



## **Bullying and Harassment Policy**

### **Introduction**

All employees, members and others associated with the club have the right to be treated with consideration, dignity, and respect, and we all have a responsibility to set a positive example by treating others with respect and to act in a way which is in line with our values.

Harassment and bullying can have very serious consequences for individuals and the charity. At a personal level it may make people unhappy, may cause stress and affect their health and family and social relationships, may affect their work performance, and could cause them to leave their job. Severe cases of harassment and bullying can even lead to mental illness and suicide. Effects on the charity can include loss of morale, poor performance, legal claims, and damage to the charity's reputation.

Anyone found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal or exclusion from the club. They could be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

### **Our Commitment**

The charity is committed to creating an environment that is comfortable and free of harassment and bullying, where everyone is treated with dignity and respect. We will not tolerate bullying and harassment of any kind.

All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The charity will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is also a disciplinary offence.

### **Scope**

This policy covers bullying and harassment on the charity premises and in any work-related setting away from the premises, e.g., trips or social events.

Bullying and harassment behaviour can originate from anyone engaged to work at the charity, or any member of the club.

A single incident can be harassment if it is sufficiently serious.

### **Definitions and Examples**

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 is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

### **Unintentional harassment**

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to him/her and to have his/her feelings respected by others. Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g., sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g., certain "banter", flirting or asking someone for a private drink. In these cases, first-time conduct which unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

### **Protected characteristics**

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf.

### **Harassment by association**

Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant, or friend is a devout Christian.

## **More examples of Bullying or Harassment**

Bullying and harassment may be misconduct that is physical, verbal, or non-verbal, e.g., by letter or email (so-called "flame-mail"). Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault.
- unwelcome sexual advances.
- the offer of rewards for going along with sexual advances, e.g., promotion, access to training.
- threats for rejecting sexual advances, e.g., suggestions that refusing advances will adversely affect an individual's employment or membership of the club.
- demeaning comments about a person's appearance.
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation, or religion.
- questions about a person's sex life.
- unwanted nicknames related to a person's age, race, or disability.
- the use of obscene gestures.
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g., his/her child is gay, spouse is black, or parent is disabled.
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g., an employee is thought to be Jewish, or is perceived to be a transsexual.
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, e.g., magazines, calendars, or pin-ups.
- spreading malicious rumours or insulting someone.
- picking on someone or setting him/her up to fail.
- making threats or comments about someone's job security or club membership without good reason.
- ridiculing someone.
- isolation or non-cooperation at work; and
- excluding someone from social activities.

## **Victimisation**

Victimisation is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e., you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the charity will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

### **Investigation Process**

The charity adopts a zero-tolerance approach towards bullying and harassment. Employees and members alike are encouraged to report any incidents of bullying or harassment that they experience or witness so that the charity can investigate and resolve the matter. However, if the charity has grounds to believe the existence of a case of bullying or harassing, whether or not there has been a formal complaint, we will instigate an investigation into the alleged bullying or harassment. In that case, the investigation will start from a supervisor or manager rather than the person(s) who was (were) directly targeted. This might be potentially important if an employee or member is a young person and/or has a disability and is unable or unaware that he/she was a target to bullying and harassment.

Any employee or member who believes that another employee or member's conduct amounts to bullying or harassment has the absolute right to complain to an appropriate individual. Furthermore, employees and members have the right to complain if they believe that they have been bullied or harassed by a third party, for example a visitor to the club.

The charity will take all such complaints seriously and an employee or member who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

As part of its investigations, the charity will:

- check whether the employee or member suspected of bullying or harassment has received previous warnings for similar misconduct (or other types of misconduct) and, if so, whether any earlier warnings are active.
- talk in confidence to any employee or member who may have evidence relating to the alleged behaviour.
- endeavour to persuade any employees or members who may have been witness to the alleged bullying or harassment, or who may have knowledge of it, to give a written statement to that effect.
- set up an interview with the employee or member believed to have bullied or harassed a colleague or fellow member, allowing him/her the right to be accompanied at the interview.
- allow the employee or member a full and fair opportunity to answer any allegations against him/her and/or explain his/her conduct.
- assess objectively whether the conduct appears to have amounted to bullying or harassment.
- adopt an objective and balanced approach to the information gained as a result of the investigation.
- avoid allowing personal views about the employee or member to influence the overall assessment of the conduct under review; and
- keep confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 2018.

## **Right to support and information**

During the investigation process, both the complainant and the alleged harasser will have the right to be accompanied by a work colleague or fellow member of your choice at any meeting. Both parties directly related with the grievance will be kept informed of the general progress of the process of investigation and the outcome of any disciplinary proceedings.

## **Confidentiality and Safety**

The charity will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis but the importance of confidentiality will be emphasised to them. For example, individuals directly managing the complainant and the alleged harasser may be given some information where this is necessary for them to manage the risk of further harassment against the complainant or others. Some details may also have to be given to potential witnesses.

## **Disciplinary Procedure**

All bullying and harassment are misconduct, often considered as gross misconduct, and is a disciplinary offence which will be dealt with under the charity's disciplinary policy, which can lead to dismissal without notice from employment or revocation of membership.

## **Civil Claims or Criminal Proceedings**

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal proceedings, e.g., a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

The harasser might be personally liable to pay compensation to the complainant if a successful claim in a tribunal or other court was brought against him/her. Criminal proceedings could lead to conviction and criminal penalties.

## **What should I do if I think I am being bullied or harassed?**

### a) Formal complaint

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the grievance procedure. In the case of grievances about bullying or harassment, the normal grievance procedure is modified so that you can choose whether to raise your grievance with a manager, coach or directly with the board of trustees. The charity will ensure that you can bring your complaint in the first instance to someone of your own sex if you so choose.

In very serious cases, a criminal offence may have been committed and you may wish to report matters to the police.

## **Investigation and Disciplinary proceedings**

All complaints will be investigated promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser.

Your identity and the nature of the allegations must be revealed to the person you are complaining about, so he/she is able to respond to the allegations. Some details may also have to be given to potential witnesses and your supervisor or manager. The importance of confidentiality will be emphasised to them.

The charity will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

You have a right not to be victimised for making a complaint in good faith, even if the complaint is not upheld. However, making a complaint that you know to be untrue may lead to disciplinary action being taken against you.

### **What happens if I am accused of bullying or harassment?**

#### **a) Formal complaint**

If a formal complaint is made about your behaviour, this will be fully investigated and the charity may bring disciplinary proceedings, if appropriate. If a civil or criminal proceeding is initiated, you might be liable to pay compensation, be convicted or suffer criminal penalties. This process will run independently of the charity disciplinary proceedings.

### **Investigation and Disciplinary proceedings**

The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct.

You will have the right to be informed of the allegations against you and who made the complaint. During the process you will be given a chance to defend yourself and to put your side of the story.

Some details of the disciplinary process and your identity might be given to potential witnesses and to the individual investigating. The importance of confidentiality will be emphasised to them.

Wherever possible, the charity will try to ensure that you and the complainant are not required to be together while the complaint is under investigation.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, or revocation of club membership, having regard to the seriousness of the offence and all relevant circumstances.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported him/her in making the complaint or given evidence in relation to such a complaint. Disciplinary action will be taken against you if the charity has good reason to think that you may have victimised the complainant or someone else.

## **What can I do to help stop bullying and harassment?**

We all have a responsibility to help create and maintain an environment free of bullying and harassment. You can help to do this by:

- treating your colleagues and club members with dignity and respect at all times.
- being aware of how your own behaviour may affect others and changing it, if necessary - you can still cause offence even if you are "only joking".
- taking a stand if you think inappropriate jokes or comments are being made.
- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case.
- intervening, if possible, to stop harassment or bullying and giving support to recipients.
- making it clear that you find harassment and bullying unacceptable.
- reporting harassment or bullying to your coach, a member of the club, work colleague or member of the board of trustees.
- if a complaint of harassment or bullying is made, not prejudging, or victimising the complainant or alleged harasser.

Staff in particular have a responsibility to:

- set a good example by their own behaviour.
- ensure that there is a supportive environment.
- make sure that staff know what standards of behaviour are expected of them.
- intervene to stop bullying or harassment; and
- report promptly, any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.