

Bullying & Harassment Policy (HR_P4)	
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Signed: _____	
Print name: _____	
Position: Chairman	
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1 POLICY STATEMENT

- 1.1 All staff are entitled to work in an environment which respects their personal dignity and is free from intimidation. Harassment at work is unlawful; it pollutes the working environment and can have a devastating effect on the health, confidence, morale and performance of those affected by it. It may also have a damaging effect on other staff, not themselves the object of unwanted behaviour but who are witness to it or who have knowledge of the behaviour.
- 1.2 Bullying and harassment are disciplinary offences and incidents will be dealt with under the Trust's disciplinary procedure.
- 1.3 This policy covers all individuals working for the Trust or at any of the Trust premises irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff and volunteers (collectively referred to as 'staff' in this policy). It applies to harassment or bullying which occurs both in and out of the workplace, such as on business trips or events or work-related social functions.
- 1.4 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. The Protection from Harassment Act 1997 makes it unlawful to pursue a course of conduct which the employee knows or ought to know would be harassment, which includes causing someone alarm or distress. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
- 1.5 Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties including customers, and may be ordered to pay compensation by a court or employment tribunal.
- 1.6 The Trust subscribes to an Employee Assistance Programme which offers a confidential counselling service. Details are available from the Business Support Manager.



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President
Sir Simon A Bowes Lyon, KCVO

2 HARRASSMENT

- 2.1 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. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.2 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 2.3 Harassment may include, for example:
- 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;
 - 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;
 - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 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);
 - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - mocking, mimicking or belittling a person's disability;
 - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - outing or threatening to out someone as gay or lesbian; or
 - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
- 2.4 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 an offensive environment is created for them.

3 BULLYING

- 3.1 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. Bullying can take the form of physical, verbal and non-verbal conduct.
- 3.2 Bullying may include, by way of example:
- shouting at, being sarcastic towards, ridiculing or demeaning others;
 - physical or psychological threats;
 - overbearing and intimidating levels of supervision;
 - inappropriate and/or derogatory remarks about someone's performance;
 - abuse of authority or power by those in positions of seniority; or
 - deliberately excluding someone from meetings or communications without good reason.

- 3.3 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.

4 DEALING WITH BULLYING AND HARASSMENT

Informal approach

- 4.1 Where the harassment is minor, the employees is advised to make it clear to the harasser that the behaviour is unacceptable and must stop. Anyone who believes they are a victim of bullying or harassment should raise this with their manager or a senior manager, who may seek guidance from the Business Support Manager. Advice is also available through the Employee Assistance Programme.
- 4.2 If the employee prefers, where they find it too difficult or embarrassing to take up the matter themselves, their manager or senior manager will participate in an informal meeting between them and the individual concerned or will, at the employee's request, approach the individual on their behalf.
- 4.3 The informal stage is intended to resolve the matter without it going any further within the Trust, although this will depend upon the nature of the matter concerned and the outcome of the discussions.

Formal approach

- 4.4 Where informal resolution is not appropriate, is not requested or where the outcome has been unsatisfactory, then the employee may bring a formal complaint to the Chief Executive in writing who will acknowledge receipt and appoint an appropriate person to investigate.
- 4.5 If so desired the employee's manager or a senior manager will help prepare the complaint as well as accompany the employee to any meetings or the employee can be accompanied by a colleague or a Trade Union representative. All complaints will be thoroughly and expeditiously investigated. They will be conducted in an independent and objective manner by someone unconnected with the allegations and at least of equal seniority with the alleged harasser.
- 4.6 Wherever possible, investigations will be completed within two weeks of the complaint being made.
- 4.7 Where a complainant has started this formal procedure, the Trust reserves its right to invoke its disciplinary procedures against an alleged harasser at any time.
- 4.8 Investigations will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. All those interviewed will be permitted to be accompanied by a colleague or a Trade Union representative. The importance of confidentiality will be stressed to all those interviewed and everyone will be strictly required not to discuss the complaint with colleagues or friends. A breach of confidentiality may give rise to disciplinary action.
- 4.9 The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview for their agreement. Parties will not be required to repeat distressing or embarrassing details any more than is necessary.
- 4.10 Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to work together whilst the complaint is under

investigation. Where it is not practicable to offer alternative duties to one or other party, the complainant will be given the option of remaining home on special leave if so desired.

- 4.11 The complainant will be kept informed of the general progress of the process of investigation and will be informed whether the complaint has been upheld and is to result in disciplinary action. The rights of the alleged harasser as to the confidentiality of the details of any disciplinary sanction will be respected.
- 4.12 Where a complaint has been upheld, consideration will be given, wherever possible, to permitting the complainant to choose whether they wish to remain in their current post or to transfer.
- 4.13 The Trust will seek to ensure that the complainant is not in any way penalised, whether directly or indirectly, for bringing a complaint, and the situation will be monitored to ensure that the harassment has stopped. Even where a complaint is not upheld, for example where the evidence is inconclusive, consideration will be given to effecting arrangements which will enable the parties not to continue to work together against the wishes of either party.
- 4.14 Any complaint that is unfounded and not made in good faith, for example a malicious complaint, will be treated as a disciplinary offence.
- 4.15 Details of all formal complaints of harassment or bullying will be collated by the Chief Executive. These will be annually reviewed by Council with a view to ensuring that every effective step has been taken to prevent harassment at work and to monitor the effectiveness of the complaints procedure.
- 4.16 If the employee considers they may have been subjected to conduct amounting to a criminal offence (such as a sexual assault), they are entitled to seek the assistance of their manager or senior manager to accompany them to make a formal complaint to a police officer or to provide them with any other assistance they may require. The manager will inform the Chief Executive of the outline circumstances of the case and will liaise with them to arrange special discretionary compassionate leave for the employee if that is necessary.
- 4.17 A formal written complaint should include the following:
- Name of alleged offender
 - Nature of the alleged offence
 - Dates and times of alleged incident/s as near as possible
 - Names of any witnesses to the alleged incident/s
 - Information on any action the employee has taken to prevent or halt the alleged behaviour.
- 4.18 In addition to the steps set out within this policy, our Grievance Procedure may be used to raise a grievance in respect of harassment in the workplace.

5 APPEALS

- 5.1 If the employee is not satisfied with the outcome they may appeal in writing to the Chief Executive, stating their full grounds of appeal, within 14 days of when the decision was sent or given to them).
- 5.2 An appeal meeting will be held, we will aim to hold this within one week of receiving the written appeal. The appeal will be considered by the Chief Executive or Chairman (or another Trustee appointed by the Chairman), depending on whether they have previously been involved in the case. They will meet with the employee and representative should

they choose). The final decision will be confirmed in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

6 PROTECTION AND SUPPORT

- 6.1 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. If the employee believes they have suffered any such treatment they should inform their manager. If the matter is not remedied the employee should raise it formally using our Grievance Procedure.
- 6.2 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.
- 6.3 Depending on the nature of the allegations, an individual accused of harassment or bullying may be required to take part in training.

7 CONFIDENTIALITY AND DATA PROTECTION

- 7.1 Confidentiality is an important part of the procedure 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.
- 7.2 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 any notes or other documents compiled during the process.
- 7.3 Breach of confidentiality may give rise to disciplinary action.

End of policy