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CEO, John Marshall: Date:
Chair of Trustees, Mervyn Bishop: Date:



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 all its staff. One of the key aims of the policy is to enable the organisation to provide a working environment in which all staff feel 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 members of staff 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

Employees have 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. Employees who raise 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 an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

Any employee who witnesses an incident that he/she believes to be the harassment or bullying of another member of staff should report the incident in confidence either to his/her line manager. 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, the employee is encouraged in the first instance to talk directly and informally to the person whom he/she believes is harassing him/her 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 his/her behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action. Where an employee would like support to make such an approach, he/she should contact his or her manager.

If, however, the employee feels unable to take this course of action, or if he/she has already approached the person to no avail, or if the harassment is of a very serious nature, he/she may raise a formal complaint. Formal complaints may be raised with either the employee's manager or, if preferred, the CEO.

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

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- the name of the person whose behaviour he/she believes 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 any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the employee has already 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 any worker 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.

Any employee accused of harassment or bullying will be informed of the exact nature of the complaint against him/her and afforded a full opportunity to challenge the allegations and put forward an explanation for his/her behaviour in a confidential interview, with a companion present if he/she wishes. No employee will be presumed guilty following an allegation of harassment or bullying against him/her.

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 will be liable to disciplinary action up to and including summary dismissal.

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 he/she does 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 he/she made or supported a complaint or raised a grievance under the Equality Act 2010, or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she 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.