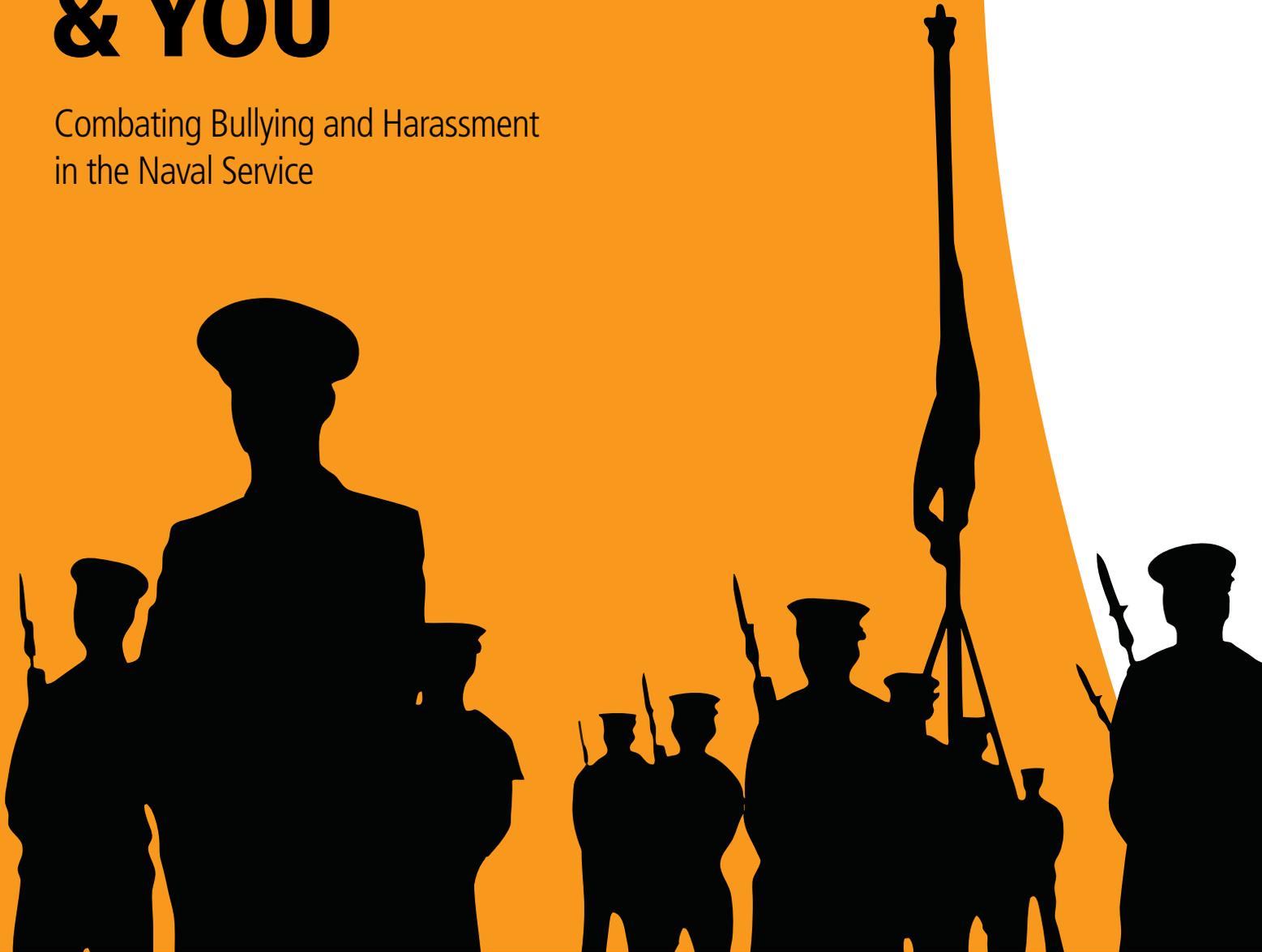


# EQUALITY, DIVERSITY & YOU

Combating Bullying and Harassment  
in the Naval Service



<b>Introduction</b>	3
<b>MOD Unified Diversity Strategy</b>	4
<b>The First Sea Lord’s Equality and Diversity Directive</b>	5
<b>What is Equality and Diversity? What is Inclusion?</b>	6
<b>Harassment and Bullying</b>	7
What is Harassment?	7
Typical examples of Harassment	7
Sex Harassment	8
Sexual Harassment	8
What is the difference between Banter and Harassment?	8
Naval Service Policy on Pornography	9
What is Bullying?	9
Typical examples of Bullying	10
Toxic Leadership	10
Are you a Bully?	10
What is Discrimination?	11
<b>The ‘Leadership Challenge’</b>	12
Responsibilities of Leaders	12
<b>Armed Forces’ Code of Social Conduct</b>	13
The Service Test	14
<b>What can you do if you are being treated unfairly?</b>	15
<b>Equality &amp; Diversity Adviser (EDA)</b>	17
Assistant EDAs	17
<b>Bullying and Harassment Complaints Procedures</b>	18
“I may wish to make a Complaint. Who can I turn to for advice?”	18
“I believe that I have grounds for a Complaint. What do I do?”	18

<b>Informal Resolution</b>	19
“I do not wish to make a big issue of this, but something needs to be done.”	19
Unassisted Action	19
Assisted Action	20
Outcome of Informal Resolution	20
<b>Formal Complaints</b>	21
“I wish to make a Formal Complaint. What should I do?”	21
Timescale	21
Assignment of Assisting Officer	21
Complaint Letter	21
“What happens if I am in the Naval Service but work in a Joint environment?”	22
“I’ve submitted my Formal Complaint. What happens next?”	22
Reassurance to a Complainant	22
Reassurance to a Respondent	23
“How will I know whether my Complaint has been upheld or not?”	23
“If I am not satisfied with the outcome, what can I do?”	23
<b>The Service Complaints Commissioner (SCC)</b>	24
How to complain to the SCC	24
What happens to a Complaint received by the SCC?	25
<b>Holding individuals accountable, and Sanctions arising from Upheld Formal Complaints</b>	26
Accountability for Actions: Content of Appraisal Reports	26
Sanctions	27
Promotion Boards	27
Career Monitoring	27
<b>Access to Employment Tribunal</b>	28
Registration	28
The Questionnaires Procedure	28
<b>Training</b>	29
Service Line Managers of Civilian Staff	29
<b>Further Advice and References</b>	30

# INTRODUCTION



Want to know what the Naval Service's policy on Equality and Diversity is? Where we stand on Age, Disability, Gender, Gender Reassignment, Race and Ethnicity, Religion and Belief, and Sexual Orientation? Where to get more advice? What to do if you find yourself the victim of inappropriate behaviour? Who to get advice from, what to do, what the process is? Then read on...

# THE MOD UNIFIED DIVERSITY STRATEGY

## DIVERSITY VISION

“The vision is a workforce, uniformed and civilian, drawn from the breadth of the society we defend, that gains strength from that society’s range of knowledge, experience and talent and that welcomes, respects and values the unique contribution of every individual.”



The MOD recognises that the people we employ are the most important factor in fulfilling its mission to defend the United Kingdom and its interests. The United Kingdom is a rich and diverse place and embraces a huge variety of people from stimulating cultures and backgrounds. A diverse workforce enhances our capability to adapt continuously to a rapidly changing global context. We need a shared focus in this area which the Unified Diversity Strategy will provide.

The principles of diversity do not vary according to whether someone is wearing uniform or not, or the colour of that uniform. We value every one of our people for their own particular strengths and talents upon which we rely. We work together across the whole Department. Every man and woman contributes to defence capability and is entitled to the same standards of respect. They are also entitled to equality of opportunity, subject to a few specific limitations relating to the operational effectiveness of the Armed Forces.

Diversity is crucial to operational effectiveness now and for the future. We will ensure that implementation of this Strategy has high priority across the Department in planning, resource allocation, training, performance management and everything we do. The Strategy will be embedded in our operational and personnel functions and, wherever possible, we will adopt common standards, policies, practices and procedures.

# THE FIRST SEA LORD'S EQUALITY AND DIVERSITY DIRECTIVE

**1.** We aim to be a World Class Navy ready to Fight and Win. We also pride ourselves on being a top class employer with top class people, modern and relevant, capable and resilient. To achieve this we must attract, develop and retain sufficient, capable and motivated people. Success in operations is dependent on teamwork. Every individual must play their part in the team, the effectiveness of which depends equally on individual contribution and on team cohesion. Success requires mutual trust and respect, with each and every team member a valued individual, whether uniformed or civilian. Any form of discrimination, harassment or bullying undermines that necessary trust and weakens our effectiveness: the operational case for equality and diversity is therefore undeniable.

**2.** My vision is of a Naval Service that is disciplined but fair, and in which the principles of equality and diversity are embedded as a fundamental component of leadership within our divisional and management systems. I require commanders and leaders

at all levels to lead by example and display moral courage; to know their people; value them as individuals; encourage them to reach their full potential; and demand the highest standards of behaviour in return. I expect Service and civilian personnel at every level and at all times to meet their basic moral obligation to treat each other with the utmost respect, dignity, honesty and fairness and for our personnel to strive consistently to meet the Naval Service Core Values or Civil Service Code as appropriate. Each one of us bears responsibility for our own behaviour and its effect upon our colleagues and the other members of society with whom we come into contact. We all have a responsibility to challenge inappropriate behaviour and attitudes and to support each other in eradicating any such behaviours from our teams. Any failure – at whatever level – to meet our basic values, standards and responsibilities reflects poorly on the whole Naval Service.

**3.** We must value our diversity and capitalise on the wide range of individual differences, skills and unique

talents our people bring. Our ethos is inclusive; it welcomes and appreciates differences – gender, ethnic origin, religion or belief, sexual orientation, gender reassignment, age, disability and social and educational background – while accepting for military personnel the minimum exemptions in order to safeguard operational effectiveness. The Naval Service commitment to diversity extends beyond our legal responsibilities to prevent unlawful discrimination. We are resolutely committed to ensuring that every individual has equality of opportunity for employment, training and advancement based solely on merit and ability, and that all our people can be themselves and work and achieve their full potential in an environment that is trusting, open and inclusive.

**4.** I regard equality and diversity as a key enabler of our core business. It gives moral underpinning to our operational capability and I expect each and every one of us to play our part.



# WHAT IS EQUALITY AND DIVERSITY?

## Equality and Diversity **is** about:

Treating everyone fairly, with respect and dignity.

Recognising that we are all different and using those differences to benefit the team.

Removing all forms of bias, prejudice and stereotyping that lead to unfair discrimination.

Eradicating bullying and harassment. Valuing the contribution that every person makes to the team.

## Equality and Diversity **is not** about:

Treating everyone exactly the same – we all have our differences!

Giving unfair advantages to minority groups.

Lowering standards of performance or discipline.

Setting quotas.

Being soft on individuals who do not meet the required standards.

# WHAT IS INCLUSION?

## Inclusion is about...

Ensuring that all our people feel respected, valued and supported and that they play an essential role in the organisation.



# HARASSMENT AND BULLYING

All personnel have the right to work in an environment free from harassment and bullying, and to be treated with fairness, dignity and respect. Harassment and bullying will not be tolerated in the Naval Service, either among Service or civilian personnel, including contractors, as it undermines confidence, can affect mental and physical health, erodes morale and, as a consequence, damages unit cohesion and operational effectiveness.

## What is Harassment?

Harassment is the unwanted behaviour by one or more people, whether intentional or not, which violates a person's dignity and creates feelings of anxiety, humiliation, awkwardness, distress or discomfort which can have potentially devastating consequences for that person. *Harassment is judged on the consequences of actions, not on the intent.* Harassment must be on one or more protected characteristics - that is on grounds of the recipient's age, disability, sex, gender reassignment, race, ethnic or national origin, religion or belief, sexual orientation.

## Typical examples of Harassment are:

- Verbal or physical threats or abuse, including derogatory or stereotypical statements or remarks.
- Innuendo, mockery, lewd or sexist/ racist/homophobic/religious jokes or remarks.
- Subjecting someone to insults or ridicule or name calling.
- Personal comments about aspects of someone's physical appearance or character, which causes embarrassment, offence or distress.
- The use of offensive language in describing someone with a disability or making fun of someone with a disability, or telling jokes about disability.
- Unwarranted, intrusive or persistent questioning or discussion about a person's personal life or similar questions about an individual's racial or ethnic origin including their culture or religion.
- Effecting any of the above using digital means – e.g. by text message, or e-mail, or ordinary telephone.
- Making disparaging comments about the opposite sex (e.g. expressing negative views about women in the Armed Forces) that may cause offence to female personnel in general.
- Making derogatory or disparaging comments about an individual on the grounds of pregnancy or maternity.

## STOP BULLYING & HARASSMENT

Sex Harassment and Sexual Harassment are against the law and may be defined as follows:

### Sex Harassment

A person is subject to sex harassment if they are victim of unwanted conduct that is related to their sex, or that of another person, which has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Sex harassment may also include, for example, disparaging comments like “women do not belong in the Forces”.

### Sexual Harassment

A person is subject to sexual harassment if they are a victim of any unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. This may include rejection of, or submission to unwanted conduct or where the victim is treated less favourably than they would be treated if they had not rejected or not submitted to the conduct, for example, in the work environment, suggestions by a

superior of preferential treatment (e.g. a good appraisal report in return for a sexual relationship).

Other examples of sexual harassment include:

Displaying or circulating offensive or sexually suggestive literature or pictures such as pin-ups, posters, PC ‘wallpaper’, screensavers, or computer graphics.

Making or sending unwanted sexually suggestive, hostile or personally intrusive phone calls, text messages, e-mails, faxes, multi-media messages or letters.

Leering, rude gestures, touching, grabbing, patting, or other unwanted/unnecessary bodily contact such as brushing up against others.

Recounting tales of sexual performance, or openly discussing explicit sexual matters.

### Naval Service policy on Pornography

Despite an increasingly liberal attitude of some elements of civilian society towards pornography, a warship, shore-based unit, establishment, or any MOD-owned or rented property is no place for unrestricted usage. The causing of offence to anyone by unwittingly, recklessly or deliberately subjecting them to pornographic or sexually-offensive material or media against their will – either visually or audibly – will very likely be deemed to constitute sex harassment and may result in the perpetrator(s) being subject to administrative or disciplinary action. This is not to say that an individual cannot exercise their right, within the law, to view or use pornographic material in private. However, MOD has a responsibility to do all it can to ensure that the working environment is free from all forms of harassment and that the dignity of others is respected. The rules for photographs, and of pornographic material or media, applicable to all Naval Service personnel can be found in Ship's General Orders Establishment Standing Orders and Unit Standing Orders.

### What is the difference between Banter and Harassment?

Banter is good natured teasing, joking or repartee that doesn't offend anyone. Harassment is unwanted, distressful and hurtful words or behaviour. It is the impact that words or actions have, and not the intent of the person speaking or acting in a certain way, that makes it harassment and not banter. The fact that an individual did not intend to cause offence or hurt is not an acceptable excuse. Common sense, context, good taste and individuals' relationships with each other will normally dictate which remarks are, and which are not, enjoyable and acceptable.

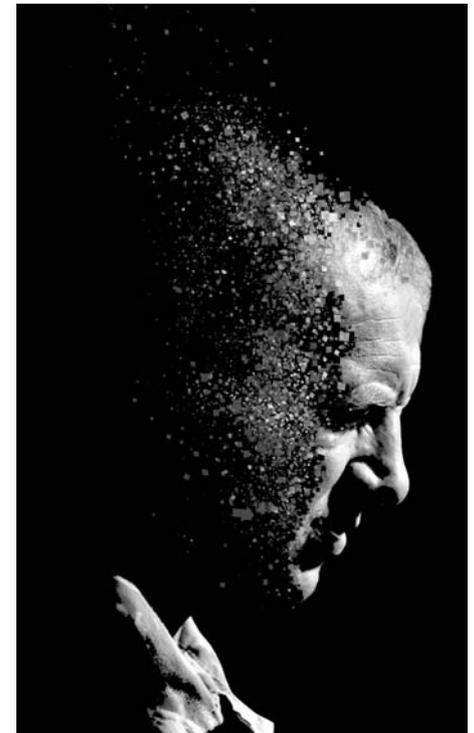
**Remember:** Whilst often the harshest of banter may occur between the closest of friends, always stop to consider whether it may cause offence to someone else who may have joined the conversation at a later stage, or someone who may be within earshot.

### What is bullying?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying is not always a case of pulling rank. It can also take place between peers, and occasionally personnel are bullied by those junior to them. Bullying is usually persistent, often unpredictable and may be vindictive. However, and whilst this is not an excuse for such behaviour, it can also arise without intent – i.e. when a person is unaware of the impact of his or her behaviour on someone else.

Bullying is a form of harassment in the generic sense rather than the legal sense and is prohibited under MOD policy. Bullying can often be hard to recognise; it is not necessarily conducted face to face and may be insidious (the recent rise in bullying by mobile phone text message is a good example of this). The recipient may think it is normal behaviour for the organisation; they may be anxious

that others will consider them weak or disloyal if they do not put up with it; or they may worry that if they report it, they will not be believed and may be victimised. Where protected characteristic exists, care should be taken not to confuse bullying and harassment behaviours.



## STOP BULLYING & HARASSMENT

### Typical examples of Bullying are:

- Humiliation or verbal abuse, such as shouting or swearing at others in public.
- Physical abuse or intimidation.
- Punishing a whole group for the failings of an individual.
- Subjecting subordinates to unnecessarily excessive or oppressive supervision, monitoring every aspect of their performance or being disproportionately critical of minor things.
- Persistent and unjustified criticism; unwarranted pressure which may increase the likelihood of failure.
- Ignoring or excluding an individual from social events, meetings, discussions.
- Undermining an individual's professional authority or standing.
- Coercing an individual to take part in an initiation ceremony or ritual.

### Toxic Leadership

Many of these examples can combine to result in so-called 'toxic leadership'. Toxic or destructive leaders are those focused only on visible short-term mission accomplishment to further their own careers. They provide superiors with impressive, over-positive presentations and enthusiastic responses to tasking, but they are not concerned with, or aware of, personnel morale. Subordinates see them as arrogant, self-serving and inflexible. The longer-term effect of a toxic leader is that they leave the unit or organisation in a worse-off condition than when they first found it, despite achieving short-term success. They undermine the team cohesion and fighting spirit on which operational effectiveness depends.

### Are you a Bully?

Is it possible that you are unaware of the effect your behaviour has on others? The following are examples of phrases that should not be used to excuse, or hide, behaviour that - in reality - constitutes bullying:

- 'Strong or robust management style'.
- 'A personality clash'.
- Describing someone as 'over-sensitive' or 'unable to take a joke'.
- A manager who does 'not suffer fools gladly'.
- A 'hard task-master'.

### What is Discrimination?

Direct discrimination is when a person is treated less favourably than another person just because of such things as their gender, gender reassignment, race or ethnicity, religion or belief, or sexual orientation.

Indirect discrimination is when a provision, criteria or practice is applied to everyone but causes a particular person or group to be disadvantaged.

Discrimination by victimisation is when a person is treated less favourably than others for unidentified reasons including because he/she has made a Complaint, or has provided information relating to a Complaint, or has alleged that discrimination has occurred.

Positive discrimination is unlawful and is when people of one group are treated more favourably than others. This is not to be confused with Positive Action, such as giving special encouragement or training to under-represented groups to make up for previous inequality or discriminatory practice.

**Remember:** Whilst the Armed Forces currently have exemptions from age and disability discrimination legislation and the statutory right to request Flexible Working, we still all frequently interact with members of the Civil Service, civilian contractors, and other members of the general public – all of whom are subject to such legislation and are protected by it. The same basic rules of treating everyone with dignity and respect still apply, whatever the situation or environment.

**Discrimination, whether direct, indirect, by association, intentional or unintentional is unlawful and could result in administrative and even legal action.**



# THE 'LEADERSHIP CHALLENGE'

## RESPONSIBILITIES OF LEADERS

Every member of the Service bears a professional responsibility for their own behaviour. Those in a position of leadership, from Leading Hand (LH)/ Corporal (Cpl) to the most senior Officers, have a responsibility to lead by example and to be accountable for their actions. Toxic leadership will not be tolerated. The Leadership Challenge is therefore for leaders – at every level of the Service from senior Officers down to LHs/Cpls - to live and breathe the ethos and values of the Naval Service in ships; on shore; at the front line or on the sports field; on watch or off duty. And that leadership must extend to all aspects of our behaviour: we don't just walk on by, we do something about it.

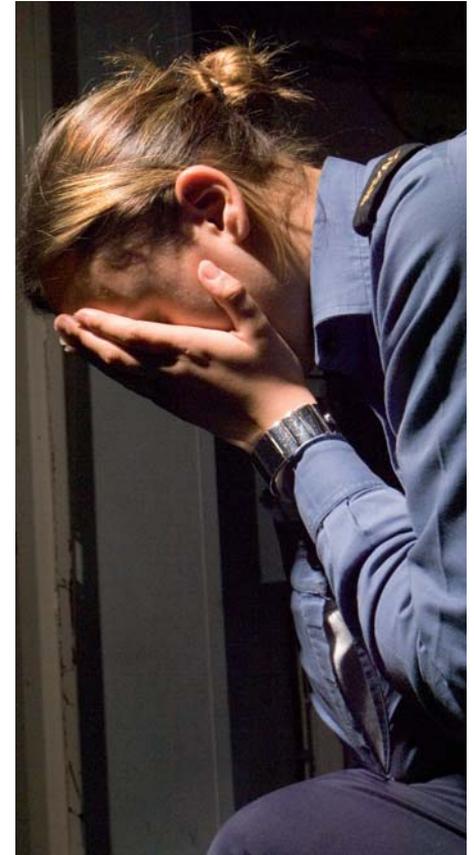
The above does not mean that those who do not have leadership responsibilities should leave things to their superiors. Everyone in the Naval Service has a moral responsibility and service duty to do all they can to eradicate all forms of harassment and bullying. So, if you become aware of inappropriate behaviour, do something about it – talk to the culprit(s) or, at the very least, tell someone in a position of authority.

# ARMED FORCES' CODE OF SOCIAL CONDUCT

This Code of Social Conduct explains the Armed Forces' policy on personal relationships involving Service personnel. It applies to all members of the Armed Forces regardless of their gender (including gender reassignment status), sexual orientation, race, religion, belief, ability, rank or status. The provisions apply equally to members of the Regular and the Reserve Forces.

In the area of personal relationships, the overriding operational imperative to sustain team cohesion and to maintain trust and loyalty between commanders and those they command imposes a need for standards of social behaviour that are more demanding than those required by society at large. Such demands are equally necessary during peacetime and on operations. Examples of behaviour that can undermine such trust and cohesion, and therefore damage the morale or discipline of a unit (and hence its operational effectiveness), include:

- Unwelcome sexual attention in the form of physical or verbal conduct.
- Over-familiarity with the spouses, civil partners or partners of other Service personnel.
- Displays of affection which might cause offence to others.
- Behaviour which damages or puts at risk the marriage, civil partnership or personal relationships of Service personnel or civilian colleagues within the wider defence community.
- Misuse of rank and taking advantage of subordinates.
- Probing into a person's private life and relationships.



## STOP BULLYING & HARASSMENT

It is important to acknowledge in the tightly knit military community a need for mutual respect and a requirement to avoid conduct which offends or causes distress to others. Each case will be judged on an individual basis.

It is not practicable to list every type of conduct that may constitute social misbehaviour. The seriousness with which misconduct will be regarded will depend on the individual circumstances and the potential for adversely affecting operational effectiveness and team cohesion. Nevertheless, misconduct involving abuse of position, trust or rank, or taking advantage of an individual's separation, will be viewed as being particularly serious.

Unacceptable social conduct requires prompt and positive action to prevent damage. Timely advice and informal action can often prevent a situation developing to the point where it could:

- Impact adversely on third parties and/or
- Impair the effectiveness of a Service individual or unit.
- Result in damage to corporate image or reputation.

However, on occasion it may be appropriate to proceed directly to formal administrative or disciplinary action. Such action is always to be proportionate to the seriousness of the misconduct. It may constitute a formal warning, official censure, the re-assignment of one or more of the parties involved or disciplinary action. In particularly serious cases, or where an individual persists with, or has a history of acts of social misconduct, formal disciplinary or administrative action may be taken, which might lead to termination of service.

### The Service Test

When considering possible cases of social misconduct, and in determining whether the Service has a duty to intervene in the personal lives of its personnel, COs at every level must consider each case against the following Service Test:

***“Have the actions or behaviour of an individual adversely impacted or are they likely to impact on the efficiency or operational effectiveness of the Service?”***

This Service Test lies at the heart of the Armed Forces' Code of Social Conduct; it is equally applicable to all forms of conduct, including behaviour while not on duty. In assessing whether to take action, COs will consider a series of key criteria. This will establish the seriousness of the misconduct and its impact on operational effectiveness and thus the appropriate and proportionate level of sanction.



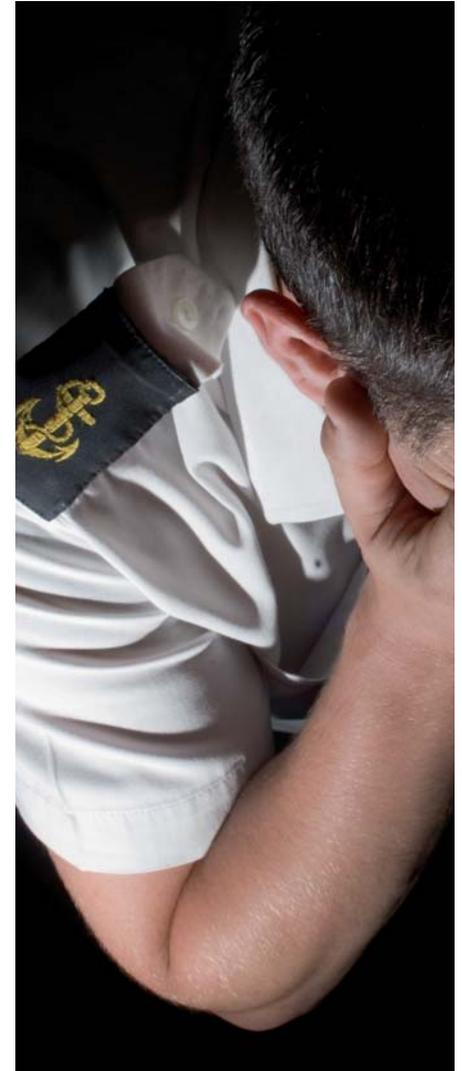
# WHAT CAN YOU DO IF YOU ARE BEING TREATED UNFAIRLY?

Don't Suffer in Silence! Tell someone and use the Divisional System or RM Regimental System, or Command/Line Management chain, to help you deal with it. Doing nothing should not be an option. You will be supported.

The person who is treating you unfairly may not realise that they are causing you offence. It is the impact that their actions or behaviour are having on you that is important and you have the right, as well as the responsibility, to take action to stop them – both to protect yourself and to help protect others from such behaviour in the future.

If the situation persists, or if it is your Line Manager who is causing the problem (who may be your boss, your DO or Troop OC), tell a more senior person or one of the people/organisations listed here, and they will advise you on what action to take next:

- Your Leading Hand of the Mess or Corporal.
- Your Head of Department or Company Commander.
- One of your Unit Equality and Diversity Advisers (EDAs) or A/EDAs.
- Any military Chaplain or Religious Adviser (Civilian Chaplain to the Military).
- The First Lieutenant or Adjutant.
- The EWO, BWO, Master at Arms or Sergeant Major.
- The Confidential Support Line.
- The Naval Personal and Family Service (NPFs).
- The RM Welfare Service.
- Naval Service E&D policy staff at Navy Command HQ.
- Anyone else in a position of authority who you feel you can trust.
- The Service Complaints Commissioner.



# ONE DAY'S SERVICE A LIFETIME OF SUPPORT

**SSAFA Forces Help** is committed to support members of our Armed Forces and their families from the day they join and for the rest of their lives.

Reg Charity No 210760, Est 1885. Photograph Cpl Chris Hargreaves © Crown Copyright/MOD.

**SSAFA** FORCES  
*Help*

To find out how we can help you, or someone you know:  
T 020 7403 8783 E [info@ssafa.org.uk](mailto:info@ssafa.org.uk) [www.ssafa.org.uk](http://www.ssafa.org.uk)

Registered Charity No. 210760. Est 1885, Registered Charity (Scotland) No. SC038056. Est 1885

# EQUALITY & DIVERSITY ADVISER (EDA)

Every ship, unit and establishment should have at least 2 EDAs. Many units already have many more than that. EDAs are specially trained in all aspects of Equality & Diversity on a 5-day course run by the Joint Equality and Diversity Training Centre (JEDTC), Shrivenham. EDAs should be an invaluable source of advice to

**everyone.** In particular, they are fully conversant with the MOD Bullying and Harassment Complaints Procedures (JSP 763) and ideally should be your first port of call if you need a friendly and supportive ear. You do not have to go to one of your own unit's EDAs if you don't want to – any EDA should be able to help you.

## **Assistant EDAs (A/EDAs)**

A very substantial number of personnel have voiced a preference for more junior-level EDAs to improve approachability for junior personnel who need advice/help. To cater for this demand, JEDTC run 3-day residential A/EDA training courses aimed at qualifying those of LH/Cpl level. Details can be obtained through reading the relevant Defence Instruction and Notices (DIN), through JEDTC or EDAs.

# BULLYING AND HARASSMENT COMPLAINTS PROCEDURES

## **“I may wish to make a Complaint. Who can I turn to for advice?”**

Deciding on whether or not to make a complaint may well be a difficult decision. It is also one which you have to make for yourself having sought proper advice. However, by not speaking out, others may continue to believe that their behaviour is acceptable; by speaking out, you can make them re-consider their behaviour. You can also help ensure that others do not suffer the way you have.

You should aim to address someone’s behaviour at the lowest possible level – most people who wish to make a complaint want it resolved at a low level, as it involves less fuss and brings a quicker resolution to an incident, allowing all parties to move forward. Nevertheless, entirely reasonably, they want the Complaint resolved effectively, which may make low level resolution unsuitable.

Personnel wishing to discuss the nature of their complaint, should contact one of their unit’s EDAs in the first instance. Where the Complaint is alleging harassment, the Complainant must state on which ‘prohibited ground’ the

complaint of harassment is founded, i.e race, gender, age, disability etc. (see page 7).

If you decide not to talk to an EDA, a private talk could just as easily be arranged with an A/EDA, your Line Manager, Chaplain, NPFS Support Worker or Medical Officer. Alternatively, impartial confidential advice is available 24/7 from the Confidential Support Line run by SSAFA (see p16 for details). Advice from all these people and authorities is available equally to **all parties** in a complaint, including the alleged Respondent(s) (the person(s) who the complaint is about) and any witnesses to alleged incidents.

## **“I believe that I have grounds for a Complaint. What do I do?”**

Any individual has the right to complain if they believe that their dignity has been offended, or they have been disrespected, or their right to fair treatment has been disregarded. Service personnel should first seek information and guidance from a unit EDA. MOD civilian staff should

seek advice from the People, Pay and Pensions Agency (PPPA). Military Line Managers of MOD civilian staff should take an active role in the management of the Complaints process and should not deflect the issue to PPPA. Civilian contract or Agency employees will need to refer to their E&D contact or HR staff within their own organisation for advice on their own Complaints procedures. All complaints from civilian contract or Agency staff about Service or MOD civilian staff will be taken seriously.

As a Complainant, you are encouraged to make a written record of all events including date/time of incident(s), what happened, who else witnessed the incident(s), how you felt about it and what you did, if anything, to try to remedy the situation. These notes will help you present your Complaint and assist in any subsequent investigation.

If bullying or harassment is affecting your personal health then you should consult your Medical Officer.

# INFORMAL RESOLUTION

**“I do not wish to make a big issue of this, but something needs to be done.”**

Often people do not realise that their behaviour causes offence or makes others feel uncomfortable. They may be genuinely shocked and stop as soon as they are made aware of this. Where an allegation of harassment or bullying has been made, both you and the other party should make every effort to try and resolve the allegation informally and at the lowest level. In many cases, you may simply want the behaviour in question to stop and for its negative effect on you to be acknowledged, maybe accompanied by a personal apology.

This is called **Informal Resolution**, the aim of which is to take action promptly at the lowest appropriate level in order to achieve a mutually acceptable solution. This in turn should enable operational efficiency and/or a harmonious working environment (or accommodation area) and/or a sound working relationship to be restored as quickly as possible.

Making an attempt at Informal Resolution does not mean that you cannot later make a Formal Complaint, if you change your mind, or if the attempt at resolving things informally fails.

In the first instance, you should seek early advice from your EDA before deciding whether to attempt Informal Resolution. Even if you wish to sort things out informally, your CO/Senior Line Manager, if aware of the alleged harassment, may decide that such an attempt would be inappropriate. They may decide to invoke the Formal procedure if they become aware of allegations that they consider to be sufficiently serious and/or if the Respondent(s) deny any wrongdoing and refute the allegation(s).

Going down the Informal route, the following options are available to you:

## Unassisted Action

You may wish to speak to the other party on a one-to-one basis. In this case, you should remain calm, be civil, briefly describe what has been said, or has happened, which caused you offence, listen carefully to any response and avoid getting involved in arguments. It may be helpful for you to explain your concerns and then for both of you to agree to discuss the matter after a period of reflection.

Alternatively, you may choose to write to the other party about their behaviour. This would also establish an audit trail, particularly if sent as an e-mail.

## STOP BULLYING & HARASSMENT

### Assisted Action

Assisted Informal Action can take one of 3 forms:

#### Using the Command/Line Management Chain

You may ask someone in the Command/Line Management chain to speak to the other party about their behaviour. This does not necessarily mean that other, more senior COs/Line Managers are made aware of the allegation(s). It simply means that appropriate Command/Line Management action – at the lowest appropriate level – can be taken as soon as possible to attempt to stop the alleged behaviour, resolve differences and restore a harmonious atmosphere.

### Using a MOD Friend or Colleague

You may choose to speak to the Respondent in the presence of a MOD friend or colleague (ideally someone of a similar rate/rank to yourself), but be aware that his/her role is only to provide you with moral support. The Respondent may also have their own MOD friend or colleague present. However, everyone must understand that responsibility for resolving the matter cannot be passed on to MOD friends or colleagues – the issue is between the two of you and it is you who must do the talking.

### Mediation

If both parties agree, they may try to resolve any dispute between them through mediation by a properly trained, formally accredited and impartial Mediator. Mediation consists of a discussion of the problem between all parties in a controlled environment. Whatever is discussed, resolved and agreed in this meeting remains completely confidential between all parties and the Mediator. Guidance on the suitability of mediation can be sought by contacting your EDA.

#### Outcome of Informal Resolution

The outcome of Informal resolution may be an agreement or reconciliation between the parties. However, where COs/Line Managers are aware of Informal resolution having been achieved, the Relationship between the parties will be monitored for at least 3 months to ensure that the agreed outcome is respected and that there is no repetition of the behaviour in question.

# FORMAL COMPLAINTS

## “I wish to make a Formal Complaint. What should I do?”

You have a right to make a Formal Complaint of harassment or bullying at any time, although an attempt at Informal Resolution should, whenever possible and appropriate, be made in the first instance. Experience has shown that Informal Resolution is far quicker in resolving issues and therefore allows all parties to move forward. However, where Informal Resolution has failed, or the incident is serious enough to warrant making a Formal Complaint, you will receive the appropriate advice from one of your EDAs. At the same time, if you feel strongly that the behaviour you are complaining about is sufficiently serious, then you can submit a Formal Complaint straightaway. You do not have to go through the Informal route first. The MOD Bullying and Harassment Complaints Procedures are laid down in JSP 763 and apply to both Service and MOD civilian personnel.

### Timescale

Formal Complaints must be submitted using JSP 763 Annex F within 3 months of the incident complained about, or, if the Complaint is about a series or pattern of incidents, the last incident (in which case, the whole series or pattern

of incidents will be considered). If it is just and equitable to do so, a Formal Complaint may be considered even if it is outside the 3-month time limit. Out of time Formal Complaints will be considered on a case-by-case basis and the advice of an EDA should be sought in the first instance – though it may be prudent to seek early advice from Higher Authority. If the CO is the subject of the Complaint or is implicated in your Complaint, then the Complaint should be submitted to the next level in the Chain of Command – again, the EDA will advise you.

### Assignment of Assisting Officer

When a Formal Complaint of harassment or bullying is made, an Assisting Officer will be assigned to you (usually, you may choose who you want). He/she is responsible for providing reassurance and clear advice on the way ahead, seeking advice from the EDA, and liaising closely with you as necessary.

### Submission of a Formal Complaint

Your Formal Complaint must provide as much factual details as possible about the incident(s) complained about including reference to any witnesses. You should also articulate how the

incident(s) has affected you, and most importantly, what you would like the outcome to be (known as the ‘Redress’). The EDA and/or your Assisting Officer will advise you on the layout of the Formal Complaint and can help you write it. He/she will not write it for you, it is your Complaint, but will help you with its composition.

Formal bullying and harassment Complaints are still Service Complaints and come under JSP 831 (Redress of Individual Grievances: Service Complaints) but will be investigated in accordance with JSP 763. However, some incidents of harassment or bullying may involve conduct that constitutes an offence against the Armed Forces Act 2006 and will be dealt with under disciplinary procedures. Joint Complaints by 2 or more Complainants are not permitted; each Complainant must submit his/her own Complaint. Any Service individual (Complainant or Respondent) finding themselves a party to a Complaint involving employees of a MOD partner or contractor (e.g. VT Flagship) should contact a Service EDA as soon as possible.

### **“What happens if I am in the Naval Service, but work in a Joint unit or establishment, or my Complaint concerns issues that arose during my time working there?”**

If you work in a Joint environment then you need to discuss your Complaint with your unit EDA, who may be from a different Service, and submit your Complaint through your military Chain of Command. Remember, JSP 763 details harassment and bullying Complaints procedures that are common to, and are adhered by, all 3 Armed Services and the Civil Service.

If you have returned to a Naval Service unit or establishment from a Joint environment, but wish to submit a Complaint relating to your time in the Joint environment (noting that the 3-month limit applies), you need to discuss the Complaint with an EDA in your new unit and submit it through your new Chain of Command. In this case, your EDA should contact Navy Command HQ E&D Complaints Advice Cell for guidance.

### **“I’ve submitted my Formal Complaint. What happens next?”**

Your CO or Senior Line Manager (known, in this process, as the Deciding Officer) will initiate an investigation if the Respondent refutes part or all of the allegations. Your EDA will explain everything you need to know about the investigation process and your Assisting Officer will support you through it. The Respondent will be told the nature of the Complaint that has been made, you will both have an initial interview with the Deciding Officer, and a decision will be taken on whether working arrangements will need to be altered in any way while the investigation is underway.

The Deciding Officer appoints a suitably-qualified person (or team) to conduct the investigation. This person is known as the Harassment Investigation Officer (HIO) and should be wholly independent of both you and the Respondent’s Chain of Command. The investigation will be conducted as quickly as possible and the draft report of the investigation

should be available for comment by both you and the Respondent(s) in a timescale defined within JSP 763. Time scales will also clearly depend upon the complexity of the Complaint, or where witnesses have to be interviewed at various locations, or personnel are on leave or have been posted. Either way, the HIO will keep you informed, in general terms, of progress.

### **Reassurance to a Complainant**

If you are reluctant to make a Formal Complaint because of the stress or anxiety this may entail, you should be advised to seek welfare/pastoral support and/or medical help. You should not feel discouraged from making a Formal Complaint for fear of negative consequences and should be reassured that you will be protected against victimisation. Whilst Complaints should never be made in bad faith, should your Complaint subsequently not be upheld, the fact that you made the Complaint in the first place should not be held against you and will in no way affect your career.

### Reassurance to a Respondent

If you find yourself the subject of a Formal Complaint, this can also be a stressful and difficult time. You should receive EDA advice, the support of an Assisting Officer, and equal access to welfare/pastoral/medical advice and support. Throughout the investigation process and thereafter (and even if the Complaint against you is subsequently upheld), you should expect to be treated fairly and impartially. You will also be protected against any form of victimisation as a result of your involvement. Finally, if the Complaint is subsequently not upheld, then the fact that a Complaint was made against you will not affect your career in any way.

**Remember:** It is an individual's right to make a complaint and he/she should have every expectation that it will be taken seriously. Similarly, anyone who finds themselves the subject of a complaint also has a right to be kept informed of what is going on, and to be treated fairly and impartially.

Absolute confidentiality for the Complainant and/or the Respondent cannot be guaranteed; however, the HIO (team) will strive to achieve the maximum possible – only those who have a legitimate need-to-know will be aware of the details. All complaints will be investigated thoroughly, impartially and with the utmost discretion. Be aware that, as part of the investigation process, statements will be disclosed to the Complainant, Respondent(s) and Deciding Officer.

You are also advised that should disciplinary action be recommended, or the case be taken to Employment Tribunal, normal disclosure rules will apply. If you are in doubt as to how this might affect you, ask the HIO or your EDA.

### “How will I know whether my Complaint has been upheld or not?”

On completion of the investigation, and after you and the Respondent(s) have had the opportunity to read the draft Report of Investigation,

the HIO will submit the Final Report to the Deciding Officer. After due consideration, the Deciding Officer will decide whether your Complaint is supported or not, and whether administrative (or disciplinary action for civil servants) action against anyone is appropriate. The Deciding Officer will tell both Complainant and Respondent(s) of his decision in writing.

### “If I am not satisfied with the outcome, what can I do?”

If you are a Service person, your EDA will advise you in detail what to do next – but briefly, you may then, if you wish, submit your Complaint for referral to a ‘Superior Officer’ in accordance with JSP 831 (Redress of Individual Grievance: Service Complaints). If you are unhappy with the Superior Officer's decision, you may request that your Complaint is referred to the Defence Council. MOD civilians complaining about a Service person will be required to appeal to the Deciding Officer who will refer the Complaint to the next Higher Authority in the Service Chain of Command.

# THE SERVICE COMPLAINTS COMMISSIONER (SCC)

The Service Complaints Commissioner (SCC) acts as an independent 'watchdog' and provides an alternative point of contact for Service personnel, their families, friends or anyone acting on their behalf. The SCC can be viewed as an alternative and independent point of contact for those who, for whatever reason, do not have confidence in raising issues directly with their EDA or a member of their Chain of Command.

Details of the role/responsibilities of the SCC can be found at the following website:

<http://armedforcescomplaints.independent.gov.uk/index.htm>

## How to raise a concern with the SCC

Any Service man or woman currently serving in the Regular or Reserve forces, or someone acting on their behalf, such as a family member or friend, can contact the SCC. An individual may raise a concern with the SCC about any matter, but the SCC has specific powers in relation to the following types of behaviours:



**Bullying, Harassment, Discrimination, Victimisation, Dishonest or improper behaviour, other unacceptable behaviour.**

Your concern must be made in writing and include your name, rank, Service and where you are based, the behaviour/ issues complained of, when the incident(s) took place and who is/was involved. Alternatively, a downloadable form is available on the SCC website, including a more detailed explanation of the whole process.

Letters or forms should be e-mailed to:

**SPPolSCCOffice@MOD.uk**

Alternatively, they can be sent by post to:

**SCC, PO Box 61755, LONDON, SW1A 2WA.**

**Remember:** By raising a concern with the SCC you **have not** yet submitted a Formal Complaint.



### What happens to a letter or form received by the SCC?

The SCC will read the form or letter and decide whether to send this to the CO of the Service Person. If the SCC needs more details about the issues complained of, then the author will be contacted at this stage. If the content of the letter/form is about, or involves, an individual's CO, the SCC will see that the matter is referred to someone in authority above the CO.

The SCC will usually forward the outline details of the issue being complained of to the Service Person's CO within 5 working days from the date it was received. The

person who submitted the letter or form e.g. friend or family member, will also be informed that it has been forwarded. If you are that Service person, your CO will contact you and ask you what you want to do – you can choose to take the issue forward Informally, Formally, i.e. submit a Formal Complaint or not at all. Your CO must inform the SCC within 10 working days from receipt that you have been consulted, what your decision is and, if appropriate, whether you have submitted a Formal Complaint. If your CO judges that the issues being complained about do not warrant investigation, or you decide not to take it further, he/she must inform the SCC and explain why.

If you do proceed with a Formal Complaint, the SCC will be kept informed of progress and will ensure that you are also kept informed.

# HOLDING INDIVIDUALS ACCOUNTABLE, AND SANCTIONS ARISING FROM UPHELD FORMAL COMPLAINTS

## Accountability for Actions

1SL's Equality and Diversity Directive underpins the principles of Equality and Diversity as well as clearly setting out the importance that he attaches to them. The focus of the Naval Service agenda is now rightly shifting to the 'prevention' element of eradicating harassment and bullying, rather than the 'cure'. As part of the '2SL Leadership Challenge', those in positions of leadership and responsibility are now being appraised on, and being held to account for, their personal involvement in this initiative. The following audit mechanisms have recently been introduced.

## Content of Appraisal Reports

Throughout the Chain of Command, greater proactive dissemination and consistent compliance with JSP 757<sup>1</sup> (Chapter 4) is necessary. These references require Reporting Officers to assess whether the Subject treats everyone fairly, with dignity and respect, and values the distinctive contributions they make, and to further consider:

- a. The Subject's commitment to preventing and dealing effectively with discrimination, harassment and bullying.**
- b. The Subject's attitude towards minority groups within the Armed Forces.**
- c. The extent to which the Subject behaves towards others, whatever their background, or origin, colour, race, religion/belief, gender or sexual orientation.**

Particular comment is required where the Subject's attitudes and/or behaviours with respect to the above fall below acceptable standards or, on the contrary, exceed what is expected.

Personnel who are found, after investigation of an upheld Formal Complaint, to have been the perpetrators of bullying or harassment, will be considered to have clearly displayed attitudes or behaviours which fall below the standards required in the Naval Service.

Whilst care will be taken in recording details of convictions or administrative sanctions, behavioural or attitudinal failings will be recorded in annual Appraisal Reports as indicators of below-standard performance and its impact on operational effectiveness. Moreover, the subsequent Report will consider the action taken by the individual to remedy their poor performance; if the individual shows substantive evidence of improvement, he/she should receive positive comment on it.



### Sanctions

For Service personnel there is a range of administrative actions and sanctions that can be applied to someone who has been found to have behaved inappropriately - from remedial training through to removal from post, and ultimately discharge from the Naval Service. However, sanctions may only be awarded after the correct process has been followed and after seeking appropriate legal advice.

### Promotion Boards

The Naval Secretary has issued guidance to all Promotion Boards for all ranks and rates, to ensure that Board Members are fully aware/understand the importance of, and take into account, comments made in Appraisal Reports with regard to behaviours and attitudes towards Equality and Diversity issues. The reason for this is simple: we should not be promoting, or otherwise rewarding, those who display inappropriate attitudes or behaviours, or those found culpable of harassment or bullying.

### Career Monitoring

In some instances, and where reasonably practicable, it may be appropriate for Complainants and Respondent(s) involved in an upheld Formal Complaint of harassment or bullying not to be assigned together for a reasonable period. This may also serve to protect certain more vulnerable groups (e.g. trainees) in certain cases. Consequently, it may be considered appropriate for a Career Management Record (CMREC) assignment restriction to be placed against the JPA personnel files of the Respondent. Whilst they will not have access to specific details, this marker will advise Career Managers to contact the Navy Command HQ E&D policy staff, who will advise on any necessary assignment restrictions. Where appropriate, the CMREC may be awarded against a Respondent, in addition to any other sanction(s), for anything between 1 and 5 years. Further details should be sought from a unit EDA or Navy Command HQ E&D policy staff.

# ACCESS TO EMPLOYMENT TRIBUNALS (ET)

## Registration

The registration period for Complaints to ET from Service personnel is 6 months less one day on which the matter complained about occurred, to allow opportunity for resolution of the Formal Complaint using the internal Complaints procedures described above. Civilian staff must register their Claim with an ET within 3 months less one day from the day on which the matter complained about occurred. Individuals are not prevented from registering a Claim with an ET while internal action is in progress, and ETs are not obliged to await the outcome of an internal investigation before accepting and proceeding a Claim, although they may agree to do so at the request of one or both parties. Complainants may withdraw an application for ET at any time.

## The Questionnaires Procedure

This procedure involves submission of a questionnaire and may assist personnel in deciding whether or not to proceed to ET.

The Naval Service adheres to legislation listed in JSP 887 (Defence Strategy and Social Conduct Code to Meet Public Sector Equality Duties). The current equality duties are likely to be replaced by the Single Equality Bill. This will be amended to take new legislation into account when this takes effect.

Personnel who wish to use the questionnaire system should be aware that forms must be submitted:

**Before registering with an ET, but not more than 6 or 3 months after the matter complained about occurred depending upon whether the Complainant is a Service person or Civilian.**

**If a Complaint has already been registered with an ET, within 21 days, beginning when the Complaint was received by the ET.**

Further information can be obtained from:

**[www.employmenttribunals.gov.uk](http://www.employmenttribunals.gov.uk)**

# TRAINING

Core Equality and Diversity Training is provided to both Officers and Ratings on entry into the Naval Service. Naval Service policy is that individuals of the rank of AB and Marine are to receive in-unit refresher training conducted by their EDAs every 2 years.

Advanced Equality and Diversity training is a feature of many career and professional courses (e.g. LRLC, SRLC and Divisional Officers' Courses) and, where covered, will suffice for 2-yearly refresher training. Unit EDAs are required to provide 2-yearly refresher

training to all other rates/ranks (LH/ Cpl through to Cdr/Lt Col/Capt/Col in Command), at the Advanced level. Further details can be obtained from Navy Command HQ E&D Policy Staff.

The Joint Equality and Diversity Training Centre (JEDTC), Shrivenham, runs courses aimed at qualifying A/EDAs (rank LH and Cpl) and EDAs (CPO and above but exceptionally COs may consider PO/Sgt with E&D Policy Staff approval). JEDTC also runs a mandatory 1-day course for all Senior Officers (1\* and above). Course dates can be found

in the appropriate DIN within the Naval Service Equality and Diversity page of the RN Web or Defence Intranet.

## Service Line Managers of Civilian Staff

Service personnel who manage civilian staff are to complete mandatory refresher training consisting of completion of the desk based training package 'Clued Up!' (accessed through HRMS) and workshops facilitated by DA-CMT.



## **STOP BULLYING & HARASSMENT**

### **Further advice is available from:**

Unit Equality and Diversity Advisers (EDAs) and Unit Assistant Equality and Diversity Advisers (A/EDAs)

Unit Chaplains (from whom contact details for Civilian Chaplains to the Military (Muslim, Hindu, Jewish, Buddhist, Sikh faiths) may be obtained)

### **Confidential Support Line:**

0800 731 4880/+44 1980 630854 (open 1030-2230 UK time, 7 days a week)

### **Equality and Diversity Policy Staff:**

Navy Command HQ, Leach Building, MP 3-1, Whale Island, Portsmouth, PO2 8BY  
FLEET-DNPS PPOL EandD SO1 - Tel: 02392 625706 - Mil: 93832 5706 - Fax: 02392-625933  
FLEET-DNPS PPOL EandD SO2A - Tel: 02392 625683 - Mil: 93832 5683  
FLEET-DNPS PPOL EandD SO2B - Tel: 02392 625497 - Mil: 93832 5497  
FLEET-DNPS PPOL EandD SO2C - Tel: 02392 625517 - Mil: 93832 5517  
FLEET-DNPS PPOL EandD ADMIN - Tel: 02392 625524 - Mil: 93832 5524

### **E&D Investigation Team (E&DIT):**

Tel: 02392 628725/8724 - Mil: 93832 8725/8724

### **Naval Personal and Family Service (NPFS):**

Area Officer NPFS (East) Tel: 02392 722712  
Area Officer NPFS (West) Tel: 01752 555041  
Area Officer NPFS (Northern) Tel: 01436 672798

### **Service Complaints Commissioner:**

<http://armedforcesComplaints.independent.gov.uk>

### **The Citizens' Advice Bureau (CAB):**

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

**Proud2Serve:** The Armed Forces Lesbian, Gay, Bi-sexual and Transgender Network:

[www.proud2serve.net](http://www.proud2serve.net)

**Naval Service LGBT Forum:**

[nslgbt@tiscali.co.uk](mailto:nslgbt@tiscali.co.uk)

**A:Gender:**

[www.csag.org.uk](http://www.csag.org.uk)

**Stonewall:** Works for equality and justice for lesbians, gay men and bisexuals.

[www.stonewall.org.uk](http://www.stonewall.org.uk)

**Equality and Human Rights Commission (EHRC):** Works to eliminate discrimination on the grounds of gender, sexual orientation, disability, race, religion and belief in the UK.

[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

**Useful References:** The Equality and Diversity page of the RN Web (RN portal of Defence Intranet) incorporates a comprehensive set of references and policy documents which include Gender; Gender Reassignment; Race and Ethnicity; Religion and Belief; Sexual Orientation; Discrimination, Harassment & Bullying; Maternity; Alternative Working Arrangements and much more.



**Diversity Impact Assessment:** This publication does not discriminate on grounds of race, ethnic origin, religion, belief, sexual orientation or social background. Neither does it discriminate on grounds of gender, disability or age, insofar as the legislation applies to the Armed Forces.

