

Harassment and Anti-Bullying Policy

1. Introduction

We are committed to providing a work environment where everyone is treated with dignity and respect. We do not tolerate bullying and harassment.

This policy:

- Explains the concepts of 'bullying' and 'harassment'
- Sets out our expected standards of behaviour
- Sets out the process you should follow if you have a bullying or harassment complaint
- Explains how we will deal with any complaints

This policy applies to everyone who works for us, including employees, workers, agency workers, consultants, casual workers and volunteers.

This policy does not form part of your contract with us. We reserve the right to amend or remove this policy.

2. What is 'bullying'?

Bullying is unwanted behaviour from a person or group that is one of the following:

- Offensive, intimidating, malicious or insulting
- An abuse or misuse of power that undermines, humiliates or causes physical or emotional harm

Bullying can take many different forms. Examples of bullying behaviour include:

- Spreading malicious rumours about someone
- Consistently putting someone down and undermining them
- Deliberately giving someone a heavier workload than everyone else
- Excluding someone from team social events

Bullying could involve a pattern of behaviour or a one-off incident. It could happen face-to-face, online, by phone or in writing. It can be verbal and non-verbal. It is not always obvious to others.

Although bullying is often connected to a power imbalance, that does not mean that it always involves a more senior person bullying a more junior person. It can also be directed at someone more senior than the bully. It may take the form of spreading rumours, refusing to follow instructions, undermining authority, making fun of or mocking the more senior person or spreading rumours about them.

Constructive and fair feedback about your behaviour or performance from your manager or colleagues is not bullying. It is part of normal employment and management functions.

3. What is 'harassment'?

When bullying or unwanted behaviour is about certain protected characteristics under discrimination law, then we refer to it as 'harassment'. The protected characteristics which apply are:

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

Discrimination law also recognises sexual harassment as something separate to sex (i.e. female or male) harassment. See below.

Behaviour can still be harassment even if the person being harassed does not complain or ask for it to stop.

We define harassment as behaviour that creates a hostile, humiliating, degrading or similarly offensive environment in relation to a protected characteristic. Name-calling, lewd comments, excluding colleagues, making insensitive jokes and displaying pornographic material are all examples of harassment.

Even if you did not intend to harass someone, if your behaviour has this effect on someone else, then you may be found to have harassed them. They may only be a bystander to behaviour you directed at someone else, but they may still have been harassed.

The law protects people who are harassed because they are thought to have a certain protected characteristic when they do not, or they are linked to someone who has a certain protected characteristic even if they don't have it themselves.

4. Sexual Harassment

Sexual harassment takes many forms, but whatever form it takes it is unlawful under the Equality Act 2010 (EqA) as amended. We will not tolerate it.

Sexual harassment is unwanted conduct of a sexual nature 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 also covers treating someone less favourably because they have submitted to, or refused to submit to, unwanted conduct of a sexual nature or in relation to gender reassignment or sex.

Sexual harassment may be committed by a fellow worker, an agent of an organisation, or a third party. It does not need to occur in person. It can occur via digital means, including social media sites or channels (eg WhatsApp). Someone may be sexually harassed even if they were not the target of the behaviour.

Examples of sexual harassment include, but are not limited to:

- sexual comments or jokes, which may be referred to as "banter".
- displaying sexually graphic pictures, posters or photos
- 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 in online communications, including on social media.
- spreading sexual rumours about a person
- sending sexually explicit emails, text messages or messages via other social media
- unwelcome touching, hugging, massaging or kissing.

5. Victimisation

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 EqA (e.g. for discrimination or harassment)
- helping someone else to make a claim by giving evidence or information in

- connection with proceedings under the EqA
- making an allegation that someone has breached the EqA
- doing anything else in connection with the EqA.

Example of victimisation may include:

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

6. Third-party harassment

Third- party harassment is the 2024 technical guidance on the EHRC code which makes it clear that the new duty to prevent sexual harassment under the Worker Protection (Amendment of Equality Act 2010) Act 2023 (in force from 26th October 2024) applies to harassment by third parties as well as workers.

NHP wants to create a workplace which is free of harassment. This objective extends beyond acts of harassment by those working for us to harassment by third parties such as visitors, suppliers, volunteers, or staff from our partner organisations. You are encouraged to report any third-party harassment you are a victim of, or witness, in accordance with this policy.

We will take active steps to prevent third-party harassment of staff. Action may include warning notices to customers or service users or raising complaints using the partner's complaints processes. In extremely serious cases we will bar service users from using the services we provide.

We will assess the risk of third-party harassment in the workplace and undertake to keep our risk assessment under regular review. We encourage you to come forward with any areas in which you believe our third-party harassment protection could be improved. Please let your manager know.

If any third-party harassment of staff occurs, we will take steps to remedy any complaints and to prevent it happening again. Action may include warning the harasser about their behaviour, banning them from our premises, reporting any criminal acts to the police, and/or sanctions or raising formal complaints to partners, funders, or stakeholders.

7. Our position

We will not tolerate bullying or harassment by anyone working for us.

We expect you to treat people with respect and dignity in all communications you have with them, whether face-to-face, over the phone or in writing.

We will assess the risk of harassment in the workplace and keep our risk assessment under regular review. We encourage you to come forward with any areas in which you believe harassment protection could be improved. Please let your manager know.

You are encouraged to report any harassment you are a victim of, or witness, in accordance with this policy.

As a business, we are guided by our core values, including our behaviour standards. These values impact the way we view workplace behaviours and our expectations of you. Our managers are trained to recognise behaviours which may amount to bullying and harassment. We will provide regular training to everyone on what our values mean and explain how you must 'live' these values in your interactions with others.

We have clear and universal standards of workplace conduct:

- Bad and/or offensive language or gestures of any nature should not be used in the workplace, whether directed at a particular person or not.
- Inappropriate images or other content should not be viewed or shared at work.
- You should always think before making a joke in the workplace – could anyone be upset or offended by what you say?
- You should never invade colleagues' personal space.
- You should not exclude colleagues unfairly from discussions or events.
- You should not use crude humour.
- You should not use an aggressive tone or aggressive language when speaking with colleagues.
- You should not be physically aggressive towards colleagues.
- You should not make sexually suggestive comments.
- You should not mock, mimic or belittle colleagues in relation to any protected characteristic or otherwise.
- You should not gossip about your colleagues.

Our standards of workplace conduct and zero tolerance of harassment in the workplace apply equally:

- at work; or
- during any situation related to work such as at a social event with colleagues; or
- against a colleague or other person connected to the employer outside of a work situation, including on social media; or
- against anyone outside of a work situation where the incident is relevant to your suitability to carry out your role.

8. Training

We provide training to all our staff on harassment to ensure there is a clear understanding of:

- what 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 harassed or having witnessed it
- how acts of harassment will be dealt with under the disciplinary procedure, which can potentially result in dismissal.

We ensure that all levels of management are trained on implementing this policy, including preventing and managing sexual harassment in the workplace and the procedure to follow if an allegation is reported.

We will regularly review the effectiveness of our training and provide refresher training, as appropriate.

9. Raising a complaint

If you believe that you are being bullied or harassed, then you should first consider whether it would be appropriate to discuss the matter informally with the person who is bullying or harassing you. Sometimes, people do not realise how their actions are impacting others and it might be that an informal discussion can resolve the issue and reset behaviours.

If you do not feel comfortable approaching the person yourself, or a direct approach has not worked, then you should refer to our grievance policy, which sets out a clear process for raising complaints (both informally with an appropriate manager, and formally, if you prefer).

We realise that bullying and harassment are sensitive topics. We want to make sure that you have options available so that you feel able to come forward and report any issue you are having in confidence. For this reason, you are also able to speak to a senior manager or the CEO.

We may, if we think it necessary, separate you from the person you are complaining about whilst we investigate. This is not a prejudgment of your complaint. It is simply a way to stop things from getting worse during the investigation.

If you notice behaviour of others which may be in breach of this policy, then you should first consider whether it is appropriate to challenge the behaviour yourself. Only do so if you feel comfortable. If you don't feel comfortable, or a direct approach has not worked, then please report the matter to your manager, who will investigate. You also have alternative reporting channels available to you (see above) in sensitive cases.

If we decide that your complaint is not upheld, we will always tell you why. Regardless of the formal outcome, if your complaint related to a colleague, we will consider ways of improving your relationship with your colleague[s] and may, for example, suggest mediation or offer training.

Anyone who raises an allegation of bullying or harassment with us in good faith will not be subjected to any detriment as a result.

We will monitor the treatment and outcomes of any complaints of harassment or victimisation we receive to make sure that they are properly investigated and resolved, those who report or act as witnesses are not victimised, repeat offenders are dealt with appropriately, cultural clashes are identified, and workforce training is targeted where needed.

10. Confidentiality

To protect the interests of the person complained about, the person who has raised the complaint and any others who may be involved as witnesses or otherwise, confidentiality will be maintained during any investigation process as far as is possible.

If you fail to maintain confidentiality when you are involved in some way in a bullying and harassment complaint, then you may face action under our disciplinary policy.

We may place information and documents about a complaint raised by or about you on your personnel file. These will be processed in accordance with our data protection policy.

11. Breaches of this policy

Any breaches of this policy will be handled under our disciplinary policy may result in action including dismissal for gross misconduct or the termination of your contract with us.

Aggravating factors such as abuse of power over a more junior colleague will be taken into account in deciding what disciplinary action to take.

12. Useful links

Other sources of support:

- Health Assured
- Grievance policy
- Whistleblowing policy

13. Monitoring of the Harassment & Anti-Bullying policy

The CEO is responsible for the administration of this policy. Should you have any feedback, please contact them.

The CEO has overall responsibility for the operation of this policy but may delegate elements of implementation or decision-making to other senior managers. Our managers will maintain an open-door policy and we encourage all staff to come forward with any concerns in relation to harassment. All our staff have a responsibility to behave in line with the requirements of this policy.