

Sustain's anti bullying & harassment policy

Sustain recognises our responsibility to encourage and maintain an environment that is free from bullying or harassment. Sustain will neither permit nor condone bullying or harassment in any form. It is harmful to the organisation, its staff members and beneficiaries alike. It can subject individuals to fear, stress and anxiety and can lead to illness, accidents, absenteeism, poor performance, an apparent lack of commitment and to staff members leaving. It can also impact badly on safety, organisational effectiveness and the success and reputation of Sustain.

Sustain believes that individuals should feel empowered to deal appropriately and at an early stage with all instances of bullying and harassment themselves. We encourage individuals to feel empowered and are happy to support staff development needs in order to equip staff with the skills and confidence needed to resolve such issues.

Our aim is to encourage a climate in which dignity and rights of each individual employee are recognised and protected and to make it clear to beneficiaries, volunteers, trustees, managers and fellow employees that neither bullying or harassment, whether on sex, sexual orientation, racial, religion, disability, age or other grounds, will not be tolerated.

However, if an incident does occur, the procedure detailed in this policy enables the issue to be tackled effectively, sensitively, confidentially and in a timely manner.

This policy should also be read in conjunction with Sustain's policies on diversity, equalities and inclusion, and our commitment to being an anti-racist organisation, promoting racial justice at work and throughout the food system.

1. Statement of intent

Sustain recognises that all employees have the right to work in an environment which is free from bullying and harassment. However, if instances do occur Sustain undertakes that allegations of bullying and harassment will be dealt with seriously and confidentially. Staff will be protected against victimisation for making or being involved in a complaint.

2. Actions falling outside of the harassment definition

There are, on occasions, instances which do not fall within the harassment definition, which may more appropriately be resolved through channels other than those specifically detailed as part of this harassment procedure. It may be that a member of staff is unsettled, worried or unhappy about the actions of or occurrences caused by another member of staff at work. It is in cases such as these and where harassment

clearly has not occurred that it may be more appropriate to invoke the Grievance Procedure. Advice on whether an incident constitutes harassment or is better resolved through the Grievance Procedure may be sought from either your line manager or another senior member of staff.

3. Definition of bullying

Bullying means to intimidate, threaten, humiliate or persecute someone. It is unwarranted behaviour by one or a group of individuals directed towards another, which is not justified by the working relationship and which is offensive to the recipient or others. This does not relate to the discomfort of an employee with a manager or supervisor exercising the role of legitimate management by directing, instructing, monitoring or assessing work performance but might relate to the manner in which this is carried out.

Examples of bullying include:

- recurring unjustified criticism;
- imposing penal sanctions without justification;
- detrimental changes to responsibilities, working arrangements, etc., without justification;
- abuse or misuse of power or position;
- verbal and/or physical intimidation, including threats, shouting, derisory remarks;
- social exclusion, e.g. isolation and scapegoating;
- any conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues;
- undermining a person's status, credibility and ability to do their job;
- use of offensive names;
- refusing to communicate with someone, at all or only in writing.

Employees are encouraged to deal with instances of bullying through the informal process. Where the informal process has not resolved the situation, the matter will progress to the formal process.

4. Definition of harassment

People can be subject to harassment on a wide variety of grounds including:

- sex or sexual orientation;
- their race, ethnic origin, skin colour or nationality;
- their religious convictions;
- their membership, or non-membership of a trade union;
- their disability, sensory impairment or learning difficulty;
- their real, or suspected infection with HIV/Aids;
- age;
- personal characteristic; and
- accent or dialect.

This list is not exhaustive; numerous factors may lead to harassment. There is no simple, single definition. Harassment can take many forms, occur on a variety of grounds and may be directed at an individual or a group of individuals. Harassment may, however, be

summarised as conduct that is unwarranted, unreasonable and offensive. It is not the intention of the perpetrator but the deed itself and the impact on the recipient or a witness to the action, which determines what constitutes harassment. It is the perception of the victim that is the most important factor rather than that of the perpetrator – the latter may see the action as a 'bit of fun' but if the victim does not, then this can be classified as harassment.

This statement does not affect the right of line managers to manage their staff in a reasonable manner.

5. Forms of harassment

Harassment may take many forms. It can range from extreme forms such as violence and bullying to less obvious actions like deliberately ignoring or ostracising someone at work. Whatever the form of harassment, unwarranted behaviour is unwelcome and unpleasant. Sustain's Disciplinary Procedure makes it clear that upheld claims of harassment or victimisation will be dealt with as misconduct, or in extreme cases gross misconduct and disciplinary action may be taken. Forms of harassment may include, but is not limited to:

- Unwarranted physical contact ranging from unnecessary touching, patting, pinching, brushing against another person's body, insulting or abusive behaviour or gestures, physical threats or assault.
- Unwarranted verbal conduct such as abusive and offensive language, patronising titles and nicknames, propositions, innuendos, lewd comments, jokes, banter, gossip or slander.
- Unwarranted non-verbal conduct such as offensive gestures, leering, whistling, displays of pornographic or suggestive literature, inappropriate use of VDUs or network systems including the internet and email systems and any offensive manner of communication, whatever the medium.
- Patronising behaviour not used with other colleagues.
- Bullying – including persistent criticism and personal abuse that humiliates or demeans the individual involved and the use of intimidating or threatening behaviour.
- Isolation, exclusion or non-cooperation at work.
- Coercion ranging from pressure for sexual favours to pressure to participate in political or religious groups.
- Intrusion by pestering, spying, following, or related behaviours.
- Harassment can also mean offensive behaviour or remarks, or exclusion based on assumptions about people on the basis of their gender, sexual orientation, age, disability or ethnic identity.

Harassment is not only inappropriate behaviour at work but may also be unlawful. Incidents of sexual, racial or disability harassment may constitute offences under criminal law and may therefore be reported to the police.

Harassment is usually thought of in terms of a manager harassing a more junior member of staff. However, colleagues or subordinates may harass employees. Harassment may also occur between people of the same sex or the opposite sex and may be deliberate or unintentional on the perpetrator's part.

6. New definitions of sexual harassment

This has been changed from 'on the ground of her/his sex' and now reads 'related to her/his sex or that of another person' i.e. it can be a witness who takes offence at any harassment although it is not actually directed towards him/her. (*Sex Discrimination Act Amendments Regulation, 2008*)

7. Management responsibilities

Some areas of work will involve dealing with more challenging groups/individuals than others. Diversity is welcomed at Sustain. However, it may be that specific training is required in order to support staff dealing with difficult situations or challenging behaviour. It is the manager's responsibility to identify which work areas may require this training in order to support those staff groups in maintaining a professional approach at all times. Managers at every level are responsible for ensuring that the working environment is free from bullying and harassment. Managers are responsible for the implementation of this policy, for ensuring their staff have an awareness of the policy and for taking corrective action to ensure compliance with this policy.

Any complaint about bullying or harassment must be dealt with seriously, expeditiously and confidentially. Employees must be confident that they will be protected against victimisation or retaliation for bringing a complaint of bullying or harassment. Managers must be responsive and supportive to any member of staff who complains of harassment, provide clear advice on the procedure to be followed and maintain confidentiality in so far as is legitimately possible.

Where an investigation has been undertaken or completed and remedial or disciplinary action has been implemented, management will be supportive to all staff who have been involved in the incident. Sustain will also be vigilant in order to ensure the resolution of the complaint is an end to the matter.

Managers must understand that it is not only their perception of what behaviour is acceptable that defines harassment. The view of the recipient of the behaviour is of utmost importance and if the recipient feels that they have been harassed the complaint must be taken seriously, investigated objectively and dealt with appropriately.

8. Employee responsibility and conduct

All employees are required to comply with this policy and to treat their colleagues with dignity and respect. Employees can do much to discourage bullying and harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment, who may be considering making a complaint. Any employee who believes they are experiencing bullying or harassment is advised to make it clear to the person concerned that their behaviour is unwelcome and that it should stop without making or implying threats of any kind. In instances where an employee witnesses or is aware of an act of bullying or harassment being committed against another employee

advice should be sought from their line manager or other senior member of staff. On occasion employees may be called upon in investigations to offer any information they may have pertaining to particular incidents of harassment or bullying.

Disciplinary action, which could include dismissal, may be taken against employees found to have:

- harassed others or who have been victimising/retaliating against an employee for bringing a complaint of harassment in good faith or,
- made vexatious or malicious complaints of harassment by another employee.

In such cases, any investigation documentation will be transferable for the purposes of any further action e.g. disciplinary.

9. Training

Managers may require training to enable them to identify the factors that contribute to an environment free of harassment and/or in order that they are better able to support the employee reporting such incidences. Training will be identified through the appraisal and/or support and supervision scheme.

10. The procedure

The procedure for dealing with complaints of bullying or harassment is set out below. The procedure is intended to enable complaints to be dealt with sensitively and quickly and provides for employees to raise problems with a manager other than their line manager where necessary. Most recipients of bullying or harassment simply want the behaviour to stop.

Both informal and formal methods of resolving problems are available under this procedure in recognition of this. This procedure also allows such problems to be resolved informally where possible and appropriate. If the problem persists, or is inappropriate for informal resolution, the formal procedure should be followed. In all cases, records must be kept of the process as follows:

- The line manager or other senior member of staff dealing with the issue must record all formal claims and incidents of bullying and harassment.
- Copies should be sent to the Chief Executive.
- Details of the process and any action taken must be included together with dates and names of any witnesses to incidents or actions.
- Formal investigation meetings should be documented and signed off by the manager chairing the meeting and the individual being met with.
- Any additional information or modifications to the notes of the meeting should be attached to the formal notes as an Appendix.
- These should be signed off and dated by the individual concerned.
- Accurate records of the outcomes of all cases should be kept, clearly stating any resultant changes to working practices or expected behaviour modification.
- Appropriate arrangements must be made to monitor arrangements and meet with the complainant to review the situation after a period of three months.

Note that complaints should be investigated whether the complainant and/or alleged bully or harasser are an employee of Sustain, a volunteer, a third party or a beneficiary. If anyone involved is a child, young person or vulnerable adult, then Sustain's Safeguarding Policy must be applied and prioritised.

Sustain has the right to ensure contact between the complainant and alleged bully or harasser is minimised to protect both parties whilst any investigation is taking place.

The outcome of an investigation could include a variety of actions, for example: police involvement, remedial training or the report of a formal complaint to a Third Party's employer or organisation. Where the alleged bullying or harassment is perpetrated by a service user, the Board of Trustees has the option to deal with the matter in the last resort by refusing that person a service.

11. Informal procedure

In the first instance, informal and constructive attempts to resolve problems should be pursued unless this is felt by the complainant to be inappropriate. In some cases it may be possible and sufficient for the member of staff to explain clearly to the person engaging in the unwarranted conduct that the behaviour in question is not welcome, that it offends them or makes them uncomfortable and that it interferes with their work. If a personal approach of this nature is too difficult, this request could be put in writing to the individual concerned.

In circumstances where it is too difficult or embarrassing for an individual to do this on their own behalf they should seek support from their line manager, or another senior member of staff, who will make the initial approach if required or assist with any appropriate communication.

If it proves impossible to resolve the problem informally, Sustain may offer the opportunity of mediation to the parties concerned. For this to be successful, both parties should be willing to participate in the process. Mediation facilitated by a third party who has not been closely involved in the situation may assist in resolving the matter.

In circumstances where the line manager is the alleged harasser and the individual feels unable to approach them directly, then the complainant can approach any other senior member of staff, either in person or in writing. Where an employee feels unable to do this they are advised to approach a Trustee.

Where the informal procedure has achieved the desired result, employees are encouraged to keep their own personal note of the matter with dates in case of any recurrence. If informal action is unsuccessful, the employee should report the matter to the Chief Executive, who will invoke the formal procedure.

12. Formal procedure

A formal complaint should be made to the Chief Executive who will, in consultation with the Trustees, appoint an investigating officer. The purpose of the investigation is to establish the full facts of any incident(s); this will necessitate meeting with each of the parties separately and any witnesses. The investigating officer should not be connected with the allegation in any way. The investigation should be completed within two weeks. The investigating officer should not normally be the line manager who may have been involved during the informal resolution process.

Sustain maintains the right to suspend employees as part of this process to ensure that both the complainant and the alleged harasser are protected. The Chief Executive in consultation with the Sustain Council of Trustees will make this decision.

During investigatory meetings the following must be adhered to:

- The complainant, the alleged harasser and witnesses have the right to be accompanied by a Trade Union representative or work colleague (not acting in a legal capacity). The person accompanying the complainant, alleged harasser or witnesses is present in order to give support and not to represent the individual.
- The alleged harasser will be given full details of the nature of the complaint prior to the meeting taking place and will then be given the opportunity to respond.
- Strict confidentiality will be maintained throughout the investigation.
- Where it is necessary to interview third parties the importance of confidentiality and the integrity of the process will be emphasised.
- The complainant should not be required to repeatedly recount the event(s) complained of where this is not necessary.
- The investigation must focus on the facts of the complaint and a complete record of all meetings will be kept. Any records will form part of a Disciplinary proceeding, which may be brought; otherwise, the records will be stored by the Head of Finance and Chief Executive in a secure place, in line with Sustain's Data Protection Policy & Procedure.
- If an employee requests and is given the opportunity of an alternative date and/or time to attend an investigation meeting yet fails to attend the second appointment without providing an acceptable explanation, or there being an acceptable reason, then the investigating officer will proceed with the investigation in their absence.

Once the investigation has been completed, the investigating officer will provide an Investigation report to the Chief Executive who, in liaison with Sustain's Council of Trustees, will determine what the appropriate course of action will be i.e. remedial training in diversity awareness, or an agreement of mutual respect, or disciplinary action. If disciplinary action is felt to be required the Disciplinary Procedure will be invoked from this point forward. Where it is accepted that the complaint has been made in good faith, whether the complaint is upheld or not, no element of penalty should be directed to the complainant. A review meeting should take place after a period of no longer than three months to ensure that the agreed changes have continued to take effect.

If the complainant feels their complaint has not been dealt with properly they may appeal, formally in writing, within 7 working days of the outcome of the investigation, stating the reasons for their appeal.

If the Bullying and Harassment complaint is against the Head of Finance or Chief Executive, it should be addressed to the Board of Trustees.

13. Data protection

Sustain will treat all information about bullying or harassment with care, compassion and sensitivity.

In the implementation of this policy, the organisation may process personal data and/or special category personal data collected in accordance with its GDPR and data protection policy. Data collected from the point at which this policy is invoked will only inform the organisation for the benefit of implementing this policy. All data is held securely and accessed by, and disclosed to, individuals only for the purposes of this policy. Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with the organisation's GDPR and data protection policy immediately. It may also constitute a disciplinary offence, which will be dealt with under the organisation's disciplinary procedure.

14. Information for internal use

Date of most recent update:	22/07/22		
Reviewer and lead on policy:	Kath Dalmeny, with CBR Solutions		
Approved by (usually Chief Executive):	Kath Dalmeny	Done (date):	12/07/22
Sustain Council of Trustees approval required?	Yes, to be conducted via email		
At which Council meeting?	n/a	Done (date):	July 2022
Is this policy in the list of 'required' policies?	Yes		
For <u>required</u> policies only, updates include (describe the changes in brief list format; keep and add older date to the list of previous updates): <i>Note: For <u>discretionary</u> policies, these updates will be recorded in Sustain Council meeting minutes.</i>	Policy published as part of HR Healthcheck 2021, adapted from CBR Solutions template. Updated and reviewed 2022		
Filed in Sustain drive (drive and folder names):	Line managers drive / HR policies		
Publish privately on intranet? (include the final part of the file location – the page name not full URL):	www.sustainweb.org/intranet/grievance-and-disciplinary-procedures		
Publish publicly on Sustain website? (include full URL):	No		
Policy adapted from template provided by CBR Solutions: www.cbrsolutions.org.uk			