

<b>Policy name</b>	<b>Anti-Bullying and Harassment Policy</b>
<b>Operational from</b>	July 2021
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<b>Associated policies</b>	Disciplinary and Grievance Policy Equality, Diversity and Inclusion Policy Transitioning at Work Policy Safeguarding Adults at Risk Policy Social Media Policy
<b>Privacy</b>	External

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### 1. Introduction and scope

NSUN is committed to providing a working environment free from bullying and harassment and ensuring everyone who works for, is associated with or comes into contact with NSUN are treated, and treat others, with dignity and respect.

This policy covers bullying and harassment 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, training course or social event with other staff members.
- Outside of a work situation but about another staff member or other person connected to NSUN including on social media.

- Emails, phone calls and texts sent by staff outside of work using either our equipment or their own personal equipment, as well as posts on social networking sites.
- About anyone outside of a work situation where the incident is relevant to their suitability to carry out their role.

It covers bullying and harassment by the following groups of people that take place, within the context of working for NSUN or at an event or activity run or organised by NSUN and directed towards NSUN's staff:

- Staff members
- Associates
- Trustees
- Consultants
- Freelancers
- Contractors
- Volunteers
- Agency workers
- Third parties such as Members, meeting attendees, suppliers or members of the public or anyone else connected with our work.

Bullying or harassment can be a single serious incident or persistent and repeated, continuing after the person subjected to it makes it clear that they wish it to stop.

All forms of bullying and harassment, whether it happens at work or by a third party towards NSUN's staff team, are unacceptable and unwanted in our organisation and will be treated very seriously. This policy is intended to assist putting this commitment into practice.

## **2. Who is responsible for this policy**

Managers are responsible for ensuring high standards of conduct, dignity and respect are maintained between staff and other third parties and for taking prompt, supportive action when behaviour falls below the expected standard.

## **3. What is bullying**

Bullying is behaviour that is intimidating, degrading, offensive or malicious and undermines the person's confidence and self-esteem, making them feel vulnerable, upset, humiliated or threatened. It is a misuse of power, where power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, for example:

- Physical or psychological threats
- Overbearing and intimidating levels of supervision
- Inappropriate derogatory remarks about someone's performance
- Ridiculing or demeaning someone.

More information about workplace bullying and harassment can be found here: [Workplace bullying and harassment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/workplace-bullying-and-harassment)

### **3.1 Virtual bullying**

This includes distribution of unwanted emails, texts, images or humiliating data published on social networking internet sites or abusing our technology or using someone's own technology to contact another person in an intimidating or malicious manner.

### **3.2 Coercion**

This includes threats of dismissal or loss of promotion etc for refusal of sexual (or other) favours or promises made in return for sexual or other favours, pressure to participate in political or religious groups etc.

### **3.3 Isolation or non-co-operation at work**

This includes deliberate exclusion from communications including group emails, conversations or social activities, setting unrealistic deadlines, substituting responsible tasks with menial or trivial one, withholding information or giving false information, constantly undervaluing effort.

Legitimate, reasonable and constructive criticism of a staff member's performance or behaviour, or reasonable instructions given to them in the course of their employment, will generally not amount to bullying on their own.

## **4. What is harassment**

Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

Unlawful harassment may be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, ethnic or national origin), religion or belief, sex and sexual orientation. These categories are known in The Equality Act 2010 (the Act) as 'protected characteristics'. You are also protected, by the Act, from discrimination if you're associated with someone who has a protected characteristic, for example a family member or friend and/or you've complained about discrimination or supported someone else's claim. NSUN also recognises that there are other non-protected characteristics including but not limited to: homelessness, refugees/asylum seekers and carers.

Harassment is unacceptable even if it does not fall within any of these categories.

Harassment may include, for example:

- Spoken words and banter
- Written words such as offensive emails, text messages or social media content
- Images and graffiti
- Facial expressions
- Jokes or pranks
- Mocking, mimicking or belittling a person
- Acts affecting a person's surroundings
- Aggression and physical behaviour towards a person or their property.

More information about workplace bullying and harassment can be found here: [Workplace bullying and harassment - GOV.UK \(www.gov.uk\)](http://www.gov.uk/workplace-bullying-and-harassment)

### **4.1. Sexual harassment**

This is unwanted conduct of a sexual nature, which the harasser may perceive as harmless and which may include, for example:

- Sexual comments or jokes
- 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 on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Unwelcome touching, hugging, massaging or kissing.

## **5. Less favourable treatment and not being the intended target**

It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. For example, this could occur when:

- Someone is subjected to unwanted conduct of a sexual nature, related to sex or related to gender reassignment
- The unwanted conduct has the purpose or effect of violating their dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them and they are treated less favourably because they submitted to or rejected the unwanted conduct.

You do not need to be the person towards whom the bullying behaviour or harassment is targeted to raise an incident of bullying or harassment e.g. you could be harassed if you overhear racist jokes about an ethnic group if the jokes create an offensive environment.

## **6. What to do if you are being bullied or harassed**

### **6.1 Informal process**

Incidents of bullying and harassment should in the first instance be raised informally through the steps in our Grievance policy (please see the separate Disciplinary and Grievance Policy for further details). You may also wish to engage another staff member of your choice, a “confidential helper” to assist you.

If it is a more minor situation, please consider whether you feel able to raise the problem informally with the person responsible. Explain clearly to them that their behaviour is not welcome and/or makes you uncomfortable. If you feel unable to do this verbally then you could write to them and you could ask your “confidential helper” to help you with this.

### **6.2 Formal process**

If informal steps are not appropriate or have not been successful, please raise the issue with the CEO (or Chair of NSUN if it’s about the CEO). This is the process we use under our Grievance Procedure (please see the separate Disciplinary and Grievance Policy for further details). You should set out in writing details of what you have experienced (your confidential helper can also help you with this in case you find it difficult or upsetting). Try to include the following information if you can:

- Name of the person accused
- Nature of what happened
- Dates and times when the incident occurred, including if it’s happened more than once
- Names of any people who saw or heard it (witnesses)
- Any action that you have already taken to stop it happening.

### **6.3 Investigation**

NSUN will investigate all incidents in a timely and confidential manner. Where possible, the investigation will be conducted by someone with appropriate experience and no prior involvement in the incident. This person will invite you to attend a meeting, at a reasonable time and location, to discuss the matter so they can carry out a thorough investigation. It is important that you do your best to attend and if you would like, you can be accompanied at any stage in the investigation by your confidential helper, another staff member or, if you are a member of a union, a union official.

The person investigating will be sensitive and take care not to phrase questions in a way that implies that the bullying and or harassment 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 imaginary. We will keep you informed about how we will carry out the investigation and how long it’s likely to take. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation. If the person in question is a staff member, we may consider suspending them during the investigation if we consider it necessary for an effective investigation. Details of the investigation and the names of the person who raised it and the person accused will only be disclosed on a ‘need to know’ basis.

Once the investigation is complete, usually within 10 working days, we will let you know our decision in writing. If you are not satisfied with our decision, you may appeal. We will provide

details of how to do so when we let you know our decision. You can find further information about this in the Grievance procedure (please see the separate Disciplinary and Grievance Policy for further details).

#### **6.4 Outcome and action**

If we consider you may have been bullied or harassed by a staff member, the matter will be dealt with under the Disciplinary Procedure to ensure that the staff member accused of this behaviour has every opportunity to defend or explain their actions (please see the separate Disciplinary and Grievance Policy for further details). When deciding on the level of disciplinary action to apply, we will take into consideration aggravating factors such as abuse of power over someone more junior.

If the bully or harasser is a third party, such as a member, their membership may be suspended and they will be warned that their membership may stop if they act in a similar way again. You will not be victimised for having raised an issue about bullying or harassment. However, if it is found to be untrue and has been raised with malicious intent, you will be subject to disciplinary action (please see the separate Disciplinary and Grievance Policy).

#### **7. Protection and support for those involved**

Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

NSUN will encourage and support victims to report criminal acts of harassment to the Police (e.g. rape or assault). This support may include writing or telephoning the Police on behalf of the staff member, as well as attending meetings with the Police. We will report incidents of harassment to the Police where there is a clear threat to the safety of other NSUN staff or the general public. We will share information relating to the incident with other necessary stakeholders to ensure that we maintain a consistent approach to stopping access to our services.

Staff members who make complaints or who participate in good faith in any investigation must not suffer any form of retaliation or victimisation as a result. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure (please see the separate Disciplinary and Grievance Policy for further details). If we consider that a staff member has been wrongly or maliciously accused of improper conduct, this may also lead to disciplinary action in respect of the person who has made the unfair accusation.

NSUN recognises that this can be a very distressing situation for the complainant and the accused. NSUN may consider counselling or mediation to the parties involved, including where the investigation shows no cause for disciplinary action, or where it may be useful to help resolve the issue or help support the person accused as well as the complainant.

#### **8. Confidentiality and record keeping**

Confidentiality is an important part of the procedures explained in this policy. Details of the investigation and the names of the person making the complaint and the person accused must be kept as confidential as possible and should only be disclosed on a 'need to know' basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure (please see the separate Disciplinary and Grievance Policy for further details). Information about a bullying or harassment incident, by or about a staff member may be recorded in the staff member's HR file, along with a record of the outcome, any notes or other documents compiled during the process.

#### **9. Unfounded allegations**

All complaints of bullying and/or harassment will be investigated. If the investigation finds that the complaint was unfounded and lodged for malicious reasons, then the employee making the complaint will be disciplined.

