



Nadder Community Land Trust Ltd.

Bullying and Harassment Policy

EDITION 1

1st December 2021

Bullying and Harassment Policy

1	POLICY STATEMENT	3
2	WHAT IS COVERED	3
	Harassment	3
	Bullying.....	3
	Extent of this Policy	4
3	WHAT THE LAW SAYS	4
4	DIRECT RESOLUTION	5
5	RAISING A CONCERN INFORMALLY	5
6	FORMAL INVESTIGATION	6
	Making a formal complaint	6
	Investigation	6
	Report	6
	Follow-up Action	7
	Where a concern remains unresolved.....	7
7	CHAPERONES AND COLLEAGUES	7
8	CONFIDENTIALITY	7
9	REVIEW	8

1 Policy statement

- 1.1 The purpose of this policy is to ensure that those acting on behalf of Nadder Community Land Trust (“NCLT”) are treated and treat others with dignity and respect, free from harassment and bullying.
- 1.2 This policy applies to all those acting on behalf of NCLT, including all employees, officers, consultants, contractors, trainees, homeworkers, casual and agency staff and volunteers.
- 1.3 For ease of reference, and for the remainder of this document:
 - a) An “Officer” means each of those mentioned in paragraph 1.2 above; and
 - b) A “Mentor” means in the case of a volunteer, their Mentor and in the case of an employee, their manager or supervisor as set out in their job description or contract of employment.
- 1.4 Officers should take time to ensure they understand what types of behaviour are unacceptable under this policy.

2 What is covered

- 2.1 This Policy covers both harassment and bullying wherever and however it occurs.

Harassment

- 2.2 Harassment is any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- 2.3 It may:
 - a) take the form of a single incident or series of incidents;
 - b) involve behaviour which is addressed directly at a victim, takes place in their presence or of which the victim could reasonably be expected to be made aware;
 - c) be either intentional or unintentional in situations where a person would have reasonable cause to feel that harassment was taking place (for example "horseplay" or suggestive behaviour, which the perpetrator may not have perceived to be harmful);
 - d) include treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.
- 2.4 **Unlawful** harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to the victim's gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability, or age, but harassment is unacceptable even if it does not fall within any of these categories.

Bullying

- 2.5 Bullying is **repeated** aggressive, offensive, malicious or insulting behaviour where one person (or group of people) in a position of power or leadership deliberately intimidates,

abuses, belittles or coerces one or more individuals with the **intention** to hurt them emotionally or physically.

- 2.6 Incidents of bullying must include **all 3** of these characteristics:
- a) **Intentional**- the behaviour was a deliberate attempt to hurt;
 - b) **Repeated**- conduct occurs repeatedly over time to the same person or group of people; and
 - c) **Abusive** - the person bullying has more physical, social or emotional power than the person or persons being bullied.
- 2.7 Legitimate, reasonable and constructive criticism of someone's performance or behaviour, or reasonable instructions given to them, do not amount to bullying on their own.

Extent of this Policy

- 2.8 This policy covers all conduct:
- a) by Officers when acting on behalf of NCLT;
 - b) by Officers as private individuals in circumstances where their connection to NCLT is known and their conduct could reasonably be regarded to indicate something which is supported, tacitly condoned or tolerated by NCLT;
 - c) directed at Officers, but perpetrated by others; and
 - d) witnessed by Officers when acting on behalf of NCLT, but directed at others.
- 2.9 This includes conduct:
- a) wherever and however it occurs, including on business trips, at meetings with contractors or the public or via online messaging or communications services;
 - b) whether it is carried out by Officers or to them, whoever is responsible;
 - c) whether the conduct takes place in person or via any form of verbal or non-verbal communication including:
 - physical gestures;
 - sending or displaying messages or material online such as via e-mails, text messages, video clips and images sent by mobile phone or computer;
 - d) which some witnesses directed at someone else, but which they could reasonably have felt might be directed at them (for example a person from an ethnic minority who feels intimidated by persistent jokes about another minority group); or
 - e) which simply involves treating someone less favourably because they have submitted or refused to submit to harassment or bullying in the past.

3 What the law says

- 3.1 The Equality Act 2010 prohibits harassment related to gender, sexual orientation, marital or civil partner status, gender reassignment, race, colour, nationality, ethnic or national origin, religion or belief, disability or age.
- 3.2 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which the perpetrator knew or ought to know would be harassment, which includes causing someone alarm or distress.

- 3.3 Under the Health and Safety at Work Act 1974 Officers are entitled to a safe place and system of work.
- 3.4 The effect of these statues means that Officers may in some cases be personally liable at law for harassment of colleagues or third parties and may be ordered to pay compensation by a court or tribunal.
- 3.5 Regardless of whether it is unlawful, harassment or bullying by an Officer is always treated as **gross misconduct** under NCLT's Disciplinary Policy.

4 Direct Resolution

- 4.1 Any Officer who feels they have witnessed or been subjected to bullying or harassment should initially consider raising the problem informally with the person responsible if they feel able, explaining:
 - a) how the behaviour made them feel; and
 - b) that it was unwelcome.

5 Raising a Concern Informally

- 5.1 If Direct Resolution has not been effective or an Officer feels it is not appropriate, they should raise their concern in confidence:
 - a) with their Mentor; or if they have no Mentor or feel this would not be appropriate
 - b) with the Secretary at Info@NadderCommunityLandTrust.org.
- 5.2 Such reports will be taken seriously and will be treated in strict confidence under the terms set out in this Policy and as far as it is lawful to do so.
- 5.3 If the concern has been raised with the Secretary, they or their designate will agree with the Officer on the appointment of one or more senior officers of NCLT to act as the Mentor for the purposes of this Policy.
- 5.4 The Mentor will seek an informal resolution of the concern, which may include (with the agreement of the Officer) arranging for a conversation to take place in which the alleged perpetrator is told, without prejudging the matter and without disclosing the Officer's identity, that:
 - a) there has been a complaint;
 - b) such behaviour if it were to have taken place is unjust and contrary to NCLT's policy.
- 5.5 In exceptional circumstances where serious misconduct by an Officer is the subject of the concern, NCLT may decide to implement the actions dealing with gross misconduct set out in its Disciplinary Procedure in place of the process set out in this Policy. The Officer raising the concern will always be consulted before this decision is made.

6 Formal Investigation

Making a formal complaint

- 6.1 Where the direct and/or informal processes set out above have been exhausted, an Officer wishing to make a formal complaint should put it in writing to the Secretary at Info@NadderCommunityLandTrust.org, setting out:
- the name of the alleged perpetrator(s);
 - the nature of the harassment or bullying;
 - the dates and times the harassment or bullying occurred;
 - the names of any witnesses; and
 - any action taken to resolve the matter informally.

Investigation

- 6.2 On receipt of a formal complaint, the Board will appoint someone with appropriate experience and no prior involvement in the complaint, who will:
- conduct a fair and impartial investigation;
 - arrange one or more fact-finding meetings with the Officer making the complaint, the first usually within one week from receipt;
 - attempt to meet with the alleged harasser or bully to explain the details of the allegations against them and hear their account of events;
 - if necessary, meet with witnesses; and then
 - discuss and agree with the Officer making the complaint how best to resolve it.
- 6.3 Throughout the investigation the requirement for confidentiality will be emphasised to all those to whom details of the allegations are disclosed. It should be noted that it may be necessary as part of the investigation to disclose the identity of the Officer making the allegation to the alleged perpetrator.
- 6.4 Possible outcomes which may be discussed by the investigator with the Officer who made the complaint may include:
- implementation of NCLT's Disciplinary Policy;
 - temporary or permanent changes to working or contractual arrangements;
 - in the case of contractors or agents, referral to the contractor's employers.
- 6.5 Any Officer who deliberately provides false information or otherwise acts in bad faith as part of an investigation will be subject to action under the Disciplinary Policy.

Report

- 6.6 At the end of the investigation, the investigator will submit a report to the Mentor, who will arrange a meeting with the Officer making the allegation, normally within a week of receiving the report, in order to discuss the outcome and what action, if any, should be taken. The Officer may bring a colleague or representative to the meeting if reasonably requested.
- 6.7 If the Officer does not have a Mentor, the Secretary or their designate will agree with the Officer on the appointment of one or more senior officers of NCLT to act as the Mentor for the purposes of this Policy.

- 6.8 A copy of the investigator's report with the Mentor's recommendations will be given to:
- a) the Board;
 - b) the Officer who raised the concern; and if they are an NCLT volunteer or employee
 - c) the alleged perpetrator

Follow-up Action

- 6.9 Where harassment or bullying is found to have occurred:
- a) if the harasser or bully is an NCLT volunteer or employee:
 - the matter will be dealt with under the terms of the Disciplinary Procedure;
 - b) in other circumstances the Mentor will be responsible for implementing measures which as far as possible will address or mitigate the concern, which may include:
 - signs or messages setting out acceptable and unacceptable behaviour;
 - speaking or writing to the harasser or bully themselves, their manager or their company representatives about their behaviour; or
 - taking other lawful action within NCLT's control, including changes to working arrangements or terminating commercial contracts.
- 6.10 Whether or not the complaint is upheld, the Mentor will consider how best to manage the ongoing working relationships between the Officer making the complaint and the alleged harasser or bully and may organise:
- a) some form of mediation and/or counselling; or
 - b) changes to duties or reporting line.

Where a concern remains unresolved

- 6.11 An NCLT volunteer or employee who feels a concern remains unresolved, despite having followed the procedure set out in this Policy, should raise the matter in accordance with the Grievance Procedure.

7 Chaperones and Colleagues

- 7.1 Any person who raises a concern, or against whom a complaint is made, may be accompanied by a colleague or chaperone at any meeting arranged under the terms of this Policy, provided that:
- a) such a request is made reasonably and in good time before the meeting concerned; and
 - b) the colleague or chaperone does not actively intervene in the meeting except when requested by the person who invited them to speak on their behalf.

8 Confidentiality

- 8.1 Confidentiality is vital to the effective handling of a complaint and everyone involved in the operation of this Policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

8.2 A breach of confidentiality will be treated as a case of gross misconduct which, in the case of NCLT volunteers and employees, will be dealt with under the terms of the Disciplinary Procedure.

9 Review

9.1 This policy is effective from 1st December, 2021 and will be reviewed every three years.