

CTF Anti-harassment and bullying policy

1. The Equality Act 2010 prohibits harassment 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. For more information see the Federation's Equality Policy.
2. The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
3. Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work.
4. Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties including clients, and may be ordered to pay compensation by a court or employment tribunal.
5. The Federation is committed to protecting the dignity of staff, and all members of the Federation's community in their work and their interactions with others.
6. The Federation recognises that to work effectively staff need an environment in which they are respected and valued for their contributions.
7. The Federation recognises its duty of care to staff, students, and all other members of its community. Inappropriate behaviour can result in stress and stress-related illness. All staff, and especially those who have responsibility for other members of staff, share this duty of care. The Federation therefore expects all members of its community to treat each other with respect, courtesy and consideration at all times. All members of the Federation's community have the right to expect professional behaviour from others, and have a corresponding responsibility to behave professionally towards others.
8. All forms of harassment including bullying are inappropriate and prejudice dignity at work. Harassment may include, in certain circumstances, off-duty conduct. All forms of victimisation are also inappropriate.
9. If any member of staff feels uncomfortable as a result of the behaviour of another member of the Federation's community, frequently the best resolution is by means of an open and honest discussion, with support if necessary. Support can be provided from within the Federation or by trained mediators, and the Registrar (or The Federation President if it is not appropriate to approach the Registrar) can advise on how to approach a particular problem.
10. If difficulties cannot be resolved informally, the policy provides for a formal complaints procedure. Any complaints made about harassment, bullying or other inappropriate behaviour will be investigated thoroughly and without delay, according to the approved procedures.

What is harassment?

11. 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. A single incident can amount to harassment.
12. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

13. 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.
14. Harassment may include, for example:
- unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
 - 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;
 - continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
 - 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);
 - offensive or intimidating comments or gestures, or insensitive jokes or pranks;
 - mocking, mimicking or belittling a person's disability;
 - racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
 - outing or threatening to out someone as gay or lesbian; or
 - ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.
15. 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 they create an offensive environment.

What is bullying?

16. 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.
17. Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:
- shouting at, being sarcastic towards, ridiculing or demeaning others;
 - physical or psychological threats;
 - overbearing and intimidating levels of supervision;
 - inappropriate and/or derogatory remarks about someone's performance;
 - abuse of authority or power by those in positions of seniority; or
 - deliberately excluding someone from meetings or communications without good reason.
18. 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.

19. Staff should disclose any instances of harassment or bullying of which they become aware to the Registrar.

Procedure

Informal Steps

20. If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. 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 the Registrar, who can provide confidential advice and assistance in resolving the issue formally or informally.
21. If it is not possible to resolve the difficulty informally to your satisfaction, you may be asked to consider entering into a mediation process. A conciliator, who is acceptable to you and the person responsible for making you feel bullied or harassed, will normally be nominated by the Registrar within 10 working days of receiving the approach. The conciliator should meet with you to start the process and begin to seek a resolution as quickly as possible, normally within 10 working days; the normal expectation would be that the resolution would be achieved within a further 10 working days.
22. By agreement these time limits may be extended to meet particular circumstances.
23. You and the person responsible for making you feel bullied or harassed are both entitled to be supported by a colleague, or an adviser in working towards a resolution, although should mediation be agreed as the way forward the presence of supporters may not be appropriate; however this should be decided by agreement between the parties.
24. Everyone involved in the process must maintain appropriate confidentiality. If for any reason the process does not seem to be working, or is taking an unacceptably long time to achieve a resolution, either party may withdraw from the process. In this case it is likely that a formal complaint and investigation would follow.
25. There are other possible routes to a resolution, such as the intervention of mediators external to the Federation, and the conciliator may recommend this where appropriate. The Registrar or The Federation President can initiate the mediation process. To enter into mediation requires the agreement of both parties and either party may withdraw at any stage in the mediation process.

Formal complaint procedure and investigation

26. If neither personal action nor informal resolution succeeds in resolving the situation or if, for whatever reason, you choose not to use one or other of them, you may make a formal written complaint to the Registrar or if this is not possible in the circumstances, to the President of the Federation.
27. Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.
28. As a general principle, the decision whether to progress a complaint is up to you. However, the Federation has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, the Federation considers it appropriate to do so.

Formal Investigations

29. The Federation will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience and no prior

- involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.
30. The Federation will arrange a meeting with you, usually within 10 working days of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.
 31. Where your complaint is about an employee, the Federation may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require. The investigator will also meet with the alleged harasser or bully .who may also be accompanied by a colleague or trade union representative of their choice to hear their account of events. They have a right to be told the details of the allegations against them, so that they can respond.
 32. Where your complaint is about someone other than an employee, such as a student, applicant, contractor, client, service user, supplier, or visitor, the Federation will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, the Federation will attempt to discuss the matter with the third party.
 33. The Federation will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example, you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.
 34. It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.
 35. At the end of the investigation, the investigator will submit a written report to the Management Committee. A member of the Management Committee will arrange a meeting with you, usually within 10 working days of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. A copy of the report and the Management Committee's findings will be given to you and to the alleged harasser.

Action by the Management Committee

36. If the Management Committee considers that harassment or bullying has occurred, prompt action will be taken to address it.
37. Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under the Federation's Disciplinary Rules and Procedure.
38. Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.
39. Whether or not your complaint is upheld, the Federation will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties. If either party does not accept the findings, they may invoke the relevant grievance procedure.

40. 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 the Federation's Disciplinary Rules and Procedure.

Appeals

41. If you are not satisfied with the outcome you may appeal in writing to the Federation President, stating your full grounds of appeal, within 10 working days of the date on which the decision was sent or given to you.
42. The Federation will hold an appeal meeting, normally within 10 working days of receiving your written appeal. Where possible, this will be dealt with impartially by a member of the Management Committee who has not previously been involved in the case (although they may ask anyone previously involved to be present) and if this is not possible a member of the Federation Governing Council. You may bring a colleague or trade union representative to the meeting.
43. The Federation will confirm its final decision in writing, usually within 10 working days of the appeal hearing. This is the end of the procedure and there is no further appeal.

Protection and support for those involved

44. 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.
45. If you believe you have suffered any such treatment you should inform the Registrar. If the matter is not remedied you should raise it formally using the Federation's Grievance Procedure or this procedure if appropriate.
46. 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 the Federation's Disciplinary Rules and Procedure.

Confidentiality and data protection

47. 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.
48. Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.
49. Breach of confidentiality may give rise to disciplinary action under the Federation's Disciplinary Rules and Procedure.

Timescales

50. A complainant should make a complaint in a timely fashion, and once a complaint is made it must be investigated promptly. Normally a complaint should be made at the very earliest opportunity after the incident or the most recent occurrence of on-going behaviour complained against. There may be cases in which a complaint is unavoidably delayed. Bullying or harassment can have a serious effect on people and a complainant may not feel able to make a complaint without initial support or counselling. It is recognised nevertheless that a complaint made after a significant time lapse may put a strain on the person complained against and it may make an informal resolution impossible. A delay is therefore not to be recommended and any delay that has to occur should be kept as short as possible.

Further Information

51. The ACAS leaflet *Guidance for Employees: Bullying and Harassment at Work*: provides further information about these issues. <http://www.acas.org.uk/>