



## Bullying and Harassment Policy



Approved: 23<sup>rd</sup> July 2019

Review due: July 2021



Lewisham Speaking up believes everybody has a right to be safe from **bullying and harassment**.



Lewisham Speaking Up will not put up with bullying and harassment of any kind.



**Bullying** is behaviour from one person to another that can hurt a person and make them feel scared and upset.



**Harassment** is when a person makes another person feel bad because of their sex, gender,



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when the person changes their gender, if they are lesbian, gay, or bi-sexual, their race, colour, religion, disability, age, or anything else about what they look like or where they are from.



They might tease the person, call them names, and make them feel sad, scared, and unhappy. They might think it is a joke.



If you don't think it is funny and it upsets you, you should report it.



The person might touch your body. If you don't like being touched you must tell them to **stop**. If they don't stop you should report it.



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The person might touch you in a sexual way. If they do, you should report it.



Bullying or Harassment can make people sad. It can make them not want to come to work and do their job.



If it happens, it should be reported and we will do something about it.



Bullying and harassment can be done by managers, workers,



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and volunteers. Managers, workers, and volunteers can also be bullied and harassed by people.



### What to do if you think you are being bullied or harassed



Sometimes you can tell the person and they will stop. They might not have meant to upset you and they might say sorry.



If you tell the person to stop and they do not stop, you **MUST** report it to your Manager or to the Director. If you do not want to tell your Manager or the



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Director, you must tell the Chair person of the Board.



If you don't feel safe telling the person to stop, you can tell your Manager or the Director. If you do not feel safe telling your Manager, you can tell the Chair person of the Board.



If the person makes you feel bad for telling someone, you should report it straight away to the Chair person or another Board member



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Lewisham Speaking Up will listen to your report and will do something about it.

We will do our best to stop any bullying or harassment.



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### **Bullying and Harassment Policy and procedure**

#### **Our commitment**

Lewisham Speaking Up is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the charity. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the charity can include loss of morale, poor work performance, increased turnover of staff, legal claims and damage to the charity's reputation. Employees found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

The charity will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary or other action will be taken. The charity will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

#### **The scope of this policy**

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the charity, whether by direct contract with the charity or otherwise. If the complainant or alleged harasser is not employed by the charity, eg if the worker's contract is



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with an agency or a supplier or client this policy will apply with any necessary modifications such as that the charity could not dismiss the worker but would instead require the agency, supplier or company to remove the worker, if appropriate, after investigation and disciplinary proceedings.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events.

### What is bullying and harassment?

**Bullying** is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

**Harassment** is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to





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make it clear in advance that behaviour of that type is not acceptable to him/her, eg sexual touching. It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, eg certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that he/she has been bullied or harassed by customers, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of customers, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the charity's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.



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Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

### **Examples of bullying or harassment**

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter or email (so-called "flame-mail").

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- the offer of rewards for going along with sexual advances, eg promotion, access to training;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;



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- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines, calendars or pin-ups;
- spreading malicious rumours or insulting someone;
- picking on someone or setting him/her up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- excluding someone from social activities.

### What is victimisation?

**Victimisation** is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the charity will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.



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### **What should I do if I think I am being bullied or harassed?**

You may be able to sort out matters informally. The person may not know that his/her behaviour is unwelcome or upsetting. An informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of a manager, trade union representative or another employee. Alternatively, an initial approach could be made on your behalf by one of these people. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your manager. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the charity's grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with another manager, the Director or the Chair of the Trustee Board. The charity will ensure that you can bring your complaint in the first instance to someone of your own sex, if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. The Chair of the Trustee Board can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the general progress of the process of investigation and the outcome of any



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disciplinary proceedings. The charity will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

The charity will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them. If the complaint is upheld, and a person who has been found to have harassed you is kept in the charity's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

Wherever possible, the charity, if appropriate, may try to ensure that you and the alleged harasser are not required to work together while the complaint is under investigation. This could involve giving you the option of remaining at home on special leave, if you wish. In a serious case, the alleged harasser may be suspended while investigation and any disciplinary proceedings are underway.

Whether or not your complaint is upheld, and if the person found to have bullied or harassed you remains in the charity's employment, the charity will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.



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Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months beginning with the act complained of.

### **What can I do to help stop bullying and harassment?**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager and supporting the charity in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

Managers have a particular responsibility to:

- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment; and



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- report promptly to the Director or the Chair of the Trustee Board any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

### **What happens if I am accused of bullying or harassment?**

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive. Remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the charity may bring disciplinary proceedings, if appropriate. The charity will follow its disciplinary procedure and you will have the rights set out in that procedure. You will have the right to be informed of the allegations against you and to put your side of the story and to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The charity will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.



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Wherever possible, the charity will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the charity could decide to transfer you to another post.

If a complaint is made against you that is not upheld and the charity has good grounds for believing that the complaint was not made in good faith, the charity will take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the charity has good reason to think that you may have victimised the complainant or someone else.

Whether or the complaint against you is upheld, and if the complainant remains in the charity's employment, the charity will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the charity's disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts





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was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

### **Making this policy work**

The charity will provide training to all existing and new employees and others engaged to work at the charity to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment. We will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment.

The charity will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The charity will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.