

# Anti-harassment and bullying

Consultants, contractors, and volunteers (including trustees) of the charity will be required to comply with the content of this policy.

## Introduction

Action Kidney Cancer are committed to having a workplace that is free from harassment and bullying, and to ensuring that all contractors, consultants, volunteers, and others who meet us in the course of our work are treated with dignity and respect, regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability. Striving to ensure that the work environment is free of harassment and bullying and that everyone is treated with dignity and respect is central to ensuring equal opportunities in employment.

If you have a grievance or complaint to do with your work or the people you work with you should follow the procedures detailed in this policy.

This policy and procedure are intended to support this commitment in practice and to provide guidance on how to deal with concerns of bullying or harassment and how to deal with grievances resulting from bullying or harassment.

## Policy

We will not tolerate bullying or harassment in the workplaces or at work-related events outside of the workplace, whether the conduct is a one-off act or repeated course of conduct, and whether done purposefully or not. Neither will we tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal. In respect of consultants, contractors, and volunteers, retaliation and victimisation may constitute a fundamental breach of

contract/volunteering agreement and lead to contract/volunteering agreement termination without notice. You should also be aware that if a court or tribunal finds that you have bullied or harassed someone, in some circumstances the treatment might amount to a crime punishable by a fine or imprisonment. We will take appropriate action if any of our consultants, contractors or volunteers are bullied or harassed by our stakeholders or suppliers.

Allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially. If, after investigation, we decide that a consultant, contractor, or volunteer has harassed or bullied another consultant, contractor, or volunteer, then the person may be subject to disciplinary action, and their conduct may constitute a fundamental breach of contract/volunteering agreement and lead to contract/volunteering agreement termination without notice.

Consultants, contractors, and volunteers who make allegations of bullying or harassment in good faith will not be treated less favourably as a result. False accusations of harassment or bullying can have a serious effect on innocent individuals. Contractors and others have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under our disciplinary procedure or within the context of the contract/volunteering agreement.

## What type of treatment amounts to bullying or harassment?

Bullying or harassment is something that has happened that is unwelcome, unwarranted and causes a detrimental effect. If consultants, contractors, or volunteers complain they are being bullied or harassed, then they have a grievance that must be dealt with regardless of whether their complaint accords with a standard definition. For further information, please refer to [ACAS guidance](#). It is important to recognise that conduct which one person may find acceptable; another may find totally unacceptable. All consultants,

contractors, and volunteers must therefore treat their colleagues with respect and appropriate sensitivity.

Bullying does not include appropriate criticism of a colleague's behaviour or proper performance management.

## Reporting concerns

### **What you should do if you witness an incident you believe to be harassment or bullying**

If you witness such behaviour, you should report the incident in confidence to the Action Kidney Cancer management team. Such reports will be taken seriously and will be treated in strict confidence as far as it is possible to do so.

### **What you should do if you feel you are being bullied or harassed by a stakeholder or supplier (as opposed to a colleague)**

If you are being bullied or harassed by someone with whom you come into contact at work, please raise this with the Action Kidney Cancer management team in the first instance. We will then decide how best to deal with the situation, in consultation with you.

### **What you should do if you are being bullied or harassed by a colleague**

If you are being bullied or harassed by another consultant, contractor, or volunteer, there are two possible avenues for you; informal resolution or formal complaint.

## Informal resolution

If you are being bullied or harassed by another consultant, contractor, or volunteer, you may be able to resolve the situation yourself by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop. Alternatively, you may wish to ask one of the Action Kidney Cancer management team or a colleague to put this on your behalf or to be with you when confronting the perpetrator(s).

If the above approach does not work or if you do not want to try to resolve the situation in this way, you should raise the issue with the Founder (or, if this is not appropriate, a Trustee). One of these colleagues will discuss with you the option of trying to resolve the situation informally by:

- Telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse

effect on a fellow

- That such behaviour is contrary to our policy
- That the continuation of such behaviour could amount to a serious disciplinary offence/contractual or agreement breach.

It may be possible for the Founder (or Trustee) to have this conversation with the alleged perpetrator without revealing your name if this is what you want. They will also stress that the conversation is confidential.

In certain circumstances we may be able to involve a neutral third party (a mediator) to facilitate a resolution of a problem. The Founder (or Trustee) will discuss this with you if it is appropriate.

If your complaint is resolved informally, the alleged perpetrator(s) will not usually be subject to disciplinary/contractual/agreement sanctions. However, in exceptional circumstances, (such as a serious allegation of sexual or racial harassment or in cases where a problem has happened before), we may decide to investigate further and take more formal action notwithstanding that you raised the matter informally. We will consult with you before taking this step.

## Raising a formal complaint

If informal resolution is unsuccessful or inappropriate, you can make a formal complaint in writing about the harassment or bullying to the Founder (or Trustee). A formal complaint may ultimately lead to disciplinary/contractual/volunteering agreement action against the perpetrator(s). We will first investigate the complaint. You need to co-operate with the investigation and provide the following details (if not already provided):

- The name of the alleged perpetrator(s)
- The nature of the harassment or bullying
- The dates and times the harassment or bullying occurred
- The names of any witnesses
- Any action taken by you to resolve the matter informally.

The alleged perpetrator(s) would need to be told your name and the details of your complaint for the issue to be investigated properly. However, we will carry out the investigation as confidentially and sensitively as possible. Where you and the alleged perpetrator(s) work in proximity to each other, we will consider whether it is appropriate to separate you while the matter is being investigated.

After the investigation, we will meet with you, normally within five days, to discuss your grievance. The meeting could be either face-to-face if distances allow, via Zoom or teleconference. You have the right to be accompanied by a colleague at this meeting if you make a reasonable request.

After the meeting (and normally within five working days) we will write to you to inform you of our decision and to notify you of your right to appeal to a Trustee not previously involved if you are dissatisfied with the outcome. You should put your appeal in writing explaining reasons why you are dissatisfied with our decision. You should submit your appeal within five working days of receiving written confirmation of our decision. If you submit an appeal, you will be invited to attend a meeting to consider it. Once again, a fellow worker may accompany you. We will write to you afterwards to confirm our final decision.

After the meeting the Trustee will give you a decision, normally within 24 hours. The Trustee's decision is final.

## Use of the disciplinary procedure

Harassment and bullying constitute serious misconduct. If, at any stage from the point at which a complaint is raised, we believe there is a case to answer, and a disciplinary offence might have been committed; we will instigate our disciplinary procedure. Any consultant, contractor, or volunteer found to have harassed or bullied a colleague will be liable to disciplinary action and if we consider that the harassment or bullying constitutes a fundamental breach of contract/volunteering agreement, then this could lead to contract/volunteering agreement termination without notice.

## Monitoring and review

This policy will be monitored by the Action Kidney Cancer management team biennially to judge its effectiveness and will be updated in accordance with changes in the law as appropriate. We will report to the Board of Trustees on any disciplinary actions or anti-harassment/bullying activities undertaken. Any information provided by consultants, contractors or volunteers for monitoring purposes will be used only for these purposes and will be dealt with in accordance with the [Data Protection Act 2018](#).

**Policy Updated:** June 2024

**Next Review:** June 2026