

<b>POLICY TITLE:</b>	<b>ANTI-BULLYING AND HARASSMENT</b>
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<b>Ratified by:</b>	Kylie Cheston, Head of Central HR
<b>Responsible signatory:</b>	Louise Watts, HR Director
<b>Outcome:</b>	<p>This policy:</p> <ul style="list-style-type: none"> <li>• Aims to make clear what constitutes harassment and bullying.</li> <li>• Provides guidance to managers and colleagues regarding the reporting and investigating of accusations of bullying and harassment.</li> </ul>
<b>Cross Reference:</b>	<p>AHR04.1 Diversity and Inclusion  AHR04.2 Disciplinary Procedure  Colleague Handbook</p>

**EQUALITY AND DIVERSITY STATEMENT**

Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.

This policy covers all parts of Aspris Services – The Care and Education Divisions; Central services and our Fostering service. For the Fostering service and the 2 operational divisions, there are local procedures that relate to some of these policies, where necessary.

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, e-mail [asprisgovernancehelpdesk@aspris.com](mailto:asprisgovernancehelpdesk@aspris.com)

# ANTI-BULLYING AND HARASSMENT

## 1 INTRODUCTION

- 1.1 Everyone who works within, or has contact with, Aspris has the right to be treated with dignity and respect.
- 1.2 Harassment or bullying on the basis of age, gender, marital status or civil partnership, race, country of origin, language, religion and belief, political beliefs, sexual orientation or disability can be an upsetting and humiliating experience. Harassment or bullying at work can seriously affect a colleague's confidence, relationships with colleagues, and work performance.
- 1.3 There are no local procedures or practices applicable to this policy.
- 1.4 This policy should be used in conjunction with the related policies listed on the preceding page where applicable.

## 2 AIMS

- 2.1 Aspris will neither condone nor permit harassment for any reason. It is the responsibility of all colleagues to encourage and maintain an environment that is free from harassment.

## 3 SCOPE

- 3.1 This policy applies to all colleagues and the people who use our services. It also applies to services provided by Aspris to young people, customers and members of the general public. This policy is non-contractual and where there is a legitimate business reason to do so, Aspris reserves the right to vary the application of this process.

## 4 RESPONSIBILITIES

- 4.1 **Colleagues** – it is all colleagues responsibility to ensure that Aspris is free from bullying and harassment. It is also their responsibility to raise any cases, either towards themselves or others, of bullying and/or harassment with an appropriate manager
- 4.2 **Managers** – it is a managers responsibility to ensure that any instances of bullying or harassment that they witness or are reported to them are dealt with in a timely and appropriate manner.

## 5 HARASSMENT

- 5.1 Harassment is defined as unwanted behaviour that is unreciprocated and unpleasant. It may also be unlawful. Harassment can take many forms, from extreme examples such as physical violence to less obvious actions such as ignoring a colleague.
- 5.2 Harassment is generally persistent, continuing after the recipient has asked for it to stop. However, a single incident can warrant action if it is serious enough.
- 5.3 Examples of behaviour which are totally unacceptable to the organisation and contravenes this policy include (but are not limited to):
  - (a) Unwanted physical conduct (for example: brushing against a person, assault);
  - (b) Unwanted verbal communication (for example: personal comments, general comments, jokes, name calling, threats, abuse, flirtation, propositioning);
  - (c) Unwanted non-spoken communication (for example: facial expression, gesture, physical threats, whistling);
  - (d) Display of offensive visual material in the workplace (for example: pin ups, calendars, books, videos);

- (e) Unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- (f) Attacks on property (for example: theft, damaging property, hiding property);
- (g) Social exclusion;
- (h) Incitement of others to commit harassment;
- (i) Victimisation (harassing a person who has complained of harassment).

## **6 BULLYING**

- 6.1 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate or injure a colleague.
- 6.2 Examples of bullying behaviour include (but are not limited to):
- (a) Spreading malicious rumours, or insulting someone by word or behaviour;
  - (b) Copying memos that are critical about someone to others who do not need to know;
  - (c) Ridiculing or demeaning someone – picking on them or setting them up to fail;
  - (d) Exclusion or victimisation;
  - (e) Unfair treatment;
  - (f) Overbearing supervision or other misuse of power or position;
  - (g) Making threats or comments about job security without foundation;
  - (h) Deliberately undermining a competent worker by overloading and constant criticism;
  - (i) Preventing individuals progressing by intentionally blocking promotion or training opportunities.

## **7 PROCEDURE**

- 7.1 It is the impact of the actions upon the individual and how they are viewed by the individual that determines whether bullying or harassment has occurred. The intentions of the person bullying are a secondary consideration. Sometimes conduct causes offence unwillingly, due to a lack of awareness of other people's feelings.
- 7.1.1 All complaints will be investigated thoroughly and promptly and appropriate action taken. At all times Aspris will respect colleagues' rights to confidentiality and will take all reasonable steps to protect complainants from intimidation, victimisation or discrimination.
- 7.2 **Informal procedure**
- 7.2.1 The purpose of an informal procedure is to provide an opportunity to advise and counsel colleagues in deciding how they wish to proceed. It must not be used to discourage colleagues from implementing the formal procedure if that is their choice.
- 7.2.2 The manager's role is to provide support and advice where practicable to enable the colleague to address the problem themselves. This may mean arranging an informal meeting with both colleagues involved or agreeing with the colleague a plan of action involving telling the person to stop or make it clear that you find their behaviour offensive. It may be possible that there was a genuine misunderstanding and therefore the issue(s) can be resolved at this stage.
- 7.3 **Formal procedure**
- 7.3.1 The formal procedure is used when:
- (a) The informal procedure has failed to resolve the issue;
  - (b) The colleague requests it;
  - (c) The incident is too serious to be dealt with informally.
- 7.3.2 A complaint should be made formally in writing. Where the complaint involves the line manager, the complainant can refer the matter to a senior manager within the service.

7.3.3 The complaint must be made in writing, detailing the incident(s) and providing any supporting evidence. This may be distressing, but it is necessary to have all relevant information.

7.3.4 Upon receipt of the complaint, a full investigation will be carried out by a manager who has not been involved in the complaint. The investigation report will be passed to the colleague's line manager or in the case where the complaint involves the line manager, to a senior manager within the service who will decide whether further action is necessary.

#### **7.4 Investigation**

7.4.1 Investigations will be carried out by a manager from a department not connected with the allegation:

- (a) The investigation will be prompt, thorough and impartial and will take account of the rights of both parties
- (b) Details of the complaint will be presented with both parties being invited to respond
- (c) A timescale will be set for the complaint to be resolved
- (d) Confidentiality will be maintained throughout the process.

7.4.2 Once the investigation is complete, the manager of the colleague or in the case where the complaint involves the line manager, to a senior manager within the service will make a decision on a course of action. Any further action may take the form of a disciplinary hearing (convened in accordance with HR04.2 Disciplinary Procedure or counselling or training).

### **8 FALSE ACCUSATIONS**

8.1 Aspris takes very seriously any 'false' accusations. Where an investigation reveals the accusation to be false, the complainant may be subject to the disciplinary procedure.