

# POLICY AND PROCEDURE



Solihull  
Life  
Opportunities

## Bullying & Harassment

**Category:** staff and volunteers

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### Introduction

### Policy Statement

Solihull Life Opportunities is committed to a working and learning environment that is free from any form of harassment. Harassment adversely affects working and social conditions for staff, and visitors to the organization and is unacceptable. Any incident of harassment will be regarded very seriously and may be grounds for disciplinary action. Persistent or gross harassment and, in particular, sexual or racial harassment will be treated as grounds for disciplinary action including dismissal or expulsion from the organization.

### What is Harassment?

Harassment causes distress and anxiety. It interferes with people's ability to work and study and may be so serious and unrelenting that the person who is being harassed may feel it necessary to change job or course. It is uninvited, may be personally offensive and is always unwelcome; it can be detrimental to all aspects of people's social and working lives.

SoLO will therefore take harassment to include any behaviour that is offensive, intimidating or hostile; which interferes with individuals' working or social environment; or which induces stress, anxiety, fear or sickness on the part of the harassed person. The defining features are that the behaviour is offensive or intimidating to the recipient and would be so regarded by any reasonable person.

It is important to remember that differences of attitude, background or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. Being under the influence of alcohol or drugs will not be admitted as an excuse for harassment.

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1

Next Review Date: November 2011

Harassment may take many forms and involve more than one individual both as the harasser and the victim. It can range from extreme forms such as violence and bullying, to less obvious actions like ignoring someone at work. It may occur where the harasser has a position of authority (eg: where a teacher, supervisor or administrator is able to affect another person's job, career or grade) and relies upon the fact that the recipient(s) are reluctant to complain for fear of ridicule or reprisals. Any act of harassment will be regarded by the as more serious if it involves the abuse of the position of authority or trust.

Some general examples of harassment may include:

- physical contact ranging from touching to serious assault
- verbal and written harassment through jokes, offensive language, gossip and slander, sectarian songs, letters, etc
- visual display of posters, graffiti, obscene gestures, flags, bunting and emblems
- isolation or non co-operation at work, exclusion from social activities
- coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups
- intrusion by pestering, spying or following someone
- bullying

Two important examples, amongst others, are sexual harassment and racial harassment both of which are illegal.

### **Sexual Harassment**

Sexual harassment always involves unwanted attention which emphasises sexual status over status as an individual, client or colleague. It can occur in a variety of circumstances but always has a distinctive feature: the inappropriate introduction of sexual comments or activities into teaching, learning, administrative working or social situations.

### **Racial Harassment**

Racial harassment is any hostile or offensive act or expression by a person of one racial or ethnic origin against a person of another, or incitement to commit such an act. Those who may be particularly affected are students and staff who are in a small minority within SoLO and, for fear of ridicule or reprisals, find it difficult to complain.

Any difficulty in defining what constitutes sexual and racial harassment should not deter staff or clients from complaining about behaviour which causes them

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2

Next Review Date: November 2011

distress. Nor should anyone be deterred from making a complaint because of embarrassment or fear of intimidation or publicity. They will respect the particular sensitivity of sexual and racial harassment complaints and their consequences as well as the need for the utmost confidentiality.

Everyone can contribute toward preventing harassment through an active awareness of the issues involved and also by ensuring that standards of conduct for themselves and for friends and colleagues do not cause offence.

### **Harassment Advice**

Staff, volunteers or members who feel that they are the subject of harassment should speak to the Project Leader, Project Manager or CEO. They also are able to speak to any of the volunteer trustees who will listen to their concerns, provide support and suggest the appropriate way to deal with the harassment.

### **Procedures for Dealing with Harassment**

If you feel that you are being subjected to sexual or racial harassment in any form by a volunteer, service user or a member of staff; do not feel that it is your fault or that you have to tolerate it. The primary concern is that anyone who is subjected to harassment should receive support and assistance and, where appropriate, remedy. We also recognise that confidentiality is of the utmost importance.

There are a number of possible courses of action which you can take to deal with harassment:

1. You are encouraged to talk about the problem with the Project Leader, Project Manager, CEO or one of the trustees. All will take an impartial view on the matter and will listen, without prejudice to your concerns and advise you on a course of action, take the matter up on your behalf or refer you for specialist advice. They may suggest a way of resolving the problem which you had not thought of. Do not hesitate to contact someone even if an incident occurs only once.

Any discussion will be confidential and further action involving you will not be taken without your express permission; in particular the person about whom you are complaining will not be given your name as a complainant without your express permission.

2. If at all possible you should make it clear to the person causing the offence that such behaviour on that person's part is unacceptable to you and that it interferes with your work, study or social life. You may find it easier to do this by letter (you should keep a copy). Alternatively you may wish to get support from a friend or colleague to help you explain your feelings to the person harassing you. If you feel unable to confront the person concerned this does not constitute consent to the harassment. If you have a learning disability, you

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3

Next Review Date: November 2011

will be offered support from either the Project Leader, the Project Manager or the CEO.

3. It is important to begin to make a note of the details of any relevant incidents which distress you, or seek support to someone who can help you make notes - particularly if you feel unable to speak to the person concerned or, if having spoken, the behaviour persists. You should include a note of the way in which the incidents cause you to change the pattern of your work or social life.

4. If the harassment continues you must inform the Project Leader, Project Manager or CEO as soon as possible. This will enable you to discuss the nature of your complaint in confidence and to try to arrive at an acceptable solution on an informal basis.

5. If the harassment is serious or has not been resolved by the above means then you or someone acting on your behalf has the right to make a formal written complaint to the Trustees. You may call upon the Project Leader, Project Manager or CEO to support you in making this complaint. In some cases it may be appropriate for staff to use the grievance procedures. Either route may lead to efforts to arrive at an acceptable solution on an informal basis or to the initiation of the appropriate disciplinary procedures.

### **Cases of sexual, racial or physical assault**

1. If you have been attacked, you are advised to seek help immediately. You may decide to report the attack to the police. Any one of the Project Leaders, Project Managers or CEO will willingly give you support and help you decide what to do. If you go to them further action involving you will not be taken without your express permission. If you decide to go to the police you will not have to go alone, unless you so wish.

2. If you have been sexually assaulted or raped you are advised to seek advice and medical help as soon as possible.

3. For your own protection and the protection of others it is important that any attack should be reported to the CEO. In either case, when reporting the attack you will not have to go alone, unless you so wish.

4. Even if an attack happened some time ago you are encouraged to report it and/or seek advice from either the Project Leader, Project Manager or CEO.

### **Vexatious Complaints**

Complaints of harassment are treated seriously by SoLO. It should therefore be noted that anyone making mischievous or malicious complaints may have

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disciplinary action taken against them, up to and including dismissal or expulsion.

### **What to do if you are accused of harassment**

Harassment is an issue which must be taken seriously by colleagues, clients and the management. An accusation of harassment does not signify a judgement that you are guilty and there will need to be a discussion with you in order to establish the true nature of the situation. It is possible that there might be a behaviour-at-work problem which has arisen because you have not realised the effect of your actions and you may not have intended the effects complained of. The perception of the person complaining of harassment is, however, an important factor in determining whether or not harassment has taken place.

You may contact your Project Leader, Project Manager or CEO if you are accused of harassment. The aim of the person you contact will be to facilitate discussion with a view to resolving the problem at source if possible. You have the right throughout any discussions or formal actions, to be accompanied by a colleague of your choice.

In many cases the problem will be solved informally through discussion. You will be asked to reflect on your behaviour and the possibility that you might be at fault, whether consciously or not. This does not imply, however, that you are responsible for the harassment. A simple discussion between you and the person with a complaint may set matters right.

Details relating to the circumstances that gave rise to the complaint, the existence of witnesses and the nature of the professional relationship between the person complaining and yourself will all be taken into account. If the complaint is taken to a formal stage, we will ensure that any formal procedures are fairly and properly followed.

Throughout any informal or formal procedures the principal objective is that of identifying the underlying issues and eliminating the cause of offence as quickly as possible and with minimal recrimination.

Linked with policies:

- Grievance and disciplinary policy
- Complaints policy
- Whistleblowing policy

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Next Review Date: November 2011

Pages in this document - 5