



Anti-Bullying, Harassment and Victimisation Policy

Date	Revised By:	Summary
20.6.20	Board of Trustees	DF Organisational Policy: General

ANTI-BULLYING, HARASSMENT AND VICTIMISATION POLICY

Commented [SP1]: We need to make sure all our policy documents have the same front-page format. I don't mind whether it is this one, or like those we already have, but they should be the same for consistency.

1. ADMINISTRATIVE PROVISIONS

Distribution: All Employees, Volunteers, Members and Trustees

Effective Date: 20th June 2020

Policy owner(s): Board of Trustees, CEO

Supporting policies: Grievance Policy
Disciplinary Policy
Inclusion and Non-Discrimination Policy
Whistleblowing Policy

This document is a policy.

A policy is a formal statement of principles and commitment. It informs members, volunteers and employees why the organisation must take certain action. Compliance with policies is mandatory to protect the organisation, its people and service users from risk.

Dyspraxia Foundation members, volunteers, employees and Trustees must adhere to Dyspraxia Foundation policy at all times.

Dyspraxia Foundation aims to be an equal, inclusive and diverse organisation.

This document will be provided in alternative formats to meet specific needs where reasonably practicable.

2. INTRODUCTION

The Dyspraxia Foundation values diversity: we recognise that everyone can make a contribution to our organisation and have a right to equal treatment.

The 'anti-bullying, harassment and victimisation' policy is designed to ensure that the work and volunteering environment is free of harassment and bullying and that everyone is treated with dignity and respect whether they are a member, volunteer, casual worker or employee etc.

This policy applies to all Dyspraxia Foundation members, volunteers, employees and Trustees. Employment law concerning harassment only applies to employees (rather than volunteers and members) and this policy clarifies where such instances arise.

However, all people whether employees, volunteers or members have the right to participate in Dyspraxia Foundation activities free from bullying, harassment or victimisation of any kind and we reserve the right to apply reasonable discretion and interpretation of the scope of this policy when considering individual circumstances.

3. DEFINITIONS

These terms are included to help with definition and should be read for their everyday meaning.

- a. **Unacceptable behaviour** is any behaviour which an individual or group knows, or ought reasonably to know, could have the potential effect of offending, humiliating, intimidating or isolating an individual or group. If unacceptable behaviour is not challenged, it is likely to cause harm or distress to the recipient(s) and escalate into bullying or harassment.
- b. **Harassment** is unwanted conduct 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. Volunteers may complain of behaviour they find offensive even if it is not directed at them. Harassment may be persistent or an isolated incident.
- c. **Bullying** is unwanted repeated and persistent negative behaviour, not necessarily based on a particular personal characteristic, which makes the recipient feel upset, threatened, humiliated, undermined or vulnerable. It is often related to an abuse of power or the use of unfair sanctions.
- d. **Victimisation** is treating someone less favourably or harassing them because they have, in good faith, made a complaint or assisted someone else in making a complaint of harassment.

Harassment, bullying and victimisation is likely to be unlawful, if it is related to any protected characteristic under the Equality Act 2010.

Places where bullying and harassment could occur

Bullying and harassment doesn't simply occur on a face-to-face basis at meeting or events. It also occurs in a variety of venues and mediums in cyberspace, where people 'gather'.

With the more recent changes in technology, people have been drawn to social networking sites, like Facebook and Twitter, and video sharing sites, such as YouTube. As a result, there has been an increase in reports of cyberbullying on social networking sites and video sharing sites. In addition, instant messaging and texting are also common ways in which people can experience harassment from others.

The online world of cyberspace is highly conversational by nature its aim to engage and inform. Individuals can be too quick to comment, share and retweet material, including jokes and other material that could be considered by others to be offensive and even defamatory, even if that is not the intention.

Further information about bullying, harassment and victimisation can be found below, in section 4.

4. POLICY STATEMENT

Dyspraxia Foundation is committed to creating an equal, inclusive and diverse organisation that provides a high quality and safe service to all members of the community.

4.1 Bullying

- 4.1.1 Bullying is behaviour that is:
- a) Threatening, aggressive or intimidating
 - b) Abusive, insulting or offensive
 - c) Cruel or vindictive, or
 - d) Humiliating, degrading or demeaning
- 4.1.2 Bullying can occur between two or more adults or young people, or between an adult and a young person(s).
- 4.1.3 Bullying can affect the victims' confidence and self-esteem. It normally relates to negative behaviours that are repeated and persistent, deliberately hurtful and targeted at a particular individual. Bullying can leave victims feeling lonely, isolated and very unhappy.
- 4.1.4 Bullying can be an abuse of power, position or knowledge, and may be perpetrated by the victim's manager or team leader, their peers (e.g. other co-workers or young people), or by subordinates. Often (but not always) the bully is aware of the impact of their actions on the victim and gains a sense of self-gratification.
- 4.1.5 Bullying can have an effect on everyone, not just those directly involved. Some feel they can only stand on the side-lines and do nothing because they believe if they intervene they run the risk of being bullied themselves. Many people who are bullied will not tell anyone, for fear of making their situation worse, belief that nothing can or will be done, or a number of other reasons.
- 4.1.6 Bullying can take many forms. It can be physical, verbal, or non-verbal. Bullying can also occur through cyber-bullying, e.g. via mobile phones, the internet or instant messaging.

4.2 Harassment

- 4.2.1 Harassment can be physical, verbal or non-verbal. Harassment often involves conduct which is also bullying. However, such conduct becomes harassment when it relates to a protected characteristic (see below).
- 4.2.2 Employment law concerning harassment only applies to employees (rather than volunteers and members). It is important that employees are aware of when such laws apply, as the outcome of allegations of harassment may be different for them (verses volunteers and members – e.g. – allegations may result in a tribunal. Therefore, when employment law applies, employees have been specifically highlighted and underlined in this section.
- 4.2.3 This does not mean that this section only applies to employees. All people whether employees, volunteers or members have the right to participate in Dyspraxia Foundation activities free from harassment of any kind.

Harassment against employees as a form of unlawful discrimination.

- 4.2.4 Harassment directed at **employees** will amount to **unlawful discrimination** if it relates to a 'relevant protected characteristic' under the Equality Act 2010.
- 4.2.5 **Protected characteristics:**
- a) Sex
 - b) Gender reassignment
 - c) Race, which includes skin colour, nationality, ethnic or national origins
 - d) Religion or belief
 - e) Sexual orientation
 - f) Disability
 - g) Age
 - h) Pregnancy/ maternity

- i) Marital status, including civil partnership.

See the **Inclusion and Non-Discrimination Policy** for further information.

- 4.2.6 The right not to be harassed at work extends to all employees, including agency temps, casual staff and contractors.
- 4.2.7 Types of behaviour that may amount to unlawful harassment: under discrimination law, behaviour will potentially amount to harassment if it is unwanted conduct and has the purpose or effect of:
 - a) Violating a person's dignity, or
 - b) Creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- 4.2.7 The term "unwanted" makes it clear that it is up to the victim of the alleged harassment to decide whether or not a particular type of treatment is offensive to them personally. People are different, and what one person finds funny, another may find offensive or degrading.
- 4.2.8 In judging whether or not particular conduct may amount to harassment, it is important to bear in mind that the motive of the 'harasser' is irrelevant. The phrase "purpose or effect" makes it clear that behaviour can amount to harassment in the absence of any deliberate intention to discriminate. The key issue will be the effect on the person on the receiving end of the behaviour. It may not matter whether others find particular behaviour funny or otherwise acceptable if the same behaviour genuinely causes offence or distress to the person who is complaining about it. Managers should, therefore, not assume that an individual who objects to certain behaviour is overreacting or that the complaint is trivial.
- 4.2.9 The phrase "creating an intimidating, hostile, degrading, humiliating or offensive environment" means that behaviour can amount to harassment even if it is not targeted at an individual. It may be enough that the behaviour creates an atmosphere at work that causes offence to a particular employee or makes them feel uncomfortable. For example, the circulation of sexually explicit material around an office, even though it might not be targeted at a particular employee, could constitute sexual harassment against any woman or man who found it distasteful.
- 4.2.10 General banter linked to a protected characteristic is the most common form of harassment in employment. Managers should make sure that they properly brief all their staff as to the types of conduct and speech that might cause offence to others and make it clear that such behaviour will be unacceptable.
- 4.2.11 The basic rule should be that any jokes, remarks or banter that might cause offence to another employee on any grounds will not be permitted. Employees should be encouraged to realise that their colleagues will have differing views, feelings and levels of sensitivity about certain matters.

4.3 Victimisation

- 4.3.1 Victimisation is when a person is treated in some way detrimentally because s/he has, or is going to, or is believed to have or be going to:
 - a) make a complaint (i.e. of discrimination and/or harassment)
 - b) given evidence or information in connection with a complaint
 - c) done anything for the purposes of or in connection with a complaint
 - d) made any allegations that another person has discriminated and/or harassed
 - e) raise a concern using the Whistleblowing policy ("Freedom to Speak-up") or
 - f) be open and transparent with service users about all aspects of their care and treatment, including when any mistakes or harm or potential harm have taken place.
- 4.3.2 **The Dyspraxia Foundation will take appropriate action to prevent any form of victimisation.** This could include taking disciplinary action or termination of membership against anyone found to have victimised others.