

Harassment and Bullying Policy

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Policy Statement

We are committed to ensuring that all of our staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of harassment and/or bullying. This policy therefore, covers harassment and bullying that occurs:

- in the workplace
- outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.

This policy applies to all staff working for us at any of our premises, including casual and agency staff, consultants, contractors, employees, directors, volunteers, homeworkers, and managers. We also make it clear to our customers/clients, visitors and others who work with us that harassment of our staff is unacceptable.

All staff are required to read this policy and to ensure that they understand what types of behaviour is unacceptable. If you have any queries, please refer to the senior manager. This policy does not form part of any contract of employment, and we may amend it at any time.

Harassment

It is our policy that the harassment of any of our employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.

Harassment may take a number of forms, including bullying; it occurs on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.

Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of:

- violating the victim's dignity
- creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim

Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose, or the effect referred to above. An individual of any gender may be the victim of sexual harassment.

A person will also commit harassment if they, or anyone else, engage in unwanted conduct of a sexual nature or otherwise that has the purpose, or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that

person treats the victim less favourably. For example, it will be harassment for a manager whose repeated advances to a more junior female employee have been consistently rebuffed subsequently to give the woman a poor performance review because she had rejected them.

Conduct usually becomes harassment if it continues even though it has been made clear that the recipient regards it as offensive or unwanted. However, a single incident may amount to harassment if it is sufficiently serious.

The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. You must always consider whether your words or conduct may be considered offensive.

Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim, which is important, not whether or not the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

Harassment may relate to:

- age
- disability (past or present)
- gender reassignment
- race, colour, nationality, ethnic or national origins
- religion or belief
- sexual orientation
- part-time or fixed-term status
- power or hierarchy
- trade union membership (or non-membership)

The phrase 'relate to' is very wide and therefore covers:

- harassment based on a perception of another person, for example, that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong.
- harassment that occurs because someone is associated with another person, for example, someone who is harassed because they care for a disabled person; or who is harassed because they are friends with a transsexual person; or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for them.

Whilst not an exhaustive list, forms of harassment include:

- physical contact
- jokes and 'banter'
- offensive language, shouting or behaving in an intimidating manner
- gossip
- slander
- offensive, insensitive, or sectarian songs or messages (including email)
- displaying posters or pictures, graffiti, emblems, flags
- obscene or offensive gestures
- offensive email and screen savers etc.
- isolation or non-cooperation and exclusion
- coercion for sexual favours or sexually suggestive remarks

- pressure to participate in political/religious groups
- intrusion by pestering, spying and stalking
- continued requests for social activities after it has been made clear that such suggestions are not welcome
- verbal, non-verbal or physical conduct of a sexual nature

Harassment is unlawful in many cases, and you may be held personally liable for your actions. In some cases, your behaviour may also amount to a criminal offence.

Bullying

Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause most problems. In our organisation unacceptable behaviour includes (this is not an exhaustive list):

- Spreading malicious rumours or insulting someone, particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation.
- Copying messages that are critical about someone to others who do not need to know.
- Ridiculing or demeaning someone, picking on them or setting them up to fail.
- Deliberately excluding a person from communications or meetings without good reason.
- Unfair treatment.
- Overbearing or intimidating supervision or other misuse of power or position.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

Harassment and Bullying Procedure Due to the seriousness with which we view harassment and bullying, informal and formal reporting procedures exist within the grievance procedure which act as a mechanism for dealing with complaints of harassment and/or bullying.

All allegations of harassment and/or bullying will be dealt with seriously, promptly and in confidence. If you feel that you have been subject to harassment and/or bullying you must not hesitate in raising a concern nor fear victimisation. Retaliation against an employee who brings a complaint of harassment and/or bullying is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

If an allegation is well-founded, disciplinary action may be taken against the person alleged to have committed the behaviour being complained about and, depending on the circumstances and the seriousness of the complaint, may result in the dismissal of that person with or without notice.

We take all matters of bullying and harassment very seriously. However, malicious complaints of harassment and/or bullying can have a serious and detrimental effect upon a colleague and the workplace generally. Any unwarranted allegation of harassment and/or bullying made in bad faith may be dealt with via our Disciplinary and Dismissal Policy.