



Policy – Harassment and Bullying

CSP012

Objective

The Purpose of this policy is for a workplace free from Harassment and Bullying. This Policy set out how Code Serve LTD will work to achieve this goal.

Compliance Requirements

Equality Act 2010

Responsibility

Director and Manager and All Employees

Page	Issue		Revision Details	Prepared	Authorised
	Rev	Date			
All	0	17/07/2017	Initial Document	G.Rees	D.Dark
	0	17/07/2018	No Change	G. Rees	D.Dark
All	0	17/07/2019	Annual Review	G.Rees	D.Dark
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Policy – Harassment and Bullying

CSP012

1. Policy Statement

1.1 Code Serve LTD is committed to creating a working environment free from harassment, bullying and victimisation in which all staff and visitors to Code Serve are treated with courtesy and respect.

1.2 Harassment, bullying and victimisation have a detrimental effect on the working environment and on the wellbeing, health, confidence, morale and performance of those directly affected by such behaviour or who are witness to it and will not be tolerated.

1.3 All staff are expected to support and promote the creation of a working environment free from harassment, bullying and victimisation.

1.4 Code Serve LTD strongly encourages any staff member or visitor who considers they are suffering harassment, bullying or victimisation to take action using the procedures set out in this Policy. Code Serve in turn commits to take seriously and to investigate thoroughly any allegations that are formally brought to its attention. No person will be treated less favourably for making an allegation in good faith. Where such an allegation is found to be true, action will be taken against the perpetrators, up to and including dismissal. Individuals who engage in unlawful harassment, bullying and/or victimisation may also be held personally liable for their actions and subject to prosecution under criminal law.

2. Purpose and Scope of the Policy

2.1 In this Policy:

"Harassment" means harassment, bullying or victimisation as defined in sections 3 - 8 below

- "Complainant" means the person or group who makes an allegation of harassment, bullying and/or victimisation
- "Alleged harasser" means the person or group who is the subject of allegations of harassment, bullying and/or victimisation

2.2 The purpose of this Policy is to state Code Serve LTD position on harassment, bullying and/or victimisation, to raise awareness amongst the Code Serve community about behaviour that can be considered harassment, bullying and/or victimisation, and to provide guidance on informal and formal means of dealing with harassment, bullying and/or victimisation when it occurs.

2.3 This Policy applies all members of staff, including Sub-Contractors and all visitors to Code Serve.



Policy – Harassment and Bullying

3. Harassment

3.1 For the purposes of this Policy, the Code Serve LTD defines harassment as 'unwanted conduct which has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment'

3.2 Harassment may take place for any number of reasons. A person may be subjected to harassment because they are perceived as being 'different to the norm' in some way or

in a less powerful position than the alleged harasser. For this reason, people who are in a minority position — be it numerical or hierarchical — may be more vulnerable to being harassed. It is important to recognise however, that harassment can occur in less obvious scenarios and outside of traditional power relationships. For example a manager by a member of staff. In addition, an individual may feel harassed even if the behaviour is not directed at them (harassment by association) or it directed at them in a mistaken belief that they have a particular characteristic (harassment by perception), whether or not this characteristic is protected under the law.

3.3 In addition to being in breach of Code Serve Policy, harassment relating to any of the protected characteristics is unlawful. The Guidance Notes provide further details of these forms of harassment. The protected characteristics are:

age disability (physical or mental) gender reassignment marriage and civil partnership pregnancy and maternity race (including ethnic and national origins, colour and nationality) religion or belief (including lack of belief) sex (including sexual harassment) sexual orientation

3.4 Any behaviour that is unwanted and could be considered as creating an intimidating, hostile, degrading, humiliating or offensive environment for them is potentially harassment. Typically, for behaviour to be considered harassment, it must be persistent and continue or develop over a period of time. A one-off incident that is particularly serious can however, in itself constitute harassment.

3.5 Harassment can be communicated verbally, be physical in nature, or be expressed through other means of communication, such as letters, digital communication channels, social media, emails, text messages and graffiti. It may be expressed directly to the complainant, occur in their presence or be communicated about them to a third party.

3.6 Often harassment is directly targeted at a particular individual. However, harassment can also be indirect and a prevailing culture, where, for example, banter involving the telling of racist jokes or homophobic comments is tolerated, can also constitute harassment.



Policy – Harassment and Bullying

CSP012

3.7 Behaviour amounting to harassment may include:

- insults, name-calling and offensive language and gestures
- jokes
- ridiculing and undermining behaviour
- inappropriate or unnecessary physical contact
- physical assault or threats of physical assault
- intimidating, coercive or threatening actions and behaviour
- sexual advances
- isolation, non-cooperation or deliberate exclusion
- comments about a person's appearance, intrusive questions or comments about a person's private life and malicious gossip
- offensive images and literature
- pestering, spying, trolling or stalking

3.8 These examples are not intended to be exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by Code Serve.

4. Bullying

4.1 Bullying can be defined as unwanted offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Typically, bullying is one person against another, or a group of people against an individual. Bullying can also occur in less obvious scenarios and outside of traditional power relationships, e.g. a manager by a member of staff.

4.2 Behaviour generally accepted as amounting to bullying includes:

- ridiculing a person
- shouting or screaming at a person
- setting someone up to fail, e.g. withholding necessary information or deliberately overloading them with work
- unwarranted or invalid criticism and criticism which lacks the necessary constructive support to help the recipient improve their performance
- persistently 'singling out' a person without good reason or deliberately excluding, isolating or ignoring an individual
- making threats or comments about job security or academic success or failure without foundation
- trolling, stalking or 'cyber bullying' through on-line and social channels

4.3 The above examples are not exhaustive. They are, however, indicative of behaviour that would be considered unacceptable conduct by Code Serve.

5. Victimisation

5.1 For the purposes of this policy, victimisation is when a person subjects another person to a detriment because they have (or are believed to have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.



Policy – Harassment and Bullying

5.2 Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them professionally, refusal to provide a reference once the working relationship has ended, or to treating them in any way less favourably as a result of their actions.

5.3 Victimisation is unlawful and will be treated as a form of harassment under this Policy.

6. Hate Crimes

6.1 Code Serve LTD defines hate crime and intolerance as 'crimes or behaviour motivated by prejudice, hatred or intolerance that intentionally demean individuals and groups defined by their ethnicity, race, religion and belief, sexuality, gender, conscience, disability, age or lawful working practices and which give rise to an environment in which people will experience, or could reasonably, fear, harassment, intimidation or violence.'

6.2 Code Serve LTD reaffirms its belief that the diversity of its staff and students is a source of strength. Accordingly, it will actively seek to protect its community from prejudice, hatred or intolerance.

6.3 Hate crime is unlawful and will be treated as a form of harassment under this Policy.

7. Electronic Media

7.1 Harassment can take place through electronic and social media (Social channels such as Twitter, Blogs, Wikis, Forums, email etc). In sending emails all staff should consider the content, language and appropriateness of such communications.

7.2 The use of Social Media has grown considerably over the last few years and the following guidance is relevant to both students and staff:

- avoid using language which would be deemed to be offensive to others in a face-to-face setting as the impact on an individual will be much the same
- avoid forming or joining an online group that isolates or victimises staff or colleagues
- ensure that you never use such sites to access or share illegal content
- if instances of what might be online harassment are reported they will be dealt with in the same way as if they had taken place in a face-to-face setting.

8. Reasonableness

8.1 On occasion, individual perceptions of behaviour may differ - perhaps due to differences in attitude, experience or culture - and what one person would consider acceptable behaviour may be unacceptable to another. The defining factor in determining if behaviour



Policy – Harassment and Bullying

CSP012

amounts to harassment is that the behaviour is unacceptable to the recipient and could 'reasonably be considered' to amount to harassment. The intention of the person engaging in the behaviour — whether or not they meant to harass — is not a primary factor in determining if harassment has taken place.

8.2 When considering allegations of harassment, the person hearing the complaint for Code Serve LTD will need to apply a test of 'reasonableness' to determine if harassment has taken place. That is, with due regard to the circumstances, including in particular the perception of the complainant, could the behaviour in question 'reasonably be considered' to cause harassment, i.e. could it reasonably be considered to have created an intimidating, hostile, degrading, humiliating or offensive environment for them.

9. Good Faith

9.1 Where complaints of harassment and/or bullying are made in good faith, Code Serve LTD will take them seriously and do everything reasonable to resolve the issue including, where appropriate, taking disciplinary action against the perpetrator(s).

9.2 If, at any time, there is evidence that allegations of harassment or bullying have been made vexatious or maliciously, that false information has been provided or that the complainant has otherwise acted in bad faith, disciplinary action may be taken. Any investigation based upon those allegations may be terminated.

10. What To Do

Code Serve LTD encourages staff and visitors to take action against harassment using the guidance set out below. No-one will be treated less favourably or suffer any detriment for having raised or supported an allegation made in good faith.

10.1 If a person believes they are being subjected to harassment it is recommended that, where possible and appropriate, those involved should attempt to resolve the situation informally in the first instance. It is, however, up to the complainant to decide how they wish to proceed.

10.2 Whichever approach is chosen, it is recommended that a written record of any incident of harassment is made as soon as possible after an incident occurs. This should be signed, dated and kept for future reference and should include:

- Details of when and where the harassment took place, including dates and times;
- Details of the behaviour; and o Details of any witnesses to the behaviour.



Policy – Harassment and Bullying

10.3 It is difficult to deal with harassment, especially where close colleagues or managers are involved, but it is important to seek help and to do it at an early stage.

10.4 Management can provide information for staff on the options available under this Policy. Staff should be aware however, that if specific allegations are reported to Management or the Director they may be obliged to take this forward as a formal complaint of harassment. Staff who do not wish to make a formal complaint should take action under the informal procedures below and/or discuss their options with a member of Management.

10.5 Code Serve LTD can also provide support and advice for staff affected by bullying and harassment through the Counselling Service.

10.6 Behaviour occurring on Site that is extreme and/or violent should be reported directly to the Shop Floor Supervisor

11. Informal Procedures for Addressing Harassment

11.1 If a person believes they are being subjected to harassment there are a number of ways to deal with the matter quickly and effectively. An 'informal approach' can effectively address the unwanted behaviour without recourse to formal procedures. Informal approaches can

Policy – Harassment and Bullying

CSP012

have the advantage of resolving the situation quickly and with minimal disruption to relationships. It is recommended that informal approaches be used in the first instance, as this is often sufficient to resolve the matter without the need for more formal means. It is however, up to the individual to decide if this approach is appropriate to their situation. There are a

number of 'informal approaches' that can be adopted, as outlined below.

11.2 Individual Action

1 1.2.1 Code Serve recommends that anyone who believes they are being subjected to harassment should speak directly to those involved or, if more suitable, put their concerns in writing to them. It may be appropriate to ask a third party to assist. Ideally, the alleged harasser should be approached at the earliest opportunity.

1 1.2.2 When taking individual action, the complainant or a person acting on their behalf should try to:

- Pick a time and a place where they can speak privately and without interruption; Clearly identify the behaviour that is causing concern, giving examples and instances of when it has occurred,
- Make it clear that the behaviour is unwelcome and must stop immediately. Further guidance for the alleged harasser who may be approached informally about their behaviour is contained in the guidance notes associated with this procedure.

1 1.2.3 Although asking someone to assist with discussions of this type might be helpful, complainants should avoid involving too many people in the situation. This can be counterproductive and may lead to allegations being made against the complainant.

1 1.2.4 It is advisable to keep a record of any discussions or correspondence at this stage, as this may be useful in the event that further action becomes necessary.

11.3 Support from Colleagues

1 1.3.1 If approaching the harasser directly does not resolve the situation, or is inappropriate, seeking support from colleagues may be helpful. Asking someone who is not directly involved in the situation to speak with the alleged harasser can often help get the right message across. For staff, a colleague might be their line manager in accordance with the relevant staff grievance procedure or, where this is not possible, the next senior level of management.

1 1.3.2 The colleague will seek to resolve the situation quickly and with minimal disruption. Options may include meeting with the alleged harasser to discuss the allegation and make clear that any behaviour that could be considered harassment under this Policy must stop immediately. Alternatively, the colleague may facilitate a meeting between the people involved to discuss the situation and jointly reach agreement on the way forward. Outcomes may include a recommendation of ongoing mediation to help rebuild the relationship, (see section 12.4 below). In the case of staff, both the Complainant and alleged harasser have the right to be accompanied by a work colleague to any meetings at this stage in the process.

1 1.3.3 Although asking someone to act as a colleague may be helpful, complainants should avoid involving too many independent people in the situation. This can be counterproductive and may lead to allegations being made against the complainant.

12. Formal Procedures for Addressing Harassment

12.1 If informal methods do not resolve the matter, or if the harassment is particularly serious, a formal allegation of harassment should be submitted.

12.2 Formal allegations of harassment should be made in writing and include: o The complainant's personal details;

- An outline of the allegation (including dates, times and places);
- Details of the alleged harasser;
- Details of any witnesses; and, if relevant
- Details of any informal attempts which have been taken to resolve the situation and the outcome(s).

12.3 Members of staff should address their letter in accordance with the requirements of the relevant formal grievance procedure. Formal complaints are made under the relevant staff grievance procedure and will involve a formal investigation into the allegations.

12.4 Where an investigation finds that harassment has taken place, this may result in disciplinary action.

12.7 Allegations should be made by named individuals. Code Serve cannot guarantee that anonymous allegations will be taken forward, as the anonymous nature of the allegation may prevent a fair investigation.

Signed by: 

Revision: Rev O

Date: 17/07/19

Dan Dark Director