

ANTI-BULLYING AND ANTI-HARASSMENT POLICY

Introduction

We believe that every individual is uniquely created by God and made in his image and likeness. As a result, we believe that everyone should be treated with dignity and respect at work. This policy aims to identify what is meant by “bullying”, “harassment” and “sexual harassment”, and sets out our position in relation to combating them. The procedures for dealing with complaints are set out separately in this Employee Handbook.

In this policy we will refer to both harassment and sexual harassment as “harassment”. There are some provisions which only relate to sexual harassment and where this is the case it will be stated.

Bullying and harassment will not be tolerated in the workplace, or outside the workplace in a work-related context, such as on work trips, events or work-related social events or online / social media.

Bullying or Harassment can occur whether or not that effect is intended. It is the effect on the victim which is important, not whether or not the perpetrator intended to bully or harass them. Harassment or bullying is unacceptable even if it is unintentional.

This policy applies to all staff working for us at any of our premises, including agency workers, apprentices, consultants, contractors, directors, employees, remote workers, interns, temporary workers and volunteers.

We also make it clear to our service users, visitors, volunteers and other with whom we work that bullying or harassment of our staff is unacceptable. Inappropriate behaviour by third parties may lead to termination/non-renewal of contract, suspension/non-renewal of services, exclusion from premises or the imposition of other appropriate sanctions as may be deemed appropriate.

We will comply with all relevant codes of practice including the EHRC Employment Statutory Code of Practice.

We will take all reasonable steps to ensure that our employees have received training and understand their responsibilities regarding this procedure. You should note that employees can be held personally liable for harassment at work. Employers have a defence to claims if they can demonstrate that all reasonable steps were taken by the employer to ensure that harassment did not occur. We are committed to taking all such reasonable steps.

Complaints by employees will be treated with fairness and sensitivity and in as confidential a manner as possible. Please raise any issues with your line manager in the first instance, or if you feel uncomfortable doing so talk instead to another senior manager. Please also refer to the Procedure for Dealing with Complaints of Bullying, Harassment or Sexual Harassment.

Definitions

“Bullying” is defined as offensive, abusive, intimidating, malicious or insulting behaviour which makes the recipient feel upset, threatened, humiliated or vulnerable. Excluding and/or ignoring someone can also constitute bullying.

Bullying behaviour may occur via cyber or digital means and may be experienced by employees whether they work at a fixed location, at home or are mobile.

Unacceptable behaviour includes (this is not an exhaustive list):

- constantly criticising someone’s work;
- spreading malicious rumours;
- constantly putting someone down in meetings;
- deliberately giving someone a heavier workload than everyone else;
- excluding someone from team social events;
- putting humiliating, offensive or threatening comments or photos on social media;
- copying memos that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone, picking on them or setting them up to fail;
- deliberately excluding someone from communications or meetings without good reason;
- unfair treatment, e.g. not letting someone go on training courses that everyone else is allowed to go on;
- overbearing or intimidating supervision or other misuse of power or position;
- ‘upward bullying’, e.g. someone at the same or a more junior level showing continued disrespect, refusing to complete tasks, spreading rumours, constantly undermining someone’s authority, or doing things to make the person seem unskilled or unable to do their job properly;
- making threats or comments about job security without foundation;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

“Harassment” is defined as unwanted conduct towards another person on the grounds of a protected characteristic, which has the purpose or effect of violating dignity and/or creating an intimidating, hostile, degrading and humiliating environment for that person.

Protected characteristics are:

- age;
- disability (past or present);
- gender reassignment;
- race, colour, nationality, ethnic or national origins;
- religion or belief;
- sex; and/or

- sexual orientation.

While not an exhaustive list, forms of harassment include:

- physical contact;
- jokes, banter and mimicry;
- offensive language, shouting or behaving in an intimidating manner;
- gossip;
- slander;
- offensive, insensitive or sectarian songs or messages (including email);
- displaying posters or pictures, graffiti, emblems, flags;
- obscene or offensive gestures;
- offensive email and screen savers etc;
- isolation or non co-operation and exclusion;
- coercion for sexual favours or sexually suggestive remarks;
- pressure to participate in political/religious groups;
- intrusion by pestering, spying and stalking;
- continued requests for social activities after it has been made clear that such suggestions are not welcome; and
- verbal, non-verbal or physical conduct of a sexual nature.

Harassment may also be based on a perception of another person, for example that the person is gay, or is disabled, whether or not this perception is correct and even if the alleged harasser knows that their perception is, in fact, wrong.

Harassment can also occur because someone is associated with another person, for example, someone who is harassed because they care for a disabled person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for her.

“Sexual Harassment” means unwanted conduct of a sexual nature which has the purpose or effect of violating a person’s dignity or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to that person.

The conduct need not be sexually motivated; it only needs to be sexual in nature. This includes a wide range of behaviour, e.g.:

- sexual comments or jokes;
- displaying sexually graphic pictures, posters or photos;
- suggestive looks, staring or leering;
- propositions and sexual advances;
- making promises in return for sexual favours;
- sexual gestures;
- intrusive questions about a person’s private or sex life or a person discussing their own sex life;
- sexual posts or contact on social media;

- spreading sexual rumours about a person;
- sending sexually explicit emails or text messages; and
- unwelcome touching, hugging, massaging or kissing.

A person can experience unwanted conduct from someone of the same or a different sex.

Sexual interaction that is invited, mutual or consensual is not sexual harassment (because it is not unwanted), but situations change and sexual conduct that has been consensual in the past may become unwanted.

We have carried out an assessment to assess the risk of sexual harassment occurring in our workforce, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed regularly.

Third party sexual harassment

In your work, you will have contact with third parties, such as service users or suppliers. We will not tolerate sexual harassment of our staff by any third party. As with any harassment or bullying, if you experience or witness harassment by a third party, we would urge you to report it in accordance with this policy.

We will take the following steps to prevent harassment by third parties:

- make it clear to our service users, suppliers and others who work with us that sexual harassment of our staff is unacceptable, e.g. by posting notices at the entrances to our premises, or in recorded messages at the beginning of telephone calls;
- provide regular training for managers and staff to raise awareness of rights related to sexual harassment and of this policy;
- provide specific training for managers to support them in dealing with complaints;
- take steps to minimise occasions where staff work alone;
- where possible, ensure that lone workers have additional support;
- carry out a risk assessment when planning events attended by service users and/or suppliers.

If a complaint of third-party harassment is received, we will seek to investigate the allegation and may:

- warn the third party about their behaviour;
- ban them from our premises;
- report any alleged criminal acts to the police;
- share information with others in the organisation on a “need to know” basis.

Less favourable treatment for rejecting or submitting to unwanted conduct

A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) as described above, and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior employee have been consistently rebuffed subsequently to give that employee a poor performance review because they rejected the manager’s advances.

“Victimisation” occurs where someone is treated less favourably because they have made a complaint or assisted someone else in making a complaint of discrimination or harassment.

Victimisation is discrimination contrary to the anti-discrimination legislation. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

Marks of religious or cultural identity

There are many ways in which people convey religious or cultural identity to others. In this category would fall emblems or marks of religious observance that may be associated primarily with one religion or culture but are unlikely to be regarded as creating an intimidating or hostile working environment. Because of our ethos, it should of course be expected that we will display emblems and marks of identity related to the Christian faith.

When these marks of identity are displayed with decorum (and, if appropriate, during the designated time) and with a sense of due proportion, we are of the view that they are unlikely to create or sustain a hostile environment. It would be unacceptable however if an individual was made to feel uncomfortable for wearing or not wearing any particular emblem or mark or if these emblems or marks were being flaunted before or forced on someone not wearing them.

There may be occasions where the display of a particular item may be inappropriate for reasons relating to a genuine occupational requirement (e.g. health and safety) and these other factors must also be taken into account.

Your responsibilities

Every individual in the workplace has a role in promoting a positive workplace free from bullying and harassment.

Everyone working for us has a responsibility to help ensure a working environment in which the dignity of all employees, service users and volunteers is respected. Everyone must comply with this policy, and you should ensure that your behaviour to colleagues, service users, volunteers and suppliers does not cause offence and could not in any way be considered to be bullying or harassment. Joking or ‘banter’ among colleagues relating to any of the protected characteristics listed above is strictly prohibited.

You should discourage bullying and harassment by making it clear that you find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. Any employee who is aware of an incident of bullying or harassment should alert a member of management.

Responsibilities of Managers and Supervisors

It is the responsibility of managers and supervisors to:

- familiarise themselves with all relevant policies;
- uphold our policies as an integral part of their work;

- promote awareness of this policy among staff;
- communicate policies to staff and non-staff members;
- participate in any training required by the employer;
- be vigilant for signs of bullying and/or harassment;
- intervene in any instance where offensive behaviour is observed or brought to their attention;
- provide a good example by treating all in the workplace with dignity and respect;
- respond sensitively and confidentially to a staff member who makes a complaint of bullying or harassment;
- respond promptly to requests from staff to intervene promptly and seek to resolve the matter informally where appropriate;
- explain the procedures to be followed if a complaint is made;
- ensures that the alleged perpetrator is treated fairly;
- ensure, so far as practicable, that the staff member is not victimised for raising a complaint;
- monitor and follow up situations after a complaint is made to ensure that it does not reoccur.

The organisation's responsibilities

We have a duty to implement our policies and make every effort to ensure that bullying and harassment does not occur. We will ensure that employees are made aware of and understand the terms of the policies and will support any employee who makes a complaint. Where updates to policies or further training on policies are required, we will clearly communicate this and provide appropriate training to employees.

Complaining about harassment, sexual harassment or bullying

We recognise the right of employees to complain about bullying and harassment should they believe they have been a victim. All complaints will be dealt with seriously, promptly and confidentially. Every effort will be made to ensure that employees making complaints and others, who give evidence or information in connection with the complaint, will not be victimised.

Where you bring a complaint it will be necessary to ascertain whether the complaint is a grievance or one of bullying or harassment. The correct policy and procedure will be followed depending on the nature of the complaint.

- If you are complaining about harassment, sexual harassment, or bullying please refer to the [Procedure for Dealing with Complaints of Harassment, Sexual Harassment or Bullying](#).
- If you are complaining about a matter which may not constitute bullying or harassment, please refer to the [Grievance Procedure](#).

PROCEDURE FOR DEALING WITH COMPLAINTS OF BULLYING, HARASSMENT OR SEXUAL HARASSMENT

The following procedures will be followed in the event of a complaint of bullying, harassment or sexual harassment.

The procedure consists of

1. An informal process
2. A formal process

For an explanation of what may constitute bullying, harassment or sexual harassment, please refer to the Anti-Bullying and Anti-Harassment Policy.

We reserve the right to investigate concerns raised where you do not wish to take the matter further via our internal policies.

If you would like further information, you should contact your line manager.

Informal procedure

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

If you believe you are being bullied or harassed, you should object to the conduct where this is practicable. In some cases, it may be possible and sufficient for you to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable.

In circumstances where it is too difficult for you to do this alone, an alternative approach would be to seek support from, or for an initial approach to be made by, a sympathetic colleague.

If you find it difficult to approach the alleged perpetrator(s) directly, you should put your concerns in writing, focusing on the offending acts and their effect on you, and provide this to your line manager. If your concern relates to your line manager you should speak to that person's manager, or a person at the next level of management.

If we decide that the informal procedure is appropriate, we may try one or more of the following:

- a. try to resolve the complaint by talking separately with the person who made the complaint and the person who has been complained about;
- b. if we need to look into the complaint further, decide who will do so, and ask them to gather evidence about the complaint;
- c. consider the best way to try to resolve it, e.g. by:
 - i. talking to someone in private;
 - ii. trying to resolve it in a meeting with everyone involved, if they all agree;
or
 - iii. offering mediation, if everyone involved agrees. This may involve an external party, for example, ACAS.

If we decide there is no need for action or further steps we will:

- a. keep a written record of this decision and the reasons why; and
- b. inform the person who made the complaint and explain our decision.

If the complaint cannot be resolved informally, we or you may decide to deal with it formally.

A brief written record of agreed outcomes and dates will be made by the person responsible for managing the complaint, in line with data protection legislation.

All those involved in the initial informal process must keep the matter confidential. Breach of confidentiality may lead to a disciplinary process being invoked.

Formal Procedure

The formal procedure may be invoked where

- the employee making the complaint wishes it to be treated formally or
- the alleged bullying, harassment or sexual harassment is too serious to be treated under the informal procedure or
- informal attempts at resolution have been unsatisfactory or
- the bullying, harassment or sexual harassment continues after the informal procedure has been followed.

The formal procedure involves

1. complaint
2. investigation
3. outcome
4. appeal, if warranted

1. Complaint

If it is decided that the Formal Procedure is appropriate, the complainant should make a formal complaint in writing to his/her immediate supervisor, or if preferred, any member of management. The complaint should be confined to precise details of actual incidents of bullying/harassment. This includes:

- a. confirmation that it is a complaint of bullying/harassment
- b. the name of the alleged bully/harasser;
- c. the nature of the alleged bullying/harassment (in as much detail as possible)
- d. dates and times when the alleged bullying/harassment occurred;
- e. the names of any witnesses; and
- f. any action already taken to stop the alleged bullying/harassment.

The complaint should be signed and dated.

2. Investigation

We will appoint an investigator. The investigator will be either a nominated member or members of management or, if deemed appropriate, an appropriate third party of our choice. Those persons will not be connected with the allegation(s) in any way.

The investigation will, where possible, be carried out by two people. The investigation team will, so far as possible, have gender balance and will also seek to ensure diversity across the protected characteristics.

The investigation will be conducted thoroughly, objectively, with sensitivity, utmost confidentiality, and with due respect for the rights of both the complainant and the alleged perpetrator(s). In the course of investigating the complaint, the investigator will make no assumptions about the culpability of the alleged perpetrator. Every effort will be made to carry out and complete the investigation as quickly as possible.

Both the complainant and the alleged perpetrator(s) may be accompanied at meetings by a work colleague or trade union representative if so desired. If either party requires additional measures or support due to a disability (theirs or their companion), this will be accommodated. If either party requires interpretive support, this will be provided.

The investigation will follow the process below:

1. The investigator(s) will meet with the complainant for an initial interview to establish the details of the allegations. The complainant will be invited to this meeting in writing and may be accompanied to this meeting by a work colleague or trade union representative. The investigator will explain to the complainant that, in the interests of a fair investigation, the alleged perpetrator(s) will need to be given details of the complaint(s) made against them.
2. The investigator(s) will meet with the alleged perpetrator(s) to notify them that an allegation of bullying/harassment has been made against them. The alleged perpetrator(s) will be advised of the allegations against them and advised that they will be afforded a fair opportunity to respond to the allegation(s). The alleged perpetrator will be invited to this meeting in writing and may be accompanied to this meeting by a work colleague or trade union representative.
3. Non-Employees - It is possible that if the person accused of bullying/harassment is not an employee, s/he will not wish to participate in the formal procedure, and it will not be possible to secure their participation, however attempts will be made.
4. Terms of Reference will be prepared by the investigator(s) and if possible, will be agreed between the parties. The Terms of Reference will govern the conduct of the remainder of the investigation. New allegations or matters arising after the Terms of Reference have been agreed/finalised will not be included in the investigation. However, all evidence and matters related to the agreed Terms of Reference will be considered. If a separate investigation is required, this will be considered.

5. The investigator(s) will meet with any witnesses or relevant persons on an individual confidential basis with a view to establishing the facts surrounding the allegation(s) and will gather any relevant evidence such as social media communications, CCTV footage, emails, messages or other documents.
6. The investigator(s) will provide copies of the evidence gathered to the complainant and the alleged perpetrator. Meetings will be held with the complainant and the alleged perpetrator(s) individually and each party will have the right to be accompanied to the meeting by a work colleague or trade union representative.
7. The investigator(s) will carry out further investigation and/or meetings with the complainant, alleged perpetrator and witnesses as necessary.
8. A written record will be kept of all meetings and investigations.
9. All parties should continue to work normally, if possible, during the investigation. If this is not possible, interim arrangements may be facilitated. These could include an alternative line management structure, change in workstation, working from home or requesting that either party stay at home on paid leave. Such arrangements will not amount to a sanction on any of the parties concerned.
10. On completion of the investigation, the investigator(s) will produce a written report which will confirm whether the alleged perpetrator(s) has/have a case to answer.

3. Outcome

When the investigation has been completed, the complainant and the alleged perpetrator(s) will be informed whether or not the allegation is considered to be well-founded.

Non-employees: The outcome of the investigation and any potential sanctions will be explained to a non-employee accused and/or any person or organisation for whom s/he works.

Complaints against employees:

Should the investigator(s) decide that the accused has a case to answer, the report will recommend whether the disciplinary procedure should be invoked and if so what an appropriate sanction might be. The investigator(s) may also recommend alternative action such as counselling and/or monitoring. The report may also, or as an alternative, recommend other actions such as rehabilitative meetings, training or more effective promotion of this or other policies.

When deciding what disciplinary action to take, we will take account of any aggravating factors, such as abuse of power over a more junior colleague.

Review

Both parties to a complaint will receive support and regular review following the investigation, as the process may result in tension and disharmony between the parties, co-employees, teams etc, at least in the short term.

Complaints against non-employees

Should the investigator(s) decide that a non-employee has a case to answer, the sanction could include one of the following

- Exclusion of the individual from the premises;
- Suspension or termination of services;
- Suspension or termination of a supply service or other contract.

4. Appeal

If the complainant is dissatisfied with the outcome of the investigation he/she may appeal. An appeal should be made in writing and provided to the manager named in the report.

The appeal will be heard by another manager of at least the same level of seniority as or more senior than the original investigator(s).

An appeal will focus only on the aspect of the case cited by the appellant as being the subject of the appeal. An appeal should focus on the conduct of the investigation as it is not a rehearing of the substantive issues.

The appellant is entitled to be accompanied by a work colleague or trade union representative at any appeal meeting.

The grounds of the appeal and any outcome and methodology employed will be appended to the investigation file.

Protection of complainants and alleged perpetrators

If you bring a complaint of bullying or harassment you will not be victimised for having brought the complaint and you will be protected against any reprisals arising out of bringing a complaint in good faith, even if your complaint cannot be upheld. However, if the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action will be taken against the complainant which may include dismissal.