

Bullying and Harassment

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Bullying and Harassment Policy

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1. Purpose and scope

The aim and purpose of The Crown Estate's Policy and Procedure on Bullying and Harassment at Work is to promote and maintain a working environment which is free from bullying and harassment or any other unacceptable behaviour.

This policy and procedure aims to provide a framework for employees who believe they have been bullied or harassed to raise a complaint in-line with our Grievance Policy without fear of reprisal and for these to be promptly investigated and appropriate action taken to ensure that reoccurrence is avoided.

The policy also clarifies the roles and responsibilities of employees at The Crown Estate ('The business') in relation to this policy and procedure. The business adopts a zero-tolerance approach towards bullying and harassment and any employee who is found to have bullied or harassed a colleague will be subject to disciplinary action up to and including dismissal under the business's Disciplinary Policy.

This policy should be read in conjunction with the following policies of the business:

- Equality and Diversity Policy
- Grievance Policy
- Disciplinary Policy

Whilst this policy is non-contractual, all employees have a positive responsibility to comply with it and to ensure its terms are put into effect.

The Policy and Procedure does not form part of your Contract of Employment and The Crown Estate reserves the right to amend the Policy from time to time.

2. Principles

What should I do?

The Crown Estate is committed to promoting and maintaining a work environment where there is mutual respect and courtesy. The bullying or harassment of, or by its employees is not tolerated.

It is not possible to describe all of the behaviours or types of conduct which amount to acts of bullying or harassment. The definitions as set out in this policy, together with the examples given, provide an indication as to the types of behaviour and conduct which The Crown Estate considers to be unacceptable. In essence, a generic definition based on legislation is as follows;

"Any unwanted behaviour that is shown towards an individual that has an impact of making that individual feel their dignity has been violated and/or it has created an intimidating, hostile, degrading, humiliating or offensive environment".

The general principles which The Crown Estate aims to achieve are:

- All allegations of bullying or harassment will be taken seriously. The Crown Estate will undertake to ensure that an employee who has made an allegation of bullying or harassment will not be victimised during or after the investigation
- Formal allegations of bullying or harassment will be investigated to establish what action is appropriate. If The Crown Estate considers that behaviour or conduct amounts to a misconduct, action will be taken in accordance with The Crown Estate Disciplinary Policy and Procedure

3. What are the definitions of Bullying and Harassment?

What is the Definition of Bullying?

Bullying can be defined as conduct by someone or some persons who abuse the power of their position by using intimidating, insulting or malicious behaviours. Bullying is persistent, destructive behaviour that has a detrimental impact on a person's confidence and self-esteem.

Examples of bullying include:

- Persistent criticism
- Humiliation, ridicule and/or personal abuse, either in public or private
- Social exclusion
- Malicious gossip and speculation
- Setting unrealistic deadlines and withholding necessary information;
- Imposing unfair punishments.
- Torment by a peer group that humiliates, demeans, or frightens the individual(s) to whom the behaviour directed
- Derogatory remarks;
 - Insensitive and distasteful jokes and pranks
 - Insulting or aggressive behaviours
- Spreading untrue rumours
- Persistent sarcasm or unwarranted criticism
- Deliberately excluding an employee or group of employees from normal day to day social activity/interaction

Please note - the above list is not exhaustive.

For clarity, legitimate and constructive criticism and management of an employee's performance or behaviour are not forms of bullying and or harassment.

Definition of Harassment

Harassment occurs when there is unwanted conduct (verbal, non-verbal or physical) related to one of the Protected Characteristics as outlined in the Equality and Diversity Policy. Unwanted conduct has the purpose or effect of violating a person's dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment.

All employees are required to be sensitive to the feelings of others. Conduct can still be harassment regardless of whether or not the person behaving in that way intends to offend others and a single incident can be considered as harassment if it is sufficiently serious. Everyone has the right to decide what behaviour is acceptable to him or her and to have their feelings respected by others.

For clarity, examples of unwanted conduct could be:

- Offensive and suggestive remarks;
- Intimate or intrusive questions;
- Foul or obscene language;
- Jokes, banter, teasing, innuendoes, nicknames, ridicule or insults;
- Inappropriate comments about dress, appearance, physique or abilities;
- Displaying or sending suggestive or offensive pictures, posters, objects or written materials, screen savers, emails, SMS or instant messages over office communication tools;
- Whistling and suggestive or offensive gestures;
- Deliberate ignoring or isolation of a member of staff;
- Inappropriate contact;
- Threats, assault or coercing sexual acts.

Harassment is deemed to have taken place if the recipient is subjected to the following behaviours on at least two occasions:

- use of threatening, abusive or insulting words or behaviour, or disorderly behaviour; or,
- displaying any writing, sign or other visible representation which is threatening, abusive or insulting, thereby causing another person to feel harassment, alarm or distress.

For the purposes of this policy and procedure, The Crown Estate considers harassment to be: inappropriate and unwelcome action, comment, behaviour or physical contact which is objectionable and offensive to the recipient which has the purpose to effect or violate the person's dignity, or create an intimidating, hostile, or offensive environment.

Harassment may be motivated by characteristics covered by the Equality Act 2010 but it can also be motivated by other factors such as:

- willingness to challenge harassment, leading to victimisation
- status as ex-offenders
- actual or suspected infection with HIV/ AIDS
- unspecified jealousy

What is the Definition of Victimisation?

Victimisation is an entirely unacceptable behaviour which can have a profound effect on the working environment and may lead to reluctance to report discrimination, bullying and harassment.

Victimisation occurs where an employee is subjected to a detriment, such as being denied a training opportunity or a promotion because he/she made or supported a complaint or raised a grievance or because he/she is suspected of doing so. However, an employee is not protected from victimisation if he/she acted maliciously or made or supported an untrue complaint.

4. How Do I Challenge Bullying and Harassment in the Workplace?

It is hoped that if bullying and harassment arises during employment, it is a consequence of unintentional actions, behaviour or conduct.

There are a number of different ways for an employee to address bullying and harassment and the approach taken usually depends on a number of factors, including: the nature of the bullying and harassment and the employee's confidence to deal with the harasser directly.

5. What is the Informal Approach?

The following information provides guidance about how to use the informal procedure to informally address incidents of bullying and harassment and information about the types of behaviour or conduct where this approach may, or may not be suitable.

Mediation

Before making a formal complaint the employee is encouraged to talk directly and informally to the person whom he/she believes is harassing him/her and explain clearly what aspect of the person's behavior is unacceptable and why it is causing offence. In most cases a direct approach can resolve the matter without the need for formal action. Where an employee would like support, they should speak with their HR Advisor (HRA) or HR Business Partner (HRBP) who will be able to offer them advice and where required, mediate the discussion to ensure that a productive conversation takes place and a practical solution is reached.

6. What is the Formal Procedure?

If the employee feels unable to have a mediated discussion, if the mediated approach has been unsuccessful or if the harassment is of a very serious nature and they do not feel comfortable raising their concerns informally, the employee can raise a formal complaint via the business's Grievance Procedure.

The employee should submit a written complaint to their Line Manager or if the complaint is regarding their line manager, the letter should be sent directly to the relevant HRA or HRBP.

The complaint should include the following information:

- the name of the employee whose behavior he/she believes to constitute harassment or bullying
- the type of behaviors that are causing offence, together with specific examples if possible
- dates and times when incidents of bullying or harassment occurred, and where they occurred
- the names of any employees who witness any incidents, or who themselves may have been the victims of harassment or bullying by the same person
- Any action that the employee has already taken to try to deal with the harassment.

The decision as to whether to progress a formal complaint lies with the employee, however the business has a duty to protect all employees and the business may pursue the matter independently if in consideration of the circumstances it is appropriate to do so. Employees wishing to have their concerns addressed using the formal arrangements set out in this document must write to their HRA or HRBP setting out details of their complaint and providing as much information as possible.

The HRA/HRBP will arrange to see the employee as soon as possible to discuss their concerns and to decide the most appropriate action to be taken. This can include:

- Involving the employee's line manager in helping to resolve the employees concerns, particularly when the informal procedure has not been followed and it is an appropriate way to address the employees concerns
- Initiating an investigation to be conducted by a person nominated by the HRA/HRBP.
- Making a recommendation to the employee's senior manager that the matter should be investigated within the scope of The Crown Estate Disciplinary Policy and Procedure.

It is not possible to be prescriptive about the amount of time it may take to address and resolve an employee's concern about bullying and harassment. However, The Crown Estate recognises the importance of resolving concerns in the shortest time possible.

6.2 Disciplinary Action

As a result of either an informal or formal complaint from an employee and following a thorough investigation of circumstances, it may be necessary for the business to take disciplinary action against the individual/s responsible for the discrimination or alleged bullying or harassment. The business will take up this issue with those concerned and the penalty will depend on the particular facts of each case.

All employees are reminded that serious incidents of discrimination, bullying or harassment can constitute gross misconduct for which an employee may be summarily dismissed. Harassment on the grounds of a protected characteristic (The Equality Act 2010) is unlawful and in more serious cases, may constitute a criminal offence.

6.3 Suspension

During any investigation the business may suspend either one or all employees involved on full pay and benefits. Suspension is by no means an indication that a decision has been made and is used by the business to ensure a fair investigation.

6.4 Harassment by Third Parties

If you are harassed by a customer, supplier or other business contact, you should raise this promptly to your line manager in line with the business's Grievance Procedure.

The Employer will maintain records of investigation into alleged incidents of bullying or harassment, the outcome of the investigation and any corrective disciplinary action taken. These records will be maintained in confidence and in line with the provisions of the General Data Protection Regulation 2018.

7. Roles and Responsibilities

7.1 Employees

All employees are subject to the provisions of this Policy and Procedure and are expected to demonstrate conduct and behaviour, which promotes and maintains The Crown Estates commitment to providing a work environment that is free from bullying and harassment.

Employees who feel that they are being bullied or harassed by a fellow employee are encouraged to address the problem using the informal or formal procedure, as appropriate. However, if the harasser is the employee's line manager and the employee feels unable to use the informal procedure to resolve the problem, then they should approach the senior manager in their line reporting arrangement. Alternatively, employees should approach their HRA or HRBP.

Employees who believe they have witnessed behaviour or conduct, which they consider could amount to an action of bullying or harassment, must inform their line manager, or senior manager in their line reporting arrangement. Alternatively, employees should approach their HRA or HRBP.

Allegations of bullying and harassment are considered very serious. If The Crown Estate, having investigated an allegation of bullying or harassment, believes that an employee's allegation to be aggravating/vexatious, The Crown Estate may instigate action under its Disciplinary Policy and Procedure.

The HR Department will monitor all cases of bullying and harassment to identify existing or emerging trends within the wider organisation so that appropriate action to address these is considered and implemented.

7.2 Managers

Managers are responsible for ensuring that employees reporting to them understand The Crown Estate Policy and Procedure on Bullying and harassment at Work, including the potential consequence for their continued employment where their behaviour or conduct is found to amount to bullying or harassment.

Managers are required to report all allegations of bullying and harassment to the HRA/HRBP.

Managers are responsible for implementing the arrangements set out in this policy and procedure, as appropriate.

It is important to note: Any employee of The Crown Estate may be personally liable for payment of damages if a claim against them of discriminatory harassment in the workplace is substantiated in the courts.

8. Document Control

Document History:

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