



BULLYING & HARASSMENT POLICY

Approved by Finance & Resources
committee

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Version
no. 2

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Southway Housing Trust

Bullying and Harassment Policy

Our commitment

The Trust is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the Trust. Harassment or bullying may make people unhappy; may cause them stress and affect their health and family and social relationships; may affect their work performance and could cause them to leave their jobs. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the Trust can include loss of morale, poor work performance, and increased turnover of staff, legal claims and damage to the Trust's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The Trust will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The Trust will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Making a complaint which you know to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against you.

Links to TSA Registration Criteria (2004) and Regulatory Code:

Properly Governed: 2.1, 2.3.1

Properly Managed: 3.2.1, 3.2.2, 3.2.3

The scope of this policy

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

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace e.g. business trips and work-related social events.

The policy does not cover bullying or harassment by customers, suppliers, vendors or visitors and, in these cases, employees should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour; an abuse or misuse of power which undermines, humiliates or injures the person on the receiving end.

Harassment is unwanted conduct related to sex, race or ethnic or national origins, disability, sexual orientation, religion or belief, age or any other personal characteristic which

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person, or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them e.g. sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to them.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Trust's disciplinary policy. Bullying or harassment will often be gross misconduct which can lead to dismissal without notice.

Some bullying or harassment will constitute unlawful discrimination e.g. if it relates to a person's sex, race, religion or belief, sexual orientation, disability or age. Serious bullying or harassment may also be other civil or criminal offences e.g. civil or criminal offences under the Protection from Harassment Act 1997 and criminal offences of assault.

Examples of bullying and harassment

Bullying and harassment may be misconduct which is physical, verbal or non-verbal e.g. by letter or e-mail (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to) the following:

- Physical conduct ranging from unwelcome touching to serious assault.
- Unwelcome sexual advances.
- The offer of rewards for going along with sexual advances e.g. promotion, access to training.
- Threats for rejecting sexual advances e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advances, assigned work, or any other condition of employment or career development.
- Demeaning comments about a person's appearance.
- Unwelcome jokes or comments of a sexual or racial nature or with reference to someone's age.
- Questions about a person's sex life.
- Unwanted nicknames related to a person's race or disability.
- The use of obscene gestures.
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person e.g. magazines, calendars or pin-ups.
- Spreading malicious rumours
- Picking on someone or setting them up to fail.
- Obstructing someone's personal development or training
- Giving feedback on someone's work in an aggressive or insulting manner
- Making threats or comments about someone's job security without good reason.
- Ridiculing someone
- Isolation or non-co-operation at work.
- Excluding someone from social activities.

What is victimisation?

Victimisation is treating someone less favourably than others because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them worse work.

Provided you act in good faith i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Trust will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint which you know to be untrue, or giving evidence which you know to be untrue, may lead to disciplinary action being taken against you.

What should I do if I think I am being bullied or harassed?

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in Human Resources, a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour of theirs you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager or Human Resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Trust's Grievance Procedure. In the case of grievances about bullying or harassment, the normal Grievance Procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the Human Resources department. We will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. The Human Resources department can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any

disciplinary proceedings. The Trust will decide on a balance of probabilities, after considering all available evidence, whether harassment or bullying has occurred.

The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the Trust's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

If there is a risk of on ongoing harassment, the Trust will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. In a serious case, the alleged harasser may be suspended whilst investigation and any disciplinary proceedings are underway.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the Trust's employment, every effort will be made to ensure, if possible, that, if you do not wish to, you do not have to continue to work alongside the harasser. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post.

If your complaint is not upheld, the Human Resources Department will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint which you know to be untrue may lead to disciplinary action being taken against you.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings.

What can I do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- Being aware of how your own behaviour may affect others and changing it, if necessary. You can still cause offence even if you are "only joking".
- Treating your colleagues with dignity and respect.

- Taking a stand if you think inappropriate jokes or comments are being made.
- Making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case.
- Intervening, if possible, to stop harassment or bullying and giving support to recipients.
- Making it clear that you find harassment and bullying unacceptable.
- Reporting harassment or bullying to your manager or Human Resources and supporting the Trust in the investigation of complaints.
- If a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to

- set a good example by their own behaviour
- ensure that there is a supportive working environment
- make sure that staff know what standards of behaviour are expected of them
- intervene to stop bullying or harassment
- report promptly to Human Resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by the manager.

What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour which has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the Trust may bring disciplinary proceedings, if appropriate. The Trust will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment may be allegations of gross misconduct which, if proved, could lead to dismissal without notice.

The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Where appropriate and provided it is practical to do so, the Trust will try to ensure that you and the complainant are not required to work together whilst the complaint is under investigation. If the allegation is potentially gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the Trust could decide to transfer you to another post.

If a complaint is made against you which is not upheld and the Trust has good grounds for believing the complaint was not made in good faith, the Trust will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the Trust has good reason to think that you may have victimised the complainant or someone else.

If the complaint against you is not upheld, the Human Resources Department will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the Trust's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

Making this policy work

The Trust will provide training to all existing and new employees and others engaged to work at the Trust to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. We will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The Trust will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The Trust will also periodically monitor how successful we are being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

| <u>POLICY IMPLEMENTATION AND REVIEW HISTORY</u> | |
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| Date Approved by Board: 28/08 /07 | Date Implemented: 26 / 11 /07 |
| Projected Date of Review: 28 / 08 / 2009 | |
| Review Date: 10 November 2009 | |
| <u>Amendment(s) Made/Reason</u> | |
| <p>The policy has been rewritten to strengthen it. This is because the Trust would be vicariously liable for bullying and harassment by one of its employees towards another individual and as such it is necessary to ensure that employees are made aware of their responsibilities.</p> <p>The changes ensure that the policy is effective by clearly explaining the standards of behaviour expected of staff and so helps to build and maintain an organisational culture that is free from the damaging effects that bullying and harassment can have upon individuals and the workforce as a whole.</p> | |
| Date Approved by Board: 10/11/2009 | Date Implemented: 11/11/2009 |