



Dudley Mind Harassment & Bullying Policy & Procedure

1) Policy

1.1 People in our society may be victimised and harassed as a result of their race, colour, ethnic or national origin, religious belief, political opinion or affiliation, sex, marital status, sexual orientation, gender reassignment, age or disability.

1.2 Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour and actual physical abuse. Whatever form it takes, personal harassment is always taken seriously and is totally unacceptable to Dudley Mind.

1.3 We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

1.4 All forms of personal harassment and bullying are unacceptable and Dudley Mind seeks to ensure that the working environment respects the dignity of individuals and is free from harassment and bullying. We are committed to eliminating intimidation in any form.

1.5 Harassment and Bullying breach the Dudley Mind Equal Opportunities Policy and are classified as serious offences which may result in summary dismissal under the Disciplinary Procedure.

1.6 The nature of Dudley Mind's work and client group means that staff may from time to time be faced with behaviour, language, and attitudes that are not normally acceptable. Complaints against residents or service users will be viewed in the light of Dudley Mind's ethos which is one of tolerance towards those it seeks to help and also its duty to provide a safe working environment where reasonable steps have been taken to minimise harassment and to support victims where it occurs. Harassment and bullying from residents or service users will be dealt with under the Warnings, Barrings and Evictions Procedure.

1.7 Normally incidents occurring at social events involving Dudley Mind's staff are a matter for the individuals concerned to resolve outside of work. However, events or activities sponsored by Dudley Mind may exceptionally be covered by this policy where the incidents that take place are sufficiently serious that they will adversely influence working relationships and staff effectiveness in the workplace or where the event might be judged to be part of the working environment because of its purpose or location.

1.8 The purpose of this policy is to inform employees of the type of behaviour that is unacceptable and to provide a procedure under which staff, volunteers, workers or Directors and Trustees who consider themselves to be victims of harassment or bullying can seek action which is non-threatening to them and quickly ends the harassment/bullying. It is intended to give confidence to those who might be afraid to seek a solution to the problem for fear of recrimination and to show Dudley Mind has a firm commitment to the elimination of harassment and bullying.

2) Scope

This policy and procedure covers all Dudley Mind employees, Board of Directors and Trustees, volunteers, agency staff, and workers, who are expected to comply with it. Where a service user or contractor feels they are a victim of harassment or bullying they should refer to the Dudley Mind Complaints Procedure. We recognise that we have a duty to implement this policy and all employees are expected to comply with it.

3) Definition

3.1 Harassment has no definition in law but is generally described as "unwanted conduct which affects the dignity of women or men at work; it encompasses unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidatory". The essential characteristic of harassment is that the behaviour is unwanted by the recipient.

3.2 Bullying is the intimidation or belittling of someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often inextricably linked to areas of harassment described below.

4) Grounds on which to base claims of harassment

People can be subject to undignified behaviour on a wide variety of grounds including:

Race, ethnic origin, nationality or skin colour
Gender or sexual orientation
Willingness to challenge harassment (leading to victimisation)
Membership or non-membership of a trade union
Disabilities, sensory impairments or learning difficulties
Status as an ex-offender
Age
Aids/HIV
Health
Physical characteristics
Personal beliefs

This list is not exhaustive and it is possible for people to abuse their power over others in all sorts of ways. Day-to-day management instructions about

work are not harassment where they form part of normal supervision and direction.

5) Examples of harassment and bullying

5.1 There are many types of harassment and intimidating behaviour and employees may not always realise that their behaviour constitutes harassment. Examples of harassment include:

- a. insensitive jokes;
- b. lewd, abusive or insensitive comments about appearance;
- c. deliberate exclusion from conversations;
- d. displaying abusive or offensive writing or material;
- e. unwelcome touching; and
- f. abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment.

5.2 The following are examples of bullying:

- Shouting at an individual or criticising an individual in front of others.
- Spreading malicious rumours or making malicious allegations.
- Intimidation or ridicule of individuals with disabilities and /or learning difficulties.
- Ignoring or excluding an individual from the team / group
- Using status to make demands which are unrelated to normal operational activity.

6) Responsibilities of Managers

6.1 Every manager has an obligation to prevent harassment / bullying and to take immediate action once it has been identified, whether or not a complaint has been made.

6.1.1 Allegations of harassment or bullying, received either informally or formally must be dealt with promptly, confidentially and sensitively.

6.1.2 It is important that managers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Similarly, racial harassment is behaviour which is racially offensive to the recipient. Managers must therefore take care to ensure that they do not pre-judge situations based on their own sexual or racial attitudes and perceptions.

6.1.3 It may not always be appropriate for a line manager to be involved with specific complaints. For example, if the complainant is male and wishes to speak to a male, but the manager is female, or, if the complaint relates to the conduct of the line manager.

6.2 Responsibilities of all employees

6.2.1 Every employee has a personal responsibility **NOT** to harass or bully other members of staff.

6.2.2 An employee who becomes aware of harassment or bullying occurring, whether by another employee, volunteer, service user or any other individual should bring the matter to the attention of his/her manager. Alternatively they should follow the whistleblowing procedure.

7) Procedure for dealing with harassment or bullying

7.1 If an employee feels they are the victim of harassment or bullying they should:

- Act quickly if possible, avoid waiting until working conditions become intolerable or their personal well-being is seriously affected.
- Keep a record of any incidents if possible, detailing when, where, what occurred, and witnesses (if any).
- Inform their line manager as soon as possible.
- Ask a work colleague or trade union representative to support them in writing the complaint/accompanying them to meetings if they feel it is necessary.

7.2 At any stage of the process the complainant, the manager dealing with the complaint or the accused may feel that they need the help of an independent 'contact person' before deciding on the best course of action.

7.2.1 Dudley Mind will provide trained individuals who can give confidential advice and assistance, including:

- advising on the nature of harassment;
- offering guidance on resolving harassment problems, including acting as an independent broker
- advising on the use of the Company's Grievance Procedure.

7.2.2 The contact person will be granted a reasonable amount of time off to support victims and to attend any meetings as necessary. The name and method of contact for these trained individuals can be supplied from the HR Officer or Chief Executive.

8) Informal Procedure

8.1 An employee who feels that he/she is being subjected to harassment or bullying may attempt to resolve the matter informally in the first instance.

8.2 In some cases it may be possible and sufficient for the complainant to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable.

8.3 It may be appropriate to bring the two parties together in a conciliation meeting to deal with the complaint, with a manager or HR Officer acting as mediator. However, some victims of harassment or bullying may not be sufficiently confident to tell the harasser that his or her behaviour is unacceptable. Therefore the complainant may wish to be accompanied at this informal discussion stage by a contact person, work colleague or trade union representative. A conciliation meeting should only occur where there is an agreement from both parties to do so.

8.4 Where the employee believes that the informal procedure is inappropriate or likely to prove ineffective, he/she may use the formal procedure described in the next paragraph.

9) Formal Procedure

9.1 Where the steps outlined above in the informal approach are unsuccessful or inappropriate, the complainant should raise the matter formally by raising a grievance. Please refer to Dudley Mind grievance policy and procedure.

9.2 On receipt of a formal complaint, action may be taken to separate the complainant from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with pay until the matter has been resolved.

9.3 Where the alleged harasser is the employee's line manager supervisory responsibilities may be transferred to an alternative manager or a mediator may observe supervision sessions for the duration of the supervision sessions.

9.4 The complainant must be assured that he/she will not be discriminated against or victimised for raising the grievance. Confidentiality will be observed throughout and should the need for any disclosure of the details of the case arise, the complainant will be informed beforehand.

10) General Notes

10.1 Dudley Mind takes the matter of harassment and bullying seriously and will seek to address valid complaints quickly and effectively.

10.2 If the report concludes that the allegation is well founded, the disciplinary procedure may be invoked and the harasser may be liable to disciplinary action. An employee who receives a formal warning or who is dismissed under the disciplinary procedure for harassment or bullying may appeal by using our disciplinary appeal procedure.

10.3 If you bring a complaint of harassment you will not be victimised for having brought the complaint. However, if, after investigation the organisation deems the complaints made to be untrue and brought with malicious intent, the complainant will themselves be subject to disciplinary proceedings.

11) Communication

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

- fear that others will consider the behaviour trivial and not take complaints of harassment seriously;
- fear of retaliation or victimisation in registering a complaint either informally or formally through the Grievance Procedure.

12) Training

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

13) Related Documents

Dudley Mind Grievance Policy & Procedure
Dudley Mind Disciplinary Policy & Procedure
Dudley Mind Whistleblowing Policy & Procedure
Dudley Mind Equal Opportunities Policy
Dudley Mind Confidentiality Policy

14) Changes

Dudley Mind reserves the right to change the provision of the Harassment & Bullying Policy and Procedure by amendment, addition or deletion or substitution of new procedures from time to time at its discretion. Employees will be consulted and notified of any changes by appropriate means.