



Cumbria Family Support Ltd

Bullying & Harassment Policy and Procedure

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1 Principles

This Policy and Procedure is based on the following principles.

- 1.1 Cumbria Family Support (CFS) is committed to encouraging and maintaining good working relationships within a working environment which fosters team working and encourages staff and volunteers to give of their best.
- 1.2 Everyone within CFS, and those who have dealings with CFS, has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others.
- 1.3 Everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work efficiently, effectively and confidently.
- 1.4 CFS will provide a safe working environment in which everyone is treated fairly and with respect.

All those working within, or dealing with, CFS should not encounter bullying or harassment of any kind.

Particular attention is also paid to behaviours that could be seen as harassment, intimidation or victimisation on the basis of:

- Gender
- Race or ethnic origin
- Age
- Disability or health
- Religion or belief
- Sexual orientation
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- any other factor which causes the recipient of the behaviour to feel distressed, harassed, humiliated or offended.

2 Policy

- 2.1 In this policy any references to “staff” or “members of CFS” shall apply to the above applies to:
 - All staff, volunteers and trustees working within CFS;
 - Temporary staff, such as secondees, students, contractors, agency, temporary staff, consultants and any other workers.
- 2.2 This Policy covers the behaviour of staff both within and outside working hours in circumstances which might impact upon work or working relationships among staff and members of CFS.
- 2.3 CFS takes complaints of bullying and harassment very seriously and has a “zero tolerance” policy. CFS will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

2.4 Everyone within CFS carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy.

2.5 Everyone in CFS has a responsibility to:

- i) Act as role models, by operating in accordance with the above principles
- ii) Report any instance of bullying or harassment which they witness or which comes to their attention.

Failure to deal with a complaint appropriately may mean that the complaint or person accused is more likely to make a complaint to an employment tribunal. If they do, the tribunal will take into account the way that you handled the complaint.

3 Bullying and Harassment

3.1 There is no legal definition of bullying, it can be described as unwanted behaviour from a person or a group that us either:

- Offensive, intimidating, malicious or insulting;
- An abuse or misuse of power that undermines, humiliates or causes physical or emotional harm to someone.

3.2 Bullying can be often hard to recognise and might:

- Be a regular pattern of behaviour or a one-off incident;
- Happen face-to-face, on social media, in emails or calls;
- Happen at work or in other work-related situations;
- Not always be obvious or noticed by others;

It is possible that someone might not know their behaviour is bullying. It can still be bullying even if they do not realise it or do not intend to bully someone.

3.3 The following is a non-exhaustive list of what CFS considers to be examples of bullying behaviour:

- Using intimidating, threatening, or physically abusive behaviour;
- Shouting at colleagues, constantly criticising their work or constantly putting them down in meetings;
- Denigrating, ridiculing, demeaning or humiliating behaviour
- Spreading malicious rumours or putting offensive, humiliating or threatening comments or photos on social media
- Insulting someone by word or behaviour
- Copying correspondence that is critical about someone to others, who do not need to see the correspondence
- Exclusion or victimisation
- Unfair treatment
- Misuse of power or position, including overbearing demeanour
- Unwelcome sexual advances; touching; standing too close; display of offensive materials
- Making decisions on the basis of sexual advances being accepted or rejected

- Making threats or comments about job security without foundation
- Wilfully preventing an employee from progressing by blocking training, promotion, or other work opportunities in the absence of any justification.

3.4 Those subjected to bullying and harassment might consider such behaviour as normal behaviour. Alternatively, they might be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating. People being subjected to bullying or harassment might appear to be overreacting to something that seems relatively trivial. There is often fear of retribution if the victim makes a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves.

3.5 According to the Equality Act 2010, bullying behaviour can be harassment if it relates to any of the following ‘protected characteristics’:

- Age
- Disability
- Gender reassignment
- Marriage and Civil Partnerships
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

3.6 It is defined by the Equality Act 2010 as unwanted conduct related to what the Act refers to as a person’s “protected characteristics¹”, that has the purpose or effect of violating someone’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned

3.7 The following is a list of behaviours which CFS would regard as constituting harassment:

- Physical contact: ranging from touching to serious assault, and including gestures, intimidation, and aggressive behaviour.
- Verbal behaviour, including: unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal behaviour, including offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

PLEASE NOTE THAT:

- **The above lists of behaviour are not exclusive, and other action might be considered to constitute bullying and/or harassment.**
- **A clear distinction should be made between reasonable management conduct, in the interests of conducting the business of CFS efficiently and effectively, and in the interests of service users, and unreasonable behaviour, which could constitute bullying and/or harassment.**

¹ It is against the law to discriminate against someone because of: [age](#), [disability](#), [gender reassignment](#), [marriage and civil partnership](#), [pregnancy and maternity](#), [race](#), [religion or belief](#), [sex](#), [sexual orientation](#)
 These are called protected characteristics, You are protected under the [Equality Act 2010](#) from these types of discrimination.

- **However, in considering allegations of bullying and harassment, it is the *impact* of the behaviour of the alleged perpetrator, rather than their *intent* that is the determinant as to whether bullying and/or harassment has occurred.**
- 3.8 Every supervisor and manager of CFS has an obligation to prevent harassment and bullying and to take immediate action once it has been identified, whether or not a complaint has been made. Allegations of harassment or bullying, received either informally or formally, must be dealt with promptly and sensitively.
- 3.9 Every member of CFS has a personal responsibility NOT to harass or bully other members of CFS. Any member of CFS who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her manager or the Chief Executive or a Trustee.
- 3.10 Any member of CFS who feels he/she has been harassed or bullied has a right to seek redress via the procedures set out below.

Procedure

4 Informal Resolution

- 4.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 4.2 Complainants are encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to their alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant is advised to make a note of the times and dates of incidents, keep a record of any conversations and retain copies of any written communications and documents.
- 4.3 The Chief Officer or Chair of the Trustees or such person delegated by them to do so may, with the permission of the complainant, approach the alleged perpetrator in the first instance to discuss their behaviour and how this might affect their colleagues. If the complainant wishes their identity to be kept confidential all those who it is necessary to make aware of the complaint must keep the same confidential.
- 4.4 It is important to note that no member of CFS is under any obligation to pursue informal action in the first instance and can choose to pursue formal action at the outset.
- 4.5 An individual who is made aware that their behaviour is unacceptable should:-
- Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view, and understand that everyone has a right to work in an environment free from harassment/intimidation;
 - Understand and acknowledge that it is the other person's perception, and reaction to another's behaviour that are important;
 - Agree the aspects of behaviour that will change; and,
 - Review their general conduct and behaviour with workplace colleagues.
- 4.6 An independent third person or mediator can sometimes help resolve such issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue that they

can both agree to. The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if both parties:

- Understand what mediation involves
- Enter into the process voluntarily
- Are seeking to repair the working relationship.

Parties to a complaint are encouraged to attempt mediation, if appropriate. If both the complainant and the accused agree to attempt mediation, this will be arranged through the Chief Executive, or, if the complaint concerns includes the Chief Officer, through the Chair of Trustees (or, through another Trustee nominated by the Chair). Mediation will usually be conducted by a person or service not connected to CFS.

- 4.7 At the conclusion of the informal resolution, it may be concluded that one of the parties should be moved from their current position or workplace. It should be noted and explained to those concerned that the moving of either party is not necessarily an implication of guilt or culpability and no detriment to either party will be construed as a consequence.

5 Formal Resolution

- 5.1 If the alleged bullying or harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or if the allegation is so serious as to prevent the use of the informal procedure, a formal complaint should be made. This should be done following CFS Grievance Policy and Procedure.
- 5.2 When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, prompt action must be taken to investigate the matter in accordance with the CFS Disciplinary Policy and Procedure. Corrective action must be taken where appropriate.
- 5.3 If at the conclusion of the investigations referred to above it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then this will normally be the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and, where appropriate, the outcome of any formal investigation and/or disciplinary procedure.
- 5.4 All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.
- 5.5 No employee or volunteer will be victimised or suffer detriment for making a complaint of harassment or bullying, and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.

6 Records

- 6.1 All complaints of harassment or bullying whether raised formally or informally must be recorded in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.
- 6.2 Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- 6.3 Following a formal investigation, where the complaint is not substantiated, no records will be retained.
- 6.4 Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary action, a letter confirming the outcome will be retained on the personal file of the perpetrator, and supporting documentation retained in a separate file for a period of **12 months**.
- 6.5 Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with CFS's Disciplinary Policy and Procedure.

7 Malicious, or false allegations

- 7.1 CFS will follow the procedures outlined above fairly in all instances. However, where an issue has been raised, CFS reserves the right not to pursue allegations that are vexatious, or which repeat complaints which have already been dealt with.
- 7.2 Those members of CFS found to be making malicious or false allegations may find themselves subject to the disciplinary procedure.

8 Communication

All staff will be informed of the Bullying and Harassment Policy. They must be re-assured regarding:

- fear that others will consider the behaviour trivial and not take complaints of harassment seriously;
- fear that no action will be taken against a person guilty of harassment;
- fear of retaliation or victimisation in registering a complaint either informally or formally through the Grievance Procedure.

The Bullying and Harassment Policy will be part of staff induction.

9 Training

Training will be provided for those employees who have a specific responsibility for implementing this Procedure or who may be involved in dealing with complaints which arise.

10 Monitoring and Review

- 10.1 In order to assess the effectiveness of the Procedure, statistics will be maintained in respect of the complaints of harassment. Strict confidentiality will be maintained, and the monitoring process will comply with the Data Protection Act.
- 10.2 The effectiveness of this policy will be reviewed regularly.