



## Bullying, Anti-Harassment and Victimisation Policy

<b>Lead/Owner</b>	CEO
<b>Date of Approval</b>	11/07/2024
<b>Author/Reviewer</b>	CEO/Board of Trustees
<b>Next Review Date</b>	11/07/25
<b>Related Policies</b>	
<b>Level of Approval</b>	Board of Trustees

### 1. Introduction

This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that business needs are met. You will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

This policy applies to all employees, volunteers and members of the Board.

This organisation is committed to a policy of equality of opportunity and aims to ensure that all employees operate within a safe, supportive, friendly and caring environment, which will enable all employees to fulfil their personal and professional potential. All individuals should be treated with dignity and respect and any form of harassment, bullying, victimisation or discrimination will not be tolerated by the organisation whether it is unlawful or not. This includes treatment based on the grounds of sex, marital or civil partner status, sexual orientation, gender reassignment, pregnancy or maternity, race, religion or belief, age or disability. This list is not exhaustive.

This policy covers harassment, bullying and victimisation which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers harassment, bullying and victimisation by staff and also by third parties such as service-users, suppliers or visitors to our premises.

Members of staff have an important role to play in creating a positive environment in which such behaviour is unacceptable. The organisation further recognises its responsibility to protect the victims of any bullying, harassment or victimisation and to deal effectively with such behaviour. Unintentional harassment, bullying and victimisation are also unacceptable.

It is essential to ensure that complaints are not discouraged from being reported. Any employee who therefore brings a complaint of bullying and harassment will not be victimised in any way for having done so. It is also essential to protect the rights of the person alleged to have harassed/bullied.

NB: This policy should not be used by employees to resolve arguments, disagreements or concerns over management or supervision practices that are not related to issues of bullying or harassment.

## **2 Aims**

The main aims of this policy are to:

- Define bullying and harassment and ensure all employees and members of the Board are aware of their obligations and what constitutes unacceptable behaviour.
- Ensure that those who are on the receiving end of bullying or harassment have clear guidance and support and a recognised route to raise a complaint.
- Provide a fair and effective means of managing any complaints in relation to bullying or harassment.
- Encourage those who are suffering from any form of bullying or harassment to bring it to the attention of the organisation and be confident that the matter will be taken and dealt with seriously.
- Ensure that it is clear that any form of bullying and harassment will not be tolerated.

## **3 Responsibilities**

Responsibility for developing and maintaining a workplace which is free from bullying and harassment rests with everyone at some level.

The Chief Executive Officer has a duty to:

- Ensure that this policy is communicated to all staff and members of the Board.
- Treat all complaints of bullying or harassment seriously and impartially.
- Ensure that all complaints of bullying and harassment are investigated swiftly and thoroughly, maintaining confidentiality in so far as this is consistent with progressing the complaint
- Take steps to prevent any further instances of such behaviour occurring when a complaint is upheld
- Protect an employee at work who makes a complaint of bullying or harassment
- Provide appropriate guidance and support to members of staff who are victims of bullying or harassment and their line managers
- To maintain confidential records in relation to any allegations and the effectiveness of the response in relation to these allegations and in keeping with the terms of this policy.

Line Managers have a duty to:

- Understand, explain and promote the policy to their staff.
- Refrain from conduct that could be conceived as bullying and harassment.
- Remain vigilant to potential bullying and harassment within their team.

- Encourage staff to raise any concerns they have regarding bullying or harassment
- Be responsive and supportive to any employee who complains of harassment or bullying and deal with it promptly, efficiently and fairly.
- Ensure that once a complaint under this policy has been dealt with, that there are no further instances of bullying or harassment of any of the parties involved in the original complaint.

NB: Any line manager who becomes aware of behaviour which breaches this policy whether or not a complaint has been made, has a responsibility to take the matter forward and resolve it as quickly as possible.

Employees and Members of the Board have a duty to:

- Comply with this policy
- Treat all colleagues and Members of the Board with dignity and respect
- Ensure that their conduct is not misinterpreted or regarded as offensive
- Support colleagues who have been subject to bullying or harassment and co-operating in any investigation; ensuring no victimisation of complainants occur
- To report instances of bullying or harassment which they are witness to in confidence

#### **4 Definitions**

It is not the intention of the perpetrator but the deed itself and the impact on the recipient(s), which determine what constitutes bullying or harassment. The following definitions are of a general nature and given for guidance purposes.

Harassment

Harassment is any unwanted conduct of a physical, verbal or non-verbal nature that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient(s). It may or may not be related a protected characteristic of an individual. It can be persistent behaviour or conduct over a period of time, but a one-off act, providing it is serious, may also amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Harassment related to gender, sexual orientation, gender reassignment, race, religion or belief, age or disability is unlawful.

Forms of Harassment

- Physical contact ranging from touching to assault
- Verbal and written harassment through jokes, offensive language, inappropriate remarks, gossip, slander, sectarian songs, letters, emails, telephone calls or text messages
- Visual display or posters, graffiti, calendars, obscene gestures, flags, bunting and emblems
- Coercion, ranging from pressure for sexual favours, to pressure to participate in political/religious groups
- Intrusion by pestering, spying, following or stalking

- Persistent undermining of someone's abilities
- Attempting to humiliate someone in public
- Constant changes in instructions or routine in order to unsettle someone in their work

This list is not exhaustive and provides only examples of what may be considered inappropriate. It should be borne in mind that it is for each individual to determine what behaviour is acceptable to them and what they consider offensive. Even if the member of staff's conduct is not purposefully intended to harass a colleague or make them feel uncomfortable, it is the effect their conduct has on the colleague which is important.

### Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour involving an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.

Forms of Bullying can include:

- Intimidation and aggression
- Violent gestures or actual physical violence
- Disparaging comments or remarks, made privately or in front of others
- Exclusion or victimisation
- Unfair treatment
- Non co-operation at work, including withholding necessary information
- Isolating certain individuals
- Overbearing supervision or other misuse of power
- Deliberately undermining a competent worker by overloading with work or unfairly criticising
- Setting impossible deadlines or tasks
- Taking credit for others achievements or initiatives
- Ridiculing or demeaning someone
- Picking on someone or setting them up to fail
- Blocking promotion or staff development opportunities
- Making threats or comments about job security without foundation

This list is not exhaustive. Staff should note that legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

### Victimisation

Victimisation occurs when a person is treated less favourably because they have asserted their rights (or are believed to have done so) under this policy. This includes both those

bringing claims under this policy and any others acting as witnesses or providing information in any investigation of a complaint. Employees will be protected from victimisation for either bringing a complaint or assisting in an investigation.

Employees have the right to raise grievances and to raise issues relating to discrimination or bullying in good faith and to have these matters investigated. Where a member of staff raises an issue in good faith, they will not suffer any detriment or victimisation by virtue of raising their grievance or complaint with management.

## **5 Mediation**

As an alternative to raising a complaint through the formal procedure or at any stage of the procedure, an employee or the manager may request that the matter is dealt with through mediation. Mediation is voluntary and will only take place with the agreement of both parties. Where mediation is agreed once the formal procedure has been started, the formal procedure will be adjourned whilst the mediation takes place. In the event that no mutually acceptable solution is reached through mediation, the procedure will be reconvened at the point of adjournment.

## **6 Complaints Procedure**

Employees are encouraged to attempt to resolve issues through the informal route first, but have the absolute right to go straight to the formal procedure if they wish to do so.

### Informal Procedure

Any employee who feels that they or others have been harassed, victimised, bullied or treated in such a way that breaches this policy should, if they feel able, tell the person(s) immediately that the behaviour is offensive, unwanted and that they want it to stop. If the employee feels unable to speak to the offender directly, this could be done in writing or by asking a colleague to speak to them on their behalf. It may be helpful to have a list of incidents, including times and dates in order to be able to give examples of the behaviour that has caused offence. The offender may be unaware that their actions are inappropriate or objectionable or there may have been a misunderstanding or misinterpretation.

Where an employee feels unable to confront the person directly, or talking to them has no effect, then employees may wish to speak to their line manager or another manager on how the matter can be dealt with informally. If, however, the complaint relates to or involves their line manager they should approach the next tier of management.

Any discussion will be confidential and no further action will be taken without the consent of the complainant unless the manager considers the incident to be serious, in which case they will inform the employee of their need to take action against the alleged perpetrator.

One of the following courses of action may be followed:

- Take no further action at this stage, but keep the situation under review, enabling the employee to seek further advice in the future if necessary.

- Hold informal discussions with an appropriate member of staff e.g. a manager, the complainant and the alleged perpetrator. These discussions should determine exactly what issues exist and if possible resolve them informally without having to resort to making a formal complaint.
- Make a formal complaint.

### Formal Procedure

The formal procedure should be followed when the informal route has proven to be ineffective or where there is a serious allegation.

An employee has the right to raise a formal complaint on any bullying and harassment issue. All such complaints will be regarded as grievances, however, the procedure to be followed will be as detailed in this policy which takes into account the sensitive nature of such complaints.

Employees must ensure that they put their complaint in writing to their line manager in the first instance. If the line manager is the alleged perpetrator, then the complaint should be directed to the next tier of management. The complainant should state:

- The name of the alleged perpetrator
- The nature of the alleged incident(s), giving examples where possible
- Frequency of the alleged incidents, giving times and dates if possible
- Location of the alleged incidents
- The names of any witnesses to the alleged incident
- Any action taken by the employee in relation to the alleged bullying or harassment.

The Organisation will investigate complaints in a timely and confidential manner. All parties involved in any complaint are expected to respect this need for confidentiality during the resolution of any complaints, and disciplinary action may be taken against any party who breaches this.

The manager instigating the investigation will consult with the CEO and appoint an appropriate person who is not connected with the case as an 'Investigating Officer'. More than one investigating officer may be appointed. The investigation will include interviewing the complainant, the alleged bully/harasser and any other witnesses separately. Signed witness statements should be taken if possible.

The Organisation will arrange a meeting with the employee raising the complaint, usually within one week of receiving the complaint. The employee will be given a provisional timetable for the investigation.

The complainant and alleged perpetrator will be given the right to be accompanied by a colleague or trade union representative at all stages of the formal procedure.

Where the complaint is about another employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of

the investigation, if the circumstances require. Suspension under this procedure does not constitute disciplinary action.

The Organisation will seriously consider any request that the complainer makes for changes to their own working arrangements during the investigation.

Where a complaint is made about someone other than a member of staff, the Organisation will consider what action may be appropriate to protect the complainer and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the Organisation will attempt to discuss the matter with the third party.

#### Action following investigation

The investigating officer will pass their report to the disciplining manager. The manager will then decide on appropriate management action.

If the manager considers that harassment or bullying has occurred, prompt action will be taken to address it under the disciplinary policy.

The outcome of the investigation and any actions to be taken will be notified in writing to both parties normally within 5 working days of the conclusion of the investigation. If there is a case to be answered, then the disciplinary procedure will be invoked. In accordance with the disciplinary procedure, the alleged harasser will be told the precise nature of the complaint and be given time to prepare their case.

Whether or not your complaint is upheld, the Organisation will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

## **7 The Disciplinary Process**

If serious allegations of bullying or harassment are to be heard under the Disciplinary Procedure and the alleged perpetrator has already been suspended under the Bullying and Harassment procedure this will be converted to a disciplinary suspension.

The normal disciplinary Procedure must be applied. It should be taken into account that the complainant may be required to attend any disciplinary hearing as a witness. In the event that the complainant feels unable or unwilling to do so, then a representative can attend on their behalf. A signed witness statement from the complainant will be made available to the alleged perpetrator, along with any other materials being used by the employer, including other signed witness statements (if agreeable to witnesses).

Where an employee is found guilty of an act of harassment or bullying, they will be dealt with under the terms of the disciplinary procedure. In serious cases of such behaviour, the harasser may be summarily dismissed.

Any employee who victimises or retaliates against another employee for bringing a claim under this policy or for giving evidence in connection with a harassment investigation will also be subject to disciplinary action.

If an employee is dissatisfied with disciplinary action taken against them as a result of a Bullying and Harassment investigation they must appeal through the Disciplinary Appeals Procedure.

NB: Specified timescales may be extended with the mutual agreement of all parties concerned

## **8 Employee Support**

Cases of harassment/bullying must be dealt with sensitively in recognition of the issues involved. The impact of harassment/bullying may be such that during or after the complaint has been dealt with, counselling may be required. Any employee who believes that they have been subjected to, or have witnessed harassment, victimisation or bullying can seek additional external confidential support. Details are available from the line manager or CEO.

## **9 Malicious complaints**

While the organisation would wish to encourage and support staff to raise concerns about bullying and harassment, any allegations which are proven to be malicious and not raised in good faith will be regarded as disciplinary offences and will be dealt with in accordance with the disciplinary policy and procedure.

## **10 Monitoring and Review**

We will maintain confidential records of all reported records of bullying and harassment dealt with through this procedure, and how they are resolved.

These records will include:

- The number and type of formal complaints made
- The outcomes of the complaints
- The time taken to complete the process.

This monitoring information will be used to evaluate the effectiveness of this policy in handling cases of bullying and harassment

## **Appeals**

If the complainer is not satisfied with the outcome they may appeal in writing to the Chair of the Board, stating the full grounds of appeal, within one week of the date on which the decision was sent or given.



The Organisation will hold an Appeal Hearing, normally within one week of receiving the written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case. The employee who is appealing may bring a colleague or trade union representative to the hearing.

The Organisation will then confirm its final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

## 12 Related Policies and Procedures

- Equal Opportunities Policy
- Grievance Policy and Procedure
- Stress Policy
- Disciplinary Procedure
- Health and Safety Policy

### Document version control

Version number	Change or update	Author or owner	Date
1.0	First version	CEO	11/07/2024