

## **Complaints and Harassment Policy**

### Scope and purpose

The Mallows Company has a firm commitment to equality and diversity and will not tolerate the harassment or bullying of one member of its staff by another or others. The purpose of this policy is to promote the development of a working environment in which harassment and bullying are known to be unacceptable and where individuals have the confidence to complain about harassment and bullying, should they arise, in the knowledge that their concerns will be dealt with appropriately and fairly. The policy outlines procedures to be followed if anyone feels they are being harassed or bullied during their with The Mallows Company.

### 1. The Mallows Company's commitment

1.1 The Mallows Company, as part of its commitment to equality and diversity, believes that every member of staff has a right to work in an environment which encourages harmonious relationships. The Mallows Company is committed to preventing harassment and bullying and its commitment to equal opportunity is enshrined in the principles on which it was founded.

1.2 Every member of staff is also personally liable under the Equality Act 2010 and the Protection from Harassment Act 1997. Allegations of harassment and bullying will be treated very seriously by The Mallows Company and could result in disciplinary action being taken against the perpetrator.

1.3 The Mallows Company will ensure that any member of staff raising a genuine concern under this policy is not victimised as a result.

1.4 As allegations of harassment and bullying are very serious, The Mallows Company will also treat very seriously any such allegations proven to be malicious and these are also likely to be the subject of disciplinary action.

### 2. What are harassment and bullying?

2.1 Harassment and bullying can take a variety of different forms, ranging from repeatedly ignoring a person or subjecting them to unwelcome attention, intimidation, humiliation, ridicule or offence. More extreme forms of harassment and bullying include physical threats or violence. Behaviour that may appear trivial as a single incident can constitute harassment or bullying when repeated. Harassment and bullying may not always be intentional but are always unacceptable, whether intentional or not.

Some of the most prevalent forms of harassment and bullying include the following.

Sexual harassment can take the form of ridicule, sexually provocative remarks or jokes, offensive comments about dress or appearance, the display or distribution of sexually explicit material, unwelcome sexual advances or physical contact, demands for sexual favours or assault.

Racial harassment is usually, although not exclusively, directed at people from ethnic minorities. It may include jokes about, or gratuitous references to, a person's colour, race, religion or nationality. It can also include offensive remarks about dress, culture, or customs, which have the effect of ridiculing or undermining an individual or fostering hatred and/or prejudice towards individuals or particular groups.

Harassment of people with disabilities can take the form of individuals being ignored, disparaged or ridiculed because of mistaken assumptions about their capabilities. Their disability rather than their ability can become the focus of attention and harassment can include inappropriate personal remarks, jokes or inappropriate reference to an individual's appearance.

Harassment on the grounds of a person's sexuality may be aimed at heterosexuals but is more usually experienced by lesbians or gay men, bisexuals or transgendered people. Examples of harassment relating to sexuality are homophobic remarks or jokes, offensive comments relating to a person's sexuality, threats to disclose a person's sexuality to others or offensive behaviour/abuse relating to HIV or AIDS status. The European Commission code of practice on sexual harassment points out that lesbians and gay men often encounter disproportionate levels of harassment relating to their sexuality. The response of lesbians and gay men to harassment may also be complicated by the fact that in order to complain about it, or confront it, they may have to be open about their sexuality with other people, perhaps for the first time.

Bullying is the exercise of power over another person through negative acts or behaviour that undermines him/her personally and/or academically. Bullying can involve threatening, insulting, abusive, disparaging or intimidating behaviour, which places inappropriate pressure on the recipient or has the effect of isolating or excluding them. Bullying can take the form of shouting, sarcasm, derogatory remarks concerning academic performance or constant criticism and undermining.

The above list of examples is not exclusive and harassment can also take place that is on the grounds of a person's age, style of dress or any other characteristic that makes them different from the majority or from the person who harasses or bullies them. Although the terms 'harassment' and 'bullying' are not synonymous, the guidance in this policy document relates to both issues and the term 'harassment' will be used from this point onwards to encompass both.

### 3. Harassment – general principles

3.1 The over-riding principles in dealing with allegations or concerns of harassment are that they must be taken seriously, considered carefully and addressed speedily and, where possible, in confidence.

3.2 Any member of staff who feels that they are the subject of harassment, may wish to make a note of incidents, dates, times and any witnesses, for future reference. Any member of staff who considers themselves to have been the subject of harassment has the right to be listened to and to be given informed advice on how the matter may be resolved. There are usually a number of options. Anyone who feels they have been harassed is likely to wish to speak to someone with whom they feel they share something in common. For this reason they should be able to approach one of a number of different people within The Mallows Company.

3.3 Should harassment occur in a group situation, the person in authority within the group has the responsibility to recognise harassment when it occurs and to take speedy action to stop it. It is important that it is made clear to the perpetrator that such behaviour is unacceptable to The Mallows Company and will not be tolerated. Silence or inaction can be seen as collusion and endorsement of such behaviour. If the person in authority within the group is the harasser, others within the group should support the individual being harassed in taking action to report the harassment.

### 4. How will allegations of harassment be dealt with?

4.1 In the event that a member of staff considers that they are experiencing harassment they have a number of options open to them. They may be able to speak or write directly to the individual(s) concerned and request that the behaviour in question stop immediately. Alternatively or if they achieve no success through such direct communication, a member of staff may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about it and can take action with them to ensure that it stops. It is hoped that the large majority of cases will be resolved by such informal procedures, which are described in more detail below, but a final option is to make a formal complaint.

## 5. The informal approach

5.1 Members of staff concerned about harassment may initially wish simply to discuss the matter with a friend or sympathetic colleague.

5.2 Any person approached ('advisor' hereafter) by a member of staff who wishes to discuss the matter informally should:

Find a quiet place to discuss the issue confidentially and without interruption.

Listen carefully to what they are being told and ensure that they understand the full facts.

When they are sure they understand, and if they feel confident to do so, discuss the options open to the complainant.

5.3 Confidentiality is very important in dealing with cases of alleged harassment as experience shows that they will be much more difficult to resolve informally if information about the matter becomes common knowledge. Anyone approaching a member of staff or other individual for advice may, however, wish to be accompanied by a friend.

5.4 If, after having been approached, the advisor wishes to obtain guidance on how to deal with an alleged case of harassment they should seek the agreement of the person who has confided in them to that course of action and then consult with other sources of advice as appropriate. If the individual does not feel able to help in a particular case, they should explain the reasons to the complainant and refer them to another advisor.

5.5 Once the facts about the incident and the context of the action or behaviour that caused concern are established, there are a number of informal options available to the advisor to facilitate resolution of the matter. For example, the person who has experienced harassment could be encouraged to talk to the alleged harasser on his/her own or with a friend accompanying him/her. The purpose of the conversation would be to make the perpetrator aware of the way their behaviour has been perceived and ask them not to repeat it. Alternatively, the advisor could facilitate a meeting between both parties to give the complainant the opportunity to talk to the alleged harasser and explain his/her view of the offending behaviour. Normally, the advisor should not take action following an informal approach concerning harassment without the agreement of the individual concerned.

5.6 As well as aiming to resolve matters informally, advisors should consider appropriate action to facilitate the restoration of working relationships after the event.

5.7 The action outlined above will be appropriate in many cases and will often be sufficient to resolve the matter. If, however, this does not achieve satisfactory results, the member of staff should approach the Managing Director whose role is to advise and assist with the resolution of complaints, involving staff and which a member of staff has not been able to

resolve by other informal means. In considering any matter brought to her attention, the Managing Director will:

Establish that efforts to resolve the matter by other appropriate means have been made and have been unsuccessful or insufficient.

Ascertain the facts of the matter.

Inspect documentation and/or obtain legal advice as appropriate.

Discuss and evaluate possible options for resolution of the matter.

5.8 Where the involvement of the Managing Director does not result in a satisfactory resolution to the matter, a member of staff may wish to enter a formal complaint.

## 6. A formal complaint

6.1 As indicated above, it is hoped that most cases of alleged harassment and/or bullying will be resolved by the informal procedures outlined above. However, formal action may be considered where informal action proves ineffective, or where a member of staff feels that an informal approach is not appropriate. A formal complaint must normally be registered in writing to the Managing Director, as soon as possible after the incident concerned. It is, however, recognised that complaints of this nature may relate to cumulative actions taking place over a period of time.

6.2 A formal complaint of harassment should include the nature of the complaint, with reference to dates, times and places (where possible) in relation to a specific incident(s). The names of any witness(es) to the incident(s) should also be included.

6.3 Details of the arrangements for appeals are available from the Managing Director.

## 7. Use of The Mallows Company Computers and ID

10.1 Bullying and harassment may occur on-line and could potentially be considered as misuse of The Mallows Company's computing services. This includes potentially discriminatory or offensive material posted on public access websites or social networking sites. On-line harassment and bullying will be dealt with under the procedures outlined above.