



The Bishop's Palace  
WELLS · SOMERSET

# ANTI-HARASSMENT AND BULLYING POLICY

## 1. POLICY STATEMENT

- 1.1 The aims of this policy are to ensure that all staff are treated, and treat others, with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.
- 1.2 This policy covers harassment or bullying that occurs both in and out of the workplace, such as on business trips or at events or work-related social functions. It covers bullying and harassment by staff and also by third parties such as customers, suppliers or visitors to our premises.
- 1.3 Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.
- 1.4 We will take allegations of harassment or bullying seriously and address them promptly and confidentially where possible. Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.
- 1.5 This policy does not form part of any employee's contract of employment and it may be amended at any time. We may also vary elements, such as any time limits, as appropriate in any case.

## 2. WHO IS COVERED BY THIS POLICY?

- 2.1 This policy applies to all employees, directors and other officers, workers and agency workers, volunteers and interns.
- 2.2 We also require in any contracts with self-employed consultants or contractors that they comply with this policy. We will ensure they are given access to a copy.
- 2.3 All individuals covered in sections 2.1 and 2.2 are referred to as 'staff' in this policy.

## 3. WHO IS RESPONSIBLE FOR THIS POLICY?

- 3.1 All managers have a specific responsibility to operate within the boundaries of this policy, ensure that all staff understand the standards of behaviour expected of them, and to take action when behaviour falls below its requirements.
- 3.2 Individual members of staff may, in some cases, be legally liable for harassment of colleagues or third parties including customers, and may be ordered to pay compensation by a court or employment tribunal.
- 3.3 Staff should disclose any instances of harassment or bullying of which they

become aware to their manager.

## 4. WHAT IS HARASSMENT?

- 4.1 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 4.2 A single incident can amount to harassment. It also includes pursuing a course of conduct that you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 4.3 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 4.4 Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.
- 4.5 Harassment may include, for example:
  - a) unwanted physical conduct or 'horseplay', including touching, pinching, pushing, grabbing, purposely brushing past someone, invading their personal space, and more serious forms of physical or sexual assault,
  - b) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it,
  - c) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome,
  - d) sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet),
  - e) offensive or intimidating comments or gestures, or insensitive jokes or pranks,
  - f) mocking, mimicking or belittling a person's disability,
  - g) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender,
  - h) outing or threatening to out someone as gay or lesbian,
  - i) ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity, or
  - j) offensive emails, texts or social media content.
- 4.6 A person may be harassed even if they were not the intended 'target'. For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

## 5. WHAT IS BULLYING?

- 5.1 Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce

through fear or intimidation.

- 5.2 Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- a) shouting at, being sarcastic towards, ridiculing or demeaning others,
  - b) physical or psychological threats,
  - c) overbearing and intimidating levels of supervision,
  - d) inappropriate and/or derogatory remarks about someone's performance,
  - e) abuse of authority or power by those in positions of seniority, or
  - f) deliberately excluding someone from meetings or communications without good reason.
- 5.3 Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

## **6. PREVENTING SEXUAL HARASSMENT**

- 6.1 We have a legal duty to take reasonable steps to prevent sexual harassment of our staff in the course of their employment.
- 6.2 Sexual harassment in the course of employment includes sexual harassment by third parties our staff may encounter while doing their jobs, including clients, customers, contractors, visitors and members of the public.
- 6.3 We will take a proactive approach to preventing sexual harassment of our staff and prioritise our actions based on our assessment of risks.
- A) ASSESSMENT OF THE RISKS OF SEXUAL HARASSMENT**
- 6.4 We will consider all aspects of our operations and include assessment of the risks of sexual harassment alongside our regular Health and Safety risk assessments.
- 6.5 We have identified the following as priority areas in which our staff face the greatest risk of being subject to sexual harassment:
- a) When working alone;
  - b) When visiting customers' or suppliers' premises;
  - c) At work-related social events;
  - d) When travelling for work;
  - e) When serving customers or suppliers;
  - f) When meeting visitors.
- B) ACTIONS TO MITIGATE RISKS**
- 6.6 There is no "one-size-fits-all" approach to preventing sexual harassment; the actions we take following our risk assessments will be proportionate and appropriate.
- C) REPORTING INCIDENTS OF SEXUAL HARASSMENT**
- 6.7 All staff who are subject to sexual harassment, or who witness incidents they perceive to be sexual harassment, are encouraged to report these incidents to management.
- 6.8 We will maintain a register of sexual harassment incidents. We will regularly

review these reports to help us identify and act upon problem or high-risk areas

**D) ONGOING AWARENESS AND TRAINING**

6.9 We will ensure all staff receive appropriate training both at the induction stage and regularly during their employment.

6.10 Training will include elements on their own behaviour; reporting obligations; and tackling sexual harassment

**E) MANAGEMENT ACCOUNTABILITY AND REVIEW**

6.11 Senior management are responsible for the implementation and ongoing review of our policy on preventing sexual harassment.

## **7. IF YOU THINK YOU ARE BEING HARASSED OR BULLIED**

7.1 If you think you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to your manager, who can provide confidential advice and assistance in resolving the issue formally or informally.

7.2 If informal steps are not appropriate, or have not been successful, you should raise the matter formally under our Grievance Procedure.

7.3 We will investigate complaints in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint, where possible. We will consider whether any steps are necessary to manage any ongoing relationship between you and the person accused during the investigation. Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

7.4 Once the investigation is complete, we will inform you of our decision. If we consider you have been harassed or bullied by an employee, the matter will be dealt with under the Disciplinary Procedure as a case of possible misconduct or gross misconduct. If the harasser or bully is a third party, such as a customer or other visitor, we will consider what action would be appropriate to deal with the problem. Whether or not your complaint is upheld, we will consider how best to manage any ongoing working relationship between you and the person concerned.

## **8. WITNESSING HARASSMENT OR BULLYING**

8.1 We also want to encourage a culture where bullying or harassment is not ignored or accepted. If you believe you have witnessed this sort of behaviour, please take action. This might include giving support to the victim and encouraging them to take action, informally challenging the person showing the unacceptable behaviour, informally mediating between the parties, or reporting the incident to your manager.

## **9. PROTECTION AND SUPPORT FOR THOSE INVOLVED**

9.1 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

9.2 If you believe you have suffered any such treatment you should inform your manager. If the matter is not resolved, you should raise it formally using our

Grievance Procedure.

- 9.3 Anyone found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure.

## **10. CONFIDENTIALITY AND DATA PROTECTION**

- 10.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a 'need to know' basis.
- 10.2 Information about a complaint by or about an employee may be placed on the employee's records, along with a record of the outcome and any notes or other documents compiled during the process. These will be processed in accordance with our policies on data protection.
- 10.3 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

## **11. MONITORING AND REVIEW OF THE POLICY**

- 11.1 We will continue to review the effectiveness of this policy to ensure it is achieving its stated objectives.