

Bullying and Harassment Policy

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Internal References	Equality Opportunities Policy Disciplinary Policy and Procedure Grievance Policy and Procedure Code of Conduct
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External References	SSSC Code of Conduct www.lifeworks.com
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Comments	
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Bullying and Harassment Policy

1. POLICY STATEMENT

- 1.1 As an equal opportunities employer, Blackwood is committed to providing safe workplaces where everyone's rights and dignity are respected, and people can work and live without fear or intimidation of any kind. Blackwood operates a zero-tolerance policy in respect of all forms of bullying and harassment and will deal with any allegations of such behaviour seriously, promptly and with sensitivity. Employees and workers will be supported and protected against victimisation for making or being involved in a genuine complaint raised under this policy.

2. PRINCIPLES AND SCOPE OF THE POLICY

- 2.1 Blackwood will ensure that all workplaces are free from bullying and harassment, that employees and workers recognise how serious bullying and harassment is, and that they are aware of the steps to take if they are involved in an alleged case of bullying and harassment.
- 2.2 Every employee and worker will have a responsibility to contribute to keeping their workplace free from bullying and harassment by treating their colleagues with respect and dignity and being aware of how their behaviour may be perceived by others. Managers have the additional responsibility of making employees and workers aware of Blackwood's policy and procedure on bullying and harassment and acting swiftly on any allegations of such behaviour.
- 2.3 This policy applies to all employees and workers, workers, agency workers and volunteers and encompasses all forms of bullying and harassment, that is, all forms of unwelcome behaviour that individuals find intimidating, upsetting, embarrassing, humiliating or offensive. Employees and workers are urged not to ignore unacceptable behaviour and to report any incidents of harassment.
- 2.4 Bullying can be a gradual wearing down process or a form of psychological abuse that, whether deliberately or not, makes an individual feel under valued and inadequate. It can be;
- a) Behaviour directly related to the working relationship such as imposing unrealistic targets or excessive workloads, sabotaging a person's work results or deliberately impeding their progress at work, deliberately with-holding information, or supplying incorrect information, monitoring work unnecessarily and intrusively, blocking requests for leave or training opportunities, allocating menial or unpleasant tasks, unfair and excessive criticism from work colleagues, knowingly and unfairly failing to take into account an individual's religious obligations and sensitivities; or,
 - b) Non-work-related behaviour such as insults or threats, ridicule, teasing or humiliation, sending rude or intimidating e-mail messages, physical assault, and ostracising or deliberately ignoring someone.

2.5 Whereas bullying tends to concentrate on work practices, harassment tends to focus on a personal characteristic of the individual, such as disability, gender, ethnicity, sexual orientation, marital status, age or religious belief. In law, it is not the nature of the conduct itself which determines whether harassment has taken place but rather how the recipient perceives the conduct, nor is it considered to be a mitigating circumstance to claim that "no offence was intended". If the behaviour is unwelcomed to the individual and makes them feel intimidated, upset, embarrassed, humiliated, offended, and if this is a reasonable way to react to the behaviour, then it is harassment. Therefore, an individual can harass a co-worker without meaning to. The following is an indication of the sort of behaviour that can constitute harassment however this list is not exhaustive:

- a) Verbal or written forms of harassment through crude language, comments which denigrate a person's gender, race, impairment, sexual orientation, age, religion and beliefs etc, offensive jokes, pranks, uneducated stereotyping, suggestive remarks, innuendoes, lewd comments, wolf whistles, gossip, patronising nick names, general banter at someone else's expense, offensive letters or cards and offensive songs;
- b) Physical contact or invasion of personal space ranging from, unnecessary touching, patting, pinching or brushing against another person, to assault and physical coercion;
- c) Display of posters or pornographic material, obscene gestures, graffiti and offensive objects;
- d) Coercion ranging from pressure for sexual favours to pressure to participate in political, religious or trades union groups, etc. and
- e) Personal intrusion by following, pestering, spying, etc. on an employee and workers.
- f) Cyberbullying or harassment of any kind through Blackwood devices or personal devices, text or social media platforms.

3. KEY OPERATIONAL FRAMEWORK

- 3.1 Employees and workers shall be advised of Blackwood's Policy on bullying and harassment at induction.
- 3.2 The procedure for tackling bullying and harassment and further guidelines on dealing with such behaviour can be obtained from the Bullying and Harassment Procedure – Appendix I.
- 3.3 If anyone covered by the scope of this Policy feels they are being bullied or harassed and they are unable to stop the behaviour by simply asking the person to stop, they should act by initially seeking confidential advice from the Human Resources Team. Even if the behaviour stops in respect to themselves they should consider whether it is appropriate to make a formal complaint through the Bullying and Harassment or Grievance Procedure to prevent the behaviour recurring.
- 3.4 Owing to the nature of bullying and harassment it is often very difficult for a victim to act against the bully/harasser. Where anyone feels that another person is being bullied or harassed but is not acting themselves either owing to fear, intimidation or ignorance of their rights, they should in the first instance contact the Human Resources

Team in confidence for further advice. Thereafter it may be appropriate to make a complaint on the victim's behalf.

- 3.5 The Human Resources Team, through the management structure, is responsible for investigating formal complaints of bullying or harassment made by employees and workers. If a complaint relates to a manager, another employee or worker or a Board member, an employee or worker can refer directly to the Human Resources Team. Complaints by customers or other stakeholders should be directed through the Blackwood Complaints Procedure.
- 3.6 Formal complaints by employees and workers including those in respect of customers and their families will be handled professionally in accordance with the Handling of Bullying and Harassment Procedure and the Grievance Procedure with the seriousness they deserve. All complaints will be investigated thoroughly and quickly, ensuring that the rights of the alleged harasser or bully are protected as well as those of the complainant.
- 3.7 In cases where an allegation of bullying or harassment results in the complaint being upheld the alleged bully/harasser may thereafter be dealt with in accordance with Blackwood's Disciplinary Procedures.
- 3.8 Where there is a need to suspend, or transfer one of the parties involved, the alleged bully/harasser will always be the employee or worker to be transferred. Similarly, if redeployment is part of the solution to the problem the alleged bully/harasser will always be the employee or worker to be suspended or moved, unless the complainant requests otherwise.
- 3.9 Any false allegation which is made deliberately or recklessly will be treated as a serious matter and where this is made by an employee or worker the Disciplinary Procedure may be invoked.

4. REVIEW

- 4.1 This policy will be reviewed every three years or sooner if required.

Bullying and Harassment Procedure

1. INTRODUCTION

- 1.1 Blackwood aims to prevent bullying and harassment in its workplaces by promoting an open, equal and considerate culture where everyone is respected, and diversity is welcomed. Raising awareness of everyone's rights and responsibilities to fair, respectful treatment is achieved through the various policies and practices, for employees and workers through induction, training and ongoing management support.

2. POLICY STATEMENT

- 2.1 As an equal opportunities employer, Blackwood is committed to providing workplaces where the rights and dignity of all are respected and everyone feels safe and able to proceed with their work without fear or intimidation of any kind. Blackwood operates a zero-tolerance policy in respect of all forms of bullying and harassment and will deal with any allegations of such behaviour seriously, promptly and confidentially. Employees and workers will be protected against victimisation for making or being involved in a genuine complaint.

3. SCOPE

- 3.1 The Bullying and Harassment Policy and Procedure applies to all employees and workers of Blackwood, including permanent and temporary employees, relief workers agency workers, consultants and volunteers whether they are based at any Blackwood location or out with Blackwood's premises including working from home. All employees and workers have the right to undertake their duties without being bullied or harassed by their colleagues or being in fear of the threat of such treatment.
- 3.2 All employees of Blackwood have a responsibility to promote the core values and culture of Blackwood. This includes the right of all to be treated fairly and with respect. Therefore, it falls to everyone to be vigilant, and if necessary make a complaint against unacceptable behaviour whether it is directed against themselves or a colleague. No-one will be penalised or victimised for raising concern or making a complaint in good faith. However, complaints that are found to be deliberately false will be treated as a serious matter and may result in disciplinary action against the complainant.

4. RECOGNISING BULLYING AND HARASSMENT

- 4.1 The nature of bullying and harassment makes it quite difficult to recognise, sometimes even by the victim who may presume they are at fault. However, there are some tell-tale signs which managers and employees should be aware of which may be possible indicators.4.2 It can be:
- a) Behaviour directly related to the working relationship such as imposing unrealistic targets or excessive workloads, sabotaging a person's work results or deliberately impeding their progress at work, deliberately with-holding information, or supplying incorrect information, monitoring work unnecessarily and intrusively, blocking requests for leave or training opportunities, allocating menial or unpleasant tasks,

unfair and excessive criticism from work colleagues, knowingly and unfairly failing to take into account an individual's religious obligations and sensitivities; or,

- b) Non-work-related behaviour such as insults or threats, ridicule, teasing or humiliation, sending rude or intimidating e-mail messages, physical assault, and ostracising or deliberately ignoring someone.

5. INITIAL ACTION

5.1 Anyone who feels that another's behaviour is causing them distress, or they suspect a colleague to be in such a situation, should consider taking the following steps before instigating the procedures outlined below.

- a) Keep a record of the incidents. It is important that notes are kept regarding the incidents of unwanted behaviour so that there are records that can be used should the complaint become more serious. Whilst it is not always easy to recall information after an event, as much accurate detail as possible should be included such as dates, times, names, places, circumstances and behaviour.
- b) Seek advice and support. Employees are encouraged to seek the help and advice of a friend, a trusted colleague or manager, Human Resources or a Trade Union representative. Blackwood also offers free and confidential counselling services to all employees through Lifeworks. Their telephone number is 0800 169 1920 and www.lifeworks.com

6. INFORMAL PROCEDURES

6.1 An informal, personal approach to an alleged bully/harasser can often be the most effective way of dealing with the problem. In many cases the alleged bully/harasser is not aware of the impact their behaviour is having on the other person and very often a simple discussion with them in private about how it makes the person feel is enough to stop the behaviour permanently. This should ideally be initiated by the bullied/harassed person themselves, although anyone who witnesses such behaviour and feels that their colleague is unable to do this without support may, and indeed should, speak to the bully/harasser on their behalf. The aim is to reach a win-win situation therefore this must be non-confrontational manner with due sensitivity, discretion and confidentiality, and ideally with their colleague's prior permission.

6.2 A face to face conversation in private would be preferred but where this would cause difficulty or embarrassment it may be worth putting your thoughts in a letter. The letter should state:

- a) The offensive behaviour
- b) When and where it occurred
- c) Why you objected to it
- d) That you want it to stop
- e) How you want to be treated in the future

If choosing to write a letter it is recommended that advice is sought from a member of the Human Resources Team. This is to protect both parties from any risk of misunderstanding or misinterpretation of the written word which could lead to more serious problems later. Letters sent from one employee to another must never be anonymous and a copy of the letter should always be kept. We recommend that it is not used.

- 6.3 As part of the informal procedures, the bullied/harassed person may choose to raise a complaint informally with their own manager, another manager or a member of the Human Resources Team. In all cases the manager will listen to the complaint and provide advice, discuss the courses of action available. If the complainant wishes, the manager will speak informally to the alleged bully/harasser with or without the presence of the complainant.
- 6.4 The manager will keep a record of the date and nature of the complaint, the content of discussions, the outcome and any agreement on the way forward which will then be passed to Human Resources Team to be placed on file.

7. FORMAL PROCEDURES

- 7.1 The formal approach may be more appropriate in many circumstances such as when the informal approach is not effective or when the alleged bully/harasser denies there is a problem, makes an issue of it, continues the behaviour or in any other way compounds the problem.
- 7.2 The formal approach will treat the bullying or harassment complaint as a bullying and harassment-related grievance. The complainant and the alleged bully/harasser have the right to be accompanied or represented at each stage of the formal procedure.

7.3 MAKING A FORMAL COMPLAINT

- 7.3.1 The first step in making a formal complaint is to contact their manager in confidence for advice and to discuss what is involved. If the complaint involves the manager, then the employee or worker should approach a more senior manager or member of the Human Resources Team who will advise on the procedure and make a note of that initial contact/meeting.
- 7.3.2 The complainant will put their grievance in writing to the manager who will then instigate an investigation to ascertain the facts. Assistance and advice in writing the letter will be made available from the Human Resources Team or from Lifeworks if required. The letter should focus on the facts about the inappropriate behaviour and explain what the complainant wants to happen in respect of a change in that behaviour.
- 7.3.3 If the complainant is a Committee or Board member then the complaint should be raised with the Chief Executive, where possible, or a member of EMT of their choice. The Chief Executive should also be informed at this early stage if the complaint is about a Board Member.
- 7.3.4 When an investigation is undertaken the complainant may be granted special leave with full pay during the investigation to avoid unnecessary stress or harm to them and the alleged bully/harasser may be suspended on full pay pending the findings of the investigation.

7.4 INVESTIGATION

- 7.4.1 The purpose of the investigation will be to determine the precise nature of the behaviour and the effect it is having on the individual, to examine the factors contributing to its occurrence and to identify any measures that might be taken to minimise the likelihood of this or a similar incident happening in the future. No

conclusions will be drawn until the matter has been fully investigated. The complainant will be kept fully informed of progress at all stages of the enquiry.

- 7.4.2 Upon receipt of a complaint the Manager will liaise with the Human Resources Team and appoint a suitably impartial, trained and experienced investigator who is appropriate given the circumstances of the case.
- 7.4.3 All reported cases will be investigated, and as far as possible identities and confidentiality will be protected. No information about the complaint will be passed to any person who is not party to the complaint without the permission of the complainant and/or the alleged bully/harasser. Any breach of confidentiality will be considered a disciplinary matter. It is recognised that the complainant may choose to confide in others including work colleagues at Blackwood, but they must respect the confidential nature of the information provided. Investigations will be carried out by the appropriate manager and will aim to be completed as quickly as possible.
- 7.4.4 The investigation should be a fact-finding exercise to decide whether or not the alleged bullying or harassment allegation is substantiated and if there is enough information to justify holding a disciplinary hearing. A member of the Human Resources Team can be present at all stages of the procedure to provide an advisory service to managers on matters of procedure and consistency.
- 7.4.5 The investigating manager will start by interviewing the complainant and taking a written statement.
- 7.4.6 The alleged bully/harasser will then be required to attend a meeting where the nature of the complaint is made and their response to it discussed and their statement taken by the investigating manager.
- 7.4.7 They will have the right to be accompanied or represented by a fellow employee or workers, a designated union representative or an officer of a trade union at every stage in this procedure.
- 7.4.8 The investigating manager will also interview and take statements from any witnesses who are able to provide evidence on behalf of the complainant or the alleged bully/harasser.
- 7.4.9 Once all the statements have been gathered the investigating manager will arrange a formal meeting with the alleged bully/harasser to discuss the evidence and make a decision as to whether the complaint is substantiated. The alleged bully/harasser will be advised of the nature of the complaint and given access to all statements gathered in evidence prior to the meeting at which they will be given adequate opportunity to state their case and/or make any positive suggestions to assist the manager in determining the outcome of the investigation.
- 7.5 **OUTCOME OF THE INVESTIGATION**

7.5.1 The outcome of the investigation may be that:

- a) the complaint has been substantiated,
- b) the complaint has not been proved,
- c) the complaint has been disproved.

The outcome, together with any information supporting the decision, will be communicated in writing to the complainant and the alleged bully/harasser.

- 7.5.2 If the complaint has been substantiated, then the bully/harasser will be subject to Blackwood's Disciplinary Procedures and a formal disciplinary hearing will be arranged based on this investigation. In this instance, the Disciplinary Policy and Procedure and the Grievance Procedure will determine all further decisions made in relation to the bully/harasser. The investigating manager and the employee or worker who was the target of the behaviour will discuss the way forward to ensure that the employee or worker is happy with the situation and can continue their work in a positive environment.
- 7.5.3 It is recognised in the case of a complaint not being proved owing to lack of substantial evidence, for example the behaviour may only take place when the alleged bully/harasser and the complainant are alone together. In these circumstances the investigating manager may be unable to reach a conclusion if the evidence consists of one person's word against another. In this situation, the decision may be to give regular supervision by managers to both employees or workers, together with counselling if appropriate, in order that the working relationship can be closely monitored and hopefully improved over time, or further evidence to support the complaint is observed. The complainant's wishes in this matter will be taken into account as far as practicable and they have the right of appeal.
- 7.5.4 Disproved complaints will not be taken further unless the complainant makes a valid appeal against the decision or the investigating manager feels that the complaint was made with malicious intent, in which case Blackwood's Disciplinary Procedure will be invoked against the complainant and a further investigation into the matter from this new perspective will be instigated.
- 7.5.5 In any event, it may be appropriate to relocate one or both employees or workers involved in the case. The complainant in a substantiated case will not be relocated unless a move is requested.
- 7.5.6 The provision of support or counselling to one or both parties in the case may be offered in all outcomes. In extremely serious cases, for example where a physical assault or actual bodily harm has clearly taken place the victim will be supported in approaching the Police if they wish to do so.

8. APPEALS

- 8.1 The complainant and the alleged bully/harasser both have the right of appeal if they are dissatisfied with the outcome of the investigation. An appeal should be made in accordance with the Grievance Procedure and made within seven working days of receipt of the letter stating the outcome of the investigation to the person stated in that letter.
- 8.2 If at any stage of the process either party has concerns about the way the procedure has been followed they should refer to the Grievance Procedure and lodge their complaint in writing to their manager, or a more senior manager as appropriate, within five days of the issue being raised.
- 8.3 Should the alleged bully/harasser disagree with any disciplinary action against them they have the right to appeal as outlined in the Disciplinary Policy and Procedure.

