

The Alice Cross Centre

**Bullying & Harassment**

**Policy**

Version 1

March 2022

Policy Revisions Record

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# Aims

The Alice Cross Centre has a zero tolerance to bullying policy.

The aim of this policy is to support a working environment and culture where there is no tolerance of discrimination, bullying and harassment within the workplace. It explains what bullying and harassment is; the rights and responsibilities of individuals and what steps can be taken if the encounter such behaviour.

However if an employee is harassed or bullied by an older person or a customer and is unable to deal with the situation, they should remove themselves from contact with that person. The employee should inform his/her manager who will be able to offer guidance on how to deal with the situation.

This policy applies to ALL employees and volunteers of the Alice Cross Centre equally.

The Alice Cross Centre will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment. This policy and our procedures for dealing with complaints will be communicated effectively to all employees and volunteers. All complaints of harassment will be dealt with promptly, seriously and confidentially. However, in some instances managers may not be able to offer unconditional confidentially.

**2.** **Responsibility**

Everyone has a responsibility to comply with this policy and all employees should ensure that their behaviour towards colleagues does not cause offence and could not in any way be considered to be bullying or harassment. Differences in culture, attitudes and experience can mean that behaviour by another. It is important that all staff are sensitive to the feelings and reactions of others and adjust their behaviour as necessary and appropriate.

# 2.1 Line Manager Responsibilities:

Managers have a responsibility to issue reasonable instructions and expect them to be carried out. The legitimate management of staff should be distinguished from bullying or harassing behaviour.

In addition managers should:

* Explain the Alice Cross Centre policy to staff and others covered and take steps to promote awareness of the procedures for dealing with complaints.
* Be responsive and supportive to any employee/volunteer who makes an allegation of harassment, provide clear advice on the procedure to be adopted, maintain confidentiality where appropriate and seek to ensure that there is no further problem of harassment or victimisation while a complaint is being dealt with or after being resolved.
* Examine their own behaviour to ensure they are acting as an appropriate role model by treating people with dignity and respect.
* Irrespective of how they become aware of harassment take immediate action to deal with it and avoid making judgments concerning the complaint until it has been fully investigated.
* Seek advice from their line manager as soon as a complaint is received.
* Ensure that complaints are dealt with promptly and in the appropriate manner and take every possible step to ensure that the behaviour does not reoccur.
* Ensure that effective working relationships are resumed as soon as possible and the work of the team is not unduly affected.

**2.2** **Employee/volunteer Responsibilities:**

Staff should discourage bullying and harassment by making it clear that they find such behaviour unacceptable. Anyone who sees bullying or harassment happening, or hears about it from a third party, has a responsibility to take action. This action may consist of letting the perpetrator know that you find their behaviour unacceptable or seeking advice from your line manager concerning the appropriate course of action to take.The Alice Cross Centre understands that confronting the perpetrator could be very difficult, and requests that staff seek immediate advice and support from their line manager who can help them address the situation.

# 3. Definition of Bullying and Harassment

There is not, and probably cannot be a single definition. The reason for this is that harassment may occur in many forms and may be directed to an individual or group of individuals.

Harassment, in general terms, is unwanted which violates the dignity of men and women in the workplace. It may be related to any of the following protected characteristics, age, disability, gender reassignment, marriage, race, religion, or belief, sex or sexual orientation or any personal characteristics of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

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 the recipient”.

Harassment in the employment context is unlawful under the Equality Act 2010. Harassment may also be a civil offence, criminal offence and may contravene health and safety legislation.

**Some other definitions:**

**Direct Discrimination**

This means treating a person less favourably than others are, or would be treated on the grounds of a protected characteristic.

**Associative Discrimination**

This means treating someone less favourably than others because of their association with someone with a protected characteristic.

**Indirect Discrimination**

This means imposing a requirement or condition, which applies equally to everyone but is such that the proportion of people in a particular group who are able to comply with the requirement is considerably smaller than that of other groups.

**Victimisation**

Victimisation occurs when someone is treated less favourably than they would otherwise have been, because:

* They have brought a complaint; or
* It is known or suspected that they are contemplating bringing a complaint; or
* They are, or may be, assisting someone else with the information in relation to a complaint

**Institutional Discrimination**

“The collective failure of an organisation to provide appropriate and professional service to people because of their (age, disability, gender, etc.) It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantages minority ethnic people, women, disabled people, younger people etc.”

**Third Party Harassment**

The partnership can be liable for the harassment of employees by 3rd parties who are not employees where harassment has occurred on at least two occasions and we are aware that this has happened and have not taken reasonable preventative measures.

# Unacceptable Behaviour

Many forms of behaviour can constitute harassment; these are some examples:

* Discriminating against someone for a reason relating to a protected characteristic or a perceived protected characteristic or because of someone’s association with someone with a protected characteristic.
* Removing areas of responsibility without a good reason, punishing with trivial tasks, setting an individual up for failure with impossible workloads and deadlines.
* Persistently ignoring or patronising a person.
* Constant unfounded criticism of the performance of work tasks.
* Unwelcome intrusion into personal life during non-working time e.g. contacting staff without prior agreement when on annual leave and sickness absence to discuss work.
* Unwelcome or lewd references to a person’s physical features, figure or dress.
* Verbal and written harassment (e.g. via offensive letters, telephone or e-mail) through jokes, racist remarks, sexist remarks, homophobic comments, taunts, offensive language, harmful gossip and slander, threats; derogatory name calling or comments about a person’s disability, age, religion or belief, mobile phone ring tones, letters, threats, emails, electronic transmission or pornographic, racist, degrading or indecent material.
* Suggestive and unwelcome comments or attitudes, insulting behaviour or obscene or offensive gestures.
* Visual display or electronic transmission of posters, graffiti, emblems or other offensive material (such as pin-ups or degrading/indecent/pornographic material, racially offensive material) cyber bullying, i.e. the sending or posting of harmful or cruel text or images using the internet or other digital communication devices e.g. facebook.
* Unlawful violence such as physical blows
* Isolation or non-co-operation at work, exclusion from social activities.
* Intrusion by pestering, spying or following etc.
* Preventing someone from making progress by deliberately blocking promotion or training opportunities.

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# 5. Impact of Bullying and Harassment

Bullying and harassment can take many forms and occur for a variety of reasons. Often it takes place when there are no witnesses, but not always. It can be persistent behaviour over a period of time, but a one-off act may also amount to bullying or harassment. It can:

* Have a devastating effect on an individual, who may see it as offensive, degrading, or humiliating.
* Cause anxiety, loss of concentration, illness and absence from work.
* Have a damaging effect on the working environment, resulting in poor morale, higher turnover of staff and reduced productivity.
* Result in both harasser andThe Alice Cross Centre being held liable for damages, where legal claims are raised
* Damage the brand and reputation of the charity.

# 6. Informal procedure

If an employee feels that they are being subjected to bullying or harassment the aim should be to deal with this informally and as soon as possible, unless they consider the issue is of too serious of nature or that informal actions have not previously resolved the matter. In such cases they may proceed to the formal procedure.

Employees are encouraged to make a note of any incidents, so that they are clear about what happened, when, where and whether anyone else was there. There are several possible courses of action in these circumstances.

Employees can choose any of the following:

* Talk to the person who is bullying or harassing them, tell him/her about the behaviour that is causing distress, and ask for it to stop. This should be done as soon as possible. In some cases, the person 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 needs to be cleared up fast. Even where the behaviour was intentional, a swift and clear indication that it is objectionable may prove sufficient to stop it. It is recognised however, that this could be difficult course of action for an individual to take and the individual may wish to seek advice or support before embarking on this course of action.
* Discuss the matter with their line manager or a more senior manager before deciding what action is appropriate. It may be appropriate to put a well-being plan in place for the employee.
* Write to the person, against whom they have a complaint, being specific about what offends them, and asking for this behaviour to stop. Employees should keep a copy of the letter or email in case further action becomes necessary.
* Ask their manager or a more senior manager to take the matter up on their behalf.
* As part of the informal process, mediation through an external third party may be arranged if both parties agree. Mediation can increase the likelihood of a resolution and improve working relationships. However, it is not appropriate when one or more people are unwilling to participate, or there has been a serious case of bullying or harassment and parties are not willing to negotiate.
* If employees have worked through the appropriate options from the list above and the issues are unresolved, or if the situation has become too serious for an informal 7yresolution, a formal complaint may be the next step.

**7. Formal procedure**

If the problem cannot be resolved by taking informal action, or if it is of more serious nature, staff may decide to make a formal complaint as follows:

A formal complaint needs to be made verbally or in writing to their line manager. The manager will agree how the allegations should be raised with the alleged bully or harasser and what action is to be taken. They will do so within 3 working days of the complaint being made, or as soon as possible thereafter (for example, if they are on leave)

The complaint should contain the following details:

* When the incident(s) happened (date & time);
* Who the complaint is being made against
* The nature of the incident and specific details
* Where the incident happened
* The names of any witnesses to the incident
* Any action, which has already been taken, and the effect of the behaviour on the individual

Every effort will be made to deal with the matter as quickly and sensitively as possible and in order to do so the manager in consultation with their line manager will appoint an investigating officer to take the investigation forward.

If the alleged perpetrator of the bullying or harassment is the immediate line manager, then complaints should be addressed to the Chief Executive.

**8. Investigation Officer**

The manager will appoint a suitable person as the investigating officer to take the investigation forward. The investigating officer will be independent and ideally from a different department to the parties involved and be trained in handling investigations. The investigation officer will agree the terms of reference for the investigation by liaising closely with the manager. The investigating officer will then write to the person about whom the complaint has been made explaining the nature of the complaint and the purpose of the investigation.

**9. Purpose of the Investigation**

The purpose of the investigation will be to establish all of the facts surrounding the incident and/or allegation and for the investigating officer present the facts with recommendations about next steps to the manager involved in the case.

Such investigations must be independent and objective with the respect for the right of both the complainant and the alleged perpetrator to be properly heard and represented.

Depending on the nature of the allegations and the views of those involved, the person accused of bullying/harassment may either be removed from their work place to another post or be suspended from duty on full pay until the outcome of the case is known.

Alternatively the person making the accusation may, depending on the details of the case, request for example to temporarily report to a different line manager, or have meetings with their own line manager suspended pending the outcome of the investigation or to be moved to another team or department.

**10. Gathering Evidence**

Where possible every person who can contribute to the facts of the case should be interviewed by the investigating officer. They must be informed that their witness statement will be provided to the alleged perpetrator of the offence and that they may be required to attend a disciplinary hearing resulting from the investigation, in order that the alleged perpetrator (or his/her companion) may ask questions connected to their statements. Any person who is unwilling or unable to fulfil this requirement cannot be used as a witness to the incident and/or allegation.

**11. Outcomes of the investigation**

One of the outcomes of the investigation may be that there is a case to answer and for formal disciplinary action to be taken. In this case the disciplinary action will be taken. In this case the disciplinary policy should be followed. The same investigation would be used in the formal disciplinary process.

If the investigation finds that there is no case to answer for bullying/harassment, but the investigation reveals evidence of management, organisational practices or procedures that need addressing, then these concerns will be communicated in writing and the appropriate course of action will be taken.

If several people are experiencing bullying or harassment from the same source, and complain as a group, individual statements should be made. If a complaint is made against several people, individual responses to complaints will be needed. Outcomes of complaints will be advised and not to the group.

**12.** **Right to appeal**

If the individual finds that the outcome of the investigation is unsatisfactory to them then they have the right to appeal. The appeal must be in writing to the next level of management or Chair of Trustees. This should be done within 10 working days of the receipt of the letter confirming the decision. The request to appeal should be acknowledged in agreed with the employee, where possible.

The manager hearing the appeal will be sent all information relating to the bullying/harassment case in advance. They should not have contact with any other parties concerned to discuss any related issues in advance of this meeting.

An appeal hearing will be arranged to discuss the matter with the member of staff and the manager who heard the formal first stage meeting.

Both parties will be given an opportunity to put forward their case individually and have the right to bring representation to the meeting. The appeal will review the decision made at the 1st stage. The Employee will be informed as soon as possible of the decision of the Appeal Panel and in any event within 10 working days.

The decision of the Appeal Panel may be to uphold, reduce, amend or reject the decision of the disciplinary or grievance panel.

The Appeals procedure will exhaust the internal procedures ofThe Alice Cross Centre.

**13. Time limits**

The time limits are specified within this procedure may be reduced or extended, by mutual agreement, at any stage of the procedure where it is felt that this will facilitate the process.

**14. Records**

Confidential copies of all paperwork once the outcome is known. If it is found that there is no case to answer then the papers will not be held on the file of the person accused.

**15. Companions**

The person chosen by the employee as his or her companion can be:

* A colleague not otherwise involved in the case
* A Member of a staff representative body (if there is one in place)

If the person concerned has difficulties communicating or if they are not fluent in the English language then a translator or appropriate external support may be used, in additional companion.

The Alice Cross Centre does reserve the right to refuse to accept an individual as a companion if there is a conflict of interest, or if the use of that person incurs unwarranted expense.

If there are any queries or concerns regarding a particular companion advice should be sought.

**16. Complaints raised on termination of employment**

If a claim of harassment or bullying has been raised immediately prior to an employee leaving the organisation, or after they have left the organisation, and it is not reasonably practical to follow the formal procedure in its entirety, an alternative procedure may be followed. If both the staff member and the Alice Cross Centre consent, in writing, the claim may be considered without a meeting being held with the complaint.

In this case the staff member must still submit a claim of unacceptable behaviour in writing. After due consideration, the appropriate manager will provide a written response to the member of staff i.e. the complainant. In this case there is no right of appeal against the outcome and the process will be deemed to be complete once the response has been provided.

**17. Malicious allegations**

Not every allegation of harassment is well founded. Malicious allegations (i.e. a complaint with no basis and made with the intention of causing harm) may give grounds for disciplinary proceedings against the complaint, but this will not include ill-founded allegations, which were nonetheless made in good faith.

**18. Confidentiality**

 Confidentiality should be agreed and maintained. However where a manager believes there is an unacceptable risk to the complainant, or to another person, or toThe Alice Cross Centre, action will need to be taken, and absolute confidentiality cannot be maintained. Information will only be given to those who strictly need to know.

If the complainant wishes to remain anonymous it may not be possible to take any action, although the Alice Cross Centre will seek to support all individuals in the resolution of genuine complaints and concerns. It may be possible to address such complaints though indirect methods, e.g. training initiatives, awareness-raising, publicising the Bullying or Harassment policy. There is a need to balance individual confidentiality with the nature of the risk.

**19. Criminal offences**

Some types of bullying and harassment may also be a criminal offence. Harassment complaints made within the Alice Cross Centre will continue to be dealt with by the procedures outlined above through there are important exceptions, described below.

The Alice Cross Centre has a responsibility to make reports where criminal offences or a threat to anyone’s health and safety are concerned.

However it is advisable to report the incident as soon as possible. If employees feel unable to do so, or could not do so at the time, they should not let the incident pass but should report it as soon as possible.

Those forms of bullying and harassment which are criminal offences and which are not minor should be reported to the police. Internal investigations and disciplinary action may still take place within the Alice Cross Centre, whether or not the police decided to proceed. However, in some cases there may have to be a delay whilst the police investigations are carried out.

In its handling matter the Alice Cross Centre would always try to consider the legitimate concerns of the complainant about involving the police and in reporting the matter to the police. Care would always be taken to offer as much support and advice to the complainant and, as appropriate, to the accused as possible.

This information will be kept confidential and will be used to enable the Alice Cross Centre to carry out equality impact assessments of the policy to fulfil its obligations for monitoring equality under the public sector duties.

**20. Follow up Action**

Employees should be made aware of any kind of follow-up action, which might be taken following the outcome of a complaint of discrimination or harassment. This could include any of the following:

* Counselling
* Information and training
* Review and monitoring

**21. Review**

**T**his policy will be reviewed every two years.

In case of any queries or questions in relation to this policy please contact Centre Manager or Board of Trustees

Signed on behalf of the Board of Trustees by



Name: Sue Halfyard Date: 14 March 2022