**** **ANTI-BULLYING POLICY**

 **harassment and bullying at work**

**1. POLICY STATEMENT**

1.1 Real Action believes that every individual has an absolute right to be treated with dignity and respect. It takes seriously its responsibilities to provide a safe working environment, free from harassment and bullying and without fear of discrimination. The charity expects its employees to maintain good working relationships with colleagues and members of the public.

1.2 The charity firmly believes that harassment and bullying is damaging both to employees (paid staff and volunteers) and the organisation. It damages working relationships and creates tension and conflict leading to low morale and reduced efficiency. It can cause loss of self-confidence, anxiety, stress and may lead to poor performance, absenteeism, sickness, and resignation.

1.3 Real Action will take action to prevent harassment and bullying by publicising the policy, raising awareness, training managers, informing employees, and providing support for people making a complaint and monitoring the policy.

1.4 Harassment and bullying at work may constitute a disciplinary offence. The charity will treat any harassment and bullying seriously and deal with any allegations quickly. Serious cases will be treated as potential gross misconduct and may result in dismissal.

1.5 Victimisation of an individual who brings a case or takes part in an investigation is a disciplinary offence.

**2. SCOPE OF THE PROCEDURE**

2.1 This procedure applies to all staff and volunteers of Real Action. Staff and volunteers conduct is regulated by the Real Action Code of Conduct for staff and volunteers.

2.2 If the matter is not within the scope of this policy the complainant may wish to use the grievance procedure or any other appropriate policy.

**DEFINITION AND EXAMPLES OF HARASSMENT AND BULLYING**

3.1 Harassment or bullying are unwanted behaviours, which are offensive to the recipient or others, and which cannot be justified by the working relationship.

3.2 Harassment and bullying are similar behaviours although harassment tends to be against individuals who are members of certain groups, some of whom are covered by discrimination legislation. Both harassment and bullying occur where an employee abuses their position of power over another employee. This can undermine confidence and effectiveness of employees.

3.3 Harassment and bullying can affect people at all levels within Real Action.

3.4 Harassment and bullying by managers is particularly serious as it re-enforces a negative working environment and feelings of powerlessness. However, there is a difference between a bullying manager and a firm management style which is fair and equitable.

3.5 Harassment and bullying may be direct or indirect, intentional, or unintentional. It may be repeated or a single occurrence. Harassment may be based on several different reasons including race, colour, national and ethnic origin, nationality, gender, gender reassignment, marital status, disability, religious belief, sexuality, age, trade union membership or working part time.

3.6 A person’s perception of harassment and bullying must be taken seriously.

**Examples of Harassment and Bullying**

3.7 Harassment and bullying can take physical, verbal, written or visual forms.

3.8 The following are examples of harassment and bullying: The list is not exhaustive.

* Unwanted physical contact.
* Invasion of personal space.
* Unnecessary touching, patting, pinching, brushing against another.
* Unwelcome sexual advances.
* Violence.
* Persistent remarks, jokes, and innuendoes which are inappropriate and offensive.
* Ridicule or name calling.
* Abusive or threatening language including shouting and swearing.
* Offensive posters, leaflets, graffiti, pin-ups, magazines, and papers.
* Written insults, threatening mail or e-mail, computer-pornography or other forms of pornography, insignia, or symbols.
* Humiliating someone in front of other colleagues or in private.
* Singling out one person when there is a common problem.
* Giving negative feedback with no evidence of support or encouragement for improvement.
* Managing performance through threats and intimidation.
* Deliberately setting tasks that cannot be achieved within a reasonable timescale to undermine an individual.
* Ignoring or excluding an individual.
* Malicious gossip.

**4. Preventing Harassment & bullying at Work**

**4.1 Action By Real Action**

4.2 Real Action aims to prevent harassment and bullying and will carry out a range of measures to facilitate this:

* Introducing and implementing this policy which will be regularly reviewed and monitored.
* Raise employee awareness of harassment and bullying and their responsibilities.
* Ensure support and guidance is available to both complainant and the alleged perpetrator.
* Provide guidance, support, and training to enable managers to deal with incidents of harassment and bullying.

4.3 These measures will include the following arrangement for implementation of the policy provisions.

* A presentation to newly recruited staff and volunteers at their induction and to existing staff and volunteers.
* Training for Trustees involved in appeals procedure.
* Circulating electronic version of the policy to all staff and volunteers.
* Issuing leaflets on the policy to all applicants for jobs, new and existing employees.
* Circulating relevant articles to all staff and volunteers.
* A poster and notice board campaign publicising the policy.
* Inclusion of the policy in the Induction pack.
* Integrating harassment issues into wider Real Action initiatives, where possible, for example to include in training for Management team and discussion item at meetings.

Real Action has produced this policy and procedure to prevent incidents of harassment and bullying and to ensure that any incidents are dealt with effectively when they occur.

**5. RESPONSIBILITY**

5.1 **Real Action**

Real Action is responsible for the health, safety, and welfare of all its employees while they are at work.

Real Action is responsible for taking all reasonable steps to prevent and eliminate all forms of harassment and bullying. The charity will ensure that Trustees, managers, and employees are made aware of the policy and informed what standards of behaviour are acceptable. Real Action is also responsible for the training of managers in the policy.

**5.2 Trustees**

Trustees are responsible for promoting the policy and should ensure that their own behaviour is free from harassment and bullying. Trustees, in their role at appeal hearings, will ensure that the appeal hearings are carried out in a fair and equitable manner.

**5.3 Managers**

Managers have a responsibility to familiarise themselves with the policy and distribute it to all their employees and make them aware of its content. They must make sure that they set a good example by treating all their employees with dignity and respect and ensuring that their own behaviour is free from harassment and bullying. Managers must consistently reinforce appropriate standards of behaviour.

Managers must deal with complaints brought to their attention both appropriately and impartially. They must take any complaint seriously and not underestimate the effect on an individual’s feelings. Managers must follow up any case brought to them and monitor the situation to ensure that any harassment and bullying stops.

**5.4 Employees**

All employees at all levels are responsible for promoting a climate where harassment and bullying are unacceptable. All employees must ensure that their own behaviour is free from harassment and bullying. If employees witness harassment or bullying, they are encouraged to challenge any offending behaviour or seek advice from the list of people in 7.1.

**5.5 Confidentiality**

All complaints under this procedure will be taken seriously and it is therefore not always possible to guarantee confidentiality. Disclosure of criminal activities or information that will put the health and safety of employees and/or the public at risk will be acted upon.

All parties involved in any case of harassment or bullying will respect confidentiality. Unnecessary disclosure of confidential information at any stage may lead to disciplinary action. This does not rule out a confidential consultation with a friend or colleague for support.

**5.6 Monitoring**

Both the first stage and second stage of the procedure will be monitored by the Board of Trustees using the monitoring form. All cases of harassment and bullying that have been addressed will be carefully monitored to ensure that the harassment/bullying has stopped. The number and nature of harassment and bullying complaints will be reported to the Board of Trustees.

This policy and procedure will be reviewed on a regular basis.

**6.** **THE PROCEDURE**

The flow chart in Appendix 1 summarises the various stages of the procedure.

 **Introduction**

1. Harassment and bullying are difficult and distressing problems for those experiencing and witnessing them. Employees are often reluctant to complain as they may feel embarrassed, be afraid of not being taken seriously, fear victimisation or have feelings of guilt or self-blame.
2. The aim is to resolve most complaints informally to nurture and promote good working relationships and resolve any issues as close to the point of origin as possible. Allegations which may constitute gross misconduct will be dealt with directly under Real Action’s disciplinary procedure.

**7.** **EMPLOYEES available to give information and support.**

7.1 Any employee who experiences harassment or bullying is advised to discuss this with any of the following employees who are available to give initial information and support:

* The complainant’s Line Manager.
* A more senior manager if the Line Manager is the alleged perpetrator.
* A Trustee.
* A Trade Union representative.

The role of these employees and Trustees is to:

* Listen and give confidential, non-judgemental information and support to the complainant.
* Help them to identify the various options of how to proceed with the complaint.
* Assist the complainant to decide on the best route, but not to tell the complainant what to do.
* Assist the complainant to complete a monitoring form.

7.2 A trade union representative or colleague may also assist the complainant to see their line manager, more senior manager, or Trustees.

7.3 There are two stages to this procedure.

**8. THE FIRST STAGE**

8.1 The employee can decide on any of the following:

* Take personal action and if possible, ask the alleged perpetrator to stop their offending behaviour if they can do so. The complainant needs to keep a record of the nature of the complaint, when and where it took place, his/her feelings/behaviour at the time, witnesses, and response from the alleged perpetrator. This may be needed at a later stage if the case proceeds to the formal stages.
* Speak to any of the people listed in 7.1.
* Speak to the manager of the person against whom the employee has made a complaint with or without a colleague and/or a trade union representative.
* Take no action. However, failure to act may result in the situation remaining unresolved or escalating further. Therefore, employees are advised to speak to one of the people in 7.1.

8.2 If the complainant decides to speak to the manager of the alleged perpetrator, the manager may see that person and explain the complaint without making accusations. The manager will ask the person(s) if they are aware of the impact of the alleged complaint and give them the opportunity to respond to the allegation. The manager will specify what the required standards of behaviour are and that the consequences of continuing the alleged behaviour could lead to formal action including a formal investigation. The manager will monitor and review the situation which will include meetings to ensure that the situation has been resolved. In exceptional circumstances managers of either party may offer a short period of special leave.

8.3 Where a complainant and the alleged perpetrator do not report to the same line manager, the complainant may ask his or her line manager to speak to the line manager of the alleged perpetrator. This does not preclude the complainant speaking directly to the line manager of the alleged perpetrator, who will inform the complainant’s line manager or more senior manager.

8.4 The manager of the complainant or the manager of the alleged perpetrator can call a meeting of both parties. They should be advised that they both can be accompanied by a colleague. The purpose of the meeting is to attempt to resolve the situation.

8.5If the situation is not resolved,the manager may suggest mediation with a trained facilitator or a Trustee. This may take more than one meeting to agree a mediation settlement. Failure to reach agreement may result in moving to the second stage.

8.6 If the complaint is resolved at the first stage, the complainant must complete a monitoring form and send it to the General Manager. This will be stored and used in strictest confidence. The complainant may ask a colleague to assist him or her to complete the form (Appendix lII).

**THE SECOND STAGE**

**9. FORMAL ACTION**

9.1 All attempts should be made to resolve the issue informally at the first stage unless the complaint is of a serious nature and needs to be dealt with directly under the second stage e.g. violence, threats, victimisation or persistent harassment. Where a complaint has not been resolved informally (first stage), the complainant may wish to proceed to the formal stage of the procedure. Alleged cases of gross misconduct will be dealt with directly through the disciplinary procedure. The complainant can discuss this with relevant others before taking action.

9.2 The complainant must complete a harassment and bullying complaints form. The complainant may be assisted to complete the form (Appendix ll).

9.3 The formal complaint will be brought to the line manager or more senior manager if the line manager is the alleged perpetrator or any of the people listed in 7.1 who will forward it to the appropriate manager. The person to whom the complaint is brought may assist in completing the formal complaint form (see Appendix ll) that must include:

* Name, section and grouping of complainant and alleged perpetrator.
* Nature of complaint.
* As much details as possible of all incidents in chronological order, with dates and times if possible.
* Names of any witnesses.
* Effect on the complainant.
* Any other documentary evidences.
* Details of any informal action to date.
* Monitoring information – appendix IV (the complainant’s ethnic origin, gender, if they are disabled and age).
1. The complaint must be sent to the General Manager who will ensure that copies are forwarded to the Board of Trustees and the line manager of the complainant and the alleged perpetrator.

9.5 In certain circumstances it may also be appropriate to delay any appraisal meetings.

**10.** **Investigation**

10.1 **The Panel:** The Trustees as an investigation panel should consist of three panel members wherever possible but not less than two. The composition of the panel should reflect the race and gender or other status of both parties wherever possible. The panel members must not have been involved in the case previously and must be completely impartial. Ideally, they should not be from the same grouping as the complainant or alleged perpetrator. If no suitable internal person is available, external professionals might be used if appropriate.

10.2 If there are counter claims, which are a response to the original complaint, they will be dealt with together. Otherwise, they will be dealt with separately and in the order in which they were lodged. Any complaint will be impartially investigated.

10.3 The Trustees will send a letter to both the complainant and the alleged perpetrator outlining the complaint and stating the time and place for the investigation. This letter will advise them both that they may be accompanied by a trade union representative and/or colleague. The first interview of the investigation should normally be scheduled within ten working days after the complaint has been received.

10.4 During the investigation the General Manager, together with the line manager should consider the need to move the alleged perpetrator. In exceptional circumstances this may not be possible and other arrangements will have to be made.

10.5 The investigation will consist of:

* The complainant’s statement, supporting documentation and information gained from the investigation interview(s).
* Statements by witnesses and information gained from the investigation interview(s).
* The response by the alleged perpetrator gained through the investigation interview(s) and
* Any other written statement and interview(s) with any witnesses mentioned.

10.6 The investigation will focus on establishing the facts of the alleged offending behaviour and its effect on the complainant. The purpose of the investigation is to decide whether the complaint is upheld or not. If the alleged perpetrator denies the allegation, it will be necessary to take corroborating evidence into consideration. Such evidence may include:

* Assessment of the evidence of the alleged perpetrator.
* Witness statements about the effect of the alleged offensive behaviour on the complainant.
* Change in performance and/or health of complainant or other impact.
* Request by complainant to be moved.
* Any relevant documents.

**11.** **PANEL DECISION AND REPORT**

11.1 When the investigation has been completed the panel will come to a decision whether the complaint is upheld or not upheld. The decision will often be on the balance of probabilities taking corroborating evidence into consideration. The Chair of the panel will write a report on the investigation with the decision and reasons for the decision. The panel will decide any remedies or actions to be taken.

**12.** **OUTCOME**

12.1 The report will be sent to the line manager of the complainant and the line manager of the alleged perpetrator with a copy of the report to the General Manager. The line managers will decide on how to implement the recommended action. The complainant and alleged perpetrator will normally be informed within 10 working days after the submission of the report.

The outcome can be any of the following:

12.2 If a complaint or counter-complaint is upheld a decision can be made to:

* Refer the case to the disciplinary procedure at whatever stage is appropriate.
* To make arrangements for training.
* To make arrangements for mediation or any other appropriate remedial measures.

12.3 If the decision is to refer the case to the disciplinary procedure, the Chair of the investigating panel will become the presenter of the management’s case against the perpetrator. The report will be used as evidence. The complainant should not normally be asked to go through the investigation again. If the perpetrator remains in employment, then he/she may need to be relocated. The complainant may need to be relocated in exceptional circumstances.

12.4 If the decision is to refer the case to the disciplinary procedure this will include the appeals mechanism contained in the disciplinary procedure including appeals to the Board of Trustees.

* 1. If the complaint is not upheld a decision can be made to:
* Let the complainant and alleged perpetrator continue working together. Both should be offered support.
* Consider mediation or group work to help them work together.
* Move one of them without suggesting any blame.

If the complainant or the perpetrator is still dissatisfied, they may take the case to the next stage as advised by the Trustees.

Both will be protected from victimisation and the situation carefully monitored.

12.6 If the outcome of the investigation is that the complaint is malicious or vexatious, the Trustees may refer it to the disciplinary procedure.

12.7 Victimisation of any person involved in an investigation constitutes a disciplinary offence.

**13.** **MONITORING**

13.1 When the case has been finalised a monitoring form must be completed (Appendix lV) with the panel’s decision and sent to the General Manager with copies to the Line Managers of the parties and relevant others.

**REAL ACTION**

**APPROVED BY BOARD OF TRUSTEES: SEPTEMBER 2022**

**APPENDIX 1**

**SECOND STAGE**

**FORMAL ACTION**

Line Manager or more senior manager forwards the form to Board of Trustees

**Harassment & Bullying Stops**

Monitoring form completed (Appendix III)

Manager of alleged perpetrator speaks to alleged perpetrator or calls a meeting or arranges mediation

Board of Trustees assemble investigation panel

Trustees send letter outlining complaint to alleged perpetrator

Investigation

Chair of Panel writes report on investigation and decision (upheld or not upheld) with reasons for decision

Managers of the complainant and alleged perpetrator is informed by complainant or any of above (if not the same person as above)

Complainant completes harassment and bullying complaints form (Appendix II) and sends it to line manager or more senior manager

**Continued overleaf**

**Complainant takes personal action**

**Complainant takes no**

**action**

The above listen, give information, identify options

Complainant speaks to a personal supporter **or** complainant’s line manager **or** more senior manager **or** trade union representative

**FIRST STAGE**

**INCIDENT**

If complainant or perpetrator is still dissatisfied, please take advice from the Board of Trustees for further escalation

Refer case to disciplinary procedure

**The Trustees will advice**

**Monitoring of progress**

**Harassment & Bullying stops**

Make arrangements for mediation or group work

**Harassment & Bullying Stops**

**Outcome**

Inform complainant and alleged perpetrator of outcome within 10 working days after the submission of the report.

Upheld Not upheld

Make arrangements for training, mediation or other appropriate remedial measure

Consider moving the alleged perpetrator or complainant in exceptional cases

Consider moving one (or more) person without suggesting any blame

Continue working together

Chair of the panel sends report to General Manager and line manager of alleged perpetrator

Monitor Situation

**APPENDIX 2**

**Harassment and Bullying at Work Complaint Form**

**Formal Complaints**

This form to be completed by complainant with assistance from Personal Supporter, line manager, more senior manager, or a trade union representative.

When completed please send the form to the General Manager.

|  |  |  |
| --- | --- | --- |
|  | **Name** | **Project Area**  |
| Complainant: |  |  |
| Who is the complaint against? |  |  |
| Reported by:Date |  |  |
| Reported to:Date: |  |  |
| Nature of complaint:(continue onextra sheet ifneeded) |  |
| Dates & Frequency |  |
| Witness(es)Name & Location  |  |
| Effects on complainant: |  |
| Any other documentary evidence |  |
| Details of informal action to date |  |
|  |  |
| Signed: |  | Dated: |  |

**APPENDIX 3**

**Harassment and Bullying at Work Monitoring Form - First Stage**

*Real Action is committed to developing and implementing its Equal Opportunities Policy.*

*In order to ensure the Harassment and Bullying at Work Policy is operating effectively, Real Action needs to monitor complaints of harassment and bullying and you are asked to assist by completing the following information.*

*This information will only be used to monitor complaints of harassment and bullying.*

*This information will be kept securely within Real Action administrative folder and not on personal files of complainants.*

**For completion by the complainant, line manager or supporter.**

Date & Nature of Complaint received ……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

Complaint made against: Name: …………………………………..……………………………………………………………………….

Job Title ……………………………………… Grade ……………………………………………….

Grouping ……………………………………… Section …………………………………………….

First Stage (Action Taken) ………………………………………………………………….……………………………………….

……………………………………………………………………………………………………………

……………………………………………………………………………………………………………

Has the Harassment or Bullying stopped? ……………………………………………..…………………………………………………………….

How is the situation being monitored? ...................................................................................................................................................

Complainant’s name (printed) & Signature & Date…………………………………………………………..………………………………………....

Manager’s name (printed) & Signature & Date……………………………………………………………………………………………………...

**Please complete the monitoring information on the next page. Once the complaint has been dealt with, please take a copy for your records, and return the completed form to Layo Segun, General Manager for confidential monitoring purposes. The form will be kept securely in Real Action’s administrative folder.**

|  |
| --- |
| **APPENDIX 4** **Real Action** **Harassment and Bullying at Work Monitoring Form - Second Stage** **Formal Stage***Real Action is committed to developing and implementing its Equal Opportunities Policy.**In order to ensure the Harassment and Bullying at Work Policy is operating effectively, Real Action needs to monitor complaints of harassment and bullying, and you are asked to assist by completing the following information.**This information will only be used to monitor complaints of harassment and bullying.**This information will be kept securely within Real Action’s administrative folder and not on personal files of complainants.*Investigated (dates) ………………………………………………………………………..………………………………………………………………………………………………..Panel Members …………………………………………………………………………….………………………………………………………………………………………………..Panel Decision: was the case upheld/not upheldOutcome/Action Taken……………………………………………………………………..…………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………………Chair of Investigation Panel’s Name (printed) & Signature ………………………………..Date: ………………………………………….………………………………………………….Manager’s Name (printed) & Signature ...……………………………………………………Date: …………………………………………………………………………………………….**Please complete monitoring information on reverse page.****Once the complaint has been dealt with, please take a copy for your records, and return the completed form to Layo Segun, General Manager for confidential monitoring purposes. The form will be kept securely in Real Action’s Administrative folder.****APPENDIX 5 Please complete for monitoring purposes** |
|  |  | ***PLEASE Tick in this column and write your ethnic origin (if other)*** |
| **White** | British |  |
|  | Irish |  |
|  | Any other white background |  |
| **Mixed** | White & Black Caribbean |  |
|  | White & Black African |  |
|  | White & Asian |  |
|  | Any other mixed background |  |
| **Asian or Asian British** | Indian |  |
|  | Pakistani |  |
|  | Bangladeshi |  |
|  | Any other Asian background |  |
| **Black or Black British** | Caribbean |  |
|  | African |  |
|  | Any other Black background |  |
| **Chinese or other ethnic group** | Chinese |  |
|  | Other |  |

|  |  |  |
| --- | --- | --- |
| **Disability** | **Yes** | **No** |
| Do you consider yourself disabled? (please tick box) |  |  |
| **Gender** | **Male** | **Female** | **Age** |  |
| (please tick appropriate box) |  |  |  |  |
| **If there is any other information e.g. sexuality or other relevant status you would like to give us please insert** |  |

**Approved by: Board of Trustees Date: 6TH SEPTEMEBR 2022**