

## **Harassment: Policy and Procedure**

ELT / SLT responsibility:	Director of Human Resources, Organisation Development & Marketing		
Applies to:	<ul style="list-style-type: none"> <li>• All RNN Group Employees</li> <li>• National Fluid Power Centre Employees</li> <li>• RES Employees / Workers</li> <li>• External Agency Staff</li> <li>• Contractors</li> <li>• Volunteers</li> <li>• Student Teachers</li> <li>• Work Experience</li> <li>• Visitors</li> </ul>		
Approved by:	• Equality Impact Assessment	Approval date:	23 <sup>rd</sup> September 2024
Approved by:	• Joint Consultative and Negotiating Committee	Approval date:	16 <sup>th</sup> October 2024
Approved by:	• Executive Leadership Team	Approval date:	16 <sup>th</sup> October 2024
Approved by:	• RNN Group Board	Approval date:	N/A
Related documents:	<ul style="list-style-type: none"> <li>• Disciplinary Policy and Procedure</li> <li>• Grievance Policy and Procedure</li> <li>• Safeguarding for all Policy</li> <li>• Equality, Diversity and Inclusion Policy</li> <li>• Staff Code of Conduct</li> </ul>		
Implementation date:	26 <sup>th</sup> October 2024	Review date:	October 2027
<b>DOCUMENT CONTROL</b>			

Date	Version	Action	Summary of changes
26 <sup>th</sup> October 2024	1.0	Policy first implemented	Currently only have a statement and new legislation coming into force October 2024 dictates a separate policy.

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## **1 Scope and purpose**

- 1.1 This policy and procedure shall apply to all RNN Group (hereinafter referred to as the 'Group') employees, workers, student teachers, those on work experience, volunteers, visitors and contractors including "designated senior post holders" as defined in the Corporation's Articles of Governance, along with other individuals working at, or representing the Group.
- 1.2 The policy and procedure will be applied in accordance with relevant UK legislation, specifically the Worker Protection Act 2023 (Amendment of Equality Act 2010).
- 1.3 The Group takes seriously its commitment to provide a workplace free from harassment, unlawful discrimination, bullying or victimisation of any kind, and taking reasonable steps to prevent sexual harassment of its employees. It is the responsibility of everyone, regardless of position or status, to adhere to and support this policy.
- 1.4 This policy and procedure provides a process for individuals to raise concerns regarding harassment (including sexual harassment) and a procedure for dealing with such concerns.
- 1.5 This policy and procedure does not form part of the employee's contract of employment and so the right is reserved to depart from it where appropriate.

## **2 General Principles**

- 2.1 The Group is committed to providing a safe, respectful, and inclusive work environment for all, free from any form of harassment, where everyone is treated with dignity and respect and we will take reasonable steps to prevent sexual harassment of our staff.
- 2.2 The Group will not tolerate harassment of any kind. Every individual has a duty to ensure they act in an appropriate manner towards colleagues, students and stakeholders at all times.
- 2.3 The Equality Act 2010 states that there are three types of harassment that are unlawful:
  - Harassment related to relevant protected characteristics i.e. age, disability, gender reassignment, race, religion/belief, sex, sexual orientation (the protected characteristics of marriage and civil partnership and pregnancy and maternity are not covered under harassment law. However, harassing somebody because of pregnancy or maternity would be harassment related to sex.)
  - Sexual harassment.
  - Less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.
- 2.4 It is the purpose of this policy to give individuals the confidence to speak out if being harassed or they have genuine concerns about others. Harassment damages the mental and physical health of individuals, which affects both their personal and working life, and has a negative impact on workplace culture and productivity.
- 2.5 The Group aims to resolve concerns over harassment, bullying and victimisation to the satisfaction of the complainant and to facilitate the cessation of any such behaviour.
- 2.6 This policy does not seek to formally address issues of potential misconduct by the alleged harasser. If harassment is found or if false and/or malicious allegations are found then the disciplinary procedure may be invoked to deal with these matters.
- 2.7 Retaliation against individuals who report harassment or provide information during the investigation process is strictly prohibited therefore, the disciplinary procedure may be invoked to deal with these matters.

- 2.8 The Group is committed to preventing harassment through education, training, and awareness. Regular training sessions will be conducted and information / updates shared to ensure all managers and individuals understand their rights and responsibilities under this policy and promote a respectful and inclusive workplace in line with our EDI strategy.

### **3 Definition of Harassment**

- 3.1 Harassment can take many forms and occurs when a person is subjected to unwanted behaviour, defined as unwelcome physical, verbal or non-verbal conduct, which has either the purpose or the effect of or can be reasonably viewed as:
- Violating a person's dignity.
  - Creating an intimidating, hostile, degrading, humiliating or offensive environment.
  - Unwanted, unwelcome or uninvited behaviour.
- 3.2 Conduct that has one of these effects can be harassment even if the effect was not intended. Behaviour, which may be regarded as acceptable or tolerable by one individual, may be regarded as harassment by another. It is the unwelcome nature of the conduct that distinguishes harassment from friendly behaviour which is welcome and mutual. A person does not have to say that they object to the behaviour for it to be unwanted. A behaviour can impact others, not just the person it was directed towards.
- 3.3 The following are examples of behaviour which constitute harassment. This list is not exhaustive:
- Aggression and Physical behaviour
  - Racist remarks – offensive comments, jokes or derogatory nicknames
  - Comments about an individual's appearance or disability – such as physical characteristics
  - 'Banter', inappropriate jokes or remarks
  - Written or printed material of an offensive or obscene nature (including electronic media such as e-mail and social networking sites)
  - Coercion ranging from pressure to participate in political or religious groups
  - Isolation or non-co-operation at work – exclusion from social activities
  - Harassment related to a relevant protected characteristic or perceived characteristic (i.e. race, sex, age, disability, sexual orientation, gender identity, religion/belief)
  - Non-targeted conduct, which is not directed at a specific individual but stereotype or degrade particular groups
- 3.4 Such behaviour can be explicit or implicit, direct or indirect and take place face to face or across other media, including electronic media such as texts, instant messaging services, e-mail and social networking sites. This can also take place inside or outside of working hours and inside or outside of the workplace.

### **4 Definition of Sexual Harassment**

- 4.1 The Worker Protection Act 2023, came into effect on 26 October 2024 introduces a new proactive duty on employers to take reasonable steps to prevent sexual harassment of employees from other employees, or agents acting on behalf of the employer and third parties. Third party harassment could include, unwelcome behaviour from a customer visiting or premises or an employee visiting an employers premises in the course of their employment.
- 4.2 Sexual harassment is described as unwanted conduct of a sexual nature which has the purpose or effect of violating another's dignity or creating an intimidating, hostile, degrading humiliating or offensive environment, including that which continues when brought to the individual's attention.
- 4.3 The following are examples of behaviour which constitute sexual harassment. This list is not exhaustive:

- Unwanted flirting.
  - Sexual comments, jokes, or gestures or sexually explicit remarks.
  - Displaying or sharing sexually explicit materials, photos, memes, videos.
  - Spreading sexual rumours about a person.
  - Intrusive questions about a person's private or sex life or a person discussing their own sex life.
  - Sexual propositions and advances or requests for sexual favours.
  - Suggestive looks, staring or leering.
  - Sexual posts or contact on social media.
  - Sending sexually explicit emails, texts and instant messages.
  - Unwanted, unwelcome, inappropriate physical contact, sexual touching, kissing, hugging, massaging, patting or pinching (see consent explanation in 4.5).
  - Sexual assault, rape (see consent explanation in 4.5).
  - Sexual slurs, insults, or derogatory remarks.
  - Persistent unwanted attention, persistent social requests, unsolicited gifts or stalking.
  - Retaliation against an individual who reports or supports a complaint of sexual harassment.
- 4.4 Such behaviour can be explicit or implicit, direct or indirect, and can occur between individuals of the same or different genders. Such behaviour can take place face to face or across other media, including electronic media such as texts, instant messaging services, e-mail and social networking sites. This can also take place inside or outside of the working hours or inside or outside of work, including when working from home. A single incident can amount to sexual harassment.
- 4.5 Definition of consent - Providing permission for something to happen or agreement to do something with a full understanding of the facts and without coercion. In cases of sexual contact, consent cannot be presumed but must be expressly given, verbally or non-verbally. Consent cannot be deemed to be given if it is provided under pressure or in situations where someone is incapable of providing it. Consent can be withdrawn at any time.
- 4.6 Steps we will take to prevent sexual harassment include:
- Conduct a risk assessment to identify where our employees may be exposed to sexual harassment by other colleagues or third parties
  - Provide training for all employees
  - Make the policy available to all employees
  - Encourage employees to report any incidents
  - Provide signage informing the public of our expectations

## **5 Definition of Bullying**

- 5.1 Bullying (including cyber bullying) is a specific form of harassment which occurs when someone is offensive, intimidating, malicious or insulting OR abuses their position of power over another person that undermines, humiliates, or causes physical or emotional harm to someone.
- 5.2 The following are examples of behaviour which could constitute bullying. This list is not exhaustive:
- Constantly criticising someone's work.
  - Belittling language towards someone.
  - Spreading malicious rumours about someone.
  - Constantly putting someone down in meetings.
  - Deliberately giving someone a heavier workload than everyone else.
  - Excluding someone from team social events.
  - Putting humiliating, offensive or threatening comments or photos on social media.

## **6 Definition of Victimisation**

- 6.1 Victimisation occurs when a person is treated unfairly because they have made a complaint or allegation of discrimination or have acted as a witness, or someone thinks they did or might do.

## **7 Less favourable treatment of a person because they submit to or reject sexual harassment or harassment related to sex or gender reassignment**

- 7.1 A person is treated less favourably because they submitted to, or rejected the unwanted conduct mentioned in the above sections.
- 7.2 Under this type of harassment, it may be the same person who is responsible for the initial unwanted conduct and the subsequent less favourable treatment, or it may be two (or more) different people.

## **8 Harassment and the law**

- 8.1 Harassment in any form is unlawful and harassment at work could be a crime, for example if you are told a person has been:
- Physically attacked.
  - Sexually assaulted, including indecent exposure, stalking and rape.
  - The victim of a hate crime.
  - Threatened with violence.
- 8.2 Those who harass may be prosecuted for their actions as well as being subject to the Groups disciplinary procedures.

Any complaint which also constitutes a safeguarding risk against a member of staff will be dealt with in line with Keeping Children Safe in Education Guidance and the Groups' Safeguarding for All Policy and by following the DBS referral guidance. If a referral to LADO is also required, this will be made by the Safeguarding Lead / Deputy.

- 8.3 Bullying and harassment are often confused. By law (Equality Act 2010), bullying behaviour can be harassment if it relates to any of the above mentioned 'protected characteristics' in section 2.3.
- 8.4 It is the individual's decision to report such matters to the Police and the Group will support the individual with their decision.
- 8.5 In rare circumstances the Group may have to report the matter to the Police themselves for example, if the Group or the complainant thinks there is likely to be an on-going risk to their safety or the safety of others OR an increased risk to their safety because they are classed as a vulnerable person. In these cases, the Group will seek specialised legal advice and let the complainant know this is going to happen then update once it has.
- 8.6 If a matter is reported to the Police the Group will still be required to investigate, which will either run alongside any Police Investigation or be paused until this is complete (following advice from the Police to ensure there is no risk of prejudicing the criminal process). If a criminal process does not result in a conviction, this does not mean the Group investigation process ceases as the evidence needed to prove a crime is higher than for an employer's disciplinary process.

## **9 Responsibilities**

The removal of any form of harassment is the responsibility of everyone. Everyone has a responsibility not to behave in a way that could be offensive to others or to allow others to do

so. Everyone should feel comfortable about explaining what particular words or behaviour are unacceptable to them and be able to expect that others will treat their views seriously.

### **9.1 Employer**

As an employer the Group will ensure there is an established policy and procedure for dealing with harassment, bullying or victimisation and that the policy is communicated to all staff and implemented. Risks will be assessed. Complaints brought to the notice of the Group will be investigated and dealt with seriously and as quickly as possible.

We will ensure that regular training sessions will be conducted and information / updates shared to ensure employees understand their rights and responsibilities under this policy.

### **9.2 Senior Managers**

All senior managers are responsible for modelling professional, inclusive and respectful behaviour and leading by example modelling the positive behaviours of the organisation. They are responsible for ensuring that staff who report to them act in accordance with this harassment policy and report immediately to HR. They are also responsible for identifying, challenging and dealing with unfair treatment including sexual harassment.

### **9.3 Line Managers**

Line Managers play a pivotal role in fostering a working environment that prevents and challenges harassment and unfair treatment. All line managers are responsible for being positive role models and ensuring that staff who report to them act in accordance with this harassment policy and report immediately to HR. They are also responsible for identifying, challenging and dealing with unfair treatment including sexual harassment. They need to have the knowledge to recognise harassment and the confidence to intervene early. They are also responsible for engaging with training and any updates provided.

### **9.4 HR staff**

All HR staff have a responsibility to ensure that any complaints raised are dealt with promptly under the Harassment Policy and that all parties are appropriately supported.

### **9.5 Staff**

All staff have a responsibility for ensuring the environment is free from any form of harassment and discourage any behaviour which constitutes harassment as well as reporting this through the appropriate channels. They are also responsible for engaging with training and any updates provided.

### **9.6 Others**

All other individuals working at and / or representing the Group have a responsibility for ensuring the environment is free from any form of harassment and discourage any behaviour which constitutes harassment.

## **10 Reporting Procedure**

- 10.1 We encourage anyone who is a victim of, or witness to, harassment to report it in accordance with this policy. This will enable us to take appropriate action and provide support.
- 10.2 If an employee or worker believes they have experienced or witnessed harassment, victimisation or bullying in the workplace, they should promptly raise this with their Line Manager, or a member of HR if they do not feel comfortable raising this with their Line Manager. The Group understands individuals may be worried about reporting their concerns.
- 10.3 There is no time limit for raising a complaint about harassment or sexual harassment.
- 10.4 The Group will:
  - Take any complaint of harassment seriously.
  - Think carefully of how to handle the complaint, whilst being sensitive and fair to all involved.

- Inform those involved what the process will be / involve.
  - Handle the complaint as quickly as possible.
  - Keep an open mind and be impartial.
  - Keep the complainant informed where possible.
  - Let the complainant know the outcome as soon as possible (this does not mean exact details will be provided).
- 10.5 If an individual raises a complaint but asks for this not to be taken any further, the matter must be brought to HR. We may still have to take steps to ensure the matter is resolved and this will be considered carefully. This will be recorded in writing. *Please see Appendix 1 for further details in this case.*
- 10.6 *In cases of sexual harassment*, employees or workers can contact the HR helpline on 01909 559292 to make an anonymous report about sexual harassment. They must enter 141 before dialling the number to withhold the number and make it anonymous.

## **11 Informal Resolution**

- 11.1 Individuals may wish to raise the issue informally in the first instance. Informal issues should be raised directly with their Line Manager. In cases where the complaint is about the Line Manager, this can be raised with HR instead. Successful informal action can resolve issues quickly in some instances. In all cases the matter and possible routes / process will be discussed with the complainant before any investigation / action is taken.
- 11.2 Line Managers can arrange for an informal meeting to take place between the parties, where the behaviour can be pointed out. An outcome and agreed resolution will be provided in writing afterwards to all parties. Individuals should not feel pressured into taking this approach. Individuals are entitled to have a work colleague or workplace representative accompany them in this meeting. If the complainant is dissatisfied with the outcome, they have the right to escalate to the formal stage.
- 11.3 If the complainant wants to remain anonymous at this stage, then that may be possible. If the allegation later becomes formal, it will be necessary at this point to make clear the identity of the complainant.
- 11.4 Examples of informal resolution could include:
- The Line Manager keeping an eye on the issue.
  - An apology.
  - Mediation.
- 11.5 In sexual harassment cases, informal action will not always be appropriate – but this may be the preference of the complainant in cases involving sexual remarks, unwanted comments or attention or boundary crossing behaviour.
- 11.6 In cases of potential safeguarding issues, where there is a risk to health and safety or where the information received is so serious, action is needed, it may not be appropriate to use an informal route.

## **12 Formal Process**

- 12.1 Formal complaints should be put in writing and should include names, descriptions of behaviours / events, dates and locations, identity of witnesses, why the complainant feels the behaviour is unacceptable and details of any informal action taken to address the behaviour. The complainant can request to go straight to a formal process.
- 12.2 The Group will promptly and thoroughly investigate the allegations in a fair, objective, and confidential manner (*see Appendix 2 for guidance*). The investigation will involve interviewing



the complainant, the alleged harasser, and any relevant witnesses. It is not possible at any formal stage to keep the identity of individuals confidential.

- 12.3 The investigator will consider the specific allegations and also whether there is evidence of any other form of unacceptable behaviour. Depending on the findings of the investigation, the complaint may be dealt with under the disciplinary process after the initial investigation stage. Where the alleged harasser is not an employee, steps to safeguard will be considered and implemented.
- 12.4 Confidentiality will be maintained by all parties involved throughout the process to the extent permitted by law and to protect the privacy of all parties involved.

### **13 Support**

- 13.1 The Group acknowledges that both raising a complaint and being the subject of a complaint can be a difficult time. HR will be available to offer support. All employees have access to the Health and Wellbeing Portal, which includes mental health support, counselling and other useful resources. The Group also has a number of Mental Health First Aiders that individuals could speak with confidentially. Other support could be organised for non-employees where applicable. It may also be necessary to arrange mediation, in such cases this will be organised by HR.

### **14 Records**

- 14.1 The Group will maintain records of investigations into alleged incidents of harassment or bullying, the outcome of the investigations and any corrective or disciplinary action taken, where applicable. These records will be maintained in confidence and in line with the provisions of the Data Protection Act.

## **Appendix 1**

### ***Requests by the individual not to take action***

Legislation guidance in these situations suggests such requests should be dealt with in the following way.

If a person raises a complaint with the employer but asks them not to take the matter any further, an employer should still take steps to ensure that the matter is resolved.

The employer should, for example:

- keep a record of the complaint and the person's request to keep the matter confidential
- encourage the person to address the issue informally either directly themselves or with support
- provide the person with any necessary support and guidance on how to address the issue informally
- keep the situation under review by checking in with them to find out if the situation has improved, and
- where the situation has not improved, explain to the person that it is necessary to address the issue both for their well-being and that of their colleagues.

Where possible, the employer should respect the wishes of the complainant. Not doing so could compound any harm caused by the original conduct. However, there may be circumstances in which the employer should take action because the risk of not taking action outweighs the risk arising from overriding the complainant's wishes.

In assessing the relative risk of the options, the employer should ask:

- Have they considered and exhausted all other possible options such as those already referred to in this guidance?
- What will the impact be of overriding the complainant's wishes on them?
- What are the potential risks to the complainant, the complainant's colleagues and to other third parties if the employer does not take further action?
- Have other complaints been made against the same person?
- What is the likelihood of the matter being resolved by the complainant without intervention by the employer?

For example, it may be appropriate to take further action where the harassment is so serious that there is an immediate risk to the safety of the complainant, their colleagues or anyone else that the harasser may come into contact with. The risks may be higher in cases where criminal behaviour has taken place. If the employer decides that it must take formal action then it should explain its decision to the complainant and ensure that it has put in place appropriate safeguards to prevent further harassment or victimisation of the complainant as well as support and counselling for the complainant to deal with any impact the decision may have.

## **Appendix 2**

### **Guidance Notes for Investigations under the Harassment Policy**

***In order to ensure that the investigation is carried out fairly, the interview should be conducted in private and the investigating officer should:***

#### ***Prior to the meeting:***

- Familiarise themselves with this Policy.
- Prepare a list of relevant questions in advance of the interview.
- Take any allegation seriously.
- The RNN Group always gives the right to be accompanied by a workplace colleague or trade union representative to the accused employee.
- Careful consideration should be given to allow the person making the complaint to have someone accompany them as support.

#### ***At the start of the interview:***

- Advise that the interview is confidential and that it must not be discussed with colleagues or friends as this could prejudice the investigation.
- Introduce all parties and clarify roles and responsibilities e.g. if you have a note-taker present.
- If there is no note-taker, explain that you will be taking notes so that you have an accurate record, and that it is important that their own words are written down.
- Explain that a record of the interview will be prepared for their signature, and that they will be able to read, comment and make any changes necessary before they sign it.

#### ***During the interview:***

- Be sensitive and fair to all parties involved, bearing in mind it is probably an uncomfortable situation for all involved.
- Ask the individual to talk through the complaint and make full notes, using the individual's own words.
- Stick to facts and avoid making assumptions.
- Ensure you get as many details as possible of the incident(s), seeking clarification where necessary as this will help when you interview other parties. Specifically look for dates of incidents, specific details; (e.g. things said, non-verbal actions), names of all witnesses, what action they or others took if any (e.g. in cases of harassment did they ask the person to stop or report it to a manager).
- Explore with the individual what they are seeking by way of a remedy/outcome in making the complaint, but be careful not to make any commitment to potential solutions given that you have yet to establish all of the facts.
- Be careful not to express disapproval or pass judgement on either party.

#### ***At the end of the meeting:***

- Allow them to ask questions but do not be drawn into discussing potential outcomes of the investigation.

- Ask them to let you know if they subsequently think of something else which is important.
- Tell them that you will provide them with a copy of the interview notes to check and sign (for further guidance see 'Interview Notes' below).
- Re-emphasise the need to keep the interview confidential.

NB: An investigatory interview is not the same as a disciplinary hearing. The purpose of an investigatory interview is to establish what happened, while the purpose of a disciplinary hearing is to confirm the facts and decide what to do about it.

***When interviewing a witness, the investigating officer should:***

- Reassure that the purpose of the interview is to gather information.
- Explain that their assistance is very important.
- Seek to fully uncover the facts of the 'story'.
- Focus on facts, not opinions. Separate facts from assumptions and opinions.

***The manager should ensure that the witnesses' version of events is accurate and reliable. The witness might inadvertently:***

- Be exaggerating or basing the evidence on opinion or assumption, rather than on fact.
- Have a personal grudge against the accused employee.
- Be allowing emotions to get in the way of rationality.

***Following the conclusion of the investigation, the investigating officer should:***

- View the matter objectively and keep an open mind, don't let personal views cloud your judgement.
- Take into account all the evidence from all parties.
- Decide if there is a case to answer by applying the balance of probabilities principle (that the event occurring is more likely than not to have happened).
- Take a reasoned decision on whether or not to instigate disciplinary proceedings against the employee or suggest informal resolution.
- Complete the Investigation Report outlining the investigation and reasons for decision. It is important to note that there are essentially three things that you need to consider in making your decision:
  - you need to believe that the act complained of actually occurred,
  - you need to have reasonable grounds for coming to that conclusion, and
  - you need to be satisfied that at the point at which you have reached that decision you have carried out as much investigation into the matter as was reasonable in all the circumstances of the case.
- The report should state whether harassment or bullying occurred and will outline any recommendations for action.

For example:

*Harassment or bullying did not occur – or limited action required.* In such circumstances the Investigating Officer may, if necessary, recommend steps to improve the working relationship between the parties following the complaint.

*Harassment or bullying did occur – recommendations for action short of disciplinary action.* It may be concluded in light of the facts that disciplinary action is unnecessary. In such circumstances the Investigating Officer may recommend other appropriate action to address the behaviour, such as:

- training/coaching/mentoring;
- re-arrangement of working conditions;
- redeployment of one or both parties on a temporary or permanent basis on terms and conditions that are no less favourable than existing terms and conditions of employment; and/or
- monitoring of the situation.

*Harassment or bullying did occur – disciplinary action required.* In such circumstances the alleged harasser will be asked to attend a disciplinary hearing (refer to the group disciplinary procedure). If

harassment or victimisation is found this may lead to disciplinary action up to and including dismissal.