

CHILDREN IN CROSSFIRE BULLYING & HARRASSMENT POLICY

Children in Crossfire will take all reasonable steps to provide a work environment in which all employees are treated with respect and dignity and that is free of harassment based upon an employee's race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation, gender reassignment, age, marital or civil partnership status or disability. The Company will not condone any form of harassment, whether engaged in by employees or by outside third parties who do business with the Company.

Employees have a duty to co-operate with the Company to ensure that this policy is effective in ensuring equal opportunities and in preventing discrimination, harassment or bullying. Action will be taken under the Company's disciplinary procedure against any employee who is found to have committed an act of improper or unlawful discrimination, harassment, bullying or intimidation. Serious breaches of this equal opportunities and dignity at work statement will be treated as gross misconduct and could render the employee liable to summary dismissal. Employees should also bear in mind that they can be held personally liable for any act of unlawful discrimination. Employees who commit serious acts of harassment may also be guilty of a criminal offence.

Every employee has a responsibility to bring to the attention of the Company Director any suspected discriminatory acts or practices or suspected cases of harassment. You must not victimise or retaliate against an employee who has made allegations or complaints of discrimination or harassment or who has provided information about such discrimination or harassment. Such behaviour will be treated as gross misconduct in accordance with the Company's disciplinary procedure.

Examples of Bullying and Harassment

Bullying and harassment may be verbal, non-verbal, written or physical. Examples of unacceptable behaviour include, **but are not limited to**, the following:

1. Unwelcome sexual advances and other conduct of a sexual nature
2. Subjection to obscene or other sexually suggestive or racist comments or gestures
3. The offer of rewards for going along with sexual advances or threats for rejecting sexual advances
4. Jokes or pictures of an offensive nature
5. Demeaning comments about an employee's appearance
6. The use of nick names related to an employee's race, colour, ethnic origin, nationality, religion or belief, sex, sexual orientation, gender reassignment, age, or disability
7. Picking on or ridiculing an employee, isolating an employee or excluding him or her from social activities or relevant work related matters.

Complaints Procedure

All allegations of discrimination or harassment will be dealt with seriously, confidentially and speedily. The Company will not ignore or treat lightly grievances or complaints of discrimination or harassment from members of a particular race, colour, ethnic origin, nationality, national origin, religion or belief, sex, sexual orientation or age or from employees who have undergone gender reassignment, are married, have entered into a civil partnership or have a disability. If you wish to make a complaint please the procedure to do so is set out below:

Informal stage - This may take the form of

It is entirely in order for a recipient of discriminatory behaviour/conduct to try to resolve the problem if they so prefer, for example, by explaining to the individual concerned that the behaviour/conduct is not welcome, that it offends or makes the recipient uncomfortable and that it interferes with their work.

Anyone who has been subjected to discriminatory behaviour/conduct may seek confidential assistance from the Executive Director.

An informal approach to another member of staff will be treated as completely confidential and will not result in any report to anyone within the Company unless you agree.

If you prefer, where you find it too difficult or embarrassing to take up the matter yourself, your line manager or the Executive Director can participate in an informal meeting between you and the individual concerned or will, at your request, approach the individual on your behalf.

The informal stage will not result in any formal internal investigation or disciplinary action but is intended to enable you to resolve the matter yourself without it going any further in the Company.

Dealing with complaints formally

The formal complaints procedure is appropriate if, for example, the harassment is serious, the person making the complaint prefers this, or if the harassment continues after the informal procedures have been unsuccessful in reaching a satisfactory resolution.

1. Making a formal complaint

To make a formal complaint of harassment, employees should do as follows:

- the complaint should be raised in the first instance with a Company Director.
- the complaint should be made as soon as possible after an act of harassment has occurred so that the matter can be dealt with quickly;
- the complaint should be set out in writing.

2. Dealing with the complaint**A. Meet the complainant to discuss the complaint**

On receiving the complaint, the manager (or, designated other) should invite the employee to a meeting, to be held as soon as possible.

The manager should inform the employee that he or she has the right to be accompanied at the meeting by a fellow worker or trade union official

The manager should reassure the employee that the matter will be dealt with confidentially and as quickly as possible.

At the meeting, the manager should:

- seek further information from the complainant;
- advise the complainant that the complaint will be investigated and any witnesses interviewed;
- advise the complainant that the alleged harasser also has the right to a fair hearing, including the opportunity to defend him or herself.

Depending on the nature and seriousness of the harassment, the manager and complainant may also discuss how the complainant can avoid further contact with the alleged harasser whilst the complaint is being investigated.

B. Meet the alleged harasser to discuss the complaint

Following the meeting with the complainant, the manager should then meet with the alleged harasser to:

- outline the nature of the complaint made against him or her;
- confirm that it is being handled as a formal harassment complaint under the organisation's formal harassment or grievance procedure;
- the alleged harasser is entitled to be accompanied by a work colleague or trade union representative
- give him or her an opportunity to answer the allegation;
- inform him or her that the matter will be investigated further and any witnesses interviewed;
- advise of the next steps under the statutory disciplinary procedures and the possible disciplinary action that may be taken should the allegation be proven;
- advise that any finding against him or her, following investigation, which may warrant a disciplinary response will be notified in writing as part of the employer's disciplinary procedures;
- advise him or her that he or she has the right to be accompanied to any disciplinary meeting at which the matter will be discussed;
- advise him or her of the need to avoid contact (or, of any steps to be taken to avoid contact) with the complainant until the matter is resolved; or
- where relevant, inform him or her that they are being suspended from work temporarily as a precautionary measure pending the outcome of the investigation.

If the alleged harassment is of such a serious nature that, if proven, it would amount to gross misconduct warranting severe disciplinary action, including possible dismissal, consideration may have to be given to a precautionary suspension of the alleged harasser while the complaint is being investigated. If this is the case, the employer must comply with the statutory dismissal and disciplinary procedures in relation to taking such action against the alleged harasser. Suspensions should normally be a last resort and employers should have regard to the recommendations of the Labour Relations Agency's *Code of Practice on Disciplinary and Grievance Procedures*.

C. Investigating the complaint

The employer should appoint one or more persons to investigate the complaint. Where resources allow, it is desirable to have more than one person involved to ensure impartiality. The employer should also set clear terms of reference for the investigators.

The investigators should keep and maintain detailed and accurate records of all meetings, interviews and evidence gathered in the course of the investigation.

The investigators should meet with any known witnesses, or anyone else who may be able to help establish the facts about the alleged act or acts of harassment.

All those who give information should do so privately and not in the presence of anyone involved in, or present during, the alleged act or acts of harassment. Where appropriate, the investigators should also try to establish whether there has been any history of previous conflict between the complainant and the alleged harasser. All information or evidence provided should be treated as confidential to the investigation, subject to any statutory requirements.

In the course of the investigation, the investigators may need to meet again with the complainant, or the alleged harasser or the other witnesses, either to clarify information previously given, or to obtain additional information.

D. Consideration of information

After having obtained all available relevant information, the investigators should consider whether the evidence supports the complainant's allegations and, if so, what disciplinary action needs to be contemplated, based on the employer's disciplinary policy, or whether other action is warranted.

The investigators should prepare a written report of the investigation setting out the evidence and their conclusions and recommendations.

E. Communicating the decision

The outcome of the investigation should be communicated to the complainant and to the alleged harasser.

It is good practice to hold formal meetings to do this: i.e. separate meetings with the complainant and the alleged harasser. It is also good practice to permit both individuals to be accompanied to their respective meetings, even though there is no legal requirement for the employer to permit this.

It is also good practice to follow-up the meeting by notifying each of the individuals in writing of the decision.

When communicating the decision to the complainant, he or she should also be notified that they have a right to appeal the decision in the event that he or she is dissatisfied with the outcome. The right to appeal includes a right to have a meeting.

F. Where the employer upholds the complaint

Where the employer upholds the complaint by finding that the complainant's allegations are proven, the employer should take the following steps:

In the case of the complainant

The employer should take all reasonably practicable steps to reassure the complainant that steps will be taken to protect him or her from further potential acts of harassment or victimisation. This may mean offering him or her appropriate support or counselling.

It may also mean redeploying or transferring the harasser to another post, if this is feasible and has not already been done. Or, it may mean taking disciplinary action against the harasser under the employer's disciplinary policy. It may also entail providing appropriate training to staff and/or taking other appropriate action.

In the case of the harasser

If disciplinary action against the harasser is warranted under the employer's disciplinary policy, the statutory disciplinary and dismissal procedures need to be put into effect. At this stage, the employer should formally notify the harasser in writing of the case against him or her and the disciplinary action, up to and including dismissal that may result. A meeting should be arranged to discuss the matter and the individual should be informed that they have the right to be accompanied at this meeting.

Following the meeting, a decision should be communicated to the harasser with information about the right of appeal, if appropriate. The appeal process of the statutory dismissal and disciplinary procedures should then be followed, if necessary.

In these situations the employer should have regard to the Labour Relations Agency's *Code of Practice on Disciplinary and Grievance Procedures*.

G. Where the employer does not uphold the complaint

Where the employer does not uphold the complaint, or upholds it partially but not to the complainant's satisfaction, the employer should take the following steps-

In the case of the complainant

The employer must inform the complainant that they have a right to appeal and to attend an appeal hearing. If the complainant lodges an appeal, the matter should be considered by a more senior manager, if possible, to ensure that it is dealt with impartially. The complainant will continue to have the right to be accompanied at the appeal meeting. After the appeal meeting, the employer's final decision should be communicated to the complainant and the alleged harasser in the same way as the initial decision was.

If the appeal is successful, then the employer should follow the steps outlined above in *Section F: Where the employer upholds the complaint*.

Other action by the employer

Any other action will depend on the particular circumstances of the case. The employer needs to be alert to the sensitivity of the situation. In particular, he or she needs to ensure that neither

the complainant nor the alleged harasser suffer victimisation as a result of the complaint. The employer also needs to be aware that if the complainant's allegation was genuine, but was not proven because of a lack of witnesses or cogent evidence, he or she may continue to feel aggrieved and there may be further repercussions. On the other hand, if the employer believes that the allegation of harassment was not made in good faith, this may require a disciplinary response. The employer should also bear in mind that any complaint of harassment provides a reminder of the need to ensure that all staff are fully aware of the employer's policies on equal opportunities and harassment, and of the law relating to these matters. The employer may, therefore, take steps at this time to check and ensure that all members of the workforce are adequately aware of these matters.

Monitoring equal opportunity and dignity at work

The Company will regularly monitor the effects of selection decisions and personnel and pay practices and procedures in order to assess whether equal opportunity and dignity at work are being achieved. This will also involve considering any possible indirectly discriminatory effects of its working practices. If changes are required, the Company will implement them. The Company will also make reasonable adjustments to its standard working practices to overcome barriers caused by disability.

This policy will be reviewed and updated in accordance with changes in employment and/or business needs.

Further information on this policy is available from the Head of Human Resources.