

Anti-Harassment and Bullying Policy

1. Policy Statement

- 1.1 The purpose of this policy is to ensure that all staff are treated and treat others with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
- 1.2 This policy covers harassment or bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by staff and also by third parties such as customers, suppliers or visitors to our premises.
- 1.3 Staff must treat colleagues and others with dignity and respect, and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.4 We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases it may amount to gross misconduct leading to summary dismissal.
- 1.5 This policy does not form part of any employee's contract of employment and we may amend it at any time or depart from it where we consider appropriate.

2. What the Law Says

- 2.1 The Equality Act 2010 prohibits harassment related to gender, sexual orientation, marital civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age. For more information see our Equal Opportunities Policy.
- 2.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 2.3 Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 2.4 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.

3. Who is Covered by the Policy?

- 3.1 This policy covers all individuals working for us or at any of our premises irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff (collectively referred to as staff in this policy).

4. What is Harassment?

- 4.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment.
- 4.2 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 4.3 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the victim's gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability, or age. Harassment is unacceptable even if it does not fall within any of these categories.
- 4.4 Harassment may include, for example:
 - (a) unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - (b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
 - (c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - (d) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
 - (e) offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - (f) mocking, mimicking or belittling a person's disability;
 - (g) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - (h) outing or threatening to out someone as gay or lesbian; or
 - (i) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 4.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for him.

5. What is Bullying?

- 5.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation.
- 5.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- (a) shouting at, being sarcastic towards, ridiculing or demeaning others;
 - (b) physical or psychological threats;
 - (c) overbearing and intimidating levels of supervision;
 - (d) inappropriate and/or derogatory remarks about someone's performance;
 - (e) abuse of authority or power by those in positions of seniority; or
 - (f) deliberately excluding someone from meetings or communications without good reason.
- 5.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

6. Informal Steps

- 6.1 If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your Line Manager ("Manager") or the Deputy Company Secretary ("the DCS"), who can provide confidential advice and assistance in resolving the issue formally or informally.
- 6.2 If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your Manager informally for confidential advice.
- 6.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

7. Raising a Formal Complaint

- 7.1 If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your Manager, whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it their Manager or Director.
- 7.2 Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
- 7.3 As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

8. Formal Investigations

- 8.1 We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
- 8.2 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
- 8.3 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
- 8.4 Where your complaint is about someone other than an employee, such as a contractor, tenant, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.
- 8.5 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

- 8.6 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
- 8.7 At the end of the investigation, the Manager/Director nominated to consider the complaint will normally arrange a meeting with you in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of any investigation report produced and the Manager's/Director's findings will be given to you and to the alleged harasser.

9. Action Following the Investigation

- 9.1 If the Manager/Director handling the complaint considers that harassment or bullying has occurred, prompt action will be taken to address it.
- 9.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure.
- 9.3 Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
- 9.4 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.
- 9.5 Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure as set out in the Grievance and Disciplinary Policy.

10. Appeals

- 10.1 If you are not satisfied with the outcome you may appeal in writing to the DCS, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.
- 10.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior Manager or a Director who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.
- 10.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

11. Protection and Support For Those Involved

- 11.1 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.
- 11.2 If you believe you have suffered any such treatment you should inform the DCS. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure if appropriate.
- 11.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure as set out in our Grievance and Disciplinary Policy.

12. Confidentiality and Data Protection

- 12.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.
- 12.2 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.
- 12.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

13. Who is Responsible for this Policy?

- 13.1 The Executive Chairman and Group Financial Director have overall responsibility for the effective operation of this policy but has delegated day to-day responsibility for overseeing its implementation to the DCS.
- 13.2 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.
- 13.3 Staff should disclose any instances of harassment or bullying of which they become aware to their Manager.
- 13.4 Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the DCS.