

Volunteers: Harassment and Dignity Policy

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Date of Equality Impact Assessment	22/12/2015
Date approved by HWWB Board	
Author	Jo Karasinski
Date Implemented	
Last revised	18/07/2018
Next revision due	18/07/2020
Volunteer Training delivered	As per Volunteer training timetable
<p>The policy on the HWWB website is the only policy that is updated. Please note that it is the individual HWWB staff, board member or volunteer to ensure that they are reading the most current version of this policy. This can be done by checking the version number shown above against the version number of the policy filed here: www.healthwatchwestberks.org.uk</p> <p><u>If required this policy can be supplied in different formats</u> <u>Tel: 01635 886 210 or email: contact@healthwatchwestberks.org.uk</u></p> <p>All personal data collected in relation to this policy will be held in accordance with Data Protection Legislation.</p>	

Responsibilities

1 HWWB Board

Have overall responsibility for volunteers within HWWB

2 HWWB Chief Officer (CO)

HWWB Board have delegated to the HWWB CO the responsibility for developing policies and procedures for volunteering at HWWB and to ensure these are implemented effectively.

3 HWWB Staff and volunteers

All HWWB staff and volunteers are required to read and implement the volunteer policies and procedures.

Volunteers: Harassment and Dignity at Work Policy

1 Introduction

This guidance is discretionary in nature. It does not confer contractual rights or form part of any contract of employment and may be amended by HWWB or replaced at any time.

2 Organisational Scope

This procedure is intended to provide advice and guidance to all board members and volunteers.

3 Purpose

This guidance and procedure is intended to provide help and support to board members and volunteers of HWWB who feel that they have been denied the right to be treated with dignity and respect and have suffered a detriment in relation to their right to lead their lives free from harassment, bullying, intimidation, victimisation and unlawful/unfair discrimination.

4. Definitions

- **Bullying** - an alternative and more commonly used word for “harassment” the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power. Bullying is often seen as an extreme form of harassment where the ‘victim’ is constantly criticised, almost to the point of persecution, and becomes totally intimidated by the actions of the bully.
- **Dignity** - is concerned with how people feel, think and behave in relation to the worth or value of themselves and others. To treat people with dignity is to treat them as being of worth, in a way that is respectful of them as valued individuals.
- **Direct Discrimination** - occurs when a person is treated less favourably Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation and Marriage and Civil Partnership.

- **Discrimination by Association** - direct discrimination against someone because they associate with a person who possess a protected characteristic. Applies to; Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.

- **Perception of Discrimination** - direct discrimination against someone because others *think* they possess a protected characteristic. Applies to: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation.
Indirect Discrimination - applies when a condition, rule, policy or practice applies to everyone but particularly disadvantages people who share a protected characteristic. Applies to: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation and Marriage and Civil Partnership.
- **Harassment** - defined as “unwanted conduct related to a protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”. Applies to: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex and Sexual Orientation. Also protection if based on perception and association.
- **Third Party Harassment** - Organisations are liable when harassment has occurred on at least two previous occasions, the organisation is aware that it has occurred and have not taken “reasonable steps” to prevent it from happening again. The occurrences do not have to be linked. Applies to: Age, Disability, Gender Reassignment, Race, Religion or belief, Sex and Sexual Orientation.
- **Victimisation** - occurs when someone who has made or supported a complaint or raised a grievance under the Equality Act or because it is suspected that they have done so. Applies to: Age, Disability, Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation, Marriage and Civil Partnership and Pregnancy and Maternity.
- **Frivolous** - complaints that any reasonable person would regard as trivial.
- **Vexatious** - complaints that are grossly unreasonable or frivolous complaints that are repeatedly made.
- **Malicious** - where there are no reasonable grounds for the complaint.
- **Hate Incident** - any incident which is motivated by hatred based on someone’s race/ethnicity, disability, sexual orientation, trans status, their religion or other belief system as perceived by the victim or any other person”.

- **Stalking** - harassment involving a course of conduct of an individual, either in person (following them, spying on them) or in writing, electronic form by text or telephone, which causes distress and fear, sometimes with an implied threat of violence. There is specific legislation against stalking. Gender Reassignment, Race, Religion or Belief, Sex, Sexual Orientation and Marriage and Civil Partnership.

5. Informal Actions

A board member or volunteer who believes they are being harassed or bullied is encouraged to make it clear to the person causing the offence that the behaviour is unacceptable and ask the person to stop doing it. If he/she does not have the confidence to deal with the situation on his/her own, or he/she would like to speak to someone in confidence about what is happening to him/her, it is suggested that they contact the Volunteer Co-ordinator for support or assistance:

Any discussion with this supporter will normally be confidential and no further action will be taken without the permission of the complainant, unless his/her safety or the safety of others is deemed to be at risk.

As a general rule it is desirable that notes (dates, times, circumstances and witnesses - including ways in which the incident(s) affects pattern of living or study) should be kept.

Unwillingness to approach the alleged harasser will not be interpreted by HWWB to constitute consent to the harassment nor will it prejudice any subsequent complaint that may be brought.

If further (formal) action is taken, the person from whom support has been sought up to this point may continue to support the person informally.

6. Formal Actions

If individual informal action does not resolve the situation, or the nature of the harassment/complaint is so serious that informal resolution is unlikely, or in circumstances where the harassment constitutes a possible criminal offense, the complainant may take formal action.

7. General Principles

HWWB Managers and staff are encouraged to promote positive, respectful, working relationships and to ensure that all board members and volunteers are aware of HWWB policy in this respect.

If an allegation or complaint of harassment is subsequently shown to have been frivolous, vexatious, malicious, otherwise unreasonable or not made in good faith, this will be treated very seriously. Such a complaint may amount to a form of harassment itself and/or an abuse/misuse of this procedure. If such an allegation is proven it may be subject to disciplinary action.

A frivolous complaint includes complaints that any reasonable person would regard as trivial. It is recognised that determining what a 'trivial' matter is can be subjective and HWWB would use careful judgement if applying this criteria. Decisions as to whether a complaint is frivolous, vexatious or malicious will be taken by the Chair and CO of HWWB. In each case the examples given do not constitute an exhaustive list.

Examples include:

focussing on a trivial matter to an extent which is out of all proportion to its significance and continuing to focus on this point; · making a formal complaint that, even if true, is so trivial that no reasonable person would think it worth pursuing formally; and if it had been raised informally could probably have been resolved.

A vexatious complaint includes complaints that are grossly unreasonable or frivolous complaints that are repeatedly made, or fall into one of these categories:

- Changing the substance of a complaint or continually raising new issues or seeking to prolong contact by continually raising further concerns or questions upon receipt of a response. (New issues which are significantly different from the original complaint would be addressed as a separate complaint);
- Harassing or being abusive or verbally aggressive on more than one occasion towards staff dealing with their complaint may render a complaint vexatious. (HWWB recognises that complainants may sometimes act out of character at times of stress, anxiety, or distress and will make reasonable allowances for this, but will not tolerate harassment);

- Repeating the same complaint, whether frivolous or not, when it has already been the subject of the complaints process.

A malicious complaint is one where the complainant knows that there are no reasonable grounds for the complaint, for example:

- deliberately intending to deceive or mislead the investigation of a complaint;
- making the complaint for an ulterior motive.

In deciding whether conduct amounts to harassment the following must be taken into account:

- the perception of the person alleging the harassment;
- the other circumstances of the case;
- whether it is reasonable for the conduct to have that effect.

8 Examples of Harassment

- Abuse through e-mail or other electronic media
- Invasion of personal space
- Displaying offensive or pornographic material (on paper or electronically)
- Written abuse, including graffiti
- Spreading malicious rumours or insulting someone
- Inconsistent management style where some are favoured over others
- Making patronising remarks
- Inappropriate language, jokes
- Derogatory name-calling
- Expressing prejudicial/stereotyped comments about someone's race, religion, disability, sexuality etc.,
- Suggestive looks, leering or remarks
- Suggestive behaviour or offensive flirtation
- Unwanted physical contact or sexual advances
- Stalking someone
- Threats to disclose someone's sexuality or Trans status
- Offers of favours in return for sex (or threats if refused)
- Overbearing/oppressive supervision
- Shouting
- Asserting superiority (inc. Intellectual) in an aggressive, abusive or offensive manner
- Unfair work allocation
- Copying correspondence that is critical about someone to others inappropriately

- Unfairly blocking promotion or training opportunities
- Constant criticism that undermines (rather than facilitates) work performance
- Making inappropriate threats about job security
- Public ridicule, sarcasm or humiliation

NB. this list is not exhaustive

Equality Impact Assessment Form

Screening determines whether the policy has any relevance for equality, i.e. is there any impact on one or more of the protected characteristics as defined by the Equality Act 2010. These are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or belief Including lack of belief)
- Sex
- Sexual Orientation

1 Name of policy/procedure being assessed:	HWWB - Policies - Volunteers - Harassment and Dignity
2. Is this a new or existing policy/procedure?	New
3. What is the function of the policy/procedure?	To guide board members and volunteers on the procedures HWWB has in place in respect of harassment and dignity for board members and volunteers
4. What is it trying to achieve and why?	Ensure board members and volunteers understand HWWB approach to harassment and dignity
5. Who is intended to benefit and how?	Volunteers - understand how conduct themselves to remove any potential for harassment and to maintain the dignity of self and others
6. Is there any potential for differential impact (negative or positive) on any of the protected characteristics?	No
7. Is there any possibility of discriminating unlawfully, directly or indirectly, against people from any protected characteristic?	No
8. Could there be an effect on relations between certain groups?	No
9. Does the policy explicitly involve or focus on a particular equalities group i.e. because they have particular needs?	No
Signed - Signature: Jo Karasinski Name: JO KARASINSKI	

Position: Development Officer
Date: 22/12/2015