

Handling bullying and discrimination

1 . Approaching a complaint

As an employer or manager, you should take any bullying or discrimination complaint seriously and look into it as soon as possible.

If you do not deal with someone's complaint appropriately, they may be more likely to make a claim to an employment tribunal. If they do, the tribunal will take into account how you handled the complaint.

Who a complaint could come from

A complaint could come from:

- an employee or job applicant about something they've experienced
- an employee who's witnessed bullying or discrimination directed at someone else
- a trade union or employee representative on behalf of an employee

You should look into the complaint in a way that's fair and sensitive to:

- the person who made the complaint
- anyone who witnessed it
- anyone accused of bullying or discrimination

If someone makes a complaint a long time after an incident has taken place, you should still take it seriously.

Understanding bullying and discrimination

Understanding the type of behaviour your employee might have experienced will help you understand how to deal with it. It will also help you understand your responsibilities as an employer.

By law (Equality Act 2010), discrimination is when someone is treated 'less favourably' than someone else because of these 'protected characteristics':

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Types of discrimination include direct and indirect discrimination, harassment and victimisation.

In some circumstances, harassment could also be a [hate crime](#).

Although there is no legal definition of bullying, it covers various types of unwanted behaviour. Bullying behaviour can be harassment if it relates to a protected characteristic.

Find out more about:

- [bullying](#)
- [discrimination and the Equality Act 2010](#)

Check your policy

Check your organisation's policy on handling bullying or discrimination complaints. See if it says:

- who should handle this type of complaint
- what procedure to follow

Your organisation might have different policies for different types of complaint, for example one for bullying and another for sexual harassment. Follow the one that's most relevant to the complaint.

If you do not have a policy, check with a senior manager or HR about the procedure you should follow.

Decide whether to handle it formally or informally

An employee will either make an informal or formal complaint. Dealing with a problem informally means taking steps to resolve it without using a formal grievance procedure.

You should try to resolve a complaint informally if possible. This is usually quicker and less stressful for everyone. However, not every situation is suitable to handle informally.

How you handle the complaint will depend on:

- what the person making the complaint wants
- what your organisation's policy says
- how serious the issue is

You will need to speak to the person who's made the complaint before deciding how to handle it.

You should take what they would prefer into account. However, if you feel that what they'd like to happen is not appropriate, you should try to agree on the approach together.

For example, your employee might say they want the complaint handled informally. But if you feel the situation is too serious to be resolved informally, you can suggest handling it formally instead.

If your employee has made a formal complaint, you can encourage them to try resolving it informally first if you think that's appropriate.

If you cannot agree on an approach together, you'll need to decide the most appropriate way to handle it. If you're in any doubt, you should deal with it formally.

Find out how to:

- [deal with a complaint informally](#)
- [deal with a complaint formally](#)

Talk with the person who raised the issue

You should talk with the person who raised the issue. This can help you understand what's happened and what might help resolve it.

They might ask to be accompanied by their trade union representative, if they have one, or someone they work with.

For informal meetings it's a good idea to allow the person to be accompanied. That can make it easier for them to talk about the issue.

For any formal grievance meetings, the employee has a legal right to be accompanied by either someone they work with, a trade union representative or a trade union official.

Keep an open mind

Always keep an open mind when dealing with a complaint. Something that seems like a small thing to you can feel very different to the person experiencing it.

You should:

- listen to what they say
- leave any personal feelings you have to one side
- look at how it's made them feel or how it's affected them
- do not make any assumptions

Answer their questions

The employee might send you an email or letter describing what's happened and asking you questions.

You should try to answer their questions. This might help to resolve the problem and avoid legal action.

[Find out more about answering questions about a discrimination complaint](#)

Treat it confidentially

You should handle the complaint confidentially, including any investigation.

Contact the Acas helpline

If you have any questions about handling a bullying or discrimination complaint, you can [contact the Acas helpline](#).

2. Informal complaints

As an employer or manager, you should try to resolve a complaint of bullying or discrimination informally if possible.

Dealing with it informally means taking steps to resolve the complaint without using a formal grievance procedure.

You should have already talked to the person who raised the issue to help decide the best approach together.

In some cases, you will need to [deal with a complaint formally](#) instead.

Ways of resolving the complaint informally

You'll need to consider the most appropriate action to take. This will depend on the circumstances of the complaint and what you've learned about it so far.

You might need to agree this with other people, for example the person who made the complaint.

Where it's appropriate, you might:

- have a private conversation with the person who's been complained about
- arrange a meeting with everyone involved
- offer mediation

Talk to the person who's been complained about

If the person's complaint is about another employee's behaviour, talk separately in private with the person they've complained about.

Sometimes this can also help to:

- repair working relationships
- make it clear what counts as acceptable behaviour

For example:

- a line manager or someone in HR might be able to talk to someone in private to say their conduct was inappropriate
- a manager might be able to explain to the person the complaint is about how their behaviour made someone feel, and see if they'd be willing to apologise

It might be that they've upset someone or caused offence without intending to. Explaining this and agreeing with them how they'll behave in future could be all that's needed.

You might need a few conversations with both employees to agree a way forward.

If they dispute what happened or do not agree to make any change, you'll need to take a different approach. For example, you could try to resolve it informally in another way, or try to resolve it formally. It will depend on the circumstances.

Holding a meeting with the people involved

Depending on the situation, you might feel it's appropriate to arrange an informal meeting.

For example, meeting with both:

- the person who made the complaint
- the person the complaint is about

Before arranging this, you should meet with everyone separately first. Make sure they're all willing to meet together to try to resolve the complaint.

If you have a meeting, you should:

- give everyone enough notice of the meeting
- hold the meeting in a private place
- listen to what everyone has to say
- take everyone's views into consideration
- work towards resolving the issue in a way that everyone can accept
- make sure any agreed outcome is consistent with similar situations in the past
- keep notes of any agreed actions

If you cannot agree on an outcome in the meeting, you should continue to try to resolve the issue afterwards. For example, you might approach everyone again and suggest a different way to resolve the issue.

Using mediation

If your employees agree, you could try mediation. Mediation involves an independent, impartial person helping both sides to try to find a solution.

For example, mediation can be useful if there's been a:

- misunderstanding
- lack of awareness of how someone's actions are affecting someone else

[Find out more about mediation](#)

If the issue is resolved

If the issue is resolved informally, you should:

- keep a record of the actions taken and the outcomes
- keep in touch with the person who made the complaint to check things are still okay

If no further action is needed

At any stage in an informal process, you might decide there is no need for action or further steps.

If so, you should:

- keep a written record of this decision and the reasons why
- update the person who made the complaint, and explain why you decided no action is needed

If you need to take it further

If the complaint cannot be resolved informally, you or the employee might decide to take it further as a [formal complaint](#).

This decision can be made at any point during the informal process.

Contact the Acas helpline

If you have any questions about handling a bullying or discrimination complaint, you can [contact the Acas helpline](#).

Related content

[Answering your employee's questions about discrimination](#)

3. Formal complaints

If someone who works for you makes a bullying or discrimination complaint and it needs to be handled formally, you should follow a formal procedure.

For example, you will need to deal with it formally if:

- your employee is not willing to try to resolve it informally
- your organisation's policy says the type of situation they're complaining about must be dealt with formally
- the complaint is very serious
- the situation could lead to disciplinary action against another employee

You should follow a formal grievance procedure, unless your organisation has a different formal procedure for the specific type of complaint you're handling. For example, you might have a formal procedure specifically for handling sexual harassment complaints.

[Find out how to follow a formal grievance procedure](#)

Decide who will investigate the complaint

As part of a formal procedure, someone will need to investigate the complaint.

They should be neutral and not involved in the complaint.

If this is not possible, for example in a small business, the person investigating must keep an open mind and carry out a fair investigation.

Alternatively, you could pay for an external person to investigate, for example someone trained to handle workplace investigations and conflict resolution.

[Find out more about investigating a complaint](#)

If you need to separate or protect employees

In some circumstances, you might need to separate the employees involved while you handle a formal complaint. You should make sure any temporary move is done fairly.

For example, you might temporarily move one of them to a different shift or location. You should not move the person who made the complaint unless they ask to be moved. This is because moving them when they have not asked for a move could be seen as a punishment for complaining.

If you think you need to suspend someone

You should think very carefully before suspending someone as there may be other options.

[Find out more about suspension during an investigation](#)

If you need to consider disciplinary action

If the outcome of your formal procedure means you need to consider disciplinary action against an employee, you should follow a [formal disciplinary procedure](#).

Contact the Acas helpline

If you have any questions about handling a bullying or discrimination complaint formally, you can [contact the Acas helpline](#).

Related content

[Answering your employee's questions about discrimination](#)

4. Supporting employees

As an employer or manager, you should support any employees who are involved in a bullying or discrimination complaint.

Telling people about support available

You should tell the employee who made the complaint about any support that's available.

Anyone who's witnessed bullying or discrimination, or been accused of it, may also need similar support.

Depending on what's available at your work, this might include:

- counselling or mental health support through an employee assistance programme (EAP)
- someone who's been trained to advise people who are considering making a bullying or discrimination complaint
- staff support networks
- trade union or employee representatives who can offer advice
- specialist external organisations and charities that provide bullying and discrimination support

Specialist organisations include:

- [Equality Advisory and Support Service \(EASS\)](#) – for advice on dealing with discrimination
- [Samaritans](#) – if someone is struggling to cope

Be aware of sensitivities

Keep in mind that it can be hard for someone to speak up about bullying or discrimination, especially if:

- they're upset about what they've experienced or witnessed
- it's been happening for a long time
- it's affecting their mental health
- they're worried they might be treated unfairly if they make a complaint

Mental health and wellbeing

It's likely to be stressful and distressing for someone to:

- experience bullying or discrimination
- witness someone else being bullied or discriminated against
- be accused of bullying or discrimination

You should look out for your employees' wellbeing and offer them support while the complaint is being handled and afterwards. This can prevent:

- mental health problems arising
- existing mental health problems getting worse

[Find out more about supporting mental health at work](#)

Contact the Acas helpline

For more help with supporting employees during a complaint, you can [contact the Acas helpline](#).

5. After handling a complaint

As an employer or manager, once you have an outcome for a bullying or discrimination complaint, you should:

- keep a record of the complaint, any investigation findings, any steps that were taken and the outcome
- keep an eye on the issue
- take steps to prevent similar issues happening again

Keep a record

For all complaints, you should keep a record of:

- the complaint
- any evidence you've found
- any steps you've taken to deal with it
- whether the complaint was upheld or not, and the reasons why
- how it was resolved, if that was possible

If you handled the complaint formally, you should also keep a record of:

- any investigation findings
- the complaint hearing
- any appeal, including the appeal hearing
- if the complaint resulted in a disciplinary procedure, and any disciplinary action

Records will be useful if:

- the same issue comes up again
- an issue raised informally is raised formally later on
- an employee decides to make a claim to an employment tribunal

Keep an eye on the issue

You should make sure:

- that the actions taken have been effective
- nobody is treated unfairly or less favourably as a result of being involved with the complaint

If someone is treated less favourably because they were involved with a discrimination complaint, this is a type of discrimination called [victimisation](#).

Preventing bullying and discrimination

It's important to try to prevent bullying and discrimination happening in the future.

Depending on your findings from looking into a complaint, you might also decide to address a specific issue.

For example, you might decide to:

- train line managers on a specific issue, for example sexual harassment or unconscious bias
- train all staff on a specific issue and what to do if they experience or witness unacceptable behaviour
- review your organisation's policies, for example your policy on bullying and harassment
- make it clear to employees what support is available if they experience or see unacceptable behaviour at work

Find out more about:

- [preventing discrimination](#)
- [improving equality, diversity and inclusion](#)

If there's legal action

An employee might be able to make a claim to an employment tribunal if they believe they've been discriminated against.

If this happens, the employment tribunal would consider:

- how it's affected the employee
- what you've done to address their complaint
- what actions you took to prevent discrimination happening in the first place

If an employee makes a claim to an employment tribunal, you should consider [getting legal advice](#).

Bullying in itself cannot be a claim to an employment tribunal. But it could still lead to other legal issues. For example, severe bullying might contribute towards [constructive dismissal](#).

It might also be constructive dismissal if someone leaves their job because of discrimination you did not deal with.

Contact the Acas helpline

For more advice about your options, you can [contact the Acas helpline](#).