

Bullying and Harassment Policy

Purpose and scope of the Policy

This Policy applies to all members of staff and where relevant and appropriate to volunteers, contractors, and trustees (referred to in this Policy as "Member" and "Members" as appropriate). It also applies to behaviour of supporters at charity events.

Power2Inspire (the Charity) is committed to providing a working environment for all its Members that is comfortable and free from all forms of bullying and harassment. The Charity adopts a zero-tolerance approach towards bullying and harassment and any Member who is found to have harassed or bullied a colleague will be subject to disciplinary action, up to and including dismissal, or sanction in the case of a volunteer.

If the Charity has grounds to believe that a Member may have been bullying or harassing another Member, whether or not there has been a formal complaint, the Charity will instigate an investigation into the alleged bullying or harassment. Any Member who believes that another Member's conduct amounts to bullying or harassment has the absolute right to complain to their line manager, the CEO, or any Trustee. Furthermore, Members have the right to complain if they believe that they have been bullied or harassed by a third party, for example a client or supplier.

Many Members may be reluctant to report instances of bullying or harassment out of fear of damaging working relationships with their colleagues, fear of reprisals, embarrassment or worry that they may be perceived as troublemakers. It is important for managers to bear in mind that just because no one has complained this does not mean that no bullying or harassment is taking place.

Members are encouraged to report any incidents of bullying or harassment they experience or witness so that the Charity can investigate and resolve the matter. The Charity will take all such complaints seriously and a Member who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

This policy applies to all Members and covers:

- Bullying and harassment of and by managers, Members, contractors, agency staff and anyone else engaged to work at the Charity, whether by direct contract with the Charity or otherwise. If the complainant or alleged harasser is not employed by the Charity, e.g. if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the Charity could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation and disciplinary proceedings;

- Bullying and harassment in the workplace, via social media, and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

What is bullying?

Bullying at work is behaviour that is:

- threatening, aggressive or intimidating.
- abusive, insulting or offensive.
- cruel or vindictive; or
- humiliating, degrading or demeaning.

Bullying will inevitably erode the victim's confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, and deliberately targeted at a particular individual.

Bullying is often an abuse of power, position or knowledge, and may be perpetrated by the victim's manager, his or her peers or even by subordinates.

The following table gives some examples of behaviour that could be perceived as bullying, depending on the circumstances.

| General | Manager to subordinate |
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| Ostracising someone, i.e. refusing to speak to him or her, blatantly ignoring his or her views or comments, or excluding him or her from work-related or social activities. | Deliberately imposing grossly excessive or unachievable workloads or impossible deadlines in order to make life difficult for a particular Member. |
| Deliberately withholding vital work-related information in order to embarrass someone or make him or her look foolish. | Repeated unfair criticism or destructive and negative criticism that focuses on blame rather than future improvement. |
| Personal insults or put-downs. | Criticising the individual in front of colleagues or in an open office space. |
| Spreading rumours or gossip or making false allegations about someone in order to discredit him or her. | Excessive or overbearing monitoring of a particular Member's work without good reason. |
| Physical shoving or barring someone's way. | Ordering a particular Member to work below his or her level of ability, or to perform mundane or demeaning tasks, for no proper reason. |
| Playing practical jokes on someone. | Removing a Member's responsibility without consultation and for no proper reason. |

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| Aggressive or intimidating behaviour towards an individual, especially if displayed in front of others. | Threatening a Member with dismissal. |
| Public criticism in a shared office space | |

Constructive and destructive criticism and delegation.

Feedback is essential to help a Member to understand what he or she has done that may not be in line with performance standards, where work is unsatisfactory, why it is unsatisfactory and how to put matters right for the future. Giving criticism is part of every role but it is important to ensure that it is delivered in a way that is constructive, not destructive.

Constructive criticism will focus on:

- actions and behaviour, i.e. discussing what a Member has or has not done.
- facts, and specific examples of the unsatisfactory behaviour or performance.
- future improvement, e.g. seeking to agree what a Member should do differently or what changes he or she should make; and
- acting calmly and reasonably.

Destructive criticism may involve:

- aggressive behaviour, e.g. shouting or swearing.
- personal insults or put-downs, e.g. "you're useless, you're always making stupid mistakes".
- allocating blame rather than responsibility; or
- acting emotionally and irrationally.

Members – whether managers or peers – should never use bullying strategies or tactics to make life miserable for an underperforming or otherwise unsuitable Member to induce him or her to leave. Such behaviour is likely to be viewed as a breach of the implied term of trust and confidence.

If a task is delegated to a Member, unless agreed otherwise, the Member should be given appropriate freedom to execute the task and present results within the agreed timescale. In line with constructive criticism approach outlined above, any feedback from the manager should focus only on material points and acknowledge the Member's choice of approach.

What is harassment?

Harassment is “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”.

Certain forms of harassment at work will amount to unlawful discrimination. Harassment will amount to discrimination if it relates to a "relevant protected characteristic".

Specifically, harassment is unlawful if it relates to:

- sex; gender reassignment; race, which includes colour, nationality, ethnic or national origins; religion or belief; sexual orientation; disability; or age.

The right not to be harassed at work extends to all workers, so agency temps, casual staff and contractors are protected.

Members can complain of harassment even if the behaviour in question is not directed at them. This is because the complainant does not actually need to possess the relevant protected characteristic. A Member can complain of unlawful harassment if he or she has experienced:

- harassment because he or she is related to or associates with someone who possesses a relevant protected characteristic; or
- harassment by a colleague who has the mistaken perception that he or she possesses a relevant protected characteristic.

For example, a Member could complain of harassment where it relates to the fact that he or she has a homosexual family member (associative discrimination) or is wrongly perceived to be homosexual (perceptive discrimination). In addition, harassment could occur where a protected characteristic is used as an excuse for the behaviour, even if the perpetrator does not believe that the Member possesses the protected characteristic. For example, a line manager may harass a colleague if he teases him about a learning difficulty, even if he does not have a learning difficulty and the line manager knows that he does not.

It is also unlawful to engage in unwanted behaviour of a sexual nature, or to treat a person less favourably because he or she has rejected or submitted to unwanted conduct of a sexual nature or unwanted conduct related to sex or gender reassignment. For example, unwanted conduct of a sexual nature could include indecent comments or demands of a sexual nature, and less favourable treatment for rejecting such conduct could also amount to harassment.

Types of behaviour that may amount to unlawful harassment

Under discrimination law, behaviour will potentially amount to harassment if it is unwanted conduct that has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
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The term "unwanted" makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to him or her personally. People are different, and what one Member finds hilariously funny may be offensive or degrading to another.

In judging whether or not particular conduct may amount to harassment, it is important to bear in mind that the motive of the "harasser" is irrelevant. The phrase "purpose or effect" makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It will not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it.

The notion of creating an offensive environment for an individual

The phrase "creating an intimidating, hostile, degrading, humiliating or offensive environment" means that behaviour can amount to harassment even if it is not targeted at an individual. It will be enough that the behaviour creates an atmosphere at work that causes offence to a particular Member or makes him or her feel uncomfortable. For example, the circulation of sexually explicit material around an office, even though it might not be targeted at a particular Member, could constitute sexual harassment against any woman or man who found it distasteful. Harassment can be physical, verbal or non-verbal and a wide range of different types of behaviour at work may potentially be perceived as harassment. The following table gives some examples of behaviour that could be perceived as harassment.

| Harassment | Examples of behaviours |
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| Sex-related harassment | <ul style="list-style-type: none"> • Telling jokes about women. • Making sexist remarks (derogatory or otherwise). • Making references to a person's physical appearance or clothes. • Deliberately placing tools or materials that a woman needs to do her job on a high shelf to make it harder for her to reach them. |

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| Harassment of a sexual nature | <ul style="list-style-type: none"> • The display of sexually explicit material on computer screens or in calendars. • Leering at a woman in a manner that is overtly sexual. • Physically touching someone in a sexual manner where such conduct is not welcome. • Remarks, banter or jokes of a sexual nature. • Making sexual suggestions or persisting with sexual advances after it has been made clear that such approaches are unwelcome. |
| Gender reassignment harassment | <ul style="list-style-type: none"> • Deliberately referring to someone by the wrong gender • Remarks, banter or jokes about gender transition |
| Racial harassment | <ul style="list-style-type: none"> • Calling someone a nickname linked to his or her skin colour or nationality, for example calling an Asia Member "Paki". • Remarks, banter or jokes about people from different racial backgrounds. |
| Disability harassment | <ul style="list-style-type: none"> • Using insulting terminology, such as "mong", "retard" or "spastic", when referring to a disabled colleague. • Excessive staring, for example at someone with a facial disfigurement. • Making references to a person's physical appearance (derogatory or not) • Mimicking a disabled colleague's mannerisms or speech. |
| Religious harassment | <ul style="list-style-type: none"> • Remarks, banter or jokes about particular religious beliefs or religious practices. • Derogatory remarks made about a particular item of clothing or jewellery worn by someone as a symbol of his or her religion. |
| Sexual orientation harassment | <ul style="list-style-type: none"> • Deliberate isolation of someone on grounds of his or her sexuality or perceived sexuality. • Deliberately behaving in an effeminate manner in the presence of someone who is gay. • Calling someone a nickname based on his or her sexuality or perceived sexuality. |

Guarding against offensive jokes, banter and remarks

General banter linked to sex, race, religion, sexual orientation or age is the most common form of harassment in employment. The basic rule should be that any jokes, remarks or banter that might cause offence to another Member on any grounds will not be permitted. Members should be encouraged to realise that their colleagues will have differing views and feelings and differing levels of sensitivity about certain matters.

Furthermore, no individual Member can ever know everything about his or her colleagues, for example a white colleague may be married to a black person or to someone of a minority religion or could have a brother who is gay or a daughter who is lesbian.

Making a complaint of bullying or harassment: the procedure

A Member can make a complaint of bullying or harassment in writing to their manager, in line with the Grievance Policy and Procedures. If the complaint is in relation to their manager, the complaint can be made in writing to the Chair of Trustees, currently Jeremy Macklin (Jeremy.Macklin@power2inspire.org.uk). This written statement will form the basis of subsequent investigations, so it is important that the Member clearly outlines the nature of the bullying or harassment.

Investigating a complaint

All allegations of bullying or harassment will be investigated. Investigation will involve confidential meetings, first with the complainant and second with the Member accused of bullying or harassment. In both cases, the Member being interviewed will be granted the right to be accompanied by a colleague or trade union official of his or her choice.

The right to be accompanied is a legal requirement whenever a meeting with a Member is either a formal grievance hearing or likely to lead to formal disciplinary action or sanction.

If the complainant has identified any witnesses to any of the alleged incidents of harassment, these witnesses will also be interviewed separately and confidentially. There will be no duty to offer a witness the right to be accompanied at his or her interview as it will be purely fact finding in nature.

The aim of the investigation will be to establish, so far as possible, the facts. The investigating manager will ask those being interviewed to be as specific as possible and to report examples of what precisely they saw or heard that caused, or might have caused, offence. This should include issues such as the context and the tone of voice used, as well as the dates and times of the reported incidents, where the incidents took place, any background factors and how the incidents affected them at the time.

As part of these investigations, the investigating manager will:

- check whether the Member suspected of bullying or harassment has received previous warnings for similar misconduct (or other types of misconduct) and, if so, whether any earlier warnings are active.

- talk in confidence to any Members who may have evidence relating to the Member's alleged behaviour.
- endeavour to persuade any Members who may have been witness to the Member's alleged bullying or harassment, or who may have knowledge of it, to give a statement to that effect.
- set up an interview with the Member believed to have bullied or harassed a colleague, allowing him/her the right to be accompanied at the interview.
- allow the Member a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct.
- assess objectively whether the Member's conduct appears to have amounted to bullying or harassment.
- adopt an objective and balanced approach to the information gained as a result of the investigation.
- avoid allowing personal views about the Member to influence the overall assessment of the conduct under review; and
- keep confidential records of the investigation and ensure that these are handled in accordance with local data privacy laws.

The Charity reserves the right to suspend or temporarily redeploy either the Member suspected of bullying or harassment or the Member raising a complaint of bullying or harassment during the investigations, if it is considered in the interests of the individual(s) or the Charity to do so. Suspension in these circumstances does not constitute disciplinary action and will be on full pay, if an employee.

The interview

The purpose of the interview will be to establish whether or not there are proper grounds for taking disciplinary action or sanction against the Member and, if there are, what level of disciplinary action or sanction would be appropriate. This will depend on whether or not, following the interview, there are reasonable grounds for forming a genuine belief that incidents of harassment or bullying did in fact occur. This interview will be held as soon as is reasonably practicable and, subject to carrying out prior investigations, within five working days of the receipt of the Member's written complaint. It will be conducted by an independent person and may be attended by a trustee or a representative for the board of trustees. At the interview, the Member will be asked to explain the nature of their complaint and what action they feel should be taken to resolve the matter. Where appropriate, the meeting may be adjourned to allow further investigations to take place.

The Member should ensure that they attend the meeting at the specified time. If the Member is unable to attend because of circumstances beyond their control, they should inform the investigator as soon as possible. If the Member fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the interview may take place in the Member's absence using the evidence from the investigation.

Following the interview, the Member will be informed in writing of the outcome within five working days and told of any action that the Charity proposes to take as a result of the complaint. The Member may discuss this outcome informally with either their line manager or the Chair of trustees. As soon as possible following the conclusion of the investigation, the Charity will inform the Member suspected of bullying or harassment as to the outcome, in writing. The Charity will decide at that point whether or not it is appropriate to instigate disciplinary action or sanction against the Member. Any disciplinary proceedings will, where possible, be conducted by a different person to the one who conducted the investigation.

If the Member is dissatisfied with the outcome, they may make a formal appeal.

Appeal

Any appeal should be made in writing to the manager who conducted the initial interview or to the trustees. The Member should clearly state the grounds of their appeal, i.e. the basis on which he or she says that the outcome of the interview was wrong or that the action taken as a result was inappropriate. This should be done within five working days of the written notification of the outcome of the interview. An appeal meeting will be arranged to take place within five working days of the submission of the Member's formal appeal.

The Member should ensure that they attend the meeting at the specified time. If the Member is unable to attend because of circumstances beyond their control, they should inform the manager as soon as possible. If the Member fails to attend without explanation, or if it appears that they have not made sufficient attempts to attend, the appeal hearing may take place in the Member's absence.

The appeal hearing will be conducted by a trustee, who will consider the grounds that the Member has put forward and assess whether or not the conclusion reached previously was appropriate. The appeal is not a rehearing of the original interview, but rather a consideration of the specific areas with which the Member is dissatisfied in relation to the original decision. The person conducting the appeal may therefore confine discussion to those specific areas rather than reconsider the whole matter afresh.

Following the appeal meeting, the Member will be informed of the outcome within five working days. The outcome of this meeting will be final.

Accessibility: If any aspect of the procedure causes the Member difficulty on account of any disability that he or she may have, or if he or she needs assistance because English is not their first language, they should raise this issue with the trustees who will make appropriate arrangements.

The right to be accompanied

The Member has the right to be accompanied at any interview or subsequent appeal. The choice of companion is a matter for the Member. At any hearing or appeal hearing, the chosen companion will be allowed to address the meeting, respond on the Member's behalf to any views expressed, and sum up the case on the Member's behalf. However, both the interview and appeal hearing are essentially meetings between the Charity and the Member, so any questions put directly to the Member should be dealt with by them and not their companion. Where the chosen companion is unavailable on the day scheduled for the interview or appeal, the meeting will be rescheduled, provided that the Member can propose an alternative time within five working days of the scheduled date.

Last updated: 19 April 2021

Date of next review: 19 April 2022

Alex Laybourne
19th April 2021