



Lindfield Repair Café C.I.C. Harassment and Bullying Policy

Reviewed 3rd February 2025

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Policy Statement

Lindfield Repair Cafe C.I.C (LRC) are committed to promoting, and aim to provide, a working environment where everyone is treated with respect and dignity, where no-one feels threatened or intimidated and where everyone can undertake work free from harassment and/or bullying.

The purpose of this document is to specify LRC’s policy and procedures about harassment and bullying. The document applies to all LRC staff, directors and volunteers. The policy and procedures apply to all of LRC’s activities - providing products and services, managing staff and volunteers, and dealing with other professionals, young people, supporters, and the public.

Through this policy and procedure, we aim to help you understand what harassment and bullying is, to provide guidance where problems occur including ensuring the effective and sensitive investigation of complaints and preventing recurrence. Any complaint will be dealt with seriously, without undue delay and, if reasonably practicable, in confidence.

Introduction

Unlawful harassment and/or bullying of whatever type (including on grounds of race, colour, nationality, religion or belief, ethnic or national origin, age, gender or gender identity, marital status,

sexual orientation or disability) will not be tolerated and will be treated with the utmost severity. Whilst it will normally be dealt with under our Disciplinary Procedure, it should be noted that, in exceptional circumstances it may also constitute a criminal offence.

serious cases of harassment or bullying will be treated as gross misconduct and may, depending on the circumstances, result in dismissal without notice and without any payment in lieu of notice, should LRC incur civil liability by reason of the harassment by an employee of a colleague or third party, LRC reserve the right to recover such damages (together with our legal costs) from the harasser.

Definitions

Harassment and bullying are often used interchangeably but there are some generally accepted differences and definitions:

- Harassment - unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment based on one or more personal characteristics of the individual. It could be persistent behaviour or an isolated incident. Any actions or comments are viewed as demeaning and unacceptable to the recipient would be harassment.
- Bullying - offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient.

Harassment and bullying are generally defined by the effect of the behaviour on the victim, rather than by the intentions of the perpetrator or the actual behaviour. The behaviour can take many forms:

- Individual against an individual or involve a group of people
- Face-to-face, in writing (including via email or text message) or by phone.
- Physical, verbal, or psychological
- Direct or indirect,
- Obvious or subtle.

In general, one incident would not constitute harassment or bullying, but a series of incidents would, particularly where the victim has asked the perpetrator to stop or otherwise expressed a dislike of such behaviour. However, a single incident of threatened or actual violence, threats of dismissal or promises of special treatment in return for sexual favours would be a significant cause for concern and likely result in an investigation.

All LRC workers have a responsibility to help ensure a working environment in which everyone's dignity is respected. All workers must therefore comply with this policy and ensure that behaviour towards colleagues and customers does not cause offence and could not in any way be harassment or bullying. This responsibility is not limited to when you are at work but extends to other situations when you are with colleagues such as at social events or working away from any of the Organisation's sites.

We hope that this policy and procedure will enable you to identify harassment and/or bullying should it occur and either put a stop to it or make a formal complaint.

Working for Lindfield Repair Café C.I.C.

It is LRC's policy that all employees, volunteers, directors, consultants, suppliers or clients working for or with LRC are able to do so in a safe environment in which everyone is treated with respect and

dignity. It is therefore the case that no form of harassment or bullying will be tolerated. It is unacceptable and against LRC's Equal Opportunities policy. Any incidents of harassment or bullying will be dealt with under the Disciplinary and Grievance procedures, supplemented by this procedure. In addition, LRC will not tolerate victimisation of any individual who makes a complaint that they are suffering harassment or bullying, this will be dealt with under the same procedures.

As an employer, LRC has a legal duty under Health & Safety legislation to protect the health, safety and welfare of its staff, directors, volunteers, consultants, and visitors by creating and maintaining a safe working environment. It also has a legal duty under Equal Opportunities legislation to avoid discrimination on the grounds of sex, race, disability, sexual orientation, religion, or belief. If harassment or bullying is related to one of these issues, it may be unlawful discrimination or victimisation under the relevant Act.

LRC has a duty of care to its employees and harassment and bullying may be a breach of that duty and therefore a breach of contract.

It is therefore LRC's policy to:

- respond swiftly, sensitively, and appropriately to allegations of harassment or bullying, taking all complaints of bullying or harassment seriously and dealing with them in accordance with the organisation's procedures.
- ensure that all LRC staff, directors, volunteers, consultants, suppliers, and clients understand and accept their responsibility while working for or with LRC:
- to help create a working environment in which everyone's dignity is respected.
- to ensure that their behaviour does not cause others offence.
- not to harass or bully others.
- and to discourage such behaviour by making it clear that they find it unacceptable,
- by supporting others who suffer it
- by reporting any incidents, they suffer or witness to their line management or to a Director.
- provide employees with training on managing staff, interpersonal skills, and Equal Opportunities.
- ensure that the principles of this policy are made known in an appropriate way to all organisations or individuals with whom LRC works.
- monitor and review the effectiveness of this policy on a regular basis.

This policy and procedure do not affect an individual's right to pursue a complaint under any appropriate legislation but are intended to provide a mechanism for dealing with any problems swiftly and effectively and with the minimum of distress for the victim.

Procedure

Introduction

If you believe that you have suffered or are suffering any form of harassment and/or bullying, we would like you to bring it to our attention through the following procedure in preference to the standard grievance procedure. It is extremely important that you do so at the earliest possible opportunity, i.e. immediately after the first occasion on which such harassment/bullying takes place however trivial. Do not wait for it to occur a second time before informing us. We understand that you may be apprehensive about doing so but we assure you that your complaint will be treated seriously and dealt with sensitively, fairly and, where possible, confidentially.

If you are sure that the behaviour you have been subject to is harassment or bullying, you need to decide whether to take informal or formal action, each of which is described below. LRC encourages individuals to try to resolve the problem through informal action if this is at all possible.

Where the perpetrator is not a member of staff, appropriate action may range from obtaining an apology and an undertaking that the behaviour will not recur through to terminating the person's relationship with LRC. The appropriate action will be decided by the manager who has responsibility for LRC's relationship with the perpetrator in discussion with the victim's line manager and the Directors.

Any decision to terminate the perpetrator's relationship with LRC must be approved by the Directors.

Informal Complaints

LRC recognises that complaints of harassment and/or bullying, and particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for you to raise the issue through our normal grievance procedure. In these circumstances you are encouraged to raise such issues with a senior colleague of your choice.

Most people suffering harassment and/or bullying simply want it to stop. As a first step therefore, you should try and deal with the problem informally. If you would like to talk to someone or would like some help, please contact one of the Directors who will be able to give you advice and assistance before you take any informal action.

Although any informal action you take will depend on the nature of your complaint, in general terms you could try and resolve matters informally by one or more of the following:

- Approaching the alleged harasser/bully directly and speak to them politely and in private making it clear that the behaviour in question is offensive, is not welcome and should be stopped. As an alternative, you could put your request to them in writing. If you do this, you should set out details of the behaviour that concerns you and the date(s) on which it has happened.
- Approaching the alleged harasser/bully with the support of a colleague, unrelated to the incident. If you are asked to give support, please do so if you are willing and able to help. You must, of course, respect the need for confidentiality; or
- Approaching the alleged harasser/bully with the support of a manager or Director.

If you find it too difficult or embarrassing to do any of the above yourself, you could ask your Line Manager or a Director to approach the alleged harasser/bully on your behalf. If your complaint relates to your Line Manager, you should discuss it with the next level of management.

Formal Complaints

LRC will take reasonable steps to ensure that there is no unreasonable delay by us in dealing with a complaint raised under this procedure. However, if at any time it is not possible for the person dealing with your complaint (at any stage) to comply with the time scales set out in this procedure, you will be told why there is a delay and informed of the likely time scale.

We will normally arrange for someone to attend meetings held under this procedure (including any appeal) to take notes. These notes, along with a copy of your written complaint, copies of the decision(s) made, notes of any action taken and subsequent developments will be kept confidential on your personnel file and in accordance with the Data Protection Act 1998 and GDPR.

You must take all reasonable steps to attend meetings arranged under this procedure. If you are unable to attend for whatever reason you should let us know as soon as possible so we can consider rearranging the meeting.

You may have the right to be accompanied to meetings, further guidance is set out in our Disciplinary Procedure. If such an undertaking applies if your chosen statutory accompaniment is unable to attend, you should propose an alternative date for a meeting.

We will take reasonable steps to ensure the location and timing of any meeting held under this procedure is reasonable and meetings held under this procedure are conducted in a manner that enables both parties to explain their case.

When a decision has been made on your complaint you will be informed, in writing, of the decision and, unless you have reached the final stage of the procedure, be informed of your right of appeal.

How to make a formal complaint

If you have been unable to resolve your complaint informally (or it is not appropriate to discuss the matter on an informal basis), you must put your complaint in writing and submit it to your Line Manager. If your complaint relates to your Line Manager, your complaint should be addressed to the next level of management. You should try to make your complaint as soon as possible following the alleged act of harassment and/or bullying so that we can look to investigate in a timely manner and ensure accuracy or evidence.

You must ensure that you provide enough detail about your complaint to enable us to understand and investigate it. You should also include copies of any relevant documents that we might not have seen or have access to. If you do not provide sufficient details about your complaint, we may have to delay the meeting to discuss it while we obtain further necessary details from you. Where possible your written complaint should include the following details:

- Name of alleged harasser/bully.
- The nature of the behaviour you wish to complain about.
- Date(s) and time(s) when you allege that the harassment and/or bullying.
- Names of any witnesses; and
- Any action already taken by you to stop the alleged harassment and/or bullying.

If you find it difficult to write about your complaint, we suggest that you seek help from a work colleague but make sure that you ask them to keep the matter confidential. If you need any further help or would like us to help you write about your complaint, please do seek advice from the one of the Directors.

Avoiding contact between you and the alleged harasser/bully

Once a formal complaint of harassment and/or bullying has been made we have to consider whether arrangements should be made to avoid contact between you and your alleged harasser/bully. The person conducting the investigation will discuss the position with you and take any concerns that you may have into account. Appropriate action may include removing the alleged harasser/bully to another area of work (where possible) away from you until the matter has been resolved. With your agreement, it may also include you moving to another area of work.

Where allegations of serious harassment or bullying have been made, will take action to separate you from the alleged harasser to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged harasser to another work area or suspension with contractual pay until the matter has been resolved.

Both parties will be advised that there should be no communication between you, directly or indirectly, regarding the complaint and the investigation.

Investigating your formal complaint

LRC will ensure that a full, sensitive, prompt and impartial investigation is conducted of your formal complaint, with due regard given to your rights as the complainant and those of the alleged harasser/bully and in a manner which respects the confidentiality of all concerned.

As a general principle, the decision to progress a complaint rest with you. However, as your employer LRC have a duty to protect all workers and may pursue a complaint independently if we consider it is appropriate to do so in all the circumstances.

Initial Meetings

Your Line Manager (or other appropriate person) will investigate your complaint and invite you to an initial meeting to discuss it within five working days of receipt of your complaint. The purpose of this meeting is to ensure that the nature and substance of your complaint is fully understood. Where necessary, further meetings may be held during the investigation. You will be informed if it is necessary to arrange for someone else to investigate your complaint. Those appointed to carry out the investigation will not be connected with the allegation(s) in any way.

The person who conducts the investigation will also meet with the alleged harasser/bully to:

- Outline the nature of the complaint.
- Confirm that it is being handled under the formal procedure.
- Ensure that the individual is aware of the next stages of the procedure; and
- Advise of the right to be accompanied throughout the procedure (but not by the same person as accompanies the complainant).

Investigation

After the initial meetings, the person conducting the investigation will write to the alleged harasser/bully outlining the nature of the complaint and set a date for a formal meeting to be held to discuss your complaint with them. The formal meeting will normally take place within five working days of the initial meeting with the alleged harasser/bully. Further meetings will be held if necessary.

If necessary, meetings will be arranged with other relevant people. This may include managers, work colleagues, anyone who observed the alleged incident or who observed your demeanour or that of the alleged harasser/bully after the alleged incident. All those giving information will do so in private

and not in the presence of any other person involved in or present during the alleged incident. The importance of confidentiality will be emphasised to them. A complete record of all meetings and investigations will be made.

Outcome of the investigation

The person who conducts the investigation will conclude whether to uphold your complaint and whether to recommend any other action. Only if your complaint is found to be malicious and/or false will you face disciplinary action in accordance with LRC's Disciplinary Procedure. Where the person conducting the investigation does not have the authority to take the necessary action, the matter will be passed to someone who does.

You, and the person against whom you made your complaint, will be notified of the decision in writing usually within five working days of the final investigation meeting. Details of any disciplinary action taken against any individual will however remain confidential.

If no disciplinary action is taken, records of the case will be held on file and remain current for 12 months. Where disciplinary action is taken, records will remain current in accordance with the timescales in the Disciplinary procedures.

Where deemed a serious bullying incident within the workforce, this will be reported to Companies House by a Director.

Other action to be considered

Where your complaint is upheld, but it was not appropriate to dismiss your harasser/bully, we will consider whether we need to take any other action to enable you to continue working without embarrassment or anxiety. This could include mediation, counselling, or amending our working practices to minimise contact between you. If we conclude that you should not work together, we will always consider the disciplinary transfer of your harasser/bully as a first step. If, however we agree with you that you will move, we will ensure that you will not suffer any disadvantage because of it.

Where your complaint is upheld, we will monitor the situation to ensure that the harassment or bullying has stopped and will offer and provide support (such as counselling and training) as necessary.

The welfare of anyone involved including harasser/bully or harassed/bullied is paramount and will have access to support from line managers or Directors.

Formal complaint procedure – appeal

If you are not satisfied with the outcome of your complaint, you may appeal the decision to a Director within five working days of the date of the decision. You must set out full details of why you are not satisfied with the outcome in writing. As soon as reasonably practical and within a maximum of ten working days of receipt of your appeal, the Director will arrange a meeting with you. The Director will carry out any further investigation that may be necessary.

The Director will normally provide you with a written decision on your appeal within ten working days of the final meeting taking place. Copies of the decision will be sent to all parties. The Director's decision will be final.

No victimisation and false complaints

Employees will not be victimised for making a complaint. However, any malicious and false complaints will be treated as misconduct or gross misconduct and appropriate disciplinary action will then be taken against them and/or against any worker who maliciously supports or assists in the bringing of the false complaint. Where LRC believe that gross misconduct has been committed, the normal result will be dismissal without notice and without any pay in lieu of notice.

Victimisation, retaliation or intimidation against a worker who has in good faith made, supported or assisted in the making of a complaint of harassment and/or bullying, will be treated as gross misconduct. Where we reasonably believe that gross misconduct has been committed, the normal result will be dismissal without notice and without any pay in lieu of notice.

Review

This procedure will be reviewed and updated to reflect changes in legislation that would require LRC to amend its policy and procedures. As a minimum, it will be reviewed annually.

Examples of Harassment and Bullying

It is important that we all understand what harassment and bullying is so that we can identify it if it occurs. The most important thing to remember is that it is the effect of the behaviour on the recipient that matters, not how the behaviour appears to other people. One incident can be enough if it is serious.

Harassment is not always obvious and does not have to be directed at one individual. Harassment is any behaviour that is unwanted by the recipient, is unwarranted and has the purpose or effect of affecting an individual's dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for the individual. Harassment may also be behaviour which is intended to or likely to cause the recipient alarm and/or distress. Harassment can be related to matters such including on grounds of race, colour, nationality, religion, or belief, ethnic or national origin, age, gender or gender identity, marital status, sexual orientation or disability or any other personal characteristic. It may also be unwanted verbal, non-verbal or physical conduct which is of a sexual nature. It is the impact of the behaviour which is relevant and not the motive or intent behind it.

Harassment covers a wide range of behaviour including (but not limited to):

- Physical contact ranging from unnecessary touching or brushing against a person, to unwelcome sexual advances, actual physical contact, or serious assault.
- Verbal and written (including e-mail) harassment through making derogatory, inappropriate or offensive suggestive or unwanted remarks or jokes, expressions of discriminatory views and/or intimidating comments, obscene gestures, pin ups, flags, graffiti, and/or display of offensive (including pornographic) material;
- Isolation or non-co-operation at work, exclusion from social activities.
- Pressure or requests for sexual favours, pressure to participate in political or religious groups.
- Intrusion by pestering, spying, stalking etc; or
- subjecting an individual to less favourable treatment for rejecting unwanted behaviour.

Bullying can include offensive, insulting, intimidating or malicious behaviour or an abuse or misuse of power to humiliate or undermine the confidence and competence of the recipient.

The following behaviour does not constitute bullying or harassment:

- The legitimate giving of reasonable instructions by managers to staff
- Setting reasonable work-related targets and objectives and monitoring achievements
- Setting and monitoring standards of workplace performance and behaviour for staff
- Addressing poor performance or unacceptable behaviour on the part of staff using the appropriate procedures

Sources of Help:

UK National Workplace Bullying Helpline 0845 22 55 787 or 07734 701221 Monday to Saturday
09.00 – 17.00 www.nationalbullyinghelpline.co.uk

ACAS www.acas.org.uk Helpline 0300 123 1100 www.acas.org.uk/helplineonline

Equality and Human Rights Commission www.equalityhumanrights.com/en Tel: 0808 800 0082

Citizens Advice Bureau <https://www.advicewestsussex.org.uk/> Tel: 0808 278 7969