

# **MERSEYSIDE FIRE SERVICE**

## **PROCEDURE FOR MANAGEMENT OF BULLYING AND HARASSMENT COMPLAINTS**

THIS DOCUMENT HAS BEEN JOINTLY AGREED BETWEEN MERSEYSIDE FIRE  
SERVICE AND THE FIRE BRIGADES UNION.



## **1. Introduction**

This procedure has been agreed by Merseyside Fire Service and the Fire Brigades Union as the means by which complaints will be dealt with when one employee alleges that the conduct of another employee constitutes bullying/harassment and/or victimisation.

The primary aim when dealing with any complaint of harassment is to resolve the problems in such a way as to maintain, as far as possible, a reasonable working environment for all parties concerned and to do so swiftly, clearly and sensitively and with due respect for the rights of both the complainant and the alleged harasser.

'The most effective way of dealing with discrimination, bullying and harassment is to nip it in the bud straight away'

FBU 'All different All Equal'

This procedure must be read in conjunction with the Authority's Equality and Fairness at Work Policy which provides an overview of the key issues involved.

This procedure will apply to all employees of the Authority.

The procedure does not preclude any individual from seeking advice and support at any time from the Equal Opportunities Department, Trade Union or other sources of advice outlined in the Equality and Fairness at Work Policy. It does not remove or affect an individual's rights in law.

## **2. Forms of resolution**

The following procedure provides for three different forms of resolution:

- ◆ Informal resolution by the complainant;
- ◆ Informal resolution by the complainant's manager;
- ◆ Formal resolution.

The 3 different forms of resolution are alternatives of equal merit depending on the circumstances and are not to be considered as a chronological sequence which must be followed. The decision by the line manager / officer in charge as to whether the informal or formal routes is appropriate will take into consideration the following:

- ◆ the views of the complainant;
- ◆ the nature and severity of the allegation;
- ◆ the likelihood of a successful outcome;
- ◆ the working relationship between the people involved.

Disciplinary action will always be considered in cases of alleged misconduct.

### **3. Informal resolution by the complainant**

Personnel who feel they are being harassed, and who feel confident enough, may choose to explain to the person(s) carrying it out that it is unwelcome and offensive, and ask for it to cease. They may do so on their own or ask for a third party to accompany them, who may be a trade union representative or a friend.

Personnel who choose a direct personal approach should keep a note of the date of the approach and what was said and what was agreed. Where a personal approach is not possible or has been unsuccessful, or where the complainant feels other action is necessary, the problem shall be brought to the attention of the complainant's officer in charge or line manager in the first instance. This may be in writing or verbally. If this is not possible or appropriate, or the individual does not feel confident to do this, the Equal Opportunities Department, a trade union representative or a more senior manager should be approached.

### **4. Informal Resolution by Management**

Once an approach has been made, the manager/officer in charge receiving the complaint must assess which course of action to pursue in order to seek a resolution. This decision should be made or approved by an officer in charge/line who are strongly advised to contact the Equal Opportunities Department for advice at all stages of the process.

Where there is no complaint in writing, the OIC/manager shall make a brief note of the complaint and of the date on which it was made. The complainant will be asked to sign the note as an accurate record and be given a copy of it.

In those cases where an informal resolution may be desirable, the officer in charge/manager will interview the parties concerned to establish the detail of the complaint and to determine whether informal resolution is possible and/or appropriate. Parties may wish to be accompanied by a person of their choice at interviews.

There are a variety of means by which the complaint may be dealt with when seeking an informal resolution. These include mutually agreed transfers or forms of conflict resolution such as mediation. The objective is to stop the harassment and to ensure that it does not reoccur.

Once a satisfactory resolution has been reached, the line manager/officer in charge shall write to the parties concerned to confirm the outcome and meet with them if appropriate. Where the resolution involves the transfer of staff or a change to the working arrangements a record of this arrangement should be forwarded to the Equal Opportunities Department where it will be held on a confidential file with the agreement of those involved.

## **5. Formal resolution**

Where informal resolution is not appropriate (e.g. the allegations are of such a nature that formal action is necessary) or where informal resolution has proved unsuccessful (e.g. the harassment continues or recurs) the complainant or line manager should contact the Equal Opportunities Department and/or representative body.

Where this happens **or where a formal complaint is made**, it will be necessary for the Equal Opportunities Department or representative bodies to call a Case Conference of relevant parties.

The sequence of events in management of the complaint is outlined in Appendix A

## **6. Case Conference**

The Case Conference will be attended by SDO Human Resources, Equal Opportunities Officer and relevant trade union representative. Where appropriate, the line manager/Officer-in-Charge may be invited to the case conference to provide specific information about the complaint.

The Case Conference will look at all aspects of the case (in line with agreed guidance) and decide on the most appropriate form of action.

At this stage, an informal resolution is still an option for resolution of the situation. Where this is deemed the most appropriate option, a case manager will be appointed to manage the informal resolution. The Case Conference will provide guidance for the Case Manager on the framework for informal resolution.

The Case conference may conclude that there is a possibility that a breach of Disciplinary Regulations (offences) has occurred. In such an event, the usual disciplinary practices of the Service will be put in place.

## APPENDIX A

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