

Bullying, Discrimination & Harassment Policy (Promoting Dignity & Respect at Work)

Policy Title	Bullying, Discrimination & Harassment Policy (Promoting Dignity & Respect at Work)
Organisational Lead	People & Culture Director
Policy Owner	People & Culture Director
Approved by	Directors
Date Reviewed	May 21
Supporting / Related Documents (where relevant)	Disciplinary Policy Employee Assistance Programme Equality, Diversity, Inclusion Policy

Scope
<p>All of our Policies and Procedures are underpinned by Our Vision, Mission and Core Values.</p> <p>This policy applies to all Trustees, Employees, Volunteers, Consultants, Performers, Contractors, Trainees, Agency staff and Work experience placements.</p> <p>Definitions;</p> <p>Discrimination Discrimination is conduct which, intentionally or unintentionally, causes detriment to the recipient and which is based on one or more of the protected characteristics which are:</p> <ul style="list-style-type: none"> • age; • disability; • gender (including gender reassignment); • marriage and civil partnership; • pregnancy and maternity; • race; • religion or belief; • sex; • sexual orientation. <p>Whilst the above is covered under the Equality Act 2010, as an organisation we do not tolerate discrimination on any grounds irrelevant of it is covered under the protected characteristics detailed above. We encourage our Employees to challenge their own views and perceptions in relation to unconscious bias and to be open minded about embracing our differences.</p>

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Bullying

There is no single legal definition of bullying, but it can include: offensive or insulting behaviour by another individual which makes an individual feel threatened, or taken advantage of, humiliation of an individual, or less obvious ways of making an individual feel frightened or demoralised.

Harassment

Harassment is defined as unreasonable or inappropriate conduct that may be physical, verbal or non-verbal, which is unwanted, personally offensive to the recipient and causes them distress, discomfort or worry.

Sexual harassment

Sexual Harassment is defined as any form of unwanted verbal, non-verbal or physical conduct of a sexual nature that has the purpose or effect of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual. It can also occur when an individual rejects the unwanted conduct mentioned above and, as a result, is treated unfairly.

Victimisation

Victimisation is defined as treating a person less favourably or subjecting them to a detriment because they have brought proceedings for discrimination, bullying or harassment on any grounds; given evidence or information in connection with any such proceedings and/or made allegations in good faith of unlawful discrimination or harassment on any grounds.

Dignity

Dignity is the right of a person to be valued and respected for their own sake, and to be treated ethically.

The policy covers bullying, harassment and discrimination in the workplace and in any work related setting outside the workplace, e.g., business trips and work related social events.

The policy also applies to any bullying, harassment or discrimination by customers, suppliers, vendors or visitors and, in these cases, individuals should report any such behaviour to their Manager who will take appropriate action. In circumstances where there has been a serious breach of the policy by a third party not employed by the organisation i.e a supplier, this may lead to the organisation to terminate their engagement with that third party.

Bullying, harassment or discrimination towards customers, suppliers, vendors, visitors or others by an individual will be dealt with through the disciplinary procedure.

This policy may be amended from time to time in line with best practice and any changes in legislation or applicable codes of practice.

Unless otherwise stated, this policy does not form part of your Employment Agreement (contract of employment) save as required by law.

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Policy Statement

The organisation believes that everyone should be treated with respect and dignity at work. We wish to provide a positive, supportive and safe working environment which will enable all individuals to fulfil their full potential.

Such an environment cannot exist where any individual is subjected to harassment, intimidation, aggression or coercion.

It is our responsibility to ensure a culture of working relationships in which everyone is treated with dignity and respect, where harassment is known to be unacceptable and individuals have the confidence to deal with and challenge harassment or bullying without fear of ridicule or reprisals.

The Organisation is fully committed to the principles of equal opportunities, diversity and inclusion in the workplace and any breach to this policy will be viewed seriously and may lead to disciplinary (and/or legal) action being taken.

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14.Support

We are proud to be an organisation which celebrates and promotes a diverse workforce. We want to encourage individualism and promote dignity and respect at work. In order to achieve this we need to ensure that our working environment is free from all forms of harassment, discrimination, and victimisation and bullying.

Whilst this is rare within our organisation, all individuals should be aware that we will not permit or condone any form of such treatment and will take action wherever incidents are brought to our attention. It is a fundamental responsibility of the role of all directors and managers to take prompt and appropriate steps as detailed below when they become aware of any breach of this policy.

We each have a personal responsibility as well as a legal obligation to behave in a manner that is not offensive to others and to speak up if we believe others are being ill-treated. The organisation will investigate all complaints of harassment, discrimination and/or bullying. Managers are required to inform the HR team promptly of any issues in their areas. Any breach of this policy will be investigated and may render the individual responsible liable to disciplinary action, including the possibility of summary dismissal. If the offence constitutes a criminal and unlawful action the organisation will fully cooperate with any public prosecuting authority.

The following explains what types of behaviour are unacceptable and the appropriate action that should be taken if it is believed that an individual is experiencing or practising maltreatment.

1. Discrimination

The organisation endeavours to ensure that none of its decisions or actions causes discrimination on the grounds of any of the protected characteristic whether direct, indirect, associative or perceptive. If an individual feels that an action by any colleague or any decision taken has the effect of causing them to be treated less favourably and believe this discrimination is due to their gender (including gender reassignment), sexual orientation, marital status, race, religion, disability or age they should raise a complaint using the procedure set out below.

Such instances will always be investigated and if an individual is found to have wrongfully discriminated against someone, they will be held personally liable for such conduct and liable to disciplinary action. In addition, where discrimination constitutes a criminal offence, it could render the person discriminating liable to prosecution.

If an individual has a disability and there are reasonable adjustments that the organisation could make which would allow them to contribute more fully or to improve their working conditions, this should be raised at the earliest opportunity with the Manager or a member of the HR team.

2. Harassment

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Harassment is a form of discrimination and is specifically deemed unlawful behaviour within the UK's equality legislation. It is also improper and inappropriate behaviour, contrary to our Core Values and the way we do business. It lowers morale and prevents affected individuals participating fully or effectively in the workplace and damages our business.

Harassment will not be permitted or condoned within the working environment. Any individual that harasses someone, will be held personally liable for such conduct. In addition, where harassment constitutes a criminal offence, it could render the harasser liable to prosecution.

The following are examples of inappropriate conduct and unacceptable behaviour, which may be regarded as harassment. This is not an exhaustive list:

- Unwanted physical contact, physical threats and insulting or abusive behaviour or gestures.
- Offensive language, derogatory or demeaning remarks based on a person's individuality including gender (gender reassignment), race, marital status, religious belief, disability, age or sexual orientation, inappropriate or offensive jokes, comments etc, or repeated unwelcome invitations.
- Non-verbal conduct of an offensive nature, pictures or pin-ups that display men or women as sexual objects, as members of a derogatory racial stereotype or ridicule people as a result of their age, disability or sexual orientation, abusive or offensive gestures or messages, including those sent via e-mail and text, or on PCs.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a 'joke' may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him or her and to have his or her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him or her, e.g. (sexual) touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain 'banter', flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him or her.

3. Bullying

Some common forms of bullying are: verbal abuse – e.g. persistent taunting, physical violence or violent gestures, or public humiliation of an individual.

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However, bullying can be more subtle, such as: giving someone an impossible deadline, removing an individual's responsibilities and giving them more menial tasks, withholding information or giving false information.

Bullying in the workplace is contrary to our Core Values and causes an unhappy, distrustful and stressful atmosphere and often leads to sickness absence, increased staff turnover and deteriorating morale and performance levels if not dealt with promptly and fairly. We all need to be aware of how our behaviour affects those around us and mindful that what one person views as harmless jokes / comments can be viewed as more personal and damaging by the recipient. Any individual found to be bullying others, will be addressed via the disciplinary procedure.

The following are examples of inappropriate and unacceptable behaviour which constitutes bullying at work. They do not form an exhaustive list:

- Making humiliating comments that may be personal or regarding professional performance; criticising or belittling an individual's contribution in front of others;
- Spreading malicious rumours and/or making malicious allegations which denigrate another individual's character or standing;
- Withholding information with the intent of deliberately adversely affecting an individual's performance;
- Excluding an individual e.g. by talking solely to others to isolate the individual or encouraging others to ignore or isolate another or organising meetings or work related events and failing to include that individual.
- Abusive, threatening, or insulting words or behaviour. (Please note that any actual physical assault would also be deemed a criminal offence and a disciplinary offence constituting gross misconduct.)
- Bullying does not include legitimate, justifiable and appropriately-conducted criticism of an individual's behaviour or job performance. This is deemed a legitimate and important aspect of a manager's role and colleagues should also be able to give and receive constructive feedback from each other without causing offence.

4. Victimisation

The organisation firmly upholds an individual's right to complain of maltreatment under this policy without fear that they will be victimised for making a complaint of harassment. No individual who reports such behaviour, in good faith, will be subjected to any detriment as a result.

Retaliation by anyone against an individual for complaining about or giving evidence about harassment is a disciplinary offence.

5. Making a Complaint for Yourself

If you believe that any individual in the workplace (including managers, colleagues, volunteers, customers) has harassed you, discriminated against you, victimised you or bullied you, you should take the following actions:

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6. Resolving Problems Informally

We recognise that misunderstandings can sometimes arise where people of different sexes, ages, races, able-bodied status, nationalities, interests and cultures work together. Often the behaviour is unconscious and any offence is wholly unintentional. The accused person may not know that his or her behaviour is unwelcome or upsetting. If any particular form of conduct has the effect of causing you to feel uncomfortable it may be possible to prevent further repetition quickly by taking the following informal action:

Speak to the person responsible if you feel able, to make it clear that the person is causing offence, that this behaviour is unacceptable to you, makes you uncomfortable and that it interferes with your work. Make it clear that you expect the behaviour to stop. It is important that the person knows that his or her behaviour has caused you to feel harassed, victimised, discriminated against and/or bullied. It is possible that they did not intend to cause offence and need to have the effect of their behaviour drawn to their attention.

You should keep a note of the date and what was said and done. This will be useful if the unacceptable behaviour continues and you then wish to make a formal complaint. If you feel that you would like some support or advice before tackling the individual concerned then please request help from your Manager or from the HR team. If you prefer, you can have a confidential discussion with a member of the HR team to explore the issues and get some advice.

7. Making a Formal Complaint

If the nature of the treatment means it is not appropriate or possible to tackle the problem informally, or if the harassment, discrimination, victimisation or bullying persists after an informal conversation, you should follow this formal complaint procedure.

7.1 Report the incident(s)

Report the incident/s to your Manager or a member of the HR team. If the complaint is against your Manager address your complaint to your manager's manager. You may wish to have a confidential discussion first with a member of the HR team. You should make it clear that your discussion is off the record and that no action is to be taken until you are ready. Please be aware that if the nature of your complaint is very serious the organisation may be obliged to act upon the facts presented.

Once you are ready to make a formal complaint you will need to put details of the complaint into writing, stating that you wish to initiate the formal complaint procedure. Your complaint should include as far as possible an account of the specific incident(s) and describe the behaviour (including date, time, place and any witnesses) in as much detail as possible. For this reason you are advised to keep a note of any relevant action and the times and dates and possible witnesses.

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Your complaint will be handled in a **timely and sensitive** manner and will as far as possible be kept confidential. In any event you will be kept informed if it is felt necessary to advise others and, as far as reasonably possible, no one will be contacted about the complaint until you have been consulted.

8. Investigation

Your Manager (or, where appropriate, another Manager appointed to hear the complaint) and a member of the HR team will wish to conduct a discreet, independent, objective and thorough investigation into the allegations in accordance with the principles set out in this policy, and then decide upon appropriate action. Depending on the nature of the complaint, the organisation may choose to bring in external resource to support and/or conduct this investigation where it feels it is appropriate and/or to support the complainant and/or accused. Those investigating the incident will be sensitive to the feelings and needs of those involved and will be sure to treat everyone concerned with respect during the course of the investigation. Please note that if you are accused of any maltreatment under this policy you will be given a fair hearing and supported through the process. Those handling the matter will make every effort to ensure the complaint is resolved speedily and time limits for dealing with the complaint will be met where practicable.

All information surrounding the complaint will be handled in strict confidence and disclosed only to those people who need to know for the purpose of investigating the complaint, or taking disciplinary measures. However, it is important to note that, to ensure it is as comprehensive as possible, any investigation may need to reveal the identity of the complainant, for example to witnesses. However, due consideration will be given to requests for the identity of individuals making complaints to be kept confidential.

If at any point you do not wish the procedure set out above to continue, please notify the person dealing with the complaint of this as soon as possible.

Once the Manager hearing the complaint and a member of the HR team have had a reasonable opportunity to consider your complaint, a meeting will be arranged with you to discuss your concerns.

The object at this stage will be for the Manager hearing the complaint and a member of the HR team to take details of the complaint and to decide what action is required to resolve the matter as quickly as possible. You should take all reasonable attempts to attend the meeting.

8.1 The Right of Accompaniment

You may be accompanied by a companion, who may be a work colleague or a full time certified trade union representative. Prior to the meeting, you should notify HR of the identity of your companion.

Your companion may not during the meeting:

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- answer questions on your behalf;
- address the meeting if you indicate that you do not wish them to do so; or
- use the rights set out above in a way that prevents any organisation representative/s from explaining the organisation's view or prevents any other person at the meeting from making their contribution to it.

If the chosen companion cannot attend the scheduled meeting, a meeting can be postponed but not by more than 5 working days from when the original meeting was scheduled. The individual and their companion must take all reasonable steps to attend a meeting. A companion is not obliged to accompany an individual if they do not want to. The organisation reserves the right to deny a chosen companion if the chosen companion has previously been involved in the case, or if there is a significant conflict of interest (i.e. their chosen companion is their direct Manager or relation).

All individuals must respect the confidential nature of any process, including the details of the grievance matter and the process outcome. Any breach of confidence may result in disciplinary action being taken.

If any person attending a meeting requires any reasonable adjustments to allow them to attend or better participate, please discuss this in advance with a member of the HR team, who will take all reasonable steps to accommodate the request.

If any meeting under this policy is arranged on two occasions but you fail to attend on either occasion for a reason applying to you or your companion which was foreseeable at the time the meeting was arranged, the organisation will not be obliged to continue the procedure set out in this Policy.

8.2 During the investigation Process

Wherever possible, the organisation will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. In a serious case, the alleged harasser may be suspended whilst investigation and any disciplinary procedures are underway.

8.3 Investigation Outcome

8.3.1 Complaint Upheld

If the investigation reveals the complaint is valid, prompt attention and action designed to stop the harassment immediately and prevent its recurrence will be taken. Where the harasser is an Employee then the organisation's disciplinary procedure will be used as appropriate. In such circumstances if transfer is appropriate every effort will be made to transfer the harasser and not the recipient of the harassment.

Where the harasser is a third party, i.e. customer, supplier then appropriate feedback / action will be made.

8.3.2 Complaint not upheld

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If your complaint is not upheld, the HR team will support you, the alleged harasser and your manager(s) in making arrangements for both parties to continue or resume working and to help repair working relationships. The organisation will consider making arrangements to avoid you and the alleged harasser having to continue to work alongside each other, if either of you do not wish to do this.

8.4 Notification of Investigation Outcome

You will be notified of the outcome of your complaint in person where possible and in writing. This will usually be within 5 working days of the meeting. If it is not practicable to respond within this time or if it is necessary to investigate the matter further to determine whether disciplinary action should be taken, you will be notified of this and told when a response can be expected.

9. Appeal

The individual will have the right of appeal and also the right of accompaniment at such appeal as detailed above.

The purpose of the appeal procedure is to reconsider the facts and the procedure used at the hearing in order for the person hearing the appeal to judge if the matter was properly considered. Any evidence that has subsequently come to light may also be taken into account. The focus should be on specific factors which the individual feels may have received insufficient consideration during the original hearing. The purpose of the appeal procedure is not to repeat the process carried out during the original hearing process.

9.1 Appeal Procedure

If the individual wishes to appeal, they must do so in writing to the person stated in the outcome letter, which will usually be the People & Culture Director. They should state clearly the grounds upon which the appeal is based.

The appeal must be made within five working days of the outcome decision having been notified to them in writing.

Receipt of their appeal will be acknowledged, an appropriate Senior Manager or Director will be determined as Appeal Chair, and a mutually convenient date for an appeal hearing will be arranged without unreasonable delay (this will usually be within five working days of receipt of the notice of appeal). The individual will be advised of their right to be accompanied (see above).

As above, the individual must take all reasonable steps to attend the appeal hearing. If they fail to attend a hearing without good reason and/or fail to attend a further arranged hearing for a reason that was foreseeable at the time the hearing was arranged, the organisation will continue in their absence and will be entitled to deem the appeal process complete.

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Wherever possible, the appeal will be heard by a Manager or Director not previously involved, directly or indirectly with the original case, a note taker and / or a member of the HR team will also be present. The relevant records, documentation and notes of the original hearing(s) and any related investigations will be made available for all concerned in the appeal.

9.2 Appeal Outcome

Following the appeal hearing, the appeal chair will decide what, if any, action will be taken. The individual will be notified of the appeal decision in writing as soon as reasonably practicable. The outcome of the appeal will be final.

10. Complaint made in Good Faith / Maliciously

Individuals have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint which you know to be untrue or malicious may lead to disciplinary action being taken against you.

11. Reporting Discrimination, Harassment or Bullying to Others

Any individual who knows or suspects that discrimination, harassment, victimisation or bullying is occurring within the organisation should advise their Manager or a member of the HR team immediately to ensure that appropriate investigation and action is taken. This can be done on an anonymous and confidential basis if necessary.

No individual who reports such behaviour, in good faith, will be subjected to any detriment as a result.

12. How to respond if an individual raises concerns regarding your behaviour?

If someone approaches an individual informally about their behaviour, they should not dismiss the complaint out of hand because they were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. The individual may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from the individual and an assurance that they will be careful in future not to behave in a way that they now know may cause offence. Provided that they do not repeat the behaviour which has caused offence that may well be the end of the matter.

13. Monitoring and Reviewing this Policy

The organisation will provide training to all existing and new employees and others engaged to work with us, to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

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We will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The organisation will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed, and to identify any points that can be learned from those cases and implement any necessary changes.

14. Support

Please be aware of additional support which is available via the Employee Assistance Programme which can be accessed:

To access your EAP

Online: www.my-eap.com username: NTRWELL

Tel: 0800 1116 387

From Abroad: +44 845 330 5132

For Manager Support: 0800 1116 385 (9am - 6pm Mon- Fri)