
POLICY TITLE: ANTI-BULLYING AND HARASSMENT

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Outcome: This policy:

- Aims to make clear what constitutes harassment and bullying.
- Provides guidance to managers and colleagues regarding the reporting and investigating of accusations of bullying and harassment.

Cross Reference: AHR04.1 Diversity and Inclusion
AHR04.2 Disciplinary Procedure
Colleague Handbook

EQUALITY AND DIVERSITY STATEMENT

Aspris is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics, and all will be treated with dignity and respect.

This policy covers all parts of Aspris Services – The Care and Education Divisions; Central services and our Fostering service. For the Fostering service and the 2 operational divisions, there are local procedures that relate to some of these policies, where necessary.

In order to ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, e-mail asprigovernancehelpdesk@aspris.com

ANTI-BULLYING AND HARASSMENT

1 INTRODUCTION

- 1.1 At Aspris, we believe in create a safe and respectful environment for all colleagues. Everyone who works within, or has contact with, Aspris has the right to be treated with dignity and respect. Aspris is committed to preventing any form of bullying, harassment, or discriminatory behaviours, ensuring everyone is always treated fairly. This policy outlines our zero-tolerance approach on such conduct and provides clear guidelines for identifying and reporting harassment and bullying at workplace., work social events, social media posts and other messaging platforms such as WhatsApp, Teams, however this list is not exhaustive.
- 1.2 This policy supports this aim by setting out the steps Aspris will take to investigate and deal with complaints of bullying and harassment and how we support those affected.
- 1.3 There are no local procedures or practices applicable to this policy.
- 1.4 This policy should be used in conjunction with the related policies listed on the preceding page where applicable.

2 AIMS

- 2.1 Aspris will neither condone nor permit harassment for any reason. It is the responsibility of all colleagues to encourage and maintain an environment that is free from harassment.

3 SCOPE

- 3.1 This policy applies to all colleagues and the people who use our services. It also applies to services provided by Aspris to young people, customers and members of the general public and other third parties. This policy is non-contractual and where there is a legitimate business reason to do so, Aspris reserves the right to vary the application of this process.

4 RESPONSIBILITIES

- 4.1 **Colleagues** – it is all colleagues responsibility to ensure that Aspris is free from bullying and harassment. It is also their responsibility to raise any cases, either towards themselves or others, of bullying and/or harassment with an appropriate manager or the HR team via HR@Aspris.com. Colleagues can also raise their concerns via whistleblowing line **0800 409 6625** or email the whistleblowing inbox via whistleblowing@Aspris.com
- 4.2 **Managers** – it is a manager's responsibility to ensure that any instances of bullying or harassment that they witness or are reported to them are dealt with in a timely and appropriate manner, including ensuring that third parties are adhering to the anti-bullying and harassment (including sexual harassment) practices set in place. Should the managers need help or guidance on this, they should get in touch with HR team.
- 4.3 **People Team Director** – it is the responsibility of the People Team Director to ensure fair processes are in place and support and guidance is available for colleagues and managers.

5 PROACTIVE MEASURES

- 5.1 We are taking proactive measures to prevent all forms of bullying and harassment, including sexual harassment. We aim to foster positive and supportive environment for all colleagues by taking the below steps:
 - Managers should ensuring all of their new starters and current colleagues complete anti-bullying and harassment e-learning.

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- Offer additional training for line managers to ensure they understand how to implement the anti-bullying and harassment policy in preventing and stopping bullying and harassment from occurring in the workplace, and by third parties that there might be contact with.
- encourage colleagues to support anti-bullying and anti-harassment environment in the workplace and raise any behaviours as such in the first instance.
- Monitor the workplace culture through various avenues such as colleagues' surveys, exit interviews, 1-2-1s, RTW and addressing any raised concerns immediately.
- Managers should ensure Aspris' zero-tolerance approach to all forms of discrimination, harassment and bullying is openly communicated and supported.

6 People Team Director – it is the responsibility of the People Team Director to ensure fair processes are in place and support and guidance is available for colleagues and managers.

6.1 Harassment is defined as unwanted conduct related to a protected characteristic that has the purpose or effect of violating someone else's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else. It may also be unlawful. Harassment can take many forms, from extreme examples such as physical violence to less obvious actions such as ignoring a colleague.

6.2 Harassment is generally persistent, continuing after the recipient has asked for it to stop. However, a single incident can warrant action.

6.3 Examples of harassment include (but are not limited to):

- Attacks on property (for example: theft, damaging property, hiding property).
- Social exclusion.
- Incitement of others to commit harassment.
- Victimisation (harassing a person who has complained of harassment).
- Derogatory or offensive comments about protected characteristics
- Mimicking or making fun of someone else's appearance or disability
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Examples of sexual harassment include (but are not limited to):

- Unwanted physical conduct (for example: brushing against a person, assault).
- Unwanted verbal communication (for example: personal comments, general comments, jokes, 'banter', insults, name calling, threats, abuse, flirtation, propositioning).
- Unwanted non-spoken communication (for example: facial expression, gesture, physical threats, whistling).
- Display of offensive visual material in the workplace (for example: pin ups, calendars, books, videos).
- Unwelcome sexual advances - touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.

7 BULLYING

7.1 Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate or injure a colleague.

7.2 Bullying can be physical, verbal or non-verbal conduct. It can be face to face, as well as it can be done via email, phone calls, online or on social media. Bullying may occur at work or outside of work.

7.3 If bullying relates to a person's protected characteristics, it may also constitute harassment and, therefore will be unlawful.

7.4 Examples of bullying behaviour include (but are not limited to):

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- Spreading malicious rumours or insulting someone by word or behaviour.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision or other misuse of power or position.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent colleague by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Physical, verbal or psychological threats.

8 Microaggression such as micro-assaults made verbally or non-verbally, micro-insults such as insensitive remarks or assumptions based on stereotypes, as well as micro-invalidations such as where a person denies, or seeks to cancel, the feelings and lived experiences of marginalised individual or group, can amount to unlawful harassment, bullying or discrimination.

8.1 Microaggressions can negatively impact the health and wellbeing of colleague, creating uncomfortable and hostile work environment. Any cases of microaggressions at workplace will be addressed appropriately.

9 PROCEDURE

9.1 It is the impact of the actions upon the individual and how they are viewed by the individual that determines whether bullying or harassment has occurred. The intentions of the person are a secondary consideration. Sometimes conduct causes offence unwillingly, due to a lack of awareness of other people's feelings.

9.2 All complaints will be investigated thoroughly and promptly, and appropriate action taken. At all times Aspris will respect colleagues' rights to confidentiality and will take all reasonable steps to protect complainants from intimidation, victimisation, or discrimination.

10 INFORMAL PROCEDURE

10.1 The purpose of an informal procedure is to provide an opportunity to advise and counsel colleagues in deciding how they wish to proceed. It must not be used to discourage colleagues from implementing the formal procedure if that is their choice.

10.2 If the colleague is able to, they may wish to address the issue with the individual themselves, to make clear that their behaviours are not welcome. However, if the colleague is unsure how to deal with the harassment or bullying, they should consider speaking to manager.

10.3 The manager's role is to provide support and advice where practicable to enable the colleague to address the problem themselves. This may mean arranging an informal meeting with both colleagues involved or agreeing with the colleague a plan of action involving telling the person to stop or make it clear that you find their behaviour offensive. It may be possible that there was a genuine misunderstanding and therefore the issue(s) can be resolved at this stage.

10.4 If the concerns related to the manager, colleague should raise this with the manager's manager or HR team via HR@Aspris.com

11 FORMAL PROCEDURE

- 11.1 The formal procedure is used when:
- (a) The informal procedure has failed to resolve the issue.
 - (b) The colleague requests it.

(c) The incident is too serious to be dealt with informally.

- 11.2 A complaint should be made formally in writing, including as much detail as possible. For example, the alleged bully/harasser's name, the nature of bullying/harassment, dates of the alleged across of bullying/harassment, names of any witnesses, providing supporting evidence, and any actions taken to address the matter so far. Aspris appreciates that this may be distressing for colleagues however we ask that colleagues share as much information as possible so we can complete a full and through investigation. Where the complaint involves the line manager, the complainant can refer the matter to a senior manager within the business or share it will the HR team. Colleagues can also raise their concerns via whistleblowing line **0800 409 6625** or email the whistleblowing inbox via whistleblowing@Aspris.com
- 11.4 Upon receipt of the complaint, a full investigation will be carried out by a manager who has not been involved in the complaint. The investigation report will be passed to the colleague confirming their findings. This will be communicated in writing.

12 INVESTIGATION

- 12.1 Investigations will be carried out by a manager from a department or service not connected with the allegation:
- The investigation will be prompt, thorough and impartial and will take account of the rights of both parties
 - Details of the complaint will be presented with both parties being invited to respond
 - A timescale will be set for the complaint to be resolved
 - Confidentiality will be maintained throughout the process.
 - The procedure might need to be adjusted if the alleged is a third party, to ensure we conduct appropriate investigations; this should be discussed with the colleague.
- 12.2 Once the investigation is complete, the manager of the colleague or in the case where the complaint involves the line manager, to a senior manager with the operational management structure for the Service or Department will make a decision on a course of action. Any further action may take the form of a disciplinary hearing (convened in accordance with HR04.2 Disciplinary Procedure or counselling or training).
- 12.3 The colleague will be then informed in writing of the decision.

13 APPEALS

- 13.1 **Appeal** - Where a colleague is not satisfied with the decision made, the colleague has the right to appeal. The appeal must be in writing to the appropriate manager (who will be nominated in the letter). The appeal must fully and clearly set out the grounds of appeal within five working days of receiving the outcome letter.
- 13.2 The appropriate manager will invite the colleague to an appeal meeting to discuss the appeal further and try and reach a satisfactory solution. This meeting will be arranged within 10 days of receiving the appeal (if reasonably practicable). The colleague may wish to be accompanied by a Aspris colleague or a trade union representative.
- 13.3 The manager will then confirm their decision in writing to the colleague and this decision will be final.

14 SUPPORT AVAILABLE

- 14.1 Aspris understand that anyone affected by, or involved with a complaint of bullying or harassment may feel stressed, anxious or upset, and therefore reminds colleagues that they are able to access the Employee Assistance Programme by telephone on 0800 015 9633 -

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quoting Aspris. This helpline is a 24 hour, 7 days a week service for colleagues who require support in difficult situations. Colleagues can also access live chat via the website.

- 14.2 The hearing chairs should ensure to keep in regular contact with a colleague and provide any changes to the process along with updates. This allows colleague to feel secure and have an understanding about the complaint they raised and avoids any possible confusion or further stress.
- 14.3 Colleague would also have a nominated support person, who will provide support and help the colleague feel more comfortable during this challenging time. The support person will be nominated by the manager (or manager's manager, should the concern relate to them).
- 14.4 If the colleague feels like they require some further support or guidance throughout the process, they should get in touch with HR team via HR@Aspris.com.

15 FALSE ACCUSATIONS

- 15.1 Aspris takes very seriously any 'false' accusations. Where an investigation reveals the accusation to be false, the complainant may be subject to the disciplinary procedure.

16 RECORDS

- 16.1 Records will be retained confidentially in accordance with the Data Protection Act 2018.

References

Equality Act 2010
Worker Protection Act 2023
Data Protection Act 2018
ACAS Code of Practice

Associated letters are available from your Regional HR Advisor/Business Partner or Central HR.