

PREVENTION OF BULLYING AND HARASSMENT POLICY

1. Statement of Policy

- 1.1. The Association is committed to encouraging and maintaining good relations within the Allotment Site which fosters team working and encourages Association Members to give of their best. Everyone in the Association and those who have dealings with the Association has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both the Committee and Association Members by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
- 1.2. The Association's policy applies to all Members of the Association and to all visitors to the Allotment Site. It extends to include all people such as buddies, co-workers, contractors, delivery personnel, landlords or landlord's agents and any people in neighbouring properties. The policy, in addition, covers the behaviour of Association Members outside the Allotment Site which may impact upon relationships within the site.
- 1.3. The Association has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

2. Key Principles

- 2.1. The Association will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the Association must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, disability, offending background or any other personal characteristic.
- 2.2. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness or which comes to their attention. Association Members have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Committee Members should also make themselves aware of their responsibility.
- 2.3. Harassment may be defined as any conduct which is :-
 - unwanted by the recipient
 - is considered objectionable
 - causes humiliation, offence, distress or other detrimental effect.
- 2.4. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social and allotment activities.

2.5. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to :

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of other Association Members
- Humiliating an individual in front of other members
- Picking on one person when there is a common problem
- Shouting at an individual to get things done when volunteering work
- Consistently undermining someone and their ability to do the volunteering work
- Setting unrealistic targets or excessive workloads for volunteers
- “cyber bullying” i.e. bullying via e-mail. (This should be borne in mind where Committee Members are working remotely and are managed/communicated by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines when volunteering

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

- 2.6. Any Association Member who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with a member of the committee, provided that they feel able to do so. Should the issues not be resolved at this stage, or the member feels unable to raise the issue informally, then a formal resolution should be sought.
- 2.7. When a complaint of Harassment or Bullying is brought to the attention of a Committee Member at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the Association’s Disciplinary Policy and Procedure.
- 2.8. If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current allotment plot, then as a matter of principle the Association will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case and advice from the relevant Committee Member. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.
- 2.9. All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.

- 2.10. No Association Member will be victimised or suffer detriment for making a complaint of harassment or bullying and no Committee Member shall threaten either explicitly or implicitly that an member's complaint will be used as the basis for decisions affecting that member. Such conduct will be treated as a very serious disciplinary offence. Similarly, Committee Members are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
- 2.11. All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to the Committee Secretary for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.
- 2.12. This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

APPENDIX

3. PROCEDURE

3.1. Informal Resolution

- 3.1.1. Very often people are not aware that their behaviour is unwelcome or misunderstood, and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 3.1.2. Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 3.1.3. If the complainant feels unable to approach the alleged harasser or another Association Member, a Committee Member could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Committee Secretary.
- 3.1.4. An individual who is made aware that their behaviour is unacceptable should: -
 - Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;
 - Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
 - Agree the aspects of behaviour that will change;
 - Review their general conduct/behaviour on the Allotment Site and with Association Members.

3.2. Formal Resolution

- 3.2.1. If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with a Committee Secretary.
- 3.2.2. Normally, the member's representative will be the Committee Secretary. However, if the member feels unable to do this they should submit the complaint in writing to the Chair of the Committee. In exceptional circumstances, allegations may be raised directly with the relevant XXXXXX, who will arrange for the matter to be progressed in accordance with this policy and procedure.
- 3.2.3. When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant Committee Members should:
 - (a) Take full details of the incidents in writing from the complainant;
 - (b) Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - (c) Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - (d) Keep all parties informed of expected timescales.

(e) Inform all parties in writing of the outcome and any action that may be required.

- 3.2.4. If the allegations and the working situation warrant it, the alleged harasser may be suspended from the Allotment Site during the investigation.
- 3.2.5. Should there be a case to answer against the alleged harasser, the Committee Member who has dealt with the complaint will communicate this to an impartial Committee Member who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account: -
- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
 - If the complainant is required to attend, they are entitled to be accompanied by either a representative and have any questions directed through that person.
- 3.2.6. If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-
- Termination of Association Membership
 - A formal warning
 - Implementation of other sanctions as detailed in the Association's Disciplinary Policy.
 - Making arrangements for both parties to work as separately as possible within the Allotment Site. This may involve one of the parties being moved to another plot(s).
- 3.2.7. In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Association.
- 3.2.8. It should also be noted that the complainant may wish to move allotment plot(s) depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.
- 3.2.9. With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the Association's Disciplinary Policy.

3.3. Appeals

- 3.3.1. Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows: -
- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
 - Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the Grievance Policy.

3.4. Records

- 3.4.1. Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- 3.4.2. Following formal investigation, where the complaint is not substantiated, no records will be retained.

- 3.4.3. Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the Members membership file and supporting documentation retained in a separate file for a period of 12 months.
- 3.4.4. Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.