



BULLYING & HARRASEMENT POLICY AND PROCEDURE

[Date]

Scope and Purpose

EDLounge is committed to providing a working environment in which staff are given the dignity and respect they deserve. All staff have the right to work in a safe environment without fear of bullying or harassment. EDLounge Ltd takes any allegation of bullying and harassment very seriously, without prejudice.

The procedure aims to ensure that a defined process is in place to deal with an allegation of bullying and harassment. It provides a definition of what constitutes unacceptable behaviour and ensures that the appropriate mechanisms are in place for addressing any issues.

This policy and procedure should be read in conjunction with the EDLounge staff handbook and the EDLounge *Discipline and Grievance Procedure*. The procedure follows ACAS guidelines.

Definitions and types of behaviour, which constitute bullying, and harassment

Bullying is the intimidation or belittling of someone through the misuse of power or position, which leaves the recipient feeling hurt, upset, vulnerable or helpless.

Examples of bullying include:

- Misuse of power or position – giving unachievable or meaningless tasks and “setting you up to fail”
- Personal insults or name calling
- Persistent non-constructive criticism, constantly highlighting errors, or mistakes made by others.
- Ignoring or excluding an individual from the team/group
- Shouting at an individual, criticising an individual in front of others
- Spreading gossip or malicious rumours or making malicious allegations

The current definition of **harassment** – as applied to age, sex, sexual orientation, religion or belief and race and ethnic and national origin is: unwanted conduct that violates people’s dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment’

The essential characteristic of harassment is that the action(s) is unwanted by the recipient. Forms of harassment include many kinds of unacceptable behaviour. For example:

- Uninvited, unreciprocated and unwelcome behaviour of a sexual nature, which is offensive to the person involved and causes that person to feel threatened, humiliated, or embarrassed

Action, behaviour, comment or physical contact which is found objectionable or which causes offence, including: offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature, or offensive remarks about a person’s skin colour, physical characteristics, age, sexual orientation or any other personal characteristic.

[Date]

Responsibilities

All employees have a personal responsibility not to harass or bully other members of staff or to condone harassment or bullying by others. Harassment and bullying is misconduct and action may be taken under the disciplinary procedure against any employee found to have harassed or bullied an individual at work. Employees should also be aware that they could also be personally liable by law if they harass anyone at work.

All employees have a duty to assist in the creation of a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour, ensuring their own behaviour does not contribute to or collude with unacceptable behaviour, and cooperating fully in any investigation undertaken by EDLounge Ltd.

EDLounge encourages all staff to resolve issues informally wherever possible; however should an issue fail to be resolved following informal discussions, then the employee should take the issue up with their line manager through the formal process.

Informal Complaints

If a member of staff feels that they have been the victim of actions or behaviours, which amount to bullying or harassment, then they should not wait until the situation becomes intolerable and should act swiftly.

The employee should where possible, consider pursuing one or more of the following courses of action:

- A) Talk to the person involved and ask him or her to stop
- B) Ask your line manager to take appropriate action

In any case, the employee should keep a record of instances of bullying or harassment and a record of any action taken, including any outcomes or resolutions and copies of any correspondence relating to the matter.

If the actions or behaviour, which lead to the allegations of bullying and harassment, does not stop at this stage, a formal complaint should be made.

[Date]

Formal Complaints

Formal complaints about bullying and harassment should be addressed to the line manager. The employee should clearly set out all the grounds for the complaint, including details of the actions or unacceptable behaviour and records of instances.

The line manager (or a member of the senior management if there is a conflict of interest) will then investigate. The investigation will include the following steps:

- Consulting any witnesses
- Providing a written report on findings
- Speaking to the staff member concerned as part of an “investigative meeting”
- Asking them to respond to the allegations

In certain circumstances, it may be appropriate to suspend the alleged member of staff pending the investigation, if their continued presence at work is likely to affect the investigation.

On completion of the investigation, a written report should summarise the findings and recommend what further action should be taken. Formal notification should be given to both parties. The outcome of the investigation will normally be one of the following:

Complaint not upheld – no case to answer

If it is decided that there is no case to answer, then support should be given to both parties and consideration given to managing the ongoing working relationship.

Evidence of unacceptable behaviour that may be dealt with informally

It may be that formal disciplinary action is not appropriate and that the individuals would benefit from counselling, training and/or support. However, it should be made clear that the behaviour is unacceptable. The individual may be asked to apologise for their actions or behaviour and undertake not to repeat them, or disciplinary action may be taken.

Disciplinary Action

Where there is sufficient evidence of unacceptable conduct and a resolution cannot be reached, it is necessary to conduct disciplinary proceedings. The EDLounge Disciplinary Policy and Procedure should then be applied.

[Date]

Appeal

Where an employee is not satisfied with the outcome of a harassment investigation, s/he may submit notice of appeal to their line manager in writing, five working days of the decision stating the grounds of appeal.

The appeal hearing should normally be conducted within ten working days of the receipt of the appeal letter. In exceptional circumstances, it may be necessary to extend these time limits in discussion with both parties.

The Appeal Hearing should ideally be heard by a member of the management team, (making sure there is no conflict of interest). If member of the senior management is involved in any way, the Appeal should be heard by the Managing Director and HR Manager. The decision of the Appeal Panel is final.

Useful information:

<http://www.acas.org.uk/media/pdf/o/j/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

<https://www.gov.uk/workplace-bullying-and-harassment>

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