



Prince's Trust

Harassment Policy and Harassment Complaint Procedure

Human Resources Department
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The Prince's Trust Harassment Policy

As part of its overall commitment to equality of opportunity, The Prince's Trust is fully committed to promoting a good and harmonious working environment where every employee is treated with respect and dignity and in which no worker feels threatened or intimidated because of his or her disability, marital status, political opinion, race, religious beliefs, sex, sexual orientation or gender reassignment. The aim of this policy and the accompanying procedure is to prevent harassment, provide guidance to resolve any problems should it occur and prevent recurrence.

Harassment at work in any form is unacceptable behaviour and will not be permitted or condoned. Sexual, sexual orientation, sectarian and racial harassment, as well as harassing a disabled person on account of disability and harassing a person on account of their gender reassignment, constitute unlawful discrimination. Harassment may also be a civil offence, a criminal offence and it may contravene health and safety legislation.

Harassment detracts from a productive working environment and can affect the health, confidence, morale and performance of those affected by it, including anyone who witnesses or knows about the unwanted behaviour. This can have a direct impact on the achievements and economic efficiency of the organisation.

Harassment is inappropriate behaviour at work and will be treated by The Prince's Trust as misconduct which may include gross misconduct warranting dismissal. All employees must comply with this policy.

Definition of Harassment

Harassment is unwanted conduct related to disability, marital or family status, sex, sexual orientation, gender reassignment, race or ethnic origin, religious belief or political opinion affecting the dignity of women and men at work or creating an intimidating, hostile, humiliating, disturbing or offensive environment. This can include unwelcome physical, verbal or non-verbal conduct. Such behaviour is unacceptable:

- Where it is unwanted, unreasonable and offensive to the recipient
- Where it is used as the basis for an employment decision
- Where it creates a hostile working environment

Some examples are given below but many forms of behaviour can constitute harassment.

- Physical conduct ranging from touching to serious assault
- Verbal and written harassment through jokes, racist remarks, offensive language, gossip and slander, sectarian songs, threats, letters
- Visual displays of posters, graffiti, obscene gesture, flags, bunting or emblems or any other offensive material
- Isolation or non-co-operation at work, exclusion from social activities
- Coercion, including pressure for sexual favours, pressure to participate in political/religious groups
- Intrusion by pestering, spying, following etc.

It should be noted that it is the impact of the behaviour which is relevant rather than the motive or intent behind it.

Employees' Rights

All employees have the right to work in an environment which is free from any form of harassment. The Prince's Trust fully recognises the right of employees to complain about harassment should it occur. All complaints will be dealt with seriously, promptly and confidentially in accordance with the Procedure for Dealing with Complaints of Harassment.

Every effort will be made to ensure that employees making complaints and others, who give evidence or information in connection with the complaint, will not be victimised. Any complaint of victimisation will be dealt with seriously, promptly and confidentially. Victimisation will result in disciplinary action and may warrant dismissal.

Employees' Responsibilities

All employees have a responsibility to help ensure a working environment in which the dignity of employees is respected. Everyone must comply with this policy and employees should ensure that their behaviour to colleagues and customers does not cause offence and could not in any way be considered to be harassment.

Employees should discourage harassment by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such treatment and are considering making a complaint. They should alert a manager or supervisor to any incident of harassment to enable The Prince's Trust to deal with the matter.

Managers' and Supervisors' Responsibilities

Managers and supervisors have a duty to implement this policy and to make every effort to ensure that harassment does not occur, particularly in work areas for which they are responsible. Managers and supervisors have responsibility for any incidents of harassment of which they are aware or ought to be aware. If harassment does occur, they must effectively deal with the situation.

Managers and supervisors should:

- Explain The Prince's Trust's policy to their staff and take steps to promote awareness of the procedure for dealing with complaints.
- Ensure that each member of staff has been given a copy of the policy.
- Be responsive and supportive to any member of staff who makes an allegation of harassment, provide clear advice on the procedure to be adopted, maintain confidentiality and seek to ensure that there is no further problem of harassment or victimisation after a complaint has been resolved.
- Set a good example by treating all staff and customers with dignity and respect.
- Be alert to unacceptable behaviour and take appropriate action.
- Ensure that staff know how to raise harassment problems.

The Responsibilities of The Prince's Trust

The Prince's Trust will ensure that adequate resources are made available to promote respect and dignity in the workplace and to deal effectively with complaints of harassment. This policy and procedure will be communicated effectively to all employees and The Prince's Trust will ensure that all employees and all managers and supervisors are aware of their responsibilities. Appropriate training will be provided including training on induction and management courses.

The Prince's Trust will ensure, where possible, that employees can raise complaints, should they wish, with someone of their own gender, religion or race, or who is aware of disability issues. All complaints of harassment will be dealt with promptly, seriously and confidentially.

The Prince's Trust Harassment Complaints Procedure

Scope

Any employee who believes that he/she has suffered any form of harassment is entitled to raise the matter through the following procedure.

The Formal Stage of this procedure complies with the requirements of the standard statutory grievance procedure. This is a grievance and investigation procedure designed specifically to deal with complaints of harassment.

The Informal Stage

This stage is appropriate where the employee simply wants the behaviour to stop, where the harassment is not serious or where it has not been repeated.

Employees can seek to resolve matters informally by:

- Approaching the alleged harasser directly making it clear to the person(s) harassing the employee that the behaviour in question is offensive, is not welcome and should be stopped.
- Approaching the alleged harasser with the support of a colleague or a trade union representative.
- Approaching the alleged harasser with the support of a supervisor/manager or designated adviser.

If it is too difficult or embarrassing to do this personally, employees may request a manager to approach the alleged harasser on their behalf.

Where an employee seeks the support of a manager, he/she will be sensitively informed that the manager's role at the informal stage can only be one of support or assistance. The manager will not conduct an investigation nor will he/she initiate disciplinary action. The employee will be advised that a formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure.

A written record of the action taken will be made to assist with any formal proceedings which may arise if the behaviour does not stop. (Failure to maintain such a record will not invalidate proceedings at the formal stage.) All reported incidents of harassment will be monitored and in the event of any patterns emerging management may wish to initiate its formal investigation and take remedial action where this proves to be necessary. Additionally, there may be situations where the seriousness of a complaint warrants formal proceedings.

The Formal Stage

The formal complaints procedure is appropriate if the harassment is serious, if the person making the complaint prefers this, or if the harassment continues after the informal procedures have been used.

Complaints should be raised as soon as possible following an act of alleged harassment so that the matter can be dealt with swiftly and decisively. While it is preferable that a complaint should be made in writing and set out as much detail of the complaint as possible, this will not preclude the investigation of a complaint made verbally.

The written complaint should be addressed to the Director of Human Resources who will allocate responsibility for the formal proceedings to an appropriate manager.

The manager carrying out investigations at the formal stage should not be connected in any way with the allegation which has been made. If the complaint relates to the Director of Human Resources, the complaint should be addressed to the Chief Executive.

A member of the Human Resources Department will assist throughout the procedure. He/she will attend all meetings and maintain a written record of all proceedings including the investigation and any outcome. The manager conducting the investigation will check all records to ensure accuracy.

The investigation procedure will be completed within 15 working days of the complaint having been received. Where this is not possible the procedure will be completed as soon as practicable and without unreasonable delay.

Meeting with the Complainant

A meeting with the complainant will be convened without unreasonable delay. At this meeting and all further meetings to deal with the complaint, the complainant has the right to be accompanied by a work colleague, a full time official employed by a trade union or a lay official who has been reasonably certified by his/her union as having experience in or as having received training in acting as a worker's companion at grievance hearings. If the complainant's representative cannot attend on the date initially set for a meeting under the procedure, the meeting will be postponed for up to five days.

At the meeting the manager will clarify and formally record the nature of the complaint and that it is being handled under the formal procedure. The complainant will be given the opportunity to put forward his/her views in relation to the complaint and the issue of avoiding contact with the alleged harasser will be addressed.

At the conclusion of the meeting the complainant will be advised that the complaint will be investigated and that a further meeting with the complainant may be required to clarify issues. The complainant will be advised not to communicate with the alleged harasser regarding the complaint.

Meeting with the Alleged Harasser

The manager will meet with the alleged harasser and:

- Outline the nature of the complaint
- Confirm that it is being handled under the formal procedure
- Advise that the alleged harasser should not communicate with the complainant in relation to the complaint
- Address any measures to be taken to avoid contact between the parties.

Where a case of serious harassment has been alleged consideration will be given to precautionary suspension of the alleged harasser to enable investigation to proceed. An individual who is going to be suspended must be formally advised of this at a meeting with the manager concerned.

Following this meeting the manager will write to the alleged harasser to detail the complaint, set a date for a formal meeting to be held and advise him/her of the right to be accompanied by a work colleague, a full time official employed by a trade union or a lay official of a trade union who has been reasonably certified by his/her union as having experience in or having received training in acting as a worker's companion in disciplinary and grievance hearings. The meeting with the alleged harasser should normally take place within 5 working days of the complaint being received. At this meeting the alleged harasser will have the opportunity to respond to the complaint.

Meeting anyone who can assist with the investigation

The manager will meet anyone who can assist with the investigation. This may include line managers and colleagues and may also include anyone who observed the complainant's demeanour immediately before and after the alleged incident(s) or any colleague with whom the complainant discussed the alleged incident(s). Each individual will be asked to outline what happened.

All those giving information at such meetings do so privately and not in the presence of any other person involved in the alleged incident of harassment. All evidence provided to assist with the investigation will be treated as confidential to the investigation subject to any legal requirements.

Reporting the Facts

The manager undertaking the investigation should prepare a written report outlining the facts, indicating his/her findings, and whether the disciplinary procedure should be invoked or other action taken. (Other appropriate management action may include the provision of training or counselling.)

Communicating the Decision

Having made a decision on the most appropriate course of action this will be communicated in writing to both the complainant and the person against whom the complaint was made. The complainant will be advised of the right to appeal the decision and the person against whom the complaint was made will be advised that the initial decision is subject to the complainant's right of appeal.

Appeal

If the complainant wishes to appeal, he/she should set out the grounds for the appeal in writing and address the letter to the line manager of the manager who conducted the investigation and copy it to the Director of Human Resources.

The complainant will be invited to attend an appeal meeting with a manager more senior than the manager who conducted the investigation. The appeal meeting will be convened without unreasonable delay. At the appeal meeting the complainant will have the opportunity to discuss the complaint further and to make submissions. The complainant may be accompanied at this appeal meeting by a work place colleague, a full time official employed by a trade union or a lay official of a trade union who has been reasonably certified in writing as having experience in or having received training in acting as a worker's companion in grievance hearings. (If the chosen companion is unable to attend the appeal hearing on a date initially specified, the hearing will be postponed for up to 5 working days.)

After the appeal meeting the complainant and the person against whom the complaint was made will be advised of the final decision in the matter.

After the Investigation is Complete

- Where a complaint has been upheld the complainant may wish to avoid any further contact with the harasser. Should the harasser remain in employment with The Prince's Trust and where it is agreed that further contact between the individuals concerned would be unacceptable, every effort will be made to facilitate this wish. Consideration should always be given to relocating the harasser in the first instance and where transfer of the complainant occurs it should not lead to any disadvantage to him/her.
- Even where a complaint is not upheld, or, for example, where the evidence is inconclusive, consideration may still be given, where practicable, to the voluntary transfer of one of the employees concerned.
- Training and/or counselling will be offered to the person who has been harassed and to the harasser. Where a complaint has not been upheld training and/or counselling may also be offered. This will be provided by a trained member of staff or by an external provider, as appropriate.
- The manager will meet the individual who has alleged harassment on a regular basis for a period of two months after the completion of the investigation to offer support and to ensure that no harassment or victimisation has occurred. This action will be undertaken even where a complaint has not been upheld.
- Where the investigation results in a decision that the disciplinary procedure should be invoked, The Prince's Trust Disciplinary Procedure will apply but there shall be no requirement for an investigative meeting.