



## **Red Lion House Charity**

Charity Number; 1176422

### **Prevention of Bullying and Harassment at Work**

#### **Statement of Policy**

1. Red Lion House Charity is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the Charity and those who have dealings with the Charity has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
2. The Charity's policy applies to all staff working within the organisation. It extends to include non-permanent workers such as contractors, temporary staff, and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
3. The Charity has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

#### **Key Principles**

4. The Charity will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the Charity must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
5. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment.

6. Harassment may be defined as any conduct which is :-

- unwanted by the recipient
- is considered objectionable
- causes humiliation, offence, distress or other detrimental effect.

7. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

8. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to :

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- "cyber bullying" i.e. bullying via e-mail. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

***Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.***

9. Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with the Safeguarding Officer. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.

10. When a complaint of Harassment or Bullying is made, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate.
11. If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the Charity will normally remove the alleged perpetrator rather than the complainant. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
12. All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.
13. No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and this will be not used as the basis for decisions affecting that employee.
14. All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to the Trustees for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.

**This policy needs to be read in conjunction with:**

Whistleblowing Policy  
Equal and Diversity Policy  
Safer Recruitment Policy  
Safeguarding Vulnerable Adults Policy  
Health and Safety Policy

**Agreed by** the Red Lion House Charity

**Date** January 2022

**Review Date** November 2024

**Signed** .....*CDean*.....

## **APPENDIX**

Template letters to assist the procedure are available in the ACAS Handbook.  
<https://uk.employeradvice.org/helpline/acas-code>

### **PROCEDURE**

1. Informal Resolution
  - 1.1 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.
  - 1.2 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.
  - 1.3 If the complainant feels unable to approach the alleged harasser, a Trustee could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken.
  - 1.4 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.
2. Formal Resolution
  - 2.1 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 with the Trustees.
  - 2.2 When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant person should:
    - a Take full details of the incidents in writing from the complainant
    - b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour

- c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
- d Keep all parties informed of expected timescales.
- e Inform all parties in writing of the outcome and any action that may be required.

2.4 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation.

2.5 Should there be a case to answer against the alleged harasser, the Trustee who has dealt with the complaint will communicate this to an impartial Trustee who will conduct a separate disciplinary investigation. A disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:-

- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
- If the complainant is required to attend, they are entitled to be accompanied by another person and have any questions directed through that person.

2.6 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-

- Dismissal
- A formal warning
- A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
- Making arrangements for both parties to work as separately as possible within the same workplace.

2.7 In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Charity.

2.8 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to action.

## Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure will be referred to an external adviser.

## 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.