

Bullying and Harassment Policy / Procedure.

Policy Statement:

- Anthony Keith Architects Ltd recognises that bullying and harassment in the workplace has a detrimental and negative effect on individuals and consequently on the effectiveness of our business. We are therefore committed to promoting a work environment that is free from all forms of harassment and bullying, that fosters respect and dignity for all our employees.
- The policy applies to all Anthony Keith Architects Ltd employees, contractors or temporary staff. All staff will be made aware of this policy on joining the company (through the induction programme) and contractors on being engaged by Anthony Keith Architects Ltd. Existing staff will be informed of the policy when it is implemented and the Office Manual will be updated.
- This policy covers work-related events, including social events, at Anthony Keith Architects Ltd premises, as well as places other than the normal working environment.
- Any member of staff who is found to have bullied or victimised any other employee will be guilty of misconduct and this could lead to disciplinary action being taken and possible dismissal.

Aim:

- This policy aims to prevent any form of harassment or bullying of Anthony Keith Architects Ltd employees through:
- Raising awareness of the effect of one person's behaviour and actions on another individual's health and wellbeing.
- Making staff aware of the routes available to deal with behaviours they find difficult and/or unreasonable.

What constitutes Harassment and Bullying:

- **Harassment**
Harassment can be defined as any unwanted behaviour that violates a person's dignity or creates an intimidating, humiliating or offensive environment.
Harassment may be related to:
 - age
 - disability
 - gender reassignment
 - pregnancy and maternity
 - race – this includes ethnic or national origins, colour or nationality
 - religion or belief – this includes lack of belief
 - sex
 - sexual orientation
 - marriage and civil partnership
 - or any personal characteristic of an individual.It may be directed at one person or many people. Crucially the behaviour is viewed as demeaning and unacceptable to the recipient. Harassment can take the form of:
 - Physical - Contact, assault or gestures, intimidation or aggressive behaviour.
 - Verbal - Unwelcome remarks, offensive literature, suggestions, or propositions, malicious gossip, or offensive jokes or banter.

- Non-Verbal - Pictures, graffiti and computer imagery, isolation or non co-operation.

- **Bullying**

Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on its target(s).

At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. Examples of bullying covered by this Policy could include:-

- persistently criticising an individual unnecessarily;
- shouting at colleagues in public or private;
- deliberate isolation by ignoring or excluding a person;
- withholding information or removing areas of responsibility without justification;
- spreading malicious rumours;
- making inappropriate personal comments;
- deliberate misrepresentation of the views of senior management;
- undermining a person's self-respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans.

Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying or harassment. It is also recognised that an occasional raised voice or argument does not constitute bullying or harassment.

The Legal Position:

- Anthony Keith Architects Ltd has a duty to ensure the physical and psychological health, safety and welfare of employees at work under Health and Safety legislation. This includes assessing the causes of stress at work and introducing measures to reduce or prevent stress.
- Harassment based on age, disability, gender reassignment, pregnancy and maternity, race – this includes ethnic or national origins: colour or nationality, religion or belief – this includes lack of belief, sex, sexual orientation, marriage and civil partnership are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997, The Race
- Relations Amendment Act 2000, Disability Discriminations Act 2005, The Employment Equality (Age) Regulations 2006, the Employment Equality (Age) Regulations 2006, Equality Act 2006, Equality Act 2010, and/or Equal Opportunities Code of Practice.

Responsibility:

- All members of staff are responsible for helping to ensure that individuals do not suffer any form of harassment and that they are encouraged and supported in any legitimate complaint. Every person working for Anthony Keith Architects Ltd will be accountable for the operation of this policy as they carry responsibility for their own behaviour and actions, on and off site during working hours or any activity associated with their employment.



Procedural Protocols:

- Anthony Keith Architects Ltd understands that the process of dealing with complaints of harassment and bullying need to be handled in a sensitive and confidential manner for the benefit of both the complainant and the alleged harasser/bully. Therefore allegations will be investigated promptly, within 15 working days, where possible, and information circulation will be kept to the minimum necessary. Any discussion will be confidential and no action will be taken without the consent of the complainant, unless the Director responsible considers the incident so serious, in which case they will inform the employee of their need to take action against the alleged harasser.
- This procedure is separate from the disciplinary procedure, which may be used following the results of the investigation under this procedure. However, an incident may be so serious, or there may be sufficient evidence to proceed straight away with investigations under the disciplinary procedure.
- If at any stage in this procedure an employee does not receive a response to a formal complaint within a reasonable timescale, or where the response is inadequate or inappropriate, the employee is entitled to raise the matter under the grievance procedure.

Review:

- It will be the responsibility of the Directors to review this policy and related procedures annually and bring about change where necessary.

Procedure:

- Stage 1: Informal Resolution

Every effort will be made to resolve issues of alleged harassment on an informal basis in the first instance, if this is appropriate i.e. depending on the seriousness and nature of the complaint.

To assist this process it is important that anyone who believes that they have suffered from harassment should keep notes of the details outlined below for each incident and that they are made as soon after the event as possible.

Detailed notes should include the following:

- Date
- Time
- Place
- Name of person harassing them
- What actually happened
- How the person actually felt at the time
- Name(s) of any witnesses
- Action taken and whether reported to management;
- Any correspondence relating to the incidents and subsequent complaints.

As soon after the incident as possible, the individual should make it clear to the offender that the incident is not welcomed and should stop. If too embarrassed to speak directly, this could be done by writing, or asking their line manager or a colleague to do this for them. A note should be made of the action taken.

If the line manager/ director is the person against whom the complaint is being made, the matter should be reported to another Director. Where the employee indicates that they would prefer to discuss the matter with a person of the same sex/race, this should be arranged wherever possible.

Any discussions will be confidential and no further action will be taken without the consent of the complainant (except in circumstances detailed in section 6 above)

Once this has been done, the individual should, if appropriate, inform their line manager of the conversation and the outcome, and the situation should be kept under review by the individual.

- **Stage 2: Formal Complaint**

If the circumstances warrant or following stage one of this procedure, the unwelcome behaviour continues, then the complainant may wish to lodge a formal complaint. In such circumstances the individual is entitled to expect managers to institute formal investigation/proceedings.

Complaints must be put in writing to a Director or another Director) if their immediate manager is implicated. The letter needs to specify that it is a formal complaint giving details of the incident(s).

Investigating a complaint:

Following the receipt of a complaint the Director or an independent investigating officer will be appointed, if necessary, in order to protect the rights of both parties involved and ensure that both are entitled to a full and fair opportunity to put their version of events.

The investigating officer should firstly meet with the person against whom allegations have been made and inform them of the nature of the complaint. The individual should also be given a copy of the letter of complaint and details of the procedure involved. The individual should then be given time to consider their response before a second meeting takes place.

The investigating officer will then meet with the complainant and the alleged harasser separately and, if requested, with their respective representatives. Both parties will be requested to provide detailed written statements, which the relevant parties should sign and date. Both parties should be given the opportunity to nominate witnesses whom they wish to be interviewed.

The investigating officer will at their discretion also meet and take statements from anyone else who was present or who has information relevant to the issue. Individuals called will be able to be accompanied by a friend, trade union representative or Contact Officer. Further interviews may need to take place to clarify or gain further information.

In some cases, there will not be any witnesses and it will be one person's word against another's. In these cases, the investigating officer will consider whether on the balance of probabilities, there is a case to answer.

The investigating officer will, on completion of the investigation, produce a report based on the material collected and decide whether the complaint is substantiated.

Throughout the process, the complainant and the alleged harasser/bully will be kept regularly informed of the progress of the investigation.

Further action:

The investigating officer will then present their report all the Directors of Anthony Keith Architects Ltd, who will decide on what action to take based on the following options:

- Take no action - that is the allegation has not been substantiated.
- Initiate Anthony Keith Architects Ltd agreed disciplinary procedure/s.
- Setting up arrangements to monitor the situation.
- Required to attend a suitable training course.
- Arranging for both parties to work as separately as possible within the same workplace.
- Allowing a period of compassionate leave.

- **Keeping Management Records:**

After a complaint has been heard, the following storage arrangements should be followed:

- A. Where the complaint is informal, no record will be kept on personal files, but it is recommended that the complainant make a note of their meeting.
- B. Where the complaint is not substantiated, then no record will be kept on the alleged offender's file.
- C. Where the matter proceeds to a disciplinary hearing or is proven but other action is taken, then the storage of records should be in accordance with the disciplinary procedure.

- **Action When the Complainant / Alleged Harasser Is Dissatisfied:**

If the complainant or alleged harasser disagrees with the decision, then they have the right to raise this under Anthony Keith Architects Ltd grievance procedure. This should be within 7 days of being informed of the Directors decision.

- **The Disciplinary and Appeals Procedure:**

The normal disciplinary and appeals procedure should be applied; however the following points will be taken into account:

- The complainant will normally be required to attend the disciplinary hearing as a witness, although every effort should be made to support the individual during this process.
- If they are required to attend, then they should be allowed to bring a trade union representative or friend and have any questions directed through this person.
- In extreme circumstances, to avoid further distress to the complainant, the complainant may request that they are not present in the same room during a hearing. Special arrangements for questioning would be agreed in these circumstances.

- **Ongoing Support:**

Anthony Keith Architects Ltd recognises that safeguards must be made against the possibility of recrimination or victimisation, particularly in cases where a complaint is upheld. The Directors have a duty to monitor the longer term situation as far as possible, both in respect of day to day working relations within the department and in the wider community. For example, gossip and innuendo about a complainant must not be permitted, neither should inappropriate references be written or informal feedback be given to colleagues, prospective employers etc about the conduct or quality of a person or a potential job applicant who has made a complaint which was not malicious or vexatious about harassment in the past.

Daniel Cogdon: 
Director

Date: 3rd January 2018

