

Bullying and harassment policy and procedure

1. Introduction

The Academy of Medical Sciences seeks to ensure that all staff and other individuals engaging in Academy activities can work in an environment that respects their rights and dignity, and that is free from unacceptable behaviour and conduct. The Academy does not tolerate any form of harassment or bullying.

Bullying and harassment can take many forms and occur in many different scenarios. Descriptions of what constitutes harassment and bullying are provided in Sections 2 and 3 respectively.

The Academy encourages any individual witnessing or experiencing bullying, harassment or other forms of misconduct to report their experience, so that the support available can be used to resolve the situation as early as possible.

Academy Staff experiencing bullying or harassment should report the matter to their line manager or directly to the HR Manager and the appropriate policies will be followed. Academy Fellows or those involved in Academy activities experiencing bullying or harassment should report the matter to the appropriate Academy Staff member or Council member or Officer. Specific disciplinary procedures will be used in the event of alleged cases of bullying or harassment on the part of Academy staff or Fellows.¹ Allegations of bullying and harassment by Fellows outside of Academy activities (e.g. in their workplace) will also be considered according to the procedure set out in our Disciplinary Regulations for Fellows.²

The Academy will ensure that the complainant is not penalised whether directly or indirectly for bringing a complaint and the situation will be monitored to ensure that the harassment has stopped.

Any complaint that is unfounded and not made in good faith, for example a malicious complaint, will be treated seriously, for example, for a Grant holder this could be the termination of their funding.

This policy applies to the following:

- Academy employees and Academy Fellows for the advice, informal resolution and mediation stages (Stages 1-3). There are separate policies governing Academy staff or Fellows if a case proceeds to a formal investigation (from Stage 4 onwards).
- Grant holders, awardees and named people on grants, applicants, programme participants ('Grant Holders').
- Anyone participating in Academy activities or events; job applicants; contractors or anyone working in; or on behalf of, the Academy ('Participants').

¹ There are separate Disciplinary policies and procedures for staff and for Fellows <https://acmedsci.ac.uk/fellows/fellows-conduct>.

² <https://acmedsci.ac.uk/file-download/73029576>

This policy extends to all Academy activities whether they are during working hours or outside of normal working hours, on or off the premises, UK or international, or delivered directly by the Academy or via third parties.

This policy does *not* apply to anyone that has hired a room at 41 Portland Place or their guests.

Grant Holders

As outlined in our award conditions, we also expect that we will be notified by a Grant Holder or their Host Institution if the Grant Holder is suspended from duty or dismissed due to bullying or harassment of any person working in any capacity on the activities funded by the Award.

Confirmed offences will be sufficient grounds to terminate awards, and failure to suitably investigate alleged offences may lead to an organisation's eligibility to receive Academy funding or to take part in Academy activities, being suspended.

The Host Institution (or the Grant Holder if appropriate) must inform the Academy without delay of any change to the status of the Host Institution or the Grant Holder which might affect their ability to comply with this policy, including (if they have been informed) suspension from duty or dismissal due to bullying or harassment of any person working in any capacity on the activities funded by the Grant.

Institutions will be asked to confirm at the application stage that applicants to Academy grant schemes and programmes have not had allegations of bullying and harassment upheld against them for which there is either a current formal disciplinary warning or active sanction.

Grant Holders experiencing bullying or harassment at their research institution should report the matter and initially seek recourse through the policies and procedures of their institution. Should the matter remain unsatisfactorily resolved they may wish to alert an appropriate Academy Staff member.

2. Harassment

Harassment is defined under the Equality Act 2010 as unwanted conduct related to an individual's protected characteristics that has the purpose or effect of violating the subject's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment at work is unlawful under the Act. Harassment, whether on the grounds of a protected characteristic or otherwise, is also a criminal offence.

The protected characteristics are: age, sex, gender reassignment, religion or belief, marriage or civil partnership, disability, sexual orientation, race, pregnancy or maternity.

Examples of harassment include but are not limited to:

- **Verbal:** crude language, open hostility, offensive jokes, suggestive remarks, innuendo, rude or vulgar comments, malicious gossip, offensive songs; making statements about the attractiveness or otherwise of others; making statements that draw attention to disability, skin colour, sexual orientation, gender, ethnicity, nationality, age, religion or other characteristics in a way that could cause offence or exclusion.
- **Non-verbal:** wolf-whistles, obscene gestures, sexually suggestive imagery, pornographic material, graffiti, offensive letters, emails or text messages.
- **Physical:** unnecessary touching, patting or pinching, or brushing against the subject's body, intimidating behaviour, assault or physical coercion.
- **Coercion:** pressure for sexual favours, pressure to participate in political, religious or other groups.
- **Isolation:** non-cooperation and unreasonable exclusion from meetings, gatherings or social activities.
- **Intrusion:** following, pestering, spying etc.

An individual's conduct can be considered harassment whether or not it is intended to offend.

3. Bullying

There is no statutory definition of bullying. However, ACAS defines it as offensive, malicious or insulting behaviour. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure an individual. Bullying tactics can include hostile verbal or non-verbal communication, sabotage, exclusion, manipulation, and psychological or physical abuse. Intimidating behaviour can also be considered as bullying.

The following list of examples of bullying is not exhaustive:

- Constant criticism of a competent individual and/or consistently attacking their personal or professional standing, having responsibilities removed or being given trivial tasks.
- Setting a person up to fail but overloading them with work or setting impossible deadlines.
- Repeated shouting and/or swearing; aggressive, threatening or disruptive behaviour.
- Persistently picking on an individual in front of others or in private.
- Abuse through email or social media.
- Regularly and deliberately ignoring/excluding individuals from relevant activities or communications.
- Regularly making the same individual the butt of jokes.

There are many actions that do *not* amount to bullying, such as:

- Fair and reasonable criticism of performance or behaviour.
- Constructive feedback.
- Not being invited to meetings or events when not required.
- Raising issues of conduct and inappropriate behaviour.

- For staff, being placed on a performance capability procedure where performance is not of an appropriate standard.

4. Procedure for dealing with bullying or harassment

The Academy recognises the sensitive nature of harassment and bullying, and wants individuals to feel confident to report issues of concern, including harassment, bullying or other perceived misconduct, which they experience or witness. The Academy will take any complaint seriously and seek to take action as quickly as possible.

Where possible and appropriate, the Academy encourages individuals to try to resolve problems with bullying or harassment informally before using the formal process.

The process for addressing bullying and harassment is outlined below.

Stages 1-3 may apply to Academy employees and Academy, however, specific disciplinary procedures will be used in formal investigation of alleged cases of bullying or harassment on the part of Academy staff or Fellows.³

Stage 1: Taking advice and guidance

Anyone who believes that they are being, or have been, harassed or bullied may wish to discuss their situation before deciding what action to take.

A complaint may be discussed with any of the following people:

- The Academy Manager Head or Director who oversees the activity that they are involved in;
- Executive Director;
- Other Academy staff;
- Council members or Officers.

Confidentiality when taking advice will be maintained as far as possible. However, the Academy has an overall duty of care to ensure the safety of all Academy staff and other individuals who may be adversely affected by the alleged harasser's/bully's behaviour. The Academy therefore reserves the right to investigate a situation if the circumstances are serious enough, even if the member of staff or individual does not wish to take the complaint further.

Stage 2: Resolving problems through an informal process

Everyone working for the Academy can use the informal process to solve their harassment or bullying problems. Academy Staff can do this with the support of other colleagues or management, or with an authorised trade union representative. Academy Fellows, or those involved in Academy activities can ask one of the people listed above to participate in an informal meeting with them and the individual concerned, or to approach the individual on the complainant's behalf.

³ There are separate Disciplinary policies and procedures for staff and for Fellows <https://acmedsci.ac.uk/fellows/fellows-conduct>.

The Academy advises individuals to try to resolve their complaints as early as possible, to reduce their stress and worry and possibly that of the other person involved. It is important to remember that the other person may be unaware of their behaviour and the impact it has on the complainant. Informal feedback from the complainant may give the person a better understanding of the impact of their actions and will provide the opportunity for them to change or stop their behaviour.

If the complainant feels comfortable doing so, it is best for them to speak to the other person to explain the situation and how it has made them feel. It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about their concerns. This opportunity should be used to ask the person to change or stop their behaviour. The HR manager or other representatives listed above can do this on behalf of the complainant if they feels unable to speak to the person themselves.

The informal stage will not result in any formal internal investigation or disciplinary action but is intended to enable both parties to resolve the matter without it going any further through the process.

Stage 3: Mediation

An independent third person or mediator can sometimes help to resolve harassment or bullying issues. Mediation is a voluntary process where the mediator helps two (or more) people in dispute to find a solution to the issue they can both agree to. The mediator does not take sides or tell those in dispute what to do.

Mediation can be a good way of dealing with bullying, discrimination or harassment situations depending upon the nature of any allegations. Advice on mediation should be sought from the HR Manager directly for Academy Staff or via any of the individuals listed as points of contact in Stage 1.

Stage 4: Formal stage

Where a complaint is made against Grant holders and named people on grants, applicants, programme participants, or anyone participating in Academy activities or events; job applicants; contractors or anyone working in; or on behalf of, the Academy the alleged behaviours will be investigated according to this policy and if proven, appropriate action will be taken.

Stage 5: Investigations

Investigations will be carried out with sensitivity and with due respect for the rights of both the complainant and the alleged harasser. All those interviewed will be permitted to be accompanied by a work colleague or an authorised trade union representative.

The Academy will take all reasonable steps to ensure that employees and witnesses in the process will not be ridiculed or victimised (victimisation is also illegal under the Equality Act 2010) for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be informed that the interview is confidential and that they must not discuss the complaint with colleagues or friends. Breach of confidentiality will result in disciplinary action.

The investigation will focus on the facts of the complaint. Notes will be kept of all stages of the investigation and those interviewed will receive notes of the interview to agree. Parties will not be required to repeat distressing or embarrassing details any more than is necessary.

Wherever possible, consideration will be given to ensuring that the complainant and the alleged harasser are not required to work together/interact whilst the complaint is under investigation.

Stage 6: Sanctions

Where a grievance or complaint is upheld, the Academy may take one or more sanctions against the bully/harasser, depending on the Academy's relationship with the harasser and complainant. For example this may involve (with regard to the subject of the complaint):

- Issuing them with a formal written warning
- Requiring them to make a written or formal apology
- Restricting their participation in Academy activities
- Terminating their grant funding
- Barring them from participating in future events/activities
- Temporarily or permanently restrict grant applications
- Terminating their contract (for suppliers or services) or removing them from the list of approved suppliers.
- Notifying the individual's employer or the appropriate authorities.

This may also involve (for the complainant):

- exploring ways to avoid them having contact with the person against whom the complaint has been upheld, although we will not require the complainant to move if this is not acceptable.
- other appropriate actions such as, facilitating access to counselling or other measures, to enable him/her to recover from the effect of the harassment.

The Academy may take into account the wishes of the complainant as to what should be done.

Training and awareness

The Academy recognises that a written policy is not sufficient to eliminate harassment and bullying. The Academy will endeavour to provide prominent and regular communication, training and awareness sessions so that all employees:

- Understand our commitment to prevent harassment and bullying
- Understand their responsibilities and role in the process.
- Can deal confidently with difficult behaviours
- Know how to seek advice and guidance.
- Know how to make complaints and are confident they will be handled effectively.

The Academy will also communicate its bullying and harassment policy to Fellows, including via the Code of Conduct for Fellows working on Academy of Medical Sciences business

Attendees at events and activities will be expected to adhere to the harassment and bullying policy. This, along with other key policies will be made available for viewing as part of the event registration process.

Risks of harassment and bullying should be considered and addressed in planning activities. Particular thought should be applied for international travel and for offsite, informal or residential events. Examples of risk mitigation measures might include:

- briefing to event participants on the Academy's policy;
- circulation of a code of conduct to participants;
- ensuring that large parties selected by other organisations for Academy events have a suitably briefed and responsible person appointed from that organisation;
- planning around staff numbers and venue security.

We welcome feedback and comments on this policy as we regularly review our policies and wish to ensure this policy is effective in addressing incidences of bullying or harassment.

Resources and sources of support

Employer support organisations

1. ACAS – Bullying and Harassment at Work, Guide for Managers and Employers
<http://www.acas.org.uk/index.aspx?articleid=1864>
2. CIPD – Bullying and Harassment, information and guidance
<https://www.cipd.co.uk/knowledge/fundamentals/emp-law/harassment>
3. CBI statement on Harassment and Bullying
<http://www.cbi.org.uk/news/business-has-vital-role-to-play-in-stamping-out-sexual-harassment/>
4. Equality and Human Rights Commission – information on Harassment
<https://www.equalityhumanrights.com/en/advice-and-guidance/what-harassment>

Membership organisations

1. Employers Network of Equality & Inclusion
<https://www.enei.org.uk/>
2. Business in the Community – Diversity Campaigns
<https://workplace.bitc.org.uk/#>

Charities that support people being harassed or bullied

1. Women's Aid
<https://www.womensaid.org.uk/>
2. Bullying UK
<https://www.bullying.co.uk/>
3. Stonewall
<http://www.stonewall.org.uk/>
4. Anti-Bullying Ambassadors Programme
<http://www.antibullyingpro.com/>
5. Samaritans
<https://www.samaritans.org/>
6. Safeline
<https://www.safeline.org.uk/>