

Prevention of Bullying and Harassment Policy



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Prevention of Bullying and Harassment Policy



1. Introduction

Harassment is any form of unwanted conduct related to a protected characteristic (age, disability, gender reassignment, gender identity, race, religion or belief, sex, sexual orientation), 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.

Bullying in the workplace is defined as offensive, intimidating, malicious or insulting, behaviour, an abuse or misuse of power or authority through means intended to undermine, humiliate, denigrate or injure the recipient.

Unite Students is committed to promoting a safe, respectful and fair environment in which everyone can work with dignity. Bullying, harassment or discrimination of an employee will not be tolerated at any time during the course of employment, whether in the workplace, on work related activities or events, or through other means such as Social Media.

The organisation is committed to ensuring equal opportunities and fair treatment in the workplace for all its staff. The aim of this policy is to enable the organisation to provide a working environment in which all staff feel comfortable and in which everyone is treated with respect and dignity, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, disability or any other personal factor or quality.

The purpose of this policy is to provide guidance for members of staff who believe that they have been harassed or bullied, to ensure their ability to raise a complaint either informally or formally, and to provide a framework for resolving complaints of harassment or bullying and for stopping any behaviour that is causing offence or distress.

2. Roles and Responsibilities

Employee

- Taking accountability for their actions and; to commit to the principles detailed in this policy
- Demonstrate behaviour and actions that do not discriminate unlawfully or contravene this policy
- To respect, follow and work in line with Company policy
- Raise any concerns about bullying or harassment with their Line Manager
- Co-operate with measures introduced to ensure the elimination of bullying and harassment



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Manager

- Take action and follow the procedure if any breach of the policy is reported
- Making and owning the decision with support from the HR Representative
- Be vigilant for signs of harassment or bullying and take action before problems escalate
- Demonstrate behaviour and actions that do not discriminate unlawfully or contravene this policy
- Ensure individuals are aware of their responsibilities, understand and know how to apply this policy
- Ensure any appointed Agency Workers or Contractors are aware of this policy
- Monitor and follow up on the situation after a complaint has been dealt with to avoid future occurrences
- Be a good role model by promoting equality and diversity through their actions.

Human Resources

- Providing guidance on policy and procedural matters
- Communicating and ensuring effective application of this policy
- Advising Line Managers of best practice

3. The Procedure

This organisation is committed to providing a working environment for all its staff that is comfortable and free from all forms of bullying and harassment. The organisation adopts a zero-tolerance approach towards bullying and harassment and any employee who is found to have harassed or bullied a colleague will be subject to disciplinary action, up to and including summary dismissal.

If the organisation has grounds to believe that an employee may have been bullying or harassing another employee, whether or not there has been a formal complaint, the organisation will instigate an investigation into the alleged bullying or harassment.

Any employee who believes that another employee's conduct amounts to bullying or harassment has the absolute right to raise a complaint to their Line Manager or Human Resources representative. Furthermore, employees have the right to raise a complaint if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier.

Employees are encouraged to report any incidents of bullying or harassment that they experience or witness so that the organisation can investigate and resolve the matter. The organisation will take all such complaints seriously and an employee who makes a genuine complaint of bullying or harassment will be protected and will not be penalised or victimised in any way.

4. Stages of the process

4.1 Right to report harassment/bullying

Employees have an absolute right to complain if they are treated in a manner that they believe constitutes harassment or bullying. This will include, but is not limited to, behaviour that has caused offence, humiliation, embarrassment or distress. Apart from complaints about the behaviour of colleagues, employees have the right to complain if they believe that they have been bullied or harassed by a third party, for example a customer, client or supplier. Employees who raise a genuine complaint under this policy will under no circumstances be subjected to any unfavourable treatment or victimisation as a result of making a complaint.

However, if it is established that an employee has made a deliberately false or malicious complaint against another person about harassment or bullying, disciplinary action will be taken against that employee.

Any employee who witnesses an incident that they believe to be the harassment or bullying of another member of staff should report the incident in confidence either to their Line Manager or to a Human Resources Representative. The organisation will take all such reports seriously and will treat the information in strict confidence, as far as it is possible to do so.

4.2 How to make a complaint

4.2.1 Option 1 – Informal : Take Personal Action

Before raising a formal complaint, an employee is encouraged in the first instance to talk directly and informally to the person whom they believe is harassing them and explain clearly what aspect of the person's behaviour is unacceptable, or is causing offence, and request that it stop. It may be that the person whose conduct is causing offence is genuinely unaware that their behaviour is unwelcome or objectionable and that a direct approach can resolve the matter without the need for formal action.

4.2.2 Option 2 – Informal Support : Take personal action with support

If an individual is concerned about making a direct approach on their own or they are unsure about which course of action to take, they can speak to a trusted work colleague, such as a Unite Students Employee Panel Representative, or their Line Manager. They could either provide guidance of how to conduct the discussion or attend a meeting as a facilitator.

4.2.3 Option 3 – Formal : Progress a formal complaint

Whilst Unite Students encourages an informal approach where appropriate, it is acknowledged that this may not always provide a full resolution or, if the situation is one of a serious nature, the complainant may seek to take formal action.

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Formal complaints may be raised with either the employee's Line Manager or, if preferred, a Human Resources Representative.

Where the complaint is by an employee against another employee this will be managed through the Grievance Process. In other situations, where the complaint concerns someone not directly employed by Unite Students; a different approach may be more appropriate for example invoking the Behaviour Management Procedure and/or involving the Police.

In bringing a complaint of harassment/bullying, the employee should be prepared to state:

- the name of the person whose behaviour they believe amounts to harassment or bullying;
- the type of behaviour that is causing offence, together with specific examples if possible;
- dates and times when incidents of harassment or bullying occurred, and where they occurred;
- the names of any employees who witnessed any incidents, or who themselves may have been the victims of harassment or bullying by the same person; and
- any action that the employee has already taken to try to deal with the harassment.

4.3 The investigation

As part of its investigations, the organisation will:

- allow an employee a full and fair opportunity to answer any allegations against them and/or explain their conduct;
- check whether the employee 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 employees who may have evidence relating to the employee's alleged behaviour;
- encourage any employees who may have been witness to the employee's 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 alleged to have bullied or harassed a colleague
- adopt an objective and balanced approach to the information gained as a result of the investigation;
- avoid allowing personal views about the employee to influence the overall assessment of the conduct under review;
- review all evidence and objectively assess, on the balance of probabilities, whether the employee's conduct appears to have amounted to bullying or harassment; and

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- keep confidential records of the investigation and ensure that these are handled in accordance with the Data Protection Act 1998 and General Data Protection Regulation (GDPR).
- Consider whether the two parties could be separated either temporarily or on a more permanent basis. However a reassignment cannot be guaranteed and will only be possible if other suitable opportunities exist.

The organisation reserves the right to suspend or temporarily redeploy either the employee suspected of bullying or harassment or the employee raising a complaint of bullying or harassment during the investigations, if it is considered in the interests of the individual(s) or the organisation to do so. Suspension in these circumstances does not constitute disciplinary action and does not make any judgement of guilt; suspension will be on full pay.

4.4 Next Steps

As soon as possible following the conclusion of the investigation, the organisation will inform the employee suspected of bullying or harassment as to the outcome. The organisation will decide at that point whether or not it is appropriate to instigate disciplinary action against the employee. Any disciplinary proceedings will, where possible, be conducted by a different manager from the person who conducted the investigation and all meetings and hearings will be conducted in line with the Disciplinary Policy.

If an investigation finds that no formal action is required, appropriate steps will be taken to re-establish positive working relationships.

5. Appeal process

The employee will have a right to appeal against any disciplinary action taken; this is covered under the Appeal Policy section.

6. Link to other policies

Diversity, Equality and Inclusion Policy
Disciplinary Policy
Grievance Policy
Whistleblowing Policy
Appeal Policy
Social Media Policy

7. Further Information and Support

This policy is compliant with the following legal frameworks:-

- Employment Rights Act 1996
- Equality Act 2010

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- Protection from Harassment Act 1997

If you need more information about this policy or need support in using it, please contact your local HR representative.

The Employee Assistance Programme (LifeWorks)

Unite Students' understands that balancing everyday life together with the requirements of work and home can create pressures for all of us. To assist our employees in achieving this balance, Unite Students' have put an Employee Assistance Programme (EAP) in place. Our EAP is provided by LifeWorks, an independent external organisation, who works to a robust professional code of strict confidentiality.

LifeWorks provide a 24/7, 365 days a year telephone support line to help all employees who need support. The 24/7 telephone support line from LifeWorks provides access to a range of information and services including (but not exhaustive):

- Childcare
- Eldercare
- Legal advice (*the EAP will not provide employment law advice*)
- Tax advice
- Medical information
- Stress management
- Referral to serious illness and accident support
- Structured telephone counselling
- Face to face counselling

The support telephone line is also available to an employee's partner and any dependents in full time education between the ages of 18-24 can also access some parts of the support line.

In addition to the telephone support line, all employees have access to a range of engaging and useful online tools aimed at promoting general health and wellbeing.

These include:

- Emotional support
- Fitness advice (including video demonstrations)
- Personal coaching tools
- Health assessment
- Medical information
- Weight loss advice
- How to deal with aches and pains particularly back pain



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How do I access it?

- Employees can call: 0800 169 1920 - 24 hours a day, 7 days a week, 365 days a year.
- Outside of UK employees can call: +44 141 533 8293 (calls from abroad will be charged).
- Employees can access online via an employees LifeWorks account at <https://unite.lifeworks.com/feed>. You will need your individual LifeWorks username and password to log in.
- You can also download the LifeWorks app, just search 'LifeWorks'

Health Assured provide an additional service for employees that are absent from work due to stress, anxiety or depression. In these instances, an immediate referral can be made for a 30-minute consultation with an Occupational Health Nurse who can signpost the employee to any further useful resources. The aim of this is to provide support to the employee and enable the employee to have access to useful information at the earliest possible stage.

If you need more information about this policy or need support in using it, please contact your local HR representative.

Appendix 1: List of behaviours that may constitute inappropriate behaviour

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Below is a list of the kinds of behaviour that can constitute bullying or harassment. This list is not exhaustive.

- spreading malicious rumours, outing someone at work, speculating about someone's sexual orientation or gender identity with other work colleagues or insulting someone (particularly on the grounds of age, race, sex, disability, sexual orientation and religion or belief)
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities
- Offensive terminology, cracking jokes or banter, relating to age, race, sex, disability, sexual orientation and religion or belief e.g. suggesting that an older person's physical or mental faculties may be declining on account of their age

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BETTER

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RIGHT

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THROUGH

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