



**Design Centre Online Limited
Trading as Inkberrow Design Centre (IDC)**

Dealing with Harassment Policy

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1 Introduction

- 1.1 Inkberrow Design Centre is committed to the elimination of unlawful discrimination including harassment on the grounds of age, disability, gender reassignment, marriage and civil partnership, race, religion or belief, sex, sexual orientation, trade union activity or any other statutory protected ground ("Protected Grounds"). It is the right of every member of staff and visitor to work at and visit Inkberrow Design Centre without fear of harassment or victimisation.
- 1.2 Inkberrow Design Centre recognises the problems associated with harassment and is committed to providing an environment in which all individuals can operate effectively, confidently, and competently. If a complaint is brought to the attention of management it will be investigated promptly in a sensitive and discreet manner and appropriate action taken (See Complaints Policy)
- 1.3 An employee making a complaint or against whom a complaint has been made, has the right to be accompanied and represented by a trade union representative or workplace colleague of their choice at all stages of the investigation process. Inkberrow Design Centre reserves the right to refuse an employee being accompanied by a workplace colleague whose presence would prejudice the hearing or who might have a conflict of interest.

Wherever practicable, the manager(s) dealing with the matter will discuss any such concerns with the employee and the proposed workplace colleague before a decision is taken.

- 1.4 In circumstances where a meeting has been arranged under the formal procedure but the trade union representative or workplace colleague who is to accompany the employee is unable to attend the proposed meeting, the meeting will be postponed if the employee can offer an alternative date and time which is reasonable and falls within five working days after the day on which the original meeting was proposed.

2 Background

- 2.1 Harassment is a serious problem which can affect people's health, work performance, promotion, job prospects and ultimately the success of Inkberrow Design Centre.
- 2.2 From 1 October 2010, most of the previous equality legislation was replaced with the new Equality Act 2010.

3 What is Harassment?

3.1 Harassment means unwanted conduct related to a Protected Ground which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment at work. This can include where harassment occurs because the individual is perceived to have a particular characteristic (which is a Protected Ground) even if they do not in reality have this, or where the individual is associated with someone with a particular characteristic (which is a Protected Ground). Harassment may be repetitive or an isolated occurrence against one or more individuals. Harassment may also occur by third parties with whom an employee comes into contact in the course of their work but who are not IDC staff.

3.2 Harassment may include the following:

- Physical - contact eg: touching, patting, gestures, intimidation, aggressive behaviour or assault
- Verbal - unwelcome remarks, suggestions and propositions, malicious gossip, insults, jokes and banter
- Non-verbal - offensive literature or pictures, graffiti and computer imagery, isolation or non co-operation and exclusion from social activities

4 Victimisation

4.1 Any complainant has the right not be victimised as a result of bringing to the attention of the alleged offender or management any conduct that the individual finds unwanted.

4.2 The individual against whom the allegations have been made also has the right not to be victimised whilst the allegations are being investigated. It may however be appropriate to take action during the period of investigation as detailed in paragraph 5.2 of the procedure (Appendix 1).

5 Responsibilities

- 5.1 It is the duty of every member of staff and those visiting Inkberrow Design Centre premises to take responsibility for their behaviour and modify it if necessary, as harassment is not acceptable under any circumstances. In the event of a failure to do so disciplinary action in accordance with Inkberrow Design Centre's disciplinary procedure may be a consequence and anyone found responsible may also be held personally liable should the person who has been harassed undertake legal proceedings.
- 5.2 Anyone experiencing harassment is encouraged to raise the matter initially under Inkberrow Design Centre's procedure on harassment before exercising any rights which may exist to pursue a grievance through the tribunals or courts. Inkberrow Design Centre will ensure that this policy is widely publicised and its contents made known to all staff and where practicable contractors and visitors.

6 Training

- 6.1 Training will be provided, as appropriate, to all managers to ensure they gain knowledge, skills and awareness necessary to operate Inkberrow Design Centre's policy and relevant legislation efficiently and effectively, and to disseminate this to all staff. The harassment policy will be incorporated into all aspects of training wherever appropriate eg induction and management development programmes.

7 Supportive Framework

- 7.1 Inkberrow Design Centre recognises that making a complaint of harassment is likely to be a distressing experience and that it may be difficult for individuals to raise complaints directly with line managers. Accordingly individuals may approach a colleague or trade union representative to raise the issue with management on their behalf in line with the procedure.
- 7.2 If the behaviour does not cease, or is serious, then the individual can approach the Management Team who will nominate an appropriate member of staff or external source to act as an advisor. The role of the advisor is to provide support and assistance to the complainant during this stressful time.
- 7.3 The advisor has no role in formal investigations and neither are they a source of evidence in any proceedings, since all discussions between advisor and individual are confidential.
- 7.4 Individuals who have been accused of harassment may also access a confidential advisor to receive appropriate support and advice as the allegation is investigated.
- 7.5 The procedures for dealing with allegations of harassment are attached as Appendix 1.

1 Introduction

- 1.1 This procedure has been designed to deal with complaints of harassment, which need to be handled in a sensitive manner. The procedure therefore seeks to ensure minimal stress for all parties, timely resolution of complaints, and a degree of flexibility appropriate to individual circumstances.
- 1.2 At all stages of the procedure, the need to maintain confidentiality will be paramount. Information circulation will be minimised to that which is necessary to ensure a fair investigation and hearing.
- 1.3 This procedure is separate from the disciplinary procedure, which may be used if the results of this investigation establish a case for disciplinary action against the alleged offender.
- 1.4 If at any stage in this procedure an individual receives a response to a formal complaint which s/he considers is inadequate or inappropriate the individual is entitled to raise the matter under Inkberrow Design Centre's grievance procedure (where appropriate).

2 Keeping a Record

- 2.1 It is important that anyone who believes they have suffered from harassment should keep notes of the details outlined below for each incident; and that they are made as soon after the event as possible.
- 2.2 Detailed notes should include the following:
 - date
 - time
 - place
 - name of person harassing them
 - what actually happened
 - how the victim actually felt at the time
 - name(s) of any witness(es)
 - action taken and whether reported to management
 - any correspondence relating to the incidents and subsequent complaints

3 Stage 1

3.1 *Informal Resolution*

- 3.1.1 Every effort should be made to resolve the issue informally in the first instance if this is possible and appropriate. As soon after the incident as possible the individual should discuss the incident with the alleged offender and state that the incident is not welcomed and should stop. If the complainant is too embarrassed to speak directly to the alleged offender this could be done by writing to them or asking a colleague to mediate for them. The complainant should make a note of the action taken.
- 3.1.2 If the individual is unable to resolve the problem, either personally or with the assistance of a colleague, they may contact the line manager for advice. If the line manager is the person against whom the complaint is being made, the individual may refer the matter to the alleged offender's line manager. Where the individual indicates that they would prefer to discuss the matter with a person of the same sex/race etc, this should be arranged whenever possible.
- 3.1.3 Any discussion will be confidential and no further action will be taken without the consent of the individual concerned. In some cases, however, the allegation may be so serious as to require immediate action, for example if it involves a criminal offence or serious misconduct. In such circumstances Inkberrow Design Centre may be compelled to take action irrespective of the individual's wishes.
- 3.1.4 The courses of action open to an individual following an attempt to resolve a problem informally include:
- to take no further action at this stage, but to record any future incident as recommended and to keep the situation under review, enabling the individual to seek further advice in the future if necessary;
 - if the offender has not already been approached, then ask the person to stop the offending behaviour and again keep the situation under review;
 - make a formal complaint as outlined in Stage 2.

4 **Stage 2**

4.1 ***Formal Complaint***

- 4.1.1 This may be used where the complainant regards attempts at informal resolution as inappropriate or informal attempts of resolution have been unsuccessful.
- 4.1.2 Once an individual has instituted a formal complaint, they are entitled to expect management to set up a formal investigation.
- 4.1.3 An individual wishing to make a complaint of harassment should put it in writing and submit it to the Director, unless the complaint is against the Principal (see paragraph 4.2 below). The letter should specify that it is a formal complaint giving details of the incident(s).

The complaint must be made within 20 working days of the last alleged incident. In exceptional circumstances a complaint may be accepted outside this time limit if it is considered that there were good reasons for the individual not being able to comply.

- 4.1.4 In cases of an alleged assault or alleged behaviour that is considered to be a criminal offence, Inkberrow Design Centre may contact the police.

4.2 ***Formal Complaints Against the Principal***

- 4.2.1 If an individual wishes to make a complaint of harassment against the Director this should be made in writing to the Board of Directors. The Board will, upon receipt of such a written complaint.
- 4.2.2 The Chair will nominate an appropriate member of the Corporation to investigate the complaint (“the investigating officer”), having regard to the nature of the complaint as far as is practicable.

Members of the Special Committee should not be called upon to act as an investigating officer wherever possible as this would result in a conflict in the event of the matter being referred to the Special Committee.

- 4.2.3 The investigation will be undertaken having regard, wherever practicable, to the principles outlined in section 5 below.

The investigating officer will determine whether the matter:

- requires no action;
- merits informal action;
- should be referred to the Chair or Vice Chair to be dealt with under the Disciplinary Procedure for senior post-holders or by the Special Committee.

- 4.2.4 If the complainant disagrees with the decision of the investigating officer, then an appeal may be made to one or more members of the Corporation. The Chair of the Corporation will nominate those members having regard to the nature of the complaint as far as is practicable.

5 How the Complaint will be Investigated

5.1 *Investigation Panel*

- 5.1.1 Save where a complaint of harassment is made against the Director (see 4.2 above), upon receipt of a formal complaint, the Director will organise an investigation. A panel will be set up comprising two managers at an appropriate level of seniority and with similar status. So far as is reasonably practicable, neither manager will have had any previous connection with the case.
- 5.1.2 The alleged offender should be informed of the nature of the complaint and given a copy of the complainant's letter, if appropriate. They should also be given details of the procedure involved and advised to seek representation.

In certain circumstances it may not be appropriate to copy the letter to the alleged offender. If this is considered to be so, the investigating panel will ensure that sufficient information is given regarding the nature and substance of the complaint.

- 5.1.3 The investigating panel is required to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.
- 5.1.4 All areas are expected to co-operate in releasing staff from their normal duties/ activities to participate in the investigation as required.

5.2 *Possible Suspension or Redeployment During the Investigation*

In order to relieve the stress and pressure on one or both parties; to prevent the risk of further incidents and to prevent victimisation it may be necessary to consider one or more of the following:

- Suspension of the alleged offender or both parties (if the complainant is an employee). Suspension under this procedure does not constitute part of the disciplinary procedure and will be on full pay (where applicable).
- the temporary redeployment of one or both parties (where appropriate). The complainant should be given the choice, though normally the alleged offender would be redeployed first.
- the granting of special leave in appropriate circumstances.

5.3 ***Right of Representation***

Both the complainant and the alleged offender will have the right to be accompanied and/or represented by a trade union representative or workplace colleague at all stages of the investigation process.

5.4 ***Meeting the Parties Involved***

The panel will meet with the complainant and the alleged offender separately and with their respective representatives. Detailed written statements will be taken, which should be signed by the relevant parties. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.

5.5 ***Meeting with Witnesses***

The panel will meet anyone who was present or who has information which is relevant to the issue. Notes of these meetings will also be taken. Further interviews may need to take place to clarify or gain further information. The panel will also need to ensure that they have collected all relevant written materials.

5.6 ***Time Limits***

The investigation should normally be completed within 20 working days of the complaint being received. On occasions it may not be possible to keep within this timescale. In such cases both the complainant and the alleged offender will be kept informed of any need for an extension and the likely timescale for completion.

5.7 ***Consideration of Information***

5.7.1 The panel will, on completion of the investigation, review the material collected and decide whether the complaint is substantiated. In cases of sexual harassment, in no circumstances will evidence of the complainant's appearance and sexual attitudes be taken as relevant information.

5.7.2 In some cases there will not be any witnesses and it will be one person's word against another's. In these cases the panel will consider whether on the balance of probabilities the incidents/actions occurred.

6 **Further Action**

6.1 The action to be taken by the panel will depend on the conclusions it reaches on consideration of all the facts, as follows:

- The panel considers that the allegation is not substantiated.

The panel will need to issue a statement outlining their conclusions. Where the investigation of a complaint has irreparably damaged the working relationships, then consideration should be given to transferring or rescheduling the work of one of the employees concerned, rather than requiring them to continue working together against the wishes of either party (where appropriate);

- The panel considers that disciplinary action may be justified.

The panel should refer the matter for a hearing under the disciplinary procedure. The panel's enquiry will in these circumstances replace the investigation stage provided for within the disciplinary procedure. The alleged offender will then be entitled to a full hearing of the allegations in accordance with the disciplinary procedure;

- The panel considers that the complaint is substantiated but decides disciplinary action would not be justified in the circumstances;

Consideration should be given to the options outlined below.

6.2 ***Transfer or Redeployment***

Where a complaint is upheld either by the investigation panel or following disciplinary action in accordance with the disciplinary procedure, consideration should be given to the question of whether it is necessary to relocate or transfer one of the parties. If it is, the complainant should, wherever practicable, be allowed to choose whether s/he wishes to remain in their post or be transferred to another location, either on a temporary or permanent basis (where appropriate).

6.3 ***Remedial Action***

This could include:

- a transfer of the offender, to another location. This must not be on any less favourable terms and conditions of employment, unless action is taken within the disciplinary procedure and there is an agreed term within the disciplinary procedure to demote an individual;
- requiring attendance on training courses;
- making arrangements for both parties to work as separately as possible within the same workplace (where appropriate);
- a period of special leave.

7 **Monitoring**

If a complaint is upheld, whether by the panel or through the disciplinary procedure Inkberrow Design Centre will monitor the situation to ensure that the harassment has stopped.

8 **Keeping Management Records**

After the complaint has been heard the following arrangements should be followed:

- where the complaint is informal no record will be kept on personal files, but it is recommended that the complainant keeps a copy of his/her own records.
- where the complaint is not substantiated then no record will be made on the alleged offender's file. However, any documents made during the course of the investigation should be retained separately with the Personnel office.
- where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.
- all records will be kept in accordance with the requirements of the Data Protection Act 1998.

9 Action when the Complainant is Dissatisfied

If the complainant disagrees with the decision and/or that the procedures were not properly applied, then they have the right to raise this matter under Inkberrow Design Centre's grievance procedure.