

Bullying and Harassment Policy

Policy Name	Bullying and Harassment Policy
Summary of Policy	This policy defines bullying, harassment and victimisation and the steps that employees should take if they feel that they are a victim of bullying, harassment or victimisation or have witnessed this behaviour within the workplace.
Policy Owner	Head of Human Resources and Office
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Policy Type as per Policy Management Framework ie one of the following: <ul style="list-style-type: none"> • <i>Policies linked to strategic risk and compliance requiring Board Sign off</i> • <i>Operating Policies</i> • <i>Staff Policies</i> 	Staff Policies
Policy Type as per Policy Central	People & Culture
Key Audience	Employees
Approved By (Director / Deputy Director)	
RACI for Policy: <ul style="list-style-type: none"> • Responsible • Accountable • Consulted • Informed 	<p>All staff</p> <p>Head of HR and Office</p> <p>All staff</p>
Accessibility	<p>To change the size of the text on your screen, hold the CTRL button on your keyboard and scroll your rollerball mouse forward or backwards to minimise or enlarge the text.</p> <p>You can also have the policy read out to you, click on the Review tab at the top of the screen and then Read Aloud.</p> <p>To go directly to a heading, hover over the heading on the contents page then left click on your mouse. This will take you directly there.</p>

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1. OUR COMMITMENT

Teenage Cancer Trust is committed to creating a culture of inclusion, where everyone is treated with dignity and respect, and diversity is celebrated.

Bullying and harassment in the workplace can have very serious consequences for our people and the organisation. Bullying and harassment makes people unhappy and it may cause you stress and affect your health, family and social relationships, it may also affect your work performance and could cause you to leave your job. Severe cases of harassment and bullying can have a devastating impact on emotional health and self-worth. Effects on Teenage Cancer Trust include poor morale and poor employee relations, loss of respect for managers or colleagues, poor performance, lost productivity, high absence rates, increase in staff turnover, legal claims and damage to the charity's reputation.

Teenage Cancer Trust has a zero-tolerance approach to bullying, harassment and victimisation. Our working environment enables employees to have the confidence to raise a complaint without fear of reprisal, in the knowledge that their concerns will be dealt with appropriately and fairly.

Managers have particular responsibility for setting standards and ensuring appropriate workplace behaviours are maintained. They should set a good example and ensure concerns raised are acted upon.

Gender transition and trans identity

We value and respect everyone regardless of your gender identity and expression. If you identify as trans and/or you are planning to transition (regardless of whether you have any medical interventions) or have already done so, we aim to:

- Provide a working environment free from bullying, harassment and discrimination
- Challenge transphobia, stereotypes, and assumptions
- Provide you with support if you are transitioning during your time at Teenage Cancer Trust

All allegations of bullying and harassment will be investigated. Anyone who is found to have harassed, bullied, discriminated against or victimised an individual could be subject to disciplinary action, up to and including summary dismissal.

Harassment is unlawful under equality laws. Bullying and harassment may also constitute civil or criminal offences and may contravene health and safety law.

2. THE SCOPE OF THE POLICY

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at Teenage Cancer Trust, whether by direct contact with the organisation or otherwise, in the course of their work. This may include activities, occasions or events that are connected to work but may not necessarily take place in the workplace or during normal working hours, such as work-related social events or via social media. The Teenage Cancer Trust [IT Code of Conduct](#) provides further guidance on the use of computers and social media.

If you are a volunteer and wish to raise a concern in relation to bullying or harassment whilst in the service of Teenage Cancer Trust, then please use either the Volunteer Problem Solving Policy and Procedure

<https://teenagecancertrust759.sharepoint.com/sites/intranet/policies/Policies/Volunteer%20Problem%20Solving%20Policy%20and%20Procedure.pdf> or the Teenage Cancer Trust complaints policy <https://www.teenagecancertrust.org/complaints-policy>

You also have the right to complain if you believe that you have been bullied or harassed by someone who does not work for the organisation. The process for that is set out in section five.

This policy has been designed with our values at its heart.

3. ROLES AND RESPONSIBILITIES

Everyone has a responsibility to:

- help create and maintain a work environment free of bullying and harassment;
- identify and challenge unacceptable behaviours;
- raise concerns and report any incidents of bullying, harassment, victimisation or discrimination with managers or HR so that appropriate action can be taken.

Everyone is expected to treat each other with respect, dignity and courtesy. This involves positive communication, being supportive, understanding different perspectives, respecting diversity, working collaboratively and being provided with and providing respectful constructive feedback.

In addition to the above, managers have a responsibility to:

- Ensure they provide a supportive working environment, so their teams know what standards of behaviour are expected of them and intervening to stop bullying and harassment;
- Report promptly to the Human Resources team any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.

Teenage Cancer Trust takes a zero-tolerance approach to bullying, harassment and discrimination. This means that instances that arise will be addressed and handled accordingly. Anyone who makes a complaint of bullying or harassment will be protected and will not be penalised or victimised in any way. However, any complaints that are found to have been malicious may result in disciplinary action.

4. DEFINITIONS OF TERMS

4.1 Bullying

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

4.2 Harassment

4.2.1 Harassment as defined in 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.

4.2.2 Protected characteristics are;

Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race (including ethnic origin, nationality and colour), Religion or Belief, Sex, and Sexual Orientation. Transgender employees including employees who have undergone, are undergoing or intend to undergo gender reassignment.

The recipient need not possess the relevant characteristic themselves; harassment can be because of their association with a person who has a protected characteristic,

or because they are wrongly perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy and maternity and marriage and civil partnership, where any unfavourable treatment may be considered discrimination.

4.2.3 The Act also sets out two specific definitions of sexual harassment, which are:

- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of, or submission to, sexual conduct.

4.3 Discriminatory behaviour

Discriminatory behaviour can occur on the basis of a group membership, affiliation or association with a perceived one. The Equality Act 2010 legally prevents those who share 'protected characteristics' from discrimination on the basis of their shared characteristic. Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics- see point 4.2.2 above.

4.4 Victimisation

Victimisation is subjecting a person to a detriment because they/their have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing they/their or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include but is not limited to subjecting someone to 'silent treatment' excluding them from work events/meetings or giving him/her a heavier or more difficult workload.

Provided the complainant has acted in good faith, i.e., they genuinely believed the complaint was true and accurate, they have a right not to be victimised for making a complaint. The organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised the complainant.

However, making a complaint that is known to be untrue, or giving evidence that is known to be untrue, may lead to disciplinary action being taken.

4.5 Examples of bullying and harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal e.g. letters or email.

Examples include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances and/or the offer of rewards for going along with sexual advances e.g. promotion, access to training;
- Threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect an individual's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- Demeaning comments about a person's appearance;
- Unwelcome jokes or comments of sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- The use of obscene gestures;
- Excluding an individual because he/she is associated or connected with a protected characteristic, e.g. they/their child is gay, spouse is black, or parent is disabled;

- Ignoring an individual because he/she is perceived to have a protected characteristic (whether or no he/she does, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be trans;
- The open display of objects with sexual or racial overtones, even if not directed at any particular person, e.g. magazine, calendars or photos on social media;
- Spreading malicious rumors, or insulting someone by word or behaviour;
- Picking on someone or setting him/her up to fail;
- Making threats or comments about job security without foundation;
- Ridiculing someone;
- Isolating a person or refusing to co-operate or help them at work or by excluding them from work-related social activities;
- Overbearing supervision or other misuse of power or position;
- Deliberately undermining a competent worker by overloading them with work and constant criticism;
- Copying documents, sharing information online that is critical about someone to others who do not need to know;
- Escalating issues via email copying in senior staff unnecessarily;
- Preventing individuals progressing by intentionally blocking promotion or training and development opportunities;
- Not giving due consideration and/or explanation of refusal to reasonable requests covered by the Teenage Cancer Trust policies, such as flexible working, annual leave or TOIL;
- Sharing visual images for example pictures of a sexual nature or any images where the individual has not given their consent;
- Perceived discrimination example: Treating someone negatively because you think they are LGBTQ+ even though they are not actually
- Refusing to believe that being a person of faith and being LGBTQ+ is compatible; for example, by perpetuating Islamophobic tropes that a person can't be Muslim and LGBTQ+
- Making remarks that someone's hair or ethnic clothing is not professional
- Inappropriate comments regarding Jewish people and assumptions that a person is wealthy because they are Jewish
- Expressing dehumanising and demonising allegations about Muslims and the myth about Islam being oppressive to women, anti-Western, extremist and supports violence against non-Muslims
- The use of racial, ethnic slurs or LGBTQ+ phobic slurs
- Subtle stereotyping such as "us" and "them" to create division
- Assumptions made around someone's abilities because they are from an underrepresented group
- Labelling a person of colour as "aggressive", "pushy", "sassy" or "negative"
- Asking intrusive questions around someone's identity including about someone's faith or religion, sexual orientation or their experience transitioning from one gender to another
- Deliberately and continuously misgendering someone
- Labelling a bi person as "promiscuous" or "greedy"
- Assuming a neurodiverse person doesn't understand their sexual orientation or gender identity on the basis of their learning disability.

Conduct may be bullying or harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable.

Behaviour which any 'reasonable' person would know would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching. A single incident can be harassment if it is sufficiently serious.

It may not be so clear in advance that **some other** forms of behavior would be unwelcome, or could offend a particular person e.g. certain “banter”, flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear that such behavior is unacceptable to them.

All forms of bullying and harassment are unacceptable and will be dealt with under the Teenage Cancer Trust’s disciplinary policy. Bullying or harassment could be deemed gross misconduct, which can lead to dismissal without notice.

5. WHAT SHOULD I DO IF I THINK I AM BEING BULLIED OR HARASSED?

5.1 Informal Procedure for internal and external issues

In the first instance it may be appropriate to speak to your manager about the situation so that they can support you. Where possible you should normally attempt to resolve the matter yourself at the earliest opportunity, as it is often possible to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it.

You may feel able to approach the person yourself, or you can seek support from someone in the Human Resources team, a manager (this does not need to be a manager in your team or department) or a work colleague (advocate). Alternatively, an initial approach can be made on your behalf by one of these people.

When raising the concern, you (or your advocate) should tell the person what behaviour you find offensive and unwelcome and say that you would like it to stop immediately. You may wish to add that, if the behaviour continues, you intend to make a formal complaint.

If you are experiencing unacceptable behaviour, it is recommended that you keep a record of any incidents that occur so that you can discuss some examples with the individual, and also record your attempts to address the issue with a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint. You may also wish to share details of the process with HR- you can do this without triggering any part of the formal procedure.

5.2 Formal Procedure for issues involving two employees

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Teenage Cancer Trust Grievance Procedure.

In the case of grievances about bullying and harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with your manager or directly with the Human Resources team.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police. If you wish, the Human Resources team can arrange for someone to accompany you to make a complaint to the police.

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague of your choice at any meeting dealing with your grievance. You will be kept informed of general progress of the investigation including the recommendations of the investigating officer regarding any formal action. If formal action is required, you will also be advised of the outcome of any disciplinary proceedings. In line with the policy, Teenage

Cancer Trust will decide on the balance of probabilities, after considering all available evidence, whether or not bullying or harassment has occurred.

5.3 Formal Procedure for issues involving an employee and an external person

The approach listed above will be followed in these situations, but neither the grievance procedure nor the disciplinary procedure will be invoked. Instead, you will need to raise the matter in writing to your Manager or Human Resources who will follow the steps above. Teenage Cancer Trust will fully support you in any action you wish to take against anyone who has harassed, bullied or discriminated against you in the course of your working day including any police or legal action you wish to pursue.

6. WHAT SHOULD I DO IF I AM ACCUSED OF BEING A BULLY OR HARASSING SOMEONE?

If someone is raising this for the first time with you 'informally', listen to their concerns. You may not agree with them, and you should therefore put forward your thoughts and views. If at the end of your meeting, you are unable to come to an agreement or consensus you may wish to consider mediation as a way to try and repair the working relationship. The staff member raising the complaint with you may wish to make it 'formal'. In this situation as part of the investigation process you will have an opportunity to set out your views and feelings on the matter. The Investigating Manager will then make a decision based on the facts and evidence gathered as to whether bullying or harassment took place.

7. INVESTIGATING A COMPLAINT

Teenage Cancer Trust will treat complaints of bullying and harassment sensitively and will maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so that they/they are able to respond to the allegations. Some details may also have to be given to potential witnesses, but the importance of confidentiality will be emphasised to all. Full details relating to the investigation process and investigation outcome can be found in the Grievance Procedure.

8. PREVENTION, TRAINING AND REVIEW

To implement this policy, Teenage Cancer Trust will:

- Provide all employees and managers with a copy of this policy.
- Provide appropriate training to employees and managers.
- Communicate to everyone the signs and effects of bullying and harassment and where and how they can seek help to resolve issues.
- Ensure all complaints of bullying and harassment are dealt with promptly, seriously and confidentially and in accordance with the internal Grievance Procedure.
- Set a good example by treating employees with fairness, dignity and respect.
- Be alert to unacceptable behaviour and take appropriate steps to stop it.
- Monitor all incidents of bullying and harassment and review the effectiveness of this policy periodically.

9. EMPLOYEE SUPPORT AND ADVICE

Westfield Health

<https://www.westfieldhealth.com/>

Employee Assistance Helpline

0800 092 0987- free 24/7 confidential advice and counselling support

ACAS (Advisory, Conciliation and Arbitration Service)
www.acas.org.uk
0300 123 1100 - open Monday to Friday 8am-6pm.

National Bullying Helpline
www.nationalbullyinghelpline.co.uk
0845 22 55 787 – open Monday to Friday 9am to 5pm
admin@nationalbullyinghelpline.co.uk

Bullying UK
www.bullying.co.uk
0800 800 2222

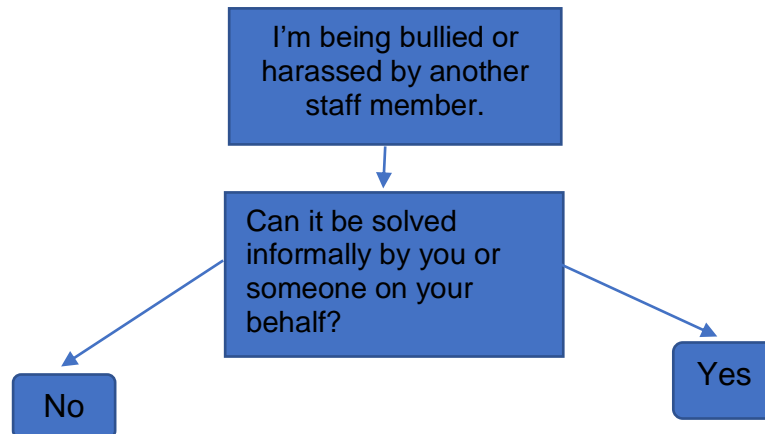
Samaritans
www.samaritans.org
116 123
jo@samaritans.org

Citizens Advice
<https://www.citizensadvice.org.uk/work/discrimination-at-work/common-situations/discrimination-at-work-bullying-and-harassment/>

10. FEEDBACK

We value your feedback on our organisational policies here at Teenage Cancer Trust and therefore, should you wish to provide us with feedback please contact HR@teenagecancertrust.org.

11. APPENDIX 1 – BULLYING AND HARASSMENT FLOWCHART – ISSUES INVOLVING TWO WORK COLLEAGUES



Please read the Grievance Policy for information on how to make a written formal complaint.

Complaint submitted- investigation process started.

You will be invited to attend a fact- finding investigation meeting to better understand the issues. You will have the right to be accompanied to this meeting and any subsequent meetings.

Wherever possible, Teenage Cancer Trust will try to ensure that you and the alleged harasser/bully are not required to work together while the complaint is under investigation.

You will be informed of the outcome of your complaint in writing and in person. If you have to continue to work with the person you raised a complaint about, every effort will be made to ensure that there is a safe and productive working relationship going forward.

Great! Hopefully you will be able to resolve matters, but if not please contact your Manager or Human Resources.

12. APPENDIX 2 – BULLYING AND HARASSMENT FLOWCHART – ISSUES INVOLVING AN EMPLOYEE AND AN EXTERNAL PERSON

