

Northmoor Community Association



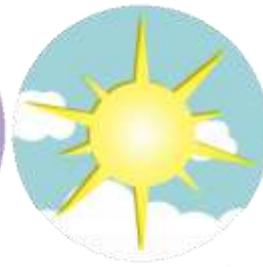
Advancing Skills
and Learning



Relieving Poverty



Promoting Health
and Wellbeing



Quality of Life

BULLYING, HARRASMENT, **VICTIMISATION POLICY &** **PROCEDURE**

1.0 INTRODUCTION

This document is the Bullying, Harassment, and Victimisation Policy & Procedure for Northmoor Community Association (NCA) which will be followed by all members of the organisation and promoted by those in the position of leadership within the organisation. NCA is committed to identifying and eliminating all forms of discrimination, providing equal opportunities to all, promoting diversity throughout our organisation, and encouraging all persons to treat each other with respect. NCA supports a working environment for individuals in which dignity at work is paramount and a culture in which bullying and harassment is unacceptable.

Bullying and harassment is not just morally unacceptable but in most cases it is also unlawful. Any allegations raised regarding bullying and or harassment will be taken seriously and treated confidentially. NCA will not tolerate victimisation against any employee or volunteer making a complaint under this policy or against employees or volunteers who assist or support a colleague in making a complaint.

2.0 SCOPE

This policy applies to anyone associated with NCA including; service users, employees, Trustees, volunteers, contractors and staff from other organisations working with NCA. It extends to include non-permanent workers such as secondees, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff in the workplace and in any work-related setting outside the workplace, for example, business trips and work-related social events. This policy is non-contractual and may be amended from time to time.

3.0 BULLYING, HARASSMENT AND VICTIMISATION STATEMENT OF POLICY

- NCA recognises that all employees and volunteers have the right to be treated with consideration, dignity and respect and seeks to create an environment in which all employees, volunteers and trustees feel valued and respected.
- NCA aims to provide a positive and fulfilling environment in which to work or volunteer. Harassment, bullying and/or victimisation detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses, or has knowledge of, the unwanted behaviour.
- NCA recognises that its staff, management committee, volunteers and service users may be victims of, or perpetrators of, violence and harassment. They have a duty to protect people from harassment, eradicate all forms of harassment and to take action where it is identified otherwise they can be held liable for the unlawful action of those who work in their organisation.
- This policy promotes the respectful treatment of staff and volunteers within the organisation and the protection of our employees and volunteers from bullying and harassment at work. Bullying and harassment will not be tolerated by NCA in any form and may result in disciplinary action being taken.

4.0 WHAT IS BULLYING & HARASSMENT?

Bullying and harassment are very similar and are both unwanted behaviours that can cause an individual to feel uncomfortable in the workplace. There are however some differences, e.g. harassment is usually linked to prejudice or discrimination based on a person's actual or perceived protected characteristic, whereby bullying is more an attack against someone regardless of their race or gender, etc. The person being bullied or harassed typically feels undermined, intimidated, humiliated, belittled or injured. It may be obvious or it may be insidious. It may be comments made to another individual that can cause a third party to feel uncomfortable, humiliated etc. Whatever form it takes, it is unwarranted and unwelcome to the individual.

5.0 DEFINITIONS

5.1 Harassment:

Harassment can be defined as -

“Unwanted, uninvited and unwelcome action, behaviour or language by one or more people, against one person or a group of people, which creates an intimidating, hostile, degrading, humiliating or offensive environment within the workplace, whether intentional or not.”

Under the 2010 Equality Act harassment is against the law when the unwanted behaviour is related to one or more of the following protected characteristics

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex and sexual orientation
- Perceived sexual orientation

The individual being harassed does not need to possess the relevant characteristic themselves as it can be because of their association with a person who has a protected characteristic, or because they are wrongly

perceived to have one, or are treated as if they do. Harassment does not apply to pregnancy and maternity, however any unfavourable treatment may be deemed as discrimination. Under the Equality Act 2010 an employee can also make a complaint against an employer when:

- They are harassed by someone who doesn't work for the organisation such as a service user or another organisations member of staff.
- They find the behaviour offensive even if it is not directed at them.

5.3 Bullying:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, belittle or injure the recipient. It is a negative attack on a person's professional or personal performance. Attacks are typically unpredictable, irrational and often unseen.

A precise definition is difficult because of the problems in distinguishing acceptable from unacceptable behaviour – managers and supervisors will have different personalities, some being more 'robust' than others. Moreover, there will be particular situations, perhaps where people or resources are at immediate risk, where a more forceful style than usual can be justified.

Examples of bullying could include:

- Shouting at colleagues in public or private.
- Deliberate isolation by ignoring or excluding a person.
- Withholding information or removing areas of responsibility without justification.
- Spreading malicious rumours.
- Blocking leave or training requests without reason.
- Deliberately setting objectives with impossible deadlines or excessive workloads.
- Undermining a person's self-respect by treatment that denigrates, ridicules, intimidates, demeans or is physically abusive.
- Humiliating an individual
- Overbearing and intimidating levels of supervision
- Malicious gossip, jokes and banter, offensive language
- Offensive literature or pictures, graffiti and computer imagery
- "Horseplay" – including touching, pushing, pinching, name-calling, mocking, belittling etc.

5.2 Victimisation:

Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment.

Discrimination, harassment or victimisation following the end of a working relationship covers issues such as references either written or verbal.

6.0 WHAT CONSTITUTES BULLYING & HARASSMENT?

Bullying and harassment can take place verbally, face to face, via social media, email, written communications, phone, text messages, use of visual images, by an employee or a volunteer or by someone who doesn't work for Northmoor Community Association such as a service user or a member of staff who works for another organisation.

While it is perfectly legitimate for managers to raise concerns with employees about their competence and / or capability, it is completely unacceptable for employees to be put in a position where they are humiliated or intimidated to the extent that they cannot reasonably be expected to carry out the work they are employed to do.

Appendix 1 gives examples of unacceptable behaviours that can be considered to constitute bullying or harassment.

7.0 RESPONSIBILITIES

All staff and volunteers have personal responsibility for their own behaviour and for ensuring that they comply with this policy. You should:

- Treat everyone with dignity and respect
- Don't bully or harass anyone
- Don't victimise or attempt to victimise anyone who has made complaints of discrimination, or provided information to support a complaint
- Report incidents to your manager or Chairperson if you think they are inappropriate.

Bullying and harassment are often clear cut. However, sometimes people are unsure as to whether the behaviour is unacceptable. If this applies to you there are a number of things to consider, including:

- Has there been a change of management or organisational style to which you just need time to adjust – perhaps because you have a new manager or work requirements?
- Can you talk over your worries with a colleague or your manager?
- Can you agree with your manager changes to ways of working that will make it easier for you to cope?

- Keep a log of all incidents – records of dates, times, any witnesses, your feelings, and copies of anything that you feel is relevant, for example, emails.

NCA and line managers have a responsibility to implement this policy and to bring it to the attention of staff and volunteers. In order to establish and maintain a work environment free of bullying and harassment NCA will:

- Treat a complaint or allegation seriously and deal with it promptly following the disciplinary and grievance procedure as laid down in the staff handbook and volunteer handbook.
- Respect confidentially, giving the employee or volunteer and the alleged perpetrator full support during the whole process.
- Set a positive example by treating others with respect and setting standards of acceptable behaviour; also, promote a working environment where harassment is unacceptable and not tolerated.
- Tackle, and where possible, resolve incidents of harassment. When the perpetrator is from outside of the organisation, e.g. a service user, management will take action to resolve it.

6.0 PROCEDURES

6.1 Informal Resolution

Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease. Talk in confidence to your manager or get advice on how to handle this informally. If your concerns are about your manager, you should speak to the Chairperson

Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.

If the complainant feels unable to approach the alleged harasser, a work colleague, or Trustee could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to the Centre Manager.

An individual who is made aware that their behaviour is unacceptable should:-

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation.
- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important.
- Agree the aspects of behaviour that will change.
- Review their general conduct/behaviour at work and with workplace colleagues.

6.2 Formal Resolution

If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally by using the NCA Grievance Procedure.

Your grievance must be in relation to an event, or series of events that has occurred in the previous three months, although we may apply discretion on timescales depending on the circumstances.

6.3 Unfounded allegations

Employees lodging a complaint will not be disciplined for doing so unless somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. The case will then be investigated and dealt with fairly and objectively under the disciplinary procedure.

6.4 Records

- Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- Following formal investigation, where the complaint is not substantiated, no records will be retained.
- Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

6.5 Independent Advice

If an individual that is being bullied or harassed finds it difficult to talk about it within the work environment; they can contact the following organisations for advice and support:

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Arbitration Conciliation and Advisory Service (acas) helpline

Tel: 08457 47 47 47

Textphone: 08456 06 16 00

Further information can be found on their website www.acas.org.uk

UK National Workplace Bullying Advice Line

Tel: 0845 22 55 787

Further information can be found on their website

www.nationalbullyinghelpline.co.uk

7.0 GOVERNING DOCUMENTS

- the Employment Rights Act 1996, as amended;
- the Public Interest Disclosure Act 1998, as amended;
- the Enterprise and Regulatory Reform Act 2013.

8.0 OTHER READING AND LINKED POLICES

- Grievance Procedure
- Discipline Procedure
- Complaints & Compliments Policy
- Safeguarding Vulnerable Adults Policy.
- Whistle blowing Policy & Procedure

9.0 REVIEWED AND POLICY REVISIONS

This policy will be reviewed and amended every three years or as necessary, to reflect best practice and/or changes in legislation. All staff or volunteers should pass suggestions or recommendations for the revision of any aspect of the policy through normal channels to the Centre Manager or Chairperson of the Board of Trustees.

Policy Ref: GPolicy 6	Approved: 28//02/2017
Last Revision: 22/02/2017	Next Review: February 2020
Signature:	(Chairperson of NCA Board)

Appendix 1

Examples of unacceptable behaviours that can be considered to constitute bullying and harassment. The list is in no particular order, and is not exhaustive.

Sexual Harassment

Examples of sexual harassment include:

- Unwelcome sexual advances, propositions and demands for sexual favours, (and worsening of behaviour if a sexual advance is rejected), and unsolicited/unwanted gifts.
- Unwanted or derogatory comments about clothing or appearance.
- 'Leering' and suggestive gestures and remarks.
- Displaying offensive material, such as pornographic pictures, page-three type pin-ups or calendars, including circulating such material in emails.
- Inappropriate physical contact, for example, invading someone's personal space and unnecessary touching, through to sexual assault and rape (although rape is defined as a separate criminal offence).

Race

Examples of racial harassment include:

- Refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin.
- Displaying racially offensive material including graffiti.
- Racist jokes, banter, insinuations, gestures, insults and taunts.
- Unfair work allocation on the basis of someone's ethnicity.
- Verbal and physical abuse/attacks on individuals because of their race, colour, nationality or ethnic origin.

Disability

Examples of harassment on the grounds of disability include:

- Asking intimate questions about an individual's impairment such as how it occurred and what it is like to be disabled.
- Name calling, jokes, taunts, and use of offensive language.
- Inappropriate jokes and actions such as hiding / moving someone's impairment aid.
- Assuming that a person's disability means that the individual is inferior.
- Speaking to a disabled person's colleagues rather than the person with the disability.
- Creating barriers that may mean that disabled colleagues are excluded from workplace events and social activities.

Religion / belief

Examples of harassment on the grounds of religion and belief include:

- Mocking or deriding someone's religion or beliefs.
- Stereotyping a particular religion or belief, or making assumptions about lifestyles or interests.
- Arranging meetings or events that may exclude people because of religious observance, for example, arranging a team lunch when you know a team member is fasting at Ramadan.
- Displaying images in the workplace which may be offensive to others.
- Making unwanted comments about how someone dresses in accordance with their beliefs.

Sexual orientation

Common forms of harassment on the grounds of sexual orientation include:

- Homophobic or bi-phobic comments, 'jokes' and name-calling.
- Verbal or physical abuse or intimidation.
- Sharing homophobic or bi-phobic materials.
- Making repeated references to a person's sexual orientation without any justification for doing so.
- Outing a person as lesbian, gay or bisexual, without their consent or spreading rumours.
- Excluding a person from conversation and activities, for example, excluding a same sex partner when opposite sex partners are included.
- Intrusive questioning about an individual's personal or sex life.

Gender reassignment

Common forms of transphobic harassment include:

- Transphobic comments, 'jokes' and name-calling.
- Verbal or physical abuse or intimidation.
- Refusing to treat a person as of their new gender when they transition.
- Failing to address a person by their preferred name and correct gender pronouns.
- Denying people access to the appropriate single sex facilities.
- Outing a person as transgender without their consent or spreading rumours (this may also be a criminal offence), or intrusive questioning.
- Excluding a person from conversation and activities.
- Sexual harassment.

Age

Examples of harassment on the basis of age include:

- Making fun of someone based on their age.
- Questioning someone's ability because of their age.
- Making assumptions about lifestyle or interests.
- Not providing training or development opportunities.