



# Harassment and Bullying Policy

Updated 03.09.2022

## 1. Introduction

We are committed to having a workplace which is free from harassment and bullying and to ensure that all consultants, volunteers and others who come into contact with us in the course of our work, are treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to ensuring equal opportunities while working at Les Crocodiles.

This policy and procedure is intended to support this commitment in practice and to provide guidance to consultants, volunteers and trustees on how to deal with concerns of bullying or harassment.

### **What is bullying and harassment?**

**Bullying** is 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.

**Harassment** as defined in the Equality Act 2010 is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.”

The 9 protected characteristics under the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

## 2. Policy

We will not tolerate bullying or harassment in our workplace or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to an end to his/her contract. You should also be aware that if a court or tribunal finds that you have bullied or harassed



someone, in some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

We will take appropriate action if any of our consultants, volunteers or trustees are bullied or harassed by our stakeholders or suppliers.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after an investigation, we decide that a consultant, a volunteer or a trustee has harassed or bullied another consultant, volunteer or trustee, then the consultant, volunteer or trustee may be subject to disciplinary action, up to and including the termination of his/her contract.

Consultants, volunteers or trustees who make allegations of bullying or harassment in good faith will not be treated less favourably as a result. False accusations of harassment or bullying can have a serious effect on innocent individuals. Consultants, volunteers or trustees have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure.

#### **What type of treatment amounts to bullying or harassment?**

Bullying or harassment is something that has happened that is unwelcome, unwarranted and causes a detrimental effect. If consultants, volunteers or trustees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition. For further information, please refer to [ACAS guidance](#).

It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All consultants, volunteers and trustees must, therefore, treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of a consultant, a volunteer or a trustee's behaviour or proper performance management.

#### **Reporting Concerns**

**What you should do if you witness an incident you believe to be harassment or bullying:** If you witness such behaviour you should report the incident in confidence to the School Administrator or a trustee. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

**What you should do if you feel you are being Bullied or Harassed by a Stakeholder or Supplier (as opposed to a colleague):** If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the School Administrator in the first instance or with a trustee. We will then decide how best to deal with the situation, in consultation with you.

**What you should do if you are being Bullied or Harassed by a Colleague:** If you are being bullied or harassed by another consultant, volunteer or a trustee, there are two possible avenues for you: informal or formal.

## **Informal Resolution**

If you are being bullied or harassed by another consultant or a volunteer, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask the School Administrator or another consultant or a volunteer to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, or if you are being bullied by the School Administrator, you should raise the issue with a trustee. The trustee will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow consultant or volunteer;
- That such behaviour is contrary to our policy;
- That the continuation of such behaviour could amount to a serious disciplinary offence.

It may be possible for the trustee to have this conversation with the alleged perpetrator without revealing your name, if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of the problem. The trustee will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary sanctions. However, in exceptional circumstances (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before) we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

## **Raising a Formal Complaint**

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint about the harassment or bullying to the School Administrator, using Les Crocodiles' Grievance Procedure. A formal complaint may ultimately lead to disciplinary action against the perpetrator(s).

We will first investigate the complaint. You will need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s)
- The nature of the harassment or bullying
- The dates and times the harassment or bullying occurred
- The names of any witnesses
- Any action taken by you to resolve the matter informally

The alleged perpetrator(s) would need to be told your name and the details of your complaint in order for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you whilst the matter is being investigated.



After the investigation, we will meet with you to consider the complaint and the findings of the investigation. At the meeting, you may be accompanied by a colleague.

After the meeting (and normally within five working days), we will write to you to inform you of our decision and to notify you of your right to appeal to a trustee if you are dissatisfied with the outcome. You should put your appeal in writing explaining the reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it. Once again you may be accompanied by a colleague. We will write to you afterwards to confirm our final decision.

#### **Disclosure and Confidentiality**

We will treat personal data collected during this process in accordance with Les Crocodiles' data protection policy. Information about how consultants, volunteers and trustees' data is used and the basis for processing data is provided in Les Crocodiles' GDPR Privacy Notice published here: <http://www.les-crocodiles.org/privacy-policy-gdpr>.

#### **Use of the Disciplinary Procedure**

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer and a disciplinary offence might have been committed, we will instigate our disciplinary procedure. Any consultant, volunteer or trustee found to have harassed or bullied a colleague will be liable to disciplinary action up to and including summary termination of contract.