



## Bullying and Harassment Policy

### Policy purpose and scope

This policy applies to everyone working at or with the Trust – employees, trustees, volunteers and MHT visitors.

MHT is committed to having a working environment where everyone is treated with dignity and respect. The Trust does not tolerate bullying, harassment and/or victimisation and all trustees, employees and volunteers must comply with this policy. You are required to treat other people with respect and you must not behave in ways which may cause offence, or which could be considered to be harassment, bullying or victimisation.

The purpose of this policy document is to:-

- explain what bullying and harassment is,
- explain the rights and responsibilities of individuals,
- set out the responsibilities of MHT as an employer,
- give guidance on how to report allegations of bullying and harassment and
- give guidance and direction to trustees, managers and others about what to do when they are informed of allegations of bullying and harassment.

This policy can be used if you experience bullying, harassment and/or victimisation either at work or work events (including social functions, trustee meetings and work related visits). We encourage you to resolve any problems informally in the first instance.

### Definition of bullying, harassment and victimisation

Bullying and/or harassment can take place in a number of ways, either verbally or non-verbally, including face-to-face, behind your back, by telephone, email, text, social media or any other form of communication and it can also occur through the display or sharing of visual images.

**Bullying** - There is no statutory definition of bullying.

ACAS describes bullying as

“Behaviour from a person or group that is unwanted and makes you feel uncomfortable, including feeling:

Frightened; less respected or put down; made fun of or upset”

**Harassment** - This policy adopts the definition of harassment as set out in law as unwanted conduct related to a relevant protected characteristic or of a sexual nature, and where the conduct has the purpose or effect of violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Protected characteristics are:



- age,
- disability,
- gender reassignment,
- marriage and civil partnership,
- pregnancy and maternity,
- race,
- religion or belief,
- sex and
- sexual orientation.

**Victimisation** - Victimisation is when someone treats you badly or subjects you to a detriment because you complain about discrimination or helped someone who has been the victim of discrimination (or they think you have).

### Examples

Bullying and/or harassment are not always obvious or apparent to others. It may be persistent or an isolated incident.

There are many actions and behaviours that would not amount to bullying and/or harassment. For example:

- fair and reasonable criticism of your performance or behaviour,
- a manager rejecting your personal request (such as a request for time off or for adjusted hours) because of a legitimate business need,
- constructive feedback,
- not being invited to a meeting where you are not required,
- being appropriately managed in accordance with any MHT policy, e.g. being placed on a performance procedure where your performance is not of an appropriate standard.

Examples of unacceptable behaviours which could constitute bullying or harassment (including sexual harassment) are:

- spreading malicious rumours, or insulting someone by word or behaviour,
- maliciously copying to others memos that are critical about someone,
- ridiculing or demeaning someone – picking on them or setting them up to fail,
- unjustified exclusion from work activities,
- victimisation,
- communicating in a demeaning manner,
- deliberately undermining a competent worker, including by overloading or constant criticism,
- preventing individuals progressing by intentionally or unjustifiably blocking promotion or training opportunities,
- unwelcome sexual advances or sexual innuendo – touching, standing too close, display of offensive materials (including pornographic), asking for sexual favours,
- making decisions on the basis of sexual advances being accepted or rejected, or sending material of a sexual nature by any means and



- making threats or comments about job security without foundation.

## Responsibilities

The Trust has a legal duty to protect its staff and a responsibility for its volunteers whilst they are working for the Trust and will not tolerate bullying and harassment of any kind. Senior staff and trustees have an obligation to tackle harassment, bullying and victimisation in the workplace. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

Where you feel you can, you should actively discourage harassment, bullying or victimisation by making it clear you find such behaviour unacceptable. You should support colleagues who suffer any such treatment and who are considering making a formal complaint. You should alert a manager or Nominated Contact (see footnote) to any incident of harassment, bullying or victimisation to enable MHT to deal with the matter.

If you make an informal or formal bullying, harassment and/or victimisation complaint, you will be treated fairly, without victimisation or detriment. However, vexatious or malicious complaints will be dealt with in line with MHT's Disciplinary Policies.

## How to raise a Bullying or Harassment concern

Concerns should be raised informally in the first instance. Where necessary, modifications may be made to the process outlined below to ensure that concerns raised are considered and responded to in an appropriate way.

### Informal Process

Before using the formal process, where possible and appropriate, you are encouraged to try to resolve problems informally. Informal resolution can often help resolve matters more swiftly and help reduce the emotional impact on those involved. There are several routes you can take to raise your complaint informally and/or get support.

- If you feel able to do so, talk to the person you feel aggrieved with to explain the situation and how it made you feel. It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about your concerns. You should use the opportunity to ask the person to change or stop their behaviour. It is important to remember that the other person may be unaware of their behaviour and/or the impact it has on you.
- If you are uncomfortable talking to the person you are aggrieved with alone, you may ask your line manager or another senior staff member, to be present.
- Such an informal approach may be all that is needed, but you should make and keep a note of what happened.
- If you feel unable to make the informal approach or if your request is ignored and the harassment continues, please contact one of the four



Nominated Contacts as soon as possible. They will provide support, advice and guidance to help you address your concerns and explore whether there are any other ways of resolving the matter informally.

If after exploring the informal process, the matter has not been satisfactorily resolved you may wish to raise a formal complaint.

## **Formal Process**

### ***Step 1: Making your formal complaint***

Your complaint should be put in writing, to one of the Nominated Contacts as soon as possible after the incident occurred. Please set out as much detail of your complaint as possible and include any supporting documentation you wish to be considered. You should also state how you would like the matter resolved.

### ***Step 2: Appointing someone to investigate***

The Nominated Contact will send you a written acknowledgement and ask for any additional information which he/she feels is necessary. He/she will then check that this policy is the most appropriate route for dealing with your complaint. If the behaviours or actions outlined in the complaint do not appear to have the potential to amount to bullying, harassment and/or victimisation, your case may be dealt with under the MHT Grievance Procedure. The Nominated Contact will discuss with you why they believe this is more appropriate and confirm that decision in writing.

If it is considered appropriate to deal with your complaint under this policy, the Nominated Contacts together (unless one of them is a party to the complaint, in which case that person or persons will take no part) will appoint someone (the Investigator) to fully investigate the complaint. This may be one of the Nominated Contacts. They may appoint someone appropriately qualified from outside the Trust, either as the Investigator or to act as a joint decision maker with the Investigator.

The Trust aims to deal with complaints within 30 calendar days from the date of receipt (or 60 calendar days for complaints involving a number of witnesses and/or a lot of evidence). You will be notified of the likely timescale as soon as possible. Where it is likely your case is not going to be completed within the notified timescale, you will be told of this and the reason(s) why.

### ***Step 3: Formal investigation***

As soon as possible, you will be invited to a formal meeting to discuss your complaint with the Investigator at a mutually convenient time. You will receive confirmation in writing of the date, time and location of this meeting (giving you five working days' notice to ensure you have sufficient time to prepare).

You have the right to be accompanied to this meeting by a trade union representative or colleague to support you through the process (not a practising lawyer or anyone directly involved in your case, e.g. a witness). You should inform the Investigator in advance of the name of the person accompanying you, so they



can check there is no conflict of interest. Where there is a conflict of interest the Trust reserve the right to require you to find a different supporter.

At the meeting the Investigator will give you full opportunity to explain your complaint and may seek clarification including on any documentation submitted. It may be necessary to adjourn the meeting to allow for further investigation (for example so any witnesses can be spoken to) and you will be notified of the time and date when the meeting is to be resumed.

### **Points to note:**

- In exceptional cases, if the complaint is particularly sensitive (for example sexual harassment) and you do not feel able make the complaint in writing, you may talk to one of the Nominated Contacts instead.
- Consideration will be given at every stage to whether mediation or conciliation can be used to resolve matters.
- Consideration will be given to a temporary change in working arrangements.
- If the complaint involved actions which if proven, would be a criminal offence, the Investigator will discuss with the complainant whether the matter should be reported to the police.
- You may be required to participate in any disciplinary process, in which case full support will be provided to you.

### **Confidentiality and Data Disclosure**

Confidentiality is an important part of the application of this policy and we will respect and maintain your confidentiality where possible. We will also remind anyone involved in your complaint about their responsibilities to maintain confidentiality. There may be instances where information you have submitted and/or which we have collated in relation to your complaint under this policy may need to be disclosed, for example to other parties as part of the investigation and in accordance with MHT's legal or reporting obligations (eg where there is a concern about the safety of others). By submitting information during any step of the processes outlined in this policy, you agree to the disclosure of such information for the above purposes.

### **The Investigator's decision**

The Investigator determines if there is 'a case to answer'. After your complaint has been fully investigated and a conclusion has been reached, the Investigator will communicate their decision to you in writing. A meeting will be arranged with you and the Nominated Contact in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. The subject of the complaint will also be informed of the outcome in writing. If the Investigator decides there is a case to answer, the matter will be dealt with under the relevant disciplinary process. For confidentiality reasons, we will be unable to inform you of the exact outcome of that process. However, you will be advised when that process has come to an end.



## Your right to appeal

If you wish to appeal the outcome of your complaint you must do so within 14 calendar days of the decision being provided to you in writing. You must set out in writing to the Nominated Contact to whom your complaint was originally made your grounds of appeal ensuring you provide as much detail as possible and any supporting documentation.

Legitimate grounds for appeal may include:

- procedural errors,
- a failure to consider relevant evidence and/or
- a failure to address all allegations.

The Nominated Contacts will appoint someone who has not been involved with the complaint to hear the appeal (Appeal Manager). MHT aims to offer you a date for an appeal hearing at the earliest opportunity and within 30 calendar days of receiving your grounds for appeal.

As part of the appeal process we will need to share all relevant documentation from your original complaint with the Appeal Manager. They will review and investigate your grounds of appeal and you will be invited to a formal hearing to discuss your grounds of appeal.

The Appeal Manager will make a decision as to whether your appeal is upheld or not. If your appeal is upheld, the appropriate disciplinary process will commence. For confidentiality reasons, we will be unable to inform you of the outcome of that process. However, you will be advised when that process has come to an end.

If your appeal is not upheld, there is no further right of appeal.

## Criminal Investigations

Where the allegations in your complaint or appeal involve a potential criminal matter, and the police become involved, any ongoing internal investigation may need to be delayed or suspended.

### \*Note

Nominated Contacts.

Two members of staff and two trustees are appointed by the Board as Nominated Contacts in to deal with bullying and harassment. The Nominated staff member should be of a different gender to the CEO and the two nominated trustees should be of different genders. Names of all nominated persons are displayed on notice boards in Manor House and the Top Shed.