



## **Anti-harassment and Anti-bullying policy**

### **Introduction**

We believe that having a culture that is diverse, equitable and inclusive is fundamental to TCF's working environment and the support we offer. You can read more about this in our Diversity, Equity and Inclusion (DEI) policy.

We aim to eradicate bullying or harassment at work and throughout our organisation. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment, and how we support those affected.

This policy does not form part of a contract of employment or volunteer agreement and we reserve the right to amend or withdraw it at any time.

### **Scope**

This policy applies to anyone working or volunteering for us. This includes employees, volunteers, trustees and contractors. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

### **Our commitment**

We are committed to promoting a working and volunteering environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.

We therefore adopt a zero-tolerance approach to instances of bullying or harassment.

### **What we expect**

We expect you, and every one of our staff, volunteers and trustees, to take personal responsibility for observing, upholding, promoting and applying this policy. Whatever your job or volunteering role is, this is part of your role.

Any contact you have with third parties, including beneficiaries, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.

If any individual is found to have committed, authorised or condoned an act of bullying or harassment, we will take action against them under our Disciplinary procedure, up to and including dismissal.

You should be aware that you can be personally liable for harassment.

If you experience bullying or harassment, we encourage you to speak up without delay and to ask for appropriate support.

## **Who is protected from harassment?**

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- sexual orientation; and
- age

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, we consider harassment on any grounds to be unacceptable.

## **Meaning of harassment**

Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur where someone perceives another person to have a protected characteristic, for example a perception that someone is transgender even if they are not.

Harassment can also arise by association, where someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

## **Examples of harassment**

Harassment can occur in many forms, and can take place either at work or when volunteering. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are sexist, racist, ageist, transphobic, homophobic or derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;
- derogatory comments about pregnancy, maternity leave or IVF treatment;
- mimicking or making fun of someone's disability;
- derogatory or offensive comments about religion;

- unwelcome comments about someone's appearance or the way they dress that is related to a protected characteristic;
- "outing" (ie revealing their sexual orientation against their wishes), or threatening to "out", someone;
- consistently using the wrong names and pronouns following the transition of a person's gender identity;
- displaying images that are racially offensive; and
- excluding or making derogatory comments about someone because of a perceived protected characteristic, or because they are associated with someone with a protected characteristic.

### **Meaning of sexual harassment**

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

### **Examples of sexual harassment**

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- showing or sending offensive or pornographic material by any means (eg by text, video clip, email or by posting on the internet or social media);
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures; and
- gossip and speculation about someone's sexual orientation or transgender status, including spreading malicious rumours.

### **Bullying**

TCF regard bullying as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful.

### **Examples of bullying**

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.

It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

### **Microaggressions**

Microaggressions are statements, actions, or incidents that are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group such as a racial or ethnic minority. Microaggressions generally take one of three forms:

- **Micro-assaults:** Conscious and obvious insults made verbally or non-verbally to a marginalised individual or group
- **Micro-insults:** Unintentionally insensitive remarks or assumptions based on stereotypes
- **Micro-invalidations:** Where a person denies, or seeks to cancel, the feelings and lived experiences of a marginalised individual or group,

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellbeing of the person experiencing them.

### **What to do if you are being bullied or harassed**

#### **Informal route**

##### ***Bully/harasser is a colleague***

As a first resort, you may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is offensive.

Alternatively, if you do not feel up to speaking directly to the individual, you may consider asking your manager or a colleague for support.

You may or may not want them to talk to the individual on your behalf and, where possible, we will respect your wishes. However, if the welfare or safety of you or others is at risk or where your allegations are particularly serious, we may have to approach the individual and instigate a formal investigation.

##### ***Bully/harasser is a third party***

If you are experiencing bullying or harassment by a third party, for example a client or a supplier, we encourage you to report this to your manager without delay so that they can advise and support you on the best course of action.

### **Formal route**

If you are not happy with the outcome of an informal process, or if you feel it is not appropriate to approach the issue informally, you may decide to raise it formally.

To make a formal complaint, you should discuss this first with your line manager. If your complaint is about your line manager, you should raise this with the CEO or a trustee.

While you can raise a formal complaint of bullying or harassment under our Grievance procedure, you may prefer to do so under this policy because it is specifically aimed at dealing with such issues.

We will investigate fully every formal complaint in an objective and confidential way, while also ensuring that we respect your rights as well as the rights of the alleged bully/harasser.

We will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, we may need to adjust the procedure under this policy to ensure we conduct appropriate investigations, and we will discuss this with you.

### **Appeals**

If you are not satisfied with the outcome of the formal investigation, you have the right to appeal.

### **Support for those affected or involved**

We understand that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and we will do what we can to support you.

If you feel you cannot continue to work in close contact with the alleged bully/harasser, we will consider seriously any requested changes to your working or volunteering arrangements during our investigation into the matter.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If you feel you have suffered such victimisation, please inform your line manager as soon as possible.

Regardless of the outcome of your complaint, we will consider carefully how to best approach any ongoing working relationship between you and the individual concerned. For example, depending on the specific circumstances, we may consider amending the job duties or volunteering roles, location or reporting lines of either you or the other person. Alternatively, we may decide workplace mediation or counselling is appropriate.

## **Sensitivity and confidentiality**

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If you are found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, we may take disciplinary action against you up to and including dismissal (or other appropriate action for volunteers or trustees).

## **Consequences of breaching this policy**

If, following a formal investigation, we find that an individual has committed, authorised or condoned an act of bullying or harassment, TCF will deal with the issue as a possible case of misconduct or gross misconduct.

## **Training**

It is intended that staff, trustees and volunteers complete diversity, equity and inclusivity training as part of their onboarding programme and annually thereafter.

## **Data Protection**

TCF process personal data collected in relation to bullying or harassment complaints in accordance with our data protection policy. In particular, data collected in relation to the investigation of bullying or harassment complaints is held securely and accessed by, and disclosed to, individuals only for the purposes of responding to the complaints and conducting an investigation.

## **Revision history**

<b>Version</b>	<b>Type (e.g., replacement, revision etc...)</b>	<b>Date</b>	<b>History (reason for changes)</b>
1	NEW	20/01/2024	

## **Monitoring and review**

Trustees review data around allegations of bullying or harassment on an ongoing basis to assess the impact of this policy and our wider diversity, equity and inclusion strategy.

This policy will be reviewed by the TCF every 3 years.