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Emma Jayne Lavin	Emma Jayne Lavin	1	August 2024	September 2025

HARASSMENT AND BULLYING POLICY OUR POLICY

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1. The Agency's Equal Opportunities and Diversity policy clearly states 'we must ensure that the workplace is free from abuse, offensive behaviour, harassment, bullying, prejudice, discrimination and victimisation'.

2. Everyone should be treated with dignity and respect at work. Harassment and bullying of any kind are in no-one's interest and should not be tolerated in the workplace, but if you are being bullied or harassed it can be difficult to know what to do about it. A guiding principle should be that the person concerned must be told that they are causing offence. This policy document sets out how to deal with situations and the role of line managers and others who are in a position to help.

AIM OF THE HARASSMENT AND BULLYING POLICY

3. Everyday Lessons is committed to creating and maintaining an environment free of harassment, bullying and victimisation.

4. Everyday Lessons will not tolerate any form of harassment or bullying, whether based on race, sex, disability, sexual orientation, religion, age, nationality, ethnic origin, marital status, working patterns, or any other personal characteristic. Similarly, Everyday Lessons will not accept any conduct that is offensive, humiliating, embarrassing or intimidating to other members of staff or to people with whom contact is made in the course of official duty. Where complaints are upheld, appropriate disciplinary action will be taken.

5. This policy applies to all employees within the Everyday Lessons. Every individual is personally responsible for their own behaviour and additionally management has a responsibility to try and provide a workplace atmosphere that is conducive to the avoidance of bullying and harassment.

6. The attached guidance notes are designed to explain the procedures for making a complaint of harassment, bullying and victimisation and identify who can help you deal with the issue. They are also intended to make you think about, and examine carefully, your own behaviour with colleagues as, sometimes unintentionally; this can fall into the category of abuse, discrimination, harassment or bullying.

7. This policy gives details of how to complain and what to do if a complaint is brought against you and where you can get help. It also explains you and your line manager's responsibilities.

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8. Workplace harassment and bullying can make life unbearable. Our aim is to prevent harassment, bullying and victimisation from occurring. Where it does occur, to ensure that appropriate and effective action is taken to deal with it and prevent it happening again.

9. The specific objectives of this policy are to ensure that: -

- all employees are aware of the types of behaviour which represent either harassment or bullying and their responsibilities for preventing such behaviour;
- all employees understand that harassment, bullying and victimisation are unacceptable and that disciplinary action will be taken against proven offenders;
- all allegations of harassment, bullying and victimisation are responded to positively;
- procedures are in place so that complaints can be investigated in a way which recognises the sensitivity of the issues and rights of all the parties involved; and
- an environment is created which allows staff to bring forward their complaints without fear of victimisation, reprimand or reprisal.

WHAT IS HARASSMENT?

10. Harassment is unwanted contact or conduct e.g. of a sexual, intimidating, upsetting, embarrassing, humiliating nature, which affects the dignity of men and women in the workplace. It may be related to age, race, disability, religion, nationality, gender, sexual orientation or any personal characteristic of the individual, and may be persistent or an isolated incident which is offensive to the recipient. Harassment can be physical, written or verbal.

11. Harassment can also have a specific meaning under certain laws. For instance if harassment is related to sex, race or disability, it may be unlawful discrimination.

12. It is important to remember that it is not the intention of the perpetrator that is key in deciding whether harassment has occurred, but whether the actions or comments are viewed as offensive and unacceptable to the recipient. It is also important to note that the perpetrator should be made aware of the unacceptable behaviour, as this may well stop the situation continuing and would be the quickest and most effective way of dealing with the issue. Paragraph 31 - 'What to do if you are being harassed or bullied' provides advice on how to do this.

WHAT IS BULLYING?

13. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient and or their colleague(s).

14. The power used may be:

- physical;

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- that granted by a position of authority;
- rudeness; or
- purely intellectual.

15. Bullying can be obvious or it may be subtle. It may be carried out by one individual against another individual or involve groups of people. Whatever form bullying takes, it is unwarranted and unwelcome to the recipient and or their colleague(s). Annex A lists examples of conduct or behaviour that may constitute bullying. It is also important to note that the perpetrator should be made aware of the unacceptable behaviour. Paragraph 31 – ‘What to do if you are being harassed or bullied’ provides advice on how to do this.

WHAT BULLYING IS NOT

16. A ‘strong management’ style such as, insisting on high standards in quality of service and behaviour is acceptable, providing that employees are treated with respect and dignity. However, it is unacceptable to condone bullying under the guise of ‘strong management’.

17. Legitimate, constructive, objective and fair comments of an employee’s performance or behaviour at work would not be deemed as bullying as long as the individual is treated with respect and dignity.

18. An occasional raised voice or argument would also not be seen as bullying.

WHAT IS VICTIMISATION?

19. Victimisation is a further form of harassment and occurs when one person is treated less favourably than another is because they are suspected or known to have complained, or may have given evidence about behaviour, which has resulted in an allegation of harassment or bullying. This would apply irrespective of the outcome of the investigation.

20. Victimisation like harassment and bullying is unacceptable and could lead to disciplinary action being taken.

21. Staff who believe that they are being harassed or bullied; or who witness such incidents, should feel free to report such incidents in good faith, without fear of victimisation.

THE LAW

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22. Everyday Lessons are responsible for preventing harassment and bullying behaviour. It is in Everyday Lessons' interests to make it clear to everyone that such behaviour will not be tolerated.

23. Harassment and bullying at work can involve conduct that is unlawful under either common law or statute. In these circumstances the Agency and/or the individual who harasses or bullies may have a legal liability under the following: Annex B

- Sex Discrimination Act 1975 Race Relations Act 1976
- Disability Discrimination Act 1995
- Health and Safety at Work Act 1974
- Employment Rights Act 1996
- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997 Human Rights Act 1998
- Trade Union and Labour Relations (Consolidation) Act 1992
- Public Interest Disclosure Act 1998 ("the whistle blowers act")
- Fair Employment (Northern Ireland) Acts 1976 and 1989

24. Harassment or bullying which relates to gender, race or disability is considered to be discrimination under the

- Sex Discrimination,
- Race Relations, and
- Disability Discrimination Acts.

People are also protected against victimisation if they have alleged that someone has infringed the Acts and they act as witnesses. For more information on the Acts refer to Annex B.

WHAT ARE YOUR RIGHTS?

25. You have the right:

- not to be harassed, bullied, or discriminated against; nor to be victimised for making a complaint or for assisting an investigation;
- to have any complaint you make treated seriously and investigated sensitively, promptly and thoroughly;
- not to be prejudiced either as an alleged offender or as a complainant; to raise the issue with your line manager in the first instance if appropriate to do so;
- to consult with your Staff Manager/Director/Colleagues both as a complainant and as an alleged offender;
- to union representation both as a complainant and as an alleged offender; and
- to expect the same standards of conduct and behaviour from consultants, contractors and suppliers of service.

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WHAT ARE YOUR RESPONSIBILITIES?

26. As a member of staff in Everyday Lessons you have a personal responsibility for ensuring that your own conduct does not cause offence and that you do not harass, bully, or discriminate against colleagues.

27. For example you should:

- not make assumptions about an ability to communicate based on reactions to foreign or regional accents;
- take care to avoid preconceptions about the ability of certain groups to supervise;
- not to make assumptions about the reactions of other staff in the posting or promotion of certain groups of staff;
- bring any observed harassment or bullying of another colleague to the attention of a manager, if you are unable to deal with the incident yourself;
- participate as a witness in any investigation where you are called to interview by the investigator(s); and not make any derogatory comments.

28. This policy relates to you both as a member of staff and as a Manager. You have a personal responsibility for your own behaviour and conduct towards other staff. Annex A lists further examples of the types of behaviour, which could constitute harassment.

29. As a Manager in Everyday Lessons you are responsible for maintaining a working environment that is free from harassment, bullying and victimisation. You are accountable for ensuring that your staff does not perpetrate acts of harassment or bullying, and that you take appropriate action in response to evidence or complaints of harassment, bullying or victimisation.

30. Managers have a particular responsibility to identify and eliminate harassment/bullying whether: in the more obvious forms of physical contact;

- verbal and written harassment or its more subtle forms, such as abuse of power or position and exclusion from training or promotion opportunities;
- by electronic mail; and downloading offensive or pornographic material from the Internet and circulating this to staff.

Managers should be alert to the possibility that problems may be developing (e.g. changes in behaviour such as individuals becoming more withdrawn) even though no complaint has been made. It is important that you deal with any complaint seriously, sensitively, promptly and thoroughly. You must treat all complaints in good faith and ensure that the complainant(s) and the alleged offender(s) are not victimised.

WHAT TO DO IF YOU ARE BEING HARASSED OR BULLIED

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31. If you believe that you have been or are being harassed or bullied you will want it to stop. There are a number of actions that you may wish to follow: Tell the person(s) causing offence to stop. This may be easier said than done. If you feel comfortable to do so, raise the issue informally at the earliest possible stage. In some cases the person(s) may not be aware of the effect that their behaviour is having.

Stage 1: Informal discussions, discuss the problem with someone. It is sometimes difficult to deal with situations on your own, if this is the case you can contact: your line manager or a manager not involved in the case, a TU representative (if you have one), **Stage 1: Informal discussions**. Keep a diary. Record details of all incidents, times, dates, any witnesses, and your feelings and keep copies of anything relevant e.g. annual reports, letters, notes and memos. Ask colleagues to do the same if you are part of a group being harassed or bullied. This will help when you are informing the alleged offender that the behaviour is offensive to you. It will also help if you proceed with making a formal complaint.

Make a formal complaint: If you are unable to resolve the situation informally then you should arrange to meet with your manager or Director, to set up an investigation into the allegations so that appropriate action can be taken.

Stage 2: Making a complaint. Complain to an Employment Tribunal. This will need to be done within 3 months of the incident occurring. The Employment Tribunal Chairman will have expected you to have followed Everyday Lessons procedures first. This document is our indication to Everyday Lessons commitment in ensuring that the internal procedures are effective.

IF YOU ARE BEING ACCUSED OF HARASSMENT OR BULLYING

32. If you have been accused of harassment or bullying you will want to know what actions you can and cannot take. See table below for these.

Right to be informed of an allegation, you have the right to be informed of an allegation prior to a formal complaint being made and of any subsequent formal complaints. Discuss the problem with someone. It is sometimes difficult to deal with situation on your own and therefore it would be advisable that you discuss the problem with any of the people listed below:

- your line manager or a manager not involved in the case
- your TU representative
- your Personnel Manager
- Citizens Advice

Stage 1: Formal Discussion. Right to a full investigation, once a formal complaint has been made you have the right to a full investigation that is conducted fairly, sensitively, promptly and thoroughly. You have the right to be accompanied throughout the whole process, once a formal complaint has

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been made you have the right to ask someone to accompany you, you can ask a colleague or your TU Representative to do this.

WHERE TO GET HELP

33. You can speak to the following people for advice and information. If the allegation being made is about sexual harassment, racial harassment or disability harassment the person you are talking to, will be obliged to report the conduct/incident. This is because all of these are a potential breach of one of the following pieces of legislation: Equal Opportunities, Criminal, Race Relations, Sex Discrimination and Disability Discrimination.

34. Your line manager is there to help you to deal with issues that concern you and should ideally be your first point of contact. If you are able to discuss these matters with your line manager and they are able to resolve them this could stop the situation continuing and would be the quickest and most effective way of dealing with the issue.

35. Trade Unions offer the support of trained representatives with experience of dealing with harassment & bullying cases. They can offer practical advice and help you prepare your case and represent you whether you are the complainant or alleged offender.

MALICIOUS COMPLAINTS

36. Everyday Lessons makes every effort to provide a working environment free from harassment, bullying and victimisation.

37. No one should feel discouraged from raising a complaint under these procedures. It is made clear in the procedure for handling complaints that if after investigation, the complaint is found to be unfounded this will not be held against the complainant so long as the complaint was made in good faith.

38. However, the making of malicious complaints against others is unacceptable, as is the threat to another member of staff of making an unfounded complaint of harassment, bullying and victimisation. Such action could be counted as harassment and will be the subject of disciplinary proceedings.

EXAMPLES AND BACKGROUND INFORMATION ON HARASSMENT & BULLYING

The following guidance notes provide examples and some background information on harassment and bullying. Examples of harassment, Conduct or behaviour that can constitute harassment includes: Annex A.

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- Comments or remarks which are insulting, humiliating, intimidating, ridicule, innuendo, patronising and spreading malicious gossip
- Physical contact ranging from casual touching to assault; Unwelcome sexual advances
- Display or circulation of racially offensive or sexually suggestive posters, photographs or other material that may cause offence
- Pressure to participate in political or religious groups/activities
- Deliberate exclusion from work related social activities
- Making threats or comments about job security without foundation
- Unconscious discrimination (e.g. teasing or jokes which cause offence to an individual unknowingly)
- Unwanted comments on appearance

2. This is not an exhaustive list. It is possible for people to abuse their power over others in all sorts of ways.

Examples of bullying

3. Below is a list of some examples of bullying, however it is important to remember that the context and situation in each case will need to be considered before it is deemed to be bullying. This could be particularly relevant in the areas of less obvious bullying. Annex A.

- Shouting at staff, in public or private
- Personal insults and name calling
- Sudden rages, often for trivial reasons
- Persistent negative criticisms
- Humiliating someone in front of others
- Picking on an individual for criticisms when there is a common problem
- Making false allegations
- Spreading malicious rumours
- Sending abusive correspondence
- Freezing out, ignoring, excluding and deliberately talking to third parties to isolate another
- Persecution through threats and fear, physical attacks

EFFECTS OF HARASSMENT & BULLYING

The damage, tension and conflict which harassment & bullying creates should not be underestimated. The result is not just poor morale but higher staff turnover, reduced productivity, lower efficiency and divided teams.

- Can lead to a poor organisation image.
- Can lead to claims for constructive dismissal.

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For the Employee

The employee can become subjected to fear, stress, anxiety and depression, which can put great strains on work, personal and family life. The employee can have a loss of confidence and self-esteem which can lead to absenteeism, an apparent lack of commitment, poor performance and resignation. Become very vulnerable and reluctant to complain. They may feel embarrassed and that the complaint will be trivialised. This often leads them to suffer harassment and bullying in silence and just hope that it will end.

THE LAW

Everyday Lessons are responsible for preventing bullying and harassing behaviour. It is in Everyday Lessons interests to make it clear to everyone that such behaviour will not be tolerated. Under the Health and Safety at Work Act 1974 your employer has a legal responsibility to ensure that your health, safety and welfare at work are protected. There is a right to mutual trust and confidence between employer and employee; and if bullying or harassing behaviour is allowed to go unchecked, that could mean that such trust and confidence is lost. Employers are usually liable in law for the acts of their workers, and this includes bullying or harassing behaviour.

- Sex Discrimination Act 1975,
- the Race Relations Act 1976 and
- the Disability Discrimination Act 1995

Make unlawful any bullying or harassment that includes elements of discrimination, for instance sexual harassment or gender related bullying behaviour. Certain types of harassment, such as stalking, are covered in criminal law by the Protection from Harassment Act 1997, and the Criminal Justice and Public Order Act 1994.

The Employment Rights Act 1996 gives protection to all employees with qualifying service by allowing them to claim 'unfair constructive dismissal' if they are forced to leave their job because of actions of their employer. Such actions might include failure by the employer to deal with any complaint of bullying or harassment, or failure to protect their employees from bullying or harassing behaviour.

The Human Rights Act 1998, which was implemented in October 2000, introduces into English Law the rights and freedoms contained in the European Convention on Human Rights, which include the right not to 'be subjected to degrading treatment or punishment' which will obviously have an effect on bullying at work. It is equally valid to recognise that people need to know that they are causing offence.

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Should you feel that you have been harassed, bullied or victimised, there are some procedures that you should follow to resolve the matter. If you feel that an incident has occurred where you do not want to take informal or formal action you should start at:

Stage 1: INFORMAL DISCUSSIONS which will often help resolve the incident without going down the formal route. If however, you consider the situation to be very serious i.e. in the unlikely event that Equal Opportunities or Criminal Legislation has been breached you should proceed directly to **STAGE 3: PRELIMINARY ENQUIRIES**. In these cases you should speak to your line manager. Please note that all complaints will be treated in good faith, taken seriously, handled sensitively, promptly and thoroughly. Every effort will be made to ensure that the complainant(s) and the alleged offender(s) are not victimised as a result of a complaint. You should pursue any complaints through Vitas internal procedure first, however if you wish to take a complaint to an Employment Tribunal you can do so at any time without waiting for the outcome of Everyday Lessons. Please note that the Employment Tribunal Chairman will have expected you to have followed Everyday Lessons internal procedures first. Complaints should be taken to a tribunal within three months of the date on which the incident occurred. You can get further advice from citizen's advice or your Trade Union representative on this.

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