

Issue Date	20 th August 2021 – awaiting board approval
Review Date	June 2024
Lead Officer	Resources Manager

CORNWALL NEIGHBOURHOODS FOR CHANGE

ANTI-BULLYING AND ANTI-HARASSMENT POLICY AND PROCEDURE

1. Purpose of this Policy

CN4C is committed to creating a positive and safe working environment for its staff in line with its core values. Everyone has the right to be treated with respect and dignity in the workplace, irrespective of their level, status or position within the organisation. CN4C has set clear standards of behaviour which it communicates to all staff. On the whole, staff within the organisation maintain high standards of professional conduct.

If any staff member believes that they are not being treated with respect in accordance with the Staff Code of Conduct, they have the right to challenge such behaviour and/or to raise a complaint. All staff are encouraged to challenge unacceptable behaviour. Bullying and Harassment negatively impacts on the well-being, morale and creativity of not only individuals experiencing such behaviour, but on the organisation as a whole.

Bullying and Harassment, whether perpetrated by colleagues, project partners or beneficiaries, will not be tolerated. All allegations will be treated seriously and sensitively. They will be investigated promptly, and a speedy resolution sought. Appropriate action, which may include disciplinary action, will be taken where an allegation of bullying and harassment has been upheld. Confidentiality will be maintained throughout the process.

This policy aims to: -

- Encourage early and speedy resolution of complaints of bullying and harassment.
- Encourage professional behaviour and a productive working environment.
- Emphasise informal resolution and empowering individuals to effect positive change.
- Educate and develop our workforce to challenge and tackle bullying and harassment.
- Ensure that all parties concerned are treated fairly.

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2. Links to other policies

Equality and Diversity
 Complaints Procedure
 Grievance Procedure
 Disciplinary Procedure
 Ethical Framework

3. Delegated Responsibilities and Authority

CN4C

CN4C is responsible for taking all reasonable practical steps to promote dignity and to prevent and eliminate all forms of bullying and harassment. CN4C will ensure that all Managers and staff are aware of CN4C's policies and understand what standards of behaviour are expected.

CN4C is also responsible for ensuring that all Managers and staff know how to deal with bullying and harassment when it occurs. CN4C has therefore produced procedures, including appropriate support, for staff who are subject to harassment or bullying.

Managers

Managers have a responsibility to familiarise themselves with the policy and procedures and ensure that they are distributed and understood by all staff.

Managers must not underestimate the effect on the individual's feelings. They must maintain confidentiality and deal effectively and speedily with any incidence of bullying and harassment between staff brought to their attention.

Staff

All staff are responsible for promoting a positive working environment free from bullying and harassment.

Each staff member is expected to ensure that his or her own conduct is in accordance with this policy and all linked policies, listed above.

Staff are encouraged to uphold the policy by challenging and discouraging offending behaviour and supporting colleagues who are experiencing bullying and harassment.

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Witnesses

Anyone named as a witness will be expected to co-operate at all stages of the procedure. In particular, they are expected to provide their statements in a timely manner and make themselves available to attend meetings in order to facilitate the case proceeding in accordance with the timescales set out in this procedure.

Confidentiality

All parties involved need to respect confidentiality at all times. Information must not be shared with anyone except those directly involved, and any management staff that are required to be involved. This does not preclude a confidential consultation with a friend, colleague or representative for support.

The Role of the Resources Manager

The Resources Manager will provide guidance to Strategic Management Team to enable them to advise managers and staff on the operation of the Bullying and Harassment Policy.

This will include advice on how to initiate and investigate the complaint; assess the evidence and take appropriate action to remedy the situation.

The Resources Manager will also:

- Maintain a list of trained and experienced people able to assist Heads of Service in the investigation of complex or sensitive complaints
- Maintain a list of qualified and experienced external consultants able to assist Heads of Service in the investigation of complaints
- Monitor the operation of the procedure to ensure consistency across CN4C, and offer suggestions and advice to managers, where appropriate
- Produce an annual report on the implementation of the Policy. The numbers and the nature of complaints will be reported. Any further necessary action, resulting from monitoring, will be considered accordingly.

This policy and procedure will be reviewed on a regular basis.

This policy applies to all staff, including temporary staff and volunteers who are expected to comply with the standards of behaviour set out in the policies mentioned above.

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4. WHAT IS BULLYING AND HARASSMENT

Bullying is:

“Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power, position or knowledge to criticise, humiliate and undermine the competence, effectiveness, confidence and integrity of a subordinate or colleague.”

Examples of such behaviour include:

- Shouting at employees/colleagues in public places
- Personal insults and name calling
- Persistent criticism and public humiliation
- Setting objectives with impossible deadlines
- Removing areas of responsibility and status
- Blocking a person’s promotion

Bullying can take other forms and some items raised as harassment or intimidation or aggressive management may, upon investigation be considered bullying.

Harassment, in general terms, is:

“Unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, sexual orientation, race, disability, religion, national or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.”

Other examples of bullying and harassment can be found on the ACAS website at www.acas.org.uk.

5. PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT

Attempts should be made to resolve any complaints informally and confidentially with the person(s) concerned wherever possible. Serious incidents should be reported to the relevant Head of Service and the Resources Manager for formal progression. Serious incidents will include verbal or physical abuse and will be dealt with under the disciplinary procedure.

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If a staff member is concerned about a colleague's behaviour towards them and feel that they are being unfairly treated, the staff member should first try to approach the colleague concerned. The complainant should give the other party full and complete details of the complaint to facilitate effective resolution. Research has shown that most issues can be successfully resolved informally between the parties.

This has advantages including:

- Clearing up misunderstandings before the problem becomes difficult to resolve
- Giving the other party concerned a chance to explain their perspective on the issue
- Allowing both parties space to change and to agree a way forward
- Providing speedy and effective solutions
- Positively benefiting the working relationship
- Minimising the stress experienced by the parties and other team members by not prolonging the time taken to resolve the issue
- The matter is kept confidential between the parties concerned
- Reducing the level and length of disruption to working relationships
- Expensive litigation is avoided

Staff should be protected from victimisation after raising concerns or seeking resolution of a genuine complaint whether the complaint is upheld or not. It will be important for those involved to maintain confidentiality.

The other party should be encouraged to be supported at any meetings by a work colleague or representative.

The complainant, in approaching the other party should:

- Explain or describe the behaviour that causes concern
- Explain or describe the way this behaviour makes them feel
- Tell the colleague the changes they would like to see take place.

If the behaviour within the workplace is causing distress, embarrassment or hurt and as a result the staff member does not feel able to approach the colleague or has tried without success to deal with the issue, then in order to proceed with the matter informally they should seek the support of their Line Manager in the first instance, unless their Line Manager is implicated. Support may also be sought from another work colleague or representative.

To support informal resolution mediation may be arranged through the Line Manager and the Resources Manager.

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Mediation and Conciliation

Mediation refers to neutral and objective facilitation by a third party to help the parties communicate with each other and come to an agreement. Conciliation refers to the process once a decision has been made, whether formally or informally, to facilitate the restoration of positive working relationships.

Any of the parties have the right to request the assistance of a mediator to assist in the resolution of issues arising from bullying and harassment.

Both parties must agree to mediation. If any of the parties does not agree to mediation, mediation cannot be used to resolve the issues.

The Resources Manager will ensure that mediators used are trained and experienced to deal with the issues between the parties.

If the parties are able to resolve the matter through mediation, no further action will be taken.

If any of the parties do not agree to mediation, they should state their reasons, in writing, to the other party within five working days of their refusal to participate in mediation. It is recognised that in cases where a staff member is so traumatised by the time they report the issue that mediation may no longer be a suitable option.

Conciliation may be appropriate to help restore working relationships where they have become strained as a result of attempts to resolve the issues.

The Mediator/Conciliator will provide the parties with a written statement outlining the issues addressed and agreed action to be taken by the parties to resolve the issue.

The parties are advised to keep their own notes of the action taken following mediation.

Timescale for Informal Resolution

The parties should attempt to resolve their issues within one month. Where problems are long-standing and mediation is in progress, the issues may take longer to resolve. It is important that the parties feel that progress towards resolution is positive. However, where the parties have not been able to resolve their issues within two months with mediation, any of the parties can refer the matter to the formal procedure.

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If an informal resolution cannot be achieved within the timescales outlined above any of the parties can seek formal resolution under the policy.

Bullying and harassment cases will normally follow the normal general employee relations principle that a case being formally considered under one procedure cannot be switched to another procedure by any of the parties, e.g. a bullying and harassment case cannot be turned into a disciplinary procedure or a formal disciplinary case turned into a bullying and harassment complaint. If a case has been considered fully under one Company procedure, the same case cannot be brought under another Company procedure, unless the facts are substantially different.

The stage at which a case becomes formal needs to be confirmed. The stage at which cases become formal is:

- Discipline: when the employee is advised that either a matter is to be investigated under the disciplinary procedure or a defined stage of the disciplinary procedure is to be initiated
- Sickness: when the employee is advised that their sickness or ill-health is to be considered as part of the formal stage of the Managing Sickness and Ill-Health Procedure
- Grievance: when the relevant manager receives a written notification registering a grievance
- Managing Performance: when the employee is advised that their performance is to be considered under a defined stage of the Capability Policy

If the Manager is reviewing performance, sickness or conduct informally, there is no reason why the investigation of a formal bullying and harassment complaint should not proceed.

If a formal harassment complaint is made while formal action under the above-mentioned formal procedures is being considered, the bullying and harassment case can be lodged but not investigated until the case is completed under the relevant stage of any of the procedures mentioned above.

In exceptional circumstances, where there is evidence of serious concerns of bullying and harassment related to a manager involved in any of the other formal procedures listed above, the case may be postponed pending a preliminary consideration by a Manager not involved with any of these procedures. All interrelated issues concerning both bullying and harassment as well as the disciplinary/performance/sickness/grievance

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should be considered by that Manager before deciding which of the procedures should take precedence.

Similarly, in exceptional circumstances, where there is evidence of serious concern over discipline/performance/sickness/grievance whilst a formal bullying and harassment case is current, the case may be postponed pending a preliminary consideration of the discipline/performance/sickness/grievance issues. This should be done by a manager not involved with any of the procedures. All interrelated issues concerning discipline/performance/sickness and bullying and harassment should be considered by that Manager before deciding which of the procedures should take precedence.

Raising the Formal Complaint

Any claims will of bullying or harassment will be investigated promptly and appropriate disciplinary action taken to eliminate inappropriate behaviour. All complains are treated with sensitivity and are kept as confidential as possible. You are not required to report your complaint to anyone who is the subject of it. For example if your complaint concerns your manager, you can talk to the Resources Manager, However if anyone at work, on company business or at any company sponsored function engages in conduct that makes you feel uncomfortable, we encourage you to tell that person that the conduct is unwelcome, that you find it offensive, and that you request that it stop immediately.

Any complaint should be raised with your Line Manager. If the Line Manager is a party, either as the complainant or the other party, the issues should be brought to the attention of the Line Manager's Manager or the Resources Manager. If both of these Managers are implicated, then the complaint will be referred to a member of the Strategic Management Team.

This Manager will appoint an Investigating Manager from within the organisation, if possible, to investigate the complaint. The Investigating Manager must not have had any previous involvement with the case.

Where a complaint is against a member of the Strategic Management Team the complaint should be referred to the Resources Manager who will find someone appropriate from the Board or an external consultant to investigate the matter.

Formal complaints should normally be made within ten working days of the failure to reach a satisfactory outcome informally or within ten working days of the behaviour causing serious concern where this could not be raised informally. In the case of a series of events, the complaint should be brought within ten working days of the last event,

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unless there is good reason for delay, for example, attempts to resolve the issue with the other party, illness or other good reason.

It is recognised that a person who has experienced bullying or harassment may delay complaining because of the trauma involved; initial disbelief or denial that they are experiencing bullying or harassment; fear of not being taken seriously or of the repercussions; and/or may believe that they can resolve the issues on their own.

Staff are encouraged to seek the support of a manager, colleague or representative to assist them in dealing with the situation at an early stage.

The complainant must provide full written details of the complaint, including full details of attempts to resolve the matter informally and the outcome of any mediation.

The staff member bringing a formal complaint must outline their attempts to resolve the matter informally or give clear reasons for wishing to invoke the formal procedure immediately, except in case of gross or exceptional behaviour on the part of the other party. This must be reported to the Head of Department or appropriate senior manager for consideration under the disciplinary procedure.

Expressly stated intentions to bring a complaint about an incident or series of incidents must be acted upon within ten working days from the date when the intentions were expressed. If the complaint is not raised within this time, the incident or series of incidents giving rise to the expression of intent to make a complaint cannot later be raised, unless good reason can be shown for the delay.

Investigating the Complaint

On receiving the complaint, the Investigating Manager will deal with the matter in a confidential manner and provide reassurance that the issue is being taken seriously.

Deciding the Approach

The Investigating Manager will decide on the most appropriate course of action.

This may include: -

- Deciding that formal investigation is/is not appropriate
- Attempting to resolve the issue between the parties
- Referring the matter to mediation, with the agreement of the parties, if this has not already been attempted

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- Referring the matter to the disciplinary or managing performance procedure
- Instigating a formal investigation of the complaint under the bullying and harassment procedure.

The Investigating Manager will provide the complainant and the other party with a written statement of the way in which the complaint is to be progressed, stating the reasons for the decision within 10 working days from receipt of the complaint.

The Complainant and the other party may appeal against the decision of the Investigating Manager on the way the complaint is to be progressed to the Head of Service, or nominated member of the Senior Management Team. This appeal should be made within ten working days of receipt of the Investigating Manager's decision.

Formal Investigation

If the Investigating Manager decides to investigate the complaint or if this is the decision following the appeal mentioned in above, an Investigating Panel will be set up. If the complaint is progressed under the formal Bullying and Harassment Procedure, the Investigating Manager and Head of Service or member of the Strategic Management Team (if the Head of Department is not available) will comprise the panel that will investigate the complaint.

The panel will convene within 15 working days of their receipt of the formal complaint. All parties, and their witnesses, are expected to make every effort to comply with the timescales set out in this procedure. All parties and their witnesses will provide statements within 10 working days of a request and will attend scheduled meetings. Failure to co-operate or to provide evidence in person or through statements will result in the case progressing without this evidence. Each party and their witnesses will be given the opportunity to present their case. Both parties will have the right to representation by a colleague or representative.

Care must be taken to protect the rights of all parties concerned and to ensure that the parties receive a fair hearing and that presumptions about the parties or the complainant are not made.

In complex or protracted cases, or in cases where the Line Manager and the Line Manager's Manager are implicated, the Investigating Manager may request assistance with the investigation from a manager from another department or seek the agreement of the Chief Executive to engage an external consultant from the lists maintained by the Office Manager.

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Copies of the relevant documents including any reports by the Investigating Manager/consultants should be sent to the Resources Manager.

The Resources Manager will arrange for all complaints to be logged and monitored.

6. OUTCOMES

If the complaint is substantiated, the Investigating Manager, together with the Resources Manager will make recommendations to the Manager who referred the case to decide on a course of action.

Action may also include:

- An agreement between the parties on standards of behaviour
- Support, including mentoring for the complainant and/or the other party
- Assistance to help the other party to understand and to change their behaviour
- Assistance to help the other party to understand the impact of their behaviour on others
- Performance management
- Alternative working arrangements
- Training and counselling
- Conciliation
- Team development
- Other appropriate action

Where the Investigating Manager believes that the allegations proven are of a serious nature, the matter may be transferred to the formal disciplinary procedure by the Line Manager. The evidence used in the investigation of the complaint will be made available to the Disciplinary Panel.

In the event of a resolution of the complaint, the Resources Manager will keep a record of the complaint, the discussions between the parties and of any witness's statements, and any agreements for action made between the parties.

The record will be kept for six months.

Heads of Service will be advised of the complaint, and its resolution. Copies of the documentation will be forwarded to the Resources Manager as part of the monitoring and evaluation of the procedure.

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Conciliation

Where a complaint has not been substantiated, but the complaint was genuinely raised, conciliation may be offered to restore working relationships. Conciliation will also be used to restore working relationships within the workplace where a case has been substantiated.

Use of Other Procedures

Where the allegations are so serious that it is not appropriate to deal with them under the Bullying and Harassment procedure, the manager must use the capability or disciplinary procedures.

Third parties are entitled to raise their concerns for example, where a team or team member is being subjected to bullying or harassment and feel too intimidated to raise a complaint under the Bullying and Harassment procedure, or where a colleague observes, an individual being subjected to bullying or harassment.

Malicious Complaints

Where the Investigating Manager believes that the complaint was made maliciously, as a device to bully or harass the other party, or to evade or undermine disciplinary action or management action, the Resources Manager should be notified and the matter referred to the relevant Head of Service and/or Strategic Management Team to consideration appropriate action. Raising malicious complaints may lead to disciplinary action being taken against the complainant.

Unsubstantiated Complaints

The complainant must provide details of the basis of their complaints. Complaints cannot be investigated fairly unless the complainant provides details of the basis of the complaint. If a complainant is unable to provide details about the basis of the complaint, then the complaint cannot be progressed. If details are not provided within ten working days of the complaint, without good reason, then the complaint must be retracted. Conciliation may be available to facilitate the resumption of positive working relationships.

7. RIGHT TO REVIEW

Either party can ask for a review of the findings of the Investigating Panel, setting out their reasons for their request.

Reviews will only be considered:

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- On procedural grounds if it affects the merits of the case
- If new evidence comes to light
- If the decision appears perverse and not supported by the evidence.

Request for a review on any of the grounds specified above should be lodged with the HR Manager within 10 working days of the notification of the decision. The Office Manager will acknowledge receipt of the request.

The decision on whether or not to review the decision of the Investigating Panel will be made by the Strategic Management Team, based on the reasons set out in the request for review and a preliminary review of the evidence and documentation. The Strategic Management Team will state their reasons in writing to the parties for allowing or declining the request for reviews. When a review has been allowed, arrangements for the review should be set up within fifteen working days of the request.

If the review is allowed, the review will be undertaken by a panel made up of a member of the Strategic Management Team and Chief Executive.

The decision of the panel

In the case of a request for a Review where the other party is a member of the Strategic Management Team, the Panel will be made up of a Board Member and different Strategic Management Team member.

8. COMPLAINTS INVOLVING SERVICE USERS OR THIRD PARTIES

Complaints of bullying and harassment made by service users or other third parties will be dealt with under the appropriate Company policy, such as the Complaints Procedure.

9. VICTIMISATION

Challenging bullying and harassment can be difficult and distressing and is not undertaken lightly. Staff with a genuine belief that they or a colleague have been subjected to bullying and harassment and who make attempts to deal with the issue should not receive less favourable treatment as a result. Victimisation occurs where less favourable treatment is given to those who bring proceedings, give evidence or information or allege breach of this Policy. Victimisation may also contravene the Equality Act 2010.