

Bullying and Harassment Policy

Statement of commitment

Conciliation Resources, as a responsible employer, is committed to providing a safe and healthy environment for members of staff, volunteers, board members and guests. This includes promoting a working environment free from animosity, upset or unacceptable behaviour.

Bullying and/or harassment in the workplace is unacceptable and will not be tolerated. If you feel that you are experiencing this, you are strongly encouraged to seek support through your line manager, directly from the HR Team (the HR Manager and the Chief Operating Officer), or through the Employee Assistance Programme.

It is important that we recognise and acknowledge that our workplace is not only the office in London: it is wherever Conciliation Resources has an office, or wherever our staff may be working at any time. It is important also to recognise that bullying or harassment is something we may experience from consultants, partners or others with whom we work, not just Conciliation Resources colleagues. If any member of staff, volunteer or board member feels they experience behaviour from a third party that they would not accept if it came from a work colleague, it should be reported.

Whilst different cultural norms and laws apply around the world, this is not a reason for us to accept something that we would not accept had it happened in the UK.

We need your support to achieve this.

Tim Hansen
Chief Operating Officer

General

The purpose of this document is to outline the principles to be followed by staff in respect of bullying or harassment in the workplace.

Conciliation Resources' Code of Conduct and policies on safeguarding, grievance and disciplinary procedures are dealt with in other documents, all of which are available on the intranet (please see <http://hub.c-r.org/content/policies-and-guidelines>)

This procedure has been developed in accordance with the ACAS guide "Bullying and Harassment at Work" and the relevant UK legislation. It applies to all Conciliation Resources staff, volunteers and board members. This policy is not limited to the bullying or harassment of members of staff by each other. It also includes bullying or harassment of a member of staff, volunteer or board member by or towards visitors, guests, partners or subcontractors. This type of behaviour is not acceptable under any circumstances.

This policy applies within the workplace or in any other place where work activities are being undertaken, including social events and activities, whether they are organised by Conciliation Resources or another organisation, during or outside of Conciliation Resources' standard working hours which includes weekends and public holidays.

The workplace is not limited to Conciliation Resources London office, it includes anywhere that a member of staff, volunteer or member of the Board go about their duties on behalf of Conciliation Resources. This includes any overseas location, whether an office or within the residence of a member of staff, during transportation between locations, in

partner offices or the offices of another organisation, it also applies to any office or location in which Conciliation Resources may work in the future.

Principles

Bullying or harassment are unacceptable and can have a detrimental effect on the parties involved and third party witnesses, as well as the morale of teams and the wider organisation. Bullying has many definitions; some examples are outlined below. Both harassment and sexual harassment are defined by the law.

Bullying can be defined as:

- Offensive, intimidating, malicious or insulting behaviour.
- An abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment (as defined by the Equality Act 2010) is:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Harassment which may not be deemed to be related to a protected characteristic for the purposes of an employment tribunal may still be deemed a criminal offence and a civil action under the **Protection Against Harassment Act (1997)**. Cases brought under this Act are not heard at employment tribunals and would be heard in the civil courts.

Further Information:

<https://www.citizensadvice.org.uk/work/discrimination-at-work/what-are-the-different-types-of-discrimination/harassment-at-work/>

<https://www.citizensadvice.org.uk/discrimination/taking-action-about-discrimination/taking-action-about-harassment/>

Sexual harassment

Harassment of a sexual nature is specifically outlawed by the Equality Act 2010 as it is related to relevant protected characteristics.

The protected characteristics as defined by the Equality Act 2010 are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief
- Sex
- Sexual orientation

Conciliation Resources has also committed that no one should receive detrimental treatment on the grounds of the following:

- Political opinion
- Social origin or class
- Educational background
- Gender identity
- Sexuality
- Health
- Caring Responsibilities
- Ex-offender status.

Bullying or harassment are not limited to verbal and physical contact; they can also include electronic communications, text messages, use of social media, emails, written communication, non-verbal communication or indirect communication (communicating to or through a third party).

Bullying or harassment can also take the form of false claims of the same by an individual against another.

Responsibilities and rights

Members of staff, volunteers and board members

Each member of staff, volunteer and board member is **responsible** for:

- Reading and ensuring full understanding of Conciliation Resources' Bullying and Harassment Policy
- Conducting themselves in a manner which does not cause offence or upset to an individual member of staff, volunteer, board member, visitor or guest of Conciliation Resources.
- Raising any concerns with the most appropriate person (which may be your line manager, the HR Manager or Chief Operating Officer).
- Attempting to resolve any concerns regarding bullying or harassment at the earliest opportunity, in a constructive way.
- Providing managers with as much detail as possible about the issue of concern, and giving them a reasonable opportunity to consider it.
- Taking all reasonable steps to attend any meetings associated with a report of bullying or harassment.

Each member of staff has a **right** to:

- Seek guidance and advice from a trade union official or HR professional either inside or outside of Conciliation Resources.

- Explain their case to the parties involved in an investigation or fact finding process and have it addressed in a fair and constructive manner;
- Not be treated less favourably than other members of staff as a result of reporting bullying or harassment.
- Not be treated less favourably than other members of staff as a result of a claim of bullying or harassment against them. This does not include reasonable steps which may be taken as part of an investigation or if an allegation is proven.
 - For example: Offering someone additional training in equality and diversity does not constitute less favourable treatment when it is provided in response to a proven allegation.

Managers

Each managers is **responsible** for:

- Behaving with integrity and fairness; and refraining from making any judgments regarding a report of bullying or harassment before an investigation has been conducted in full.
- Providing staff with regular opportunities to raise any issues of concern relating to bullying or harassment.
- Seeking to resolve reports of bullying or harassment in a constructive, fair and timely manner.
- Seeking professional advice from the HR Manager, Chief Operating Officer or Conciliation Resources Human Resources provider, Croner, if necessary, before taking action under the Bullying and Harassment Policy or the grievance procedure.
- Ensuring that their actions are lawful and do not expose Conciliation Resources to legal liability, either by ill-advised action, inaction or negligence.
- Reporting bullying or harassment cases to the Chief Operating Officer, or in their absence the Executive Director.

Each manager has a right to:

- Request more detailed information about an incident of bullying or harassment in order to seek to resolve it.

Chief Operating Officer (or in their absence the Executive Director)

The Chief Operating Officer is responsible for:

- Organising occasional training and advising managers on all aspects of the bullying and harassment policy and appropriate dispute resolution skills;
- Responding to reported incidents in accordance with the bullying or harassment reporting procedure.
- Ensuring this Policy is updated in the light of experience, changes in best practice or changes in the UK legislative environment.

Evidence:

Where possible it is useful to keep a record of any bullying or harassment type behaviour you feel is being displayed either to you or that you may have witnessed. Keep any electronic messages you feel may be evidence of bullying type

behaviours (the original electronic version is useful) and keep a log of any other incidents: the table below may assist you;

Date and time	Who was involved?	Were there any witnesses?	What happened?	What if any was your response?	How did you feel?	Who did you talk to about it informally?	Did you formally report it and to whom?
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Reporting:

Where a member of staff, volunteer or board member wishes to report a case of bullying or harassment they should seek support from the most appropriate person in Conciliation Resources. Conciliation Resources recognises that in some cases where a complaint about bullying or harassment is to be made against an individual, it will not be possible to follow the line management structure. Where this is the case, you should talk with the HR Department (either the HR Manager or the Chief Operating Officer) in the first instance: they will be able to provide you with appropriate guidance.

Sometimes it is possible for the member of staff, volunteer or board member to directly discuss the incident with the other person in an informal manner. Where this would potentially be damaging for either individual, or in more serious cases such as sexual harassment, this may not be appropriate. (See Serious Misconduct, section below).

Informal reporting

Stage 1 - Reporting the behaviour to the individual.

Where possible the behaviour should be reported to the individual and a resolution should be sought between both parties. Conciliation Resources recognises that this is not always possible: for tips on how to manage a difficult conversation please speak to the HR manager who can provide training in this regard.

Stage 2 - Reporting the behaviour to their line manager or a member of the HR Department.

In the event that the above Stage 1 is not possible or if that approach fails and the behaviour continues, please report the matter to that person’s line manager, your line manager or the HR Department. The person who receives the report is responsible for conducting an informal fact-finding exercise between yourself and the other party. If the report is not made to the HR Department, they will provide appropriate support during the informal fact finding exercise. The person carrying this out will then seek to facilitate a resolution between the aggrieved and accused parties informally.

Formal Reporting

In the event that the informal reporting procedure is unsuccessful or you are not satisfied with the outcome, you should raise the matter formally as a grievance following the grievance procedure P/20/2007 <http://crintranet.gn.apc.org/sites/default/files/Standards of Conduct Policy.pdf>

Anonymous Reporting

If a staff member, volunteer, board member or consultant feels unable to associate themselves with a report, they are encouraged to present relevant information anonymously to the Chief Operating Officer by the following means:

- Via anonymous google form which can be found at <https://goo.gl/forms/BkskeAfcayzzMHSE2>
- Via email from an alternative & anonymous email address
- Via anonymous letter
- Via any other anonymous and confidential means

It is acknowledged that the ability to follow-up on such reports is extremely limited, both legally and practically. Conciliation Resources encourages the use of our informal and formal reporting methods outlined above wherever possible.

Staff Forum

Due to the sensitive nature of this subject it will not be appropriate for a report of bullying or harassment to be made in a staff forum or general meeting. A non-specific report may be presented to the Chair of the Board.

Exclusions

The following are not considered to be bullying or harassment

- Appropriate and constructive line management practice.
- Constructive feedback when feedback has been requested or forms part of the above.
- Raising a grievance either formally or informally where there is found to be just cause.
- Appropriate disciplinary action brought by Conciliation Resources against an individual.

Bullying or Harassment of or by Third Parties (Partners, Visitors, Sub-Contractors etc)

Where a complaint of bullying or harassment is received by an external party, the matter will be dealt with under Conciliation Resources Complaints Policy as an external complaint (please see <http://hub.c-r.org/content/policies-and-guidelines>).

Where a complaint of bullying or harassment of a member of staff by a third party is made, Conciliation Resources will utilise the internal and external tools available to both work with and support the member of staff, volunteer or board member and, with the agreement of them investigate the claim, by, but not limited to:

- Utilising the third parties complaints procedure.
- Informing the third party where a complaints procedure does not exist and seeking an appropriate investigation and response.
- Depending on the outcome of the investigation and any required response consider assigning a new contact for the third party, consider ceasing engagement with the third party or in a severe case of bullying or harassment consider instituting legal action (on behalf of Conciliation Resources)

Serious misconduct

Allegations of serious misconduct constitute an exception to the general rule of talking directly to the accused and seeking an informal resolution. Serious misconduct includes, but is not limited to, racial or sexual harassment, abuse or assault or physical or verbal abuse.

Where a staff member, volunteer or board member believes that a colleague, partner, consultant or other person associated with Conciliation Resources might have committed an action which they consider to be serious misconduct, they should raise the matter directly and immediately with the Chief Operating Officer or, in their absence, the Executive Director, in the most appropriate way. If the subject of the complaint is of a particularly sensitive nature, you may wish to use an intermediary or alternate to raise the matter or to raise the matter via email to the Chief Operating Officer or the Executive Director. You must nonetheless be prepared for an intermediary to register the complaint on your behalf with the Chief Operating Officer or Executive Director.

The lead Director will, with the appropriate support from the HR Department or from a professional external adviser, ascertain the views of the relevant manager(s) and the person accused of serious misconduct. Subject to the rules of due and fair process, a subsequent disciplinary process may be initiated.

If the incident reported has also been reported to the relevant authorities, whether by a member of staff, volunteer or board member, or has been reported to the relevant authorities by a third party, the investigations of the authorities will be allowed to run their course **before** Conciliation Resources undertakes any investigation under this policy or any other related policy.

Where the allegations are against the Executive Director the staff member should contact the Chair of the Board.

Regulatory Reporting

Some incidents and reports of Bullying and Harassment, particularly those that involve a formal Grievance, Complaint or Disciplinary Procedure or that otherwise involve Serious Misconduct, may need to be reported to the Board of Trustees and various regulatory bodies.

The Chief Operating Officer will work with the Board to ensure that serious incident reporting requirements are complied with, following Charity Commission Guidance (<https://www.gov.uk/guidance/how-to-report-a-serious-incident-in-your-charity>)

External Reporting

Staff, volunteers, board members and guests should not hesitate to bring incidents to the attention of local authorities when they feel that it is necessary and appropriate. Staff, volunteers, board members and guests must bring incidents to the attention of local authorities when required to do so by law.

Further external reporting may be necessary in some instances. Depending on the incident, the individual/s, the conditions and contractual relations, incidents and complaints may need to be reported to funders and consortium partners. The Chief Operating Officer will evaluate all Grievances and Complaints to determine whether they need to be reported to regulatory authorities. With the assistance of the Director of Programmes, the Chief Operating Officer will evaluate whether such incidents need to be reported to funders.

In all instances, care must be taken to ensure the rights of individuals.

Whistleblowing

Whilst Conciliation Resources asks all staff, volunteers, board members and guests to attempt resolution of incidents within the framework provided by the organisation, it is recognised that in some circumstances external awareness

may need to be raised outside this framework. Conciliation Resources maintains a Whistleblowing Policy which can be found on The Hub (please see <http://hub.c-r.org/content/policies-and-guidelines>)

Charity employees can report concerns about certain categories of serious wrongdoing at their charity to the Charity Commission. The commission asks that whistleblowing reports are made in writing via the dedicated email address: whistleblowing@charitycommission.gsi.gov.uk.

Statutory changes and review

These procedures will be reviewed in consultation with staff in response to relevant statutory changes, changes in Conciliation Resources procedures or structures, or as a result of a felt need.

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