



Civil Service HR

# Review of Arrangements for Tackling Bullying, Harassment and Misconduct in the Civil Service



## Contents

Foreword.....	3
Definitions .....	4
Introduction .....	5
Review Findings.....	6
Conclusions and Next Steps .....	12

## Foreword

By Sue Owen

I am pleased to present this final report from the review the Civil Service has undertaken since December 2017 into how we are tackling harassment and misconduct in our workplaces.

As a Civil Service, we are committed to becoming the UK's most inclusive employer by 2020. That includes taking continuing action to address negative and exclusionary workplace behaviours.

Our People Survey results have been telling us over several years that one in ten civil servants feel bullied or harassed at work. Our commitments and actions on tackling bullying, harassment and discrimination are not yet delivering changes in what staff are experiencing and reporting on the ground. This review has therefore looked at what more we need to do.

As well as looking at the data and available evidence, it was important to me that we heard directly from staff about your experiences and ideas. Just under 19,000 of you have completed our survey and shared your personal experiences and your ideas for change, and others have approached me directly. I am very grateful to all of you; this has been a very real reminder of the personal impacts of bullying, harassment and discrimination and how essential it is that we do get this right.

We have heard about positive examples, where organisations have built supportive cultures or where leaders have been seen to tackle negative behaviours. But we have also heard clear messages about where we need to do better. People are looking for clearer evidence of bullying, harassment and discrimination being tackled in their workplaces, and without that do not feel it is worth speaking up and reporting. We also need to improve how our processes work where people do speak up, so that they reach timely conclusions and all parties feel better supported.

We now need to take action on these issues. This has already started and further detail is set out in the report. Most importantly, our key focus will be on increasing the level of reporting - we want more people to be confident poor behaviour is worth reporting, and we want to then show that we are serious in our commitment to tackling these issues once they have been reported.

If we are to create the workplace we are genuinely committed to and to achieve our aim of being the most inclusive employer, then we need to continue to both listen to our people and to act promptly and decisively on what we have heard.

## Definitions

For the purposes of the review and for this report, we have used the following definitions:

- **Harassment** is unwanted actions or comments that are demeaning and unacceptable to the recipient. It may be related to any personal characteristic of the individual, and may be persistent or an isolated incident.
- **Bullying** is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- **Discrimination** is treating a person or group of people less favourably because they have one of the "protected characteristics", which are age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, and sexual orientation.
- **Misconduct** is any other form of inappropriate behaviour between or towards individuals, which contravenes the values and code of conduct of the organisation.

## Introduction

The Civil Service has a longstanding commitment to ensuring positive, supportive working environments in all of our teams, departments and businesses. This has most recently been reaffirmed by the [Civil Service Diversity and Inclusion Strategy](#) published in October 2017 and which sets out the ambition of being the UK's most inclusive employer by 2020.

One key element of this is our commitment to tackling bullying, harassment and discrimination in the workplace. This again has been a longstanding priority, reaffirmed by the commitment in our [Diversity and Inclusion Strategy](#) to 'take stronger action to address incidents of discrimination, bullying and harassment' and 'take action to root out negative behaviours that do not align with our Civil Service values'.

This commitment has been backed up by continued work by departments and teams to address bullying, harassment and misconduct, in many cases with positive results. At the same time, the annual People Survey shows that this is not yet translating into what individuals report as their reality at the Civil Service level. Rather, the proportion of respondents reporting that they have experienced bullying, harassment and discrimination in the preceding 12 months has stayed much the same over the lifespan of the survey – from 10% on average in 2009 to 11% in 2017 for bullying and harassment, and from 10% on average in 2009 to 12% in 2017 for discrimination.

Within this context, and also of the #MeToo campaign and issues being reported in relation to other sectors during Autumn 2017, the Cabinet Secretary commissioned Sue Owen (Permanent Secretary, Department for Digital, Media, Culture and Sport and Civil Service Diversity and Inclusion Champion) to lead a review of the cross Civil Service arrangements for tackling bullying, harassment and discrimination, supported by the Civil Service Employee Policy and Analysis & Insight teams within Cabinet Office.

The review began in November 2017 and ran until the end of June 2018. It has looked across all forms of behavioural misconduct, while also seeking to identify any issues in relation to sexual and other specific forms of harassment. It has looked at both arrangements where individuals come forward to report bullying, harassment and discrimination or other forms of behavioural misconduct, and at the blockers that are getting in the way of people coming forward. We also provided evidence to the Women and Equalities Select Committee inquiry into sexual harassment in the workplace. They have now published their report on [www.parliament.uk](http://www.parliament.uk).

In addition to looking at existing People Survey and departmental data, a bespoke survey was launched in January 2018<sup>1</sup> to give all staff a channel to contribute their views and share their personal experiences. This is a survey that people have chosen to fill in themselves due to their experience of bullying, harassment, discrimination or misconduct. This means that the statistical results from that survey, as presented in this paper, should not be interpreted as representative of the Civil Service as a whole. They do however provide valuable insight and represent the views of many who have first hand experience of bullying, harassment and discrimination because they have experienced or observed it.

By the end of May 2018, 18,898 individuals (c. 4% of the Civil Service workforce) had completed that survey, and an analytical summary of those responses is published alongside

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<sup>1</sup> [January 2018 Blog](#)

this report. The review team has also engaged with staff networks, trade unions, HR teams and external experts, as well as with individuals who approached the review team directly. That has included sessions during May and June 2018 to share and test the emerging conclusions and recommendations<sup>2</sup>. We have also looked at external research and at developments outside the Civil Service, including the arrangements being put in place for Parliament.

## Review Findings

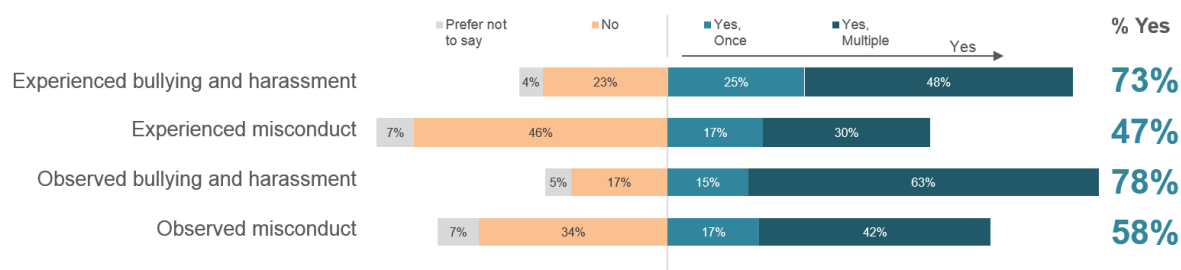
### Evidence Base

As noted in the previous section, on average 11% of respondents to the 2017 People Survey (c. 35,000 individuals) reported that they had experienced bullying and harassment during the preceding 12 months. Similarly, on average 12% of respondents (c. 38,000 individuals) reported they had experienced discrimination during the same period. In both cases, the percentages have stayed broadly the same since the People Survey first ran in 2009.

As illustrated in Figure 1 below, 73% (13,636) of respondents to our review survey have similarly reported that they have experienced bullying and harassment during their Civil Service career, with 25% (4,593) of individuals having experienced bullying and harassment at least once, and 48% (9,043) more than once; and 17% (3,198) having experienced misconduct at least once and 30% (5,609) multiple times.

Figure 1:

Have you ever .... while working as a civil servant or while working for a Civil Service organisation?



Over 55% (7,517) of the individuals reporting bullying and harassment said it had happened within the past 12 months.

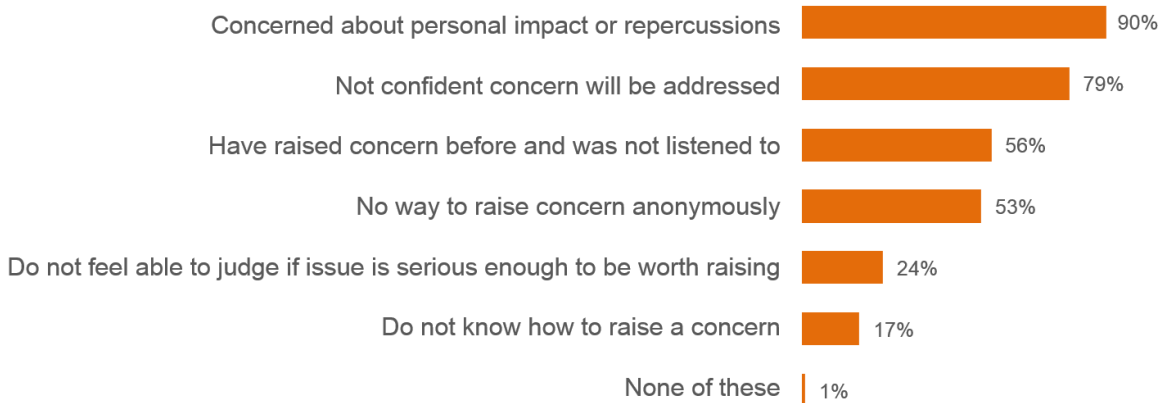
The data also shows that individuals are more willing to tell the People Survey that they have experienced bullying, harassment and discrimination than to report it directly to someone in their organisation. On average, only 36% of respondents who reported that they had experienced bullying and harassment said that they had also reported it. This will include having reported the issue informally, as well as cases, which were handled through mediation and formal procedures.

Through the review survey, we asked those who agreed there were barriers to issues being raised, what the key reasons were, and to select from a list. The results are shown in Figure 2 below, and the most common reasons were fear of repercussions and lack of trust in the organisation that concerns would be listened to or addressed.

<sup>2</sup> [March 2018 Blog](#)

Figure 2:<sup>3</sup>

**Do you view any of the following factors listed below as a barrier to reporting bullying, harassment and other misconduct? (% yes)**



Evidence from the review also showed that a high proportion of respondents had witnessed bullying, harassment, discrimination and/or misconduct (78% (14,528) for bullying and harassment and 58% (10,825) for misconduct). Alongside this, our qualitative analysis of people's experiences indicated that bullying and harassment commonly occurs in an open plan or meeting environment where it is more likely to be witnessed and that this can add to the sense of humiliation people feel. In addition, the evidence shows those witnessing this kind of behaviour, as opposed to directly experiencing it first hand, are themselves unwilling to come forward to report what they have seen. As well as encouraging victims of bullying, harassment and misconduct to come forward, we therefore also need to do more to encourage people to report and challenge poor behaviour where they see it happening to others.

The reasons cited by respondents to our survey about non-reporting are broadly similar to those reported for wider UK sectors in the 2015<sup>4</sup> triennial survey carried out by the Institute for Business Ethics<sup>5</sup>. The main difference for our survey is a higher proportion (17% (3,376)) who said they did not report because they did not know how to, which partly relates to individuals who have been with their current employer for less than 12 months and suggests a need to review how this is covered by induction.

While there is not necessarily a direct correlation between the levels of reporting and feeling it is safe to speak up on broader issues, the 2017 People Survey also tells us that on average only 46% of respondents feel it is safe to challenge the way things are done in their organisation while 26% report that it is unsafe<sup>6</sup>. Conversely, on average 70% of respondents are positive that concerns raised under the Civil Service Code will be investigated properly, which suggests a

<sup>3</sup> Note that respondents were first asked whether they agree that there are significant barriers and issues that are preventing bullying, harassment and misconduct being raised. Only those who agree were then asked about the list of factors in Figure 2. So the 90% who are concerned about the personal impact of reporting represents 7,973 respondents.

<sup>4</sup> 2018 results to this question were not available at time of report publication

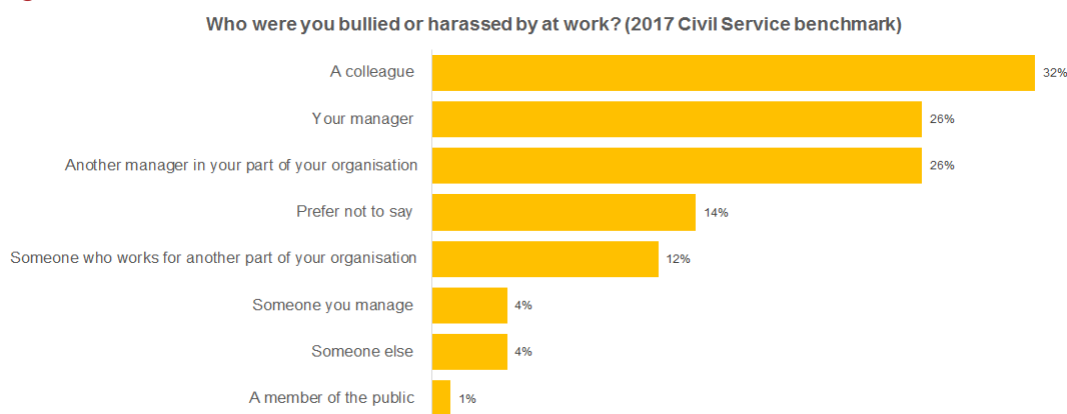
<sup>5</sup> [Institute of Business Ethics Surveys](#)

<sup>6</sup> i.e. the proportion of respondents who either disagreed or strongly disagreed that it was safe to challenge how things are done in their organisation

higher degree of confidence that organisations will tackle Code related issues than exists for other issues.

From the 2017 People Survey, we also have data on perpetrators. As shown in Figure 3 below, where individuals have provided that information, a high majority of the incidents are civil servant on civil servant. 32% of those who said that they had experienced bullying and harassment said that this was from a colleague, 26% said it was from their manager, and a further 26% said it was from another manager. Only 1% said it was a member of the public and 4% said it was someone else (i.e. someone not covered by any of the other categories), though 14% chose 'prefer not to say' and we do not therefore know what category applied.

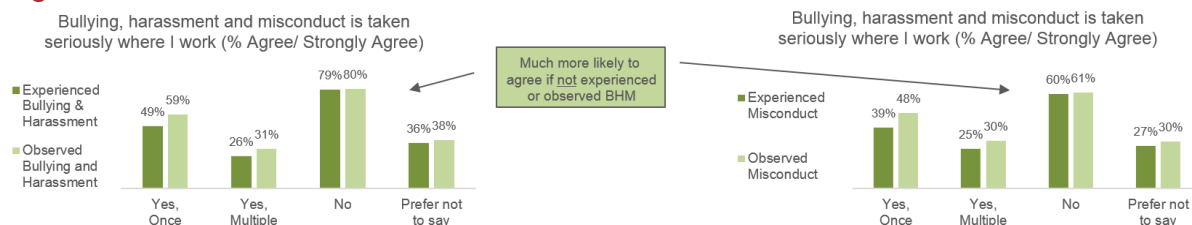
Figure 3:



Our People Survey analysis also shows that individuals are less likely to have reported their experience of bullying, harassment and discrimination where the perpetrator was a manager. This correlates with analysis of our own survey which shows that managers are seen as a blocker to reporting<sup>7</sup> - in particular, because individuals do not always trust their management chain and because procedures generally advise or require reporting via the manager. The combination of these two factors is leading to people not formally reporting issues.

As illustrated by Figure 4 on the next page, our review survey confirms that how confident people feel about how their organisation deals with bullying, harassment and misconduct is heavily influenced by personal experience. Individuals who have never experienced or witnessed such behaviours are more positive than those who have experienced it once, and those who have experienced it more than once are significantly less positive.

Figure 4:



<sup>7</sup> 61% of a sample of comments on barriers related to managers – 3,495 comments



Analysis of the free text comments from both the People Survey and the review survey has shown that respondents are raising a broad range of issues as bullying, harassment and discrimination. This suggests that:

- Respondents are predominantly telling us about verbal actions rather than physical contact.
- There is some evidence of **abusive** behaviours - i.e. ones that were intended and specifically targeted.
- A substantial proportion of the cases recorded were about '**abrasive**' behaviours – i.e. personal styles, which feel like bullying, harassment and discrimination or misconduct to the individual, but are not intended to be and where the perpetrator may often be unaware of the impact.
- Respondents are also raising broader issues in relation to fair treatment and inclusion, where individuals feel that they have been detrimentally treated (whether deliberately or otherwise) relative to others.

Within this, our analysis also shows that individuals are sometimes raising dissatisfaction in relation to how they are treated within specific people processes – most commonly performance appraisals and sickness absence management. While difficult to separate out, the analysis would suggest this is a mix of individuals who have not received fair outcomes, individuals who have been fairly treated but remain unhappy with the outcome; and individuals who have received a fair outcome but have legitimate concerns about the personal / management style applied during the process.

The evidence tells us that the main impacts on individuals vary but can be significant. Individuals told us about the detrimental and sometimes long-term impacts on their emotional, mental and physical health, which in many cases left them feeling less confident and more isolated. People also reported other worrying outcomes such as being compelled to move roles and/or being denied a request to move which further exacerbated how they were feeling.

As summarised in Figure 5 on the next page, analysis of the People Survey has also allowed us to identify specific groups who are reporting a higher incidence of bullying, harassment and discrimination relative to their proportion of the Civil Service workforce, and the specific issues they are raising through their free text comments.

Figure 5:

Staff with a long-term limiting condition	<ul style="list-style-type: none"> <li>• Greater understanding of disabilities and disability awareness is needed along with the need to better understand the need for sick leave</li> </ul>
LGBT+ Staff	<ul style="list-style-type: none"> <li>• Greater awareness of mental health</li> <li>• Diversity and inclusion training</li> <li>• A need to treat everyone fairly</li> </ul>
Staff and religious expression	<ul style="list-style-type: none"> <li>• Respect the role of faith and freedom of worship across all religions, (and greater faith awareness created)</li> </ul>
Ethnic minority staff	<ul style="list-style-type: none"> <li>• Clearer pathways to senior leadership</li> <li>• Diversity and inclusion training</li> </ul>
Caregivers	<ul style="list-style-type: none"> <li>• A need to respect part time hours and to realise that carers have other responsibilities</li> </ul>

People Survey bullying, harassment and discrimination scores have remained consistently higher for several groups with protected characteristics since 2009, including those with a disability, LGBT+ and ethnic minority groups.<sup>8</sup> Feedback from the review has also indicated some evidence of specific types of harassment and/or discrimination. These are not a large proportion of the issues being reported via the People Survey or the review. Of a random sample of review responses analysed, 4% (21) involved sexual harassment and 16% (85) involved discrimination, with race, age, gender and working pattern being the most commonly reported issues. Whatever the numbers, any instances of this kind of harassment and/or discrimination are totally unacceptable and we must ensure both that this message is clearly understood and that such behaviour is firmly acted upon where it does happen.

### What Have We Heard From Staff And Unions

Looking across the survey responses and discussions with groups and individuals, there are some clear and consistent messages that are common across all of the sources:

- While staff have largely heard and recognise the commitments made to tackling bullying, harassment and discrimination in the Civil Service and/or their organisation, they do not feel they have yet seen this translate into visible action in their workplace or their team. In some instances, this is linked to a view that there are specific teams and or individuals who are 'known problems' in this regard and where staff are looking for evidence that those are being tackled.
- Linked to this, staff are also looking for visible evidence that their leaders and managers will 'walk the talk' in tackling the full range of issues being raised as bullying, harassment, discrimination and misconduct. This in particular includes both showing a genuine desire

<sup>8</sup> [Civil Service Diversity and Inclusion Dashboard](#)

and commitment to wanting to hear about and understand staff concerns and experiences, and then taking appropriate action to address them. At the moment, staff are more likely to cite examples, which they see as evidence of issues not being addressed – such as explaining away behaviours rather than addressing them, or moving the individuals instead of investigating the issues. Staff are therefore looking for greater evidence of positive examples of issues being taken seriously and addressed. Staff are also looking to their most senior leaders – including Ministers as well as senior civil servants – to act as role models and set a positive tone and example within their organisations.

- Staff also report a general concern that managers do not have the capability or soft skills to deal with bullying, harassment, discrimination or misconduct. This again acts as a barrier to speaking up, as individuals are concerned that the reaction while often well meaning is also likely to be unhelpful and have an adverse impact on them.
- In some workplaces, staff are looking for a more explicit articulation of the behaviours they should expect to see. This would give them more confidence as to which team or individual behaviours they are able to challenge.
- While not necessarily indicative of all experiences, respondents have told us about their negative experiences where they do speak up and are looking for changes that improve the experiences of others. That includes:
  - more choice around how and where to safely report bullying, harassment or discrimination (including where the experience has happened in the past)
  - better support and advice which individuals are able to access when they have encountered this kind of behaviour
  - better support and communication for all parties while any issues are being investigated
  - ensuring investigations are independent and that they are progressed and concluded more quickly
  - avoiding taking issues into formal procedures where informal action or mediation is more beneficial.

## Best Practice Examples

Through this review, colleagues have also come forward to share positive examples and experiences. That has included telling the review about examples of where leaders have taken visible steps, with a positive impact.

We have also received examples of where teams or organisations have seen positive improvements reflected in improved People Survey scores, through a combination of visible leadership and on-going attention to the issue:

- **DCMS** has invested in visible, values-led leadership, which saw their bullying, harassment and discriminations scores fall to 5% in the 2017 People Survey. DCMS has a very strong set of values, which includes respect for all, a no blame culture and a zero tolerance to bullying, harassment and discrimination, which means that where it is

identified it is addressed. This is driven personally by the Permanent Secretary through all her leadership work with the board and Senior Civil Servants (SCS). DCMS values are embedded in their Diversity and Inclusion Strategy and all leaders have personal objectives linked to these values.

- **MHCLG** has a staff-led Fair Treatment Service, with 18 volunteers providing individual support and targeted team training. This has begun to build greater confidence that action will be taken, with their 2017 People Survey showing a 8 percentage point increase in the proportion who report B&H when compared to 2016. Fair Treatment Ambassadors:
  - are confidential and impartial, offering a safe space and time for individuals to talk and be listened to
  - provide information and support to staff who feel they may have experienced bullying, harassment and discrimination
  - help individuals understand what next steps they might take by explaining referral options
  - offer training sessions to raise awareness of bullying, harassment and discrimination, and enable teams to discuss how they create the right working environment.
- **DfE** staff cite a Director who personally invested leadership time in encouraging people to speak up and showing that action was taken as a result. Bullying, harassment and discrimination scores in that Business Unit fell to zero in the 2017 People Survey.
- We are also aware of other departments beginning to trial new things, including online reporting tools. For example the **MoJ** have begun an early trial of a tool that enables people to get information and advice and/or to submit a report if they are experiencing or witnessing bullying, harassment and discrimination. We will monitor the tool to establish whether it could be rolled out more widely.

## Conclusions and Next Steps

Based on the evidence and inputs gathered for this review, we have identified a need for action on three fronts – and are committing to taking this action.

First, it is essential we continue our cross Civil Service work to ensure all organisations, teams and workplaces have an inclusive culture where people are safe and supported to speak up. Evidence from all sectors shows it is easier to make lasting progress through articulating the positive behaviours which are expected and using this to tackle those behaviours which fall short of this standard. We will therefore take action, which helps to make it normal and safe to speak up when we witness, as well as experience, any form of poor behaviours - there should be no bystanders.

We are developing the tools, which will help achieve that including:

- Inclusive leadership standard – which will give us a clear definition against which to support and develop our leaders to deliver inclusive teams. The Leadership Standard will

be developed during 2018 embedded into the Success Profiles as part of their evolution and rolled out in early 2019.

- Culture enquiry tools - in line with external best practice, we are developing a toolkit to help organisations take a close look at the cultures in their workplaces and teams and through that identify what further steps are needed to make sure they are supportive and inclusive. The tool will be developed during 2018 and will be available for use from early 2019.

In addition, we will also develop other tools and communications, which clarify and promote the behaviours staff can expect to see in our workplaces. We will also continue to respond to the issues affecting specific groups, including ensuring that managers have the right training and awareness to be able to ensure appropriate workplace adjustments are implemented promptly. All of this together will help to embed a clearer understanding about what behaviours, language and other actions contribute to how individuals feel, including those from specific groups who have previously felt marginalised or excluded.

Second, departments and leaders need to ensure that they are visibly taking actions which will directly address the kinds of bullying, harassment and discrimination which respondents have told us are acting as a barrier to staff coming forward. We need to create a more positive pattern whereby more staff are seeing us taking action, leading to a reduction in the credibility gap between what people hear and what they see. This in turn will create a virtuous circle where more people are encouraged to speak up and raise issues, because they will have greater confidence they will be addressed.

This will require action by and across departments, as to build genuine confidence staff will need to see this reflected in the actions by their local leaders and managers. In practical terms this means that tackling bullying, harassment and discrimination must have a much higher profile, with people able to see strongly communicated expectations about what behaviour is expected as the 'norm' in their organisation. It also means them being able to see demonstrable progress in consistently addressing and removing poor behaviours. For employees to have confidence, departments will need to communicate clearly and effectively about what they are doing, what they expect to change as a result and what progress has been made.

As part of this, our key success measure will be whether our employees feel safe and supported to report where they have experienced negative behaviours. This measure will be evident through an increased proportion of people telling the People Survey that they have reported bullying, harassment and discrimination. This currently stands at 36%, and an increase in reporting over future People Surveys will mean we can be more confident that we have been informed and so we will have a greater opportunity to deliver on our commitments to tackle those behaviours. This sits alongside our continuing commitment to tackle and reduce bullying, harassment and discrimination across the Civil Service. However, we will want to be confident that reductions are because we have surfaced and tackled issues, not because of under-reporting. We will also continue to monitor the protected characteristics of those reporting bullying, harassment and discrimination.

We will continue to take a view of what is happening external to the Civil Service; including the [Women and Equalities Select Committees report into Sexual Harassment in the workplace](#), and ensuring the recommendations from this report are factored in our work to tackle sexual harassment.

Finally, we also need to reform and improve our arrangements for how we address bullying, harassment, discrimination and misconduct wherever it is raised. Civil servants should expect to be treated with dignity and respect in all that they do, by everyone they come into contact, irrespective of their seniority or position in our organisations.

This work will be coordinated by the Civil Service Employee Policy team and comprises:

- Providing further options and clarity for employees about how they can confidentially raise a concern, enabling a choice of channels, e.g. face to face, electronically or phone and which do not have to involve the line management chain. The scoping for this facility will complete over the summer 2018 after which decisions will be taken about further development.
- Revamping our policies, procedures and guidance so that they are more appropriate and accessible for the people who will need to use it – particularly for individuals who have experienced negative behaviours, may be under stress and/or low in confidence and looking for something clear and supportive which helps them in dealing with their situation. This will include addressing any gaps in policies where more support is needed to help address specific kinds of behaviour – e.g. sexual harassment. The first stage of this will be completed by autumn 2018 when new guidance to support dispute resolution will be available.
- Reviewing how we resource investigations to ensure independence as well as ensuring each investigation can be completed promptly and appropriately according to its circumstances. Also, developing agreed standards for good investigations and ensuring that investigators have the right levels of capability to deal with different types and complexity of cases, including those requiring more specialist training. These new arrangements will begin to rollout during autumn 2018.
- Once this work is completed, beginning work to improve other areas such as induction and developing training/coaching to support manager capability. This will ensure expectations about behaviour as well as individual responsibilities are clear from the start of an individual's career in the Civil Service. In turn this will help build manager confidence to tackle behaviours that fall short of the required standard and increase the confidence of victims and witnesses to come forward.
- Supporting departments to deliver their own internal change with the provision of additional tools and training to meet specific requirements. In addition, we will also work with the Civil Service Diversity Champions and their networks and with external experts to explore what further actions may be required in relation to those specific forms of harassment.

In taking forward these actions, including focusing on specialist training and actions, we will make sure that our arrangements are fit for purpose for sexual and other specific forms of harassment, as well as for tackling bullying, harassment and discrimination in general. This includes, ensuring that our work to review reporting channels looks at what is most effective for those groups and issues, and that in reviewing how we resource investigations, we look at specialist as well as general capability.