



TITLE	ANTI-HARASSMENT, BULLYING, SEXUAL HARASSMENT AND VICTIMISATION POLICY
Version	3
1. Background	<p>Family Action is committed to creating an environment free of harassment, bullying, sexual harassment and victimisation, and where everyone is treated with dignity and respect. We are aware of the negative and serious consequences which harassment, bullying, sexual harassment and victimisation can have on individuals, and the impact this can then have on their health and work performance.</p> <p>Family Action has a clear vision and mission which is supported by strong values. These values are reflected in all our work, as well as in our professional relationships, by always:</p> <ul style="list-style-type: none"> • Being people focused • Reflecting a 'can do' approach • Striving for excellence in everything we do • Having mutual respect for everyone we work with, work for and support as an organisation <p>Family Action is mindful of our duties and responsibilities under the Equality Act 2010, and in particular, the general equality duty, which among other things, requires us to:</p> <ul style="list-style-type: none"> • Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
2. Objectives	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> • Establish clearly Family Action's commitment to zero tolerance of harassment, bullying, sexual harassment and victimisation, as well as any other related behaviours which are prohibited by the Equality Act 2010. • Establish Family Action's approach to preventing, investigating and resolving instances of harassment, bullying, sexual harassment and victimisation, where these occur.

	<ul style="list-style-type: none"> • Ensure that all employees, trustees and volunteers, and specifically, managers, are aware of their responsibilities to address harassment, bullying, sexual harassment and victimisation where they occur. • Outline guidance and support which will be available to employees, trustees, volunteers and third-parties. <p>In outlining the objectives of this policy, Family Action asserts that employees found guilty of breaching this policy may face disciplinary penalties, up to and including dismissal, and could be personally liable to pay compensation in legal claims. Serious instances of harassment and other prohibited behaviours may also constitute a criminal offence.</p>
<p>3. Scope</p>	<p>This policy covers harassment, bullying, sexual harassment and victimisation which occurs between or against employees, trustees and volunteers of Family Action. This policy also covers third-party harassment and associated behaviours perpetrated against employees, trustees, and volunteers, such as that which is perpetrated by service users, contractors or agency workers.</p> <p>The policy covers harassment, bullying, sexual harassment and victimisation in the workplace and in any work-related setting outside of the physical workplace, including online, over the telephone and via social media. A work-related setting is any interaction which has a connection to work (for example, at a work-related event, a social event organised through work, through digital technologies which enable remote working, or on a social media page).</p> <p>If the complainant or alleged perpetrator is not employed (e.g. as a trustee or volunteer) or does not have a contract with Family Actions (e.g. if they are an agency worker), this policy will apply with any necessary modifications such as that Family Action could not dismiss the worker but could, pending the outcome of an investigation, require the agency to remove the worker. Similarly, Family Action may investigate the alleged behaviours of a service user but may not take direct action against a service user.</p>
<p>4. Policy</p>	<p>4.1 Relevant Definitions</p> <p>Harassment is unwanted conduct which is related to a protected characteristic and has the purpose or effect of violating a person's</p>



dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for a person.

The protected characteristics which are established through the Equality Act 2010 are: Age; Disability; Gender reassignment; Marriage or civil partnership; Pregnancy and maternity; Race; Religion or belief; Sex; and Sexual orientation.

Harassment is defined by its purpose or effect, not its intention, so even if something is considered to be a joke or 'banter' by the perpetrator, this can still be considered harassment if it is unwanted by its target or a witness or bystander. Harassment can be a single occurrence, or can be a systemic pattern of behaviour over a period of time.

'Unwanted conduct' may refer to the following behaviours:

- Spoken words
- Banter
- Written words
- Posts or contact on social media
- Imagery
- Graffiti
- Physical gestures
- Facial expressions
- Inappropriate staring or leering
- Mimicry
- Jokes or pranks
- Acts affecting a person's surroundings
- Aggression, and
- Physical behaviour towards a person or their property.

Behaviour can also be determined to be harassment where it has been perpetrated because of a perception that the recipient holds a particular protected characteristic, even if this perception is incorrect. Similarly, behaviour can be determined to be harassment where it has been perpetrated because of an association which the recipient holds, or is believed to hold, with a person who holds a protected characteristic.

It is not necessary for the person impacted by the harassment to clearly state that the behaviour is unwanted. It may even be obvious that the behaviour is unwanted and that it would violate a person's dignity.



The Equality Act 2010 also establishes harassment which is '**less favourable treatment for rejecting or submitting to unwanted conduct**', which is a type of workplace harassment which occurs where:

- An employee 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 the employee's dignity, or
 - Creating an intimidating, hostile, degrading, humiliating or offensive environment for the employee
- The employee is treated less favourably because they submitted to, or rejected the unwanted conduct.

An employee may also be subjected to '**third-party harassment**', which is harassment which has been perpetrated against them in relation to the workplace but by a third-party to their organisation. This could include a service user, or a contractor, such as a trainer or consultant.

Bullying can take many forms and includes offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

Bullying would become harassment where it relates to one or more of the protected characteristics, or where it is of a sexual nature.

Sexual Harassment occurs when a worker is subjected to unwanted conduct which is of a sexual nature. The conduct need not be sexually motivated, only sexual in nature.

'Conduct of a sexual nature' may refer to the following behaviours:

- 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, and
- Unwelcome touching, hugging, massaging or kissing.

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been perpetrating prohibited behaviours against them, or someone else. They may also have supported someone to make a complaint or given evidence in relation to a complaint.

All forms of harassment, bullying, sexual harassment and victimisation are misconduct and are a disciplinary offence which may be dealt with under Family Action's [Discipline at Work – Conduct Policy](#). Harassment, bullying, sexual harassment or victimisation will often be considered to be gross misconduct, which can lead to dismissal without notice.

Serious instances of harassment, bullying, sexual harassment or victimisation may amount to other civil or criminal offences under the Protection from Harassment Act 1997 or the Stalking Protection Act 2019.

A list of example behaviours relating to the definitions above can be found in Appendix 1 of this policy.

4.2 Organisational Responsibility in Relation to Harassment, Bullying, Sexual Harassment and Victimisation

Family Action has a duty to eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, and to protect its employees, trustees and volunteers, as well as third-parties, from harassment, bullying, sexual harassment and victimisation.

In order to meet our organisational responsibilities, we will:

- Regularly update this policy and ensure that we have the necessary procedures in place to support our employees, trustees, volunteers and any third-parties who experience harassment, bullying, sexual harassment or victimisation, or are accused of such behaviours.



- Promote this policy and any associated guidance to all employees, trustees and volunteers, and ensure that we share these with third-parties.
- Provide sufficient training to managers in order to ensure that managers are equipped to handle complaints of breaches of this policy and recognise inappropriate workplace behaviours.
- Provide a robust reporting and investigative procedure for complainants to follow when raising a breach of this policy, through our [Grievance Policy](#).
- Provide specific training to Health & Wellbeing Champions who can provide confidential, non-directive advice and support to employees who may be experiencing harassment, bullying, sexual harassment or victimisation.
- Where a crime is believed to have occurred, either support impacted individuals to report this to the police should they wish to, or reporting directly to the police, where we have the consent of the impacted recipient to do so or do not reasonably believe this will have a further negative impact on the recipient(s). If we do not have the consent of the impacted recipient but have assessed that there is considerable risk from not reporting which outweighs the potential negative impact on the individual, Family Action may take the decision to report to the police without consent. Family Action may be required to report an incident to the charity commission or other statutory bodies, depending on the role of the perpetrator and the circumstances of the incident;
- Assessing the risk of harassment, bullying, sexual harassment or victimisation within the organisation, and any steps which can be implemented to reduce that risk;
- Evaluating this policy, the prevalence and outcomes of reported cases, any data on cases we are aware of which have not been formally reported, and the uptake of training among managers, employees and volunteers in relation to this policy.

4.3 Individual Responsibilities as an Employee or Volunteer

Employees, trustees and volunteers of Family Action have a responsibility to help create and maintain an environment free of harassment, bullying, sexual harassment and victimisation.

Employees and volunteers must support this aim by:



- Being aware of how their behaviours may affect others and changing it, if necessary – it is important to be mindful that they can cause offence even if they are "only joking";
- Treating their colleagues with dignity and respect;
- Taking a stand if they think inappropriate jokes or comments are being made;
- Where they feel safe and able to, making it clear to others if they find their behaviour unacceptable;
- Intervening, if possible, to stop harassment, bullying, sexual harassment or victimisation, and giving support to those impacted by these behaviours;
- Making it clear that they find harassment, bullying, sexual harassment and victimisation to be unacceptable, and contributing to organisational initiatives designed to raise awareness of these behaviours;
- Reporting any behaviours which breach this policy to their manager or Human Resources (via their HR Business Partner) and supporting Family Action in the investigation of complaints;
- If a complaint of harassment or another behaviour is made, not prejudging or victimising the complainant or alleged perpetrator.

4.4 Individual Responsibilities as a Manager

In addition to the responsibilities listed above, managers have a number of additional responsibilities in order to prevent harassment, bullying, sexual harassment and victimisation.

Managers must:

- Set a good example by their own behaviour;
- Ensure there is a supportive working environment for all;
- Make sure that employees or volunteers whom they have responsibility for know what standards of behaviour are expected of them;
- Intervene to stop harassment, bullying, sexual harassment or victimisation, where they feel safe and able to do so;
- Report promptly to Human Resources, through their HR Business Partner, any complaint of a breach of this policy, or any incident of harassment, bullying, sexual harassment or victimisation witnessed by them;
- Ensure that they are continually mindful of power dynamics between themselves and employees or volunteers at Family Action, and the impact that such power dynamics may have on their relationships and interactions.



4.5 Power Imbalances

Power imbalances are relationships between individuals where one individual or group of individuals holds significant power over another individual or group. Power imbalances can create or exacerbate a relationship in which harassment, bullying, sexual harassment and victimisation can occur, and can lead to underreporting of such behaviours within the workplace.

An example of a power imbalance might be the relationship between a senior manager and a more junior employee, where the more junior employee holds a particular protected characteristic which is underrepresented within the organisation, or is on an insecure employment contract.

All employees, trustees and volunteers should give due regard to the presence of any power dynamics and ensure that they do not perpetrate abuses of power which might directly lead to a breach of this policy, including in their involvement with service users.

4.6 Process for Raising a Complaint of a Breach of this Policy Informal Resolution

It may be possible to resolve matters informally, without the need for an investigation. The alleged perpetrator may not know that their behaviour is unwelcome or amounting to harassment, bullying, sexual harassment or victimisation. An informal discussion may help them to understand the effects of their behaviour and so, they may agree to change it.

An individual may feel able to approach the alleged perpetrator themselves, or might benefit from support from a manager, a member of Human Resources, a Health & Wellbeing Champion, or a union representative (Family Action's recognised unions are UNITE and UNISON and employees can contact their union representative for support or advice when raising concerns relating to harassment, bullying, sexual harassment or victimisation).

If the individual feels able to raise the matter informally with the alleged perpetrator, they may choose to tell the person what behaviour they find offensive and unwelcome, and that they would like it to stop. It may also be helpful to make it clear that if the behaviour continues, a formal report may then be made.



An individual attempting informal resolution should keep a note of the date of the communication, and what was said and done. This may be useful evidence if the unacceptable behaviour continues and they wish to make a formal complaint.

Formal Resolution

If it is felt that an informal approach is not appropriate, or an attempt at informal resolution does not adequately resolve matters, an individual can make a formal written complaint by using Family Action's [Grievance Policy](#).

In the case of grievances relating to harassment, bullying, sexual harassment or victimisation, the normal grievance procedure is modified so that the complainant can choose to raise their grievance either with their line manager, or directly with Human Resources. In order to raise a grievance with Human Resources, the complainant should write to their HR Business Partner. If a complainant wishes to have their grievance heard by someone of their own gender, Family Action will endeavour to accommodate this where possible.

The written grievance should include:

- Full details of the misconduct in question.
- The name(s) of the alleged perpetrator(s).
- The nature of the harassment, bullying, sexual harassment or victimisation which has taken place.
- The dates, times and locations of any incidents.
- Details of any evidence or any witnesses (including their names) to the incidents of misconduct.
- Whether any actions have been taken so far in order to resolve the issue or prevent the misconduct from happening.

In some circumstances, a criminal offence may have been committed and the individual may wish to report matters directly to the police. In these instances, the matter should still also be reported to Family Action.

All complaints will be investigated promptly. If the investigation determines there is a case to answer to, disciplinary proceedings will be initiated in line with the [Discipline at Work – Conduct Policy](#).



If a complainant is not satisfied with the outcome, they have the opportunity to appeal. This must be done in writing and following the instructions which are provided to them, within one week of the date on which the decision was sent or given to them. More information on the appeals process will be available within the [Grievance Policy](#).

In the instance of harassment, bullying, sexual harassment or victimisation where the perpetrator is a third-party, including a service user, Family Action's [Grievance Policy](#) makes it clear that, while it may not be possible to impose sanctions as the result of a grievance investigation, Family Action will still investigate these matters as far as is practicable and seek to reach a satisfactory conclusion.

Safeguarding During or After a Process

Where a complainant has made an allegation of a breach of this policy, they should also raise any concerns that they may have regarding their continued ability to work with, or in proximity to, the alleged perpetrator, with their manager and/or Human Resources.

Family Action will assess on a case-by-case basis, and in consultation with the complainant and alleged perpetrator separately, whether any reasonable steps can be introduced in order to minimise the contact between individuals during an investigation, where necessary, or as a result of the outcome of an investigation.

4.7 Where an Individual has been Accused of a Breach of this Policy

All employees, trustees and volunteers should be open to approaches from individuals to raise concerns over their behaviour, where this behaviour may have amounted to harassment, bullying, sexual harassment or victimisation. Individuals should seek to not be defensive, to listen openly to the concerns being raised, and to acknowledge that they may have offended or harmed someone without meaning to.

Everyone has the right to decide what behaviours are acceptable to them, and this will differ from person to person. The individual raising the concern may be content with an explanation or apology, verbal or written, and an assurance that such behaviour



will not knowingly be repeated in future. If the behaviour is not repeated, then the matter may be resolved at this point.

However, if a formal complaint is made about the behaviour, this will be fully investigated and Family Action may bring disciplinary proceedings against the alleged perpetrator, if appropriate. Family Action will follow its [Discipline at Work – Conduct Policy](#) and the alleged perpetrator will have the rights set out in that procedure.

If the complaint is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including summary dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but the perpetrator is not dismissed, Family Action could decide to transfer them to another post within the organisation.

Alleged perpetrators, or any other person, must not victimise a person who has made a complaint in good faith or anyone who has supported an individual to make a complaint or given evidence in relation to such a complaint. Disciplinary action may be taken against an individual if Family Action has good reason to think they may have victimised the complainant or someone else.

If the complaint is not upheld, Human Resources will support the alleged perpetrator, the complainant and their manager(s) in making arrangements for both parties to continue or resume working and to help repair working relationships. Family Action will consider making arrangements to avoid parties having to continue to work alongside each other, if appropriate, although this is not always possible.

4.8 Malicious Allegations

Provided that an allegation is made in good faith, where the complainant genuinely believes that what they are saying is true, the complainant has a right not to be victimised for making a complaint or doing anything in relation to a complaint of a breach of this policy.

Making a complaint that an individual knows to be untrue, or where they are continually submitting the same unfounded complaint, or giving evidence that they know to be untrue, may be considered a malicious allegation. Allegations which are considered to be malicious may result in disciplinary action against the complainant where it is found that the allegation is



false and has been made in bad faith, for example, without an honest belief in its truth.

Complainants will not be subjected to disciplinary action simply because their complaint has not been upheld within Family Action's processes.

4.9 Confidentiality

Family Action will treat complaints of harassment, bullying, sexual harassment and victimisation sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some details may be given to potential witnesses but the importance of confidentiality will be emphasised to them.

Family Action may also have a responsibility to disclose limited information as part of our legal obligations, for example in the case of any criminal or other legal proceedings, or a regulatory investigation.

Where possible, Family Action will try to ensure that all parties are not required to work together while the complaint is under investigation. If the allegation is of gross misconduct, the alleged perpetrator may be suspended on full pay during the investigation and, if a disciplinary hearing is to be held, until disciplinary proceedings have been concluded.

4.10 Training

Family Action provides mandatory e-learning on equality, diversity and inclusion which all staff are expected to complete within their first month of employment. This is available to all existing and new employees and others engaged to work at Family Action to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of harassment, bullying, sexual harassment and victimisation.

Family Action commits to understanding the needs of its employees, trustees and volunteers in order to identify training and development opportunities to raise awareness around harassment, bullying, sexual harassment and victimisation, and to protect individuals from these behaviours.

This may include training which is targeted toward managers or those with responsibility over others to enable them to effectively deal with complaints of inappropriate and prohibited behaviours. Any training should be supported by additional clarifying guidance, and should be part of a continued approach to learning, rather than a one-off or standalone intervention.

Family Action also commits to reviewing the outcomes of cases where complaints of harassment, bullying, sexual harassment or victimisation have been made to check that the proper procedures have been followed and to identify any learning points from those cases in order to implement any necessary changes.

4.11 Points of Contact

With regards to a breach of this policy, making an allegation or complaint regarding inappropriate and prohibited behaviours, or where an allegation or complaint has been made against an employee, trustee or volunteer, the following sources of advice and guidance may be able to provide assistance:

- Managers and volunteer supervisors
- Human Resources
- Trade union representatives
- Health and Wellbeing Champions

Employees are also reminded that confidential independent advice and counselling is available for free through Premier EAP (our Employee Assistance Programme). This is open 24 hours a day, 7 days a week, and can be used by any employee or their relatives on a range of issues. Their number is 0800 1116 394, and they can also arrange for some face-to-face counselling if preferred.

4.12 Evaluating this Policy

Family Action will regularly monitor the impact of this policy, and the success of the organisation in creating and maintaining an environment which is free of harassment, bullying, sexual harassment or victimisation. This may include through staff surveys, focus groups and other feedback mechanisms, as well as through analysing the uptake of any training and the prevalence of reported cases.

Human Resources will provide an annual report to the Senior Leadership Group of Family Action in order to enable this evaluation, and to enable the planning of enhancements to this



	policy, other related policies and processes, and the training, guidance and support which is available.
5. Timescales	With immediate effect.
6.Supporting Appendices	Appendix 1: Example Behaviours for the Definitions in this Policy Appendix 2: Process Flowchart for this Policy
7. Linked Policies	Employee Code of Conduct Supervision Policy Grievance Policy Discipline at Work – Conduct Policy Complaints Policy Whistleblowing Policy Equality, Diversity and Inclusion Policy
8. Legislation	Protection from Harassment Act 1997 Equality Act 2010 Stalking Protection Act 2019
9. Policy Lead	Head of Human Resources
10. Approval at EG	29 June 2021
11. Review Date	July 2022
12. Effective Date	8 July 2022

Appendix 1: Example Behaviours for the Definitions in this Policy

Harassment, bullying, sexual harassment or victimisation may be misconduct that is physical, verbal or non-verbal and may not necessarily occur face to face. It may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone and social media.

Examples of harassment, bullying, sexual harassment and victimisation might include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances;
- The offer of rewards for going along with sexual advances, for example, access to training;
- Threats for rejecting sexual advances, for example suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- Unwelcome jokes or comments of a sexual or racial nature or about an individual's age, pregnancy or maternity, marriage or civil partnership, disability, sexual orientation, gender reassignment or religion or belief;
- Questions about a person's sex life;
- Unwanted nicknames related to a person's age, race, sex, sexual orientation, gender reassignment, religion or belief or disability;
- Comments or questions which suggest that a person who is bi-, pan- or polysexual or romantic is 'greedy' or 'promiscuous';
- The use of obscene gestures;
- Excluding an individual because they are associated or connected with someone with a protected characteristic, for example their child is gay, spouse is black or parent is disabled;
- Ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic, for example an employee is thought to be Jewish, or is perceived to be transgender;
- The open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, for example magazines, calendars or pin-ups;
- Spreading malicious rumours or insulting someone by word or behaviour;
- Picking on someone or setting them up to fail;
- Repeatedly misgendering someone by using their incorrect pronouns even after you have been corrected or informed of the pronouns they wish to be referred to by;
- Making threats or comments about someone's job security without good reason;
- Ridiculing or demeaning someone;
- Deliberately undermining a competent worker by overloading and constant criticism;



- The use of homophobic, biphobic or transphobic slurs or derogatory comments towards members of the LGBTQIA+ communities regarding their gender identity or expression, or their sexual orientation;
- Overbearing supervision or other misuse of power or position;
- Copying information that is critical of an individual to others who do not need to know and have no right to that information;
- Isolation or non-cooperation at work; and excluding someone from social activities;
- Preventing individuals progressing by intentionally blocking promotion, or training opportunities;
- Rejecting someone for a promotion
- Denying someone an opportunity to represent Family Action at an external event
- Excluding someone from opportunities to undertake training or other development activities
- Excluding someone from receiving a discretionary performance-related award
- Threatening to deny or exclude opportunities to someone because of their actual or potential involvement in a complaint or other protected act.



Appendix 2: Process Flowcharts for this Policy

Informal Resolution: Successful

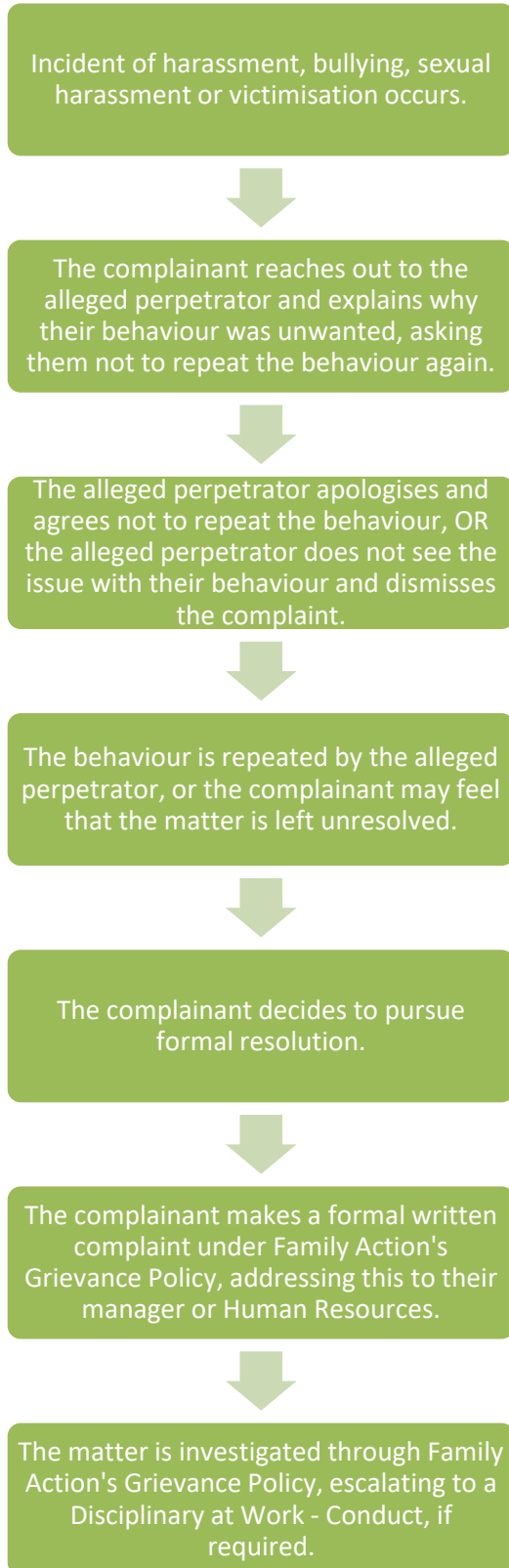


Informal Resolution: Unsuccessful





Informal Resolution and Formal Resolution



Formal Resolution Only

