

Bullying & Harassment Policy

1. Introduction

The organisation is committed to a policy of equality of opportunity and aims to ensure all staff operate within a safe, supportive, friendly and caring environment. All individuals should be treated with dignity and respect and any form of harassment, bullying or discrimination will not be tolerated by the organisation. This includes treatment based on age, disability, gender reassignment, marriage & civil partnership, pregnancy & maternity race, religion or belief, sex or sexual orientation.

Staff have an important role to play in creating a positive environment in which such behaviour is unacceptable. The organisation recognises its responsibility to protect the victims of any bullying or harassment and to deal effectively with any such behaviour.

It is essential to ensure complaints are not discouraged from being reported. Any member of staff 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.

Where it is not possible to hold a face-to-face meeting under this procedure, the process will be conducted remotely. The organisation will ensure staff and their representatives have access to the necessary technology for participating. Staff rights will not be affected, and the organisation will ensure the procedure remains fair and reasonable.

This document does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure business needs are met. Staff 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 law.

2. Policy Aims

The main aims of this policy are to:

- Provide all staff with a safe and comfortable working environment.
- Define bullying and harassment and ensure all staff are aware of their obligations, what constitutes unacceptable behaviour and what action may be taken against those who act inappropriately to others including members of the public.
- Ensure anyone subjected to bullying or harassment are provided with support and relevant information to raise a complaint.
- Ensure any and all claims of bullying or harassment are taken seriously and dealt with in a fair and reasonable manner.

3. Responsibilities

Staff Responsibilities

To comply with all aspects of this policy with regards to their behaviour at any and all times.

To report any suspicion of bullying or harassment immediately to a senior member of staff whether involved, witnessed or made aware of by a third party.

To engage, cooperate and actively participate in any investigation or disciplinary process as a result of any staff submitting a complaint.

Manager Responsibilities

To take all complaints of bullying and harassment seriously.

Encourage staff to report any instances of bullying or harassment immediately.

To support all staff whether the subject of bullying and harassment or as a witness thereto fairly and equally.

To offer and provide mediation, where appropriate to do so.

To provide information regarding a counselling service for anyone involved in the process.

To formally investigate and take disciplinary action where necessary against anyone who is found to have behaved inappropriately under and in terms of this policy.

To instigate this policy if made aware of bullying or harassment whether or not a complaint has been made.

Organisation Responsibilities

To ensure fair, equal, reasonable and consistent treatment of all staff regarding any aspect of the implementation of this policy.

To ensure all those with line management responsibility are reasonably trained in the practical application of this policy.

To regularly review and update this policy in line with legislation and best practice.

4. Definitions

“Staff” – applies to all employees, contractors, freelancers, agency staff, consultants, volunteers and Board/Committee members.

“Bullying” – may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure.

Forms of Bullying: -

- 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.
- Social media posts.
- 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

“Harassment” – unwanted conduct of a physical, verbal or non-verbal nature which has the effect of violating dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. It may or may not be related to any personal characteristic of an individual. It can be persistent behaviour or conducted over a period of time, a one-off act of a sufficiently serious nature, may also amount to harassment.

Forms of Harassment: -

- Physical contact ranging from touching to assault, including that of a sexual nature.
- Verbal or written 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.
- Social media posts.
- Coercion, ranging from pressure for sexual favours to participation 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.

“Victimisation” – 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 in any investigation of a complaint. Staff will be protected from victimisation for either bringing a complaint or assisting in an investigation.

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

5. Sexual Harassment

The organisation will take all reasonably practical steps to prevent sexual harassment in the workplace through training and educating staff and volunteers on acceptable and unacceptable behaviour. The organisation will protect staff and volunteers from being subjected to any inappropriate or lewd behaviour by colleagues and third parties including contractors, visitors and

service users. Anyone who is subject to such harassment should inform their line manager or another appropriate manager as soon as possible who will treat the matter seriously and confidentially and will carry out a fair and full investigation. Staff subjected to any such behaviours will be offered support such as counselling and temporary or permanent alterations to their working arrangements.

6. Complaints Procedure

Staff are encouraged to attempt to resolve any concerns through the informal process as a first step whilst retaining the right to proceed directly to the formal procedure if they wish to do so.

Informal Procedure

Staff who feel they or others have been bullied, harassed, victimised or treated in such a way which breaches this policy should, if comfortable to do so, tell the person(s) immediately the behaviour is unacceptable and must be stopped.

If staff do not feel comfortable speaking to the person directly or doing so has no effect. They should speak to their line manager. If the complaint relates to or involves the line manager they should approach another manager, CEO or Chair of the Board as appropriate.

The following actions will be considered to address and resolve the complaint informally: -

- Taking no further action at this stage and keeping the situation under review.
- Hold informal mediation meetings with the staff member, a manager and the alleged perpetrator. These discussions should determine exactly what issues the staff member are concerned about 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 procedure was ineffective, where staff are not comfortable with the informal procedure or there is a serious allegation.

Staff have the right to raise a formal complaint on any bullying and harassment concern. The procedure to address the complaint is as detailed in this policy which takes into account the sensitive nature of such complaints.

Staff must submit 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 another manager, the CEO or Chair of the Board, if appropriate. 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 where possible.
- Location of the alleged incidents.
- The names of any witnesses.
- Any informal action attempted.

A panel will then be allocated consisting of at least two panel members and the staff member will then be invited to a formal hearing to further discuss the complaint and allow the panel to ask any questions to clarify the complaint details.

If the panel feel it appropriate to do so, they will instruct an investigation to take place which may be conducted by one of the panel, if necessary.

The investigation will include interviewing the staff member, complainant, the alleged perpetrator and any other witnesses separately. The investigation should be completed promptly and where possible, within five working days following the hearing.

The staff member may choose to bring a work colleague or Trade Union representative with them to the hearing. However, no party has the right to bring a work colleague or Trade Union representative with them to any investigation meeting as the investigation process is not considered as formal meetings.

The investigating officer will make a record of all investigation meetings and provide the panel with a report. The investigation officer has no right or function to make any decisions and can only recommend whether or not there is any evidence to substantiate the complaint.

Once the panel has received a copy of the investigation report together with all relevant evidence, they will decide what action, if any, is required against the perpetrator including instigating the Disciplinary Policy up to and including gross misconduct dismissal.

The panel will write to the staff member within five working days of receiving the investigation report with their decision. The staff member will only ever be advised if their complaint was not upheld, partially upheld or upheld. The staff member has no right to be made aware of what action, if any, is taken against the perpetrator.

The panel may decide to initiate the Disciplinary Policy or take alternative action such as one or more of the following: -

- Recommend mediation and make arrangements for this to take place internally or externally with the agreement of both parties.
- Recommend redeployment (if feasible) of one or both parties, either on a temporary or permanent basis. This cannot be on any less favourable terms and conditions of employment, unless action is taken within the disciplinary procedure to demote the alleged perpetrator.
- Demote the alleged perpetrator whether on a temporary or permanent basis.
- Require attendance on training courses by one or both parties.
- Make arrangements for both parties to work as separately as possible within the same workplace.
- Take no action on the basis the allegations were not substantiated.

7. The Disciplinary Process

If the investigation report provides sufficient evidence to substantiate the complaint, the Disciplinary Policy will be instigated if none of the above alternatives to formal disciplinary action are appropriate or if a sufficiently serious allegation is substantiated.

The complainant may be required to attend any disciplinary hearing as a witness. In the event the complainant feels unable or unwilling to do so, a representative can attend on their behalf. A copy of the investigation report together with a copy of all evidence will be made available to the alleged perpetrator prior to the formal hearing.



Where a member of staff is found guilty of an act of bullying or harassment, they will be dealt with under the terms of the Disciplinary procedure. In serious cases of such behaviour, the perpetrator may be summarily dismissed without notice.

Any member of staff who victimises or retaliates against a colleague for bringing a claim under this policy or for giving evidence in connection with an investigation will be subject to formal disciplinary action.

8. Suspension

Suspension of staff who made the allegation may be required to protect their physical and mental health, safety and wellbeing. If it is considered necessary to suspend, entitlement to full contractual rights including salary will continue. Any suspension will be for as little time as possible to allow the organisation to carry out all necessary investigations and take action, if any.

Suspension of the staff who the allegation is made against may be required to protect the physical and mental health, safety and wellbeing of others. If it is considered necessary to suspend, entitlement to full contractual rights including salary will continue. Any suspension will be for as little time as possible to allow the organisation to carry out all necessary investigations and/or take action under the Disciplinary Policy. Suspension itself is not a form of disciplinary action.

9. Malicious Complaints or Allegations

Whilst the organisation encourages 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.

10. Data Protection Act 2018

The organisation will treat all personal data in line with obligations under the current data protection regulations.