

THREE BOROUGHES HOUSING CO-OPERATIVE

Bullying & Harassment Policy

1. Introduction

Three Boroughs Housing Co-operative has a zero tolerance approach to bullying and harassment and is fully committed to the elimination of all forms of discrimination, harassment, victimisation and bullying. The Co-operative recognises that individual or cumulative acts can seriously undermine a person's dignity and confidence and have a negative effect on their job performance and/or general happiness.

The purpose of this policy is to ensure that all individuals are treated with dignity and respect. This means freedom from behaviour that can be interpreted as bullying or harassment or that causes offence, and access to redress if such behaviour does arise.

The Co-operative has a duty to implement this policy and all employees and Co-operative Members are expected to comply with it. Anyone found to have engaged in bullying or harassment will be subject to disciplinary or appropriate action.

2. Definitions under the Policy

2.1 Harassment

Behaviour can constitute harassment where it violates the dignity of the individual or where it creates an intimidating, hostile, degrading, humiliating or offensive environment on the grounds of one or more of the protected characteristics set out in the Equality Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation. The following are examples that illustrate such conduct, though the list is not exhaustive:

- Jokes about protected characteristics.
- Use of offensive names.
- Use of offensive or insensitive stereotypes.
- Verbal abuse based on a protected characteristic.
- Circulation or display of offensive material based on a protected characteristic.
- Deliberate actions designed to hinder an individual's ability to undertake their duties because of a protected characteristic.

2.2 Sexual harassment

Sexual harassment is conduct directed towards an individual which is of a sexual nature, or which is based on their gender, and which is regarded as unwelcome or offensive to the recipient or a witness. The following are examples that illustrate such conduct, though the list is not exhaustive:

- Unwanted physical contact.

- Conduct which is intimidating, or physically or verbally abusive.
- Jokes that are based on sexual or gender issues.
- Non-verbal conduct such as staring or gestures.
- Patronising remarks.
- Suggestions that sexual favours may further a person's career, or that refusal may hinder it.
- Sexual advances, propositions, suggestions or pressure for sexual activity at or outside work.

2.3 Bullying

Bullying may not be because an individual has a protected characteristic, but because the individual has been singled out for treatment which is unwanted and makes someone feel intimidated, degraded, humiliated or offended. The following are examples that illustrate such conduct, though the list is not exhaustive:

- Limiting or withdrawing verbal communication
- Isolating a colleague by unfriendly behaviour
- Behaviour designed to belittle or produce anxiety
- Unreasonable scrutiny of work
- Unreasonable criticism of work
- Humiliation in front of others
- Ignoring or cutting out individuals at meetings
- Setting unrealistic targets or workloads
- Removing areas of responsibility
- Inflicting menial tasks
- Unreasonable denial of leave and/or special leave requests
- Unreasonable denial of requests for flexible working
- Social activities that deliberately exclude an individual
- Insults, jokes or inappropriate humour at the expense of an individual

2.4 Victimisation

Victimisation is when an individual is treated unfairly or differently (or subject to the behaviours listed in the above section) because they raised a complaint of discrimination or aided someone who did. An individual may suffer victimisation because someone believes they have made a complaint - even if they have not.

3. Procedure for cases of bullying and harassment

It is recognised that being the subject of discrimination, harassment, victimisation and bullying and making a complaint can be extremely distressing. It can also be very distressing to be accused of harassment or bullying.

It is important that anyone who feels they have been subject to bullying or harassment keeps a record of the details of each incident. The note should be made as soon as possible after the incident and should include:

- The date, time and place of incident/s
- The name of the alleged harasser or bully

- The nature of the alleged harassment or bullying
- How the behaviour made the person feel
- The names of any witnesses
- Whether any action was taken, including whether the incident was reported
- What outcome the complainant is seeking

3.1 Stage 1 – Informal resolution (not compulsory)

It is recommended that individuals try to resolve the issue informally in the first instance if this is appropriate, but an informal stage is not compulsory.

As soon as possible after an individual considers that an incident of bullying or harassment has occurred, and only if the person feels confident to pursue an informal resolution, they should make it clear to the offender(s) that the behaviour is unwelcome and ask the offender(s) to stop behaving in this way.

The individual is also encouraged to raise the issue with a neutral member of the Management Committee or with a member of the Worker Support Group (if an employee) at their discretion as a confidential helper.

Outcomes

If the behaviour stops after the individual has raised the issue, the situation should be kept under review. The individual should keep a record of the incident and any further incidents.

When an informal complaint is made to a member of the Worker Support Group or Management Committee Member, it should be established what outcome the complainant is seeking. If appropriate, and with the agreement of the complainant, the person receiving a report of harassment or bullying may approach the alleged perpetrator to discuss the complaint with them. The alleged perpetrator should be advised an informal complaint has been received and they should be given the opportunity to respond. The alleged perpetrator may be unaware their behaviour was causing offence and will undertake to stop it and also give an apology to the complainant. The situation should be kept under review.

3.2 Stage 2 – Making a formal complaint

If an individual wishes to make a formal complaint, this should be put in writing to a Member of the Management Committee, who will bring it the attention of the full Committee. The letter should state the dates, times and nature of incidents. Individuals should be provided with a copy of this policy and advised that once a formal complaint is made, the circumstances will be investigated and the appropriate action taken.

If an individual brings a complaint of harassment or bullying, they will not be victimised for having brought the complaint.

3.2.1 Investigating Responsibilities

All complaints will be investigated by an Investigating Panel, consisting of two members of the Management Committee and a third Co-operative Member. The composition of the panel must meet the requirements outlined in section 6 (Impartiality).

3.2.2 Investigation

Step 1 - initial response

The Investigating Panel should consider whether action needs to be taken whilst the matter is being investigated to relieve the stress and pressure on one or both parties. This may involve temporary measures to limit interaction between the parties, where feasible, or in the case of an employee, suspension with contractual pay until the matter is resolved.

The person against whom the complaint is made should be informed at the outset of the complaint made against them.

All those involved in the investigation will be expected to act in confidence and any breach of confidence will be treated as a disciplinary matter.

Step 2 - meeting with the complainant

The Investigating Panel will invite the complainant to attend a meeting at a reasonable time and location to discuss the matter and take a detailed written statement of the incident. The complainant has the right to be accompanied at such a meeting by a trade union representative or relevant person. The complainant should be given the opportunity to nominate witnesses whom they wish to be interviewed.

Step 3 - meeting with the person against whom the complaint has been made

The person against whom the complaint has been made will be invited to attend a meeting at a reasonable time and location to discuss the matter and to give a written statement. The person has the right to be accompanied by a trade union representative or relevant person and should be given the opportunity to nominate witnesses whom they wish to be interviewed.

The purpose of the meetings is to establish the facts and they are not to be taken as a disciplinary hearing of any sort. All those giving information to the investigator/s will do so privately and not in the presence of any other person involved or present during the alleged incidents.

Step 4 - consideration of information

Having obtained all the information possible, the Investigating Panel will review the material and decide whether the complaint appears to be substantiated.

Step 5 - outcome

On conclusion of the investigation and within ten days of the final meeting, the decision of the Investigating Panel detailing the findings and any proposed action will be sent, in writing, to the complainant and to the alleged perpetrator.

The Investigating Panel can make recommendations on what action should be taken, which can include:

- No action as the allegation was not substantiated.
- Setting up arrangements to monitor the situation.
- Facilitating written or verbal apologies from the alleged perpetrator.
- Arranging attendance on training courses (such as disability, cultural awareness).
- Initiating disciplinary proceedings (as per the Co-operative's Disciplinary Procedure).

In all cases, it will be standard practice to follow up with the complainant after one month after the conclusion of the investigation.

4. Right to Appeal

If an individual is unhappy with a decision taken at any stage of the formal procedure, they have the right to appeal and must do so within five days of the written confirmation of the decision issued at any stage of the formal procedure. Any documents submitted in support of the appeal should be attached. Appeal hearings will focus on the specific issues which the individual feels have received insufficient consideration and any new evidence which was not available at the time of previous meetings. The format of an appeal hearing will be the same as that followed for a Disciplinary Hearing (as set out in the Disciplinary Procedure).

If employees wish to exercise this right, they should apply to the Chair or if the Chair has been involved in an earlier stage of the procedure to the Vice-Chair or any previously uninvolved Member of the Management Committee). After the meeting, the Chair, or appointed Member, will provide the individual with a decision in writing, normally within five working days. This decision is final.

If the party accused of harassment or bullying wishes to appeal against the findings, they may take out their own grievance using the Co-operative's Grievance Procedure.

5. Record of hearings and events

At each hearing, a panel member will be nominated to take notes of the hearing. With the agreement of all parties, an audio recording may be made for the purposes of minuting proceedings.

It is imperative that a detailed chronology and accurate records of all file notes, correspondence and evidence is kept on the files of the relevant individuals, as cases of harassment may not be fully resolved and may re-emerge at a future date.

6. Confidentiality and Impartiality

All those involved in a bullying and harassment case, in any capacity, are expected to treat the matter in the strictest confidence.

In a small organisation, it is recognised that conflicts of interest may arise and close personal relationships may contribute to bias in decision making. Care will therefore be taken when addressing matters of bullying or harassment that panels are formed of impartial persons, not party to the complaint, and appeal hearings are composed of those who did not take part in the original hearing.

The individual under investigation will have the right to object to the inclusion of one member of the Investigating Panel and the right to nominate an impartial replacement.

7. Policy Review

The policy will be regularly reviewed to ensure it reflects best practice and to address legislative, regulatory or operational changes.

Approved by the Management Committee on	8th June 2022
Signed	
Position of Signatory	
For review on	8th June 2027