

## LAWRENCE HOUSE SUPPORTED ACCOMMODATION

### Harassment and Bullying Procedure and Guidance

#### Definition

Harassment and Bullying includes any unwanted, unreasonable, and offensive behaviour by one person or a group of people towards another person or group of people, that has a detrimental impact on their well-being, ability and confidence.

Harassment is conduct, which is unwanted by the recipient. It is not the intention, but the impact of the unwanted conduct that results in harassment. Harassment and bullying is behaviour that fails to respect the dignity of others.

Harassment does not refer to mutually acceptable behaviour, but others in your environment may find the same behaviour unacceptable.

Harassment is behaviour that is typically relating to gender, gender reassignment, race, colour, ethnic origin, sexual orientation, disability, age, religion or belief, social class, marital status, nationality, employment status, or membership or non-membership of any organisation or association.

The following are examples of harassment, but the list is by no means exhaustive:-

#### **Unwanted physical conduct:**

Including unnecessary touching, patting or pinching or brushing against another person's body, insulting or abusive behaviour or gestures. Assault, coercing sexual intercourse, rape and physical threats are also examples of extreme harassment.

#### **Unwanted verbal conduct:**

Such as unwelcome advances, patronising titles or nicknames, propositions or remarks, innuendoes, lewd comments, jokes, banter or abusive language, which refers to a person or a group's gender, colour, race, ethnic or national origins, age, disability or sexual preference, appearance etc, including repeated suggestions for unwanted social activities.

#### **Unwanted non-verbal conduct:**

Such as objects or written materials including graffiti, referring to an individual's characteristics or private life, making abusive or offensive gestures, leering, whistling, the display of pornographic or suggestive literature, pictures or films/videos or inappropriate use of software, or network systems, including e-mail and the inter / intranet.

#### **Other conduct:**

Which denigrates or ridicules, or is intimidating or physically abusive to any person.

Bullying can result from misuse of any form of individual power, such as physical strength, personality or age, or collective power through strength of numbers. Bullying is where someone or a group of people in a position of strength, authority or responsibility, abuses their individual power by using intimidating, insulting or malicious behaviour.

Bullying is persistent, destructive behaviour that has a detrimental impact on a person's confidence and self-esteem. Bullying at work can be colleague to colleague, employee to manager, as well as from manager to more junior members of staff (including temporary, contract staff, volunteers and contractor staff).

Illustrations of bullying include:-

- Persistent unfounded criticism.
- Humiliation, intimidation, ridicule and / or personal abuse, either in public or private.
- Social exclusion.
- Deliberately setting someone up to fail.
- Imposing unfair punishments.
- Torment by a peer group that humiliates, demeans, or frightens the individual(s) to whom the behaviour is directed.

Victimisation is where a person is treated less favourably than another because he or she has brought a complaint, given evidence, rejected advances, or complained about the behaviour of someone who has been harassing or bullying. Victimisation is unacceptable behaviour.

### **Resolving complaints of harassment and bullying**

The intention of this policy is to prevent unwanted behaviour occurring, to stop unwanted behaviour when it does occur, and to prevent it reoccurring.

Complaints should be made as soon as possible after the incident(s) and must be resolved, informally or formally, as soon as possible.

The group expects all complaints of harassment or bullying to be made in good faith.

Wherever possible, every effort should be made to resolve the situation informally. However, it is recognised that there may be instances where an employee may wish to make a formal complaint.

The Company recognises the rights and needs of both the complainant and the alleged perpetrator and the resolution process aims to deal with the issue whilst protecting the dignity and well being of everyone involved.

Reference to, and application of this policy and procedure, does not deny or inhibit, in any way, either the employer's or the employee's and other individuals legal rights, responsibilities, obligations and remedies.

## **Confidentiality**

All matters relating to any part of this procedure are to be treated in confidence. This applies whether the discussions are on an informal level, or in obtaining relevant information to pursue a formal complaint. Any breach of this confidentiality may render those responsible liable to disciplinary action.

## **Informal Complaints Process**

There are a number of options to resolve the situation informally:

### **Informal Resolution - Talking Directly With The Alleged Perpetrator(s)**

Wherever possible, a complainant who believes that they have been the subject of harassment or bullying should tell the person responsible that they find their behaviour offensive and ask them to stop. They may wish to ask a Project Worker or colleague to be present at any discussion.

In some instances the employee may find it easier to write to the person they feel is responsible. It is recommended that a copy of the letter be retained.

Talking or writing to those responsible is often enough to remedy the situation, particularly if the person(s) involved was / were unaware that their behaviour was / is causing offence. If this is unsuccessful and the behaviour continues, the complainant may wish to pursue the matter further through the informal process.

### **Informal Resolution - Engaging the Project Manager**

An employee, volunteer or resident who feels they have been harassed or bullied should make contact, and raise the matter, with the Project Manager or, if inappropriate, with a member of the Management Committee. This may occur because:

- of the serious nature of the unwanted behaviour.
- of a reluctance to face the perpetrator without support from within the group.
- the perpetrator has already been asked to stop the behaviour, but persists.

If informal mediation is appropriate, then there are a number of alternative means – depending on the issues. This could include an informal discussion with the alleged perpetrator(s).

The purpose of any meeting is to enter into a discussion resulting, wherever possible, in a positive outcome. The Project Manager (or Management Committee representative if the case relates to the Project Manager) will act as an independent mediator.

The complainant and / or the accused may wish to be supported at such a meeting by being accompanied by a Project Worker, friend or Trade Union representative.

## The formal complaints process

The formal complaints resolution can be initiated in one of the following ways:

### **A – Initiated by the Complainant through the Grievance or Complaints Procedure**

i) An employee, volunteer or resident does not have to exhaust the informal processes prior to making a formal complaint. The complainant may wish to pursue the complaint in a formal manner from the outset. The company would usually expect to receive the complaint as soon as possible. The recourse is through the relevant Grievance Procedure.

ii) Initiated by the Complainant where the informal process has come to an end without a satisfactory resolution.

### **B – Initiated by the Group through the Disciplinary Procedure**

i) Where a complaint involves employees or volunteers and has been brought to the attention of the Project Manager or Management Committee representative, either directly or through a Grievance Procedure, and the Group has a duty to investigate formally using the Disciplinary Procedure. Any investigation will be carried out by a member of staff or Management Committee not involved in the alleged behaviour.

This may include situations where:

- the issues are considered to warrant the formal process immediately
- there has already been a number of 'minor' incidents involving the alleged perpetrator
- the alleged perpetrator is already under warning for a previous incident

The conduct complained of may amount to Misconduct or Gross Misconduct under the Disciplinary Procedures for employees and volunteers.

Particular sensitivity will be required when dealing with complaints of harassment or bullying through the Disciplinary Procedures and confidences will be maintained so far as is reasonably practicable. In disciplinary cases entailing alleged harassment and / or bullying the following practise should be observed:

- All those involved in the formal process are required to keep the matter confidential so far as reasonably practicable.
- Where the complaint is against the complainant's immediate manager, the relevant manager for the purposes of the Disciplinary procedures will normally be the line manager of the immediate manager.
- The Chair of the Disciplinary Hearing may decide that it is inappropriate for the complainant to be questioned in person by the alleged perpetrator and in such a case the complainant and alleged perpetrator will be given an opportunity to provide written statements.

If required a colleague or Trade Union representative may accompany the complainant and / or the accused in and during the formal procedure.

### **Additional Information**

- Harassment and Bullying Policy
- Staff Complaint / Grievance Procedure
- Resident Rights, Complaints and Appeals Procedure
- Resident Complaints Leaflet
- Disciplinary Procedure
- Confidentiality Policy and Guidance
- Licence Agreement