

Beyond Limits Dumfries & Galloway provides policies and procedures to promote safe and consistent practice across the Organisation. The framework laid down within our policies and procedures lets everyone know how we work and reflects our values and mission statement. Our policies and procedures are written to help us, employees of Beyond Limits Dumfries & Galloway, to make good, safe decisions.

Beyond Limits Dumfries & Galloway expects all employees to be familiar with the contents of all policies and procedures relevant to their role and to understand how to apply them within their daily work.

None of these documents stand alone, all fit within the larger framework of how we work and any associated policies which are particularly relevant will be directly referenced.

# Bullying and Harassment Policy

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To be read in association with the Equality & Diversity policy, Confidentiality policy, Employee handbook, Grievance procedure and Complaints policy.

## Bullying and Harassment Policy – what this means to Beyond Limits Dumfries & Galloway

Beyond Limits Dumfries & Galloway operates a **zero-tolerance** approach to bullying and harassment. As such we aim to do what is required to respect and ensure the equality and diversity of the people we support as well as our employees.

### Harassment:

- Beyond Limits Dumfries & Galloway believes that the people it supports and all its employees should be treated with dignity and respect, therefore harassment or bullying will not be tolerated in any form.
- Disciplinary action, will be taken against any employee, of whatever seniority, who is found to have harassed or bullied a supported person or another employee. This action may lead to dismissal.
- Employees should also be aware that if someone finds a behaviour offensive they can make a complaint even if the behaviour is not directed at them.



## What is Harassment?

**Harassment means using words or behaviours which:**

- Are based on the sex, race, colour, ethnic origin, gender reassignment, disability, sexual orientation, age, religious or other similar belief or other personal characteristics of another person.
- Are unwanted and create an intimidating, hostile, degrading, humiliating or offensive working environment for the person who is the target of the words or behaviour.

Harassment can take many forms and the following examples are considered entirely unacceptable by Beyond Limits Dumfries & Galloway:

- Verbal abuse, discriminatory remarks, or offensive jokes and pranks relating to a person's sex, race, gender reassignment, disability, sexual orientation, age, religious or other similar beliefs etc. Lewd or suggestive comments, requests for sexual favours or repeated requests for dates.
- Unnecessary body contact; threatening behaviour, actual assault or violence.
- Creating an intimidating, hostile, degrading, humiliating, or offensive working environment for the person who is the target of the words or behaviour.
- Deliberate exclusion from conversations or work activities on the bases of race, gender, disability, religious or other similar belief, sexual orientation etc.
- Display of pin-up, pornography, inflammatory or abusive literature or graffiti.
- Using telephone calls, e-mail, texting or the Internet for the purpose of bullying or making abusive or offence remarks related to a person's race, gender, disability, sexual orientation, religious or other similar beliefs, etc. or to send pornography or inflammatory literature.

This is not an exhaustive list and we recognise some forms of harassment, for the purposes of the Beyond Limits Dumfries & Galloway disciplinary procedure can clearly be considered gross misconduct and will normally lead to summary dismissal. Examples of this category include:

- Threatening or actual sexual or racial assaults.
- Suggestions or threats by managers that sexual favours or racial origins could affect someone's job security or prospects.
- Other forms of harassment may constitute gross misconduct depending on the circumstances of the case.

All employees should be aware that, as well as committing a disciplinary offence, an individual found by an employment tribunal to have harassed a fellow employee on the grounds of sex, race, gender reassignment, disability, sexual orientation or religious or other similar belief in the course of their employment may be personally liable to compensate the victim. In addition, harassment for whatever reason may constitute a crime punishable by up to six months' imprisonment or a fine of up to £5,000.

## What is Bullying?

Bullying can take many forms. It is seen as a persistent behaviour directed against an individual or group of individuals. Behaviour which creates a threatening or intimidating work environment that undermines the confidence and self-esteem of the recipient/s.

### **Examples of things that will not be tolerated include:**

(REMEMBER this is not an exhaustive list)

- Verbal abuse, such as shouting or swearing at colleagues
- Threatening or insulting colleagues
- Abusing power or using unfair penal sanctions
- Practical jokes, initiation ceremonies or birthday rituals
- Physical abuse such as hitting, pushing or jostling
- Riffing through, hiding or damaging personal property
- Ostracising or excluding colleagues from work or social activities

As already highlighted, it is important we all recognise that what one employee may find acceptable, another may find totally unacceptable. Also, the main thing about harassment and bullying is that the words or behaviour are unwelcome to the particular person who is the target or on the receiving end of the words or behaviour.

In short, this policy is to ensure all employees know that they must treat the people supported, their families and their work colleagues with respect and appropriate sensitivity and should expect the same in return.

Beyond Limits Dumfries & Galloway also recognises that bullying does not include appropriately conducted criticism of an employee's behaviour or job performance, as long as this feedback is provided in an appropriate manner.

Beyond Limits Dumfries & Galloway also recognises that an employee can be bullied or harassed by a supported person, colleague or subordinate as well as by a manager.



## Our Procedure (what we will do)

### Management Responsibilities:

- Equal opportunities are an integral part of organisational responsibility.
- Where problems or complaints arise, Service Leaders must take these seriously and make sure they are fully investigated and that any necessary follow-up action is taken. This may include starting disciplinary action against employees who have committed acts of discrimination or harassment.

### Employees' Responsibilities:

- As employees of Beyond Limits Dumfries & Galloway we all have a personal responsibility for making sure our Equality & Diversity and Bullying and Harassment Policies work effectively and all employees' cooperation is needed.
- We can all contribute to an improved working environment, for example by not making assumptions about people based on their sex or their ethnic background, by challenging those who express prejudice, discrimination or harassment, by raising any concerns and by making suggestions to managers about how the working environment can be improved to enhance equal opportunities.
- Finally, remember that equality of opportunity is about maintaining a **zero tolerance** towards discrimination and effective employment practice. It is about creating an environment in which everybody can be certain that they will be treated with dignity and respect and that their contribution is valued.

### How complaints will be dealt with:

- Discrimination and harassment are often complex matters, and there is no single way of dealing with every suspected or alleged instance. In some cases, employees may be able to deal satisfactorily with an issue by raising it with their immediate manager.
- A more formal way to make a complaint is to use the organisation's Grievance Procedure and irrespective of how an issue of harassment arises, Beyond Limits Dumfries & Galloway commits itself to making a thorough attempt to resolve all matters of harassment.

### If an Employee is Accused of Discrimination/Harassment/Bullying:

- If an employee is accused of acting in a discriminatory manner towards a supported person, fellow employee, or a job applicant, or if they are accused of harassment, the complaint will be fully investigated. The complainant will be formally responded to within **7 days** and we



aim to have undertaken and concluded any investigation within **28 days**. The complainant will be kept informed throughout the process.

- In the course of the investigation the employee will be given a proper opportunity to discuss the allegation, and provide an explanation of their actions.
- If at the end of an investigation it is decided that there was no discrimination or harassment this will be the end of the matter. If it is concluded that a false claim has been maliciously made against an employee, the person or persons responsible may be subject to disciplinary action.
- If it is concluded that an employee has acted in a discriminatory manner, or has harassed another employee, their manager will consider what action to take. This may range from counselling to formal disciplinary action, including dismissal in serious cases.