



## The Mental Shift CIC – Bullying and Harassment Policy

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### Introduction

Harassment and bullying can have very serious consequences for individuals and the company. Harassment or bullying may make people unhappy, may cause them stress and affect their health and family and social relationships, may affect their work performance. Severe cases of harassment and bullying can even lead to mental health issues.

People found guilty of harassment or bullying may face disciplinary penalties, up to and including dismissal, removal from programs, and could be personally liable to pay compensation in legal claims and may find their own family and social relationships are adversely affected. Serious harassment may be a criminal offence.

### Our Commitment

The Mental Shift C.I.C. is committed to creating an environment free of harassment and bullying, where everyone is treated with dignity and respect.

The Mental Shift C.I.C. will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

The Mental Shift C.I.C. will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or for supporting someone to make such a complaint. Victimisation is a disciplinary offence.

### The Scope of this Policy

This policy covers bullying and harassment of and by employees, volunteers, service providers, and participants, whether by direct contract with The Mental Shift C.I.C. or otherwise.

The policy covers bullying and harassment in the workplace and in any related setting, e.g., business trips, program-related events and training, and any other related situations.

### Training

The Mental Shift C.I.C. will provide training to all existing and new employees, volunteers and others engaged to work at The Mental Shift C.I.C. to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

### Review

The Mental Shift C.I.C. will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

### Bullying and Harassment Procedure

#### Informal Action Prior to Invoking Formal Procedure

- It may be possible to sort out matters informally.
- This may be achieved by arranging a discussion/meeting with the alleged harasser.
- The person may not be aware that his/her behaviour is unwelcome or upsetting and an informal discussion may help him/her to understand the effects of his/her behaviour and agree to change it.

- If the individual feels uncomfortable approaching the alleged harasser the approach may be made on their behalf by a line manager or a member of the board.
- The alleged harasser should be told what behaviour the employee finds to be offensive and/or unwelcome, and be told that a formal complaint may be made should the unwanted behaviour continue.
- These meetings will be held in a respectful, confidential and non-confrontational manner to allow the perspective of both employees to be heard.

### **The Formal Procedure**

If an informal approach does not resolve matters, or the situation is too serious to be dealt with informally, then a formal complaint should be made using the Organisation's Grievance Procedure.

### **Serious cases**

In some cases, a criminal offence may have been committed, and it may be appropriate to report matters directly to the police.

### **What is bullying and harassment?**

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that serves to undermine, humiliate or injure the person on the receiving end.

The Equality Act 2010 defines harassment as unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or,
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to

decide what behaviour is acceptable to him/her and to have his/her feelings respected by others.

Behaviour which any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to him/her, e.g. sexual touching.

It may not be so clear in advance that some other forms of behaviour would be unwelcome to, or could offend, a particular person, e.g. certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct which unintentionally causes offence will not be harassment but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that such behaviour is unacceptable to him/her.

Harassment may also occur where a person engages in unwanted conduct towards another because he/she perceives that the recipient has a protected characteristic (for example, a perception that he/she is gay or disabled), when the recipient does not, in fact, have that protected characteristic. For example, it would be harassment for an individual to tease repeatedly an individual because of an incorrect belief that that the recipient is deaf. Similarly, harassment could take place where an individual is bullied or harassed because of another person with whom the individual is connected or associated, for example if his/her child is disabled, wife is pregnant or friend is a devout Christian.

Harassment also includes circumstances where an individual is subjected to unwanted conduct from a third party, such as a client or customer. For example, it might be that a client makes a series of racist remarks to a black employee. If an employee feels that he/she has been bullied or harassed by students, suppliers, vendors or visitors, he/she should report any such behaviour to their manager who will take appropriate action. Bullying or harassment of students, suppliers, vendors or visitors or others will be dealt with through the disciplinary procedure.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is misconduct and is a disciplinary offence which will be dealt with under the Organisation's disciplinary policy. Bullying or harassment will often be gross misconduct, which can lead to dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences.

### What is Victimisation?

Victimisation is subjecting a person to a detriment because he/she has, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing him/her or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she has made a complaint or giving him/her a heavier or more difficult workload.

Provided that you act in good faith, i.e. you genuinely believe that what you are saying is true, you have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and the Organisation will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised you.

Making a complaint that you know to be untrue, or giving evidence that you know to be untrue, may lead to disciplinary action being taken against you.

### Examples of Bullying or Harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, e.g. by letter or email.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- ridiculing or insulting someone or making demeaning comments or jokes about a person's appearance or of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion including unwanted nicknames.
- spreading malicious rumours about someone
- picking on someone, setting him/her up to fail, or making threats about someone's job security without good reason;

- isolation or non-cooperation at work or deliberately excluding someone from social activities involving the immediate work group.
- ignoring an individual because he/she is perceived to have a protected characteristic when he/she does not, in fact, have the protected characteristic), e.g. an employee is thought to be Jewish, or is perceived to be a transsexual;
- excluding an individual because he/she is associated or connected with someone with a protected characteristic, e.g. his/her child is gay, spouse is black or parent is disabled;

#### **Specific examples of sexual harassment may include:**

- unwelcome sexual advances or physical conduct ranging from unwelcome touching to serious assault.
- the offer of rewards for going along with sexual advances, e.g. promotion or access to training/development opportunities;
- threats for rejecting sexual advances, e.g. suggestions that refusing advances will adversely affect the employee's employment security or conditions.

#### **What it is not:**

- any reasonable management request;
- taking measures to manage capability when a member of staff is not achieving agreed standards.
- disciplining a member of staff appropriately following an incident of misconduct if done through the correct University procedure.

#### **Preventing Bullying and Harassment**

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. You can help to do this by:

- being aware of how your own behaviour may affect others and changing it, if necessary- you can still cause offence even if you are "only joking";
- treating your colleagues with dignity and respect;
- taking a stand if you think inappropriate jokes or comments are being made;

- making it clear to others when you find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that you find harassment and bullying unacceptable;
- reporting harassment or bullying to your manager or human resources and supporting the Organisation in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.
- Managers have a particular responsibility to:
  - o set a good example by their own behaviour;
  - o ensure that there is a supportive working environment;
  - o make sure that staff know what standards of behaviour are expected of them;
  - o intervene to stop bullying or harassment; and
  - o report promptly to human resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.