



# **HARASSMENT & BULLYING POLICY**

**Approved by Board of Directors: 4.12.24**

**Review Date: December 2027**

**Signed:**

A handwritten signature in dark ink, appearing to be 'SM/2024', is written next to the 'Signed:' label.

# **RISE HARASSMENT & BULLYING POLICY**

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## **RISE HARASSMENT & BULLYING POLICY**

The aim of this policy is to ensure that all RISE employees are treated with dignity and respect and that the working environment is one free from bullying or harassment. It provides a mechanism for employees to challenge any unwanted treatment, behaviour or conduct. All employees are expected to treat fellow employees, visitors, customers and suppliers with respect and to adhere to this policy.

Any reference to 'the employer' refers to RISE. The 'appropriate level of authority' should be determined according to the RISE scheme of delegation.

This policy applies to all RISE employees. The procedure does not form part of employee's contracts of employment and may be amended, to reflect changes in legislation or recognised 'HR best practice', or withdrawn at any time at the discretion of the CEO and RISE Board of Directors. The general principles of this policy shall also apply to agency staff, contractors, visitors, LGB members and Trust Board members

This policy applies not only to treatment, behaviour or conduct in the workplace, but outside the workplace e.g. business trips, training courses, work related social activities as well as comments made via social media or messaging such as Facebook, Twitter, Texts, iMessaging, WhatsApp etc. This includes business and personal devices.

### **GENERAL PRINCIPLES**

RISE will not tolerate harassment or bullying and will ensure that management and employees at every level understands this. All allegations of harassment or bullying will be taken seriously and dealt with promptly and confidentially. It is the responsibility of management to ensure that all employees understand the policy, that it is adhered to and to deal with behaviours that are in breach of this policy. Where it is found that harassment or bullying has occurred, the appropriate action will be taken which may include dismissal for gross misconduct.

Employees who make a complaint of harassment or bullying, or support an employee in making a complaint in good faith, will not suffer any less favourable treatment, retaliation or victimisation. Any employee who feels that they have suffered such treatment should raise this with their line manager, their line manager's manager or the CEO. Allegations of retaliation or victimisation will be dealt with under the disciplinary procedure and may be treated as gross misconduct and may result in dismissal, whether or not the harassment or bullying complaint was upheld.

Even where a formal complaint has not been raised, management are required to deal with any treatment, behaviour or conduct, which they become aware of and which is contrary to this policy, such as inappropriate banter, aggressive attitudes or insensitive jokes.

### **BEHAVIOUR THAT MAY AMOUNT TO BULLYING OR HARASSMENT**

Bullying or harassment is used to describe the unwanted and/or unwarranted treatment, behaviour or conduct of one person towards another or others which has the effect of violating that person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person(s). It does not have to be a series of events or a pattern of behaviour; a single incident/act may amount to bullying or harassment, where there is a serious breach of the aims and principles set out above.

Bullying or harassment may be by an individual against an individual or involve groups of people. It may be obvious or it may be insidious. Whatever format it takes, it is unwarranted and unwelcome to the individual.

Bullying or harassment may include conduct which is related to sex, age, sexual orientation, race, colour, nationality, ethnic or national origin, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, religion or belief, membership of a trade unions or taking part in the activities of a trade union, but conduct can amount to bullying or harassment without it relating to any of these categories.

Employees are able to complain of behaviour, treatment or conduct that they find offensive even if it is not directed at them and they do not have the relevant characteristic themselves.

**The following is a list of examples of behaviour that may be deemed to constitute bullying or harassment:**

- Offensive, abusive or intimidating comments, insensitive jokes or pranks, derogative or stereotypical remarks; particularly where based on a protected characteristic;
- Displaying or distributing pornographic material, abusive literature or graffiti, or other material that some people may find offensive;
- Deliberately excluding someone from conversations or work activities;
- Unwelcome sexual advances or suggestive behaviour;
- Unwanted physical conduct including touching, pinching, grabbing;
- Ridiculing, humiliating or belittling someone;
- Inappropriate and/or unwarranted remarks about someone's performance;
- Overbearing supervision or other misuse of power or position;
- Making threats or comments about job security without foundation;
- Deliberately undermining a competent worker by overloading and constant, unjustified criticism;
- Spreading malicious rumours or insulting someone by word or behaviour (particularly on the grounds of protected characteristics);
- Preventing employees progressing by intentionally blocking promotion or training opportunities; and
- The use of social networking sites such as Facebook, Twitter, or information from YouTube to bully or harass others.

The above list is not exhaustive. What one employee finds acceptable, another may not and therefore, as a minimum, all employees must ensure that they treat one another with respect. Additionally, it is not necessary that the treatment, behaviour or conduct in question was directed at the employee, as harassment or bullying can include behaviour which creates an intimidating and offensive environment for the employee and anyone else who may witness that behaviour.

Where, following an investigation (see RISE Investigation Procedure), it has been determined that an employee has been subject to legitimate, constructive and reasonable criticism of their performance or conduct, this will **not** amount to bullying or harassment.

**COMPLAINTS AGAINST THIRD PARTIES**

Sometimes the allegation of bullying or harassment may be against someone you come across as part of your work e.g. a customer, supplier or visitor. In this case the complaint should be made to your line manager, who will then discuss with you how best to deal with the situation. Where your line manager is unavailable e.g. due to sickness or holiday, you should raise your concern with your line manager's manager.

## **PROCEDURE**

If you believe that you have been subjected to treatment, behaviour or conduct which is contrary to this Harassment and Bullying Policy, you can raise a complaint either informally or formally. The procedure that you need to follow to raise your complaint is set out in the RISE Grievance Policy and Procedure.

If you require further help, advice or assistance about how to deal with a complaint of bullying or harassment you should speak to your manager, or the Trust Business Manager in the first instance. Where RISE is investigating a harassment or bullying complaint, RISE may suspend the alleged harasser/bully on full pay, or arrange other temporary working arrangements, or look at transferring the alleged harasser/bully to another work area. This will depend on the nature and potential seriousness of the allegations (see RISE Suspension Procedure).

## **MEDIATION**

As an alternative to pursuing a complaint under the grievance procedure you also have the opportunity to access informal mediation, provided by RISE.

Mediation is a confidential process that seeks to help employees resolve disputes in the workplace. Mediation is an informal process where employees involved in a dispute or whose relationship is under strain, have the opportunity to air their differences in a voluntary, safe, confidential meeting with the other party, in the presence of a mediator.

Mediation can be used at any point, for example where other informal approaches have been unsuccessful, or if you do not feel that formal procedure is the right option, you may want to consider mediation as an alternative to formal procedure. Mediation is a voluntary option and it can only be used when both parties agree to take part. There is no penalty or detriment if you choose not to participate in a mediation process.

If both parties agree to engage in the mediation process as a way of resolving their issues, then the manager involved must contact the Trust Business Manager as soon as possible so that mediation can commence.

If you go through mediation and it is not successful, you can then go through the formal grievance procedure.

If you have raised a grievance and decide to pursue mediation, the grievance may be paused while the mediation is taking place. If the issue is resolved informally or through mediation, the formal grievance will be closed.

### **FIRM & FAIR MANAGEMENT**

It is important to differentiate between legitimate management and bullying or harassing behaviour.

Managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of a member of staff's behaviour or job performance does not therefore, constitute bullying or harassment.

Carrying out these functions in a fair, firm and consistent manner does not constitute an act of bullying or harassment, although it is recognised that some staff may feel stressed or anxious while the procedures are ongoing. Managers should be able to carry out their duties without threat of ill intentioned, malicious or vexatious complaints.

### **CONFIDENTIALITY**

All parties to such matters are to keep details of any complaints and proceedings confidential and only to share any information with others who need to know. RISE recognises the seriousness of such matters and the impact any complaints may have, but the principles of natural justice and employee confidentiality must be upheld at all times. Breaches of confidentiality, collusion or otherwise seeking to unduly influence any investigative procedure may be treated as gross misconduct.