



Anti-Bullying and Harassment Policy

1. Introduction

Arts 4 Wellbeing want to promote a supportive working environment and a healthy workforce in which our employees have the right to be treated with consideration, dignity and respect. We want them to work in an environment free from bullying and harassment.

The aim of this Policy is to ensure that every employee, learner and volunteer understands their right not to tolerate this kind of behaviour and how to deal with it if it occurs. We want all employees, learners and volunteers to access services free from bullying and harassment. All complaints will be taken seriously, dealt with fairly and in confidence

Every individual is responsible for their own behaviour and for ensuring that their conduct is in line with the standards set out here.

2. What are Bullying and Harassment?

- Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, or degrade the recipient. Workplace bullying is persistent behaviour that exerts pressure on subordinates or colleagues beyond what is reasonably necessary to achieve objectives or to use strength or power to coerce others by fear.
- Harassment is unwanted conduct affecting a person's dignity. It may be related to age, sex, race, disability, religion, nationality or any personal characteristic of the individual, and it may be persistent or an isolated incident. It is not what may have been intended by the alleged individual's actions that are important in deciding whether harassment has occurred; it is whether the actions and comments are viewed as demeaning and unacceptable to the recipient.

- Bullying and harassment can take many forms. Behaviour of a sexual or sexist nature, unwanted physical contact, denial of job opportunities, shouting, leering, constant criticism or teasing, spreading malicious rumours, name calling, deliberate with-holding of information to make an individual look incompetent and overloading of work are all examples of bullying or harassment. Bullying and harassment incidents do not always happen face to-face. They may also occur in writing, by email, or phone or social media. (Cyber bullying).
- Line managers are responsible for implementing this policy and procedure (with advice and guidance from HR) bringing it to the attention of their staff and seeking to eliminate any harassment of which they are aware. All employees, learners and volunteers must comply with this policy.

The Effects of Bullying and Harassment

- Bullying and harassment can have a harmful effect on an individual's home and work life. It can lead to depression, anxiety, stress and loss of confidence. In the workplace this can result in poor working relationships, increased absenteeism and reduced efficiency.
- Legislation relating to sex, race, disability, sexual orientation, religion or belief, age and gender reassignment makes it unlawful for harassment that includes elements of discrimination

Responsibilities

Manager and Staff are required to:

- Set a positive example by treating others with respect and setting standards of acceptable behaviour;
- Bring the Policy to the attention of employees in their work area;
- Challenge all inappropriate behaviour;
- Take appropriate action if bullying and harassment occurs and ensure that complaints are treated in accordance with the procedure;
- Ensure records are kept of incidents.

Employees need to:

- Be aware of their own behaviour and the effect it may have on other people;
- Treat others with respect
- Recognise the problems bullying and harassment can cause;
- Ensure that they know about and comply with the Policy;
- Take action if they witness inappropriate behaviour.
- Report any concerns of bullying and harassment.

Volunteers and learners must:

- Be aware of their own behaviour and the effect it may have on other people;
- Report if they are being bullied;
- Report if they see someone being bullied;
- Listen carefully to all instructions given by the tutor/ activity leader;
- Ask for further help if they do not understand;
- Treat others, their work and equipment with respect;
- Talk to others without shouting and will use language which is neither abusive nor offensive;

Any employee, learner or volunteer who is subject to harassment or bullying during their employment or placement can take action under this policy. Any employee, learner or volunteer who is a witness to behaviour falling under this policy is expected to report it to his/her line manager who will consider taking appropriate action under this policy.

3. Scope

This policy applies to all Arts 4 Wellbeing employees', learners and volunteers.

4 Purpose

4.1 In its Equal Opportunity Policy Arts 4 Wellbeing states its commitment to eliminating unlawful or unfair discrimination and the promotion of equality of opportunity in employment (accessing services and volunteering). The purpose of this policy and procedure is to deal with harassment that can be a form of discrimination.

CURRENT STATEMENT ON THE LAW

4.2 Harassment can amount to unlawful discrimination under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995, Employment Equality Regulations (Sexual Orientation) 2003, Employment Equality Regulations (Religion or belief) 2003, Age Discrimination Act 2006. Claims of harassment under this legislation can be brought against the alleged harasser and against their employer. An employer is liable for the discriminatory acts of employees acting in the course of their employment, whether or not they are done with the employer's knowledge or approval unless they are able to show that they took all reasonable practical steps to prevent employees carrying out unlawful discrimination. Employers are expected to have taken steps to prevent harassment. Additionally, harassment can be a crime (the Criminal Justice and Public Order Act 1994 and the Protection from Harassment Act 1997).

5. OPERATIONAL PROCEDURES – Informal Action

5.1 It is preferable for all concerned to try to resolve matters informally if at all possible. This is likely to produce solutions, which are speedy, effective and restore positive relationships in the workforce. It will also help to minimise embarrassment and the risk of breaching confidentiality.

5.2 Wherever possible, employees should tell the person causing the problem that the conduct in question is unwanted and/or offensive and must stop. This may be all that the victim of harassment wants.

5.3 Where an employee finds it difficult or embarrassing to raise the problem directly with the person creating the problem, a colleague can provide support. Alternatively, the complaint may be raised with a more senior member of management so that an informal solution can be achieved. Such approaches may be particularly helpful where the complaint is about the employee's direct supervisor.

5.4 The benefits of informal solutions should not discourage employees from using formal procedures where they prefer that option. Furthermore, there will be some instances where the seriousness of the complaint warrants formal action, and possibly criminal proceedings. Formal procedures may also be appropriate where a previous attempt at informal resolution has proved unsuccessful.

6. OPERATIONAL PROCEDURES - Formal Action

6.1 Any concerns under this policy should be raised with their line manager, tutor or supervisor, unless the individual is involved in the allegation, in which case the complaint should be referred to an immediate superior.

6.2 The complaint should be in writing and should identify the alleged harasser and the nature of the complaint.

6.3 The line manager, tutor or supervisor should then act immediately to:

- Acknowledge the complaint in writing [within 24 hours]
- Copy of the complaint should be forwarded and filed with the HR Department.
- Consider whether to arrange work so that contact between the parties is minimised.

6.4 If it is necessary to separate the parties (for instance if there is a considerable degree of tension between them such that work is being hampered) this should be done in a way, which does not prejudice the allegations.

6.5 The complaint lead will then as soon as possible, and following discussions with the appropriate line manager/Principal/Director: -

- Take steps to conciliate where appropriate or
- Decide to investigate the allegation.

7. CONCILIATION

7.1 The line manager will arrange conciliation where, after discussion, both parties agree it is an acceptable form of action.

8. FORMAL INVESTIGATION OF COMPLAINTS

8.1 Where an investigation takes place the manager can ask for the advice and / or participation in the investigation of other staff or refer the matter to an independent person to carry out an investigation.

8.2 The investigation must be objective and handled with sensitivity and due respect for the rights of both the complainant and the alleged harasser, who will both be entitled to representation by a recognised trade union representative or colleague. The alleged harasser must be given details of the allegations in writing.

8.3 The investigation should be **completed within twenty working days**, commencing 24 hours after the complaint has been lodged with the line manager or other appropriate manager, unless there are exceptional circumstances. This is to minimise the anxiety and stress associated with investigations of this kind.

8.5 The manager will then decide from the results of the investigation either:

- That standards for future conduct need to be set, which could involve training
- To use the disciplinary procedure in relation to the alleged perpetrator, or
- That the allegation does not amount to harassment under the policy

8.6 The lead officer will notify all concerned promptly (and in any case within **five working days** of knowing the results of the investigation) in writing of the outcome of the investigation and be prepared to discuss their decision with them.

9. POINTS OF PRACTICE

9.1 Where a complaint arises in the course of a disciplinary, performance or grievance process, it will normally be dealt with under those particular proceedings.

9.2 Although instances are rare, disciplinary action may result where either party abuses this policy by making allegations, which are malicious.

9.3 Please note:

- At all stages of the procedure the importance of confidentiality will be borne in mind.

Attention will be given to considering what information needs to be shared and the way in which this is done.

The lead officer should seek advice from HR or, in their absence another qualified HR professional before investigating a complaint.