

12.12 Prevention of Bullying, Harassment & Sexual Misconduct Policy Statement

This policy statement is installed to ensure a safe, welcoming, and inclusive working environment for all at our company, which includes those who come in contact with our employees and others facilitated for assistance with our works. Bullying, harassment and sexual misconduct are unacceptable behaviours and contrary to the Equality Act 2010 and/or the Protection from Harassment Act 1997, and to our company ethos and mission as detailed in our Equal Opportunities Policy Statement, for which this policy further strengthens.

No member of our working environment is expected to tolerate such unacceptable behaviour, whether by a member of staff, or by a third party such as a supplier or visitor to our site or office; or a member of the public. This policy seeks to ensure that all persons are protected from bullying, harassment, and sexual misconduct. Staff, members of the public and others who may be involved with our works have the right to disclose experiences of unacceptable behaviour experienced while working or participating in our company activities; to be listened to, and to seek support.

Breaches of this policy will be investigated under the relevant disciplinary procedure which may result in dismissal or expulsion and referral to the police. Breaches by members of the public will be referred to the police.

12.12.1. Scope

This policy applies to bullying, harassment and sexual misconduct that is committed or is alleged to have been committed by our employees, whether temporary or direct and others who may be involved with our works including third parties.

The alleged misconduct may have occurred:

- At our premises;
- Via our IT systems;
- On site;
- Online whether via email, the internet or social media;
- In the UK or abroad.

12.12.2 Definitions

For the benefit of understanding the context of this policy the following defines the key words and their definitions.

An **abuse of power** is where someone uses their position of power or authority in an abusive and unacceptable manner. Abuse of power can take various forms and may include, but is not limited to manipulation, coercion, or pressuring someone to do something which may be illegal or against the rules, or something which they are not comfortable with. Abuse of power may also occur in the context of a close personal or intimate relationship. The above behaviours may be expressed in person, in writing and/or by electronic means.

According to ACAS guidance, **bullying** is intimidating, hostile, degrading, humiliating or offensive behaviour, through means which have the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, or humiliating environment. Bullying usually involves a repeated course of conduct.

Consent is agreeing by choice and having the freedom and capacity to make that choice. The person seeking consent should always take steps to ensure that consent is freely given, that it is informed and recognises that it can be withdrawn at any time.

Freedom to consent is when a person is free to make a choice if nothing negative would happen to them if they said no. For example, a person may not feel free to make a choice if:

- they are being threatened with violence (by the perpetrator and/or by someone else);
- they are being threatened with humiliation;
- they believe that the continuation or assessment of their studies, or progression or advancement of their career, will be at risk if they refused;
- they are being blackmailed;
- there is a significant power imbalance and the party without power feels pressured to continue in the relationship against their will.

Capacity to consent is about whether someone is physically and/or mentally able to make a choice and to understand the consequences of that choice. For example, a person does not have the capacity to give consent if:

- they are drunk or under the influence of drugs - this means someone may still be physically able to have sex but they may not be able to consent;
- they are asleep or unconscious;
- a person may also not have capacity to give consent if they have, for example, a cognitive or learning difficulty, a disability which impairs their speech, or are experiencing a mental health crisis.

Disclosure, for the purposes of this policy, involves an individual choosing to tell anyone who is part of the company, about their experience of bullying, harassment or sexual misconduct. Unlike Reporting, Disclosure does not trigger an investigation or action, but it would lead to support being offered.

With regards to **Discrimination** the Equality Act 2010 states that it is against the law to treat any person unfairly or less favourably on the basis of a protected characteristic. The 9 protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic origin, nationality and colour), religion or belief, sex and sexual orientation.

Grooming can be defined as a gradual process that someone in a position of power uses to manipulate someone to do things they may not be comfortable with and to make them less likely to reject or report abusive behaviour. Grooming will initially start as befriending someone and making them feel special and may result in sexual abuse and/or exploitation.

Harassment is unwanted conduct related to a relevant protected characteristic that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person. The unwanted conduct can be physical, verbal or non-verbal.

Reporting is the sharing of information with a staff member regarding an incident of bullying, harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process set out in this policy and is different from Disclosure. The Reported Party is the person(s) whose behaviour it is alleged amounted to an incident of bullying, harassment, or sexual misconduct. The Reporting Party is the person(s) who witnessed or was subject to the alleged incident of bullying, harassment, or sexual misconduct.

Sexual misconduct is a form of harassment and is unacceptable behaviour of a sexual nature. It can include: sexual harassment; sexual violence; intimate partner violence; sexual assault; grooming; coercion or bullying with sexual elements; sexual invitations and demands; sexual comments; sexual non-verbal communication; creation of atmospheres of discomfort; and promised resources or advancement in exchange for sexual access.

Stalking is regarded as following a person, watching or spying on them or forcing unwanted contact with the victim through any means, including social media. The effect of such behaviour is to curtail a victim's freedom, leaving them feeling that they constantly have to be careful. In many cases, the conduct might appear innocent (if it were to be taken in isolation), but when carried out repeatedly so as to amount to a course of conduct, it may then cause significant alarm, harassment or distress to the victim.

Victimisation is treating someone less favourably because they have made a claim or complaint of discrimination or helped someone else to make a complaint (under the Equality Act), or made a disclosure (whistleblowing policy statement) under the Public Interest Disclosure Act 1998, or in either case the affected person is believed to have made or helped make, or is believed that they may make or help make, a complaint or disclosure.

12.12.3 Roles and responsibilities

We are committed to preventing incidents of bullying, harassment, or sexual misconduct where reasonably possible; and to provide educational and preventative training programs regarding such behaviours. We also commit to make available timely support for those who have been affected by such behaviours; and to provide prompt and equitable methods of investigation and resolution to stop bullying, harassment and sexual misconduct, to remedy any harm, and to prevent its recurrence.

All staff, employees and others connected with our company activities have a responsibility to ensure we have a working environment where everyone is treated with equal respect and dignity. Each member of staff is expected to contribute to preventing unacceptable behaviours, including harassment, bullying or sexual misconduct through self-awareness; and by modelling positive behaviour for others, and raising any concerns. It is important that exemplary behaviour is demonstrated. It must be remembered that actions can be misinterpreted by others, no matter how well intentioned. Due consideration should always be given as to what is an appropriate environment and what is appropriate conduct in relation to the activities which are being undertaken.

All staff, employees and others connected with our company activities are required to disclose criminal convictions acquired during employment.

12.12.4 Informal resolution

A person affected by bullying, harassment or sexual misconduct under this policy may wish to resolve the behaviour informally if it is a one-off occurrence or is not considered serious. Site based personnel are encouraged to speak to their supervisor first in this occasion, if they feel that they are not getting the response they expected from the supervisor then they may contact the Directors. If they are approached and told that their behaviour could be construed as bullying,

harassment, or sexual misconduct, they should be prepared to listen patiently and calmly. Whilst it may be upsetting, they should allow the person to express their concerns, and if appropriate, try to reach common ground to remedy the situation and allow a positive working relationship to be resumed. If the nature of the complaint is serious or inappropriate, they must refer this to the Directors to agree the next steps.

12.12.5 Procedure for making a formal complaint

Those who feel they have experienced or witnessed bullying, harassment or sexual misconduct by another may make a formal report to the Directors, and they are to be informed that they will be supported through the formal reporting process.

Those who feel they have experienced or witnessed bullying, harassment, or sexual misconduct by a third party, or a member of the public should discuss this with the Directors, as this may involve notifying third parties on site and using their complaints procedure; or notifying site Security and/or the police when involving members of the public.

Those who feel they have experienced or witnessed bullying, harassment, or sexual misconduct to someone under the age of 18 or is deemed to be an "adult at risk", there may be a safeguarding element involved, and this must be referred as a safeguarding concern and reported to the relevant persons.

12.12.6 Outcome of a formal complaint/disciplinary case

The Reporting Party will be told whether their complaint has been upheld or not; and whether the Reported Party has been dismissed or expelled.

If the complaint is not upheld or the Reported Party is not dismissed or expelled, information will be shared with the Reporting Party to minimise any adverse effects in accessing their work environment where possible, but there may be limits to the information about the consequences to the Reported Party that can be shared with the Reporting Party.

Where the Reporting Party is told the outcome they will be asked to respect confidentiality with regards to the outcome.

12.12.7 Support available

We are committed to providing support for all those affected by these issues. Support information may require direction to internal and external support providers. Support resources are available to any person who discloses an incident regardless of whether they choose to make a report to us or direct to the Police. We will also offer interim measures as appropriate to the reporting and reported parties, and witnesses involved in formal complaints.

Interim measures following a report, or a disclosure that requires an investigation may determine the interim measures required, this should include assessing support needed, consider how to protect the interests of all parties and others who may be impacted by the case, and agree to next steps. This will be achieved through a robust risk assessment to consider the welfare and support needs of the parties, and any interim measures necessary to ensure a fair and transparent investigation, where appropriate.

Any interim measures will be proportionate to the nature of the risk(s) being managed. Interim measures may include alternative working arrangements, provision of support, or a recommendation to partially or fully suspend an employee during this time and will be reviewed by the Directors accordingly.

12.12.8 Police investigations and judicial proceedings

Where criminal investigations and/or judicial proceedings are ongoing or are likely to commence in respect of a disclosure or report, we will continue our own investigation and any disciplinary action, subject to the circumstances of the case and police advice. Where, following police advice or otherwise, we may decide not to undertake our own investigation until the case has concluded, we reserve the right to review this decision and to initiate our own investigation and/or disciplinary action at a later stage in or on completion of the criminal investigation and/or judicial proceedings.

A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude or negate the outcome of our own investigation and/or disciplinary action. Where the trial has completely exonerated the subject of the complaint and it has been found that the Reporting Party has made a false, bad faith or misleading complaint, we may revisit any disciplinary sanction issued to the Reported Party and may consider disciplinary action against the Reporting Party.

Our internal investigation will be focused exclusively on whether a breach of the Prevention of bullying, harassment, and sexual misconduct policy and/or other applicable obligations or policies has occurred. The internal process may therefore be considering different issues from a Police investigation or criminal prosecution. This is why it may,

depending on the circumstances, be possible to proceed with an internal investigation at the same time as a criminal process.

Where the relevant party is convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of our Prevention of bullying, harassment and sexual misconduct policy, they must declare this to the Directors without undue delay. The conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required. Appropriate measures may be taken (if they have not already) under our Disciplinary Procedure.

12.12.9 Victimisation, false, bad faith, or misleading complaints

We will not tolerate any form of victimisation against someone who has raised a complaint, or supported a complaint, or for cooperating in an investigation, or challenging unacceptable behaviour, or in each case is believed to have or is believed to be likely to take such steps. If a formal complaint of victimisation is made it will be fully investigated and dealt with in accordance with our Disciplinary Procedure.

Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited. If a complaint is found to be false, misleading or in bad faith, it will be dealt with in accordance with our Disciplinary Procedure.

12.12.10 Confidentiality

Confidentiality is very important in dealing with cases of alleged unacceptable behaviour. The Reporting Party, the Reported Party and senior staff handling the report should only divulge information to relevant people on a 'need-to-know' basis.

12.12.11 Examples of unacceptable behaviour

For clarification, examples of unacceptable behaviour that are covered by this statement include (but are not limited to) the following:

Shouting at, being sarcastic towards, ridiculing or demeaning others

- Repeatedly or deliberately ignoring people who are waiting to make a contribution to a meeting; continuously cutting people off whilst they are speaking; persistent aggressive questioning; wilfully being dismissive of someone and their suggestions;
- Deliberately excluding someone from meetings, communications or a social activity without a good reason;
- Abuse of power by blaming someone else if something has gone wrong, rather than taking personal responsibility;
- Deliberately creating an environment where an individual is side-lined or has their responsibilities limited or narrowed;

Physical or psychological threats

- Overbearing and intimidating levels of supervision;
- "Grooming" behaviour, for example making someone feel special by befriending them, for example, then gradually manipulating them to carry out duties outside of their normal remit, or to do things which are in breach of our policy or with which they are not comfortable;
- Allocating staff unreasonable workloads with unreasonable deadlines that require an individual to work excessive hours for sustained periods.

Inappropriate and/or derogatory remarks about someone's performance


- Unwanted physical contact, including touching, pinching, pushing, grabbing, invading their personal space and more serious forms of physical or sexual assault;
- Making offensive jokes or derogatory or stereotypical remarks, or mocking, mimicking or belittling a person's protected characteristic.

Outing or threatening to out someone as gay, lesbian, bisexual or trans

- Speculating or gossiping about someone's perceived sexuality or gender identity, refusing to use someone's preferred gendered pronoun (e.g. using 'he' to refer to a trans woman) or continuing to use their former name ('dead naming');
- Practices which are potentially discriminatory and have the effect of excluding certain people. Examples may include regularly holding a meeting at a time or on a day that a part-time worker cannot make or arranging an away day with a physical activity which a wheelchair-user cannot access;
- Not providing equal development opportunities or promotional prospects to those in a team;
- Being discriminatory in recruitment practices or appointing staff in a non-transparent way;

- Sexual harassment, which can include (but is not limited to) unwanted sexual advances, sexual comments or comments about someone's body or appearance; innuendos; wolf whistling; groping; tugging or lifting someone's clothing or stalking;
- Racist behaviour, which can include (but is not limited to) making racist jokes, name calling, making assumptions about someone based on their race or religion, racial harassment (for example, anti-Semitism or islamophobia) or racialised micro-aggressions;
- Not giving due consideration and/or an explanation of a refusal to a reasonable request covered by our policy, such as flexible working, or requests for annual leave;
- Overtly or covertly recording colleagues in order to gather evidence that may be used against them.

We will review and update this policy at least annually.

Signed: 
Mr. Bradley Rees, Managing Director

Date: 1st July 2023
Date: 1st July 2023