

Harassment, Sexual Harassment, Victimisation and Bullying

Definitions:

"The Company" means The Loddon Foundation Limited

"Employee" means an employee of The Loddon Foundation Limited

"HR" means the Company's Human Resources Department

"LT" means Loddon Training

"QMS" means Quality Management System

Policy:

The company is fully committed to promoting a fair and harmonious working environment in which everyone is treated with respect and dignity and in which no individual feels bullied, threatened or intimidated. The aim of this policy is to prevent harassment, sexual harassment, victimisation and bullying at work.

This policy covers harassment, sexual harassment, victimisation and bullying which occurs at 'work' both in the workplace and in any work-related setting outside of the workplace, including in company vehicles, at external meetings, work trips, external training courses or at work-related events or social functions. This includes social events which take place outside of working hours.

The Loddon Foundation has undertaken a risk assessment to assess the risk of different forms of harassment, including sexual harassment and third-party harassment, occurring in our workforce, including in different roles and departments, the steps we could take to reduce those risks and which of those possible steps are reasonable. This risk assessment will be reviewed annually or sooner if required. The current assessments are available on the Loddon Hub.

Harassment (including sexual harassment), victimisation and bullying at work in any form is unacceptable and may lead to disciplinary action up to and including dismissal. All workers (whether they work for the company or not) are encouraged to report any form of harassment (Please refer to the 'Harassment, Sexual Harassment, Victimisation and Bullying Procedure').

Scope:

This policy applies to employees of The Loddon Foundation and all third parties. This includes all employees (full-time, part-time and bank), management at all levels, trustees, agency staff, independent contractors, LT customers and any visitors on site.

The Loddon Foundation does not tolerate acts of harassment committed by employees, or by third parties against its employees. Everyone has a right to feel safe and protected from harassment and bullying at work.

What is harassment and bullying?

Harassment and bullying detract from a productive working environment and can impact on the health, confidence, morale and performance of those affected by it, including anyone who witnesses or has knowledge of the unwanted or unacceptable behaviour.

Harassment and bullying does not only happen face to face. It may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email and phone.

No member of staff should:

- Be subjected to any form of harassment, bullying or victimisation

- Feel that such harassment, bullying or victimisation should be tolerated
- Feel that such harassment, bullying or victimisation is their fault.
- Everyone is entitled to be treated with dignity, fairness and respect

This policy should be read in conjunction with the Staff Code of Conduct which details acceptable standards of behaviour.

Harassment

There are three types of harassment which are unlawful under the Equality Act 2010:

- 1. Harassment related to a protected characteristic (Age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief or sex) 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.**

It is unlawful under the Equality Act 2010 to harass a person because of their age, disability, gender reassignment, race, religion or belief, sex or sexual orientation and will not be tolerated.

- 2. Sexual harassment**

From 26th October 2024, the Worker Protection (Amendment of the Equality Act 2010) Act 2023 came into force. This introduced a new positive obligation on employers to take reasonable steps to prevent sexual harassment where there the unwanted conduct is of a sexual nature and which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The conduct need not be sexually motivated, only sexual in nature.

- 3. 'Consequences' treatment**

Less favourable treatment for rejecting or submitting to unwanted conduct of a sexual nature or related to sex or gender reassignment and this has the purpose or effect of violating the worker's dignity or, creating an intimidating, hostile, degrading, humiliating or offensive environment for the worker.

Harassment may be displayed by an individual towards another individual or involve groups of people. Any unwanted behaviour which affects the dignity of individuals or groups in the workplace may constitute harassment, and, as such, should never be allowed or tolerated. There does not need to be a pattern of persistent unwanted behaviour for it to amount to harassment. A single incident of unwanted or offensive behaviour can amount to harassment. Employees can complain of behaviour that they find offensive even if it is not directed at them. The complainer of harassment does not need to possess the relevant characteristics themselves and can be because of an association with a person who has a protected characteristic or because they are wrongly perceived to have one or are treated as if they do.

Harassment, sexual harassment and victimisation will be dealt with as misconduct under the company's grievance and/or disciplinary procedures, and any appropriate action will be taken. Particularly serious complaints could amount to gross misconduct and lead to dismissal without notice if committed in a work situation; during any situation related to work such as at a social event with colleagues; against a colleague or other person connected to the employer outside of a work situation, including on social media; or against anyone outside of a work situation where the incident is relevant to their suitability to carry out the role. Some forms of workplace harassment or sexual harassment can constitute a criminal offence, for example under the Protection from Harassment Act 1997 (harassment and stalking), the Sexual Offences Act 2003 (sexual assault and voyeurism) and the Criminal Justice and Courts Act 2015 ('revenge porn'). Whatever form it takes, harassment or sexual harassment in the workplace is unlawful.

Examples

Many forms of behaviour can constitute harassment (this list is not exhaustive). Some examples include:

- Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group, religion or belief, or gender
- Physical conduct - Grabbing, pushing, punching, all acts of assault and aggression
- Facial expressions, physical gestures, mimicking
- Verbal or written harassment through jokes or pranks, banter, offensive language, defamatory remarks, gossip, threats or letters including those of a sexual nature that is unwanted
- Spreading malicious rumours, or insulting someone by words or behaviour
- Inappropriate posts or comments on or via social media commonly known as "cyber bullying"
- Physical behaviour or threats towards a person's property
- Inappropriate personal contact, including intrusion by pestering or spying
- Isolation, non-co-operation at work or exclusion from social activities
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Preventing individuals progressing by intentionally blocking promotion or training opportunities

What one person might see as harmless fun or 'banter' another may find unacceptable. It is important to understand that conduct can amount to harassment and sexual harassment even if that is not how it was intended. **It is the impact or perception of the behaviour that is relevant and not solely the actions, motive or intent behind it.**

Sexual Harassment

Examples of sexual harassment include:

- Unwanted touching, stroking, hugging, kissing, massage, pinching, grabbing standing too close, sexual assault.
- Sexual gestures, or suggestions, telling sexual jokes or making sexual comments
- Making decisions on the basis of sexual advances being accepted or rejected
- Intrusive questions about a person's private or sex life, spreading sexual rumours about a person
- The sending or displaying of material that is offensive sexual material, pornographic or obscene, including e-mails, text messages, video clips, photographs, posters, emblems or any other offensive material
- Coercion, including asking for sexual favours

Sexual Harassment can happen to men, women and people of any gender or sexual orientation. It can be carried out by anyone of the same sex, opposite sex or anyone of any gender identity.

Sexual interaction that is invited, mutual or consensual is not sexual harassment because it is not unwanted. However, sexual conduct that has been welcomed in the past can become unwanted.

Third-Party Harassment and Sexual Harassment

Third-party harassment occurs where a person is harassed/sexually harassed by someone who does not work for, and who is not an agent of, the same employer, but with whom they have come into contact during the course of their employment. Third-party harassment could include, for example, derogatory comments about a person's age, disability, pregnancy, colour, religion or belief, sex or sexual orientation, or unwelcome sexual advances, from a client, customer or supplier visiting Loddon premises, or where a person is visiting a client, customer or supplier's premises or other location in the course of their employment.

this includes agency staff, contractors, Loddon Training customers and all visitors.

The company will not tolerate any form of harassment or sexual harassment by a third-party towards an employee, or by an employee towards a third-party.

If a complaint of harassment is made against a third-party, it will be investigated thoroughly. If harassment is proven, one possible outcome will be that the third-party will be banned from the site and any criminal acts will be reported to the police.

Malicious Accusations

The Loddon Foundation will treat all complaints of harassment or sexual harassment seriously, however if it is established during any investigation that a false or malicious accusation has been made then disciplinary action may be taken against the person making the complaint.

Victimisation

Victimisation means treating a worker badly (subjecting them to detriment) because they have done a 'protected act' – for example making a complaint of harassment or sexual harassment. Victimisation also means subjecting a worker to a detriment because it is believed they have done or are going to do a 'protected act' (the worker does not actually need to have done the 'protected act').

Victimisation may include (this is a non-exhaustive list), for example:

- Denying someone an opportunity because it is suspected that they intend to make a complaint about harassment/sexual harassment.
- Excluding someone because they have raised a grievance about harassment/sexual harassment.
- Failing to promote someone because they accompanied another staff member to a grievance meeting.
- Dismissing someone because they gave evidence on behalf of another staff member at an employment tribunal hearing.

The Victimisation of, or retaliation upon, anyone who makes a complaint in good faith or assists in the investigation of alleged harassment, is in itself a disciplinary offence and may lead to dismissal. Anyone who feels they have been victimised should follow the 'Harassment, Sexual Harassment, Victimisation and Bullying procedure'.

Bullying

Bullying may be characterised as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, cause physical or emotional harm to someone'. Source: Advisory, Conciliation and Arbitration Service (ACAS).

Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour. Bullying can undermine an individual's self-confidence and self-esteem. As with harassment, there are many examples of bullying, which can include:

- Shouting, aggressive behaviour or threats
- Being put down or made to feel like the butt of the jokes
- Being persistently picked on in front of others or in private
- Humiliating others
- Constantly mocking and attacking members of staff
- Spreading malicious rumours about members of staff
- Overbearing supervision or other misuse of power or position
- Unjustified, offensive and/or insulting remarks about performance
- Excluding employees from meetings, events or communications without good cause
- Intentionally blocking promotion, progress or training opportunities

- Ignoring views and opinions and setting unreasonable or impossible deadlines
- Withholding information which can affect a worker's performance
- Deliberately undermining a competent worker by overloading them
- Being constantly criticised, having duties and responsibility taken away without good reason
- Making threats about job security without any basis or substance

Bullying is generally carried out face-to-face but can also occur in writing by telephone, text messaging, email and on social media.

Monitoring

This policy and the 'Harassment, Sexual Harassment, Victimisation and Bullying procedure' will be reviewed at regular intervals and monitoring will be undertaken to assess its effectiveness. We will take active steps to try to prevent third party harassment of staff. This may include warning notices, training for managers and staff to raise awareness of rights related to sexual harassment and of this policy; provide training for managers to support them to deal with complaints take steps to minimise risks.

Record-keeping

Information about a complaint by or about a staff member may be placed on their personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. These will be processed in accordance with our Data Protection Policy.

Related Policies

Harassment, Victimisation and Bullying Procedure
 Disciplinary Policy
 Disciplinary Procedure
 Grievance Procedure
 Staff Code of Conduct
 Personal Relationships at Work
 Complaints Management Procedure

Date	Summary of Changes	Signature (Chair of Committee)	Date of next review
Oct 2022	Minor amendments made		Oct 2023
Feb 2025	Changes to reflect amendments to The Workers Protection Act 2023		Feb 2026