence identified as being of relevance to the case. Each witness should be written to asking them to attend a meeting and they should also be informed that they have the right to be accompanied by a work colleague or trade union representative. **(see appendix 6 for model letter)**
- Questions should be prepared in advance of each meeting and notes should be kept. It is vital that each witness is aware that the matter is confidential and should not be discussed with anyone and that their statement will form part of the investigation report which will be seen by the accused employee if the matter goes forward to a disciplinary hearing.
- The investigating officer should also indicate that a follow-up meeting may be required with any of the parties and that if this is the case they will be provided with adequate notice.
- Each witness will be expected to co-operate fully with the investigation. If they show reluctance, then reassurance should be provided by the investigating officer regarding any concerns they may have about providing evidence.
- The investigating officer should keep a note of any potential witness(s) who do not want to be involved and their reason for refusing to provide a witness statement.
- The investigating officer should keep the complainant and accused regularly updated on the progress of the investigation.
- The investigating officer will also investigate any counter complaints in the same manner, as part of the investigation into the original complaint.

Producing a report and executive summary of the investigation

- Once the investigation is complete, the investigating officer will produce a report detailing the background, methodology, findings, conclusions, reasoning and decision. **(See appendix 7 for model report)**
- The report will also be used in accordance with the provisions of the disciplinary procedure, should a decision be taken to progress the matter to a disciplinary hearing. This will include all of the documentary evidence, including the witness statements.
- The investigating officer will also produce an executive summary. This will be a summary of the evidence considered by them, the decision whether or not to uphold the complaint and the reason(s) for it and will explain how the matter will be taken forward. It will not include any copies of witness statements or other documentary evidence. The executive summary will be provided to the complainant. A copy will also be provided to the accused if the matter is not going forward to a disciplinary hearing. (See Appendix 8 for model executive summary).

Recording the investigation

A full record of the investigation will be kept in a confidential and secure file at the HR Service Centre in accordance with data protection requirements.

The employee's right to be accompanied

An employee may be accompanied by a work colleague or trade union representative, when attending a meeting called by the investigating officer, but not by a legal practitioner, partner or spouse.

The individual chosen by the employee is referred to as 'the companion'. If the companion is an employee of the Council, they should be allowed reasonable paid time off to prepare for and go to the meeting called by the investigating officer. This includes time for the companion to familiarise themselves with the case and confer with the employee during the investigation.

Employees may choose a representative of any trade union to accompany them at a meeting, regardless of whether the trade union is a recognised one.

The employee is not permitted to choose a work colleague whose presence is likely to prejudice proceedings or which might create a conflict of interest.

Dealing with counter complaints

Where a complaint of bullying or harassment is made against a person and that person makes a counter complaint of bullying or harassment against the complainant, then the investigating officer will normally consider the counter allegation at the same time as the initial complaint.

It will be necessary for the investigating officer to gather all the facts from the counter complainant, adopting the same approach used for the initial complaint. This will include interviewing the counter complainant, along with any witnesses and records of dates, times and places of alleged incidents.

Only when the investigation is concluded will the investigating officer be able to consider all of the information gathered and make an overall judgement as to whether bullying and/or harassment has occurred.

Dealing with anonymous complaints

Individuals accused of unwanted or inappropriate behaviour must be given sufficient information to allow them to understand the complaint against them so that they have the opportunity to answer the allegation(s) and give a full account of their actions. In most cases this will involve identifying the individual who has made the complaint.

Some individuals may raise a complaint but may not want to be identified. The manager should encourage the employee to follow the Managing Bullying and Harassment policy/procedure so that the matter can be dealt with and should offer reassurance and support in relation to any concerns about

participation in the procedure. Advice should be taken from HR if the individual continues to refuse to be identified.

Where an anonymous complaint is received and the identity of the complainant is unknown the manager should conduct an informal preliminary investigation. If it is determined that there is no substance to the issue(s) raised the matter will go no further. If evidence is found that there may be a case to answer, advice should be sought from HR before proceeding further.

Arriving at a decision – is there a case of bullying and / or harassment to answer?

Before making a decision, it is important for the investigating officer to take account of the following:

- action taken in any previous similar case – in other words: is there a precedent
- any mitigation provided by the accused employee

In addition, it is crucial to determine whether:

- there is a genuine belief that there is a case of bullying and / or harassment to answer and whether the complaint is substantiated, or not
- the belief is based on reasonable grounds and sufficient evidence following a thorough investigation

If the investigating officer has determined that there is no case of bullying and/or harassment to answer, then the matter should be dropped at this stage, subject to the right of appeal by the complainant. The decision not to uphold the complaint may arise where:

- There is no case to answer because actions have been misconstrued as bullying and/or harassment or because the allegations are unfounded.
- After consideration of the available evidence, it cannot reasonably be concluded that there is a case to answer.

If the investigating officer has determined that there is a case to answer, then they will decide whether the matter is best dealt with informally through a counselling, mentoring and/or training intervention, or formally by referring the case to a disciplinary hearing.

- Where there are sufficient grounds to conclude that there is a case to answer on conduct grounds the matter will go forward to a disciplinary hearing.
- Where there is a case to answer but the unacceptable behaviour was relatively minor or was due to a lack of understanding of the expected

standards or the possible impact of their behaviour on others, the matter may be referred to management for appropriate action. This could include a counselling, mentoring and/or training intervention.

Collective, Organisational or Cultural Cause

Where the investigating officer decides that there is sufficient evidence of a case of bullying and or harassment to answer and that this is due to a collective, organisational or cultural cause, the matter will be referred to the Head of Service or Service Manager. They will then be required to look into the matter reported to identify the root causes and develop an action plan to address these.

Informing the parties

At the earliest opportunity, the investigating officer will meet separately with the complainant and accused to provide a verbal summary of the findings, advise whether the complaint is upheld or not and the reason for this decision and explain how the matter will be taken forward, taking care to maintain confidentiality. This will be confirmed in writing in an executive summary to the complainant (see appendices 8 and 9). The accused employee will also receive a copy of the executive summary, if the complaint is not progressing to a disciplinary hearing (see appendices 8 and 10 if there is a case to answer but the matter will be dealt with informally or appendices 8 and 11 if there is no case to answer) If the matter is to be considered at a disciplinary hearing this will be confirmed in writing to the accused by the investigating officer (see appendix 10). The chair of the hearing will write to the employee with details of the disciplinary hearing enclosing a copy of the investigation report and related documentation. The letter calling the employee to the disciplinary hearing can be found in the Managing Discipline Guidance for Managers.

The complainant has the right to know whether they have been believed about each of the issues they have raised. Where the complaint is upheld they are entitled to know that the matter will be dealt with but not whether this will be informally or formally through the disciplinary process.

It is important that managers ensure that continued support is available throughout the process for both parties and to offer details of the counselling service.

Decision to take no action

If it is found there is no case to answer, then the investigating officer should explain how they have arrived at this decision. It could be due to the complainant wrongly construing the alleged behaviour as being bullying and/or harassment or because the allegations are unfounded, or have been made for vexatious, malicious or capricious reasons.

Should the latter be the case, then the complainant will be subject to an investigation under the disciplinary procedure and disciplinary action may be taken against the individual should there be a case to answer.

Decision to take informal action

If it is found there is a case to answer but the unacceptable behaviour was relatively minor or was due to a lack of understanding of the expected standards or the possible impact of their behaviour on others, the matter may be referred to management for appropriate action which may include counselling, training or mentoring.

Decision to progress matter to a disciplinary hearing

If it is found that there is a case of bullying and/or harassment to answer and informal action is inappropriate, then the investigating officer should refer the matter to the Council's Managing Discipline procedure and provide all paperwork relating to the investigation to the relevant senior manager who will arrange for it to be passed to the officer nominated to chair the disciplinary hearing.

Relocation or transfer

Where the complaint is upheld, it may be necessary to relocate or transfer one party. This will be dependant on the nature of each case and normally the accused employee would be moved.

However, this may be considered impracticable and alternatively, the complainant may be moved. Should this be the case, then every effort will be made to identify a suitable transfer and the complainant should not suffer any detriment as a result of the move.

All parties should be fully briefed of any move and the necessary arrangements should be put in place without delay. Every effort should be made to allow the transition to be as smooth as is reasonably practicable.

The managers of the parties should make the necessary arrangements for the transfer or relocation following the investigating officer's recommendation(s) and the authority of the relevant Head of Service.

Section 3: Appeals

What if the complainant is dissatisfied with a decision not to uphold their complaint?

Employees who are unhappy with the decision reached after the investigation must be given the opportunity to appeal.

The appeal is about looking at what happened previously in the investigatory process and remedying any defects. The appeal is **NOT** a re-hearing of the original complaint but rather an opportunity for the employee to highlight to an independent manager, with the authority to make an alternative decision, why they believe the decision not to uphold their complaint was wrong.

Grounds for appeal

The complainant can appeal where they are dissatisfied with the outcome. An appeal can only be made on one or more of the following grounds. Where the complainant considers:

- that it was unreasonable for the investigating officer to have reached their conclusion on the basis of the evidence and information obtained
- that the investigation was fundamentally flawed
- that the procedure was not followed and this has adversely affected the outcome of the complaint.

Registering an appeal

To register an appeal, the employee must:

- submit their letter of appeal, in writing, to their Director within 10 working days of receiving the investigating officer's written confirmation of their findings
- set out the grounds for appeal (it is insufficient for the employee just to state that they wish to appeal without setting out their grounds)
- demonstrate the grounds on which they consider the decision to be unreasonable.

Who hears the appeal?

The appeal must be heard by

- the relevant Director who in turn can nominate a Head of Service
- someone with no prior involvement in the case

When should the appeal be heard?

The manager appointed to hear the appeal should contact the employee in writing with the appeal arrangements as soon as possible, and inform them of their right to be accompanied at the appeal hearing. **(see appendix 12 for model letter)**

The appeal hearing should normally take place **within 10 working days** of receipt of the employee's written notice of appeal.

If for some good and sufficient reason it is not practical to hold the hearing within this timescale then the employee must be informed as soon as this becomes evident, given an explanation for the delay and advised of the date the hearing is expected to take place. This should only be within a few days of the 10-day timescale.

Who should attend the appeal hearing?

- the manager chairing the appeal
- an HR Adviser to provide the manager with procedural advice and guidance
- the investigating officer
- the complainant
- the complainant's companion. This must be a work colleague or a trade union representative

Notifying the accused employee

The manager appointed as Chair of the appeal hearing should write to the accused employee, advising that the complainant has lodged an appeal. **(see appendix 13 for model letter)**

Conducting the appeal hearing

The chair should hold the hearing in as private location as possible to ensure there will be no interruptions (e.g. phone calls, maintenance work). The chair should identify a separate room in case adjournments are necessary and arrange for water to be made available in both rooms.

The chair should conduct the hearing by following these steps:

Step 1 – Introduction

Firstly explain the purpose and format of the hearing and deal with any procedural issues that may arise

Step 2 – Statement of grounds for appeal

Ask the complainant to state their grounds and reasons for the appeal

Step 3 – Response from the investigating officer

Ask the manager who reached the conclusion following the investigation to respond

Step 4 – Information gathering

Question both the manager and the complainant

Step 5 – Closing statements

Give both parties the opportunity to make a closing statement, firstly the manager then the complainant

Step 6 – Adjournment

Summarise the facts then adjourn the hearing to consider all of the relevant issues that have emerged and make a decision

Step 7 – Making the decision

Decide whether there are sufficient and reasonable grounds to

- Uphold the appeal in full **or**
- Uphold the appeal in part **or**
- Reject the appeal

Step 8 – Communicating the decision

Re-convene the hearing so that you can notify the employee of your decision and your reasons for it then confirm the decision in writing. **(see appendix 14 for model letter)** You should do so **within 5 working days** of the hearing.

The accused employee should also receive confirmation of the outcome of the appeal. **(see appendix 15 for model letter)**

If exceptional circumstances exist whereby it is not possible to respond by this deadline, then the employee must be given an explanation for the delay and told when a response can be expected.

Factors to consider before reaching a decision

In arriving at a fair and reasonable decision, the chair should:

- be prepared to overturn a previous decision if it becomes apparent that it was not soundly based and is wrong – such an outcome does not undermine authority but rather demonstrates the independent nature of the appeal.
- listen carefully to both sides of the case and make a judgement as objectively as possible
- satisfy themselves that no unfair bias or prejudice affected the original decision
- consider whether previous responses were within the band of reasonable responses
- consider whether any procedural deficiencies may have unfairly affected the outcome and disadvantaged the employee (if this is the case made by the complainant)
- pay particular attention to any new matters/evidence that has come to light, whether this would have affected the outcome of the investigation and whether the employee had the opportunity to raise these matters during the investigation. The chair should ensure that the investigating officer has an opportunity to comment on these
- check whether similar complaints have been made before and if so, how they were resolved.
- explore possible opportunities to resolve the complaint, and check the legitimacy of potential solutions with Human Resources.

Section 4: Work arrangements following outcome of complaint

Following the completion of an investigation and subsequent action taken, it may be necessary to re-build working relationships between the complainant and the accused employee. This is especially important in relation to re-establishing trust and confidence and encouraging positive working relationships.

Post mediation support may be an approach adopted where the two parties and their manager(s) conduct a mediation session with the aim of reaching the above outcome.

Continued support should be made available to both the complainant and the accused employee following the outcome of the complaint. This may be through their manager, trade union representative or they may wish to obtain counselling from the employee counsellor.

In cases where a decision has been taken to relocate or transfer an individual, then all those directly involved in the arrangements for doing so should be fully briefed. This should help make the transition as smooth as possible.

Section 5: Keeping records

What records should be kept and why?

Management must retain records detailing:

- the nature of the complaint raised
- management's response (the investigating officer's conclusion)
- any action taken and the reasons for it
- whether there was an appeal and if so, the outcome

These records should be kept confidential and retained at the HR Service Centre in accordance with data protection legislation.

Section 6: Monitoring

HR will monitor bullying and harassment cases arising, in order to identify any trends or areas of concern in particular services.

Section 7: Managing bullying and/ or harassment at a glance

At a glance

- the Managing Bullying and Harassment policy/ procedure allows employees to make complaints of bullying and/or harassment
- managers must handle complaints of bullying and harassment fairly and speedily, following the policy/procedure
- managers should ensure that support is offered and provided to both the complainant and the accused employee throughout the process
- if possible, employees should first attempt to resolve their complaint informally which can be with the assistance of their manager, a work colleague or a trade union representative
- employees should normally only resort to the formal stage of the procedure where the informal stage has failed or the allegation of bullying and / or harassment is of a serious nature and warrants adopting the formal stage
- to make a formal complaint, the employee must put their concerns in writing
- a thorough investigation requires to be undertaken without delay where the complainant, accused and witnesses are met with and all relevant documentary evidence gathered
- the investigating officer should ensure that the complainant and the accused employee, along with any witnesses, are aware of their right to be accompanied at meetings
- the investigating officer should deal with any counter complaints at the same time as part of the investigation
- before making a final conclusion the investigating officer should conduct follow up interviews where necessary and take further advice if required not making any snap decisions!
- The investigating officer will inform both parties concerned of the conclusion and decision reached along with the reasons for it, confirming this in writing.
- the complainant will be given the right to appeal if they are unhappy with the conclusion reached from the investigation
- a record will be kept of the details and outcome of the process

**MODEL LETTER CONFIRMING OUTCOME OF INFORMAL STAGE
(FOR USE ONLY WHEN A MANAGER HAS HAD INVOLVEMENT IN THE
CASE) - COMPLAINANT**

PERSONAL

Dear

INFORMAL COMPLAINT: MANAGING BULLYING AND HARASSMENT

I write to confirm the outcome to the complaint(s) you have raised against <name> under the informal stage of the above procedure. I note that the nature of your complaint(s) is/are as follows:

Enter summary of the complaint(s)

My Role

It was my role to try to help you and <name> to discuss the matters that you raised and to try to find a satisfactory outcome. I undertook this role at your request as you felt you did not wish to raise the matter(s) directly with <name>.

I met with you on <date> so that you could provide me with details of your complaint(s) including the behaviour that was causing you distress and I then met with <name> on <date> to discuss your complaint(s).

Outcome

We met with <name> on <date> to attempt to reach a satisfactory resolution. At the meeting <name> responded to your complaint(s) as follows:

Insert summary of response to each complaint.

Following these discussions you:

Delete as applicable

confirmed that you were satisfied that the matter has been resolved at the informal stage with the resolution agreed being:

Insert details of the agreed resolution

Or

advised that you were not satisfied that the matter has been resolved at the informal stage because:

Insert details of any proposed resolutions discussed and why it was not possible to reach agreement

You therefore have the option to raise your complaint(s) through the formal stage of the procedure.

I trust this reflects your understanding of the actions taken and outcome of the informal part of the procedure.

Yours sincerely

**MODEL LETTER CONFIRMING OUTCOME OF INFORMAL STAGE
(FOR USE ONLY WHEN A MANAGER HAS HAD INVOLVEMENT IN THE
CASE) – ACCUSED EMPLOYEE**

PERSONAL

Dear

INFORMAL COMPLAINT: MANAGING BULLYING AND HARASSMENT

I write to confirm the outcome to the complaint(s) made against you by <name> under the informal stage of the above procedure. The nature of the complaint(s) is/are as follows:

Enter summary of the complaint(s)

My Role

It was my role to try to help <name> and you to discuss the matter(s) raised and to try to find a satisfactory outcome. I undertook this role at <name's> request as they did not wish to raise the matter(s) directly with you.

I met with <name> on <date> so that I could be given details of their complaint(s) including the behaviour that was causing distress and I then met with you on <date> to discuss the complaint(s).

Outcome

We met with <name> on <date> to attempt to reach a satisfactory resolution. At the meeting you responded to <name's> complaint(s) as follows.

Insert summary of response to each complaint.

Following these discussions <name>:

Delete as applicable

confirmed that they were satisfied that the matter has been resolved at the informal stage with the resolution agreed being:

Insert details of agreed resolution

Or

advised that they were not satisfied that the matter has been resolved at the informal stage because:

Insert details of any proposed resolutions discussed and why it was not possible to reach agreement

<name> therefore has the option to raise the complaint(s) through the formal stage of the procedure.

I trust this reflects your understanding of the actions taken and outcome of the informal part of the procedure.

Yours sincerely

MODEL LETTER CONFIRMING RECEIPT OF COMPLAINT

PERSONAL

Dear

COMPLAINT: MANAGING BULLYING AND HARASSMENT

I write to confirm receipt of the complaint(s) you have raised against **<name>**, **<job title>**, under the formal part of the above procedure. I will be investigating this matter*/I have appointed **<name and job title>** as Investigating Officer to take this matter forward* (*Delete as appropriate*). I*/**<name>*** (*Delete as appropriate*) will be in touch with you in the next few days to provide you with further details regarding how this matter is to be progressed.

Yours sincerely

<name>
<post title>

Cc HR Adviser
Investigating Officer

MODEL LETTER TO INVITE COMPLAINANT TO MEETING

PERSONAL

Dear

COMPLAINT: MANAGING BULLYING AND HARASSMENT

I write with regard to the complaint(s) you have raised against **<name>** under the formal stage of the above procedure. I note that the nature of your complaint(s) is/are as follows:-

Enter summary of the complaint(s)

My Role

My role as investigating officer is to establish the facts. It is therefore important that I gather all the relevant information before deciding whether there is any substance to the complaint(s) you have made. My investigation will involve meeting with you, the accused employee and may also involve interviewing or taking statements from relevant witnesses and examining relevant documents.

I should be pleased if you would meet with me on **<date, time and location>** so that I can hear your complaint(s). I will be accompanied by **<name and post title>**. You may, if you wish, be accompanied at the meeting by a work colleague or trade union representative. You are not, however, permitted to be accompanied by your partner, spouse or legal representative. Please confirm that you are able to attend the meeting by contacting me on the above telephone number as soon as possible and let me know if you are to be accompanied and if so by whom.

Conclusion of investigatory process

After I complete my investigation, I will consider all of the relevant issues that have emerged; conclude whether there is any substance to the complaint(s) and then decide what action is required. I will compile a report on my investigation detailing findings, conclusions and decision and will arrange to meet with you to inform you of the outcome of the investigation and whether evidence has been found of a case to answer. You will be provided with an executive summary of my report confirming my findings, conclusions and decision in writing.

I attach a copy of the Managing Bullying and Harassment policy/procedure for your information.

I trust this explains to you how this matter will proceed.

Yours sincerely

Investigating Officer

Enc

Cc HR Adviser

MODEL LETTER – CALLING ACCUSED EMPLOYEE TO AN INVESTIGATORY MEETING

PERSONAL

Dear

COMPLAINT: MANAGING BULLYING AND HARASSMENT – INVESTIGATORY MEETING

I write to inform you of a complaint against you from **<name of complainant>** under the formal stage of the above procedure. The nature of the complaint(s) is/are as follows:-

Enter summary of the complaint(s)

My role

My role as investigating officer is to establish the facts. It is therefore important that I gather all the relevant information before deciding whether there is any substance to the complaint(s) made against you and if so, whether the matter should be dealt with formally under the disciplinary procedure. My investigation may also involve interviewing or taking statements from relevant witnesses and examining relevant documents.

Nature of our meeting

I wish to emphasise that our meeting is investigatory.

I should be pleased if you would meet with me on **<date, time and location>** so that I can hear your response to the complaint(s). I will be accompanied by **<name and post title>**. You may, if you wish, be accompanied at the meeting by a work colleague or trade union representative. You are not, however, permitted to be accompanied by your partner, spouse or legal representative.

Conclusion of investigatory process

After I complete my investigation, I will consider all of the relevant issues that have emerged; conclude whether there is any substance to the complaint(s) and then decide what action is required. I will compile a report on my investigation detailing findings, conclusions and decision and will arrange to meet with you to inform you of the outcome of the investigation and whether or not evidence has been found of a case to answer. This may result in a disciplinary hearing being convened on the basis that the investigation has unearthed sufficient evidence of bullying and/or harassment, which may merit disciplinary action.

Confirming your attendance

You are expected to co-operate fully with the investigation and take all reasonable steps to attend the investigatory meeting. I have to advise that should you, in my view, fail to attend the meeting without good and sufficient reason, then I may need to take decisions in your absence. This is why it is very important for you to attend the meeting.

If the companion you select is unable to attend on the above date, you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and should be no more than 5 working days after the original date. Otherwise, you will need to select another companion or attend the meeting unaccompanied.

I attach a copy of the Managing Bullying and Harassment policy/procedure for your information.

I trust this explains to you how the investigatory process will proceed. Please telephone me as soon as possible to confirm that the above date and time are suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely

<name>
Investigating Officer

Enc

Cc HR Adviser

MODEL LETTER – CALLING WITNESS TO A MEETING**PERSONAL**

Dear

MEETING: MANAGING BULLYING AND HARASSMENT

I write with regard to a complaint made by **<name of complainant>** against **<name of accused employee>** under the formal stage of the above procedure. The nature of the complaint(s) is/are as follows:-

Enter summary of the complaint(s)

My role

I have been assigned as the investigating officer to look into the complaint(s). My role as investigating officer is to establish the facts. It is therefore important that I gather all the relevant information before deciding whether there is any substance to the complaint(s) made. My investigation will involve meeting with the complainant, the accused employee, any witnesses as well as examining relevant documents. I will then compile a report on my investigation detailing findings, conclusions and decision.

You have been identified as a possible witness to the above. I should be pleased if you would meet with me on **<date, time and location>** as part of my investigation. You may, if you wish, be accompanied at the meeting by a work colleague or trade union representative. You are not, however, permitted to be accompanied by your partner, spouse or legal representative.

Please telephone me as soon as possible to confirm that the above date and time are suitable. Also, whether you will be accompanied and, if so, by whom.

I attach a copy of the Managing Bullying and Harassment policy/procedure for your information and would emphasise that strict confidentiality is required to be maintained in this matter.

I trust this explains to you the purpose of the meeting.

Yours sincerely

<name>

Investigating Officer

Enc

Cc HR Adviser

INVESTIGATORY REPORT – MANAGING BULLYING AND HARASSMENT

1. EMPLOYEE DETAILS

Name : _____

Job Title : _____

Service : _____

2. STATEMENT OF COMPLAINT(S)

Set out the complaint(s). This will be the complaint(s) the employee will have to respond to at a disciplinary hearing should you consider that there is a case to answer and disciplinary hearing is required.

3. HOW THE INVESTIGATION WAS CONDUCTED

This should provide a brief description of how the investigation was carried out. E.g. interviewed employee, the accused, witnesses, consulted any documents including code of practice etc

4. PROVISION OF STATEMENTS

Under this heading, specify who provided statements, why and how they were obtained. Attach copies identified as appendices.

Appendix A – name, job title, relevance to the investigation

Appendix B – name, job title, relevance to the investigation

Appendix C – name, job title, relevance to the investigation

5. OTHER DOCUMENTARY EVIDENCE

Specify any other documentary evidence that you referred to (for example, notes of meetings, files).

Appendix D – detail of file

Appendix E – detail of file

6. EMPLOYEE'S RESPONSE TO THE COMPLAINT(S)

7. OUTCOME OF INVESTIGATION

State the finding in relation to each of the complaint/s referring to the appropriate evidence and also state the conclusion and reason for conclusion in relation to each complaint.

8. DECISION

Detail whether or not the complaint(s) should be taken forward under the disciplinary procedure.

Delete as appropriate:

There is no case to answer and therefore there will be no further action.

There is a case to answer but this was relatively minor in nature and/or was due to a lack of understanding of the expected standards and/or possible impact of behaviour on others. Therefore, the matter will be passed to management for appropriate informal action.

There is a case to answer and this will be dealt with through referral to the Council's disciplinary policy.

9. INVESTIGATING OFFICER'S DETAILS

Name : _____

Job title : _____

Service : _____

Signed : _____

Date : _____

EXECUTIVE SUMMARY – MANAGING BULLYING AND HARASSMENT
(for the complainant in all cases and for the accused employee where the matter is NOT progressing to a disciplinary hearing)

1. EMPLOYEE DETAILS

Name : _____
Job Title : _____
Service : _____

2. STATEMENT OF COMPLAINT(S)

Set out the complaint(s).

3. EMPLOYEE’S RESPONSE TO THE COMPLAINT

Summary of response in relation to each of the complaint/s

4. OUTCOME OF INVESTIGATION

Summary of finding(s) in relation to each of the complaint/s based on employee’s response, witness statements and any other relevant evidence.

Conclusion and reason for conclusion in relation to the complaint/s/ Is there a case to answer? (It is important to demonstrate whether the complainant has been believed about each complaint raised) .

5. DECISION

Delete as appropriate:

There is no case to answer and therefore there will be no further action.

There is a case to answer and appropriate action will be taken to address this.

6. INVESTIGATING OFFICER’S DETAILS

Name : _____
Job title : _____
Service : _____

Signed : _____

Date : _____

MODEL LETTER – OUTCOME OF INVESTIGATION – COMPLAINANT

PERSONAL

Dear

OUTCOME OF INVESTIGATION: MANAGING BULLYING AND HARASSMENT

I refer to the investigation into the complaint(s) you raised against **<name of accused employee>** under the formal stage of the above procedure. I write to inform you of the outcome of my investigation.

I carefully considered the evidence gathered from the investigation and have concluded that there is **sufficient evidence*/no evidence*/insufficient evidence*** (delete as appropriate) *of a case to answer.*

My findings, conclusion, reason for conclusion and decision are set out in the attached executive summary.

If a case to answer is found

Appropriate action will now be taken to address the matter.

If no case to answer is found insert the following paragraph

The matter will not, therefore, proceed any further. I trust this explains the outcome of my investigation. Whilst I hope that you will understand and accept my reasons for arriving at this decision, you have the opportunity to appeal against my decision if you wish.

To register your appeal you must:

- Put your appeal in writing to **<insert name of Director>**. You must set out the grounds for appeal within this letter (it is not sufficient to simply state that you wish to appeal). An appeal can be made on one or more of the following grounds:
 - That it was unreasonable for the investigating officer to have reached their conclusion on the basis of the evidence and information obtained.
 - That the investigation was fundamentally flawed.
 - That the procedure was not followed and this has adversely affected the outcome of the complaint
- Submit this letter **within 10 working days** of receiving this letter
- Demonstrate the grounds of which you consider the decision to be unreasonable

Any appeal will be heard by the Director who, in turn, can nominate a Head of Service, provided they have had no prior involvement in the case.

The appeal hearing will normally be held within 10 working days of receipt of your written notice of appeal.

Yours sincerely

<name>
Investigating Officer

Cc HR Adviser

**MODEL LETTER – OUTCOME OF INVESTIGATION – ACCUSED
EMPLOYEE – CASE TO ANSWER**

PERSONAL

Dear

**OUTCOME OF INVESTIGATION: MANAGING BULLYING AND
HARASSMENT**

I refer to the investigation into the complaint(s) made against you by **<name of complainant>** under the formal stage of the above procedure. I write to inform you of the outcome of my investigation.

The complaint(s) was/were:

Insert details of the complaint(s)

I carefully considered the evidence gathered from the investigation and have concluded that there is sufficient evidence of a case to answer.

A summary of my reasons for arriving at this conclusion are as follows:

<insert reasons>

Delete as appropriate:

Informal Action

Although I have concluded there is a case to answer I have regarded this matter as ***relatively minor in nature* and/or was due to a lack of understanding of the expected standards* and/or possible impact of behaviour on others (delete as appropriate or insert other reason)***. Therefore the matter will be passed to management for appropriate informal action. ***(insert details of recommended counselling or training if appropriate)***

Or

The matter will, therefore, proceed to a disciplinary hearing under the Managing Discipline procedure. You will be written to separately to inform you of the date, time and location of the hearing. You will also be issued with a copy of the investigation report which gives full details of the reasons for arriving at my decision

I trust this explains to you the outcome of the investigation.

Yours sincerely

<name>
Investigating Officer

Cc Principal/HRAdviser

**MODEL LETTER – OUTCOME OF INVESTIGATION – ACCUSED
EMPLOYEE - NO CASE TO ANSWER**

PERSONAL

Dear

**OUTCOME OF INVESTIGATION: MANAGING BULLYING AND
HARASSMENT**

I refer to the investigation into the complaint(s) made against you by **<name of complainant>** under the formal stage of the above procedure. I write to inform you of the outcome of my investigation.

The complaint(s) **was/were**:

Insert details of the complaint(s)

I carefully considered the evidence gathered from the investigation and have concluded that there was **</no evidence*/insufficient evidence* (*delete as appropriate)** to uphold the complaint(s).

My findings, conclusion, reason for the conclusion and decision are set out in the attached executive summary.

The matter will not, therefore, proceed any further. You should be aware, however, that the complainant has the right of appeal against this decision therefore further correspondence will be forthcoming to inform you of whether this right has been exercised or not.

I trust this explains to you the outcome of the investigation to date.

Yours sincerely

**<name>
Investigating Officer**

Enc: executive summary

MODEL LETTER – CALLING COMPLAINANT TO APPEAL HEARING

PERSONAL

Dear

NOTICE OF APPEAL HEARING: MANAGING BULLYING AND HARASSMENT

I have been nominated to hear your appeal against the decision which was confirmed to you in writing on **<date>**.

I understand that the grounds for your appeal are:

<set out briefly what you understand to be the employee's grounds for appeal>

I intend to hear your appeal on **<date, time and location>**. I will be accompanied by **<name and job title>**

Format of the appeal hearing

I intend to conduct the appeal hearing as follows:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise.
2. I will then ask you to state your grounds and reasons for the appeal.
3. I will then ask the investigating officer who took the decision not to uphold your complaint(s) to respond.
4. I will question both the investigating officer who took the decision not to uphold your complaint(s) and yourself. My colleague(s) may also do so as a means of clarifying matters.
5. I will give both parties the opportunity to make a closing statement, firstly the investigating officer who took the decision not to uphold your complaint(s), then yourself.
6. At the end of the hearing, I will summarise the facts and adjourn the meeting. I will then consider all of the relevant issues that have emerged from the hearing and make my decision
7. I will then reconvene the meeting, **within 5 working days of the hearing**, and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing

Potential outcome of hearing

I will carefully consider your grounds for appeal, and the response made by the investigating officer who took the decision not to uphold your complaint(s), and then decide whether there are sufficient and reasonable grounds to either:

- (a) uphold the appeal in full; or
- (b) uphold the appeal in part; or
- (c) reject the appeal

Your right to be accompanied

You have the right to be accompanied by a work colleague or trade union representative if you so wish. Please note, however, that you are not permitted to be accompanied by your partner, spouse or legal representative.

The decision of this appeal hearing is final and there is no further right of appeal.

Confirming your attendance

Please telephone me as soon as possible to confirm that the above date and time for the hearing is suitable and whether you will be accompanied and, if so, by whom.

Yours sincerely

NAME OF OFFICER CONDUCTING HEARING

cc HR Adviser

**MODEL LETTER – ADVISING ACCUSED EMPLOYEE THAT
COMPLAINANT HAS LODGED APPEAL**

PERSONAL

Dear

**NOTICE OF APPEAL BEING LODGED BY COMPLAINANT: MANAGING
BULLYING AND HARASSMENT**

I write to advise you that **<name of complainant>** has appealed against the outcome of the investigation. I will hear the appeal on **<date>** and will advise you of the outcome in due course.

Potential outcome of appeal hearing

I will carefully consider the grounds for appeal, and the response made by the investigating officer who took the decision not to uphold the complaint(s), and then decide whether there are sufficient and reasonable grounds to either:

- (a) uphold the appeal in full; or
- (b) uphold the appeal in part; or
- (c) reject the appeal

I will hear the appeal on **<date>** and will advise you of the outcome, and any implications for you, in due course.

Yours sincerely

NAME OF OFFICER CONDUCTING APPEAL HEARING

cc HR Adviser

**MODEL LETTER – TO CONFIRM OUTCOME OF APPEAL HEARING -
COMPLAINANT**

PERSONAL

Dear

**CONFIRMATION OF OUTCOME OF APPEAL HEARING: MANAGING
BULLYING AND HARASSMENT**

Thank you for attending the appeal hearing which was held on **<date of hearing>** in the presence of **<names of officers present, including companions if applicable>**. This letter confirms my decision.

Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision, namely that the decision not to uphold your complaint(s) **stands*/is revoked * (*delete as appropriate)**.

Reasons for my decision

My reasons for arriving at this decision are **<insert details of reasons>** and the factors that I considered relevant were **<insert details of factors>**.

If decision not to uphold complaint(s) stands insert the following paragraph

This matter will not, therefore, proceed any further. I hope you will understand and accept my reasons for arriving at this decision. I have to inform you that you have now exercised your right of appeal under the Council's Managing Bullying and Harassment Policy and my decision is final. There is no further right of appeal.

If decision not to uphold complaint(s) is revoked insert the following paragraph

This matter will, therefore, be addressed through the appropriate Council procedure(s). For reasons of confidentiality, I cannot provide you with further details.

I trust this explains the outcome of the appeal.

Yours sincerely

NAME OF OFFICER CONDUCTING APPEAL HEARING

cc HR Adviser

**MODEL LETTER – TO CONFIRM OUTCOME OF APPEAL HEARING –
ACCUSED EMPLOYEE**

PERSONAL

Dear

**CONFIRMATION OF OUTCOME OF APPEAL HEARING: MANAGING
BULLYING AND HARASSMENT**

I refer to the investigation into the complaint(s) made against you by **<name of complainant>** under the formal stage of the above policy. I write to inform you of the outcome of the appeal.

Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm my decision, namely that the decision not to uphold the complaint(s) ***stands*/is revoked * (*delete as appropriate).***

Reasons for my decision

My reasons for arriving at this decision are **<insert details of reasons>** and that factors that I considered relevant were **<insert details of factors>**.

If decision not to uphold the complaint(s) stands insert the following paragraph

The matter will not, therefore, progress any further. The complainant has no further right of appeal.

If decision not to uphold the complaint(s) is revoked but is best dealt with informally through counselling or by some other means such as training

<insert details of counselling and/or training required to be undertaken>

If decision not to uphold the complaint(s) is revoked and the matter is to go forward to a disciplinary hearing insert the following paragraph

The matter will, therefore, proceed to a disciplinary hearing under the Managing Discipline procedure. You will be written to separately to inform you of the date, time and location of the hearing. You will also be issued with a copy of the investigation report from the formal stage of the procedure.

I trust this explains the outcome of the appeal hearing.

Yours sincerely

NAME OF OFFICER CONDUCTING APPEAL HEARING

cc HR Adviser