



Anti-Harassment and Bullying Policy

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All harassment and bullying is fundamentally in conflict with the principles and values of The Orchard Project. The purpose of this policy is to ensure that all workers are treated with dignity and respect, free from harassment or other forms of bullying at work. It sets out examples of the type of conduct that may constitute harassment or bullying and our commitment to eliminating such conduct.

Where harassment or bullying is shown to have taken place it will be dealt with under the Disciplinary Procedure as a form of misconduct. In some cases it may be treated as gross misconduct leading to summary dismissal of those responsible.

This procedure is for guidance only and does not form part of your Contract of Employment. The Orchard Project may amend it at any time due to changes in legislation or best practice.

Legislative Framework

Under the Health and Safety at Work Act etc 1974 The Orchard Project has a duty to provide our workers with a safe place and system of work. This includes a workplace free from harassment and bullying which may, in certain circumstances, also amount to unlawful discrimination.

The Orchard Project is also responsible for ensuring that workers are protected from unlawful harassment, bullying or discrimination in the course of their work on grounds of sex, sexual orientation, marital status, gender reassignment, race, religion, nationality, ethnic or national origin, disability or age.

Individual workers may also in some cases be held legally liable for harassing other workers or third parties, and may be ordered to pay compensation by a court or employment tribunal.

Who is covered by this policy?

This policy covers every individual working for The Orchard Project or at any of our premises irrespective of their status, level or grade. It therefore includes managers, officers, directors, employees, volunteers, consultants, contractors, trainees, homeworkers, part-time or fixed-term employees, casual and agency staff.

All workers are responsible for treating their colleagues with dignity and respect. For the success of this policy everyone should ensure that they take the time to read and understand it. Every worker should consider whether their words or conduct could be offensive to others. Even unintentional harassment or bullying is unacceptable.

What are Harassment and Bullying?

Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the recipient's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Harassment often (but not exclusively) targets the sex, sexual orientation, marital status, gender reassignment, race, religion, nationality, ethnic or national origin, disability or age of the victim.

A single incident of unwanted or offensive behaviour to one individual can amount to harassment.

Examples of harassment include:

- unwanted physical conduct or "horseplay", physical conduct ranges from touching, pinching, pushing or brushing past someone or invading their personal space, to grabbing, shoving, punching and more serious forms of physical or sexual assault;
- unwelcome sexual behaviour, which the harasser may perceive as harmless flirting, and which may involve unwanted suggestions, advances, propositions or pressure for sexual activity; suggestions that sexual favours may further an employee's career or that refusal of sexual favours may hinder it;
- continued suggestions for social activity within or outside the workplace after it has been made clear that such suggestions are unwelcome;
- inappropriate behaviour whether in the form of offensive or intimidating comments or gestures or insensitive jokes or pranks;
- the sending or displaying of material that is pornographic or obscene or that some individuals or groups may find offensive (including e-mails, text messages, video clips and photographs taken or sent using mobile phones or via the internet);
- ignoring or shunning a worker, for example, by persistently and deliberately excluding them from a conversation or a workplace social activity.

Bullying is offensive, intimidating, malicious or insulting behaviour which, through the abuse or misuse of power, makes the recipient feel vulnerable, upset, humiliated and threatened. Power includes both personal strength and the power to coerce others through fear or intimidation. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence and self-esteem. As with harassment, bullying can take the form of physical, verbal and non-verbal conduct.

Legitimate and constructive criticism of a worker's performance or behaviour or reasonable requests made of workers in the course of their employment will not constitute bullying.

Examples of bullying include:

- shouting at, being sarcastic towards, ridiculing or demeaning others
- physical or psychological threats
- overbearing and intimidating levels of supervision
- inappropriate and/or derogatory remarks about a worker's performance
- abuse of authority or power by those in positions of seniority
- unjustifiably excluding colleagues from meetings or communications.

This policy covers harassment or bullying which occurs both in the workplace itself and in settings outside the workplace, such as business trips, events or social functions organised for or on behalf of The Orchard Project and on or off its premises.

Workers who believe they are being subjected to harassment or that they are being bullied should not hesitate to use the procedures set out below.

Informal steps to resolve bullying or harassment

If you consider that you are being bullied or harassed, you should initially attempt to resolve the problem informally with the person responsible if you feel able, and explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing to do on your own, you should seek support from your Line Manager or another member of staff. The CEOs provide confidential advice and assistance to workers who believe they have been bullied or harassed and will offer to assist in the resolution of any problems, whether through informal or formal means. Alternatively, in instances where the CEOs are involved in a case, external advice and support can be arranged.

Even where you resolve issues of bullying or harassment yourself informally, you should keep a record of the incident, including as much detail as you are able on events, circumstances, place and time, for future reference in case such behaviour reoccurs. You should also let the CEO (or a Trustee if it involved the CEO) know and confirm with them that the issue has been resolved and that no further action is required at this stage so that they have as full a picture as possible of issues within the staff team.

Everyone at The Orchard Project has a responsibility to uphold a culture of treating each other with care and respect and ensuring that this policy is adhered to. If you witness but are not directly subject to bullying or harassment, you should raise this directly with the CEO or if it involves the CEO, with the Chair of the Board. They will then raise this issue confidentially directly with the alleged victim and the process below will be followed as appropriate if bullying or harassment can be deemed to have occurred.

For instances where the accusation related to the Chair of the Board, a group of Trustees will act together to handle the case.

If you are in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then you should initially contact the CEOs on an informal basis (Or Chair of the board if your concerns involve the CEOs). They will be able to advise you how your concerns should be dealt with.

If informal steps have not been successful or would not be appropriate, you should follow the formal procedure set out below.

Raising a formal complaint about bullying or harassment

The informal procedure may not be appropriate due to the nature of the harassment or bullying or because you do not feel able to talk directly to the person creating the problem. In these cases or where the informal procedure has been unsuccessful, you should raise your complaint in writing with the CEOs or, if your complaint concerns the CEOs, with the Chair of the Board. Their role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.

Your written complaint should set out full details of the conduct in question, including the name of the harasser(/s) or bully(/ies), the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision to progress a complaint rests with you. However, The Orchard Project has a duty to protect all workers and may decide to pursue the matter independently if, in all the circumstances, it is considered appropriate to do so.

Formal Investigations

Complaints will be investigated in a timely and confidential manner to establish full details of what happened. Your name and the name of the alleged harasser or bully will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. The Orchard Project will appoint a trustee or an external consultant, with no prior involvement in the complaint, to act as an "Investigative Officer" and will set out a provisional timetable for the investigation, which will usually be a maximum of 5 working days and the proposed timeframe will be communicated to all parties. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.

Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, or suspended on full pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation. Suspension is a neutral act and doesn't assume guilt.

At the outset of the investigation, the Investigative Officer will meet with you to hear your account of the events leading to your complaint. You have the right to be accompanied, see 'Right to Accompanied' statement below. The Orchard Project will arrange further meetings with you as appropriate throughout the investigation and/or at its conclusion.

You and anyone accompanying you (including witnesses) must not make electronic recordings of any meetings or hearings conducted under this procedure, without the express permission, in advance, of all parties concerned.

The Investigative Officer will also meet with the alleged harasser or bully who may also be accompanied by a colleague or trade union official of their choice. It may also be necessary to interview witnesses to any of the incidents mentioned in your complaint. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.

At the conclusion of the investigation, the Investigative Officer will submit a report to the CEOs or Chair of the Board or designated other to consider the complaint. The CEOs or designated other will usually arrange a meeting with you to report the outcome within five working days of the conclusion of the investigation. A copy of the Investigative Officer's report together with the CEO's findings will be provided to you and to the alleged harasser.

If the CEOs or Chair of the Board finds that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence. The findings will be dealt with under our disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether they should remain in their current post or be transferred.

Even where a complaint is not upheld, consideration will be given to how the ongoing working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Right to be accompanied

You may bring a companion to any meeting or appeal meeting under this procedure. The companion may be either a trade union official or a fellow worker. You must tell the person holding the grievance meeting who your chosen companion is, at least 2 days before the meeting.

Acting as a companion is voluntary and your colleagues are under no obligation to do so. Workers will be allowed reasonable time off from duties without loss of pay to act as a companion.

If your choice of companion is unreasonable The Orchard Project may ask you to choose someone else, for example:

- if in our opinion your companion may have a conflict of interest or may prejudice the meeting; or
- if your companion works at another site and someone reasonably suitable is available at the site at which you work; or

- if your companion is unavailable at the time a meeting is scheduled and will not be available for more than five working days.

The Orchard Project may, at its discretion, allow you to bring a companion who is not an employee or Union Official (e.g: a family member), where this will help overcome a disability or where you have difficulty communicating in English. Where there is agreement to a replacement they must make themselves available within five working days so as not to delay the process any longer than this period of time.

Appeals

If the grievance has not been resolved to your satisfaction you may appeal in writing to the CEOs or designated other, stating your full grounds of appeal, within one week of the date on which the decision was sent or given to you.

The Orchard Project will normally hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a Trustee who has not previously been involved in the case (although they may ask anyone previously involved to be present). You have a right to bring a colleague or trade union official to the meeting.

The Orchard Project will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

Protection for those making complaints or assisting with an investigation

Workers who make complaints or who participate in good faith in any investigation conducted under this policy will be protected from any form of intimidation or victimisation as a result of their involvement.

Any worker who considers that they have been subjected to any such intimidation or victimisation should seek support from their line manager or the CEOs. They may alternatively or additionally raise a complaint in writing under this procedure or the Grievance Procedure.

Any worker who is, after investigation, found to have deliberately provided false information or to have acted in bad faith may be subject to action under the Disciplinary Procedure.

Confidentiality

Confidentiality is an important part of the procedures provided under this policy. Every worker involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required.

Breach of confidentiality may give rise to disciplinary action under the Disciplinary Procedure.