



BULLYING AND HARASSMENT POLICY

POLICY CONTROL

| Version | Description | Date | Approval |
|---------------------|--------------------------------|---------------------------------|----------|
| 1.0 | Bullying and Harassment Policy | Sept 2020 | Board |
| 1.1 | Update of Safeguarding Officer | Feb 2022 | |
| 1.2 | Full update | Feb 2024 | |
| 2.0 | Board Approval | 11 June 2024 | Board |
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| Owner: | | Foodbank Manager – Zoe Nixon | |

LINKED POLICIES

Equality, Diversity and Inclusion Policy
Complaints Policy
Whistleblowing Policy

BULLYING AND HARASSMENT POLICY

1. INTRODUCTION

Newquay Foodbank is committed to ensuring the Foodbank remains a place free from all forms of bullying and harassment and will take all measures necessary to prevent its existence within the Charity.

All people are to be treated with the utmost respect as laid out in our Equality, Diversity & Inclusion Policy.

The Foodbank will take appropriate action relating to any incidents of bullying and harassment in line with the Complaints Policy. This may also include anyone who makes what are found to be malicious claims.

It should also be remembered that bullying including violence or assault, theft, repeated harassment or intimidation and hate crimes, is against the law and that anyone found guilty of such could be held accountable for their actions under criminal law.

The term “staff members” is used in Newquay Foodbank’s policies to refer to any employees, volunteers, trustees or contractors that are ‘working’ for the Foodbank. “Foodbank visitors” is the term used to describe the beneficiaries of the Foodbank, and the term “persons” encompasses both staff members and visitors.

All staff members of Newquay Foodbank should ensure that they understand this policy and act in accordance with its aims and objectives. If you need support in reading or understanding this policy, please speak to the Foodbank Manager in the first instance.

2. DEFINITIONS

‘Bullying’ is any offensive, intimidating, malicious or insulting behaviour. It can involve the misuse of power, strength or position and can make the person being bullied feel vulnerable, upset, humiliated, undermined or threatened.

‘Harassment’ is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the person being harassed. It may be persistent or a single incident.

‘Victimisation’ is less favourable treatment of an individual because they have made a complaint or intend to make a complaint about being bullied or harassed; or intend to act as a witness or give evidence in support of another person’s complaint about being bullied or harassed.

3. EQUALITY ACT 2010

3.1. Harrassment - the Equality Act 2010 lays out the following regarding harassment:

- Conduct which is intended to be friendly but is deemed by the recipient to be offensive;
- Unwanted attention of any kind - the recipient of the behaviour decides whether it is unwanted;
- Unwanted conduct does not need to be directed at a person. It can be witnessed or overheard;
- It does not matter whether the conduct is acceptable to others or is common to that person's environment;
- A single act of harassment which is sufficiently serious can lead to a complaint;
- Harassment should always be considered in terms of the impact it has on an individual.

3.2. Bullying - the Equality Act 2010 lays out the following regarding bullying:

- It is the impact of any conduct rather than the intent which is the key. As a guide, such conduct includes:
 - Spreading malicious rumours;
 - Ridiculing or demeaning someone - picking on them or setting them up to fail;
 - Overbearing supervision or other misuse of power or position;
 - Deliberately undermining a competent Volunteer by overloading and constant criticism;
 - Belittling efforts and undervaluing contribution;
 - Open aggression, threats, shouting, abuse and obscenities, persistent negative attacks or persistent unwarranted criticism;
 - Ostracising, isolating and marginalising an individual, excluding the person from any discussion or decision making;
 - Cyberbullying - using information and communications technology (particularly mobile phones, the internet and social media) to upset and humiliate someone.

3.3. Victimisation – the Equality Act 2010:

- Victimisation can include being labelled a troublemaker, being left out or not being allowed to do something and is a specific form of discrimination under the Act;
- The law also protects a person from victimisation when someone else thinks the person has done or intends to do any of:-
 - making a complaint of discrimination or harassment
 - supporting someone else's complaint
 - gathering information that might lead to a complaint
 - acting as a witness in a complaint
 - saying something or giving evidence that does not support someone else's complaint
- Someone is not protected from victimisation if they deliberately give false evidence or deliberately make a false allegation of discrimination or harassment.

4. OTHER RELEVANT LEGISLATION

Claims can also be made under the Sex Discrimination Act 1975 or the Race Relations Act 1976. Individuals will be held personally liable for acts of sexual or racial harassment giving rise to legal claims under these Acts.

5. EVIDENCE

When evidence is considered in bullying and harassment cases the following should be considered:

- Absolute proof is not necessary under employment law;
- The outcome will be determined on the balance of probabilities that an incident is more likely to have occurred than not. This is unlike criminal proceedings, in which the standard of proof is beyond reasonable doubt.
- Harassment, bullying and victimisation are unacceptable and will not be tolerated.

6. WITNESSES

The evidence in a bullying, harassment or victimisation case may often rely upon the verbal account given by other staff members, summarised in the form of witness statements.

To ensure that any resulting disciplinary process is fair, it is crucial to disclose to the respondent as much material as possible in advance. This should include copies of any documents, witness statements or any other evidence which has been gathered in the investigation.

If there is a need to protect the identity of a witness, consideration should be given to anonymise their statement. Recognising this does not preclude a witness being identified, we will support witnesses throughout the process.

7. MALICIOUS COMPLAINT

If a person is deemed to have made a malicious complaint which doesn't have grounds, substance or evidence and was made to deliberately cause upset and distress, Newquay Foodbank will take appropriate action in line with our Complaints Procedure.

8. RESPONSIBILITIES

8.1. Newquay Foodbank Trustees will:

- Fulfil their legal and moral responsibility to deal effectively with harassment and bullying within the Foodbank using this policy and other associated documents.
- Ensure all actions are taken where required and follow best practice guidelines for investigators and the complaints procedure;
- Ensure that all staff members are aware of this Bullying and Harassment Policy and understand their rights and responsibilities; fully understanding where to get information and support with any concerns;
- Monitor and review the effectiveness of this policy and procedures in line with best practice.

8.2. Newquay Foodbank staff members will:

- Read and understand this policy and its arrangements so that they know what is expected of them, and what to do if they are affected by, or witness, harassment or bullying within the Foodbank.
- Set examples and standards of positive behaviour in line with this policy and where appropriate ensure the standards are communicated to all staff members within their area of responsibility
- Be aware of working relationships within their teams and respond promptly to any issues or concerns raised at an early stage to avoid unnecessary escalation of these into bigger problems;
- Take early action to deal with behaviour that may be construed as harassment or bullying under this policy - even if a complaint hasn't been made;
- Be supportive of all persons who come to them with concerns about unacceptable behaviour.

9. COMPLAINTS

All concerns or complaints should be raised initially with the individual's line management (this could be their volunteering team Lead) and will be handled in accordance with our Complaints Policy.

10. REVIEW

This policy and its implementation will be reviewed at least every three years or where legislative changes occur.