



What to do if you are **accused** of being a bully

What you can do to protect yourself



WRITTEN BY **CHRISTINE PRATT** FInstLM & FCMJ
Director of HR & Diversity Management and Founder of The National Bullying Helpline

Here you will find:

What to do to defuse a contentious situation?

What measures should you take to protect yourself?

What are your statutory rights?



Over 80% of managers admit that bullying occurs within their organisation. Few admit to being responsible. Have you ever been accused of being a Bully? In an ideal world we would not need to deal with workplace bullying.

Any form of unwelcome attention; be it straightforward 'heavy handed' management including unwarranted criticism – or harassment, humiliation, victimisation, some form of discrimination on grounds of race, sex, age or religion, or even a form of exclusion (being frozen out or ostracised) may be regarded as bullying. The late Tim Field spoke of a variety of types of bullies and different traits ie; the serial bully, compulsive bully, psychopathic bully and so on. We believe these fall under two main headings: a) Those who can, and b) Those who are oblivious of the affect they are having on others.

Whichever it is, the fundamental fact is that the actions or comments of another is perceived as undermining, demeaning, humiliating, distressing and unacceptable to the complainant.

A common reaction when accused of bullying is to go into defence mode! "What me?" Denial, objection and often resistance are common reactions. Do not accuse the complainant of making a vexatious claim and do not be tempted to respond with a formal Disciplinary or Grievance against the complainant as part of your defence.

This may be misunderstood and could be argued to be 'retaliatory treatment'. By responding aggressively, you may make matters worse. This is often perceived by the complainant as an attack on their credibility and/or a 'continuation of the bullying'. Keep cool.

Anyone accused of being a bully will, naturally, be upset. If you are accused, it may be you are being subjected to a form of bullying yourself. Or, it may be, you need some assistance or additional resources. This document is aimed at assisting those who are accused of bullying – whether there is substance to the allegation or not. Start, by 'taking the heat out of the situation'.

Defuse The Situation

- 01 Resist temptation to fight back.** Never respond to provocation – a bully would want you to expose your anger and will then use this against you.
- 02 Be reasonable, firm and fair.** At the same time, ensure matters do not escalate. Ignoring the situation will not resolve the problem. The longer matters are allowed to continue, the more difficult it will be to resolve matters without invoking formal procedures.
- 03 Seek support from a Senior colleague.** Together, identify (if you can) whether the bullying is real. Inform HR that you have been accused of bullying. Don't try to cover it up. Read 'Bully In Sight' How to predict, resist, challenge and combat workplace bullying: By Tim Field. Research the subject well. There is plenty of professional support available today.
- 04 Make time. No matter how busy you are,** draw breath and take the time to understand what 'the trigger' is that has caused a colleague to raise an issue. Address matters when you are least likely to be distracted by the office telephone or by other work-related matters. Prepare all your responses carefully.
- 05 Listen.** Calmly and clearly a) Ask the complainant to explain exactly what is upsetting them b) Listen and c) Ask your manager or a trusted colleague, or a third party, to assist you both by identifying and exploring ways in which you may both resolve matters. Often, an open and frank discussion
- 06 Remain professional and calm.** If the conversation(s) becomes heated, terminate the discussion immediately in a polite and professional manner.



- 07 Assess yourself.** Consider your stress levels and your own shortcomings. Analyse yourself critically and write down positive ways to move forward. Set goals and standards for yourself. Keep them in a personal diary or in a safe place and review them regularly. Seek support if you need it. A professional Business Coach is an excellent way to professionally manage your ability to ensure you succeed. Identify a Coach and make an appointment. Call 01793 338888 for more information about Professional Business Coaching.
- 08 Consider the Culture.** If you are working in a culture that encourages an aggressive style of managing – review it critically and look at ways of introducing initiatives (such as Diversity & Dignity, Equality and Fairness Policies) to change the culture from the top – down.
- 09 Consider your own stress levels.** Talk to a Professional. Consider a Stress Management Course. If Counselling is available at work, make an appointment and go and talk to a professional. If there is an EAP scheme or a Company Buddy Scheme at work, make use of these services. Speak to someone you trust and tell them how you feel.
- 10 Review workload.** Blitz your appointment diary and ensure you have time for strategic planning, for pro-active initiatives and operational working time. Do you need more resources? Should you make your line manager aware of the pressure you are under? It may be that you need to do this formally and in writing.
- 11 Look at Capability and Conduct procedures.** If you believe a colleague is/has behaved in an unacceptable way, familiarise yourself with your capability or conduct policies. If you are unsure how to proceed, or whether indeed to proceed, seek advice from your HR department or contact HR & Diversity Management on 01793 338888.
- 12 Do not act unilaterally.** Do not attempt to discipline a colleague without following statutory procedures. If you have, and it is this action that has triggered the complaint or grievance, seek advice from a personnel consultant or from your line manager immediately. Do not, under any circumstances, unilaterally attempt to manage the situation.
- 13 Start to keep a diary.** Record every incident in factual terms; names, dates, what happened and who was present. Do not spend your working hours making diary entries but ensure you keep it up to date in your own time, and on a regular basis. Ensure the content is kept confidential, preferably in a locker or secure cupboard. Do not remove original documents belonging to your employer.

- 14 Draw up File Notes.** Following every formal discussion you have with your subordinate and then date and sign it. Next, a) issue a copy to the subordinate and b) retain a copy for your files. Ensure these documents are maintained in a confidential place and that your line manager and/or the HR Department are kept fully apprised.
- 15 Create a Smile File.** Dig out your Appraisal reviews, salary reviews and any documents that demonstrate that you are doing a good job of work. Customer 'thank you' letters and letters of praise, acknowledging success and achievement should be placed in your smile file. This exercise can be very therapeutic and reassuring at a time of great distress.
- 16 Exercise.** Get plenty of fresh air. Eat well and ensure you take time to relax. Take time to participate in projects or hobbies that you find therapeutic. Spend time with your family and friends and try not to dwell on negativity. Plan social events.

Protect Yourself

If you suspect you may have acted aggressively or inappropriately, seek advice and help. Consider Courses such as: Stress Management, Anger Management, Coaching, Counselling and building confidence and self-esteem. Consider your life style and your every-day pressures. If matters continue to concern you and/or your health is affected (ie: your distress is turning to stress) or if you feel the situation is starting to impact on the workplace and on your performance generally:

- 17 Ask for written clarification.** If the colleague is unable to verbalise their concerns, ask them to set them out in writing.
- 18 Tell your Director.** Inform management, Trade Unions and Occupational Health are consulted and/or are aware of the up to date situation. Put it in writing. Ask for the matter to be investigated by someone impartial.

- 19 Manage, Pro-actively.** Where the complainant is a subordinate or junior employee whom you are responsible for line managing, create a Smile File for them and revisit their performance review documentation and 121 meetings. Do not just look at their faults. If they are weak at some tasks, but strong at others – build on a daily routine for them in which they will excel. Think positively
- 20 Make sure Policies are Up to Date.** Seek advice about your statutory rights and Company procedures and policies. If there is a Harassment Policy or Fairness Policy, ensure you have a copy and that you understand it.
- 21 Maintain your diary.** Keep documentary evidence of anything which will assist you with substantiating your position. Dig out 'exit interview' notes and absence and leaver statistics. As mentioned above, do not, under any circumstances, remove original documentation that belongs to your employer from client files or company records.
- 22 Consider your own Health.** Make an appointment with your GP and explain the problem. Your GP may sign you off work with Work Related Stress at this point.
- 23 Call for an Independent Investigation.** Consider requesting an Independent Investigation. Put this request in writing to your employer. This is particularly important where you feel there is a bullying culture and/or where you know of other employees who have struggled or even left the Company due to alleged bullying. You would need to speak to your Director(s) about this as they may need to consent to this and would probably be required to fund it. If your employer agreed to this approach, the advantages would be:
- A** The complainant, your employer and yourself all consent to this process at the outset
 - B** The Investigator should be CIPD qualified and/or trained in this specialist area
 - C** The process would ensure impartiality and fairness
 - D** An Investigation would be less confrontational than a formal Grievance or Appeal – which can be stressful and which, in the end analysis, may be rejected by one of the parties
 - E** An impartial investigator would bring a fresh approach to the table. The process would entail a 'fact find'
 - F** The outcome would conclude with positive recommendations for remedy and resolution that suit all the parties
 - G** Trade Unions, employees, employers, Company Solicitors and the Tribunal system all approve of this approach and the employer can remain detached and impartial throughout.

- 24 Manage, Pro-actively.** Where the complainant is a subordinate or junior employee whom you are responsible for line managing, create a Smile File for them and revisit their performance review documentation and 121 meetings. Do not just look at their faults. If they are weak at some tasks, but strong at others – build on a daily routine for them in which they will excel. Think positively
- 25 Make sure Policies are Up to Date.** Seek advice about your statutory rights and Company procedures and policies. If there is a Harassment Policy or Fairness Policy, ensure you have a copy and that you understand it.

If your employer does not agree to an Independent Investigation as an option, seek advice.

Your employer should not breach procedure and should abide by their in-house policies and by The ACAS Code of Practice.

You too should review your Employers in-house policies on Grievance, Bullying & Harassment.

If you accuse your employer of breaching procedure, be certain that you are referring to the right procedures yourself and that you follow them.

Settlement Agreements

If all else appears to fail, you may wish to explore the possibility of engaging in a Without Prejudice Settlement Agreement process.

HR & Diversity Management Limited is registered with the MoJ and provides a Settlement Agreement service. (See contact details below).

Whatever your situation, you too have statutory rights.

- 01** Appoint an expert adviser to guide you through the processes ahead. An Employment Law Solicitor or a Consultant. HR & Diversity Management Limited would be pleased to assess the merit of your situation free of charge and advise you what to do.
- 02** Alternatively, contact the CIPD or ACAS or some other professional organisation. There is plenty of support available today. Go into Google and enter key words such as: Bullying, Harassment, Investigations and so on.
- 03** If you require further support you may be referred to a Solicitor or Consultant who we work closely with and who may be able to assist, but this would be billable work and you will be required to enter into a Client Agreement and specific Terms of Reference will be mutually agreed.
- 04** Alternatively, if preferred, we would be able to recommend an Employment Law Solicitor in your area or you may choose an adviser yourself, who specialises in Dispute Resolution. There may be a fee for this service.

Call HR & Diversity Management Limited on 01793 338888 or call The National Bullying Helpline on 0845 22 55 787 and seek advice.

Alternatively go to www.nationalbullyinghelpline.co.uk

NB: There's a lot of information available on the Internet but check that any data you are reading is up to date. Most of it was written many years ago, some by students or graduates, & employment legislation changes year on year.



If you have any concerns call
National Bullying Helpline
0845 22 55 787

We have the experience and the expertise skilled in conflict resolution, in the community, the home, the workplace or the playground.

www.nationalbullyinghelpline.co.uk

© 2002 - 2017 The National Bullying Helpline and HR & Diversity Management Limited.