

The JGA Group

Bullying and Harassment

Policy and Procedure

Everyone has the right to be treated with dignity and respect. Bullying and harassment of any kind are in no one's interest, and JGA will not tolerate any form of harassment of or by its staff.

All members of staff have a responsibility for ensuring that the JGA working environment is one where people's dignity is respected and for discouraging harassment by making it clear that they do not find such behaviour acceptable. Team managers have a particular duty to ensure that harassment does not occur and that their own standards of conduct and those of their colleagues do not give offence.

Those who are alleged to have harassed others may be subject to the appropriate disciplinary procedures.

We want to have a supportive work and learning environment, and to avoid having anyone feeling bullied or harassed.

This Policy document consists of:

Part 1 - Descriptions of what constitutes bullying and harassment.

Part 2 - What to do if you encounter bullying or harassment at JGA.

If the bullying or harassment involves a child or adult at risk, this document must be read in conjunction with the Safeguarding Policy.

1.1. What are Bullying and Harassment?

These terms are viewed as interchangeable by most people and many definitions include bullying as a form of harassment.

Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, sexual orientation, race, disability, religion, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Harassment can also have a specific meaning under certain laws (for instance if harassment is related to sex, race or disability, it may be unlawful discrimination). The law also gives protection against harassment relating to religion or belief and sexual orientation.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

1.2. Examples of Bullying/Harassment include:

- Spreading malicious rumours, or insulting someone by word or behaviour (particularly on the grounds of race, sex, disability, sexual orientation, religion or any other potential discriminatory factors as defined in the JGA Equal Opportunities Policy).
- Copying documents that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion or victimisation.
- Unfair treatment.
- Overbearing supervision or the misuse of power or position.
- Unwelcome sexual advances – touching, standing too close, the display of offensive materials.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment are not necessarily face to face. They may also occur in written communication, by e-mail, phone or social media.

Bullying and harassment make someone feel anxious and humiliated.

1.3 Cyber Bullying – Cyberbullying is the use of technology such as mobile phones and the internet to bully other people. Coping with cyberbullying can be difficult because it can happen at any time of the day. Advice on how to cope with cyberbullying in a non-work-related environment can be found on www.nhs.uk/Livewell/Bullying/Pages/Cyberbullying.aspx
www.bullying.co.uk/cyberbullying/

2.1. What can you do if you feel bullied or harassed by others at JGA?

Bullying and harassment are often clear-cut, but sometimes people are unsure whether or not the way they are being treated is acceptable. If this applies to you, there are a number of things to consider, including:

- Has there been a change of management or organisational style to which you just need time to adjust? Perhaps you have a new manager or work requirements?

- Can you talk over the worries with your new team leader or other colleagues, who you may find share the same concerns?
- Can you agree changes to workload or ways of working that will make it easier for you to cope?

If you are sure that you are being bullied or harassed, there are a number of options to consider, and these are set out below. You should take any action you decide upon as quickly as possible.

2.2. Bullying and Harassment: Complaints Procedure

Any allegations of bullying, discrimination or other harassment will be dealt with promptly, sensitively, and confidentially under the grievance procedure, and all appropriate steps taken to protect individuals against victimisation or retaliation for making or being involved in a complaint.

Depending on the complainant's perception of the seriousness of the issue, there are two routes which may be pursued, informal or formal. Informal complaints may be escalated to formal if not resolved or the situation deteriorates.

Informal Procedure

Possible informal approaches are set out below:

- Talk to the person responsible, explaining your issue with their behaviour, and ask for it to stop. Be firm, not aggressive. Be positive and calm. Stick to the facts. Describe what happened. In some cases, it may be a misunderstanding or unintentional – even if the behaviour was intentional a clear indication that it is objectionable may prove sufficient to stop it.
- Write to the person concerned specifying the complaint, keeping a copy of the communication in case further action is needed
- If you find it difficult to tell the person yourself, you may wish to get someone else – a colleague or confidential counsellor – to act on your behalf. Say that, if they persist, you will make a formal complaint.
- Alert your Team Manager (alternatively, the Operations Director) to your concern, if necessary, asking them to intercede on your behalf.

Formal Procedure

Should the informal options fail or be inappropriate to the situation, a formal complaint may be raised using the grievance procedure as set out in the written Statement of your Terms and Conditions of Employment as follows:

- Initially, in writing, to your Team Manager. The complaint should contain the following information: the nature and details of the incident, where and when it took place, and the names of any witnesses.

In dealing with such a complaint, the manager concerned should proceed as follows:

- Advise the Managing Director and Operations Director of the allegations.
- Respond sensitively and promptly to the complainant.
- Preserve confidentiality where it is requested and it is appropriate to the situation.
- Speak to the person against whom the complaint has been made, giving them a copy of this Policy and advise them on the process which will be followed – or may be followed in the event of reoccurrence of the behaviour which led to the complaint. Give them the opportunity to respond.
- If, after separate discussions with the parties involved, the situation cannot be satisfactorily resolved, a mediating meeting with parties, the team manager and either the Managing Director or Operations Director should be held. Where appropriate/available witnesses should be consulted.
- If, at this stage, the complaint is upheld, the person against whom the complaint is made will be asked to ensure there is no reoccurrence and, if warranted, the JGA Disciplinary Procedure will be invoked, with its accompanying rights of appeal. If the complaint is dismissed, and the complainant may appeal the decision in writing to the Managing Director. The appeal will be responded to within 10 working days.

2.3. Group Complaints

If several people are experiencing bullying and harassment from the same source, and complain collectively, separate statements should be taken. If a complaint is made against several people, individual responses to the allegation are required.

2.4. Complaints involving Third Parties

If learners harass other learners (for instance on training programmes), the JGA course tutor is responsible for resolving the situation and, where it is warranted, dismissing the offender from the course and referring the matter to the provisioning funder(s) for appropriate action. Where the incident involves a third party or parties and a JGA employee or associate, the matter should be referred to the Managing Director to determine whether the third party's employer or provision funder needs to be involved in the investigation.

2.5. Malicious Complaints

The JGA Disciplinary Procedures may also be invoked where allegation of bullying or harassment is found to be malicious – this would not include ill founded allegations which were nonetheless made in good faith.

3. Safeguarding

Please remember to consult the Safeguarding Policy, if a child or an adult at risk is involved.



Richard Goodwin
Managing Director
January 2021