

Harassment and Bullying procedures guidance

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1. Introduction

1.1. WAY Widowed and Young is committed to providing a safe and inclusive environment that helps to promote wellbeing and success regardless of background.

1.2. All members, volunteers and staff have a responsibility to respect the feelings, inclinations, cultural, religious and belief differences of others, being aware of how their behaviour could be perceived.

1.3. Bullying, harassment and victimisation are not tolerated and allegations will be taken seriously, considered carefully and acted upon appropriately.

1.4. These procedures should not stop or delay any report to the police that you think is necessary. To report a crime in an emergency dial 999, for the reporting of non-emergency incidents dial 101 or report anonymously via [Crime Stoppers 0800 555 111](https://www.crimestoppers.co.uk/).

2. Scope and Purpose

2.1. These procedures are for members, volunteers or staff who believe they may be experiencing or have been accused of exhibiting behaviours of bullying, harassment or victimisation within any of WAY Widowed and Youngs services. A separate policy exists for members of staff available via the Staff Handbook.

2.2. The purpose of these procedures is to promote a culture where bullying, harassment and victimisation are not tolerated and where allegations of such behaviour are dealt with fairly and without fear of discrimination or retribution.

2.3. These procedures cover harassment of members by another member, or by a member of WAY staff.

2.4. Any contact will be treated confidentially however in exceptional circumstances we may have to disclose information but we would make every effort do this with the knowledge and agreement of the individuals involved. Examples of these exceptions are:

2.4.1 Where there is risk of harm to self or others

2.4.2 Where we are required by law to disclose information e.g. prevention of terrorism, serious crimes or child protection issues

2.5. Bullying, harassment and victimisation may:

2.5.1. Be a single incident or a pattern of behaviours. See Appendix 1 – What constitutes bullying and harassment

2.5.2 Take place on the basis of association with another person who has a protected characteristic

2.5.3 Take place on the basis of perception that the person has a particular protected characteristic be deliberate or unintentional

3. What should I do if I believe I am being bullied, harassed or victimised?

3.1. If you feel you are experiencing bullying, harassment or victimisation within the WAY Community, do not feel that it is your fault or you have to put up with it. The Charity's primary concern is that you should receive appropriate support, assistance and confidential advice.

3.2. Anyone who experiences or witnesses bullying, harassment or victimisation should not wait until the situation becomes intolerable. It is easier to stop any unwanted behaviour as soon as it occurs where incidents can be described in detail and witnesses are able to recall what they saw. If you wish to raise or report an incident, either informally or formally, it is important that you do this as soon as possible after it has happened. A formal complaint should be made within six months of the event and dealt with via WAY's Complaints Policy.

3.3. There are various ways you can deal with bullying, harassment and victimisation, ranging from asking the person to stop, to pursuing a formal complaint by writing to WAY's Chief Executive (**ref WAY's Complaints Policy**).

3.4. Whilst you have the opportunity to make a formal complaint at any stage, wherever possible, complaints of bullying, harassment and victimisation will be dealt with informally, as this is more likely to produce solutions which are speedy and successful.

4. What should I do if I observe an incident of bullying, harassment or victimisation

4.1. If you witness acts of bullying, harassment or victimisation that you consider as inappropriate behaviour, it is helpful if you:

4.1.1 Where possible, and you feel comfortable to do so, intervene at the time of the interaction, by encouraging the individual or group to seek appropriate support and guidance

4.1.2 Offer appropriate support yourself for example by volunteering to provide an accurate statement regarding what you have witnessed

4.1.3. Report the incident(s) to the appropriate volunteer or member of staff. If you perceive the volunteer or member of staff has contributed to the development of the incident, the matter should be raised with the CEO via WAY's Complaints Policy

5. Who should I contact?

5.1. If you feel bullied, harassed or victimised as a result of any incident(s) or if you have been accused of any act(s) of bullying, harassment or victimisation you may need help and support. Support is available by contacting WAY's enquiries@widowedandyoung.org.uk email and your concern will be passed to the relevant member of staff.

5.2. Any contact will be treated confidentially (within normal boundaries see item 2.4) to discuss your concerns and options available to you.

6. What support is available?

6.1. Help and support is available through WAY staff via phone or email on; enquiries@widowedandyoung.org.uk or 0300 201 0051

6.2. The primary role of anyone supporting you is to listen, provide independent support and guidance regarding the range of options available to you.

6.3. These people will treat any matters you raise in confidence within the remit of legal responsibilities and the needs of investigating the allegations.

7. Reporting, investigating and tackling incidents of bullying, harassment and victimisation

7.1. The charity takes all allegations of bullying, harassment and victimisation seriously. It is important that the matter is dealt with quickly, sensitively, confidentially and effectively for everyone involved.

7.2. Whilst the charity encourages an informal resolution wherever possible, it is not always appropriate. Advice can be obtained from the contacts listed in 5.1.

7.3. Where an incident is identified as a breach of WAY's Member Code of Conduct or viewed as an act of gross misconduct (WAY staff), the formal process may be invoked immediately.

7.4. To report an incident of bullying, harassment or victimisation where the perpetrator is a member of staff, you are advised to raise the concerns with WAY's Chief Executive or if the perpetrator is WAY's Chief Executive, a Trustee.

8. Informal Options

Where possible, informal options should be followed in order to deal with the incident quickly, sensitively, confidentially and effectively. Sometimes people are not aware that their behaviour has been viewed as inappropriate or unwelcome and an informal discussion can improve understanding and help agreement to be reached to change the behaviour. Be prepared for their response, stay calm and focused on informing them how it has made you feel.

8.1. Personal resolution

Where possible, individuals should think of ways in which they can resolve the situation themselves by making it clear that they find the behaviour offensive and want it to stop.

Options to consider but not limited to:

- Placing a block where you are receiving unwanted messages/texts/posts via social media
- Speaking or writing to the person responsible for the behaviour
- Speaking to the person whilst being accompanied by another member
- Asking another member to speak to the other person on your behalf

Remember that if you are arranging to speak to the perpetrator, in person, that you explain the purpose of your request and arrange a safe place to meet where you can talk discreetly. If you plan to meet the perpetrator with another member for support, you should tell them beforehand.

It is helpful to use specific examples or evidence of the unwanted behaviour and say how this has made you feel. Brief notes of the discussion, and copies of any correspondence, should be kept by both parties in the event that follow-up action becomes necessary. The meeting should not be recorded unless everyone has agreed that they are happy to do this.

8.2. Local resolution

If your situation does not improve after an attempt at personal resolution or if you have not been able to raise the issue personally, you should contact enquiries@widowedandyoung.org.uk to discuss the situation.

Local resolution remains an informal process. The member of staff receiving your informal complaint is likely to approach the alleged perpetrator to give them the opportunity to put forward their perspective on the situation before proposing any action/follow up in resolving the concerns you have raised. Alternatively, they may decide to discuss bullying, harassment and victimisation as part of a wider member communication in a general context to cover an issue you may have raised without informing them that you have reported an incident. You will be informed of the next steps.

8.3. Outcome of informal procedures

Whichever of the informal methods chosen, the aim is to agree a way forward without further bullying, harassment or victimisation. If this is not possible then the formal procedures should be invoked within 6 months of the date you attempted informal resolution or the matter will be regarded as closed.

9. Formal Procedures

Where informal resolution is not appropriate (e.g. due to the seriousness of the allegations) or where the outcome of informal resolution has been unsatisfactory, you may bring forward a formal complaint.

9.1. Complaints about other members

An incident of bullying, harassment or victimisation that breaches WAY's Member Code of Conduct will be dealt with under WAY's Complaints Procedures > **Please see WAY's Complaints Policy for further guidance.**

Your complaint detailing the allegations of inappropriate behaviour should be made in writing to the Chief Executive.

9.2. Complaints about members of staff

Instances when a member has been harassed, bullied or victimised by a WAY employee, a complaint should be submitted in writing to the Chief Executive or, if the perpetrator is the Chief Executive, to a WAY Trustee > **Please see WAY's Complaints Policy for further guidance.**

10. I have been accused of bullying/harassing someone else.

A fellow member may have approached you to tell you that they are offended or upset by certain aspects of your behaviour, or you may have been approached by someone acting on behalf of another member of staff to inform you that an informal or formal complaint has been made against you. In having been accused of bullying, harassment or victimisation you may want to seek advice from a WAY member of staff.

You should bear in mind:

- The complainant does not have to raise the issue directly with you first before making their complaint and in some instances, they may not feel able or willing to contact you in person
- You may feel shocked, outraged or even upset to have received an accusation of inappropriate behaviour. However, all members or staff have the right to ask a person to stop behaving in a manner which they feel is insulting, degrading or offensive to them
- Differences of attitude, background and culture may lead to a misinterpretation of social signals. This may mean that what is perceived as harassment by one person may not be or seem to another. Situations such as this are an opportunity to learn from each other.
- Try to remain calm and listen carefully to the complaint and to the particular concerns expressed, remembering that it is the other persons reaction to the behaviour which is important, not the reaction you think he/she should have.
- Try to agree on ways to deal with the situation productively with the complainant, or with others who are discussing or raising the complaint with you.
- Consider whether you have in fact behaved inappropriately and whether it would be advisable and appropriate to change your behaviour.

10.1. What should I do if I have received a formal complaint about my behaviour?

The Charity has a duty to investigate all reported incidents of bullying, harassment and victimisation. We have an equal duty of care to both the accuser and the accused. Allegations will not be presumed proved until properly investigated using the appropriate procedures.

If you have received notification that a formal complaint has been made in relation to an incident(s) you should:

- Read the formal notification informing you of the complaint made, noting any actions required on your part.
- Read these procedures and note your own obligations as a member of the WAY community
- Avoid contact with the person who has made the allegation
- Make notes relating to any incidents that have occurred involving the person making the allegations against you and be prepared to respond to questions relating to these incidents
- Participate in the Investigative Procedure in order to reach a resolution.

11. Malicious, Vexatious or Frivolous Complaints

These procedures are intended to promote fairness and consistency in dealing with allegations of bullying, harassment and victimisation made in good faith. Where a complaint is found to be based on allegation(s) made maliciously, vexatiously or frivolously, and/or on known false information, the complainant may be subject to having their WAY **membership suspended or terminated**. Sometimes a complaint may prove impossible to uphold e.g. if the concern turns out to be a misunderstanding or is not capable of being substantiated. Providing the complainant was not acting maliciously, this will not lead to any action being taken against the complainant.

Other relevant WAY policies

The following policies of WAY Widowed and Young may also be relevant to safeguarding matters:

- (a) Complaints Policy
- (b) Equality, Diversity and Inclusion Policy
- (c) Membership Policy Inc. Code of conduct
- (d) Data protection policy
- (e) Privacy Policy
- (f) Confidentiality Policy

Changes to this policy

WAY Widowed and Young, reserve the right to change this policy at any time, in which case the amended policy will be updated on our website and will apply from that date.

The format and content of our website changes constantly. It is recommended that users refresh their browser each time they visit our sites to ensure that the most up to date version is accessed.

Our Contact Details

WAY Widowed and Young,
Advantage House
Stowe Court,
Stowe Street,
Lichfield. WS13 6AQ

enquiries@widowedandyoung.org.uk

Policy Control

Version	1	Issue Date MM/YY	05/2 3	Last Review Date MM/YY		Next Review Date MM/YY	
Signed (Chair or Trustee)	Agreed by WAY Board of Trustees, Meeting Date 11 ^h May 2023						

****END OF POLICY***

Appendix 1

What constitutes harassment and bullying?

1. Harassment

As defined in the Equality Act 2010 is:

‘Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

People can be subjected to harassment on a wide variety of grounds, including in relation to the following ‘protected characteristics’:

- Age
- Disability
- Gender reassignment
- Pregnancy or maternity (where interpreted as discrimination)
- Race (including ethnic origin, nationality or skin colour)
- Religion and belief
- Sex/gender, including gender identity and expression
- Sexual Orientation

Harassment includes behaviour that is offensive, frightening or in any way distressing. It may be intentional bullying which is obvious or violent but it can also be unintentional or subtle and insidious.

The Equality Act 2010 protects people against harassment on the grounds of a perceived characteristic, even if that perception is incorrect e.g. making offensive remarks about gay people because an individual is perceived as gay, even though they are not.

An individual is also protected on the grounds of their association with another person who has a protected characteristic e.g. because they are a friend of a disabled person.

Harassment does not necessarily happen face-to-face; it can occur via written and electronic communications, such as telephone and email, SMS and on social media sites. Such behaviour might interfere with a member working, living, or social environment, or induce anxiety, fear on the part of the person who feels harassed.

Below is a list of some behaviours that could constitute harassment and/or bullying:

- offensive gestures, language, gossip or jokes, insulting or abusive behaviour or comments spreading malicious rumours, or insulting someone (particularly on the grounds of age, disability, gender reassignment, race, religion or belief sex and sexual orientation)
- physical contact, ranging from an invasion of personal space and/or inappropriate touching, to serious assault

- display of sexually suggestive, pornographic, racist or otherwise offensive pictures or other material or the transmitting of any such messages or images via electronic mail, mobile
- unsolicited telephone calls/messages or social media trolling persistent unwanted isolation or exclusion 'outing' someone
- persistent unwanted attention
- humiliating or demeaning criticism
- 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

2. Victimisation

Victimisation is defined as treating a person/group of people less favourably because of action they have taken under or in connection with equality legislation.

Below is a list of some behaviours that could constitute victimisation:

- excluding someone from social situations following a complaint or rumour
- denying someone the opportunity to participate in a project, social event or apply for a placement opportunity because they are perceived to be a 'troublemaker'
- continually ignoring or excluding an individual, for example, from conversation or social events

3. Bullying

Bullying is not specifically defined by law, but can be characterised as "offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient" (ACAS 2013 Bullying and Harassment at Work: A Guide for managers and employers). A single incident of harassment can constitute an offence while bullying usually requires a repeated number of incidences.

Bullying is offensive behaviour which humiliates and/or undermines an individual or group and need not be related to a 'protected characteristic' under law. Bullying may be carried out by an individual or group of individuals. It can happen in public or in private.

Examples of being bullied can include (but are not limited to) being:

- shouted at
- subjected to sarcasm verbally
- or physically abused
- told off in front of fellow members
- derided or belittled about personality and/or personal appearance
- persistently ignored
- talked down to
- subject to practical jokes
- subject of malicious rumours or gossip
- excluded or ostracised

4. Harassment by behaviour that causes alarm or distress, and stalking an individual may be subject to persistent and unwanted behaviour from someone where the behaviour does not appear to be related to any of the 'protected characteristics' discussed above or where the nature of the behaviour may not be 'bullying' as is commonly understood.

Examples could include (but are not limited to):

- being followed, or 'stalked'
- being signed up unwillingly to junk mail and/or email distribution lists
- receiving anonymous phone calls, letters and/or emails
- being sent unwanted bunches of flowers, other gifts or take-away deliveries.

5. Cyber-Bullying and Social Media

Social media, open forums and blogs are evolving continuously and are a common feature of everyday life, enabling and supporting both members and staff in collaborative opportunities. Unfortunately they are open to misuse and increasingly cited in cases of bullying, harassment and victimisation. Points to note:

- endorsing comments made by others e.g. by 'liking', commenting or sharing the comments of others may implicate you, risking your own reputation or place you as having acting in breach of the law
- information shared on social media becomes public information. Any content that you post about yourself or others could be brought to the attention of the charity
- always ensure your own personal safety and use the tools to protect against identity theft.
- Exercise caution when accepting or sending invitations to interact over social media with anyone you have not met face-to-face.
- Tagging individuals in photos or posts that associate them with a protected characteristic without their permission may constitute 'outing.' (See definition below) This would also be in violation of our Social Media and Communications policy.

Examples of cyber-bullying are outlined below (but are not limited to):

Denigration

To criticize in a derogatory manner, to treat someone or something as if it is worth nothing. This could also include digitally altered images – often of a sexual nature – and videos or “memes” (images captioned usually with a sarcastic or cruel comment)

Flaming

A situation where an on-line conversation, usually though not necessarily between two people, escalates into an intense argument with words or insults exchanged in the 'heat-of-the-moment'. In real life, a 'moment' can pass extremely quickly, but on-line moments can linger for hours or days.

Most 'flaming' exchanges are insulting in nature. If a flaming exchange is available for public viewing, an untrue assertion made, and genuine harm is caused, it could be taken to be libellous and therefore potentially actionable under civil law.

Impersonation

Impersonation refers to instances where the perpetrator poses as the victim – usually by stealing the victim’s password and accessing their genuine on-line account – and behaves inappropriately to the detriment of the victim, e.g. by posting negative or inflammatory comments, or sending nasty or other inappropriate messages et cetera, as if they were from the victim. Alternatively, the perpetrator could try to pose fraudulently as the victim by setting up a new on-line account and taking a username which is the same or similar to the victim’s name.

Outing

Outing is the sharing of personal or confidential information with others without the consent of the person who the information is about. E.g., the victim may disclose private information to, or share photographs or videos with, the perpetrator, who then passes this on to other people, causing embarrassment and distress to the victim because of the sensitivity of the information.

Trickery

A victim may be tricked into sharing personal, confidential, or sensitive information, e.g. when the perpetrator is impersonating someone whom the victim trusts. A victim may also be tricked when their own naivety or lack of judgement lets them down, for example by sharing such information with a complete stranger with whom it is impossible to make any judgements as to their motives or trustworthiness.

Sexting

Sexting is the sending of lewd or sexually explicit messages, risqué or sexually explicit photographs or videos, by mobile phone, text message, email, or similar electronic communication software. In the context of harassment, the messages received would be unwanted and unwelcome. Members should exercise extreme caution if indulging in sexting. Texts and images once sent cannot be controlled and can be easily distributed by the recipient. As with outing and trickery, a member’s own naivety and lack of judgement can serve to compound the act of harassment.

Revenge Porn

Revenge porn refers to the sharing of private, sexual materials, either photos or videos, of another person, without their consent and with the purpose of causing them distress or embarrassment. It includes the uploading of images on the internet, sharing by text and email, or showing someone a physical or electronic image.

Trolling

Trolling is the term in current usage to describe the process by which a person (known as a ‘troll’) posts repeated negative, hurtful, inflammatory or irrelevant statements on forums, comment pages, or social networking sites, usually in an attempt to incite an online-argument (flaming), emotional outrage from other users, or to target and upset an individual. An example is the repeated attempt to steer an online conversation towards an inflammatory topic of that person’s (the troll’s) choice, or where the person (the troll) makes comments specifically intended to be offensive on a memorial or other site.

6. Hate crime

Hate crime is defined as “Any hate incident, which constitutes a criminal offence, perceived by the victim or any other person, as being motivated by prejudice or hate.”

People can be victims of prejudice and hate which impact on their daily lives. Many of these incidents go unreported. Due to the damaging effect on their lives, it is important that all such incidents are reported.

A hate incident is “any incident which may or may not constitute a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate”. A hate crime is any such incident which constitutes a criminal offence”.

Such incidents are targeted at individuals or groups on the basis of their perceived or real ‘difference’ and vulnerability, because of their: disability, gender-identity, race, religion or sexual orientation. They can happen anywhere: in the street, in the vicinity of the victim’s home, on public transport, social venues, fast-food outlets or religious buildings.

For more information, or if you wish to report such an incident, you can click on the link below. <https://www.police.uk/ro/report/hate-crime/hc-av1/report-hate-crime/>

7. Associated discrimination

Associated discrimination is where an individual is directly discriminated against or harassed for association with another individual who has a protected characteristic (excludes marriage or civil partnership) e.g. a student whose child has attention deficit hyperactivity disorder is refused access to their graduation ceremony because of fears about the child’s behaviour.

8. Perceptive discrimination

Perceptive discrimination is where an individual is directly discriminated against or harassed based on a perception that he/she has a particular protected characteristic when he/she does not have that protected characteristic (excluding marriage/civil partnership) e.g. an adviser refuses to work with a student because they believe that the student is gay irrespective of whether the student is gay or not.

Appendix 2

Contacts and Sources of Further Information

Samaritans

Main telephone number: 116 123

Email: jo@samaritans.org

Victim Support

<https://www.victimsupport.org.uk/>

0808 1689 111

help@survivorsuk.org

GALOP – LGBT Domestic Abuse Advice

<https://galop.org.uk/types-of-abuse/domestic-abuse/>

0800 999 5428

help@galop.org.

Revenge Porn

<https://revengepornhelpline.org.uk>

Survivors UK

Male rape and sexual abuse

<https://www.survivorsuk.org/>

0203 5983 898

Stop Hate UK:

Support & Report 24 hour helpline, Training Courses, Stats & Resources:

<https://www.stophateuk.org>

Support Line:

More info, definitions, and a list of further resources:

<https://www.supportline.org.uk/problems/hate-crime/>

SARI:

Supports all survivors and victims, but focuses on racist bias and hate incidents.

<https://saricharity.org.uk>

What's On Your Mind

<https://www.onyourmindglos.nhs.uk/>