THE LEASIDE TRUST

BULLYING AND HARASSMENT POLICY AND PROCEDURE

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1. PURPOSE AND SCOPE

Leaside recognises that all its employees have a right to be treated with consideration, dignity and respect and is committed to providing a working environment that is free from any form of harassment. Leaside will not tolerate bullying or harassment at any level and will undertake to handle any concerns or complaints immediately, seriously and with sensitivity, in a way that is consistent and fair to all parties involved.

This Policy and Procedure will be used to deal with all complaints of bullying, harassment and victimisation raised by permanent employees and volunteer workers.

2. DEFINITIONS

Harassment is defined as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual' (*Equalities Act 2010*). Protected characteristics are gender, race, disability, age, sexual orientation, gender reassignment, religion and belief. The harassment may be persistent or a serious isolated incident, and may or may not be intentional. The key is that the actions are viewed as demeaning and unacceptable by the recipient. Examples (not exhaustive) of harassment include:

- Use of threatening, abusive, suggestive, obscene or insulting language.
- Unwelcome comments, banter, jokes or questioning of an individual about their private life.
- Circulating or displaying any written or visual material (including e-mails, web based or social networking site information, signs, pictures or graffiti) that is offensive.
- Unwelcome physical contact, ranging from unnecessary touching through to physical threats or assault.
- Threats, promises or favours related to work, or less/more favourable treatment due to a personal factor.

Harassment claims may be brought by employees with the protected characteristic, those perceived to have the characteristic or those associated with others with the characteristic.

Bullying is the exercise of power over another person through negative acts or behaviours that threaten, undermine, humiliate or injure them personally or professionally. This includes:

- Threatening, abusive or intimidating behaviour.
- Publically criticising, humiliating or belittling an individual.
- Shouting, ridiculing, sarcasm or making derogatory remarks.
- Over-monitoring of performance, unfair distribution of work, removing areas of responsibility or withholding information.
- Making unreasonable and unachievable demands.
- Excluding individuals from conversations or work related social events.

Victimisation relates to any unfavourable treatment of a person because they complained or participated in proceedings under this Policy and Procedure, other Leaside policies or related legislative provisions.

3.**RESPONSIBILITIES**

Managers are responsible for:

- Fostering a culture which welcomes diversity and encourages openness in raising issues of bullying or harassment.
- Setting standards of behaviour in working relationships and monitoring the conduct of their staff.
- Ensuring that staff are aware of this Policy and Procedure and know how to raise concerns under it.
- Ensuring that all complaints of bullying and harassment are properly investigated and dealt with immediately, sensitively and confidentially.
- Notifying the Board of Trustees when they receive a formal complaint.

Employees are responsible for:

- Treating all colleagues with dignity and respect and being aware of how their behaviour can affect other people.
- Challenging and reporting any bullying behaviour and harassment they witness.
- Adhering to this Policy and Procedure in raising any complaints.

The Board of Trustees are responsible for:

- Providing impartial advice and support throughout the process.
- Providing training for managers in the use of the Policy and Procedure.
- Monitoring the application of the Policy and Procedure, reporting on trends and recommending action to address areas for concern.

4.**SUPPORT FOR STAFF**

Leaside recognises that raising issues of harassment or bullying can be difficult and stressful for staff. Any employee who feels that they are being harassed or bullied should seek confidential support and advice from one of the following at the earliest opportunity:

Line managers – staffs who feel that they are being harassed by another employee in the department may go to their manager for advice and help in resolving the issue. The manager will advise the employee of the provisions of this Policy and Procedure and agree with them the approach to be taken in tackling their concerns.

Board of Trustees – representatives can offer objective advice to either party involved in a complaint, and can provide mediation to resolve matters informally. They will also support managers undertaking formal investigations to ensure that these are carried out as fairly, quickly and thoroughly as possible.

Trade union representatives – either party to the complaint has the right to seek advice and support from a trade union representative at any stage of the procedure. Trade union representatives can also help facilitate an informal solution, where appropriate, and will represent their members at the formal stages. Employees may ask an official from any trade union to accompany them, regardless of whether the union is recognised by Leaside Trust.

Once the alleged perpetrator has been informed of the complaint against them, they should also be encouraged to seek support from an appropriate source.

5.**INFORMAL ACTION**

Employees who believe that they have been subjected to harassment or bullying are encouraged at the earliest opportunity to make it clear to the perpetrator that their behaviour is unacceptable and ask them to stop. There are a number of options for this and it is their decision which route to take, taking advice as appropriate:

- They can confront the person who is bullying or harassing them directly, either at the time of the incident or later with the support of a manager, member of the Board of Trustees, union representative or colleague of their choice.

- They can write to the person, detailing the behaviour that is unacceptable to them, explaining how it affects them and asking for it to stop (a copy of the letter should be kept).

- They can ask a manager, member of the Board of Trustees or union

representative to raise their concerns with the perpetrator on their behalf and act as mediator.

- They can agree to an informal meeting being arranged between them and the alleged harasser to discuss their concerns, facilitated by a mediator who will help find an acceptable resolution to the issue and re-establish effective working relations.

A note should be made of any informal action taken, including any agreement reached.

Any employee who feels that they are being subjected to on-going harassment is encouraged to maintain a record of each incident in order to facilitate any subsequent investigation. This should include:

- The date, time and place of the incident.
- The details of what happened.
- The names of any witnesses.
- Details of any action taken.

6. **RAISING A FORMAL COMPLAINT**

If informal action has proved ineffective or is inappropriate due to the seriousness of the incident, then the employee should register a formal complaint.

The employee should write to their line manager with full details of the complaint, including references to specific incidents, dates, times and places as far as possible, along with the names of witnesses and details of any informal action taken. Employees are encouraged to use the Notification of Harassment Complaint Form (Appendix A) for this purpose. If it is known that the employee has difficulty reading, they should be encouraged to seek help from a work colleague or a trade union representative.

If an employee raises a formal complaint without having sought an informal resolution, they should set out the reasons why, in their opinion, an informal approach would have been inappropriate.

If the complaint is against the employee's manager the employee should write to the next level of management up or the Board of Trustees. If the allegation is against the Managing Director, the employee should write to the Chair of the Board of Trustees.

7.**INVESTIGATION**

The manager receiving the complaint, supported where necessary by a member of the Board of Trustees, will appoint a manager to conduct the investigation. This manager will undertake a full, thorough and confidential investigation. This will involve:

- Informing the alleged perpetrator of the complaint and providing them with the details.
- Meeting with the complainant to get their full account of events.
- Meeting with any witnesses and taking statements.
- Meeting with the alleged perpetrator to get their account of events.

The manager will conduct the investigation as quickly as possible and will be responsible for communicating the steps that they plan to take, and the anticipated timetable, to both parties and any witnesses. If their investigation is delayed they should inform the parties and confirm the revised timetable.

Both the complainant and the alleged perpetrator have the right to be accompanied by a trade union representative or workplace colleague at these investigatory meetings.

8.**TEMPORARY SUSPENSION**

In order to facilitate the investigation and ensure that there is no further harassment or victimisation of the complainant during the course of the formal procedures, it may be necessary to suspend one of the parties to the complaint. Care must be taken not to disadvantage the person making the complaint in any way.

If the allegation is sufficiently serious to potentially constitute gross misconduct, or if moving one of the parties is not an option, the manager may consider suspending the alleged harasser during the investigation in line with Leaside's Complaints Policy and Procedure Document.

9.**SUBSEQUENT ACTION**

Once the investigation is complete, the investigating manager will write a report outlining their findings and indicating any further action to be taken. The recommended action may include the following:

Disciplinary Action - If the outcome of the investigation suggests that there is a disciplinary case of bullying or harassment to answer, then Leaside's Complaints Policy and Procedure will be invoked without delay. The manager who investigated the complaint will present the disciplinary case as investigating officer.

Alternative action - If the manager investigating the complaint feels that there is no disciplinary case to answer, then any further action will focus on re-establishing effective working relations between the parties. This may include:

- One or more joint meetings, mediated by a mutually agreed person, to help both sides understand each other's point of view.
- Training, mentoring or increased supervision for either side to help address the causes of the breakdown in relations.
- Counseling for either party to help them to gain some objectivity about the events and understand their behavior and reactions.

Malicious complaints - If the investigating manager concludes that the allegations were made falsely and maliciously, then this will be taken very seriously by Leaside and the person making the complaint will themselves be subject to disciplinary action.

10. **APPEALS**

If the Complaints Policy and Procedure is invoked, the employee being disciplined will have the right to appeal against any disciplinary sanction imposed under the appeals section of the Complaints Policy and Procedure.

If the person raising the complaint does not feel that it has been satisfactorily addressed by the manager investigating it, then they have the right to appeal against the decision in accordance with Leaside's Grievance Policy and Procedure. They are not, however, able to raise a grievance in relation to the level of any disciplinary action taken against the alleged harasser following a disciplinary hearing.

If either party feel that they have been unfairly treated in relation to any alternative action taken to help them resolve their differences, then they have the right to raise this as an appeal under the Leaside's Complaints Policy and Procedure.

11. **HARASSMENT BY THIRD PARTIES**

Under the 2010 Equality Act, employers are potentially liable for the harassment of their employees by customers and other third parties, if they are aware that this is happening and do not take reasonable steps to prevent it.

Leaside recognises that staff may be subject to harassment from members of the public, customers, clients, suppliers or contractors etc with whom they come into contact at work and takes this very seriously.

In any such instances, the employee being subjected to the harassment should speak to their manager, who will investigate the complaint and, where a case is found, will arrange to speak promptly to the harasser about Leaside's policy on harassment and the need to comply with relevant legislation.

Should the harassment still persist, then the matter will be referred to a more senior manager who may decide, in consultation with the client officer, to withdraw their right to use the facilities.

If the employee wishes to be removed from the situation until contact with the person is no longer likely or the problem is resolved, every effort will be made to meet their request.

12.**MONITORING**

All incidents of harassment and bullying will be recorded, monitored and reported on as part of Leaside's wider equalities monitoring and reporting mechanisms.