

1. POLICY STATEMENT

1.1 BCM recognises that harassment and bullying can damage the health, confidence, morale and performance of employees who are affected by it. Under the Health and Safety at Work Act we have a duty to provide our staff with a safe place and system of work, which covers the effects of bullying and harassment. We therefore will not tolerate any form of harassment or bullying under any circumstances on the basis of:

- Pregnancy, maternity and parental status
- Gender (including gender reassignment)
- Marital or Civil partnership status
- Race
- Age
- Religion or Belief
- Political Opinion
- Nationality
- Disability

1.2 All employees have a responsibility to ensure that bullying and harassment does not occur in BCM. Staff must treat colleagues and others with dignity and respect and should always consider whether their words or conduct could be offensive. Even unintentional harassment or bullying is unacceptable.

2. SCOPE

2.1 The purpose of this policy is to ensure that all staff are treated and treat others with dignity and respect, free from harassment and bullying. All staff should take the time to ensure they understand what types of behaviour are unacceptable under this policy.

2.2 This policy covers harassment and bullying which occurs both in and out of the workplace, such as on business trips or at events or work-related social functions, and all individuals working for us or at any of our premises, irrespective of their status, level or grade. It therefore includes all employees, managers, directors, officers, consultants, contractors, trainees, homeworkers, casual and agency staff (collectively referred to as 'staff' in this policy).

2.3 This policy also covers bullying and harassment by third parties such as customers, suppliers or visitors to our premises.

2.4 Harassment or bullying by an employee will be treated as misconduct under our Disciplinary Procedure. In some cases, it may amount to gross misconduct leading to summary dismissal.

2.5 This policy does not form part of any employee's contract of employment and we may amend it at any time or depart from it where we consider appropriate.

3. RESPONSIBILITY

3.1 The board of directors has overall and final responsibility for this policy

3.2 Human Resources has the responsibility for ensuring that managers, or any person involved with investigations or administrative tasks are given the necessary training to successfully discharge their responsibilities under this policy

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3.3 Line managers and Human Resources have the responsibility for providing confidential advice and assistance to those who believe they have been bullied or harassed.

3.4 Human Resources and all managers have responsibility for ensuring this policy is put into practice.

4. WHAT IS HARASSMENT?

4.1 Harassment is any unwanted physical, verbal or non-verbal conduct related to a relevant protected characteristic (see above) which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. A single incident can amount to harassment. Harassment is unacceptable even if it does not fall within any of those categories.

4.2 The Protection from Harassment Act 1997 makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone harm or distress.

5. UNLAWFUL HARASSMENT MAY INVOLVE:

- a. unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;
- b. unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;
- c. continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- d. sending or displaying material that is pornographic or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);
- e. offensive or intimidating comments or gestures, or insensitive jokes or pranks;
- f. mocking, mimicking or belittling a person's disability;
- g. racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular gender, ethnic or religious group;
- h. outing or threatening to out someone as gay or lesbian; or
- i. ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity.

5.1 It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.

5.2 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if it creates an offensive environment for them.

6. WHAT IS BULLYING?

6.1 Bullying can 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 (ACAS Website).

6.2 Bullying can take the form of physical, verbal and non-verbal conduct. It can involve:

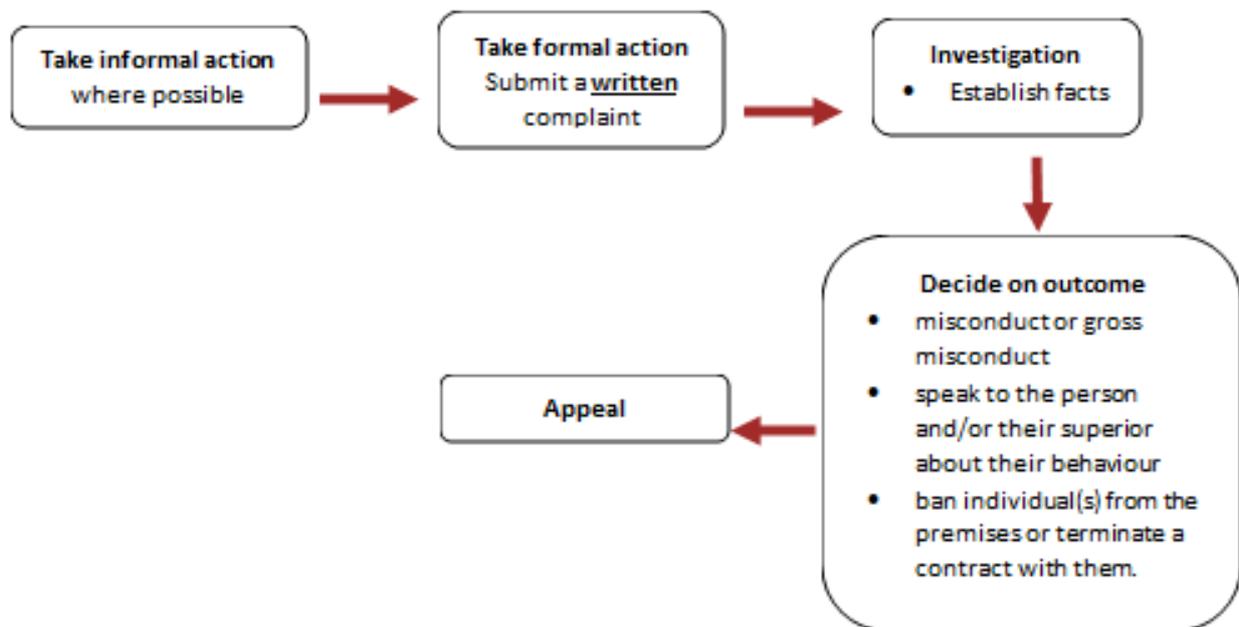
- a. physical or psychological threats;

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- b. deliberately ignoring or excluding someone
- c. spreading malicious rumours or gossip
- d. humiliating/insulting someone i.e. shouting at, being sarcastic towards, ridiculing or demeaning others
- e. giving someone unachievable or meaningless tasks
- f. constantly undervaluing someone’s work performance
- g. preventing opportunities for progression by intentionally blocking promotion/training opportunities
- h. making threats about job security
- i. misuse of power/position or overbearing and intimidating levels of supervision;
- j. deliberately undermining a competent worker by overloading and constant criticism

6.3 Legitimate, reasonable and constructive criticism of member of staff’s performance or behaviour, or reasonable instructions given to them in the course of their employment, will not amount to bullying on their own.

7. **PROCEDURE FOR HANDLING BULLYING AND HARASSMENT**



7.1 Informal Action

7.1.1 If you are being bullied or harassed, you should initially consider raising the problem informally with the person responsible, if you feel able. You should explain clearly to them that their behaviour is not welcome or makes you uncomfortable. If this is too difficult or embarrassing, you should speak to the HR, who can provide confidential advice and assistance in resolving the issue formally or informally.

7.1.2 If you are not certain whether an incident or series of incidents amount to bullying or harassment, you should initially contact your line manager informally for confidential advice.

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7.1.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

7.2 Raising a Formal Complaint

7.2.1 If the informal procedure has been unsuccessful, not possible or appropriate, you should follow the formal procedure.

7.2.2 You should make a formal written complaint to HR; however, if the matter concerns that person, you should refer it to the Managing Director.

7.2.3 If informal steps have not been successful or are not possible or appropriate, you should follow the formal procedure set out below.

7.3 Formal Investigation

7.3.1 We will investigate complaints in a timely and confidential manner to establish the facts of what happened. Your name and the name of the alleged harasser or bully will not be divulged other than on a 'need to know' basis to those individuals involved in the investigation.

7.3.2 You must not inform individuals not involved in the complaint or the investigation about the complaint, including the name of the alleged harasser or bully.

7.3.3 The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned.

7.3.4 We will arrange a meeting with you, usually within one week of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague of your choice, who must respect the confidentiality of the investigation. You will be given a provisional timetable for the investigation. The investigator will arrange further meetings with you as appropriate throughout the investigation.

7.3.5 The investigator will also meet with the alleged harasser or bully, who may also be accompanied by a colleague of their choice. They have a right to be informed of the details of the allegations against them, so they can respond.

7.3.6 Where your complaint is about an employee, we may consider suspending them on full pay or making other temporary changes to working arrangements pending the outcome of the investigation, if circumstances require.

7.3.7 Where your complaint is about someone other than an employee, such as a contractor, customer, service user, supplier, or visitor, we will consider what action may be appropriate to protect you and anyone involved pending the outcome of the investigation, bearing in mind the reasonable needs of the business and the rights of that person. Where appropriate, we will attempt to discuss the matter with the third party.

7.3.8 We will also seriously consider any request that you make for changes to your own working arrangements during the investigation. For example you may ask for changes to your duties or working hours so as to avoid or minimise contact with the alleged harasser or bully.

7.3.9 It may be necessary to interview witnesses to any of the incidents mentioned in your complaint. If so, the importance of confidentiality will be emphasised to them.

7.3.10 At the end of the investigation, the investigator will submit a report to a Senior Manager or Company Representative nominated to consider the complaint.

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7.3.11 The Senior Manager/Representative will arrange a meeting with you, usually within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague to the meeting.

7.3.12 Both you and the alleged harasser will also receive written confirmation of the investigation findings.

7.4 Action Following the Investigation

7.4.1 If the Senior Manager/Representative considers that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence.

7.4.2 Where the harasser or bully is an employee the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure

7.4.3 Where the harasser or bully is a third party, appropriate action might include putting up signs setting out acceptable and unacceptable behaviour; speaking or writing to the person and/or their superior about their behaviour; or, in very serious cases, banning them from the premises or terminating a contract with them.

7.4.4 Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the alleged harasser or bully. It may be appropriate to arrange some form of mediation and/or counselling, or to change the duties, working location or reporting lines of one or both parties.

7.4.5 Action will be taken against any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation. In such cases, employees may be subject to action under our Disciplinary Procedure.

7.5 Appeals

7.5.1 If your complaint has not been resolved to your satisfaction, you may appeal in writing to Hugh McGarry, stating your full grounds of appeal within one week of the date on which the decision was sent or given to you.

7.5.2 We will hold an appeal meeting, normally within one week of receiving your written appeal. This will be dealt with impartially by a more senior manager who has not previously been involved in the case (although they may ask anyone previously involved to be present). You may bring a colleague to the meeting.

7.5.3 We will confirm our final decision in writing, usually within one week of the appeal hearing. This is the end of the procedure and there is no further appeal.

8. PROTECTION AND SUPPORT FOR THOSE INVOLVED

8.1 Staff who make complaints or who participate in good faith in any investigation conducted under this policy must not suffer any form of retaliation or victimisation as a result.

8.2 If you believe you have suffered any such treatment you should inform your line manager or HR. If the matter is not remedied you should raise it formally using our Grievance Procedure or this procedure, if appropriate.

8.3 Any employee found to have retaliated against or victimised someone for making a complaint or assisting in good faith with an investigation under this procedure will be subject to disciplinary action under our Disciplinary Procedure. All other staff may have their contractual relationship with the Company terminated.

9. CONFIDENTIALITY AND DATA PROTECTION

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- 9.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required.
- 9.2 Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.
- 9.3 Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.
- 9.4 Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure or, in the case of other staff, the termination of our contractual relationship with them.

10. MONITORING AND REVIEW

- 10.1 Staff members are invited to comment on this policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to HR.
- 10.2 Any recommendations for improvements identified will be recommended to the board as soon as possible. Internal control systems and procedures will be subject to regular audits to provide assurance that they are effective in preventing harassment and bullying.

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