



Bespoke Professional Development and Training Limited

## Anti-Bullying and Harassment Policy

Updated: June 2021

Next renew due: June 2022

| Version Number | Last Amended | Amended By-   |
|----------------|--------------|---------------|
| v1             | July 2019    | Tracey Carter |
| v2             | July 2020    | Tracey Carter |
| v3             | June 2021    | Tracey Carter |
|                |              |               |

## Background

BePro strives to offer an environment where everyone is treated with dignity and respect. We do not tolerate bullying or harassment.

We have a duty of care to protect staff and learners, and we make it our priority to support those who experience problems with bullying or harassment. If you have a problem with bullying or harassment we encourage you to use the support available to try to resolve it as early as possible, ideally in an informal way. We will investigate any complaint that you bring to our attention in a fair, independent and confidential way and, after considering all the facts, we will take prompt and appropriate action.

This policy explains the support available and how you can informally or formally address issues with bullying or harassment.

## Who does the policy apply to?

We expect everyone to familiarise themselves with and adhere to this policy. All staff, employees and third parties must behave respectfully towards others and never act in a way that could be regarded as bullying or harassment. Acts of bullying or harassment are regarded as a serious disciplinary matter and could place your continued employment or engagement with BePro at risk.

These principles extend to everyone working for or with BePro, including staff, tutors, subcontractors, venue staff, students, employers, apprentices and those taking part in our training programmes.

BePro employees are expected to comply with the full terms of the Anti Bullying and Harassment Policy and process.

This policy can be used if you experience bullying or harassment either at work or work-related events, for example BePro social functions or business trips.

## Our approach

We will not victimise, unfairly treat or discipline you if you make a genuine informal or formal bullying or harassment complaint.

We will respect and maintain your confidentiality. We will also remind anyone involved in your complaint about their responsibilities to maintain confidentiality. As we have a duty to protect staff and learners, there may be times we decide to act on your complaint independently. In these situations, we will encourage you to use our support services and will inform you of the outcome of our investigations if you wish to know.

You can use our informal or formal processes to resolve your complaint although where possible, we encourage you to try to resolve any problems informally in the first instance. There are support services available to help you get the advice you need.

## What is bullying and harassment?

Bullying or harassment can take place face-to-face, behind your back, by telephone, email, text, social media or any other form of communication.

## **Bullying**

There is no statutory definition of bullying. The Advisory, Conciliation and Arbitration Service ('ACAS') defines bullying as offensive, malicious or insulting behaviour. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure you. Bullying tactics can include hostile verbal or nonverbal communication, sabotage, exclusion, manipulation, and psychological or physical abuse. BePro also considers intimidating behaviour to be included in the above definition of bullying.

According to the Trade Union Congress ('TUC') guide 'Bullied at Work?', bullying behaviour can include:

- Competent staff being constantly criticised, having responsibilities removed or being given trivial tasks to do
- Shouting at staff
- Persistently picking on people in front of others or in private
- Blocking promotion
- Regularly and deliberately ignoring or excluding individuals from work activities
- Setting a person up to fail by overloading them with work or setting impossible deadlines
- Consistently attacking a member of staff in terms of their professional or personal standing
- Regularly making the same person the butt of jokes

Please note there are many actions and behaviours that do not amount to bullying. For example:

- Fair and reasonable criticism of your performance or behaviour
- Constructive feedback
- Not being invited to meeting where you are not required
- Being placed on a performance procedure where your performance is not of an appropriate standard
- Be aware of your statutory duties towards the welfare of children and vulnerable adults
- Be familiar with our guidance, in particular, the reporting arrangements

## **What support and guidance is available?**

We have internal support services available to everyone working for or with BePro. If you experience bullying, harassment or victimisation, contact BePro as soon as possible.

## **Trying to resolve problems using informal processes**

Everyone working for BePro can use the informal process. Where possible and appropriate, we encourage you to try to resolve problems with bullying or harassment informally before using the formal process. You can do this with the support of your line manager, or if the complaint is about your manager, the Directors.

We advise you to try to resolve your complaint as early as possible, to reduce stress and worry for you and possibly the other person involved. It is important to remember that the other person may be unaware of their behaviour and the impact it has on you. Your informal feedback will give the person a better understanding and opportunity to change or stop their behaviour.

In the first instance, it is best to speak to the other person to explain the situation and how it has made you feel. It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about your concerns. You should use the opportunity to ask the person to change or stop their behaviour. If you feel unable to speak to the person yourself, you can approach your line manager, or if the complaint is about your manager, the Directors to help you.

## **How to resolve a problem using the mediation service**

Mediation is another way you can resolve issues with bullying or harassment informally. Everyone working for BePro can use a mediation service. This would involve a confidential, facilitated meeting between you, the other person involved, and an independent and impartial mediator.

We will use external, trained mediators. Mediation involves individual and joint meetings to help identify the root cause of a problem. At a joint meeting, the mediator will clarify how the meeting will be run. You and the other person will each have an opportunity to speak. The mediator will help you identify areas that you agree on, but you and the other person will ultimately agree the final outcome.

Mediation can be successful if you and the other person are willing to participate fully in the process and genuinely want to repair the working relationship. Mediation is a voluntary process, so you and the other person have a choice about whether you want to participate. It is entirely acceptable for either of you to decide not to participate in mediation and your decision will not impact any formal process.

Mediation is not suitable in certain cases, for example harassment related to any of your 'protected characteristics', where the formal process should be followed straight away.

For information, advice or access to the mediation service please contact [info@beprodevelopment.co.uk](mailto:info@beprodevelopment.co.uk).

## **What to do if you cannot resolve a problem informally**

If you do not feel the informal process is an option for you, you may decide to follow the formal process straightaway. Equally, you might have already tried to resolve the matter informally and the problem has continued.

You should contact either, your manager, or if the complaint is about your manager, the Directors or the Bullying and Harassment Helpline to explain the situation and get advice on possible next steps.

## **The formal process**

This formal process can be used if you want to make a formal bullying or harassment complaint.

If you are unsure about which Policy you should follow for making your formal complaint, please ask your line manager or tutor, or if the complaint is about this person, the Directors. You may also wish to contact the Bullying and Harassment Helpline.

If you have not already considered mediation, where appropriate, you will be encouraged to speak to a trained mediator to seek resolution of the issue informally. You will not be obliged to pursue mediation before progressing a formal complaint.

We recognise a decision to make a formal complaint is not easy. If you need to make a formal

bullying or harassment complaint, then we will follow the 3-step process below.

## **Step 1: Making your formal complaint**

We ask you to put your formal complaint in writing and send it to your manager/tutor/a Director as soon as possible after the time of the incident. This will provide the best opportunity to fairly and reasonably investigate your complaint while details of what took place can readily be remembered by anyone involved. We understand this may not be possible in all cases and will investigate any complaint made in good faith.

We ask you to include full details of your complaint including a detailed account of the incident, the date it took place, who was involved including any witnesses, and any action you may have taken.

Once a formal grievance has been submitted, the manager will send the employee written acknowledgement of the complaint and pass it to senior management.

Either the Managing Director or Operations Director will be assigned as sole decision-maker following investigation. They will also provide support, policy guidance and assist with investigating your case.

## **Step 2: The meeting**

We aim to investigate a bullying or harassment complaint in 30 days. For complex cases, (defined as those with: multiple grievers, witnesses geographically dispersed, a counter grievance or where another HR process is ongoing e.g. sickness absence), we aim to complete investigations in 60 days. This will require you and all other parties involved in the investigation to make best efforts to ensure that you/they are available to attend any meetings that will be set up as quickly as possible and that adequate time is provided in diaries to ensure any issues can be resolved as quickly as possible. It is likely that a more complex case will require more time. We will handle your complaint in an objective and fair way.

We aim to offer you a date for the first meeting within 10 days of the letter acknowledging your formal grievance. We will handle your complaint in an objective and fair way. The Director assigned to your case will support and investigate your case. They will meet with you to discuss your complaint, and may interview witnesses as required.

Sometimes extra meetings may be needed and it is important that you attend all that you are invited to. You are entitled to reasonable paid time off to attend formal meetings and should notify your manager as soon as you know about dates, so that adequate cover can be arranged during your absence.

You have the right to be represented by a BePro colleague or fellow learner at any formal meeting that you are invited to attend.

While we investigate your complaint, we may arrange for you or the other person involved to be temporarily redeployed. Or we may decide to temporarily change the person you report to. In certain cases, we may decide that it is appropriate to suspend the other person involved.

After your complaint has been fully investigated, the hearing manager will make a decision as to the result of the case and communicate to you their decision and any associated recommendation. The other person involved will also be informed of the decision.

### **Step 3: Your right to appeal**

If you are not content with the result of your bullying or harassment complaint you have the right to appeal.

Once an appeal has been submitted, a Director and external expert will be assigned to your case. These are joint decision-makers, with the external expert having the casting vote if agreement cannot be reached.

These roles will not be assigned to individuals involved in the initial grievance. If you wish to use the appeals process we will continue to maintain your confidentiality, but we may need to share records from your investigation with the new manager/expert. We will tell you and any witnesses involved if we need to share your records.

You have the right to be represented by a BePro colleague or fellow learner (not a practising lawyer) at any formal meeting that you are invited to attend.

### **Possible outcomes following an investigation**

There are many outcomes that can follow an investigation into bullying or harassment including mediation, training, coaching, or disciplinary proceedings (which could lead to formal warnings being issued up to and including dismissal, redeployment or demotion).

If the response to your complaint is that there is a case to answer of bullying or harassment, then we may use disciplinary action and/or make recommendations. If an outcome of your complaint is that the person you have complained about is invited to a disciplinary meeting, you will be informed, on a strictly confidential basis, of the outcome of the disciplinary proceedings once any appeal process has come to an end.

In any case, if inappropriate behaviour is found to have occurred, it will be made clear to the other person involved that the behaviour must stop.

Everyone involved in a bullying or harassment investigation must act with goodwill and honesty. We may take disciplinary action if we find that an employee has made a false or malicious complaint.

### **What to do if you witness bullying or harassment**

We all share responsibility for ensuring a safe working environment for ourselves and others. You may not have experienced bullying or harassment directly, but have witnessed someone else being bullied or harassed. If this has occurred, you should raise your concerns in order to protect the safety and wellbeing of the other person.

We understand you may feel worried about getting involved in a situation that does not directly affect you. We will support you in raising your concerns in an informal or formal way, so the bullying or harassment can stop. We will not victimise, unfairly treat or discipline you for raising a genuine concern.

There are a number of external support services that provide confidential advice and guidance on your options. We encourage you to contact either the Bullying or Harassment Helpline or a manager/Director to explain the situation and get advice on possible next steps.

If you decide to raise a formal complaint we ask you to send this in writing to your manager, or if the complaint is about your manager, the next level of management as soon as possible after the time of the incident.

## How bullying and harassment is monitored

We handle all bullying and harassment complaints in line with the Data Protection Act and the BePro Data Protection Policy.

We use information from management meetings and exit interviews to identify any potential problems with bullying or harassment. We will keep records of all formal bullying and harassment complaints.

## Contacts

|                            |  |   |                     |
|----------------------------|--|---|---------------------|
| Val Swales                 | Managing Director  | <a href="mailto:val@beprodevelopment.co.uk">val@beprodevelopment.co.uk</a>            | 01642<br>956970     |
| Georgina Selmi             | Operations Director  | <a href="mailto:georgina@beprodevelopment.co.uk">georgina@beprodevelopment.co.uk</a>  | 01642<br>956970     |
| BePro Head Office          |  | Springboard Centre, Stokesley Business Park, 24 Ellerbeck Way, Middlesbrough, TS9 5JZ | 01642<br>956970     |
| ACAS website               | Free and impartial information and advice to employers and employees | <a href="http://www.acas.org.uk">www.acas.org.uk</a>                                  |                     |
| National Bullying Helpline |  |   | 0845<br>2255<br>787 |

## Review

This policy will be reviewed at intervals of 1 year to ensure it remains up to date and compliant with the law.

The policy was last updated June 2021 and is due for review May 2022

The policy may also be reviewed if legislation changes or if monitoring information suggests that policy or practices should be altered.



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