



Independent  
Complaints  
and Grievance  
Scheme

# Bullying and Harassment Policy for UK Parliament

[parliament.uk](https://parliament.uk)

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# 1. Introduction and Aims

1.1 All members of the Parliamentary community are expected to treat others with dignity, courtesy and respect.

1.2 Our Behaviour Code, this policy, the Sexual Misconduct policy and the associated procedures and guidance created and amended from time to time by the Independent Complaints and Grievance Scheme team (the “ICGS team”), the Parliamentary Commissioner for Standards, the Independent Expert Panel and other decision-making bodies 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.

1.3 The ICGS applies across the Parliamentary community.

- In respect of members of the House of Lords and their staff, the ICGS is implemented via the House of Lords Code of Conduct<sup>1</sup>. Though the definitions of bullying and harassment set out in this policy are common to the Parliamentary community, the processes described in this policy and the associated procedures do not directly read across to the House of Lords Code of Conduct.
- In respect of members of the House of Commons, this policy and the associated procedures apply with some modifications. The Parliamentary Commissioner for Standards has oversight of investigations of allegations of bullying and harassment by Members of Parliament. The definitions of bullying and harassment set out in this policy are common across the Parliamentary Community. Once the independent investigator’s initial assessment has been

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<sup>1</sup> The House of Lords Code of Conduct can be found here: [www.parliament.uk/hl-code](http://www.parliament.uk/hl-code)

completed, the investigation will be overseen by the Commissioner in accordance with the Standing Orders of the House of Commons and with any agreement made between her and the ICGS team.

1.4 This policy relates specifically to bullying and harassment. It sets out who the policy applies to, the conduct covered by the policy and certain other important matters. Details of the procedures for investigation of a complaint under this policy may be obtained from the ICGS team. If an Independent Investigator recommends that a complaint should be upheld under this policy, the matter will be referred to the relevant decision-making body (the employer or another body, depending on the identity of the respondent). Different bodies will have, and use, their own internal policies and procedures to reach a decision.

1.5 Bullying and harassment can happen to anyone and can be carried out by anyone. They are both a cause and a consequence of inequality and power differences. Abuse of power will be a relevant consideration in deciding the seriousness of any complaint of bullying and harassment. Additional factors which influence power dynamics include class and if a position of authority is held.

1.6 The incidence and specific experience of bullying and harassment may be affected by a number of characteristics of those who are targeted, including the protected characteristics covered under the Equality Act 2010 (sex, race, disability, age, sexual orientation, religion and belief, marriage and civil partnership, pregnancy and maternity, and gender reassignment). Characteristics such as race, sex and sexuality can intersect with each other in ways that create specific issues (e.g. unwanted comments on an Asian colleague's hijab might be a situation where the protected characteristics of sex, race and ethnicity, and religion or belief would intersect).

1.7 The aims of this policy and the associated procedures 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 framework for reporting, investigating and responding to allegations of bullying and harassment;
- Ensure that information about sources of support is made 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 used in this policy reflects the definition set out in section 26 of the Equality Act 2010, although this policy is not limited to harassment connected with a protected characteristic under that Act. The definition of bullying is taken from ACAS guidance. These definitions will be used in determining whether any behaviour reported under this policy constitutes bullying or harassment.

2.2 All behaviour that constitutes bullying or harassment is a breach of the Behaviour Code. However, not all breaches of the Behaviour Code will constitute bullying or harassment.

### What is bullying?

2.3 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.

2.4 Like harassment, bullying can take the form of physical, verbal and nonverbal conduct. 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. Whether conduct constitutes bullying will depend on both the perception of the person experiencing the conduct and whether it is reasonable for that person to have perceived the conduct as bullying.

2.5 Elements 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;
- Abuse of a similar nature carried out in writing or electronically (including posters, graffiti, emails, messages, clips or images sent by mobile device or posted on the internet);
- 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 or micro-management, including preventing someone from undertaking their role or following agreed policies and procedures;

- 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;
- Ostracising or excluding someone from meetings, communications, work events or social events;
- Sending, distributing or posting detrimental material about other people, including images, in any medium.

## What is harassment?

2.6 Harassment is any unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. All harassment, regardless of whether or not it relates to a protected characteristic, is covered by this policy.

2.7 There is a separate Sexual Misconduct policy and procedure for dealing with allegations of sexual misconduct (including sexual harassment). Further information about reporting incidents that are covered by both policies can be found in paragraph 2.17 of this policy

2.8 Harassment may be persistent or an isolated incident and can be manifest, hidden or insidious. It may take place in person, by telephone or in writing, including emails, texts or online communications, including social media.

2.9 Harassment can be intentional or unintentional. It can occur where A engages in conduct which has the effect of violating B's dignity or creating an intimidating, hostile, degrading or offensive environment for B, even if A didn't intend this. Whether conduct constitutes harassment will depend on both B's perception and whether it is reasonable for B to have perceived A's conduct in that way.

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

2.11 Examples of harassment, other than sexual harassment, may include, but are not limited to:

- Sending or displaying offensive material in any format (including posters, graffiti, emails, messages, clips or images sent by mobile device or posted on the internet);
- Mocking, mimicking, belittling or making jokes and comments about a person (or a group stereotype);
- Use of unacceptable or inappropriate language or racial or other stereotypes (regardless of whether the complainant is in fact a member of the group stereotyped);
- Deliberately holding meetings or social events in a location that is not accessible for an individual (by reason of disability, religious prohibitions or otherwise);
- Using profanities that could have the effect of creating an offensive environment for a person to work in.

### What is does the law say about bullying and harassment?

2.12 In some cases, acts of bullying or harassment can be litigated through civil proceedings, in either an employment tribunal or county court.

2.13 Conduct that amounts to bullying and harassment can also sometimes amount to criminal offences, which can be tried in the criminal courts.

Examples may include, but are not limited to:

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

2.14 Paragraphs 2.15 and 2.16 of this policy contain more information about how this policy deals with conduct that may amount to bullying or harassment and is also subject to a criminal investigation.

### Criminal investigations

2.15 This policy relates to workplace misconduct. It is not intended for investigation of criminal offences.

2.16 Where someone has reported an alleged criminal offence to the police and has made a complaint under this policy concerning the same conduct, the investigation under this procedure may be paused, if appropriate, until the criminal investigation is complete. The ICGS helpline can provide information about sources of support to both complainants and respondents involved in criminal investigations. However, no complainant is obliged to complain to the police.

## What is not covered in by this policy?

### Sexual harassment

- 2.17 This policy does not cover complaints of sexual harassment, which is covered by the sexual misconduct policy. Where a person wishes to complain of conduct which they consider to be both bullying and/or harassment and sexual misconduct, the person may choose which policy to use. A complaint made under this policy may, if appropriate and with the complainant's consent, be transferred to the Sexual Misconduct procedure if a substantial sexual harassment element becomes apparent during the investigation. The Sexual Misconduct procedure includes access to specialist advice, so may be more appropriate in cases where sexual harassment comprises a substantial part of the complaint.
- 2.18 Many workplace disagreements or disputes will not constitute bullying or harassment and therefore fall outside this policy. 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, such as an employer's grievance procedure, 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 will not constitute bullying or harassment in and of themselves (although the manner in which they are carried out may constitute bullying or harassment – see paragraphs 2.5 and 2.11). Similarly, investigation of a complaint under this policy will not in itself constitute bullying or harassment.

### 3. Terms used in this policy and the associated procedure

- **Complainant:** This is an individual who reports or makes a complaint of bullying or harassment through the ICGS helpline
- **Respondent:** This is an individual who is accused of bullying or harassment.
- **Report:** This is when a complainant reports an incident to the ICGS helpline.
- **Complaint:** This is when a complainant chooses to pursue their complaint through the ICGS team after reporting it to the helpline.
- **ICGS helpline:** This is the service for reporting incidents of alleged bullying or harassment. It is also a source of information, advice and support for complainants and respondents, and for anyone else who has experienced, witnessed or is aware of bullying, harassment or sexual misconduct. 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.
- **ICGS team:** This is the bicameral team which is responsible for managing the procedures under this policy if a complainant decides that they want to take further action in relation to an alleged incident of bullying and harassment (as opposed to using the helpline to report an incident or access support). The ICGS team 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.

- **Independent Investigator:** Any formal complaint is allocated to an Independent Investigator, who is responsible for undertaking an initial assessment of the complaint to determine whether the allegation should progress to a formal assessment. They are also responsible for helping to broker an informal resolution between the complainant and respondent, where appropriate; or for undertaking a formal assessment of the complaint, based on gathering further evidence from those involved. Independent Investigators are not employees of either the House of Commons or House of Lords: they contract with the Houses and are selected for specialist expertise and training in resolving and investigating complaints of bullying and harassment.
- **Decision-making bodies:** These are the organisations which have responsibility for taking a decision if a complaint is upheld against a particular respondent. For example, this might be the respondent's employer, or the Parliamentary Commissioner for Standards (and/or the Independent Expert Panel) if the respondent is an MP. Decision-making bodies, and not the ICGS team, are also responsible for deciding and implementing appropriate actions and/or sanctions when a complaint is upheld.

## 4. Scope

Who does this policy apply to, and who may make a complaint under it?

4.1 This policy applies to all acts of bullying and harassment by and against any member of the Parliamentary Community on the Parliamentary estate or elsewhere in connection with their Parliamentary activities.

4.2 For the purposes of this policy, the Parliamentary Community comprises all those who work for or with Parliament either on the Parliamentary Estate, in constituency offices or elsewhere in the course of their parliamentary work.

This includes:

- Members of Parliament (MPs) or Members of the House of Lords;
- Employees of MPs or Lords or other people working for them, such as volunteers, people undertaking work experience or interns;
- Employees of the House of Commons and Parliamentary Digital Service;
- Employees of the House of Lords;
- 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 to the Parliamentary Estate.

4.3 Under this policy, a person may report and make a complaint about bullying and harassment where both the complainant and the respondent were members of the Parliamentary Community at the time when the alleged bullying and harassment took place, whether or not they remain members of the Parliamentary Community at the point when the complaint is made (but a complaint will not be investigated after the death of the respondent).

4.4 The work of the Parliamentary Community is broad, and may involve office work, public facing work, travel and social events, as well as non-standard working hours. As a result, this policy applies to behaviour by members of the Parliamentary Community in any circumstances relating to their Parliamentary work, regardless of location.

### How does this policy 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 can be used to report and investigate any allegation 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). Where complaints are made collectively, all complainants must provide consent 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 separate investigations relating to each respondent. The ICGS team will decide in such a case whether to allocate the investigation to a single Independent Investigator or to more than one. In either event, the Independent Investigator 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, although the ICGS team may make provision for oversight of all the complaints to ensure that they are consistently treated, and evidence obtained from a witness in one complaint may be used, by agreement, for the purposes of another complaint. The decision-making body with responsibility for the respondent will respond to each report separately, but may also take into consideration previous findings when deciding on an appropriate course of action or sanctions.

4.8A A potential complainant may ask the ICGS helpline to record details of a complaint of bullying or harassment, to be held for a period of up to one year; and, subject to various safeguards, to be alerted by the helpline to the existence of other complaints against the same individual, before deciding whether to take their complaint through the ICGS process.

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

4.9 This policy is not intended to affect the ability of any individual to report incidents of bullying or harassment directly to the police, their employer, an employment tribunal or a political party. It does not displace any legal or contractual remedy available to any person.

4.10 Where a complainant chooses to use another policy to make a complaint of bullying or harassment (for example, if a complaint relating to an MP is made to a political party), or where the complainant has previously brought a complaint of the same, or substantially the same, conduct through another policy or through legal proceedings, the ICGS team reserves the right not to investigate the same incident under this policy.

4.11 Where someone has reported an alleged criminal offence to the police and has made a complaint under this policy concerning the same facts, the circumstances of the case will be considered to determine whether it is appropriate to investigate the matter under this policy at the same time, or whether action under this policy should be paused until the criminal investigation is complete.

4.12 This policy does not affect safeguarding obligations for all members of the Parliamentary Community. If you are concerned about behaviour towards a child or vulnerable adult, you should report this to the Designated Safeguarding Lead, as outlined in the Safeguarding policy. In addition to decision-making bodies' own safeguarding procedures, the ICGS helpline, independent investigators and the ICGS team will also carry out risk assessments and have agreed escalation processes in cases where someone is at risk of harm that cannot be mitigated in another way.

### What about malicious or vexatious complaints of bullying or harassment?

4.13 We require 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.

4.14 If someone makes a complaint as a result of a genuine mistake or misunderstanding, this will not be a malicious or vexatious complaint. Likewise, if the outcome of an initial or formal assessment under this policy

is a recommendation not to uphold the complaint (i.e. the conduct is not found to be bullying or harassment), it should be emphasised that this will not in itself mean the complaint will be regarded as malicious or vexatious.

4.15 For an investigation to indicate that a complaint may be malicious or vexatious, there would have to be evidence of manifestly false accusations and/or deliberate intent to discredit the respondent. Where the Independent Investigator finds that a complaint was malicious, vexatious or deliberately false, based on the evidence gathered by the Independent Investigator, the decision-making body for the complainant will be notified. They will then deal with the matter in accordance with their own policies and procedures, which may include disciplinary action or other sanctions.

## 5. Victimisation

5.1 Fear of victimisation is a major barrier that can prevent individuals from seeking support or resolution. Members of the Parliamentary Community are prohibited from engaging in any form of victimisation, revictimisation, or encouraging others to victimise someone who has made, or has supported someone else in making, a report/complaint or has cooperated in the investigation of a report/complaint.

5.2 If victimisation or retaliation are uncovered in the course of an investigation, they will be taken seriously.

## 6. Timescales for reporting incidents of bullying or harassment

When can I report an incident of bullying or harassment?

6.1 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).

6.2 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 Independent Investigator 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.

6.3 Until 28 April 2022, a complaint may be made of bullying or harassment regardless of when it took place. After that date, the complaint must be made within one year of the incident (or the last incident if there has been more than one).

6.4 If someone wishes to report a criminal offence or bring civil proceedings, there may be time limitations on those proceedings, depending on the nature of the case. Anyone considering such action should speak to the ICGS helpline, who will be able to offer advice about reporting criminal offences or bringing civil proceedings, including seeking independent legal advice, if appropriate.

## 7. Factual Accuracy Checks

7.1 Once the Independent Investigator has considered all the evidence and prepared a draft formal assessment report, a copy of the draft must be sent to the complainant and the respondent. This is an opportunity for both parties to check that facts and dates are correct and request corrections, raise concerns if relevant evidence has not been considered or relevant witnesses not interviewed, or raise other concerns about the process of the investigation. The parties will normally have 14 days to raise any issues. The check is **not** an opportunity to challenge the Independent Investigator's reasoning or recommendations, unless they are unreasonable or perverse. If the ICGS team (or in the case of an MP the Parliamentary Commissioner for Standards) considers that there are significant errors or omissions in the report or concurs with the view that the findings are unreasonable or perverse, the report may be rejected and a new Independent Investigator appointed to carry out the formal assessment.

7.2 Any further action, if either party is not satisfied with the Independent Investigator's report, will be a matter for the relevant decision-making body.

## 8. Responsibilities of the Parliamentary Community

8.1 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.

8.2 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 or 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, Trade Union, Staff Association or HR service).

8.3 Managers have a particular responsibility to develop and maintain a working environment in which people are treated with dignity and respect and intervene if they identify bullying or harassment amongst their staff.

Managers also have a responsibility for ensuring that any of their direct reports involved in a complaint of bullying or harassment (whether that be a complainant, respondent or a witness) are encouraged to use the ICGS helpline for advice and support.

8.4 Anyone who is involved in the provision of advice through the ICGS helpline, informal resolution or formal investigation of a complaint also has a particular responsibility to act with integrity and to maintain confidentiality, except to the extent that information about the complaint and its outcome is published by a decision-making body (and see also paragraph 4.12). 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.