



## **BULLYING AND HARASSMENT POLICY**

Get Me Out The Four Walls recognises our responsibility to encourage and maintain an environment that is free from bullying or harassment. Get Me Out The Four Walls will neither permit nor condone bullying or harassment in any form. It is harmful to the organisation, its employees and service users alike. It can subject individuals to fear, stress and anxiety and can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment and to employees leaving. It can also impact badly on safety, organisational effectiveness and the success of Get Me Out The Four Walls.

### **1. INTRODUCTION**

Get Me Out The Four Walls believes that individuals should feel empowered to deal appropriately and at an early stage with all instances of bullying and harassment themselves. Consequently Get Me Out The Four Walls wishes to encourage individuals to feel empowered and is happy to support employee development needs in order to equip personnel with the skills and confidence required to resolve such issues.

Our aim is to encourage a climate in which the dignity and rights of each individual employee are recognised and protected and to make it clear to service users, volunteers, trustees, managers and fellow employees that neither bullying or harassment, whether on sex, sexual orientation, racial, religion, disability, age or other grounds, will not be tolerated.

However, if an incident does occur, the procedure detailed within this policy enables the issue to be tackled effectively, sensitively, confidentially and in a timely manner.

### **2. STATEMENT OF INTENT**

Get Me Out The Four Walls recognises that all employees have the right to work in an environment, which is free from bullying and harassment. However, if instances do occur Get Me Out The Four Walls undertakes that allegations of bullying and harassment will be dealt with seriously and confidentially. Employees will be protected against victimisation for making or being involved in a complaint.

### **3. ACTIONS FALLING OUTSIDE OF THE HARASSMENT DEFINITION**

There are, on occasions, instances which do not fall within the harassment definition, which may more appropriately be resolved through channels other than those specifically detailed as part of this harassment procedure. It may be that an employee is unsettled, worried or unhappy about the actions of or occurrences caused by another employee at work. It is in cases such as these and where harassment clearly has not occurred that it may be more appropriate to invoke the Grievance Procedure. Advice on whether an incident constitutes harassment or is better resolved through the Grievance Procedure may be sought from either your Team Leader.

### **4. DEFINITION OF BULLYING**

Bullying means to intimidate, threaten, humiliate or persecute someone. It is unwarranted behaviour by one or a group of individuals directed towards another, which is not justified by the working relationship and which is offensive to the recipient or others. This does not relate to the discomfort of an employee with a manager or supervisor exercising the role of legitimate management by directing, instructing, monitoring or assessing work performance but might relate to the manner in which this is carried out.

Examples of bullying include:

- recurring unjustified criticism;
- imposing penal sanctions without justification;
- detrimental changes to responsibilities, working arrangements, etc without justification; and
- abuse or misuse of power or position.

Employees are encouraged to deal with instances of bullying through the informal process. Where the informal process has not resolved the situation, the matter will progress to the formal process.

## **5. DEFINITION OF HARASSMENT**

People can be subject to harassment on a wide variety of grounds including:

- sex or sexual orientation;
- their race, ethnic origin, skin colour or nationality;
- their religious convictions;
- their disability, sensory impairment or learning difficulty;
- their real, or suspected infection with HIV/Aids;
- age;
- personal characteristic; and
- accent/dialect.

This list is not exhaustive; numerous factors may lead to harassment. There is no simple, single definition. Harassment can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. Harassment may, however, be summarised as conduct, which is unwarranted, unreasonable and offensive. It is not the intention of the perpetrator but the deed itself and the impact on the recipient or a witness to the action, which determines what constitutes harassment. It is the perception of the victim that is the most important factor rather than that of the perpetrator – the latter may see the action as a ‘bit of fun’ but if the victim does not, then this can be classified as harassment.

The above statement does not affect the right of Team Leaders and Managers to manage their staff in a reasonable manner.

## **6. FORMS OF HARASSMENT**

Harassment may take many forms. It can range from extreme forms such as violence and bullying to less obvious actions like ignoring someone at work.

Whatever the form of harassment, unwarranted behaviour is unwelcome and unpleasant. Get Me Out The Four Walls Disciplinary Procedure makes it clear that upheld claims of harassment or victimisation will be dealt with as misconduct, or in extreme cases gross misconduct and disciplinary action may well be taken. Forms of harassment may include, but is not limited to:

- Unwarranted physical contact ranging from unnecessary touching, patting, pinching, brushing against another person's body, insulting or abusive behaviour or gestures, physical threats or assault.
- Unwarranted verbal conduct such as abusive and offensive language, patronising titles and nicknames, propositions, innuendos, lewd comments, jokes, banter, gossip or slander.
- Unwarranted non verbal conduct such as offensive gestures, leering, whistling, displays of pornographic or suggestive literature, inappropriate use of VDUs or network systems including the internet and email systems and any offensive manner of communication whatever the medium.
- Patronising behaviour not used with other colleagues.
- Bullying – including persistent criticism and personal abuse which humiliates or demeans the individual involved and the use of intimidating or threatening behaviour.
- Isolation, exclusion or non-cooperation at work.
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.
- Intrusion by pestering, spying, following, etc.

Harassment is not only inappropriate behaviour at work but may also be unlawful.

Incidents of sexual, racial or disability harassment may constitute offences under criminal law and may therefore be reported to the police.

Harassment is usually thought of in terms of a manager harassing a more junior member of staff. However, colleagues or subordinates may harass employees. Harassment may also occur between people of the same sex or the opposite sex and may be deliberate or unintentional on the perpetrator's part.

## **7. NEW DEFINITIONS OF SEXUAL HARASSMENT**

This has been changed from 'on the ground of her/his sex' and now reads 'related to her/his sex or that of another person' i.e. it can be a witness who takes offence at any harassment although it is not actually directed towards him/her. (*Sex Discrimination Act Amendments Regulations is 2008*)

## **8. MANAGEMENT RESPONSIBILITIES**

Some areas of work will involve dealing with more challenging groups/individuals than others. Diversity is welcomed at Get Me Out The Four Walls. However, it may be that specific training is required in order to support staff dealing with difficult situations / challenging behaviour. It is the manager's responsibility to identify which work areas may require this training in order to support those staff groups in maintaining a professional approach at all times. Managers at every level are responsible for ensuring that the working environment is free from bullying and harassment. Managers are responsible for the implementation of this policy, for ensuring their staff have an awareness of the policy and for taking corrective action to ensure compliance with this policy.

Any complaint about bullying or harassment must be dealt with seriously, expeditiously and confidentially. Employees must be confident that they will be protected against victimisation or retaliation for bringing a complaint of bullying or harassment. Managers and Team Leaders therefore will be responsive and supportive to any member of staff who complains of harassment, provide clear advice on the procedure to be followed and maintain confidentiality in so far as is legitimately possible.

Where an investigation has been undertaken/completed and remedial or disciplinary action has been implemented, management will be supportive to all staff who have been involved in the incident. Management will also be vigilant in order to ensure the resolution of the complaint is an end to the matter.

Managers must understand that it is not only their perception of what behaviour is acceptable which defines harassment. The view of the recipient of the behaviour is of utmost importance and if the recipient feels that they have been harassed the complaint must be taken seriously, investigated in an objective manner and dealt with appropriately.

## **9. EMPLOYEE RESPONSIBILITY AND CONDUCT**

All employees are required to comply with this policy and to treat their colleagues with dignity and respect. Employees can do much to discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment, who may be considering making a complaint. Any employee who believes they are experiencing bullying or harassment is advised to make it clear to the person concerned that their behaviour is unwelcome and that it should stop without making or implying threats of any kind. In instances where an employee witnesses or is aware of an act of bullying or harassment being committed against another employee advice should be sought from their line manager (or other responsible manager). On occasion employees may be called upon in investigations to offer any information they may have pertaining to particular incidents of harassment or bullying.

Disciplinary action, which could include dismissal, may be taken against employees found to have:

- harassed others or who have been victimising/retaliating against an employee for bringing a complaint of harassment in good faith or,
- made vexatious or malicious complaints of harassment by another employee.

In such cases, any investigation documentation will be transferable for the purposes of any further action e.g. disciplinary.

## **10. TRAINING**

Managers and Team Leaders may require training to enable them to identify the factors which contribute to an environment free of harassment and/or in order that they are better able to support the employee reporting such incidences.

Where managers identify an area of work that involves dealing with more challenging groups/individuals than others this will be identified on the required skill set for the role. However, if training on dealing with difficult situations /challenging behaviour is identified through the appraisal and/or support and supervision scheme this will be sourced expeditiously.

Information on this policy and procedure will be included as part of induction training for every new employee.

### **The Procedure**

The procedure for dealing with complaints of bullying or harassment is set out below. The procedure is intended to enable complaints to be dealt with sensitively and quickly and provides for employees to raise problems with a Team Leader other than their own Team Leader where necessary. Most recipients of bullying or harassment simply want the behaviour to stop.

Both informal and formal methods of resolving problems are available under this procedure in recognition of this. This procedure also allows such problems to be resolved informally where possible and appropriate. If the problem persists, or is inappropriate for informal resolution, the formal procedure should be followed. It is necessary for the employee to carefully determine the relevant procedure to be followed.

### **Recording**

- The Team Leader or other responsible manager dealing with the issue must record all formal claims and incidents of bullying and harassment.
- Copies should be sent to the manager.
- Details of the process and any action taken must be included together with dates and names of any witnesses to incidents or actions.
- Formal investigation meetings should be documented and signed off by the manager chairing the meeting and the individual being met with.
- Any additional information/modifications to the notes of the meeting should be attached to the formal notes as an Appendix.
- These should be signed off and dated by the individual concerned.
- Accurate records of the outcomes of all cases should be kept, clearly stating any resultant changes to working practices or expected behavior modification.
- Appropriate arrangements must be made to monitor arrangements and meet with the complainant to review the situation after a period of three months.

## **10.1 Informal procedure**

In the first instance, informal attempts to resolve problems should be endeavoured unless this is felt by the complainant to be inappropriate. In some cases it may be possible and sufficient for the member of staff to explain clearly to the person engaging in the unwarranted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and that it interferes with their work. If a personal approach of this nature is too difficult, it is suggested that this request be put in writing to the individual concerned.

In circumstances where it is too difficult or embarrassing for an individual to do this on their own behalf they should seek support from their line manager, who will make the initial approach if required or assist with the writing of an appropriate communication.

If it does not prove possible to resolve the problem informally, management may offer the opportunity of mediation to the parties concerned. For this to be successful, both parties should be willing to participate in the process. Mediation facilitated by a third party who has not been closely involved in the situation may assist in resolving the matter.

In circumstances where the team leader is the alleged harasser and the individual feels unable to approach them directly, then the complainant should inform the alleged harasser's manager either in person or in writing. Where an employee feels unable to do this they are advised to seek the help of the senior manager, Chair or a Trustee.

Where the informal procedure has achieved the desired result, employees are encouraged to keep their own personal note of the matter with dates in case of any recurrence of the problem.

If informal action is unsuccessful, the employee should report the matter to Team Leader who will invoke the formal procedure.

## **10.2 Formal procedure**

A formal complaint should be made to the responsible manager who will, in consultation with the Trustees, appoint an Investigating Officer. The purpose of the investigation is to establish the full facts of any incident/s; this will necessitate meeting with each of the parties separately and any witnesses. The Investigating Officer should not be connected with the allegation in any way. The investigation should be completed within a maximum of fourteen days. The Investigating Officer should not normally be the Team Leader who may have been involved during the informal resolution process.

Get Me Out The Fur Walls maintains the right to suspend employees as part of this process to ensure that both the complainant and the alleged harasser are protected. The responsible manager in consultation with the Board of Trustees will make this decision.

**During investigatory meetings the following must be adhered to:**

- The complainant, the alleged harasser and witnesses have the right to be accompanied by a Trade Union representative or work colleague (not acting in a legal capacity). The person accompanying the complainant, alleged harasser or witnesses is present in order to give support and not to represent the individual.
- The alleged harasser will be given full details of the nature of the complaint prior to the meeting taking place and would then be given the opportunity to respond.
- Strict confidentiality will be maintained throughout the investigation.
- Where it is necessary to interview third parties the importance of confidentiality and the integrity of the process will be emphasised.
- The complainant should not be required to repeatedly recount the event(s) complained of where this is not necessary.
- The investigation must focus on the facts of the complaint and a complete record of all meetings will be kept. Any records will form part of a Disciplinary proceeding, which may be brought; otherwise, the records will be stored by HR in line with Get Me Out The Four Walls Data Protection Policy & Procedure.
- If an employee requests and is given the opportunity of an alternative date and/or time to attend an investigation meeting, yet fails to attend the second appointment without providing an acceptable explanation, then the Investigating Officer will proceed with his/her investigation in their absence.

Once the investigation has been completed, the Investigating Officer will provide an Investigation Report to responsible manager who in liaison with the Board of Trustees, will determine what the appropriate course of action will be i.e. remedial training in diversity awareness or mutual respect or disciplinary action. If disciplinary action is felt to be required the Disciplinary Procedure will be invoked from this point forward. Where it is accepted that the complaint has been made in good faith, whether the complaint is upheld or not, no element of penalty should be directed to the complainant. A review meeting should take place after three months to ensure that the agreed changes have continued to take effect.

If the complainant is of the view that their complaint has not been dealt with properly they may raise an appeal, formally in writing, within 7 working days of the outcome of the investigation, stating the reasons for their appeal.

If the Bullying and Harassment complaint is against the manager, it should be addressed to the Board of Trustees.

### **Third Party Harassment**

Get Me Out The Four Walls has a zero tolerance towards any form of bullying or harassment, towards its employees including harassment or bullying from Third Parties.

### **Process for dealing with Third Party Bullying and Harassment Claims**

If an employee feels they are being harassed or bullied by a Third Party, they should raise a formal complaint of Bullying and Harassment to the attention of their Team Leader. Support can be given to the employee if required.

The formal complaint will be brought to the attention of the Board of Trustees and an Investigating Officer will be appointed. The purpose of the investigation is to establish the full facts of any incident/s. It will be necessary for the Investigating Officer to meet with the employee and also any witnesses. The Investigating Officer should not be connected with the allegation in any way. The investigation should be completed within a maximum of fourteen days.

Get Me Out The Four Walls has the right to ensure contact between the Third Party and complainant is minimised to protect both parties whilst the investigation is taking place.

**During investigatory meetings, the following must be adhered to:**

- The complainant and any witnesses interviewed have the right to be accompanied by their trade union representative, or a work colleague. The person accompanying the complainant or witnesses is present in order to give support and not to represent the individual.
- Strict confidentiality will be maintained throughout the investigation.
- Where it is necessary to interview any witnesses the importance of confidentiality and the integrity of the process will be emphasised.
- The complainant should not be required to repeatedly recount the event(s) complained of where this is not necessary.
- The investigation must focus on the facts of the complaint and a complete record of all meetings will be kept. These records may be required to further a complaint to the employer of the Third Party, otherwise the records will be stored by HR in line with Get Me Out The Four Walls Data Protection Policy & Procedure.

If the employee requests and is given the opportunity of an alternative date and/or time to attend an investigation meeting, yet fails to attend the second appointment without providing an acceptable explanation, the complaint will be dropped.

Once the investigation has been completed, the Investigating Officer will provide an Investigation Report to the responsible manager, who in liaison with the Board of Trustees, will determine what the appropriate course of action is. Where it is accepted that the complaint has been made in good faith and is either upheld or not, no element of penalty should be directed to the complainant.

The outcome of the investigation could include, police involvement, remedial training or the report of a formal complaint to the Third Party's employer or organisation. Where the alleged bullying or harassment is perpetrated by a service user, the Board of Trustees has the option to deal with the matter in the last resort by refusing that person a service.