

# COMMUNITY SYSTEMS BULLYING AND HARASSMENT POLICY



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<b>Definition</b>	Harassment takes many forms, occurs in a variety of circumstances and may be directed at one person or many people. In general terms it can be described as unwanted behaviour which a person or persons find intimidating, upsetting, embarrassing, humiliating or offensive. It is important to recognise that it is not the intention of the perpetrator that is key on deciding whether harassment has occurred, but whether the conduct is unacceptable by normal standards of behaviour. It is equally important to distinguish harassment from personal relationships and conduct freely entered into and acceptable to those involved. Harassment includes bullying and respect agendas.
<b>Harassment and the Law</b>	Certain forms of harassment are regarded as unfair discrimination and are covered by statute, the Sex Discrimination Act 1975 and the Race Relations Act 1976 cover sexual and racial harassment. The Disability Discrimination Act 1995 protects disabled people against unfavourable treatment. Under the Criminal Justice and Public Order Act 1994 the use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment alarm and distress is a criminal offence. In Britain our human rights are protected by the Human Rights Act 1998. Human rights are the basic rights and freedoms that belong to every person in the world, from birth until death.
<b>Examples of Harassment</b>	Harassment can range from physical violence to less obvious forms such as ignoring someone. The following lists are intended to illustrate the scale of the problem rather than an exhaustive study of all circumstances. <ul style="list-style-type: none"> <li>• Physical contact</li> <li>• Offensive language, jokes, gossip, slander</li> <li>• Posters, graffiti, obscene gestures</li> <li>• Isolation, non-co-operation and exclusion from social activities</li> <li>• Coercion for sexual favours or pressure to participate in political/religious groups</li> <li>• Intrusion by pestering, spying or stalking, including up-skirting</li> <li>• Someone may be the victim of harassment because of their: <ul style="list-style-type: none"> <li>♦ Race, ethnic origin, nationality, skin colour, gender or sexual orientation</li> </ul> </li> </ul>

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- ♦ Ill health, disability, sensory impairment or learning difficulty
- ♦ Age, physical, mental or emotional characteristics
- ♦ Social background or personal beliefs.

## Statement of Company Policy

Proven cases of harassment will be treated as a disciplinary offence and dealt with under the appropriate disciplinary policy.

All reported allegations will be investigated thoroughly by the Senior Management Team.

A complaints procedure is in place and made known to all parties.

Managers will be responsible for ensuring that the Policy is understood and implemented.

The pattern of reported incidents under the Policy will be monitored and evaluated at regular intervals by the company's management team.

The MD will ensure that the Policy will be reviewed at least annually.

"The Complainant" is the person who claims to have been harassed.

"The Defendant" is the person alleged to have done the harassing.

## Dealing with Complaints

If an individual considers that they have been subjected to harassment whilst on the premises, they should report the incident immediately to a member of the management team, who will explain the complaints process and the options open to the complainant i.e. verbal complaint or written complaint. If the defendant is a member of the management team, then the MD will always deal with the matter.

### Verbal Complaint

The management team will interview the defendant (and witnesses as appropriate) promptly to determine what was said or done and to decide on a suitable outcome. If a misunderstanding is deemed to be the root cause of the complaint and both parties subsequently accept this, then no further action is necessary. If culpability is admitted or accepted after interview, a verbal or written apology will be made to the complainant and the defendant will be subject to the appropriate disciplinary procedure. If culpability is suspected by the management team but denied by the defendant, the case will be referred to the MD as a written complaint. The management team will complete a complaint report form to be sent to the MD and copied to both parties.

### Written Complaint

A written account of the alleged harassment by the complainant sent directly to the MD for investigation and further action. A written complaint would be appropriate when:

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	<ul style="list-style-type: none"> <li>▪ the complainant insists upon it when contacting the management team</li> <li>▪ the management team refers the case when culpability is suspected but denied</li> <li>▪ the defendant is a member of management team.</li> </ul> <p><b>Observed behaviour</b></p> <p>The management team will interview all individuals involved (and witnesses as appropriate) promptly to determine what was said or done and to decide on a suitable outcome. If a misunderstanding is deemed to be the root cause of the observed behaviour, then no further action is necessary. If culpability is admitted or accepted after interview, the appropriate disciplinary procedure, will be applied. If the situation requires escalation the MD will review and make final decisions.</p>
<p><b>Action by the MD</b></p>	<p>Upon receiving a written complaint, the MD will interview both parties (and witnesses as appropriate) to determine and weigh the evidence for, or against, the allegation. The MD will then make a judgement according to the evidence and convey their decision, in writing, to both parties. If culpability is judged to be proven, the defendant will be subject to the appropriate disciplinary procedure. Where a complainant is a member of staff and remains dissatisfied with the outcome, they may wish to seek advice from ACAS to fully understand their rights.</p>
<p><b>Advice and Counselling</b></p>	<p>At any time during the procedures described above, either party involved may ask to see a trained counsellor. This will be arranged through external organisations specialising in this work. Their role is to help the complainant review options towards a course of action and to assist with drafting reports and evidence. They can also assist the defendant to be aware of the consequences of their behaviour.</p> <p>In addition, a representative of their choice can accompany either party at interviews. However, counsellors cannot be used for this purpose.</p>
<p><b>Quality Assurance</b></p>	<p>All parties are informed of their rights and responsibilities under the Policy. The Policy document is made available for all parties. In addition, the Policy is raised and discussed during induction programmes.</p> <p>The Senior Management Team keep a file record of each verbal and written complaint for a minimum of two years. The file contains the report forms and/or written complaints, letters of apology, record of interviews, all written evidence, letters and MD's judgement.</p> <p>The Policy is monitored regularly by the Senior Management Team who has an overview for Equal Opportunities to ensure continued relevance.</p>