

# BULLYING & HARASSMENT POLICY

## VERSION: 2.5



Version	By Author	Reason	Reviewed/Modified	Date Ratified
2.2	HS/TB	Amendment of example list. Addition of Third Party paragraph	May 2014	June 2014
2.3	HB/TS	New format & change of name. Updated definitions.	April 2015	July 2015
2.4	HB/TS	Additional information & relevant legislation	May 2017	September 2017
2.5	HB/TS	Clarity of roles within Make Some Noise	April 2018	June 2018

**This policy applies to all members of the Make Some Noise team including Trustees, members of staff, volunteers and freelance workers contracted to Make Some Noise.**

### Introduction

Make Some Noise is committed to eliminating bullying and harassment from the workplace. This policy serves that commitment. Above all trustees and management of Make Some Noise wish to encourage anyone with concerns over bullying and harassment at any level to seek their support and advice.

### Provisions

Harassment and bullying both detract from everyone's right to fair and considerate treatment. Whatever form they take, therefore, harassment and bullying are unacceptable, and where the organisation is satisfied that either have occurred it will take disciplinary action against the person(s) responsible.

Especially serious instances of harassment and bullying may be regarded as gross misconduct justifying summary dismissal. Make Some Noise will ensure that formal complaints of harassment and bullying are investigated. The organisation requires all concerned to co-operate fully with such investigations, in the knowledge that any victimisation or recrimination that results will not be tolerated and that any acts of victimisation may be treated as gross misconduct.

All members of staff, volunteers and freelance workers can expect the trustees and management of Make Some Noise to respond sympathetically and take any complaint seriously with the appropriate level of support and confidentiality.

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## **BULLYING & HARRASMENT POLICY**

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Anyone who feels that they have been either harassed or bullied is encouraged to complain. Trustees would recommend in less extreme cases that if the complaint can be tackled informally it should be. Experience shows that a formal investigation of the type described below is not always the best way of solving the problem or the best route to rebuilding relationships that have broken down. This is because for all concerned the investigation of complaints can be challenging, lengthy and costly.

Also many people who feel they have been subjected to either harassment or bullying want one thing above anything else: for it to stop. Therefore, if subjects of bullying and harassment are sufficiently confident to do this, they are encouraged to tackle the problem informally - that is, by telling the person(s) concerned that their behaviour is unacceptable and asking them to stop.

### **Guidance on how to apply the Policy**

#### **Definitions**

All forms of harassment and bullying are unacceptable. Everyone has the right to be managed properly.

#### **What is harassment and bullying?**

Bullying and /or Harassment are not always obvious or apparent to others, so it can happen without a manager's awareness.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment, as defined in the Equality Act 2010, is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. The relevant protracted characteristics are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation.

In addition, the complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination, and marriage and civil partnership where there is no significant evidence that it is needed.

Bullying and/or harassment may be by an individual against an individual or it may involve groups of people. It might be obvious or it might be insidious. It may be persistent or an isolated incident. It can also occur in written communications, by phone, email, social media etc not just face-to-face actions. It does not have to be a series of events; a single incident may amount to bullying or harassment.

## **BULLYING & HARRASMENT POLICY**

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All members of the Make Some Noise team are able to complain of behaviour, treatment or conduct that they find offensive even if it is not directed at them and they do not have the relevant characteristic themselves.

Harassment and bullying can take many forms, including:

- Offensive, abusive or intimidating comments or gestures, insensitive jokes or pranks, derogative or stereotypical remarks
- Displaying or distributing pornographic material, abusive literature or graffiti or other material that some people may find offensive
- Deliberately excluding someone from conversations or work activities
- Unwelcome sexual advances or suggestive behaviour
- Inappropriate, unwanted physical conduct including touching, pinching, grabbing
- Ridiculing, humiliating or belittling someone
- Copying memos that are critical about someone to others who do not need to know
- Spreading malicious rumours or insulting someone by word or behaviour (particularly on the grounds of protected characteristics)
- Inappropriate remarks about someone's performance
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing colleagues progressing by intentionally blocking promotion or training opportunities
- The use of social networking sites such as Facebook, Twitter, MySpace, Bebo, Friendster or information from YouTube to bully or harass others or post inappropriate comments/pictures.

### **Rights and duties**

Everyone has a part to play in eliminating harassment and bullying and are expected to fully co-operate with an investigation.

All levels of management have a duty to:

- Take care in how they deal with others in relation to work requirements
- Promote and operate the policy and assist in any way an investigation into a complaint
- Create an environment which is free from harassment or bullying.

Anyone making a complaint has the right to have it investigated, and to seek assistance from managers, colleagues or trade unions in so doing.

All members of the Make Some Noise team have a right to protection from any form of victimisation or retribution when they make a complaint. Equally though, individuals must not make malicious complaints (for example falsification of information) nor should they delay in making a formal complaint without good reason. Making malicious complaints may lead to disciplinary action being taken.

## **BULLYING & HARRASMENT POLICY**

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Those who are complained against are entitled to details of the complaint and also entitled to the opportunity to defend themselves against and respond to any complaint. In doing this they should expect, or can call upon, the support of managers, colleagues and trade unions.

### **Complaints against third parties**

Sometimes the allegation of bullying or harassment may be against someone you come across as part of your role for Make Some Noise e.g. a participant, partner organization/customer, or other person related to the project. In this case the complaint should be made to your line manager who will then discuss with you how best to deal with the situation. Where your line manager is unavailable e.g. due to sickness or holiday, you should raise your concern with your line manager's manager.

### **Investigation of complaints**

The purpose of an investigation is to decide whether, based on the information available, it is possible to conclude that either harassment or bullying has occurred. The investigation will be conducted fairly and, to the extent that it is possible, confidentially. Throughout the process, the aim will be to balance the rights of complainants against the rights of alleged harassers. Both parties involved in a complaint are encouraged to seek support from their trade union or other representative throughout the process.

Those wishing to formally complain of harassment or bullying must do so in writing to The Chief Executive Officer providing their name, address, workplace, and brief details of their complaint. A representative may do this on behalf of the complainant. The complainant will not have to vouch for the fact that they have tried informal means before their complaint can be acted upon. Upon receipt of a formal complaint the Chief Executive Officer will identify a Trustee to act as Investigating Officer.

Those wishing to complain of harassment or bullying on the part of the Chief Executive Officer must submit their written complaint to the Chair. If the Chief Executive Officer is the complainant the complaint must be submitted to a Trustee of their choice. The normal sequence of events in an investigation will be:

- Interview(s) with complainant(s)
- Interview(s) with witnesses identified by complainant(s)
- Interview(s) with alleged harasser(s) / bully(ies)
- Interview(s) with witnesses identified by alleged harasser(s) / bully(ies)
- Any notes taken will be agreed with the person being interviewed
- Written report by Investigating Officer containing findings, recommendations etc submitted to relevant Chief Executive Officer.

Anyone involved in an investigation has the right to be accompanied by a representative of their choice at any interviews or else be supported through all stages of the investigation process. Copies of the findings, recommendations etc will be supplied to both parties and their respective representatives at the same time as the report is sent to the recipient of the complaint.

## **BULLYING & HARRASMENT POLICY**

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Witness statements however will remain confidential for the attention of the recipient of the complaint solely unless the disciplinary process is invoked.

### **Timescales**

It is in every one's interest that an investigation is completed as quickly as possible. It is equally important that an investigation is thorough. Those involved in an investigation can help achieve these objectives by making themselves available for interview readily and by co-operating fully with the Investigating Officer. This will involve supplying statements when requested.

The Investigating Officer will inform both parties at the beginning of an investigation of the anticipated timescale for completing it, and will consult with both parties in the event that this timescale needs to be extended.

Upon receipt of the Investigating Officer's report complainants will have fifteen working days to make representations in writing to the recipient of their complaint. Applications to extend the time period for representations can be made to the same person. The recipient of the complaint can seek clarification about any aspect of the report from the Investigating Officer during this period.

When the representation period has finished, the recipient of the complaint can, if need be, take a further ten working days to consider what action (if any) they propose to take in response to the report and any representations.

### **Outcome of investigation**

The recipient of the complaint will inform you of their decision about the report findings and recommendations. They are solely responsible for deciding what course of action will be taken as a result of an investigation into a complaint of harassment or bullying but will act within the aims of this policy. If they decide that action is necessary then a formal hearing under the disciplinary procedure is required and this must be set up immediately. At this point the disciplinary procedure will be followed and the full report including previously confidential annexes will be released to both parties.

Either party to an investigation may seek a review of the investigation if in their opinion the complaint has not been dealt with in accordance with this policy and its procedures. The reasons for requesting a review should be made in writing to the Chair within four weeks of being informed of their decision. There is no further right of appeal beyond the Chair, although there is a statutory right to complain to an Employment Tribunal.

All investigation reports will be retained by the Chief Executive Officer on behalf of the Board of Trustees for a period of 2 years from the completion date of the investigation. Retention of reports beyond this period will be subject to an annual review and will depend on factors such as whether the complaint was upheld or not, whether disciplinary action was taken or not, and whether in the individual circumstances of the case further retention can be justified. Access to the report will be restricted to Make Some Noise for use in the event of a further complaint involving the same parties, or in the event of proceedings before an Employment Tribunal.

## **BULLYING & HARRASMENT POLICY**

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### **Monitoring, reporting and review**

The Chief Executive Officer will ensure that Make Some Noise monitors the effectiveness of this policy through the collection and analysis of monitoring data using the tools featured in the following appendices. This data shall provide the basis of scheduled Bullying and Harassment reports to the Board of Trustees and subsequent reviews of this policy.

### **RELEVANT LEGISLATION**

- Equality Act 2010
- Employment Act 2008

### **FURTHER INFORMATION**

- [www.acas.org.uk](http://www.acas.org.uk)
- [www.gov.uk/workplace-bullying-and-harassment](http://www.gov.uk/workplace-bullying-and-harassment)