

Moseley & Kings Heath Shed

(Charity No 1161505)

Dignity and Respect Policy

1. INTRODUCTION

1.1 The Trustees of Moseley and Kings Heath Shed have adopted this Policy and Procedure ("Policy") to:

- Maintain a working environment where no form of bullying, harassment or discriminatory treatment is tolerated, whatever the motivation and to help create an environment where everyone is treated with dignity and respect;
- Help identify conduct which may amount to bullying or harassment;
- Set out the procedure to be followed if complaints of bullying or harassment are raised in the Shed;
- Provide advice and guidance for members, Trustees or visitors on how to raise or respond to such complaints fairly, effectively and promptly.

1.2 The Shed will not tolerate bullying or harassment of any kind and will ensure that:

- All allegations are investigated promptly, sensitively and confidentially and that, if appropriate, disciplinary action is taken; and
- All members are protected from victimisation for making or being involved in a complaint in good faith under this Policy.

1.3 Throughout this document the word 'complainant' will be used to describe the individual who has raised a bullying and/or harassment complaint.

2 SCOPE

2.1 This Policy covers bullying, harassment and/or discriminatory treatment in the Shed and in any Shed setting outside of the workshop, e.g. trips, visits and/or social events (see further below for definitions).

2.2 It applies to:

- Members, visitors, Trustees and anybody else engaged to work at the Shed. However, if the complainant or person allegedly causing the unacceptable treatment or behaviour is not a member, it will apply with any necessary modifications. For example, complaints received about a contractor, would need to be referred to the relevant agency, who may decide to remove the worker following

an appropriate investigation (the Shed would not have the power to sanction somebody who is not a member); and

- individual or collective complaints of bullying, harassment or discriminatory treatment.

2.3 It does not apply to:

- Complaints not relating to bullying, harassment or discriminatory treatment, which should be dealt with under the appropriate procedures adopted by the Trustees.

3. RESPONSIBILITIES UNDER THIS POLICY

3.1 The Chairperson should:

- Ensure that all Trustee and members are made aware of it (together with their rights and responsibilities under it). The Policy should be widely available and easily accessible to members and Trustees. It should also include training for Trustees, supervisors and members.
- Ensure that all members know how to access the policy if they feel they have been subject to bullying or harassment or wish to support another member with the process.
- Do all that they reasonably can to ensure that the Shed is free from discriminatory or intimidating behaviour, and ensure that they lead by example in promoting a culture where everybody is treated with dignity and respect.
- Take appropriate action to eliminate bullying and harassment if this is witnessed in the Shed, regardless of whether or not a complaint has been.
- To be aware of trends and patterns of behaviour in the Shed that may indicate that unwanted behaviour is taking place, even if a formal complaint has not been made. This might include members leaving or being absent.
- Take allegations of bullying, harassment or other unwanted behaviour seriously and deal with them promptly, sympathetically and confidentially.

3.2 All members should:

- Ensure that they are familiar with and act in accordance with the terms of the Policy.
- Treat one another with dignity, respect and courtesy when carrying out their day-to-day activities.

- Avoid participating in or condoning acts of bullying, harassment, victimisation or discriminatory behaviour in the Shed.
- Encourage individuals who are the subject of this behaviour to seek support and assistance through the informal and/or formal stages of this Policy (and if witnessed directly by them, consider offering assistance to the complainant by providing truthful evidence in support of such complaints).

3.3 Trustees should:

- Ensure that allegations of bullying, harassment, victimisation and/or other discriminatory treatment against or from any member are dealt with promptly, sympathetically and confidentially (seeking advice as appropriate).
- Ensure that all reasonable steps are taken by the Shed to implement the Policy fairly, reasonably and consistently.
- Ensure that the Policy is reviewed and adopted on an annual basis.
- Assist the Trustee board to promote a culture whereby members treat each other with dignity and respect and where everybody has a voice.

4. WHAT IS HARASSMENT?

4.1 Harassment is a recognised legal concept within discrimination law.

4.2 For the purposes of the Equality Act 2010, harassment is unwanted conduct related to a relevant protected characteristic, which are sex, gender reassignment, race (including colour, nationality, and ethnic or national origins), disability, sexual orientation, religion or belief or age, that:

- a) has the purpose of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual; or
- b) is reasonably considered by that individual to have the effect at a) above (even if this effect was not intended by the person(s) alleged to be responsible for the conduct).

4.3 Where similar behaviour is not motivated by one of the protected characteristics recognised in the Equality Act 2010 (see 4.2 above), the matter may be dealt with under the bullying section of this Policy (see below at 6).

4.4 Conduct becomes harassment if it persists once it has been made clear that it is regarded as unwelcome by the recipient. However, a single act can amount to harassment if it is sufficiently serious. Furthermore, some actions may be so obviously offensive, that the recipient will not necessarily need to make it clear that it is unwelcome.

4.5 Individuals can also be subjected to harassment on the following grounds:

- Criminal record
- Health (e.g. people suffering from, or believed to be suffering from aids/HIV)
- Physical characteristics (e.g. being overweight, having a specific hair colour etc)

4.6 Conduct may be bullying and/or harassment whether or not the individual behaving in that way intends to offend. Something intended as a "joke" may offend another individual as different individuals find different things acceptable.

4.7 Bullying and harassment can take a variety of forms, including physical (e.g. unnecessary touching or assault), verbal (e.g. jokes, offensive language, gossip, slander or offensive songs) and/or non-verbal (e.g. offensive or threatening letters, emails, text messages and/or social media postings). This list of examples is not exhaustive.

5.0 EXAMPLES OF HARASSMENT

5.1 Behaviour constituting harassment can range from extreme forms, such as violence or physical intimidation, to less obvious actions, like practical jokes and ridiculing or undermining members.

5.2 It is not possible to set out all types of behaviour which will constitute harassment but a non-exhaustive list may include:

- Physical conduct ranging from unwelcome touching to serious assault;
- Unwelcome sexual advances or contact;
- Spreading malicious rumours;
- Insulting an individual through words or conduct;
- Demeaning comments about an individual's appearance;
- Derogatory or demeaning jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- Offensive written remarks or comments;
- Verbal or physical threats and intimidation;
- Exclusion or victimisation;
- Ridiculing or demeaning someone in front of others e.g. picking on them or setting them up to fail;
- Unjustified, persistent criticism or negative comments;

- Overbearing supervision or other misuse of power or position;
- Preventing an individual from progressing by intentionally blocking possible Shed activities or training opportunities;
- Deliberately undermining an individual by overloading and/or constant criticism;
- Deliberately excluding people (e.g. from meetings) either because they have or are perceived to have a protected characteristic when they do not in fact have one (e.g. an member is thought to be Jewish or is perceived to be a transsexual);
- Deliberately ignoring an individual because they are associated or connected with somebody with a protected characteristic (e.g. their child is gay, spouse is black or parent is disabled).

5.3 Some of the examples set out in the section below on bullying (which are not listed above) could also amount to harassment, provided that the behaviour is motivated by one of the types of discrimination/protected characteristics listed at 4.2 above.

5.4 The examples listed above must be viewed in terms of the distress that they cause to the individual. It is the impact on the recipient that will determine whether or not there is a case to answer for harassment.

5.5 Victimisation is when an individual is treated detrimentally because they have made a complaint or intend to make a complaint about bullying, harassment or other discriminatory behaviour. This could include an member who has or who intends to give evidence relating to a complaint made by another member.

5.6 Post-membership harassment arises when harassment, victimisation or discrimination occurs following the end of the individuals membership of the Shed.

5.7 Harassment can be both a civil and criminal offence under the Equality Act 2010. Furthermore, members can be held vicariously or jointly liable for incidents of harassment by an Member to another.

6.0 WHAT IS BULLYING?

6.1 Bullying is a type of harassment but where the behaviour is not motivated by one of the protected characteristics at 4.2 above.

6.2 There are various definitions of bullying. According to ACAS bullying is "offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient."

7.0 EXAMPLES OF BULLYING.

7.1 The examples below illustrate conduct which may be regarded as bullying (some of these are similar to the examples of harassment above and, again, the list is not exhaustive):

- Verbal or physical threats and intimidation;
- Humiliation in front of others;
- Unjustified, persistent criticism or negative comments;
- Offensive or abusive personal remarks;
- Belittling a person's opinion;
- Making false allegations;
- Monitoring activities unnecessarily and intrusively;
- Stopping a member participating in a Shed activity without justification;
- Imposing unfair sanctions.

7.2 Trustees often have to make decisions which may not be universally popular, particularly in a climate where budgets and safety are under close scrutiny. As part of their roles and responsibilities Trustees have to highlight poor work practice and/or conduct and make clear what the consequences could be if satisfactory improvement is not made. Whilst this may make an individual or group of members feel uncomfortable, constructive and fair criticism of work practice or behaviour in the Shed will not in itself constitute bullying or harassment. In addition, an occasional raised voice or disagreement amongst members, or a one-off instance of some of the above examples (e.g. not giving credit where it is due), is unlikely to constitute bullying or harassment.

8.0 POSSIBLE EFFECTS OF BULLYING AND HARASSMENT.

8.1

The charts below illustrate some of the possible consequences for Sheds and individuals of not dealing with bullying, harassment and/or discriminatory behaviour fairly, promptly and effectively:

For the Shed:	For the individual:
Reduced attendance Reduced membership Reduced productivity for victims and colleagues	Increased isolation which may result in any of the following: Sleeplessness Anxiety

Cost of potential litigation Damage to reputation Reduced funding	loss of appetite migraines/severe headaches mood swings or reduced confidence skin problems stress, anxiety and/or other mental health issues withdrawal from colleagues and/or pupils deterioration in attendance levels, performance and/or conduct
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9.0 INFORMAL RESOLUTION

9.1 Members who consider that the behaviour of someone else in the Shed is unacceptable to them are encouraged to try and resolve complaints in an informal manner before attempting the formal stages below. This is because early informal attempts to diffuse the situation may bring more lasting and beneficial results than using the formal steps at 10 below. This is particularly true where the recipient may be unaware that s/he has caused offence in the first place.

9.2 Informal approaches may include:

- Face-to-face discussion with the person allegedly causing the unacceptable treatment or behaviour(see 10.3);
- Mediation (see 10.6 and 10.7); and/or
- Counselling (see 10.8).

9.3 If they feel able to do so, the complainant should meet with the person allegedly causing the unacceptable treatment or behaviour (with or without support from an appropriate Trustee, member or external support) to bring the unwanted behaviour to their attention and to ask for it to stop. (Support may be beneficial to the parties in contentious or difficult cases). This gives the person allegedly causing the unacceptable treatment or behaviour an opportunity to change their behaviour. The conversation should be polite but direct and unambiguous. It is recommended that a note of the conversation is kept (including date, time, concerns and who was present).

9.4 Members who feel that they have been subject to bullying or harassment should make a written record of the incident(s), date(s), times and witnesses for future reference and may wish to contact their trade union representative, work place colleague and/or line manager for advice and/or support.

9.5 Mediation may also be appropriate at this stage provided that the complainant and the person allegedly causing the unacceptable treatment or behaviour express a mutual desire

to attempt it and the mediator believes that the situation lends itself to this process. Mediators should be trained, accredited and impartial with experience of resolving disputes.

9.6 Mediation may be attempted at any stage of this process subject to agreement between the parties. However, if it is attempted, the formal process will be suspended pending the outcome of the mediation process. If the mediation process is unsuccessful, this Policy will continue at the appropriate point.

9.7 Counselling, can play a vital role in complaints about bullying and harassment by providing the complainant with a confidential and impartial sounding board.

9.8 If an informal solution is found, Trustees should do all that s/he reasonably can to manage the situation to ensure that the relationships are back on track and do not deteriorate.

9.9 It is recognised that the informal suggestions above may not be appropriate for more serious complaints of bullying or harassment; that some Members may not be comfortable having a direct conversation with the person(s) concerned or that the concerns continue despite an informal approach and/or mediation being attempted. In these circumstances, Members should use the formal steps at 10 below.

10.0 FORMAL RESOLUTION

10.1 Members who wish to raise complaints of bullying and/or harassment formally should set them out in writing and should ensure that they are as detailed as possible. This should include:

- The name of the person(s) whose behaviour s/he believes amounts to harassment and/or bullying;
- The type of behaviour that is causing offence, with specific examples (including dates, times and location(s) as appropriate) and details of how this made them feel;
- The names of any Members who witnessed the incidents;
- Any action that the complainant has already taken to deal with or stop bullying or harassment (e.g. informal steps at 9 above);
- Any supporting evidence (e.g. statements from witnesses, photos, extracts from social media pages etc.);
- If the complaint is the first action taken by the member, they should also explain briefly why they did not attempt to resolve it informally.

10.2 Members should do all that they reasonably can to lodge a formal complaint within 20-working days of the incident taking place. However, it is recognised that complaints of

this nature may relate to cumulative actions taking place over a period of time. If this is the case, whilst these may be detailed in the complaint, the formal process may only be entered into if members do all they reasonably can to lodge a formal complaint within 20-working days of the latest incident or informal meeting from which the member remained dissatisfied.

10.3 The formal complaint should be sent to the Membership Secretary (unless the complaint is about the Membership Secretary in which case it should be passed to the Chairperson). If the complaint is also against the chairperson, it should be passed to the vice-chair or another independent Trustee. If for any reason, the member feels uncomfortable raising a formal complaint about a Trustee with the chair or vice chair, they should take advice from any other member they feel that they can talk to. In very serious cases, a criminal offence may be alleged and the member may also wish to report matters directly to the police.

10.4 In extreme cases, the Shed may need to seek advice on the use of the procedures with regard to the person allegedly causing the unacceptable treatment or behaviour.

10.5 The person in receipt of the complaint at 10.3 above should forward it to the Chairperson, who in turn will do the following:

- Acknowledge the complaint in writing within five working days (and refer to the date of receipt), unless there are exceptional circumstances in which case the response will be made as soon as reasonably practicable.
- Arrange for the complaint to be investigated promptly.
- Send a letter to the member concerned (including witnesses) to confirm that the complaint has been acknowledged and will be investigated by a representative of the Shed who is not already involved in the case. The complainant will be contacted and invited to an investigation meeting where they can be accompanied by a representative.

10.6 The trustees will nominate someone to investigate the complaint. This person will, for this investigation, be known as the Complaints Officer.

11.0 POSSIBLE OUTCOMES

11.1 Whatever the outcome, the Complaints Officer should meet with the person allegedly causing the unacceptable treatment or behaviour and the Complainant individually to discuss the findings. The Complainant shall be entitled to see a full copy of the investigation report and supporting evidence. In addition, if the matter leads to a disciplinary hearing against the person allegedly causing the unacceptable treatment or behaviour, Trustees will escalate the matter and follow the Disciplinary procedures as

outlined in the Disciplinary Policy. Both parties to the complaint will be entitled to receive a full copy of the investigation report and appendices.

11.2 The outcome and the next steps are entirely the decision of the Trustee board. This decision will be based on the facts presented in the report and advice where appropriate. The Trustee board can discuss the findings with the investigator in order to obtain a greater understanding of the evidence before a final decision is made.

11.3 If the Trustee board considers, having regard to the investigator's report, that there is no case to answer for disciplinary action, this may be discussed with the investigating officer. It is then good practice for the Complaints Officer to meet with the complainant and the person allegedly causing the unacceptable treatment or behaviour individually to air and discuss a summary of the findings and recommendations, and agree any next steps (such as counselling, training, mediation as appropriate).

11.4 If the Trustee board considers, having regard to the investigator's report, that there is a case to answer for disciplinary action against the person allegedly causing the unacceptable treatment or behaviour, next steps should be agreed. This will normally require adopting the Shed Disciplinary policy. It is good practice for the Complaints Officer to keep the complainant and the person allegedly causing the unacceptable treatment or behaviour updated so as to avoid any surprises.

12.0 APPEALS

12.1 If the complainant is dissatisfied with the outcome of the investigation into their formal complaint of bullying or harassment, they have the right of appeal against that decision. However, this will usually only be exercised if the complainant has been informed that there is no case to answer, that the complaint was only partially upheld or that the investigation process under the procedure has been mismanaged.

12.2 The appeal should be made in writing to the Chairperson within 10 working days of receiving formal written notification of the outcome

12.3 The appeal must be heard by an impartial committee of Trustees, who have had no direct involvement in the matter to date.

12.4 The appeal letter must clearly set out the appellant's specific concerns and the basis for those concerns. The letter should be accompanied by any additional evidence to be presented in support of the appeal. If the appellant does not wish to provide any supporting evidence, they must confirm this in their letter of appeal and they may not be able to use at any appeal hearing, any evidence not previously provided. The appellant should also name any witnesses whom he or she wishes to call and indicate whether he or she will be accompanied by a representative or fellow-member and the name of that person.

12.5 The Chairperson will arrange the appeal as quickly as possible. Every effort should be made to agree a date with the member and their representative, before sending out the formal invite letter and supporting paperwork to the relevant parties.

12.6 The member may suggest an alternative time and date as long as it is reasonable and is not more than 5 working days after the original date. The Complaints Officer may reject the suggestion if it is unreasonable and may proceed to hear the case in the absence of the member or the member's representative. The Complaints Officer may also defer the date of the hearing to reach mutual agreement on a particular date.

12.7 The Chairperson shall give a minimum of 15-working days' notice of the hearing to all participants and the Complainant will be entitled to receive a full copy of the investigation report and appendices at this stage.

12.8 Present at the appeal hearing, will be relevant Trustees, the Appellant (i.e. the Complainant), the Complaints Officer, and the Appellant's representative. The Appellant will start by presenting the grounds of appeal and the Complaints Officer will respond on behalf of management.

12.9 Following an adjournment to consider the evidence, the Shed representatives involved in the appeal may:

- a) dismiss/reject the member's appeal (so that the original outcome stands); or
- b) uphold/accept the member's appeal and determine what further action should be taken. This may include requesting the Complaints Officer to re-open the investigation on the basis that it has been mismanaged. In these circumstances, it will usually be appropriate for a new and impartial Shed member to be commissioned to act as investigator.

12.10 the decision can be communicated orally to the parties or may notify the member of the decision within 5 working days of the hearing.

12.11 There is no further stage of internal appeal.

13 MALICIOUS ALLEGATIONS

13.1 The fact that an allegation has not been substantiated following a formal investigation does not mean that it should be considered as malicious. No action will be taken against any member who makes an allegation in good faith, reasonably believing it to be true, even if the outcome is that there is no case to answer.

13.2 However, there may be exceptional cases which lead the Complaints Officer to believe that an allegation of bullying and harassment is malicious. In these circumstances, the Trustees should ensure that a new investigation is conducted under the Procedures against the original complainant, with new terms of reference. Following this process, the investigator may conclude that there is no case to answer or that the matter should

continue to be dealt with as a disciplinary matter in accordance with the Shed's disciplinary procedure.

14.0 THIRD PARTY HARASSMENT

14.1 Members who have been subjected to harassment from a third party (for example a carer, supplier or other user of the site) during their use of the Shed may still be able to claim that the Shed is in breach of its Duty of Care. The Shed could also be liable for negligence if the member suffered mental and/or physical injury because of harassment by a third party that the Trustees could reasonably have foreseen and prevented or reduced.

14.2 Trustees should therefore continue to maintain a zero-tolerance policy towards harassment from third parties. This could be achieved by ensuring that member are trained on what and who to report to if they believe that they have been subject to harassment of this nature and that they understand and can access this Policy. Additional measures may include putting a sign up in the Shed entrance confirming that this behaviour will not be tolerated.