

Policy name:	Bullying and harassment policy	
Policy Owner:	Trust Leadership Team (TLT)	
Author:	Head of HR	
Does this policy replace any existing Other policy? Yes/No	If yes please refer to the related policies here: Anti Intimidation policy	
Latest revision date and reason (reviewed every two years):		
Version History		
Version number	Revision Date	Description of Change
2.0	New	Bullying and harassment
2.1	November 2024	Updated following new mandatory duty on employers to proactively take "reasonable steps" to prevent sexual harassment.
Document Status		
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Bullying and harassment

We are committed to providing a working environment that is free from harassment and bullying. We want to be able to say that all of our people are treated, and treat others, with dignity and respect.

This policy applies to all employees, bank workers, volunteers and contractors. It also applies to our agents, external consultants, suppliers, customers, third-party representatives, business partners and any visitors to our premises. It covers harassment and bullying both in and out of work.

Please note that the Trust's grievance procedure (referred to in this policy) only applies to our employees and bank workers. If you don't fall into either of those categories, any other formal complaints can be raised via the Trust's complaints procedure, which is available on the Trust's website.

This policy is non-contractual and we may amend it at any time.

The purpose of the policy is to provide clarity that bullying, and harassment is not acceptable at any time and provide information of how someone can raise an issue if they believe they are being bullied or harassed.

1 What is harassment?

- 1.1 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. It can be a single incident or more than one and can also include treating someone less favourably because they have accepted or refused to accept harassment in the past.
- 1.2 Harassment can involve sexual conduct, or it might be related to other characteristics, such as age, disability, gender reassignment, marital/civil partner status, pregnancy or maternity, race, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is completely unacceptable, whatever the reason and is unlawful.
- 1.3 Harassment may lead to disciplinary action up to and including dismissal if the act is committed:
 - In any work situation
 - During a situation related to work, for example a social event with colleagues.
 - Against a colleague or other person connected with the Trust outside of a work situation, for example on social media.
 - Against anyone outside of work situation where the incident is relevant to their suitability to work.

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- 1.4 Practical examples of harassment might be:
- unwanted physical conduct, including touching;
 - unwelcome sexual advances or suggestive behaviour, even if the harasser thinks they are harmless;
 - offensive e-mails, text messages or social media content; and/or
 - mocking, mimicking or belittling someone.
- 1.5 Someone can be harassed even if they're not the intended target. For example, a person can be harassed by racist jokes about a different ethnic group.

2. Sexual Harassment

- 2.1 Sexual harassment is unlawful under the Equality Act 2010 ('the Act'). It is also unlawful to treat someone less favourably because they have either submitted a complaint of sexual harassment or have rejected such behaviour.
- 2.2 The law defines sexual harassment as:
- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
 - less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.
- 2.3 Employers have a duty to take all reasonable steps to prevent sexual harassment of employees and workers in the course of their employment.
- 2.4. Sexual harassment includes a wide range of behaviours including but not limited to:
- 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, and discussing your 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
 - criminal behaviour, including sexual assault, stalking, grooming, indecent exposure and sending offensive communications

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- 2.5. Sexual harassment can be a one-off event and does not need to be directed at a person. It can be witnessed or overheard. Sexual conduct that has been welcomed in the past can become unwanted.
- 2.6. Third party sexual harassment is harassment by someone who is not an employee of the Trust for example a third-party supplier or service user. Any instance of work-related sexual misconduct should be reported in line with this policy regardless of who the alleged perpetrator is.
- 2.7 Any employee found to have engaged in sexual harassment may face disciplinary action, which may include dismissal.
- 2.8 Aggravating factors, such as an abuse of power over a more junior colleague, will be taken into account in deciding what disciplinary action to take.

3 What is bullying?

- 3.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that makes a person feel vulnerable, upset, humiliated, undermined or threatened. Power doesn't always mean being in a position of authority; it could be personal strength, or the power to coerce through fear or intimidation.
- 3.2 Bullying can be physical, verbal and non-verbal conduct and can include things like:
- physical or psychological threats;
 - overbearing and intimidating levels of supervision; and/or
 - inappropriate derogatory remarks.
- 3.3 Legitimate, reasonable and constructive criticism of performance or behaviour, or reasonable instructions given to someone in the course of their employment, won't amount to bullying.

4 What do I do if I'm being harassed or bullied?

- 4.1 If you feel like you're being harassed or bullied, you have a number of options to report this:
- Informal procedure
 - Formal complaint through the Trusts grievance process/complaints procedure
 - Anonymous reporting.

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4.2 Informal procedure

- 4.2.1 If you feel like you're being harassed or bullied, you may want to raise the problem informally with the person involved and explain to them that the conduct isn't acceptable because it's unwanted and is interfering with your working environment.
- 4.2.2 If you don't feel comfortable speaking directly to the person, you can contact your line manager who can provide confidential advice and assistance in resolving the issue formally or informally. If the person you are concerned about is your line manager, then alternatively you could speak to their manager, or to a member of the HR team. If you're an employee, Staff council reps will also be able to support you in speaking to your line manager or HR where you have concerns.
- 4.2.3 If you're not an employee, we still recommend informally raising the problem with the person involved in the first instance. If you don't feel comfortable speaking directly to the person, there is other support available. Volunteers can speak to the Trust's volunteer service. Contractors should speak to the link person or their line manager for the business area they are working within. All other nonemployees can use the Trust's complaints policy on the Trust website.
- 4.2.4 For employees and bank workers, HR will, in any case of alleged or actual bullying or harassment, be available to oversee any situation on an ongoing basis. If HR are made aware that any alleged or actual harassment or bullying has continued after action has been taken (either informal or formal), such as the person involved having been spoken to, then this will be followed up as necessary.

4.3 Raising a formal complaint

- 4.3.1 If the above informal steps aren't appropriate, or haven't been successful in resolving your complaint, and you're an employee or worker, you should refer to the second stage of our [grievance procedure](#) through which you can raise your concerns formally. If you don't fit into either of those categories and want to pursue the matter formally, you should raise a formal complaint in accordance with the [Trust's Complaints Policy](#).
- 4.3.2 If you raise concerns about harassment or bullying (to HR or to your line manager), then depending on the allegations, these may be dealt with in a number of ways by us, regardless of whether or not you raised a formal grievance/complaint. For example, the Trust may decide to investigate the alleged behaviour through the disciplinary procedure, or we may ask you if you want to raise a grievance/complaint. Generally, the decision whether to progress a grievance/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

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consider it appropriate to do so. In these circumstances, you will be informed of which course of action we have decided to pursue.

4.3.3 If you do decide to raise a formal grievance, then you should refer to the [grievance procedure](#).

4.3.4 If you raise a formal grievance/complaint, as much information as possible should be given about the incident(s) including: • the name of the harasser/bully;

4.3.4.1 the nature of the harassment/bullying;

4.3.4.2 dates and times of when the incident(s) occurred;

4.3.4.3 names of any witnesses to the incident(s); and

4.3.4.4 any action already taken to stop the harassment or bullying.

4.4 Anonymous Complaints

4.4.1 it is preferable for individuals making a report to identify themselves, as this makes it more likely that reports can be fully and fairly investigated and/or resolved. It also means the colleague reporting the sexual misconduct can be kept informed, where appropriate, as to the progress of their report.

4.4.2 However, it is recognised this is not always possible therefore the Trust has implemented an anonymised online reporting tool, available here <https://forms.office.com/e/UY7sLghN4X>

4.4.3 The information disclosed in the reporting tool is accessed by a limited number of HR staff who are responsible for monitoring the forms.

4.4.4 If a report is made anonymously, the steps in this policy must be followed as closely as possible based on the information provided in the disclosure.

5 What do I do if I see someone else being harassed or bullied?

If you witness behaviour that you feel constitutes bullying, harassment or abuse at work, you are encouraged to notify your line manager, or HR so that it can be investigated.

6 Who will be told?

As far as we can, we will try to keep the grievance procedure confidential and details will only be disclosed on a 'need to know basis', however please remember that sometimes, due to the nature of a complaint or the witnesses involved, it may not always be possible to prevent others from making assumptions around who has raised a complaint. We'll tell anyone involved in the process that they must keep the information confidential. You'll normally be told the names of any witnesses whose evidence is relevant to your grievance, unless we believe that anyone's identity should be confidential. We'll consider if we need to take any steps to manage any ongoing relationship between you and the person involved during the investigation. We'll usually discuss any such suggested steps with you before they are taken.

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7 What happens next?

- 7.1 If we find you've been harassed or bullied by an employee, the matter will be dealt with under our Disciplinary policy. If you've been harassed or bullied by a volunteer, this will be dealt with under the Trust's Volunteering policy. If the person involved is a third party (like a customer or supplier) we'll find an appropriate way to deal with the problem. Whether or not your complaint is upheld, we'll consider how best to manage any ongoing working relationships.
- 7.2 People who make complaints or who participate in good faith in any investigation mustn't suffer any form of retaliation or victimisation. If you think this is happening, speak to your manager or the HR team so that we can deal with the issue.
- 7.3 Employees & workers will not be subjected to disciplinary action or to any other detriment simply because their complaint is not upheld, and workers will only face disciplinary action if it is found both that the allegation is false and made in bad faith (that is, without an honest truth in its belief).
- 7.4 When a complaint of bullying and harassment is made, if a counter claim is made, saying the complainant was doing the bullying and harassment, the two claims will be dealt with at the same time.

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8 Support

- 8.1 We appreciate that dealing with bullying and harassment in the workplace is stressful, and we'd like to remind our employees that we operate an Employee Assistance Helpline, TELUS Health. TELUS Health is a free, confidential telephone and web-based information support service providing you with access to caring professionals consultants and counsellors. The contact number for TELUS Health is 0800 169 1920, and they can offer you emotional support 24 hours a day, seven days a week.
- 8.2 We also have trained mental health first aiders who work across various services in the Trust. If you feel you need to talk to someone, please contact a mental health first aider using the email address together@togethertrust.org.uk or alternatively contact the HR Shared Service (or volunteer service if you are a volunteer), who will be able to put you in contact with a trained mental health first aider.

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