

Harassment and Bullying Policy	Version:	2.2
	Status:	Final
	Date:	18/3/21

1. Approval Record

Name	Role	Date
Rebecca Clarke	Head of People	1/8/20

2. Version History

Version	Date	Author	Description (nature of change/update)
1.0	1/6/20	Rebecca Clarke	Initial Creation – Document design proposal
2.0	1/8/20	Rebecca Clarke	Final version
2.1	18/1/21	Rebecca Clarke	Annual review and version control update
2.2	18/3/21	Rebecca Clarke	Added controls to prevent harassment and bullying

3. Related Documents

Document Title	Location	Version Number
Safeguarding Policy	HR System	V2.1
Discipline and Grievance Policy	HR System	V1.1
Equal Opportunities Policy	HR System	V2.1

4. Review and Distribution List

Name	Role	Review Required
Rebecca Clarke	Head of People	Contributor / Reviewer
All Staff		For Information Only

5. Regulatory Requirements

Equality and Diversity Act 2010

6. Introduction

6.1 Purpose

We are Digital recognises that all employees, customers and learners have a right to be in an environment in which the dignity of individuals is respected and which is free from harassment and bullying. It is committed eliminating intimidation in any form.

The Policy applies to harassment on the grounds of disability, gender, marital status, sexual orientation, age, creed, colour, race or ethnic origin.

6.2 Scope

This policy applies to:

- employees (individuals who work – or have applied to work for We are Digital either on a permanent, temporary, contractual or voluntary basis).
- Subcontractors and partners delivering who are in receipt of and/or are providing We are Digital services on our behalf.

Harassment breaches We are Digital Policy as outlined and it is classified as a serious offence which may result in disciplinary action including summary dismissal under the Disciplinary Procedure where an employee or termination of contract with immediate effect where a subcontractor.

7. Roles and Responsibilities

RACI	Role	Role Holder(s)	Key Responsibilities
Responsible	Process SME	Rebecca Clake	<ul style="list-style-type: none"> • Ensuring process document accurately reflects current practice • Contributing to process changes and improvements, as and when identified
Accountable	Process Owner	Rebecca Clake	<ul style="list-style-type: none"> • Overall ownership and accountability for process definition and execution • Leading change for improving the process • Approval point for any changes/update to the process definition • Ensuring that any changes are properly documented and communicated • Ensuring that ongoing monitoring is in place and carried out
Consulted	Head of People	Rebecca Clake	<ul style="list-style-type: none"> • Monitoring adherence to agreed process through periodic quality reviews
Informed	All Staff Subcontractors		<ul style="list-style-type: none"> • Read and accept of document must be completed in HR system • To be included in subcontractor paperwork

8. Instruction

8.1 Definitions

Harassment is generally described as "unwanted conduct which affects the dignity of individuals; it encompasses unwelcome physical, verbal or non-verbal behaviour which denigrates or ridicules or is intimidatory". The essential characteristic of harassment is that the action(s) is unwanted by the recipient.

The following interpretations and examples of harassment may be helpful in determining whether harassment has taken place.

General Harassment

Harassment can take many forms and may be directed towards people because of their age, disability, gender / gender reassignment, marriage / civil partnership, pregnancy / maternity, race, religion or belief, sex, or sexual orientation.

It may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

Sexual Harassment

Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved and causes that person to feel threatened, humiliated or embarrassed. Examples of sexual harassment are:

- requests for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status or successful completion of learning;
- offensive gestures or comments;
- sexually-orientated jibes, innuendo or jokes;
- unwanted physical contact;
- the display of sexually offensive visual material such as calendars, photographs, books or videos.

Sexual harassment may be experienced by men or women as a result of the conduct of men or women. It applies equally regardless of position and may also occur when dealing with external clients and/or members of the public.

Racial or Sectarian Harassment

Racial or sectarian harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist or sectarian nature or offensive remarks about a person's skin colour, physical characteristics or religion. It may also include repeated exclusion of a person from an ethnic or religious minority from conversations, patronising remarks, unfair allocation of work or pressure about the speed and/or quality of their work in a way which differs from the treatment of other individuals.

Bullying

Bullying is the intimidation or belittling of someone through the misuse of power or position which leaves the recipient feeling hurt, upset, vulnerable or helpless. It is often inextricably linked to the areas of harassment described above. The following are examples of bullying:

- Unjustified criticism of an individual's personal or professional performance, shouting at an individual, criticising an individual in front of others.
- Spreading malicious rumours or making malicious allegations.
- Intimidation or ridicule of individuals with disabilities and /or learning difficulties.
- Intimidation or ridicule of individuals based on sexual orientation or gender identity
- Ignoring or excluding an individual from the team / group

8.2 Controls to Prevent Discrimination, Bullying and Harassment in the Workplace

WAD recognises that discrimination, bullying or harassment may be caused by an employee or by other subcontractors, but WAD still has a responsibility to monitor, manage and help prevent discrimination in the workplace.

To reduce the risk of discrimination, bullying or harassment, we will take the following steps:

- educate all employees and subcontractors about discrimination.
- encourage employees and subcontractors to respect each other's differences.
- respond to any evidence or complaints of inappropriate behaviour.
- deal with any complaints of discrimination promptly and confidentially.
- develop a workplace policy that prohibits discrimination, bullying or harassment.
- train supervisors and managers on how to respond to discrimination, bullying or harassment in the workplace.
- make sure the workplace policy is properly enforced.
- review the policy regularly to ensure that its effectiveness is maintained.

8.3 Responsibilities Managers / Trainers

Every manager or trainer has an obligation to prevent harassment / bullying and to take immediate action once it has been identified, whether or not a complaint has been made.

Allegations of harassment or bullying, received either informally or formally, must be dealt with promptly and sensitively.

It is important that managers / trainers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Similarly, racial harassment is behaviour which is racially offensive to the recipient. Managers / Trainers must therefore take care to ensure that they do not pre-judge situations based on their own sexual or racial attitudes and perceptions.

It may not always be appropriate for a line manager / trainer to be involved with specific complaints. For example, if the complainant is male and wishes to speak to a male, but the manager / trainer is female, or, if the complaint relates to the conduct of the line manager or trainer. The procedure below sets out the alternatives for such instances.

8.4 Responsibilities of Employees

Every employee has a personal responsibility **NOT** to harass or bully other members of staff.

An employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of his/her manager.

An employee who feels that he/she has been harassed or bullied has a right to seek redress via the procedures set out below.

8.5 Procedure for Dealing with Harassment

An employee / learner who feels that he/she is being subjected to harassment or bullying may attempt to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for him/her to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes him/her uncomfortable.

If at the initial informal discussion stage the circumstances are too difficult or embarrassing to approach the harasser alone, the complainant may wish to be accompanied by a friend or colleague;

The complainant may wish to write a letter to the harasser (research has shown this to be very effective); the complainant should keep a record of any incidents, detailing when, where, what occurred, and witnesses (if any)

In some cases victims of harassment or bullying may not be sufficiently confident to tell the harasser that his or her behaviour is unacceptable. The Company emphasises therefore that staff / learners **are not required** to approach the harasser in an attempt to resolve the problem informally, and are entitled to report the matter immediately if they so wish.

8.6 Formal Approach Employees

Where the steps outlined above are unsuccessful or inappropriate, the complainant should raise the matter informally and in confidence with his/her manager. Alternatively, the matter may be raised with a more senior manager (if felt necessary this could be of the same sex as the complainant).

If the complaint relates to the conduct of the complainant's manager, the complainant may choose to discuss the matter with his/her manager's line manager. Where management consider that there may be evidence of harassment, they may consider it appropriate to undertake a full investigation of the circumstances.

In this case a manager not connected with the department involved, or an individual external to the Company will be commissioned to undertake this investigation. Best practice in relation to confidentiality will be maintained during this investigation; and both the complainant and alleged harasser will have the opportunity to have their say. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.

Where there is evidence that harassment has occurred, prompt and corrective action will be taken, including disciplinary action where appropriate. Harassment is a serious offence which may result in summary dismissal.

8.7 Formal Approach Customers / Learners

The learner should raise their concerns either directly with the Trainer or if not appropriate then to Trainers@we-are-digital.co.uk. Trainers will then escalate the concern to the Trainer and Quality Assurance Team to manage.

The Trainer and Quality Assurance Team will discuss the matter with the complainant and agree a course of action. The complainant may wish to be accompanied at these meetings.

The alleged harasser will also have the right to state their version of events and to also be accompanied.

The complainant must be assured that he/she will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed.

At any stage of the process the complainant, the individual dealing with the complaint or the accused may feel that they need the help of an independent person before deciding on the best course of action. The Company will seek the advice of a suitable trained persons who can give confidential advice and assistance, including:

- advising on the nature of harassment;
- offering guidance on resolving harassment problems, including acting as an independent broker

If the situation cannot be resolved informally then the complainant has the right to pursue his or her complaint formally via the Company's Customer Complaints Procedure.

8.8 Communication

All staff and sub-contractor Trainers will be informed of the Harassment and Bullying Policy and Procedure. They must be re-assured regarding:

- fear that others will consider the behaviour trivial and not take complaints of harassment seriously;
- fear that no action will be taken against a person guilty of harassment;
- fear of retaliation or victimisation in registering a complaint either informally or formally through the Grievance Procedure or Complaint Procedure.

The Harassment and Bullying Policy will be part of staff induction and Sub Contractor Training pack.

Training will be provided for those employees who have a specific responsibility for implementing this Procedure or who may be involved in dealing with complaints which arise.

In order to assess the effectiveness of the Procedure, statistics will be maintained in respect of the complaints of harassment. Strict confidentiality will be maintained and the monitoring process will comply with the Data Protection Act.

9. Quality Control Log

No	Risk/Issue	Control	Control in Place Y/N
1	Inconsistent execution of the process by different people/departments	HR will be involved at all stages in all cases to maintain consistency	Y

10. Glossary

Term	Description