Anti-harassment and Bullying Policy

About this policy

Tenovus Cancer Care ('the Charity') deplores all forms of harassment and bullying and seeks to ensure the working environment is sympathetic to all its staff. It is committed to providing a working environment free from harassment and bullying and ensuring all staff are treated, and treat others, with dignity and respect.

The Charity has a legal duty to take all reasonable steps to prevent sexual harassment of its employees and workers in the course of their employment, including sexual harassment by third parties. The Charity may also be legally responsible where a third party harasses an employee or worker in the course of their employment, whether that harassment is of a sexual nature or related to any protected characteristic, unless it has taken all reasonable steps to prevent it. This policy, together with our harassment risk assessment, training and reporting arrangements, forms part of the steps we take to meet those duties, and we expect everyone covered by this policy to support them.

This policy covers all forms of harassment or bullying and the Charity recognises that it can exist in and outside the workplace, such as on business events or any situation related to work events or social functions. It covers bullying and harassment by staff, volunteers, casual workers, interns, students, consultants, contractors and agency workers, and also by third parties such as customers, clients, suppliers, contractors, freelancers, people attending events, or members of the public. The protection applies both in person and online (e.g. work e-mails, social media, video calls etc).

For the avoidance of doubt, this policy applies to harassment of staff by volunteers, and the activities of our volunteers will be included in our harassment risk assessment and training.

The Charity requires all persons as noted in the above clause to behave appropriately, professionally and not engage in discriminatory, harassing or aggressive behaviour towards any person at any time, which may extend to events outside of working hours.

The Charity has a duty to implement this policy. It will do so in accordance with the Disciplinary and Grievance Policy and Procedures, and all staff are expected to comply with it. The policy sets out how the Charity will deal with a situation should it arise.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Who is responsible for this policy?

Our Trustees have overall responsibility for the effective operation of this policy but have

delegated day-to-day responsibility for overseeing its implementation to the Leadership Team. The Leadership Team will report to the Trustees at least annually on the operation of this policy, including the harassment risk assessment, the training completed and anonymised information about the number and nature of complaints and reports received, so that the Trustees can be satisfied that all reasonable steps are being taken to prevent harassment.

All managers and staff have a specific responsibility to operate within the boundaries of this policy, to ensure that all staff, volunteers and all persons specified in the 'About this policy' section above, understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements. All managers and staff will be given training in order that they may do so, both at induction and by way of refresher training at least every two years. Training will specifically cover sexual harassment, harassment by third parties and how to intervene safely as a bystander. Volunteers will receive training appropriate to their role.

Staff should disclose any instances of harassment or bullying of which they become aware to their line manager or the People and Development Team in the utmost confidence.

Questions about this policy and requests for training or information on dealing with bullying or harassment should be directed to the People and Development Team.

Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the People and Development Team.

What is harassment?

Harassment is any unwanted physical, verbal or non-verbal conduct that 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.

It also includes treating someone less favourably because they have submitted to, or rejected, unwanted conduct of a sexual nature, or unwanted conduct related to sex or gender reassignment.

Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including colour, nationality, and ethnic or national origin), religion or belief, sex, sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

There is separate and specific legal protection against sexual harassment which covers conduct of a sexual nature whether or not it is related to a protected characteristic. The Charity has a specific legal duty to take all reasonable steps to prevent sexual harassment, as explained in the 'About this policy' section above.

Harassment may include, for example:

- unwanted physical conduct or 'horseplay', including touching, pinching, pushing and grabbing;
- continued suggestions, pestering for social activity after it has been made clear that such suggestions are unwelcome;
- 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);
- unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- outing or threatening to out someone as gay or lesbian;
- offensive e-mails, text messages or social media content; or
- mocking, mimicking or belittling a person's disability.

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 the jokes create an offensive environment.

Actions may constitute harassment even if the person being harassed does not complain or ask for it to stop, or even if they view it as harmless 'banter'.

Harassment can occur in a large variety of situations, and the Charity is mindful of not making assumptions based on stereotypes, but higher risk scenarios may include:

- Two colleagues working together, where there would be no witnesses to any improper behaviour;
- Situations where there is a power imbalance, such as a junior and senior colleague working together;
- Situations where the majority of people present are of one gender, race or age category;
- The presence of alcohol, such as at social events;
- Public-facing and lone working, such as in our shops, at fundraising and other events, on the telephone or online, and in services provided to patients and the public, where there is a risk of harassment by third parties;

In order to prevent harassment, we will take measures such as:

- Training managers and staff to recognise behaviours which may amount to bullying and harassment and how best to intervene
- Encouraging employees and volunteers to report any harassment which they experience, or which they witness, including from third parties such as clients
- Taking such issues seriously, listening sympathetically and keeping an open mind
- Taking disciplinary action against harassers when appropriate

- Not subjecting anyone who raises a complaint, supports a complaint or acts as a witness to any detriment for doing so (see ‘Protection and support for those involved’ below)
- Regularly reviewing the risk of harassment in the workplace
- While being mindful of data protection and confidentiality, keeping a record of all harassment complaints and reports, including anonymous reports and incidents involving third parties, to watch for any patterns of unwanted behaviour
- Making it clear to third parties that harassment will not be tolerated, for example through notices in our shops and at events, appropriate terms in our contracts with suppliers, contractors and venues, and providing them with a copy of this policy where appropriate
- Setting up a system by which people can submit concerns anonymously if they feel unable to identify themselves.
- With more serious cases, considering paid time off work in order to get help with any resulting physical or mental health problems
- Taking reasonable and proportionate action against third parties who harass our staff and volunteers, as described in the ‘Action following the investigation’ section below

If you witness sexual harassment in the workplace, you should report it. You should talk to the person who's experienced sexual harassment to see whether they want your support, but you do not need the permission of the person who's been sexually harassed in order to report it. You will not be victimised if you make or support a complaint, or act as a witness.

We will assess the risk of harassment in the workplace and keep our risk assessment under regular review. The risk assessment will be documented, will be the responsibility of the Director of People and Development, and will be reviewed at least annually and following any significant incident or change to our activities. It will cover the risk of harassment by third parties and by volunteers, as well as by staff. We encourage you to come forward with any areas in which you believe harassment protection could be improved. Please let your line manager, or another senior member of staff, know or you can contact the People and Development Team.

What is bullying?

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation.

Bullying can take the form of physical, verbal and non-verbal conduct. Bullying may include, by way of example:

- physical or psychological threats;
- overbearing and intimidating levels of supervision;
- inappropriate derogatory remarks about someone's performance;

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.

If you witness an incident you believe to be bullying or harassment

If you witness such behaviour you should report the incident in confidence to your line manager, the People and Development Team or another senior member of staff, or by using our anonymous reporting process described below. Such reports will be taken seriously and will be treated in strictest confidence as far as it is possible to do so.

If you are being harassed or bullied: informal steps

If you are being harassed or bullied, consider whether you feel able to raise the problem informally with the person responsible. You are not expected to do this in all circumstances, particularly in cases of sexual harassment or where you would feel unsafe or uncomfortable doing so. 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 your line manager or the People and Development Team, who can provide confidential advice and assistance in resolving the issue formally or informally.

If you are not certain whether an incident or series of incidents amounts to bullying or harassment, you should initially contact your line manager or if the matter concerns that person, you should refer it to the People and Development Team informally for confidential advice.

If informal steps are not appropriate, or have been unsuccessful, you should follow the formal procedure set out below and/or refer to our Grievance Procedure.

Your safety is always our first priority so you have the right to immediately remove yourself from a situation involving an abusive or harassing third party without fear of penalty or disciplinary action.

Raising a formal complaint

If you wish to make a formal complaint about bullying or harassment, you should submit it in writing to your line manager whose role is to deal with it in a sensitive manner, to achieve a solution wherever possible and to respect the confidentiality of all concerned. If the matter concerns that person, you should refer it to the Director of People and Development.

Your written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to you. However, we have a duty to protect all staff and may pursue the matter independently if, in all the circumstances, we consider it appropriate to do so.

Anonymous Harassment Reporting

Whilst we hope that you will feel comfortable raising a concern we do offer an anonymous reporting process.

You can submit a report anonymously using our online reporting form Anonymous Harassment Reporting Form. All reports are taken seriously and reviewed as promptly as possible. Providing clear details (such as what happened, when, where, and who was involved) helps us respond effectively. Reports will be handled as confidentially as possible and being anonymous may limit our ability to investigate or follow up.

Formal investigations

We will investigate complaints in a timely and confidential manner. Individuals not involved in the complaint, or the investigation should not be told about it. The investigation will be conducted by someone with appropriate experience, training 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.

We will arrange a meeting with you, within a reasonable period of receiving your complaint, so that you can give your account of events. You have the right to be accompanied by a colleague or a trade union representative 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.

Where your complaint is about a staff member, 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. The investigator will also meet with the alleged harasser or bully (who may also be accompanied by a colleague or trade union representative of their choice) to hear their account of events. They have a right to be told your name and the details of the allegations against them, so that they can respond.

Where your complaint is about someone other than a staff member, volunteer or casual worker such as a customer, 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.

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 to avoid or minimise contact with the alleged harasser or bully.

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

At the end of the investigation, the investigator will submit a report to a senior manager nominated to consider the complaint who has had no previous involvement in the matter. The senior manager 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 or a trade union representative to the meeting. You and the alleged harasser will each be given a written summary of the senior manager's findings and the outcome. A copy of the investigation report may also be provided where appropriate, subject to data protection considerations.

Action following the investigation

If the senior manager considers that harassment or bullying has occurred, prompt action will be taken to address it.

Where the harasser or bully is a staff member, volunteer, consultant, agency worker, intern, student or casual worker the matter will be dealt with as a case of possible misconduct or gross misconduct under our Disciplinary Procedure or our Volunteer raising concerns and complaints policy. If the harasser or bully is a third party such as a customer or other visitor, the Charity will take such action as is reasonable and proportionate to protect you and others from further harassment. Depending on the circumstances, this may include issuing a written warning to the third party, excluding them from our premises, shops, events or services, changing who deals with them, reviewing or ending any contract or arrangement with them, and/or reporting the matter to the police.

Whether or not your complaint is upheld, we will consider how best to manage the ongoing working relationship between you and the person concerned. 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.

Any staff member who deliberately provides false information or otherwise acts in bad faith as part of an investigation may be subject to action under our Disciplinary Procedure.

Appeals

If you are not satisfied with the outcome of your complaint following the completion of the investigation, you may appeal in writing to the Director of People and Development or to a senior manager of equivalent status as advised in your written notification of the outcome of your complaint, clearly stating your full grounds of appeal, within five working days of the date on which the decision was given to you.

We will hold an appeal meeting, within a reasonable period of receiving your written appeal. This will be dealt with impartially by a senior manager who has not previously been involved in the complaint (although they may ask anyone previously involved to be present). You may bring a colleague or trade union representative to the meeting. The appeal meeting is not intended to repeat the detailed investigation findings shared with you at the complaint outcome meeting, but to focus on specific factors which you feel have received insufficient consideration.

Upon completion of the appeal meeting, the senior manager will confirm the final decision to you in writing within a reasonable period of time. This is the end of the procedure and there will be no further appeal.

Protection and support for those involved

Staff or volunteers who make complaints, support a complaint or participate in any investigation must not suffer any form of retaliation or victimisation as a result. This protection will only be lost if someone gives false evidence or information, or makes a false allegation, in bad faith. Anyone found to have retaliated against or victimised someone in this way will be subject to disciplinary action under our Disciplinary Procedure.

Reporting that sexual harassment has occurred, is occurring or is likely to occur may also be a protected disclosure under whistleblowing law. You must not be subjected to any detriment, or dismissed, for making such a disclosure. You may also raise concerns under our Whistleblowing Policy.

If you believe you have suffered any such treatment you should inform your line manager or the People and Development Team. If the matter is not remedied, you should raise it formally using our Grievance Procedure or this procedure if appropriate. Volunteers should use our Volunteer Raising Concerns and Complaints Policy.

We offer access to an employee assistance programme (EAP) and confidential counselling, which is available on request for anyone affected by, or accused of, bullying or harassment. The details are available on POBL or in confidence from the People team.

Confidentiality and record-keeping

Confidentiality is an important part of the procedures provided under this policy. 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. Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Nothing in this policy, or in any confidentiality obligation, prevents anyone from making a protected disclosure under whistleblowing law, reporting a matter to the police or a regulator, co-operating with a criminal investigation or prosecution, or seeking legal, medical or counselling advice or support (including from a trade union representative). The Charity will not ask anyone to enter into an agreement which would prevent them from disclosing harassment or discrimination, or the Charity's response to it, except where permitted by law.

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 the Charity’s Employee Privacy Notice. Records of complaints and reports, including anonymous reports and incidents involving third parties, will also be kept in an anonymised form so that we can identify any patterns and report to the Trustees as described in this policy.

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