

Bullying and Harassment Policy

Owner	Sam Best – Chief Operating Officer				
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This policy covers harassment or bullying which occurs both in and out of the workplace, such as at events or work-related social functions. It covers bullying and harassment by employees and, also by third parties such as service users, suppliers or visitors to our premises.

Employees must treat colleagues and others with dignity, respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

The Company will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some case's it may amount to gross misconduct leading to summary dismissal.

What the law says:

The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. For more information see our Equal Opportunities Policy.

The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which an employee knows or ought to know would be harassment, which includes causing someone alarm or distress.

Under the Health and Safety at Work Act 1974 employees are entitled to a safe place and system of work.

Individual employees may in some cases be legally liable for harassment of colleagues or third parties including service users and may be ordered to pay compensation by a court or employment tribunal.

What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

1. Unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
2. Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
3. Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
4. Sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
5. Offensive or intimidating comments or gestures, or insensitive jokes or pranks;
6. Mocking, mimicking or belittling a person's disability;
7. Racist, sexist, homophobic, disablist or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
8. Outing or threatening to out someone as gay, transsexual or bisexual or lesbian; or
9. Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for them.

What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. 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.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

1. Shouting at, being sarcastic towards, ridiculing or demeaning others;
2. Physical or psychological threats;
3. Overbearing and intimidating levels of supervision;
4. Inappropriate and/or derogatory remarks about someone's performance;
5. Abuse of authority or power by those in positions of seniority; or
6. Deliberately excluding someone from meetings or communications without good reason.

Legitimate, reasonable and constructive criticism of an employee's performance or behaviour, or reasonable instructions given to employees during their employment, will not amount to bullying on their own.

Employees should disclose any instances of harassment or bullying of which they become aware to a member of management.

Informal steps

If an employee is being bullied or harassed, they should initially consider raising the problem informally with the person responsible, if they feel able. The employee should explain clearly to them that their behaviour is not welcome. If this is too difficult or embarrassing, the employee should speak to their Manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

If an employee is not certain whether an incident or series of incidents amount to bullying or harassment, they should initially contact the Chief Operating Officer formally for confidential advice.

If informal steps have not been successful or are not possible or appropriate, employees should follow the formal procedure set out below.

Raising a formal complaint

If an employee wishes to make a formal complaint about bullying or harassment, they should follow the guidelines as stated within our Complaints procedure.

Action following the investigation

If the Chief Operating Officer considers that harassment or bullying has occurred, prompt action will be taken to address it.

Where the harasser or bully is another employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.

Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

Whether or not an employee's complaint is upheld, the Company will consider how best to manage the on-going working relationship between the employee and the alleged harasser or bully. 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.

Any employee who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

Protection and support for those involved

Employees who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

If an employee believes that they have suffered any such treatment, they should inform the Chief Operating Officer. If the matter is not remedied the employee should raise it formally using our Grievance Procedure or this procedure if appropriate.

Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

Confidentiality and data protection

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.