

## **Bullying and Harassment Policy and Procedure**

### **1. Introduction**

As part of its overall commitment to equality of opportunity RCT is fully committed to promoting a good and harmonious working environment where every employee, volunteer and member of the governing body of the organisation is treated with dignity and respect and does not feel threatened or intimidated because of his or her gender, race, colour, ethnic or national origin, disability, marital status, family commitments, sexual orientation, age, religious or political beliefs, social class or trade union activity, whether a person possesses this characteristic themselves, or is connected to it through perception or association. We also recognise that workplace bullying and harassment can create an offensive working environment for all employees, even if the unwanted behaviour is not directed at them. Bullying and harassment are unlawful and will not be tolerated at RCT.

#### **RCT recognises that:**

Bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems within the organisation, including:

- Poor morale and employee relations
- Loss of respect for managers and members of the governing body
- Poor performance
- Lost productivity
- Absence
- Resignations
- Damage to RCT reputation
- Tribunal and other court cases and payment of unlimited damages

### **2. What is harassment?**

According to guidance from ACAS, harassment can be defined as “unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions are viewed as demeaning and unacceptable to the recipient”.

This definition is wide ranging, and harassment may take many forms. Below are some examples of harassment. However, this list is not exhaustive and there may be others.

#### **Examples of actions that could be viewed as harassment**

##### **Physical:**

- Physical contact, ranging from unnecessary touching, patting or brushing against someone, indecent assault, physical attacks or threats
- Intrusive or anti-social behaviour such as excessive staring, pestering, unwarranted spying, offensive gestures or body language

**Verbal:**

- The threat of dismissal, loss of promotion, benefits or other entitlements, as a result of refusal of sexual or other favours
- Excessive undue pressure to participate in political, religious or other social groups
- Subjecting someone to ridicule or insults because of their gender or sexual orientation, i.e. sexist or homophobic remarks
- Subjecting someone to ridicule or insults because of their race, disability, religious beliefs, cultural beliefs or personal appearance
- Subjecting someone to ridicule or insults because of a perceived protected characteristic or their association with a person with a protected characteristic (as defined by Equality Act 2010)
- Jokes or verbal abuse of a sexist, racist or ageist nature
- Continued pressure to take part in social activities outside the workplace after it has been made clear that such suggestions are unwelcome

**Visual**

- The display or circulation of sexually suggestive material, offensive posters, graffiti, emblems, badges, e-mails etc

Unwanted conduct at work, when working off the premises, or at a work-based social event becomes harassment if it is continued after it has been made clear that it is regarded by the recipient as offensive, although one incident of unwanted behaviour may constitute harassment if sufficiently serious.

Unwanted behaviour which constitutes harassment may also come from third parties (e.g. service users).

Employees may raise a complaint of harassment, even if the unwanted behaviour was not aimed directly at them, on the grounds that the harassment of a colleague has created an offensive working environment for the complainant (Equality Act 2010). This applies even if the person directly experiencing harassment does not raise a complaint.

**3. What is bullying**

According to guidance from ACAS, bullying may be described as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”. Unlike harassment, bullying is not related to a protected characteristic.

**Examples of Actions that could be viewed as bullying**

- Shouting or screaming at any person, in public or in private
- Embarrassing or humiliating people in front of colleagues
- Persistent, unfounded criticism, accusations and spreading malicious rumours
- Intentionally isolating, ignoring or excluding a person
- Victimising any person
- Constantly undermining effort, blocking reasonable applications for leave, training, promotion without appropriate justification or explanation

- Unnecessarily invoking disciplinary or capability procedures
- Interference in someone's personal life i.e. stalking or spying
- Overbearing supervision or other misuse of power or position

Bullying can take many forms and the above list is not exhaustive. Bullying and harassment are not necessarily always face to face and may occur in written communications or by telephone.

Bullying can come from any level or grade of staff and be aimed at any level or grade of staff. It may also come from service providers, service users or others external to RCT

#### **4. Staff and Volunteer Rights and Responsibilities**

##### **Staff and Volunteer Rights**

All staff and volunteers have the right to carry out their duties in an environment which is free from any form of harassment. RCT fully recognises these rights and will deal with complaints of bullying or harassment seriously, promptly and confidentially.

##### **Staff and Volunteer Responsibilities**

All staff and volunteers have a responsibility to ensure an environment in which the dignity of their colleagues is respected. Everyone must comply with this policy and should ensure that their behaviour to colleagues does not cause offence and could not in any way be considered to be bullying or harassment.

Staff and volunteers have a responsibility to discourage bullying and harassment by making it clear that they find such behaviour unacceptable, and by supporting colleagues who suffer such treatment and are considering making a complaint. Employees and volunteers who witness inappropriate behaviour should alert their line manager to enable it to be dealt with.

##### **Line Managers' Responsibilities**

It is the responsibility of managers to implement this policy and to make every effort to ensure that bullying and harassment does not occur. Line Managers should

- explain the policy to their staff and volunteers and take steps to promote awareness of the procedure for dealing with complaints
- be supporting and responsive to staff who make an allegation of harassment or bullying
- provide clear advice on the procedure to be adopted
- maintain confidentiality
- seek to ensure that there are no further problems of harassment or victimisation after a complaint has been resolved
- set a good example by treating all staff and volunteers with dignity and respect
- be alert to unacceptable behaviour and take appropriate action
- ensure that staff and volunteers know how to raise bullying and harassment problems
- take reasonable steps to prevent further harassment from third parties (e.g. service users) if an incident of such harassment is brought to their attention.

## **Bullying and Harassment Procedure**

### **1. Introduction**

This procedure forms part of the measures in place within RCT which minimise the instances of negative or prejudicial behaviour experienced by RCT staff and volunteers, and has been developed in line with the ACAS Code of Practice on Bullying and Harassment.

### **2. Scope**

This procedure covers all RCT employees, volunteers and members of its governing body.

RCT is also committed to ensure that a safe, harassment and bullying- free environment extends to third parties such as members of the public, service users, partners, contractors etc. Therefore, any complaints of harassment or bullying by external stakeholders will be investigated using this procedure in conjunction with RCT complaints policy & procedure.

### **3. Procedures**

#### **3.1 Reporting allegations or complaints of harassment or bullying**

Bullying or harassment allegations or complaints should be reported within 3 months of the incident taking place

#### **3.2 Bullying and Harassment Investigations**

##### **Purpose**

The purpose of a bullying and harassment investigation is to establish the facts behind an allegation or complaint and gather evidence relating to the offence with an appropriate level of confidentiality. It is also the opportunity for both sides of the argument to be heard

#### **3.3 Informal Action**

In the first instance the complaint should be raised verbally with your line manager, who will record details of the complaint.

The line manager will deal with the complaint. They will meet with the person against who the allegation or complaint is made, and will make the individual aware of the nature of the complaint, seek their views and if they feel that there is an informal case to answer, they will make them aware that:

- The behaviour described by the complainant is unwelcome and that it must stop
- it is having a negative impact on the person complaining
- Any repetition of the unwanted behaviour may result in a formal complaint or grievance

The manager will also:

- Seek a commitment to change the behaviour

- Agree standards of behaviour that are acceptable to all parties
- Consider alternative that might create easier working conditions ( e.g. where there has been a relationship breakdown, it might be preferable for the people involved to work different working patterns or in a different way)

A note of the conversation and copies of anything put in writing will be kept on the individual's personnel file for later reference. On completion of the informal investigation, the line managers will make available full written records of the investigation.

### **3.4 Formal Action**

Formal action may be necessary when:

- informal approaches are not accepted, or fail to resolve the problem
- there has been repeated bullying or harassment following informal action
- informal action is inappropriate because the alleged nature of the behaviour is so serious

#### **Formal Steps**

**Step 1** The individual puts the complaint in writing to their line manager. The letter must provide details of the allegation, incidents or continued unacceptable behaviour.

**Step 2** The line manager takes the complaint to the management team, who will agree on an individual to initiate a formal investigation within 5 working days of the complaint.

The alleged bully/harasser is notified by their line manager of the complaint and the intention to investigate. In cases of alleged serious harassment, the staff member may be suspended pending the investigation

**Step 3** The nominated manager will complete an investigation within 28 days whenever possible. This will include a formally recorded interview with the person making the complaint, the person against who the complaint has been made and, where applicable, formally recorded interviews with any relevant witnesses.

**Step 4** The nominated manager will present the evidence to the management team, who will consider the evidence and decide whether or not to invoke the formal disciplinary procedure or not.

If it is not necessary to invoke the formal disciplinary procedure, the line manager of the employee will discuss the matter with the employee and develop an action plan which will cover areas for improvement. The discussion will be in private and the employee will be informed that no formal disciplinary action is being taken.

If it is necessary to invoke the formal disciplinary procedure, the employee will be informed of this decision verbally and will receive a formal letter confirming this.

If there is **not a case to answer**, both parties will be given a final opportunity to resolve the issue informally, through mediation and action planning.

If **there is a case to answer**, RCT disciplinary procedure will be invoked.

**Step 5** On completion of the investigation, the line managers of both parties will make available full written records of the investigation

### **3.5 Support to staff after an investigation or hearing**

Support will be provided to staff or volunteers involved in a bullying or harassment allegation regardless of the outcome. Examples of the support which can be provided include:

Support to the person who has experienced harassment or bullying, this may include direct support from their line manager, or access to counselling services through Health Assured on the Employee Assistance Program with Peninsula.

Support to the bully/harasser to help address issues relating to their actions or attitude – this may include counselling, management support or training.

Support will be provided to employees to prevent any intimidation, victimisation or discrimination which might arise from bringing a complaint or assisting in an investigation.

If a complaint is upheld it may be necessary to relocate or transfer one party to another department or position within the organisation. If relocation is possible the complainant should be given the choice of whether he/she wishes to be relocated.

### **3.6 Monitoring**

Line managers should monitor individual cases to ensure no victimisation of the complainant takes place following either informal or formal stages of the procedure.

## **REVIEW SCHEDULE:**

The Bullying and Harassment Policy is formally reviewed on an annual basis.

**Date of last review:** August 2023

**Reviewed by:** Lizl Donnelly

**Job Role:** Business Support Manager

**Date of next Review:** August 2024