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HARASSMENT POLICY & PROCEDURE

**Charitable Incorporated Organisation
Charity Number: 1159808**

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Policy

The organisation is committed to ensuring equal opportunities and fair treatment in the workplace for everyone. One of the key aims of the policy is to enable the organisation to provide an environment in which everyone feels comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

The purpose of this policy is to provide a route for trustees, employees volunteers and trainees who believe that they have been harassed or bullied to raise a complaint either informally or formally.

The organisation will treat all complaints of harassment seriously and will investigate them promptly, efficiently and in confidence. The main aim of this policy is to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

Right to report harassment/bullying

Everyone has an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. Anyone who raises a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.


However, if it is established that anyone has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

Anyone who witnesses an incident that they believe to be the harassment or bullying of anyone else should report the incident in confidence to their line manager or mentor. The organisation will take all such reports seriously and will treat the information in strict confidence as far as it is possible to do so.

How to make a complaint

Before raising a formal complaint, it is encouraged in the first instance to talk directly and informally to the person whom they believe is harassing them and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where anyone would like support to make such an approach, they should contact their manager.

If, however, they feel unable to take this course of action, or they have already approached the person to no avail, or if the harassment is of a very serious nature, they may raise a formal complaint. Formal complaints may be raised with either the line manager, mentor or, if preferred, the Head of People Development. If the complaint is in relation to the Head of People Development, this can go directly to the CEO.

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In bringing a complaint of harassment/bullying, you should be prepared to state:

- the name of the person whose behaviour they believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of anyone else who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that has already been taken to try to deal with the harassment.

Responsibility on managers to deal with complaints


Managers who receive a complaint of harassment have a duty to investigate the matter thoroughly and objectively and to take corrective action in order to ensure that the organisation's dignity at work policy is complied with. Managers should be responsive and supportive towards anyone who raises a genuine complaint of harassment or bullying. The CEO will assist any manager in dealing with complaints of harassment or bullying. All incidents of harassment/bullying should, in any event, be reported to the CEO.

The organisation reserves the right, at its discretion, to suspend any employee who is under investigation for harassment or bullying for a temporary period whilst investigations are being carried out. Such suspension will be for as short a time as possible and will be on full pay. Volunteers, trustees or trainees may be suspended from their usual activities whilst investigations are being carried out.

Anyone accused of harassment or bullying will be informed of the exact nature of the complaint against them and afforded a full opportunity to challenge the allegations and put forward an explanation for their behaviour in a confidential interview, with a companion present if they wish. No one will be presumed guilty following an allegation of harassment or bullying against them.

The organisation regards all forms of harassment and bullying as serious misconduct, and any employee who is found to have harassed or bullied a colleague, volunteer, trustee or trainee will be liable to disciplinary action up to and including summary dismissal. Volunteers, trustees or trainees will be unable to continue their activities with R-evolution.

The organisation will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the relevant Data Protection legislation.

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Appendix A – Notes re The Equality Act 2010

The Equality Act 2010 defines direct discrimination as less favourable treatment because of a protected characteristic. The protected characteristics under the Equality Act 2010 are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex; and
- sexual orientation.

The Equality Act 2010 makes harassment unlawful across all the protected characteristics, with the exceptions of marriage and civil partnership, and pregnancy and maternity. Harassment is defined as unwanted conduct related to a relevant protected characteristic that has the purpose or effect of:

- violating a person's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment.

The Act sets out two specific definitions of sexual harassment, which are:


- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of or submission to sexual conduct.

In determining whether or not the unwanted conduct has the effect referred to, the factors that must be taken into account are:

- the perception of the complainant;
- the other circumstances of the case; and
- whether or not it is reasonable for the conduct to have that effect.

Harassment also includes the following:

- **Harassment based on association.** It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic (other than marriage and civil partnership), and (according to guidance from the Government and ACAS) pregnancy and maternity

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- **Harassment based on a perception.** It is unlawful to discriminate against or harass any individual based on a perception that he or she has a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) when they do not, in fact, have the protected characteristic.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion, because they made or supported a complaint or raised a grievance under the Equality Act 2010, or because they are suspected of doing so. However, an employee is not protected from victimisation if they acted maliciously or made or supported an untrue complaint. There is no longer a need for a complainant to compare his/her treatment with someone who has not made or supported a complaint under the Equality Act 2010.