

Policies & Procedures: Bullying and Harassment

Introduction

The Culture, Health and Wellbeing Alliance (CHWA) does not tolerate any form of bullying or harassment under any circumstances, including sexual harassment. All CHWA employees have a responsibility to ensure that bullying and/or harassment does not occur within our organisation.

This policy aims to provide a working environment that respects the rights of each employee and where colleagues treat each other with dignity and respect. Our policy is to believe the victim in the first instance as a default position.

We aim to inform employees about the types of behaviour that is unacceptable and provide employees who experience bullying and/or harassment, including sexual harassment, with a means of redress.

Any act of bullying or harassment will be managed in accordance with this policy. This includes not only situations occurring whilst at work, but also at any time on or off our premises whilst attending social functions or training courses etc. It also covers emails, phone calls and messages made outside of work using either our or the employee's own equipment, as well as abusing colleagues via social networking sites e.g. Facebook.

This policy is not contractual but sets out how we normally deal with such issues although we may at our discretion vary, replace or terminate it at any time.

Scope

This policy applies to all employees, at all levels in our organisation. It does not apply to casual and/or agency workers, self-employed contractors or volunteers, although we ask everyone who works with us to comply with the principles of this policy and to raise any concerns so that these can be appropriately investigated.

Core principles

- Bullying or harassment complaints should be raised and the procedure set out below should be followed without unreasonable delay at any stage.
- Any manager who becomes aware of behaviour which breaches this policy, irrespective of whether a complaint has been made or not, has a responsibility to take the matter forward through investigation and to ensure it is dealt with confidentially and promptly.

- If a complaint about bullying or harassment is raised during a disciplinary process, we may temporarily suspend the disciplinary process in order to deal with the bullying or harassment complaint. However, where the complaint and disciplinary issues are related, we may decide to deal with them at the same time.
- There is no statutory right to be accompanied at an informal meeting or investigating meeting however we will consider requests to be accompanied by a work colleague or trade union representative providing this does not unnecessarily delay proceedings.
- Under no circumstances should any meeting or conversation held under this policy or procedure be recorded without the prior permission of all those present.
- The person hearing the formal meeting or appeal may be accompanied by a suitable employee of CHWA, or an external person, who will act as a witness and take full notes of everything that is said.
- If an employee is D/deaf, disabled or neurodiverse, reasonable adjustments will be made to ensure that they are not disadvantaged in any way at a meeting. This may include the provision of further assistance (e.g. a signer or other support) where necessary. Arrangements can also be made to assist you if English is not your first language and you therefore may need an interpreter.
- Where a complaint is against a member or business contact, this will be investigated, and such steps will be taken as are reasonably practicable to protect you.
- Serious examples of bullying or harassment may constitute gross misconduct which could ultimately lead to summary dismissal.

Bullying definition

Bullying is a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning their worth in the workplace, and possibly society as a whole.

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These tend to be split into two categories:

More obvious:

- shouting or swearing at people in public and private
- persistent criticism
- ignoring or deliberately excluding people
- persecution through threats and instilling fear

- spreading malicious rumours
- constantly undervaluing effort
- dispensing disciplinary action that is totally unjustified
- spontaneous rages, often over trivial matters.

Less obvious:

- withholding information or supplying incorrect information
- deliberately sabotaging or impeding work performance
- constantly changing targets
- setting individuals up to fail by imposing impossible deadlines
- removing areas of responsibility and imposing menial tasks
- levelling unfair criticism about performance the night before an employee goes on holiday
- blocking applications for holiday, promotions or training.

In every event, actions such as those listed above must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

Harassment definition

Harassment is unwanted conduct related to a protected characteristic which has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. It may be related to any personal characteristic of the individual (whether perceived or real), or by association (i.e. related to the individual's relationship or dealings with others who have that personal characteristic).

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs, once it has been made clear by the victim that they consider it offensive. One incident may also constitute harassment however, if it is sufficiently serious. Conduct may be harassment whether or not the person intended to offend.

Failure to prevent harassment or investigate complaints may make CHWA and the relevant manager liable for their unlawful actions and required to pay damages to the victim. The perpetrator may also be found liable for unlawful actions.

Sexual harassment definition

Sexual harassment occurs when a worker is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature.

Conduct 'of a sexual nature' includes a wide range of behaviour, such as:

- sexual comments or jokes
- displaying sexually graphic pictures, posters or photographs
- suggestive looks, staring or leering
- propositions and sexual advances

- making promises in return for sexual favours
- sexual gestures
- intrusive questions about a person's private or sex life or a person discussing their own sex life
- sexual posts or contact on social media
- spreading sexual rumours about a person
- sending sexually explicit emails or text messages
- unwelcome touching, hugging, massaging or kissing

An individual can experience unwanted conduct from someone of the same or a different sex.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

CHWA will support all staff during induction to ensure there is a clear understanding of:

- what sexual harassment is, how it may occur and that it will not be tolerated
- expected levels of behaviour
- how they can report any incidents of having been sexually harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

Victimisation definition

Victimisation is subjecting someone to detriment because they have done, are suspected of doing, or intend to do, an act which is protected under discrimination and harassment laws. These are outlined below. It is not necessary for the person to have done the protected act in order for detrimental treatment to be considered as victimisation.

The protected acts are:

- making a claim or complaint under the Equality Act (e.g. for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in connection with proceedings under the Equality Act
- making an allegation that someone has breached the Equality Act
- doing anything else in connection with the Equality Act.

Examples of victimisation may include:

- failing to consider someone for promotion because they have previously made an harassment complaint
- dismissing someone because they accompanied a colleague to a meeting about an harassment complaint

- excluding someone from work meetings because they gave evidence as a witness for another employee as part of an employment tribunal claim about harassment.

Circumstances which are covered

This policy covers behaviour which occurs in the following situations:

- a work situation
- a situation occurring outside of the normal workplace or normal working hours which is related to work, e.g. a working lunch, a training course or social functions
- outside of a work situation but involving a colleague or other person connected to the organisation, including on social media
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out the role.

It also covers emails, Teams messages, phone calls and messages made outside of work using either our or the employee's own equipment, as well as abusing colleagues via social networking sites e.g. Facebook.

The impact of harassment and bullying

Employees may not always realise if their behaviour constitutes bullying or harassment, but they must recognise that what is acceptable to one person may not be acceptable to another.

The damage, tension and conflict which harassment and bullying creates should not be underestimated. This type of behaviour can reduce the effectiveness of our organisation by creating a hostile or threatening environment. It can not only result in poor morale for all, but also divided teams and reduced productivity. Employees can be subject to fear, stress and anxiety, which not only affect their contribution within the workplace but can also put great strains on their personal and family life, leading to illness, absenteeism and staff turnover.

Reporting bullying or harassment concerns

If you experience bullying or harassment and you feel comfortable to do so, you should make it clear to the individual, on an informal basis, that their behaviour is unwelcome and ask the harasser to stop. If you feel unable to do this verbally then you should hand a written request to the harasser, and your line manager or a non-Executive Director can assist you in this.

You may wish to discuss your situation with your line manager before deciding what action to take. Your manager will listen to you and take your concerns seriously if you do this but may encourage you to follow the reporting procedures set out below. If you don't have a one-to-one meeting scheduled with your manager, you can ask to meet with them to discuss any concerns that you may have.

CHWA recognises the sensitive nature of bullying and harassment complaints and so if you prefer, one of the non-Executive Directors can be contacted as an alternative.

If you witness bullying, harassment or victimisation, you should take appropriate action to address it, however, you should not take any action that may put you at risk of harm. If you feel able, you should intervene to prevent the matter continuing. If you are not able to do this, your action may include offering support to the person who has been bullied or harassed and encouraging them to report the incident or reporting the incident yourself.

We will:

- ensure the conversation remains confidential as far as possible
- listen with empathy
- help you consider objectively what has happened
- discuss what outcome you would like to see
- advise you of the available options
- help weigh up alternative actions, without pressure to adopt any particular course
- assist you in dealing with the situation if you ask for help.

If you decide not to take any action to deal with the problem and the circumstances described are very serious, CHWA reserves the right to investigate the situation as we have an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged perpetrator's behaviour.

Employees who have witnessed a colleague being bullied or harassed are strongly encouraged to discuss their concerns with their line manager or one of the above people.

Third-party harassment, including sexual harassment

Third-party harassment occurs when a member of our workforce is subjected to harassment by someone who is not part of our workforce but who is encountered in connection with work. This includes external stakeholders such as members, contractors, partners, and funders.

Sexual harassment - Third-party sexual harassment of our workforce is unlawful and will not be tolerated. The law requires employers to take steps to prevent sexual harassment by third parties and we are committed to doing so.

If you have been subjected to third-party sexual harassment, you are encouraged to report this as soon as possible to your line manager.

Should an external stakeholder sexually harass a member of our workforce, we will warn the stakeholder about their behaviour and / or where appropriate we may decline services. Any criminal acts will be reported to the police.

We will not tolerate sexual harassment by any member of our workforce against a third party. Instances of sexual harassment of this kind may lead to disciplinary action, including termination of employment.

Informal procedure

Our Bullying and Harassment Policy enables concerns to be raised and settled as quickly and as near to the point of origin as possible. Many issues will, and indeed should, be resolved informally without the need for the formal procedure.

If you are concerned that you are being bullied or harassed, before commencing the formal procedure, below, you can firstly choose to try and resolve the matter yourself by approaching the perpetrator and telling them that the behaviour is unacceptable to you and that it must stop. If you feel unable to do this verbally you can put your views in writing to the perpetrator, telling them that their behaviour is unacceptable to you and that it must stop.

Alternatively, you may ask one of the people designated above to approach the person on your behalf, or accompany you if you choose to speak the perpetrator.

If an outcome is reached that is accepted by all parties, the matter will be considered resolved.

Formal procedure

Where informal solutions fail, or serious bullying or harassment occurs, you can bring a formal complaint using the procedure set out below.

You should put your complaint in writing, either to your line manager or to a non-Executive Board member, stating that the concern is being raised formally under our Bullying and Harassment Policy. Details of the alleged incidents should be provided including:

- what happened
- where it occurred
- who was involved
- whether this was the first incident
- when it occurred
- names of any witnesses, and
- whether any action has been taken to prevent further repetition of the behaviour.

The appropriate manager will respond as soon as is reasonably practicable and will arrange a meeting with you to discuss the concerns raised. This may be your line manager, or they may nominate someone else to conduct the meeting.

At the meeting you will be invited to explain your concerns and outline what resolution you would like. The person conducting the meeting may adjourn at any stage in order to calm a tense or emotional situation, check out facts or take advice. Such adjournments will be kept brief wherever possible in order not to hold up the resolution but may be extended where particular information needs to be checked.

After giving full consideration to the concerns raised, and having undertaken any further investigation we consider appropriate, we will confirm our decision in writing to you,

including details of any action we intend to take to address the situation and notifying you of your right to appeal.

Where it is believed that bullying or harassment has taken place, if the alleged perpetrator is an employee, a formal disciplinary procedure will be invoked to ensure that the employee accused of this behaviour has every opportunity to defend or explain their actions.

If the concerns are not addressed to your satisfaction, you may appeal to the nominated person stated in the outcome letter. You should set your appeal out in writing to us within seven calendar days of your receipt of our letter.

The person conducting the appeal meeting will arrange to meet with you as soon as is reasonably practicable to discuss your appeal. Again, full opportunity will be provided for you to state your case.

The person conducting the appeal meeting will attempt to resolve the matter to the satisfaction of both you and CHWA. After giving full consideration to the points raised, and carrying out any further investigation we consider appropriate, we will confirm the outcome in writing. The decision at this stage will be final.

Investigation

An investigation will be carried out on receipt of a formal complaint about bullying or harassment. The amount of investigation required will depend on the nature of the complaint. It may be the person receiving the complaint who carries out the investigation or they may decide to appoint an independent investigating officer. The investigation may take place before and/or after the formal meeting, depending on individual circumstances.

Investigation interviews will be held with you, the individual(s) against whom the complaint is made and any relevant witnesses.

You are required to take part in the investigation as necessary and all employees who are interviewed as part of an investigation are reminded of the need to maintain confidentiality – a failure to do so may be considered a disciplinary matter.

Everyone interviewed because of a complaint about bullying or harassment will be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith.

Managers are reminded to be sensitive when asking questions, and to take care not to phrase questions in a way that implies that the harassment/bullying may in some way have been directly or indirectly invited, and to avoid remarks that appear to trivialise the experience or suggest that it was imagined.

Copies of statements made by witnesses may be made available to both you and the alleged perpetrator(s), but the names may be withheld if requested, when there is a genuine belief or fear of reprisal.

Right to be accompanied

At all formal stages of this procedure you may choose to be accompanied by either a fellow worker, a trade union representative (who must be certified in writing by the union as having experience of, or having received training in, acting as a worker's companion at disciplinary or grievance hearings) or an official employed by a trade union. You should tell the person conducting the meeting in advance whom you have chosen as a companion. If you do not wish to be accompanied this will be noted.

The companion is there to act as a witness to what is said, to provide moral support and to assist and advise you in presenting your case. They may address the meeting (provided you wish this), ask questions on your behalf and confer with you but not answer questions on your behalf. The companion is also not permitted to prevent us from explaining our case. Fellow workers may not be compelled to attend as a companion.

You should make every effort to attend a formal meeting held under this policy. If however you or your chosen companion is unable to attend a meeting for a reason that was not known at the time the meeting was arranged, we will try to rearrange the meeting for a date within five days of the original scheduled date. This time limit may be extended by mutual agreement.

Continuing to work together

Whether a complaint is upheld or not, CHWA recognises that it may be difficult for the employees concerned to continue working together in close proximity during the investigation or following the outcome of the proceedings.

Occasionally we may move one or more of the employees to a different role or team, if such a role is available, on a temporary or permanent basis; this would usually only be on an employee's request or in exceptional circumstances. We will seek to ensure that in doing so, you do not feel like you have been penalised, either directly or indirectly, for making a complaint.

Where bullying or harassment has been found to have occurred and the perpetrator remains in employment, regular checks will be made with you to ensure that the bullying or harassment has stopped, and that there has been no victimisation or retaliation. If further problems of bullying, harassment or victimisation are being encountered, or you suffer stress or anxiety, immediate action should be taken by the manager to investigate or find a solution.

Malicious complaints

Where a complaint is found to be blatantly untrue and/or has been brought out of spite, bad faith or for some other unacceptable reason, the employee will be managed in accordance with our Disciplinary Procedure, as will any witnesses who have deliberately misled the investigation.

Absence during formal proceedings

We recognise that bullying and harassment complaints can be stressful for both the employee raising the concern and also any other employee(s) against whom a complaint is made. However, we believe that in most cases this stress is best alleviated by completing the procedure quickly.

Where you are signed off as unfit for work, this does not necessarily mean you are unfit to attend a meeting and you are required to make every effort to co-operate with us in completing this process.

If you are absent due to illness or other reasons such as maternity/adoption/shared parental leave/paternity/parental or other leave, we will consider, in consultation with you (and/or your GP in the case of illness), whether there are any reasonable adjustments that can be made to enable your case to be progressed (e.g. by allowing you to make a further written submission, by conference call or by holding the meeting at a different venue).

If, after an attempt to contact you, we reasonably believe that you are unlikely to attend a meeting in the near future or to provide any further information, we may decide the matter without your further input, based on the evidence and information available to us. We will write to inform you on our intentions to proceed in your absence before taking any decisions.

Mediation

There may be occasions where we refer a more complex or contentious matter to trained external mediators in confidence, with the agreement of all parties. Where mediation is introduced before or during the process, all parties will be asked to confirm in writing that they agree to the process being adjourned whilst mediation is being undertaken. Should mediation prove unsuccessful, the process will be resumed; where it is successful, the complaint will be regarded as resolved.

Former employees

Ex-employees may raise complaints about bullying or harassment at any time up to three months after their employment has ended. In such cases, we would normally ask that they set out the complaint in writing and we will then respond in writing without the need for a meeting and without a further right of appeal.

Data protection

CHWA processes personal data collected during informal discussions as well as the formal bullying and harassment procedure in accordance with our Data Protection Policy. Data collected as part of informal discussions and/or the formal procedure is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints or conducting the bullying and harassment procedure.

Inappropriate access or disclosure of employee data constitutes a data breach and should be reported in accordance with our Data Protection Policy immediately. It may also constitute a disciplinary offence, which will be dealt with under our Disciplinary Procedure.

Implementation, monitoring and review of this policy

CHWA shall review this policy, its implementation and effectiveness every **3 years**. The views of all employees and volunteers may be sought and reflected in the review process.

Any new or updated legislation will be considered and reflected in future versions.

This policy was approved and agreed by the Board of Directors on the date shown below.

Signed:



Name (please print): Matt Walsh

Position: Co-Chair of Board of Directors

Date: 25 November 2025

Review dates: Every 3 years from the date above

Organisation name: Culture, Health & Wellbeing Alliance CIC

Company Number: 12359172