

ANTI HARASSMENT AND BULLYING POLICY

The Chief Executive Officer is the named person with responsibility for implementation of this policy area.

Policy Statement

The Organisation aims to provide a working environment which will enable staff and service users to fulfil their personal potential. In order to achieve this, the Organisation is committed to the creation of a stimulating and supportive environment. Staff and service users also have an important role to play in creating an environment where harassment is unacceptable. Tackling harassment is a contribution to achieving equal opportunities.

The Organisation accepts that such an environment cannot be created or sustained if, individually or collectively, staff and service users are subject to harassment, intimidation, victimisation or bullying. Staff and service users who feel persecuted, vulnerable and powerless will not be able to work or function successfully.

Whilst it is hoped that complaints involving allegations of harassment can be resolved informally, the option of using the formal procedure is available for immediate use and also where it has not been possible for matters to be resolved informally.

An employee who is found to have been harassed by a staff member or service user of the Organisation while at work, or as a result of being an employee, will have the support both of management and any trade union involved in putting a stop to the harassment. Acts of harassment which occur off the Organisation's premises may fall within this procedure.

Similarly a service user, who is found to have been harassed by a staff member of the Organisation or as a result of being a service user, will have the support of management in putting a stop to the harassment. Acts of harassment may occur off the Organisation's premises but fall within this procedure.

Allegations of harassment will be dealt with sensitively. Confidentiality will be maintained between the complainant and the person he/she contacts about any allegation if that is what the complainant wishes, unless the person contacted judges that there is an unacceptable risk to the complainant, another person, or to the Organisation itself.

The Organisation regards harassment as a serious matter. Where serious allegations of harassment are proved, disciplinary action (including dismissal) may be taken against the harasser. In addition to any penalty imposed by the Organisation, those responsible for harassing others may be subject to criminal and/or civil proceedings.

Nothing in this Code will prevent members of staff from exercising their legal rights.

What is Harassment?

Harassment may be a single event, sporadic events or a continuing process. It can take many forms. Harassment involves a range of behaviour which is unacceptable to the recipient and which creates an intimidating, hostile or offensive environment for employment, function or social life. The defining feature is that the behaviour is unwanted by the recipient and unwarranted by the working relationship and also would be regarded as such by any reasonable person.

The range of unacceptable behaviour stretches from violence and bullying, to more subtle behaviour, such as ignoring an individual. Harassment of any kind is morally wrong.

Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another.

People in positions of trust and authority have a particular obligation to ensure that they do not use their power to harass other staff or service users of the Organisation. Such people should be aware that genuine authority is based on respect and commitment and that demeaning and devaluing people is not an effective leadership style.

Harassment may involve an actual or perceived unequal power relationship. Individual harassment tends to reflect wider social inequalities. Those who are in authority are less likely to experience harassment than other members of society.

It is especially important that a person in authority who is, or has been, the subject of a complaint under these procedures does not use his/her legitimate authority to victimise a complainant. If a person in authority initiates disciplinary or grievance proceedings against an individual who has made a complaint against him/her under this Code, he/she will be required to show that the action being taken is not victimisation.

The onus of proof will be on the person in authority to show (to those considering the disciplinary or grievance case) that the action taken is reasonable in the circumstances of the case. As long as that can be established, the disciplinary or grievance proceedings may proceed in the normal manner.

Harassment, victimisation and bullying may include:

- derogatory name-calling
- derisory remarks, verbal abuse, insults and threats
- ridicule or belittling of an individual
- repeated gibes in reference to personal traits or appearance
- offensive verbal or practical jokes
- exclusion from normal workplace conversation or social events
- unfair allocation of work and responsibilities
- offensive graffiti or insignia
- display or electronic transmission of offensive material
- physical attack

- incitement of others to commit any of the above

Sexual and Gender Harassment

Sexual harassment is any behaviour, deliberate or otherwise, that makes the recipient feel that he/she is being viewed as a sexual object. Sexual harassment involves unwanted attention of a sexual nature, which creates an intimidating, hostile or offensive environment for employment, function or social life.

Sexual harassment may occur between members of the same sex or of the opposite sex. It may be directed at an individual or group.

In addition to the behaviour referred to above, sexual harassment may include:

- suggestive comments, sexual innuendo and foul language or expletives of a sexual nature
- unwelcome advances, attention, invitations or demands for sex
- unnecessary and unwanted physical contact
- indecent assault and rape

It should be noted that some of the behaviours mentioned above are also criminal acts.

Gender harassment is any behaviour, deliberate or otherwise, pertaining to gender, which is unwanted by the recipient and creates an intimidating, hostile or offensive environment for employment, function or social life. It may be directed at an individual or group.

In addition to the behaviour referred to above, gender harassment may include abusive comments/jokes about an individual's gender e.g. comments/jokes about capability, based on assumptions relating to gender.

Racial Harassment

Racial harassment is any behaviour, deliberate or otherwise, pertaining to race, colour, ethnic or national origin, which is unwanted by the recipient and creates an intimidating, hostile or offensive environment for employment, function or social life. It may be directed at an individual or group.

In addition to the behaviour referred to above, racial harassment may include:

- abusive comments about racial origins and skin colour, racist insults and jokes
- ridicule of an individual on cultural and/or religious grounds

Harassment on Grounds of Sexual Orientation

Harassment on grounds of sexual orientation is any behaviour pertaining to sexual orientation which is unwanted by the recipient and creates an intimidating, hostile or offensive environment for employment, function or social life.

Harassment on grounds of sexual orientation may be experienced by, for example, bisexual men and women, lesbian women and homosexual men. It may be directed at an individual or group.

In addition to the behaviour referred to above, harassment on grounds of sexual orientation may include:

- failure to accept that same-sex partners should be given the same recognition as heterosexual partners
- threats of, or actual unwanted disclosure of sexuality
- expressing or acting on stereotypical assumptions

Harassment on Grounds of Disability

Harassment on grounds of disability is any behaviour, deliberate or otherwise, pertaining to a person's disability, which is unwanted by the recipient and creates an intimidating, hostile or offensive environment for employment, function or social life. It may be directed at an individual or group.

In addition to the behaviour referred to in above, harassment on grounds of disability may include:

- unwelcome discussion of the effects of a disability on an individual's personal life
- refusal to work/function alongside a person with a disability
- communicating with a person with a disability via a third party
- excluding a person with a disability from social events or meetings
- uninvited, patronising or unnecessary assistance with work/function
- prejudging an individual's capabilities without reference to him/her
- mischievous interference with personal aids or equipment

Other Forms of Harassment

In addition to the specific forms of harassment referred to above, harassment can take a variety of other forms, including the following:

- ageist harassment
- religious harassment
- harassment of other sexual minorities e.g. transsexual and trans-gendered individuals

Effects of Harassment

People may be afraid of reprisals if they report harassment, victimisation and bullying, or they may be concerned about their future employment/job prospects.

Reporting harassment, victimisation and bullying requires courage and determination. Those who have suffered harassment, victimisation and/or bullying may feel:

- a lack of confidence
- unable to deal with the situation
- isolated and stressed
- traumatised and/or may unreasonably blame themselves
- depressed and/or physically ill

Harassment affects people's ability to undertake their studies, or the duties of their job. It can also affect their performance, health and the quality of their life.

The feeling of being unable to deal with the situation may be made worse when the harasser is, or is perceived to be, in a position of power in relation to the person who feels harassed. It is also recognised that, where allegations of harassment are made maliciously against someone, or they are made on knowingly false information, the alleged harasser may also be affected in the manner described above.

The Role of Management

A manager who is approached informally by a complainant will:

- respond sensitively and reasonably to the complaint;
- respect the complainant's wish to have their complaint treated confidentially except where the person who is approached, judges that there is an unacceptable risk to the complainant, another person, or to the Organisation itself (see Appendices: Useful contacts which provide confidential advice and help);
- discuss with the complainant the range of options available e.g. referring a complaint anonymously to the person against whom the complaint has been made (the alleged harasser) or arranging, if appropriate, a meeting between the complainant and the alleged harasser, advise, if appropriate, that the matter is so serious, or implies a pattern of harassment that cannot be dealt with informally and, accordingly, should be dealt with formally. If this is the case, he/she will provide advice including information about the procedure for making a formal complaint. If the complainant is unable or unwilling to accept this advice the informal procedures detailed below will, so far as reasonably practicable, be followed;

- take such steps as are open to him/her to see that the Organisation meets its obligation to ensure that a person who brings a reasonable complaint suffers no detriment;
- maintain appropriate written records.

Procedure for Staff (Informal)

There is a range of measures which an individual can take to deal with harassment, from simply indicating that the behaviour is unacceptable, through to making a formal complaint, as set out below. Acts of harassment which occur off the Organisation's premises may fall within this procedure.

If you feel you might be the victim of harassment you should keep a written record of all relevant incidents, including dates and times, and the names of any witnesses.

Step One (Staff)

Act promptly: don't wait until working conditions reach an intolerable level or your personal well-being is put in jeopardy. In some cases, the person against whom you have a complaint may be unaware that his/her behaviour is inappropriate or objectionable, or it may be that his/her words or actions have been misinterpreted. In such cases, the misunderstanding may be cleared up speedily.

If you feel able:

- talk to the person who you feel is harassing you (the alleged harasser)
- inform him/her that his/her behaviour is unacceptable
- ask him/her to stop the unacceptable behaviour

Whether the behaviour was intentional or not, a swift and clear indication that it is unacceptable may well prove sufficient.

If you do not wish to confront the alleged harasser face to face by yourself, you have the following options:

- asking a trade union representative or work colleague to:
 - accompany you when you speak to the alleged harasser
 - accompany you and speak to the alleged harasser on your behalf
 - go in your place and speak to the alleged harasser on your behalf, preserving anonymity if you wish, where this is practicable.

It is suggested that the alleged harasser is contacted in advance and given the opportunity to be accompanied at this informal meeting.

Step Two (Staff)

If your concern continues (or if the harassment is of a more serious nature than can be dealt with by methods in Step One), then you are advised to seek a confidential meeting with your immediate supervisor or, if you prefer, a more senior member of staff, if you have not already done so.

That person will suggest options of how you might proceed and will seek to arrange, if appropriate, an informal meeting between you and the alleged harasser. The alleged harasser will be advised of the nature of the complaint and be given the opportunity to respond. Both you and the alleged harasser may wish to be accompanied at such a meeting by a work colleague and this wish will be respected.

The purpose of the informal meeting will be to discuss the nature of the complaint and to arrive at a solution without recourse to the appropriate formal procedures (see below). The expectation is that the matter normally will be resolved by the alleged harasser giving an undertaking to cease any behaviour which causes distress.

Step Three (Staff)

If the problem is serious or has not been resolved by the above means then you or someone acting on your behalf may make a formal complaint under the Formal Complaints procedure set out below.

It is possible to make a formal complaint without raising the matter under Steps One and Two. You are strongly advised to keep a note of details and dates of any relevant incidents which distress you, including a note of any ways in which the incidents cause you to change the pattern of your work or social life.

Formal Complaints About Harassment (Staff and Service Users)

If informal attempts to resolve a complaint of harassment have not been successful, or the complaint is too serious for the problem to be resolved informally, it may be appropriate for the matter to be pursued through the formal complaints procedure. If you wish you may be accompanied to relevant meetings.

If you wish to make a formal complaint you should write a letter giving details of your allegations of harassment and, as appropriate, include details of incidents, including dates and times and the names of witnesses if any.

In response to your letter an Investigatory Panel will be set up by the Organisation in order to investigate, impartially, your complaint as soon as reasonably possible and no later than 21 days after receiving the letter, and to prepare a report of its findings. The members of the Investigatory Panel should not have been involved in any informal consideration of the case.

All those involved in the investigation, including witnesses, will give a commitment to confidentiality regarding the details of the case.

The purpose of the Investigatory Panel is to meet and interview (separately) the complainant, the alleged harasser and any other people thought appropriate by the Panel. At any stage in the investigation, both the complainant and the alleged harasser will:

- have the right to be accompanied
- be provided with clear details of the complaint(s) and have the right and time to respond

If the complainant or the alleged harasser is an employee, he/she has the right to be accompanied by a single companion who will be another employee, or a full-time officer employed by a trade union, or a lay trade union officer/workplace representative if the employee makes a reasonable request to be accompanied.

If the complainant or the alleged harasser is a service user, he/she has the right to be accompanied by a staff member or service user, and a Social Worker.

When the Investigatory Panel has completed its investigation into the complaint(s), it will send a report (normally within 2-3 weeks of completing the investigation) to the manager appointed to consider the case. That person will decide whether or not the complaint of harassment is well-founded and what, if any, further action is recommended to be taken in the circumstances.

In serious cases of harassment, the manager appointed to consider the case may decide to recommend that the complaint should be subject to the appropriate disciplinary procedure.

The outcome of the investigation and/or disciplinary hearing might be to relocate or transfer one party.

Where serious allegations are proved, a disciplinary hearing may decide that gross misconduct has occurred and that dismissal/expulsion of the harasser is appropriate. Where a complaint is not upheld, a voluntary transfer of one of the parties may be considered.

A confidential record of the complaint(s) and investigation will be kept. The record will include the names of the parties, dates, the nature and frequency of incidents, any action taken and follow-up monitoring.

Unless a formal complaint can be shown to be based on knowingly false information or was made maliciously, the complainant, so far as is reasonably practicable, will suffer no loss.

Where the Investigatory Panel finds that a formal complaint has been based on allegation(s) made maliciously and/or on knowingly false information, the complainant may be subject to the relevant disciplinary procedure.

Physical Assault

If you have been attacked, seek help immediately.

For your own protection and for the protection of others it is important that the offender is stopped from causing further harm. Cases of physical assault will almost certainly mean you have suffered a crime and accordingly you are advised to report the matter to the police as soon as possible.

Details of useful contacts which provide confidential advice are included in Appendix below.

Rehabilitation

Where a complaint is upheld it may be necessary to relocate or transfer one party. Where practicable, the complainant should be given the first choice of a transfer/relocation, as soon as reasonably practicable. In some cases it may be sufficient for the harasser to promise not to re-offend, and to be warned as to his/her future conduct.

Sometimes it will not be considered appropriate for the harasser and the complainant to continue working in close proximity. In such cases, it will, wherever possible, be the Organisation's practice to relocate the harasser rather than the complainant.

Arrangements will be made for counselling about harassment for all those who indicate that they would find it helpful.

Sources of Further Advice and Information

Advisory Conciliation and Arbitration Service (ACAS)

Acas National (Head Office),

Euston Tower,

286 Euston Road,

London

NW1 3JJ.

Tel: 020 7210 3613

Helpline: 08457 474747

Helpline for text phone: 08456 061600

Website: www.acas.org.uk

British Association for Counselling

BACP House,

15 St John's Business Park,

Lutterworth

LE17 4HB

Tel: 01455 883300

Commission for Racial Equality
1st Floor, Yorkshire Bank Chambers
Infirmary Street
Leeds
LS1 2JP
Tel: 0113 389 360
Website:

Disability Rights Commission
DRC Help line
Freeport MID 02164
Stratford-on-Avon
CV37 9BR
Tel: 08457 622 633
Fax: 08457 778 878
Text phone: 08457 622 644
Email:
Website:

Equal Opportunities Commission
Arndale House
Arndale Centre
Manchester
M4 3EQ
Tel: 0845 601 5901
Email:
Website:

Equality Challenge Unit
3rd Floor
4 Tavistock Place
London
WC1H 9RA
Tel: 020 7520 7060
Email:
Website:

Industrial Society Information Service
Tel: 0161 262 2401
Lesbian and Gay Employment Rights
Unit 14, Leroy House
436 Essex Road
London
N1 3QP
Helpline: 020 7704 8066
Email:
Website:

International Harassment Network

15 Powis Road

Preston

PR2 1AD

Tel: 01772 728627

Rape Crisis Centre (National)

Tel: 020 7837 1600

Samaritans

Tel: 0845 7909090

Trades Union Congress (TUC)

Congress House

Great Russell Street

London

WC1B 3LS

Tel: 020 7636 4030

Website: www.tuc.org.uk

UNISON Trades Union

1 Mabledon Place

London

WC1H 9AJ

Tel: 0845 355 0845

Website: