



the brain injury association

**Headway North Cumbria**

[www.headwaynorthcumbria.org.uk](http://www.headwaynorthcumbria.org.uk)

## **HEADWAY NORTH CUMBRIA HARASSMENT AND BULLYING POLICY**

### **INTRODUCTION**

1. Harassment and bullying damage the working environment and can have an adverse impact on the health, confidence, morale and performance of those affected by them. They may also have a damaging effect on individuals who are not themselves the object of unwanted behaviour but who are witness to it or have knowledge of the behaviour.

2. Headway North Cumbria believes that its members and volunteers are entitled to a environment which respects their personal dignity and which is free from such conduct. The taking part in any of the following behaviour will lead to disciplinary action, and potentially exclusion from group activities:

- Harassing or bullying anyone else;
- Threatening anyone who raises a harassment or bullying complaint;
- Retaliating against anyone who raises a harassment or bullying complaint;
- Making allegations maliciously or in bad faith; and/or
- Giving false or intentionally misleading information during any investigation.

### **AIM OF THE POLICY**

3. The purpose of this policy is to explain the Headway North Cumbria approach to dealing with harassment and bullying, should it occur.

### **SCOPE**

4. This policy applies to all members, volunteers, and committee members involved with Headway North Cumbria. All committee members and volunteers to be made aware of and read this policy.

5. Since Headway North Cumbria wants to provide a working environment free from harassment, bullying and intimidation this policy applies in the following contexts:

- a. at any premises at which Headway North Cumbria is conducting its weekly drop-in session.
- b. anywhere away from the Day Centre, during activity weekends, outings, organised trips or social events.
- c. online and through social media.

## WHAT CONSTITUTES HARRASSMENT?

6. Harassment occurs when someone engages in unwanted conduct which has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment (and which is linked to a 'protected characteristic'<sup>1</sup> under the Equality Act).

7. It is not the intention of the perpetrator which defines whether a particular type of conduct is classed as harassment but the effect it has on the recipient. Accordingly, it will not necessarily be a defence that such incidents consist of words or behaviour which might be claimed to be 'common place', 'banter' or were intended as a joke or were not intended to be offensive.

8. Bullying is just as unacceptable as any other form of harassment. Bullying is offensive, intimidating, malicious or insulting behaviour which makes the recipient feel vulnerable, upset, humiliated or threatened. Bullying is often a form of harassment and can undermine an individual's self-confidence, competence, or self-esteem.

9. Harassment and bullying may be open or covert, direct or indirect, an isolated incident or a series of repeated actions. They may also include, in certain circumstances, conduct that takes place away from the workplace, for example at work related social events. A single incident can amount to harassment if sufficiently grave.

10. Examples of harassment or bullying include but are not limited<sup>2</sup> to:

- a. physical attacks,
- b. unwelcome sexual advances,

<sup>1</sup> These are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

<sup>2</sup> This list is not intended to be exhaustive. It is a guide to help all staff to identify behaviour that is not acceptable and each incident of harassment or discrimination will be viewed on its individual merits.

- c. public humiliation,
- d. repeated shouting or swearing,
- e. banter about a person's protected characteristic such as their gender, age, race, religion, political belief, disability, sexual orientation or transgender status,
- f. abusive language or jokes,
- g. name calling,
- h. the display of material of offensive material (even if not directed at the complainant),
- i. persistent unwarranted criticism,
- j. lewd and/or unwelcome comments about your own or others' physical appearance,
- k. physical conduct which is unwanted and/or unnecessary,
- l. sarcastic personal remarks about colleagues,
- m. exclusion from the normal workplace, conversation or social events,
- n. open hostility towards individuals from a particular group.

11. Legitimate and constructive criticism of an employee's performance or behaviour or imposing reasonable pressures to perform to an acceptable level will not constitute bullying or harassment even if the response may cause an employee to feel under threat or otherwise distressed.

## **HOW WE DEAL WITH HARASSMENT AND BULLYING**

### **INFORMAL STAGE**

12. In the first instance, a recipient of unwanted conduct amounting to harassment may prefer to try to resolve the problem by explaining to the individual concerned that the behaviour is not welcome, that it offends or makes the recipient uncomfortable, or that it interferes with their work. Many issues can be resolved informally. Before an individual uses the formal procedure, it is sometimes a good idea to speak with the person they feel is harassing or bullying them and explain that their behaviour is unwelcome, inappropriate, or upsetting. Surprisingly often, people

think of their behaviour as 'banter' and have no idea that it is upsetting or unacceptable.

13. Sometimes it is difficult to speak with the perpetrator directly. If that's the case, the complainant should talk to a member of the committee informally and in confidence. If the issue is with a member of the committee – or there's another reason you would prefer not to discuss it with them – you should instead speak to the branch Chair.

14. If an individual finds it too difficult or embarrassing to take up the matter themselves, they should ask a colleague who will participate in an informal meeting between themselves and the individual concerned or will, at the complainant's request, approach the individual on their behalf.

15. The informal stage will not result in any formal internal investigation or disciplinary action but is intended to enable an individual to resolve the matter themselves without it going any further in the charity.

16. If an individual considers that they may have been subjected to conduct amounting to a criminal offence (such as a sexual assault), they may seek the assistance of a member of the committee to accompany them to make a formal complaint to a police officer or to provide them with any other assistance they may require.

## FORMAL STAGE

17. It is not always possible to resolve issues informally. Where informal resolution is not appropriate, is not requested or where the outcome has been unsatisfactory, an individual may raise the matter as a complaint using the Headway North Cumbria Comments, Complements and Complaints procedure. It is recognised that this type of grievance may be sensitive and difficult to formulate and an individual may seek assistance from colleague to help prepare the complaint.

## INVESTIGATIONS

18. Headway North Cumbria will treat all complaints in confidence, as far as is possible, and if it is found that an individual has been the victim of harassment or bullying, will take steps to stop it continuing or recurring.

19. Headway North Cumbria will appoint someone unconnected with the allegations to investigate them in an independent and objective manner. Investigations will be completed as soon as possible and will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged

harasser. All those interviewed will be permitted to be accompanied by a friend, colleague or representative of their trade union or professional organisation.

20. All those interviewed will be informed that the interview is confidential and that they must not discuss the complaint with colleagues or friends. Breach of confidentiality may give rise to disciplinary action.

21. The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview to agree. Parties will not be required to repeat distressing or embarrassing details any more than is necessary.

22. Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to be together whilst the complaint is under investigation.

## **SANCTIONS**

23. Where a grievance is upheld, Headway North Cumbria will consider the wishes of the complainant as to what should be done. This may involve:

- a. moving the harasser to another role including, where appropriate, retraining.
- b. offering the complainant counselling to enable him or her to recover from the effect of the harassment.

24. The question of disciplinary action against the harasser is a separate matter and Headway North Cumbria will respect the rights of the harasser as to the confidentiality of any disciplinary sanction that is put in place.

25. If it is decided that the complaint is not upheld, an explanation will be provided. Either way, Headway North Cumbria will look at ways of addressing the relationship between the individuals concerned. We may, for example, change your work pattern or theirs, or suggest counselling or mediation.

## **OTHER CONSIDERATIONS**

26. Headway North Cumbria will seek to ensure that the complainant is not penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

27. Any complaint that is unfounded and not made in good faith, for example a malicious complaint, may, however, lead the complainant to be subject to sanctions which may include barring from the branch.

28. If an individual complains about harassment or bullying, they should not be victimised as a result. If they believe that they have been victimised, they must tell a member of the committee as soon as possible.

29. Headway North Cumbria has a duty to protect all its volunteers and members. That means that if a complainant changes their mind after having raised a complaint of harassment or bullying (even where you complained informally or in confidence), Headway North Cumbria may choose to investigate anyway. The complainant's views into account before going down this route.

30. Details of all formal complaints of harassment will be collated by the Secretary with a view to ensuring that every effective step has been taken to prevent harassment within the charity and to monitor the effectiveness of the complaints procedure.

## **PROTECTING CONFIDENTIALITY**

31. Harassment and bullying allegations can raise strong feelings and are always serious. This is why both Headway North Cumbria and the person making the allegation have an obligation to maintain confidentiality as far as possible. This applies at every stage, including the investigation and the outcome, unless this is incompatible with a fair investigation.

32. If a complainant makes a harassment or bullying complaint and does not maintain proper confidentiality at any time during the process, or if an individual is interviewed in connection with someone else's complaint and likewise fail to maintain confidentiality, they may face sanctions.

33. Sometimes, Headway North Cumbria may decide it is inappropriate to discuss the outcome of an investigation with the complainant. It is recognised that will leave the complainant feeling dissatisfied and would only be done if there was a good reason not to keep the complainant informed.

## **RELATED HEADWAY NORTH CUMBRIA POLICIES AND PROCEDURES**

Code of Conduct for Members  
Comments, Compliments and Complaints Procedure  
Confidentiality Policy  
Health and Safety Policy



Privacy & Dignity Policy  
Safeguarding Policy  
Volunteer Code of Conduct  
Volunteer Policy  
Whistleblowing Policy