



The Hoburne Group - Anti Bullying and Harassment Policy

Policy statement

This Policy is for the purpose of the Hoburne Group and covers Burry & Knight Limited, Hoburne Limited and Hoburne Development Company Limited.

In line with the Equality Act 2010, the Hoburne Group recognises the right of all staff to be treated with dignity and respect and will not tolerate bullying or harassment of its staff at work or arising from work.

Bullying and harassment not only affects the welfare of our staff but also affects the organisational effectiveness of the Group as a whole. It can lead to stress, increased absence, a decrease in confidence, motivation and work performance. This in turn affects service delivery, increases costs and damages the Group's image.

The Hoburne Group therefore expects a high standard of behaviour and conduct from its staff at all times. This policy identifies unacceptable forms of behaviour and describes the options available to staff who experience bullying and harassment to resolve the situation.

The Hoburne Group also recognises that staff experiencing bullying and/or harassment may have a right to take legal action against the harasser. However, this will not prevent the Group from carrying out its own investigations and taking appropriate action.

The purpose of this policy is to:

- clearly set out the Hoburne Groups' anti-harassment policy so that everyone understands what conduct is unacceptable and our zero-tolerance approach to such conduct, including third parties
- explain how staff can report inappropriate conduct, the process that will be followed and the support available for victims of harassment and those who report it.
- ensure line managers understand the framework for dealing with any harassment, bullying or victimisation.

This policy supplements our Employee Handbook and does not form part of any contract of employment so may be amended at any time.

Scope

This policy applies to all employees, officers, consultants, self-employed contractors, casual workers, agency workers, volunteers and interns. The obligations and duties under this policy also extend to job applicants and former employees. It covers all areas of the business.

Definitions	
Bullying	<p>Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened.</p> <p>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. It is the exercise of power over another person through negative acts or behaviour that undermines him/her personally and/or academically.</p> <p>Bullying can involve physical, verbal or non-verbal conduct and may include physical or psychological threats, overbearing and intimidating levels of supervision (including micromanaging), inappropriate derogatory remarks concerning performance or constant criticism and undermining.</p> <p>Legitimate, reasonable constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment will not amount to bullying on their own.</p>
Harassment	<p>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. A single incident can amount to harassment. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.</p> <p>Unlawful harassment may involve conduct of a sexual nature (sexual harassment – see below), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.</p>
Sexual Harassment	<ul style="list-style-type: none"> ⦿ A person that engages in unwanted conduct of a sexual nature; and ⦿ The conduct has the purpose or effect of either violating someone else's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. <p>A person can be sexually harassed by someone of the same or a different sex.</p>
Unwanted conduct	<p>Unwanted conduct means the same essentially as "unwelcome" or "uninvited":</p> <ul style="list-style-type: none"> ⦿ express objection is not needed in order for the conduct to be deemed unwanted; ⦿ it can be verbal, non-verbal or physical conduct of a sexual nature;

	<ul style="list-style-type: none"> ④ it can be a single incident – this is enough to constitute harassment; ④ there is no need for B to have already made it clear that A's conduct is unwanted in order for it to constitute harassment; and ④ sexual conduct that has been welcomed in the past can become unwanted.
Recipient	An individual who perceives that they are being harassed or bullied.
Harasser	An individual whose behaviour is perceived to be unacceptable.
Victimisation	Victimisation may occur after a complaint of harassment has been made. It may appear in the form of the recipient finding the situation has become worse since complaining, or any staff member involved in the complaint becoming isolated by colleagues or their Line Manager, or subject to other forms of retaliation by colleagues or their Line Manager. Victimisation arising from a case of harassment is misconduct and will be dealt with under the Disciplinary Procedure.
Cyber bullying	Cyberbullying or cyber-harassment is a form of bullying or harassment using electronic means. Cyberbullying and cyber-harassment are also known as online bullying.

Note: For the rest of this policy, the word 'harassment' also includes bullying.

Policy

Why harassment occurs

The Hoburne Group accepts that it is an individual's perception of behaviour towards them that can lead to the feeling of bullying and harassment. What may be inoffensive to one person may cause upset and distress to another. The Hoburne Group views all forms of harassment as unacceptable behaviour and will not tolerate it.

Harassment can occur in many situations for example where there is competition between staff, heavy workloads or an uncertain working environment. It may occur because someone deliberately sets out to intimidate, humiliate or distress another or it may also occur because a person fails to consider the effect of their behaviour upon others.

Harassment of an individual can also occur on many grounds for example, because of gender, sexual orientation, race, ethnic origin, nationality, disability, age, physical characteristics or personal /religious/ political beliefs.

Forms of harassment

Harassment is about an individual's perception as to whether certain behaviour is unacceptable and disadvantageous to them. Some of the most prevalent forms of harassment and bullying include the following:

- ④ **Sexual harassment** can take the form of the following (this list is not intended to be exhaustive):
 - Sexual comments or jokes.
 - Displaying or sending material that is pornographic or that some people may find offensive (including emails, text messages, video clips, and images sent by mobile phone or posted on the internet).
 - Suggestive looks, staring or leering.
 - Unwelcome 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.

- ④ **Racial harassment** is usually, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture, or customs which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.
- ④ **Harassment of people with disabilities** can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.
- ④ **Harassment on the grounds of a person's sexuality** may be aimed at heterosexuals but is more usually experienced by lesbians or gay men, bisexuals or transgender people. Examples of harassment relating to sexuality are homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour.
- ④ Bullying bosses are very different from those who are simply challenging or hard to work with, and it can be a depressing and isolating experience. It can take the form of exclusion or non-co-operation at work, persistent criticism or unfounded criticism, being denied/excluded from training and development opportunities, an unreasonable refusal to grant annual holiday or other leave of absence, or setting impossible targets or deadlines/setting you up to fail.

The above list of examples is not exclusive, and harassment can also take place which is on the grounds of a person's age, style of dress or any other characteristic that makes them different from the majority or from the person who harasses or bullies them. Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this policy document relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

Cyber bullying

Cyber bullying is any form of bullying, harassment or victimisation online. It can spill from on-screen to off-screen and affect the face-to-face interactions between colleagues at work and also away from work. It can happen in a number of ways such as inappropriate photographs being posted; offensive or threatening comments being made; or sensitive personal information revealed – either accidentally or vindictively.

The Hoburne Group recognises that cyber bullying can make people feel very distressed and alone and can be as damaging as any other kind of bullying. Cyberbullying is unacceptable – this includes the use of offensive or intimidating language to other staff on social networking sites, both inside and outside the workplace. A problem can be that social media networking sites and personal smart phones are used outside of working hours and away from work premises to bully staff.

We are within our rights to check your emails and social networking sites in instances of reports of cyber bullying. We will inform the member of staff being checked and determine correctly that our reasons are justified under the data protection laws.

Please refer to the Employee Handbook for full details of Use of Email, Internet and Social Networking.

The Process

Informal steps (if you are being harassed or bullied)

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome and makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your Line Manager in the first instance, or GSS HR, who can provide confidential advice and assistance in resolving the issue formally or informally.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your Line Manager in the first instance, or where this is not possible GSS HR (hr@hoburne.com), informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Procedure in the Employee Handbook.

Formal Procedure

If you consider informal resolution (either directly or through your manager) would be inappropriate / ineffective and you wish to make a formal complaint about bullying or harassment, you should submit it in writing to GSS, HR (hr@hoburne.com), whose role is to achieve a solution wherever possible and to respect the confidentiality of all concerned.

Your written complaint should be submitted using the **Harassment Complaint Form** (at the end of this policy) and should include the nature of the complaint, including the name of the harasser or bully, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s) should also be included.

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so. GSS, HR will discuss the matter with you and will consider whether further action should be taken.

Formal Investigations

We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint, or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully [who may also be accompanied by a colleague or trade union representative of their choice] to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than an employee, such as a customer, supplier or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

At the end of the investigation, the investigator will submit a report to the Operations Director to consider the complaint. They will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or trade union representative to the meeting. A copy of the report and the Operations Director's findings will be given to you and the alleged harasser.

Action following the investigation

If the Operations Director considers that harassment or bullying has occurred, prompt action will be taken to address it in conjunction with GSS, HR.

Where the harasser or bully is an employee, the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure. If the harasser or bully is a third party such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

Appeals

If you are not satisfied with the outcome of your complaint, you may appeal in writing to GSS, HR, stating your full grounds of appeal, within one week (7 days) of the date on which the decision was sent or given to you.

We will hold an appeal meeting, normally within one week, of receiving your written appeal. This will be dealt with impartially by a Senior Manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting.

We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further right of appeal.

Protection and support for those involved

Staff 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.

If you believe you have suffered any such treatment, you should inform your Line Manager in the first instance, or where this is not possible, GSS HR. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate.

We can offer access to confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. The details are available in confidence from GSS, HR.

What to do if you are accused formally of bullying or harassment

If a formal complaint is made about your behaviour it will be fully investigated and dealt with in accordance with this policy and the Employee Handbook, which may result in disciplinary action.

You must not victimise a person who has made a complaint against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action may be taken against you if there is good reason to think that you may have victimised the complainant or someone else related to the complaint.

GSS, HR will support you, the complainant and your Line Manager in making arrangements for the recommencement of a harmonious work environment.

Confidentiality and record keeping

Confidentiality is an important part of the procedures provided under this policy. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a “need to know” basis. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Information about a complaint by or about an employee may be placed on the employee’s personnel file, along with a record of the outcome and any notes or other documents compiled during the process. These will be processed in accordance with current legislation.

Line Manager’s responsibilities

All Line Managers have the responsibility for making sure that their staff are treated professionally and with dignity and respect to ensure a supportive and productive working environment. It will also help staff to perform effectively and to the best of their ability.

Legitimate management action, taken within the Group’s procedures, to deal with staff whose conduct or capability is in question is not harassment. Where a Line Manager is raising concerns about the conduct or capability of a staff member it must be done in a professional and sensitive manner ensuring respect for the individual concerned. However, any action or behaviour which falls outside what can be reasonably regarded as legitimate management action and is intimidating, offensive or distressing may constitute harassment.

Where you witness unacceptable or offensive behaviour you should take action. This may be on an informal basis by approaching the staff member whose behaviour is causing offence. You should explain why the behaviour is offensive and the consequences if the behaviour continues. This should be recorded and sent to HR to hold on the individual’s personnel file.

Every Line Manager is responsible for dealing effectively with any informal or formal complaint of harassment which is brought to their attention. Failure to deal with a complaint can be regarded as a conduct or capability issue and result in disciplinary action.

What we expect from our Line Managers

1. To create a workplace culture of zero-tolerance to harassment and where individuals are encouraged to report inappropriate behaviour. This should be included in regular team meetings and communicated to the team. They should also be made aware of the mechanisms for reporting harassment (detailed within this policy) or via the **Harassment Complaint Form** (at the end of this policy) and the support our Employee Assistance Programme (EAP) can also provide.
2. Complete mandatory online anti-harassment learning within the timescales defined ensuring their team have completed the same and attend any mandatory face to face training as requested by HR GSS.

Staff Responsibilities

All staff members must be treated with courtesy and respect and be aware of how their behaviour may be interpreted by others. They should make sure that they know and understand the types of behaviour and actions that can be regarded as bullying and harassment. If you are aware that your behaviour causes or could cause offence you should stop it immediately.

They must also be aware that behaviour or actions that are regarded as harassment can result in disciplinary action which may include dismissal. If you make a false or malicious claim of harassment against another person this will result in disciplinary action. Staff are responsible for their own behaviour and should make sure that they protect the dignity of colleagues and promote a workplace free from harassment.

What we expect from our staff

1. Be aware of the company's culture of zero-tolerance to harassment and report inappropriate behaviour.
2. Be aware of the mechanisms for reporting harassment (within this policy) and the support our Employee Assistance Programme (EAP) can also provide.
3. Complete mandatory online anti-harassment learning within the timescales defined and attend any mandatory face to face training as requested by HR GSS.
4. Staff who witness sexual harassment or victimisation are encouraged to take appropriate steps to address it. Depending on the circumstances, this could include, intervening where you feel able to do so, supporting the victim to report it on their behalf, reporting the incident where you feel there may be a continuing risk if you do not report it and co-operating in any investigation into the incident. All witnesses will be provided with appropriate support and will be protected from victimisation.

Legislation and Codes of Practice

The legislation and Codes of Practice relevant to cases of bullying and harassment include:

Protection from Harassment Act 1997

Makes harassment, including harassment of an employee in the workplace, a criminal offence which could result in a fine and/or imprisonment.

Criminal Justice and Public Order Act 1995

Under this Act the *use of threatening, abusive or insulting words or disorderly behaviour intended to cause harassment, abuse or distress is a criminal offence.*

Employment Rights Act 1996

Since all contracts of employment include an implied duty on both employer and employee to maintain trust and confidence, a failure by the employer to protect the employee against bullying or harassment by colleagues is likely to amount to a breach of this term. This may entitle the employee to pursue a case of constructive dismissal, if they terminated their employment as a result of the behaviour and the employer's failure to do anything about it.

Human Rights Act 1998

Includes the right not to *be subjected to degrading treatment or punishment*.

The European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work

Under the European Commission's Recommendation and Code of Practice on Protecting the Dignity of Men and Women at Work article 2 of the Code requires member states to create *a climate at work in which men and women respect one another's dignity*.

Data Protection Act/EU General Data Protection Regulation (GDPR)

We will comply with data protection law and will ensure that personal information we hold about you is:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Relevant to the purposes we have told you about and limited only to those purposes
- Accurate and kept up to date
- Kept only as long as necessary for the purposes we have told you about
- Kept securely.

Equality Act 2010

Covers harassment based on a protected characteristic.

Related policies and documents

Employee Assistance Programme (EAP)

Employee Handbook

Harassment Complaint Form

Lone Working Policy

Social Media Policy

Whistleblowing Policy

Monitoring and review of this policy

Group Support Services shall be responsible for reviewing this policy to ensure that it meets legal requirements and reflects best practice.

This policy does not have contractual effect and may be varied or withdrawn at any time at our absolute discretion.

Harassment Complaint Form

This form is to be used to document any claim of illegal harassment, including sexual harassment, which occurs in the workplace. To ensure that all harassment complaints are managed appropriately, effectively, and in accordance with the organisation's policy, harassment complaints, including sexual harassment complaints, will be dealt with using this form by GSS, HR.

Complainant name:	Date:
Name(s) of individual engaged in the harassment:	
Please describe the specific incident of harassment alleged. Describe each incident separately, including dates, times and locations. If you cannot remember exact dates, times or locations, please provide approximations. Use additional pages if necessary.	
Are there others who may have witnessed this alleged harassment? If so, please provide their name(s):	
Are there others who may have experienced similar alleged harassment by the individual named above? If so, please provide their name(s):	
Did you tell anyone about your experience after the alleged incident(s)? If yes, please provide their name(s):	
Did you speak to the individual named in this report about the alleged harassment? If yes, what was his or her response?	
Complainant signature:	Date:
Print name:	Location:
Job title:	Line Manager:
<i>*The information I have provided is a true and accurate description of my complaint and that I have not wilfully or deliberately made false statements. I understand that the Hoburne Group prohibits any individual from retaliating against me for filing a complaint and that I am to notify HR if I am a victim of retaliation.</i>	
HR Use only	Date received: