
Independent Complaints and Grievance Scheme

Bullying & Harassment Policy & Procedure

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Bullying and Harassment

1 Introduction and aims

1.1 Parliament believes that all people have the right to be treated with dignity, courtesy and respect and we expect all members of the Parliamentary Community to treat others accordingly.

1.2 Our Behaviour Code, this policy, the Sexual Misconduct policy and the associated procedures provide a framework for us to create a respectful and courteous working environment and to respond to any allegations of unacceptable behaviour promptly, fairly and effectively. Bullying and harassment are unacceptable in all circumstances and abuse of power can be an aggravating factor in such cases.

1.3 This policy and procedure relate specifically to bullying and harassment. It outlines how concerns about bullying and harassment by members of the Parliamentary Community can be raised and how complaints will be investigated as part of the Independent Complaints and Grievance Scheme. If complaints are upheld under this policy, the matter will be referred to different bodies depending on the identity of the person who the complaint is against. These bodies will have and use their own policies and procedures to reach a decision, including the application of any sanctions.

1.4 This policy and procedure are here to provide support for anyone involved with incidents or complaints of alleged bullying and harassment, whether you have experienced bullying or harassment or have had a complaint of bullying or harassment made against you. The aims of the policy and procedure are to:

- Ensure that all members of the Parliamentary Community are aware of their responsibilities in relation to bullying and harassment;
- Provide a fair, transparent and consistent approach for reporting, investigating and responding to allegations of bullying and harassment.
- Provide information about sources of support available to anyone who experiences bullying or harassment or who is accused of bullying or harassment.

2 Definitions

2.1 There are many definitions of bullying and harassment and both terms are often used interchangeably. The definition for harassment below reflects the definition set out in Section 26 of the Equality Act 2010. The definition for bullying below is based on classification provided by ACAS. These definitions will be used for determining whether any behaviour reported under this policy and procedure constitutes bullying or harassment.

2.2 All behaviour that does constitute bullying or harassment is a breach of the Behaviour Code. However, not all breaches of the Behaviour Code would constitute bullying or harassment. When alleged incidents of bullying or harassment are reported under this policy, any investigation will assess whether or not the incidents constitute bullying or harassment.

What is harassment?

2.3 Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of either violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Under the Equality Act 2010, harassment is related to one or more of the relevant 'protected characteristics' which include age, sex, race, disability, religion or belief, sexual orientation and gender reassignment.

2.4 Sexual harassment is qualitatively different from other forms of unacceptable behaviour, including bullying and non-sexual harassment. There is a separate [Sexual Misconduct policy and procedure](#) for dealing with allegations of sexual misconduct and more information about reporting incidents under both policies can be found in clause 2.15 of this policy.

2.5 Harassment may be persistent or an isolated incident and may manifest obviously or be hidden or insidious. It may take place in person, by telephone or in writing, including emails, texts or online communications such as social media. Harassment through social media could involve a serious one-off incident but is more likely to be the result of a sustained on-line campaign.

2.6 Harassment can be intentional or unintentional. For example, if a person speaks or behaves in a way that they do not find offensive, but that another person does. The key is that the words or behaviour are unwanted or unacceptable to the recipient. The purpose or effect of the unwanted conduct violates the recipient's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for them.

2.7 A person may also be harassed even if they were not the intended 'target' of harassment. For example, a person may be harassed by jokes about a religious group that they do not belong to, if these jokes create an offensive environment for them.

2.8 Harassment associated with different protected characteristics may be quite different in nature and may relate to more than one protected characteristic. Examples of harassment, other than sexual harassment, may include, but are not limited to:

- Deliberate exclusion from work activity or conversations;
- Sending or displaying offensive material in any format (including posters, graffiti, emails, messages, clips or images sent by mobile phone or posted on the internet);

- Mocking, mimicking, belittling or making jokes and comments about a person (or a group stereotype) in relation to their age, disability, gender reassignment, race, religion or belief, sex or sexual orientation;
- Use of unacceptable or inappropriate language or stereotypes relating to race or ethnicity;
- Deliberately holding meetings or social events in a location that is not accessible for an individual with a disability;
- Using profanities or swearing that could have the effect of intimidating a person.

What is bullying?

2.9 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power that can make a person feel vulnerable, upset, undermined, humiliated, denigrated or threatened. Power does not always mean being in a position of authority and can include both personal strength and the power to coerce through fear or intimidation.

2.10 Like harassment, bullying can take the form of physical, verbal and non-verbal conduct but does not need to be related to protected characteristics. Bullying behaviour may be in person, by telephone or in writing, including emails, texts or online communications such as social media. It may be persistent or an isolated incident and may manifest obviously or be hidden or insidious.

2.11 Examples of bullying may include, but are not limited to:

- Verbal abuse, such as shouting, swearing, threatening, insulting, being sarcastic towards, ridiculing or demeaning others, inappropriate nicknames or humiliating language
- Physical or psychological threats or actions towards an individual or their personal property;
- Practical jokes, initiation ceremonies or rituals;
- Overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures;
- Inappropriate comments about someone's performance;
- Abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities or hours of work, or coercing someone to meet such expectations;
- Use of unfair sanctions in relation to disciplinary or attendance procedures;
- Ostracising or excluding someone from meetings, communications, work events or socials;

- Sending, distributing or posting detrimental material about other people, including images, in any medium.

What does the law say about bullying and harassment?

2.12 In some cases, acts of bullying or harassment can be civil offences, which can be brought to an employment tribunal or county court.

2.13 In some cases, conduct that amounts to bullying and harassment may also amount to criminal offences, which can be tried in the criminal courts. There is not an exhaustive list of acts of bullying or harassment that may constitute a criminal offence. Examples may include, but are not limited to:

- Physical assault;
- Making violent or death threats;
- Stalking;
- Hate crimes.

2.14 Clauses 2.16 and 2.17 of this policy contain more information about how this policy and procedure deal with criminal investigations into conduct that may also amount to bullying and harassment.

What is not covered by this policy?

Sexual harassment

2.15 This policy and procedure does not cover complaints of sexual harassment specifically. Where someone has a complaint of sexual harassment as part of a wider pattern of other bullying or harassing behaviour, they can choose to use this policy or the Sexual Misconduct policy (but not both) to make their complaint. Where a complaint is made under this policy and a substantial sexual harassment element becomes apparent during the course of investigation, the complaint may be transferred to the Sexual Misconduct procedure, if appropriate. The Sexual Misconduct policy includes access to specialist advice relating to sexual harassment, so may be more appropriate in cases where sexual harassment comprises a substantial part of the complaint.

Criminal investigations

2.16 This policy and procedure relates to forms of misconduct in the workplace and not the investigation of specific criminal offences.

2.17 Where someone has reported an alleged criminal offence to the police and has made a complaint under this policy and procedure, the circumstances of the case will be considered to determine whether it is appropriate to investigate the matter under this procedure at the same time, or whether action under this

procedure should be paused until the criminal investigation is complete. The Independent Reporting Helpline can provide information about sources of support to both complainants and respondents involved in criminal investigations.

Other workplace disagreements or disputes

2.18 Many workplace disagreements or disputes will not constitute bullying or harassment. Examples include, but are not limited to, concerns or disputes about working practices and conditions or disagreements or conflicts between people working together. These should be dealt with informally or by using other workplace policies and procedures, as appropriate.

2.19 As part of their role, managers should be able to issue reasonable instructions and expect them to be carried out; set and manage standards of performance; and use attendance, performance and disciplinary procedures. Legitimate actions by a manager would not constitute bullying or harassment in and of themselves. However, in circumstances where the management actions were unreasonably or coercively applied (see 2.11), this may constitute bullying or harassment and could be reported using this policy and procedure.

3 Terms used in this policy and procedure

3.1 **Complainant:** This is an individual who reports bullying and harassment through the Independent Reporting Helpline. They may or may not also choose to pursue their complaint of bullying or harassment through the Independent Investigation Service.

3.2 **Respondent:** This is an individual who is accused of bullying or harassment.

3.3 **Report:** This is when a complainant reports an incident to the Independent Reporting Helpline.

3.4 **Complaint:** This is when a complainant chooses to pursue their complaint through the Independent Investigation Service after reporting it to the Helpline.

3.5 **The Independent Reporting Helpline:** This is the service for reporting incidents of alleged bullying or harassment and finding out about sources of support available for complainants and respondents. The Helpline also retains confidential records and provides regular anonymised reports about the levels of Helpline usage and the types of issues raised, to monitor the quality of the service and inform the development of awareness-raising campaigns and cultural change initiatives.

3.6 **Independent Investigation Service:** This is the service which is available if a complainant decides that they want to take action in relation to an alleged incident of bullying and harassment (as opposed to only using the Helpline to report an incident or access support). Deciding to pursue a complaint under the Independent Investigation Service does not prevent the complainant from withdrawing the case at any stage during the investigation. The Independent

Investigation Service also retains confidential records and provides regular reports about the levels of use and types of complaints investigated and resolved, to monitor the quality of the service and inform the development of awareness-raising campaigns and cultural change initiatives.

3.7 Case Manager: Any complaint made to the Independent Investigation Service is allocated to a Case Manager, who is responsible for undertaking an initial assessment of the complaint to determine whether it is likely that there is a case to answer. They are also responsible for helping to broker informal resolutions between the complainant and respondent, where appropriate; or for undertaking a formal assessment of the complaint, based on gathering further evidence from those involved. Case Managers will always be independent, with specialist expertise and training in resolving and investigating complaints of bullying and harassment.

3.8 Decision-making bodies: These are the organisations within the Parliamentary Community which have responsibility for the complainant or respondent. In general, decision-making bodies for the respondent are notified when a case progresses beyond the initial assessment stage. For example, this might be the complainant's or respondent's employer, or one of the Commissioners for Standards and the relevant committee on standards for a Member or Peer. Decision-making bodies are also responsible for deciding and implementing appropriate actions and/or sanctions when a complaint is upheld by the Independent Investigation Service.

4 Scope

Who does this policy and procedure apply to?

4.1 This policy and procedure applies to all acts of workplace bullying and harassment by and against any present or former member of the Parliamentary Community, including bullying or harassment by a third party, such as a visitor to the Parliamentary Estate.

4.2 For the purposes of this policy and procedure, the Parliamentary Community comprises all those who have worked for or with, or who are currently working for or with, Parliament either on the Parliamentary Estate, in constituency offices or elsewhere in the course of their employment and/ or parliamentary work. This includes:

- Members of Parliament (MP) or Peers;
- Employees of MPs or Peers or other people working for them, such as volunteers, people undertaking work experience or interns;
- Employees of the House of Commons or Parliamentary Digital Service, following a decision by the House of Commons Commission on 16 July 2018;¹

¹ This was updated on 20 November 2018 and that the text previously said "[Employees of the House of Lords; - subject to House of Lords Management and TUS consultation]"

- Employees of the House of Lords, following a decision by the House of Lords Management Board on 5 November 2018;²
- Employees of other Parliamentary organisations (for example, CPA UK, BGIPU, an All Party Parliamentary Group)
- Specialist Advisers and others supporting Parliamentary work, including people employed by political parties or collectively employed by MPs (e.g. PRU, PRS and Group staff);
- Members of the Press Gallery;
- Contractors, agency workers, inward secondees or interns to any of the relevant bodies above;
- Visitors at Westminster

4.3 Under this policy and procedure, it is possible to report and make a complaint about bullying and harassment in the following circumstances:

- Where the respondent was working for or with Parliament at the time the alleged behaviour took place; and
- Where the respondent is working for or with Parliament or continues to hold a Parliamentary pass at the time the complaint is made.

4.4 The work of the Parliamentary Community is broad, and can involve office work, public facing work, travel and social events, as well as non-standard working hours. As a result, this policy and procedure applies to behaviour by members of the Parliamentary Community anywhere where they would not be other than for the purposes of their employment or parliamentary work. For the avoidance of doubt, this includes on the Parliamentary Estate, at constituency offices or other places of work, or in the course of parliamentary duties and activities (e.g. UK or overseas travel or social events related to parliamentary business).

How does this policy and procedure deal with multiple allegations of bullying or harassment?

4.5 Bullying or harassment may be:

- by an individual against an individual or against several people, or;
- by several people against an individual or against several people.

4.6 This policy and procedure can be used to report and investigate any allegations of bullying or harassment on an individual or collective basis (e.g. where a group of people allege bullying and harassment by the same respondent(s)). Where complaints are made collectively, all complainants must provide consent

² This was updated on 20 November 2018 and that the text previously said "[Employees of the House of Lords; - subject to House of Lords Management and TUS consultation]"

for their evidence to be included in the collective complaint. A complainant may still choose to make an individual complaint separately, if they would prefer not to be part of a collective complaint.

4.7 Where someone makes a complaint against several people, this may be managed as a single investigation or as multiple investigations relating to each respondent. The most appropriate course of action will depend on the circumstances of the case. In either event, the Case Manager from the Independent Investigation Service will consider the case against each respondent on an individual basis when making their assessment of the evidence.

4.8 Where several complaints are made independently about one person, each of these will be managed on an individual basis. The decision-making body with responsibility for the respondent will respond to each investigation finding separately but may also take into consideration previous findings when deciding on an appropriate course of action or sanctions.

How does this policy and procedure work alongside other ways of reporting bullying and harassment?

4.9 This policy and procedure are not intended to replace any individual action in reporting incidents of bullying or harassment directly to the police, their employer, an employment tribunal, a political party, the Parliamentary Commissioner for Standards or the House of Lords Commissioner for Standards.

4.10 Where a complainant chooses to use another policy to make a complaint of bullying or harassment, the Case Manager from the Independent Investigation Service reserves the right not to investigate the same incident under this policy and procedure.

4.11 This policy does not replace safeguarding obligations for all members of the Parliamentary Community. For example, if you are concerned about behaviour towards a vulnerable adult, you should report this to the Designated Safeguarding Lead, as outlined in the Safeguarding policy. The Independent Reporting Helpline and Independent Investigation Service will also carry out risk assessments and have agreed escalation processes in cases where an individual or others are at risk of harm that cannot be mitigated in another way.

How does this policy deal with malicious complaints of bullying or harassment?

4.12 We expect all individuals involved in a complaint made under this policy to act with integrity and provide accurate information, since false accusations of bullying and harassment can have serious consequences.

4.13 If someone makes a complaint as a result of a genuine mistake or misunderstanding, this would not be a malicious or vexatious complaint. Likewise, if the outcome of an initial or formal assessment under this policy is not upheld (i.e. not found to be bullying or harassment), it should be emphasised that this would not mean the complaint would be judged as malicious or vexatious.

4.14 For an investigation to indicate that a complaint may be malicious or vexatious, there would have to be strong evidence of manifestly false accusations or deliberate intent to falsely discredit the respondent. Examples of malicious or vexatious complaints could include a succession of complaints without reasonable grounds from one complainant against a respondent; or a series of complaints between two or more people, one apparently made in response to another ('tit-for-tat' complaints).

4.15 Where a complaint has been found to be potentially malicious, vexatious or deliberately false, this will be based on the evidence gathered by the Case Manager from the Independent Investigation Service. In this case the decision-making body for the complainant will be notified and can deal with the matter using their own policies and procedures, which may include disciplinary action or other sanctions, depending on the role of the complainant in the Parliamentary Community.

5 Timescales for reporting incidents of bullying or harassment

When can I report an incident of bullying or harassment?

5.1 It is always preferable to address issues of bullying or harassment as soon as they arise, so that they can be resolved as quickly as possible. As a general principle, reporting or making a complaint of bullying and harassment should be done as soon as is reasonable after the incident in question. This will ensure informal resolution (where appropriate) can be attempted as quickly as possible and will facilitate effective formal assessments (e.g. by gathering evidence and statements from those involved whilst the event is fresh in their minds).

5.2 There may be times when a complainant does not want to or feel able to make a report soon after an alleged incident or incidents of bullying or harassment. Where a lengthy period of time has elapsed between the most recent incident of alleged bullying or harassment and a report or complaint being made, as part of their initial assessment, the Case Manager will examine the nature of any evidence available to determine whether this is likely to be sufficient to proceed with a formal assessment. For example, in circumstances where there is no contemporaneous evidence of an incident taking place and/or where witnesses have since left the Parliamentary Community, it may be difficult to gather sufficient evidence to make a formal assessment of the complaint.

5.3 Complaints predating the start of the 2017 Parliament can also be investigated under this Policy and will be assessed using the current accepted behaviour regime.

5.4 If someone wishes to report a criminal or civil offence, different time limits may apply depending on the nature of the offence. Anyone considering this action

should speak to the Independent Reporting Helpline, who will be able to offer advice about reporting criminal or civil offences and accessing legal advice, if appropriate.

6 Responsibilities for members of the Parliamentary Community

6.1 All members of the Parliamentary Community should treat others with dignity, courtesy and respect and be aware of the types of behaviour that are unacceptable under this policy.

6.2 The Behaviour Code encourages all members of the Parliamentary Community to speak up about unacceptable behaviour they experience or observe. Whilst reporting or complaining of alleged bullying and harassment under this policy is subject to certain conditions (see Sections 2 and 4 of this policy), this should not prevent anyone from raising their concerns elsewhere (e.g. with their line manager or HR service).

6.3 Anyone who is involved in the informal resolution of a complaint, formal investigation of a complaint, or action taken as a result of a complaint also has a particular responsibility to act with integrity (see clause 4.12) and to maintain confidentiality throughout (see section 8 of the Independent Complaints and Grievance: Bullying and Harassment Procedure). This is particularly important since breaches in confidentiality can result in both workplace and media exposure or scrutiny for those involved, which can be deeply upsetting and damaging.

7 Policy review

7.1 Policy finalised: July 2018.

7.2 Policy review date: as part of the review conducted six months after the Scheme becomes operational.

Independent Complaints and Grievance procedure: Bullying and Harassment

1 Introduction

1.1 This procedure outlines how we deal with complaints of bullying or harassment. You can use it to find out:

- How to make a complaint about bullying or harassment;
- What to do if someone has made a complaint of bullying or harassment about you;
- How complaints of bullying and harassment are managed;
- What might happen as a result of a complaint being made under this procedure;
- Sources of support if you have a complaint or if someone has made a complaint about you.

The procedure should be read in conjunction with the Independent Complaints and Grievance Scheme for Bullying and Harassment.

2 Reporting an allegation of bullying or harassment

What should I do if I believe I am being harassed or bullied by someone working for or with Parliament?

2.1 In the first instance, you will need to consider whether what you have experienced may amount to bullying or harassment (see section 2 of the Independent Complaints and Grievance Scheme for Bullying and Harassment). To help you do this, you should to keep records of what you have experienced, including a description of what has happened, where and when it took place, any witnesses and relevant documentation (e.g. emails, letters, social media posts). You may find it helpful to keep a diary and a note of all incidents; often with bullying it is only when you look back on a catalogue of negative behaviours do you recognise that it is bullying.

2.2 If you think you may have been bullied or harassed, you should report this to the Independent Reporting Helpline, The Helpline also provides a safe space, as discussing your experiences can help you understand whether you have been bullied or harassed. The Helpline can provide information about sources of advice and support for you, both within the Parliamentary Community and externally. Depending on your role within the Parliamentary Community, this may include Trade Union representatives, Members and Peers' Staff representatives, Harassment and Bullying Contacts, your line manager, a HR adviser or a counselling/welfare service. You can find out more about sources of support here. You may also choose to contact any of these sources of support prior to approaching the Helpline, if you would like help or advice about making a report.

2.3 When you contact the Helpline, you will be given the choice to report the incident anonymously or to provide information such as your name, role and contact details, which would be needed if you want to go on to make a complaint about the incidents to the Independent Investigation Service, either immediately or in the future.

2.4 Once you have reported any incident(s) to the Helpline, you can choose what to do next.

- **Make a report only:** You may not want to take the matter any further, if you do not want to make a formal complaint or take any informal action in response to the incident. If you later change your mind and decide to make a formal complaint, you may do so.
- **Informal resolution outside this procedure:** You may want to try and resolve the matter informally yourself, or with appropriate support (e.g. from your line manager). The Helpline can provide advice about how you can do this. Examples might include raising the issue with the person involved, either in writing or in person, perhaps as part of a facilitated conversation, to explain which aspects of the person's behaviour you find unacceptable or unwelcome, how you'd like this to change and any other resolution you would like (e.g. an apology). Any informal resolution would usually be written down and it is best practice to include a review date, as part of a facilitated conversation if necessary.
- **Make a formal complaint:** In some circumstances, it is not possible or appropriate to seek informal resolution, so at any stage after making a report to the Helpline, you can make a formal complaint to the Independent Investigation Service (see section 4 of this procedure). If agreements on how a matter should be resolved informally are then not adhered to, i.e. the behaviour continues, then a formal complaint may also be appropriate.

2.5 The decision whether to progress to a formal complaint under this procedure is wholly up to you. In exceptional circumstances, if a report involved risks or safeguarding issues which could not be mitigated in any other way, the Helpline may reserve the right to refer the report to other services without your express permission, in the interests of protecting you and other members of the Parliamentary Community. This might be, for example, in cases where someone is in immediate physical danger. All the people who work for the Helpline have received training in risk assessments and safeguarding issues and there are clear and agreed escalation processes for such cases.

2.6 The Independent Investigation Service will also conduct regular risk assessments and follow agreed escalation processes if risks to you or others cannot be mitigated in another way. An investigator will also escalate a case if they believe that your complaint of bullying and harassment includes behaviour that might amount to a major criminal offence.

2.7 In that case, the Scheme will share anonymised information with the police under a protocol that is designed to make sure that our internal investigation does

not inadvertently prejudice a criminal investigation. The police will be responsible for deciding whether they need to investigate the matter further, and this may include asking for identifying information. Decision-makers may also have information sharing requirements under their own policies.

2.8 If you decide to make a formal complaint, you are able to withdraw the complaint and/or seek informal resolution at any stage of the investigation and assessment.

What should I do if I believe I have been bullied or harassed by a visitor to the Parliamentary Estate?

2.9 To manage the incident at the time you can contact the Parliamentary Control Room, who will take the necessary action. You can also report the incident to the Independent Reporting Helpline and pursue a complaint through the Independent Investigation Service.

What should I do if I'm not sure whether to report an incident to the Independent Reporting Helpline?

2.10 The table below provides guidance to help you decide whether and how to report an incident.

I'm not sure whether what I've experienced constitutes bullying or harassment	I don't know whether to report what I have experienced as sexual harassment	I believe what I have experienced may constitute a criminal offence
Read the definitions of bullying and harassment in section 2 of the Independent Complaints and Grievance Scheme for Bullying and Harassment. If you are still not sure, call the Independent Reporting Helpline who can provide information about where you can get further advice and support to discuss your circumstances and help you decide.	If you have experienced sexual harassment as part of a wider pattern of other bullying or harassing behaviour, you can choose to report this using this procedure or the Sexual Misconduct procedure (but not both). The Sexual Misconduct procedure includes access to specialist sexual harassment advice, so should be used where the inappropriate behaviour you have experienced is exclusively or substantially sexual, or where this is the behaviour that concerns you most.	The police are best placed to deal with any concerns about alleged criminal offences. You can contact the Independent Reporting Helpline, who can provide information about sources of advice and support within the Parliamentary Community and externally, whether or not you want to report the matter to the police. If appropriate, you should also tell your manager, or the Member or Peer you work for, so that they can provide any support you may need at work.

2.11 If you are worried about making a report to the Helpline or do not feel able to do this yourself, you can make arrangements to do so with support. For example, a Trade Union representative or Members' Staff representative could be with you when you contact the Helpline.

3 Responding to a complaint of bullying or harassment

I have been advised that a complaint has been made against me—what should I do?

3.1 You could find out that someone has concerns about bullying or harassment at different times, including if they approach you to discuss the matter informally or if they make a formal complaint about you to the Independent Investigation Service (see sections 4 and 5 of this procedure). Regardless of when or how you find out, you will probably find this stressful and upsetting so you can contact the Independent Reporting Helpline to find out about support that is available for you.

3.2 If the person approaches you informally to try and resolve the matter, this can be a good opportunity to repair and maintain your working relationship. You may be able to understand more about the incident(s) they are concerned about, as well as giving you an opportunity to explain things from your perspective, and discuss how you can work effectively together in future.

3.3 If you find out about a complaint of bullying or harassment made against you as a result of a formal complaint being made to the Independent Investigation Service, the Case Manager will help ensure that you are aware of how the complaint will be managed and the sources of support that you can access.

3.4 If someone makes a formal complaint about you, you will be told the details of the complaint being investigated and have the opportunity to respond. If both parties agree, a formal complaint can also be resolved informally. Once a complaint has been made, any informal resolution would be brokered by the Case Manager, rather than undertaken directly by both parties.

3.5 You may find it useful to compile your own record of any incident(s) relating to a complaint or any future incident(s) that arise whilst a complaint is being assessed, including a description of what has happened, where and when it took place, any witnesses and relevant documentation (e.g. emails, letters, social media posts).

4 Stage 1: Making a formal complaint

What is the first step in making a formal complaint of bullying or harassment?

4.1 Making a formal complaint of bullying or harassment can be done by contacting the Independent Reporting Helpline who will, with the complainant's consent, make arrangements for a Case Manager from the Independent Investigation Service to contact the complainant.

4.2 Formal complaints can be made in writing using the Bullying and Harassment Complaint Form. However, complainants can speak with their Case Manager in person or by phone to assist with making a formal complaint. In this case, the Case Manager will ensure that they have sufficient detail of the complaint

in line with the template. Section 8 of this procedure provides more information about arrangements for meetings as part of the initial and formal assessment stages.

4.3 The Case Manager will first make an initial assessment of the complaint to determine whether, in their specialist opinion, there is likely to be a case to answer. To do this, they will check that the complaint meets the conditions for being reported under this policy and procedure (e.g. that the complaint is made by and against people who are covered by this policy). They will also examine the wider context of the complaint to ensure this is the right policy to use; and whether the alleged behaviour has the potential to reach the threshold for constituting bullying or harassment. In some cases, this initial assessment stage will need to include contacting the respondent.

4.4 The outcome of the initial assessment could be as follows:

Case to answer	No case to answer	
The complaint can be made under this policy and the incident(s) warrant further investigation (i.e. they may constitute bullying or harassment)	The complaint would not constitute bullying or harassment	The complaint cannot be made using this policy because it does not meet the relevant conditions
The Case Manager will notify the complainant and the decision-making body for the respondent. The decision-making body may choose to inform the respondent themselves (e.g. to ensure they are supported at the time) or for the Case Manager to inform the respondent.	The Case Manager will notify the complainant and the respondent (if they are aware of the complaint). The Case Manager may still offer support for an informal resolution, to support a positive future working relationship.	The Case Manager will notify the complainant and the respondent (if they are aware of the complaint). The Case Manager may still offer support for an informal resolution, to support a positive future working relationship.

4.5 Where an initial assessment has found a case to answer, the decision-making body for the complainant and reporter should consider any management actions that may be appropriate as the complaint is managed either through brokered resolution or formal assessment (e.g. temporary changes to working hours or responsibilities).

What happens next?

4.6 If the initial assessment has found that there is a case to answer, there are two possible outcomes:

- Informal resolution brokered by the Case Manager;
- Formal assessment of the complaint by the Case Manager.

4.7 In the case of complaints made against Members or Peers, in cases where the initial assessment identifies that there is a case to answer, this will be passed to the relevant Parliamentary Commissioner for Standards for the respondent.

They will commission the same or another investigator from the Independent Investigation Service to undertake the full assessment and will have oversight of the investigation and any informal resolutions.

4.8 Usually, the Case Manager will encourage both parties to seek informal resolution, which requires the agreement of both parties, unless the circumstances make this inappropriate. Even if informal resolution has been attempted previously, a brokered approach at this stage can be effective in resolving the problem.

4.9 The complainant also has the option to withdraw their complaint or not to take any further action after the initial assessment.

What is involved in informal resolution at this stage?

4.10 The Case Manager will advise both parties about options for informal resolution and the support they can provide (e.g. arranging a meeting with both parties to discuss the matter). The options for brokered informal resolution include (but are not limited to):

- A facilitated phone call or meeting between the complainant and respondent;
- Communication in writing from the complainant;
- Another appropriate individual (e.g. line manager, Member or Peer in their role as an employer) supporting communication between both parties.

4.11 The outcomes from brokered informal resolution could include (but are not limited to):

- An apology or acknowledgement of behaviour from the respondent;
- An agreed behaviour contract for working together in future;
- Training for the respondent to increase awareness; or for a particular team/area to enable cultural change or increased awareness;
- Agreement to external mediation.

4.12 Mediation is a voluntary and confidential form of resolving workplace disputes between people, in which a trained, impartial mediator meets with those involved (both separately and jointly) to understand the issues and assist both parties in finding options for resolving their difference or dispute. It is an alternative to internal forms of informal resolution, as it involves an external mediator without any prior involvement in the complaint.

4.13 Since mediation is most likely to be successful if certain conditions are met and is not suitable in all cases, the Case Manager will discuss with both parties whether the following conditions apply:

- Whether both parties agree to mediation;

- Whether the problem is appropriate for mediation (in some cases mediation may not be appropriate due to the nature of the issue or the power dynamics in the relationship);
- Whether there is commitment on both sides to seeking resolution.

If these conditions are met at the pre-mediation stage, the Case Manager will make arrangements for independent mediation.

4.14 At any stage during informal resolution, the complainant can choose to move to formal assessment. However, if the complainant is satisfied with the outcome of the informal resolution or mediation, there is no need to do anything further.

4.15 If a complaint is resolved via brokered informal resolution, there would be no assessment made in relation to the respondent (i.e. whether the complaint constituted bullying or harassment), since no formal assessment would be made as part of informal resolution activities.

5 Stage 2: Formal assessment of complaints

5.1 There may be circumstances in which informal resolution to a complaint is either inappropriate (for example, if the nature of the complaint is particularly serious), unwanted by either or both the complainant and respondent, or in which informal resolution or mediation are unsuccessful. In these cases, the complainant can request a formal assessment of the complaint, which will be undertaken by the Case Manager.

What happens during a formal assessment?

5.2 The Case Manager will make arrangements to gather further evidence about the complaint from the complainant, the respondent and any witnesses. This would usually involve holding detailed evidence gathering meetings with those involved and/or requesting written evidence.

5.3 Before starting a formal assessment, the Case Manager would create an assessment plan, outlining the approach for evidence gathering (e.g. including the timetable, list of witnesses, any documentation to be requested). This may be shared with the complainant, the respondent and the decision-making body for the respondent. The outcome of a formal assessment is a written report with details of the complaint and the evidence that has been gathered relating to the complaint.

5.4 The report will make an assessment, the outcomes of which may be:

Upheld	Not upheld		
The incident(s) are assessed as potentially constituting bullying or harassment	The incident(s) are assessed as not constituting bullying or harassment,	The complaint was made falsely as a result of misunderstanding or a genuine mistake	The complaint is potentially malicious, vexatious or deliberately false
The Case Manager will notify both parties and their respective decision-making bodies. Further action can be taken by the decision-making body for the respondent.	The Case Manager will notify both parties and their respective decision-making bodies. Further investigation or action can be taken by the decision-making body for the respondent under their own policies and procedures, if the report contains evidence of inappropriate behaviour that does not constitute bullying or harassment but may be a breach of the decision-making body's own policies or codes of conduct. The Case Manager may still offer support for an informal resolution, to support a positive future working relationship.	The Case Manager will notify both parties and their decision-making bodies. The Case Manager may still offer support for an informal resolution, to support a positive future working relationship.	The Case Manager will notify both parties and their respective decision-making bodies. Further action can be taken by the decision-making body for the complainant.

55 The standard of proof used for this formal assessment will be proof on the balance of probabilities (i.e. that the incident(s) in question are more likely than not to have occurred and are considered in the specialist opinion of the investigator to potentially constitute bullying or harassment. In cases where there is limited evidence available, the Case Manager will comment on this and the role it has played in their assessment.

6 Stage 3: Decision and action

6.1 Once the Case Manager has completed the formal assessment, the decision-making body for the respondent will be sent the report. If there has been an assessment of bullying and harassment by the investigator, the decision-maker will use their own policies and procedures to deal with the matter, including conducting any additional investigations and imposing any sanctions.

6.2 Potential sanctions are outlined in the table in Appendix 1 of this procedure. The nature of sanctions will depend on a range of factors and the individual circumstances of each case. Decisions about sanctions may take into account the following factors:

- The complainant's wishes (as documented in the Independent Investigation Service report);
- The decision-making body's legal and internal obligations;
- The severity of the bullying or harassment in question;
- Known precedents from comparable cases; or
- Previous complaints about the individual's behaviour, including any breaches of previously agreed informal resolutions or sanctions (e.g. behaviour agreement)

6.3 If the following aggravating factors are uncovered in the course of any fact finding or investigation, they should be taken seriously and may impact on the sanctions:

- The increased impact that bullying or harassment has if someone has been targeted because of their identity or perceived identity;
- Retaliation or victimisation as a result of the complaint;
- Breaches of the confidentiality of the complaint;

6.4 There may be times when it is not appropriate for complainants to know full details of any sanctions imposed (e.g. via disciplinary proceedings). Complainants will always be made aware of and consulted about any sanctions that involve the public identification of either themselves and/or the respondent, and their views will be fully taken into consideration.

6.5 If a complaint has been found to be malicious, vexatious or deliberately false, the decision-making body for the complainant will be notified. They will use their own policies and procedures to deal with the matter, including conducting any additional investigations and imposing any sanctions.

7 Reviews

What if I don't agree with the outcome of an initial or formal assessment?

If an initial assessment finds no case to answer or a formal assessment at the investigation stage does not uphold a complaint of bullying or harassment the complainant can ask the Independent Investigation Service to review the outcome. This review will be conducted by an investigator who has had no previous involvement in the case.

7.1 A review can only be requested on the following grounds:

- Whether the correct procedure for assessment was followed;
- Whether substantial new evidence has since become available.

7.2 For complaints against a Member or a Peer, initial assessments will be reviewed by the relevant Parliamentary Commissioner for Standards. If you are a complainant, you will be able to contribute to this review by putting forward any evidence that you feel may have affected the assessment finding in relation to:

- Whether the correct procedure for assessment was followed;
- Whether substantial new evidence has since become available.

7.3 If a review finds that further evidence is admissible, the case will generally be re-assessed by the original Case Manager, taking into account the additional evidence. If the review finds that the correct procedure had not been followed or a different type of investigation is needed, the case may be re-assessed by a different investigator.

7.4 If a formal assessment upholds a complaint of bullying or harassment at the investigation stage, this will be reviewed by the decision-making body (e.g. via a hearing/interview under their own policies and procedures). The respondent will have an opportunity to represent any concerns they had about the investigation conducted by the Independent Investigation Service as part of this process.

8 Arrangements for initial and formal assessment meetings

8.1 This section of the procedure provides more detailed information about how initial and formal assessment meetings are conducted. It contains information for complainants, respondents and witnesses.

Notification of meetings

8.2 If you are a complainant, respondent or a witness involved in an assessment, you may be invited to meeting(s) with the Case Manager. The Case Manager will always provide written notification of meetings, including the time, date and place of the meeting; the purpose of the meeting; and any relevant information, including documentation and witness statements, if appropriate.

The right to be accompanied

8.3 If you are a complainant or respondent, you can be accompanied in any meetings under this procedure by a colleague from the Parliamentary Community or trade union representative.

8.4 Prior to any meeting and with at least one day's notice, you should confirm to the Case Manager who will be accompanying you to the meeting.

8.5 The following conditions apply to your choice of companion:

- Colleagues are not obliged to act as a companion and may decline a request if they wish.
- The Case Manager may, at their discretion, permit a companion who is not a colleague or trade union representative where appropriate (e.g.

to provide support for someone who may have difficulty understanding English, including an interpreter, or who may have particular needs as a result of a disability).

- If your choice of companion is unavailable when the meeting is scheduled, you will usually be able to rearrange the meeting at a mutually convenient time, although if this would result in a significant delay the Case Manager may ask you to choose someone else and/ or proceed with the meeting.
- Companions can make representations, ask questions of the Case Manager, and sum up your position, but are not allowed to answer questions on your behalf. You may confer privately with your companion at any time during a meeting.

8.6 If you are interviewed as a witness, you would not usually be accompanied in the meeting. However, the Case Manager may, at their discretion, permit you to have a companion if appropriate to the circumstances (e.g. if you have difficulty understanding written or spoken English or have particular needs as a result of a disability).

Attendance

8.7 If you are a complainant or respondent, you must take all reasonable steps to attend any meetings. Failure to do so without good reason will be taken seriously and recorded in the assessment report. If you or your companion cannot attend the meeting you should inform the Case Manager immediately, who will ask you to identify an alternative time within five working days. If you fail to attend without good reason, or are persistently unable to do so, the Case Manager will make their findings based on the available evidence and without your contribution.

Confidentiality

8.8 Complaints under this policy will be treated confidentially and will only be discussed with those who are legitimately involved in resolving it by the Independent Reporting Helpline, Investigation Service and decision-making bodies. If you are involved in a complaint as a complainant, a respondent or a witness you should also treat the matter as strictly confidential. Likewise, if you are involved in informal resolution outside this procedure in any capacity (e.g. as a line manager, HR adviser), you should maintain confidentiality, as appropriate.

8.9 Complaints to the Independent Investigation Service cannot be raised anonymously since this would not allow the respondent to understand the complaint against them or for the complaint to be resolved or investigated fully. This will always be discussed with you before progressing with the complaint. You may also make anonymous reports to the Independent Reporting Helpline, who can use these for monitoring purposes.

8.10 During the course of initial and formal assessments, relevant extracts of statements or minutes from meetings with the complainant, respondent and witnesses may be made available to both the complainant and respondent to ensure

that all parties involved can understand and respond to relevant evidence provided by others. Copies of relevant documentation (e.g. email or other correspondence, social media posts) may also be provided.

Records

8.11 If you are a complainant, respondent or witness, you will be provided with a copy of the minutes from any meeting you attend under this procedure. You will be given the opportunity to review the minutes and ensure they are an accurate record. If you dispute any aspect of the minutes, a record of this will be kept alongside the minutes.

9 Timescales

9.1 The intention is always that complaints made under this procedure are dealt with promptly. However, complaints of bullying or harassment can vary in complexity and circumstance, so some complaints may take longer to resolve than others.

9.2 The flowcharts accompanying this procedure outline the usual timescales for each stage of the procedure. Since a formal assessment can take a number of weeks to complete, before starting the assessment, the Case Manager will provide an assessment plan, including a provisional timetable (see section 5.3). If there are any significant changes to the timetable during the assessment period, the Case Manager will notify the complainant and respondent of this in writing as soon as possible providing the reason(s) for this change.

10 Data protection

10.1 All those involved in this procedure, including the Independent Reporting Helpline, Independent Investigation Service and decision-making bodies will collect and process personal data in accordance with the Data Protection Act 2018. The basis for processing data under this procedure will be Legitimate Interest.

10.2 Records of reports and complaints will generally be kept for at least 12 months by the Independent Reporting Helpline and Independent Investigation Service and, where relevant, may be retained by the decision-making body for the complainant and respondent in accordance with their own data protection policies. The Independent Reporting Helpline and Independent Investigation Service will also keep anonymised records of the number and types of reports and cases that they receive, in line with the data protection policies agreed with parliament.

10.3 Records of complaints will include a copy of the written complaint, details of any assessment (including supporting documents such as witness statements and meeting notes) and a record of any action taken as a result of the complaint.

11 Support for those involved in complaints of harassment or bullying

11.1 The Independent Reporting Helpline can provide information about sources of support for complainants and respondents, both within the Parliamentary Community and externally.

11.2 Whether you are a complainant or respondent, we encourage you to let your manager, HR service or other relevant parties know that you are involved in a complaint of bullying and harassment under this procedure. They will be able to discuss any actions that could be available to support you both during and after an investigation (e.g. temporary changes to working practices, hours, accompaniment during working hours).

12 Tools and resources

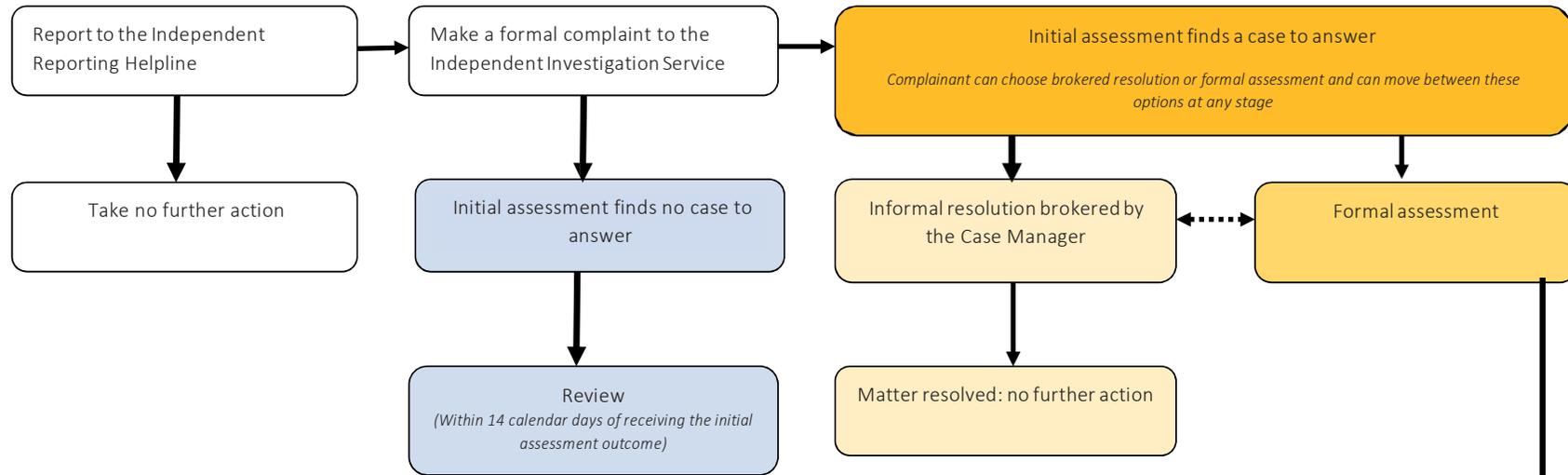
12.1 The following tools and resources are available to accompany this procedure:

- Flowcharts showing the procedure for the complainant and respondent;
- Table outlining usual time periods for assessment of formal complaints;
- Template form for making a formal complaint.

Respondent	Decision making body	Sanction	How sanctions are imposed
MP / Peer	The Commissioner for Standards (Commons or Lords) in conjunction with the relevant committee of the Houses for the most serious cases or where alternative resolutions have failed.	Rectification to restore and maintain working relationships, including but not limited to an apology, behaviour agreement and compulsory training	With agreement by all parties or imposed by the Commissioner for Standards (Commons or Lords)
		Suspension / recall (in the House of Commons) Suspension / expulsion (in the House of Lords)	The Commissioner for Standards (Commons or Lords), in conjunction with (Sub) Committees of the relevant House, a Resolution of the relevant House, and the provisions of the Recall of MPs Act 2015, and the House of Lords (Expulsion and Suspension) Act 2015

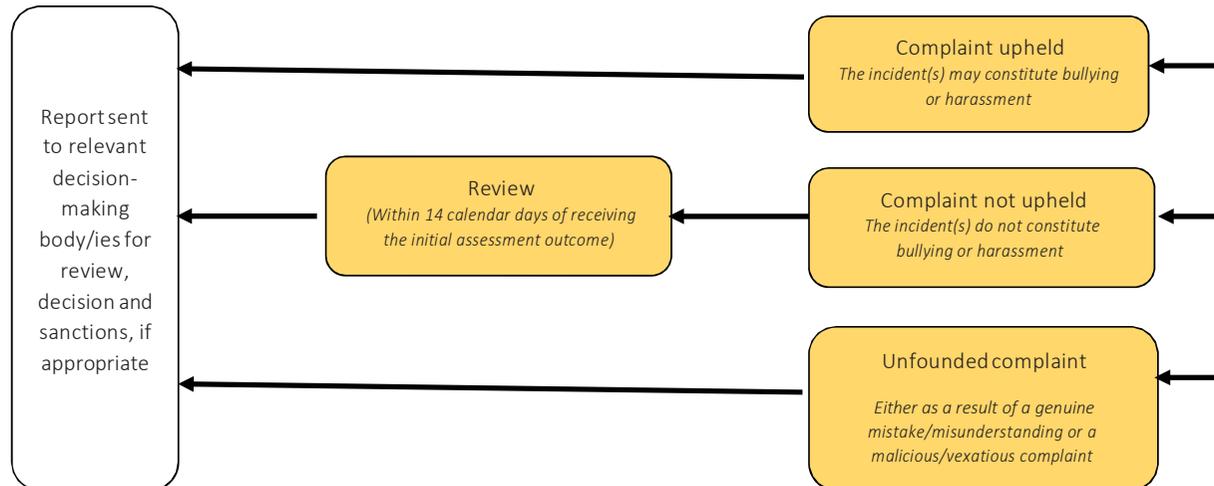
Respondent	Decision making body	Sanction	How sanctions are imposed
An MP's or Peer's employee or someone employed by a political party to work on the Parliamentary estate	MP, Peer or political party who employs them (or otherwise engages them—e.g. intern, volunteer, work experience agreement, or contract for services)	Rectification to restore and maintain working relationships, including but not limited to an apology, behaviour agreement and compulsory training	Agreed by all parties or imposed by employer
		Disciplinary sanctions, which may include a Warning, Final Warning, Demotion or Dismissal	By employer
Employees of the House of Commons Administration, House of Lords Administration, Parliamentary Digital Service	House Authorities, through the appropriate management chains.	Rectification to restore and maintain working relationships, including but not limited to an apology, behaviour agreement and compulsory training	Agreed by all parties or imposed by employer
		Disciplinary sanctions, which may include a Warning, Final Warning, Demotion or Dismissal	By employer
Relevant passholders	Relevant officials and processes for suspending or revoking parliamentary passes. The passholder's employer may also be notified, where relevant.	Rectification to restore and maintain working relationships, including but not limited to an apology, behaviour agreement and compulsory training	With agreement by all parties
		Withdrawal of pass	Relevant officials and processes for revoking parliamentary passes. The passholder's employer may also be notified, where relevant.

Independent Complaints and Grievance procedure for bullying and harassment: flowchart



Notes

1. The Helpline can provide information about sources of advice and support for complainants and responders at any time during the procedure.
2. Complainants can withdraw their complaint at any stage during the procedure.



Stage of procedure	Responsibility	Timescale
Acknowledgement of complaint	Case Manager	Within 5 calendar days of the complainant's request
Notice of meetings with the Case Manager	Case Manager	A minimum of 5 calendar days before the meeting
Provision of draft minutes from meetings	Case Manager	Within 5 calendar days of the meeting
Agreement of minutes of investigation meetings	Reporter, responder or witness	Within 7 calendar days of receiving the minutes
Review of initial or formal assessment	Reviewing Case Manager or PCS	Subject to variation but usually within 14 calendar days of receipt of the assessment report.