

# Anti-social Behaviour and Harassment Policy

## Policy Statement

PETA Limited disapproves of all forms of anti-social behaviour, harassment, bullying or victimisation, and seeks to ensure that the working environment is sympathetic to all employees and learners. The Company recognises that it has a duty of care to its staff, learners, customers and stakeholders to deal with any anti-social behaviour, harassment, bullying or victimisation, which directly or indirectly relates to or affects a person's work, training or well being.

Failure to act and deal with these matters can have a profound effect not only on the individual but also on the surrounding people. Furthermore, it invariably has an adverse effect on the credibility of the staff and management of the Company and brings its good name into disrepute.

We are, therefore, committed to the principle that every member of staff and all learners have the right not to be subjected to any form of anti-social behaviour, harassment or discrimination whether from employees, learners or other individuals. The management and staff of the company are required to uphold this principle and ensure its accomplishment through their active commitment and support.

As a training provider, we have a particular duty of care to protect our young learners who have a right to undertake their training and work experience without fear of threats or intimidation. All new learners and employees will be informed of the Company's policy towards anti-social behaviour and harassment during their Induction Training, when it will be stressed that compliance with this policy and its accompanying Code of Conduct is a mandatory requirement and all complaints or incidents relating to anti-social behaviour or harassment will be treated very seriously.

The Company will take disciplinary action against anyone found to be in breach of this policy and/or its related policy for Code of Conduct, which may also include in certain circumstances, off-duty or off-site conduct which is detrimental to PETA Ltd. All such instances involving any person under the age of 18 or considered a vulnerable adult could be reported to the Local Safeguarding Authority or ultimately result in criminal prosecution.

As a Company, we will not tolerate anti-social behaviour, harassment or discrimination of any form and will therefore take whatever action is necessary, including dismissal, to enforce our duty of care in order to comply with Every Child Matters Agenda, Independent Safeguarding Authority and/or obligation to the Local Safeguarding Board.

Treating colleagues, subordinates, learners, customers, visitors and neighbours with due respect, courtesy and professionalism is the cornerstone of this policy.

*The following procedure informs learners and employees of the type of behaviour that is unacceptable and provides learners and employees who are the victims of such behaviour with a means of redress.*

## Definition of Anti-social Behaviour

For the purposes of this Policy the following definition of Anti-social Behaviour, which is based on the Crime and Disorder Act 1998 and the Anti-social Behaviour Act 2003, shall apply.

### Anti-social behaviour is:

- ▲ Conduct which is capable of causing alarm, distress, nuisance or annoyance to one or more individuals
- ▲ Conduct including speech, which consists of or involves violence or threatening behaviour to any person
- ▲ Conduct resulting in vandalism or wilful damage, defacement, or harm to PETA or an individual's property, equipment or personal belonging

### **Anti-social behaviour may include**

- ▲ Lack of respect or consideration for another person
- ▲ Violence or threatening behaviour (including physical assault)
- ▲ Aggressive and intimidating language
- ▲ Excessive noise
- ▲ Vandalism and graffiti of company or neighbouring property
- ▲ Adverse behaviour from the influence of drugs or alcohol
- ▲ Fouling the premises and surrounding area with litter
- ▲ Exploitation of vulnerable people

The above examples are not exhaustive and each incident of anti-social behaviour will be viewed on its individual merits.

1. Our aims for dealing with anti-social incidents or complaints are to:
2. Treat all incidents or complaints seriously and fully investigate them in an objective, sensitive, confidential and unbiased manner
3. Provide a swift response to serious complaints
4. Take appropriate and proportionate corrective action using the full range of options at our disposal
5. Work in partnership with staff, learners and stakeholders
6. Ensure that the policy is effectively implemented throughout the company

### **Definition of Harassment**

For the purposes of this policy the following definition of harassment shall apply:

A person subjects another to harassment where he or she engages in unwanted and unwarranted conduct which has the purpose or effect of:

- (a) violating the other person's dignity, or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Harassment on the grounds of sex, race, religion, disability, sexual orientation or age may amount to unlawful discrimination.

### **Racial Harassment**

Racial harassment is racial discrimination and is contrary to the Company's equal opportunities policy. It is also a criminal offence, punishable by imprisonment or a fine. This type of harassment will not be tolerated under any circumstances and the Company will take prompt action upon becoming aware that such incidents have taken place.

Racial harassment may include:

- ▲ Abusive language and racist jokes
- ▲ Racial name calling
- ▲ The display or circulation of racially offensive, written or visual material including graffiti
- ▲ Physical threats, assault and insulting behaviour or gestures
- ▲ Open hostility towards workers or other individuals of a particular racial group in the workplace
- ▲ Unfair allocation of work and responsibilities
- ▲ Exclusion from normal workplace conversation or social events

The above examples are not exhaustive and each incident of harassment or discrimination will be viewed on its individual facts.

### **Sexual Harassment**

Sexual harassment is similarly sex discrimination, unlawful and contrary to the Company's equal opportunities policy. It is defined as unwanted behaviour of a sexual nature by one person towards another. Examples of sexual harassment include:

- ▲ Insensitive jokes and/or pranks
- ▲ Lewd comments about appearance
- ▲ Unnecessary body contact
- ▲ Displays of sexually offensive material, for example, pin-ups
- ▲ Requests for sexual favours
- ▲ Speculation about an individual's private life and/or sexual activities
- ▲ Threatened or actual sexual violence
- ▲ Threat or dismissal, loss of promotion, etc. for refusal of sexual favours
- ▲ Inappropriate and/or revealing dress

Sexual harassment takes many forms and the above list is not exhaustive. Harassment of an individual in this manner on the basis of their sexual orientation (ie because they are gay, lesbian, transsexual or undergoing 'sex change treatment') will also be regarded as sexual harassment by the Company and will not be tolerated.

### **Harassment of Disabled Individuals**

Harassment of an individual who has a disability or has had a disability in the past is unlawful. It is also contrary to the Company's equal opportunities policy, which seeks to ensure that people with disabilities receive treatment that is fair, equitable and consistent with their skills and abilities.

In accordance with statutory requirements, the Company recognises that a person with a disability is someone who has or has had a physical or mental impairment, which has a substantial and long term adverse effect on his/her normal day to day activities.

Examples of harassment of a person who has or has had a disability include:

- ▲ Non verbal offensive gestures (eg staring at a particular affliction)
- ▲ Offensive letters
- ▲ Insensitive jokes, pranks, nicknames or comments
- ▲ Physical mistreatment (e.g. jostling or assault)

As part of our policy we will make every effort, when a disabled person joins us or if an existing employee becomes disabled, to make such adjustments as are necessary and practical to enable them to fulfil their role and progress to their full potential.

As with sexual and racial harassment, harassment of a person with disabilities will not be tolerated by PETA Limited and all instances of such behaviour or alleged behaviour will be taken seriously, fully investigated and may result in disciplinary action.

Finally, we will seek to ensure that the needs of people with disabilities are considered generally in both the context of our working practices and in the nature of our premises and continuing services.

Please note also our Disability Statement, which has been developed to let disabled people know what facilities we have to enable them to take part as fully as possible in our courses and training programmes.

## **Grievance and Disciplinary Procedure**

### **In the case of Anti-social Behaviour, Harassment and/or Discrimination**

Where a learner or employee feels that they are the victim of anti-social behaviour or are being harassed or discriminated against, prior to adopting the formal procedure set out below, an informal approach may be taken.

#### **Informal Procedure**

Learners and employees who are victims of anti-social behaviour, harassment or bullying are advised to make it clear to the perpetrator that the behaviour is unacceptable, and must stop. If the individual is unable to do this verbally, then a written request to the harasser (explaining the distress the behaviour is causing) may be effective. The centre designated person will be able to refer the individual to an impartial manager who will provide help in preparing a written request.

Where an employee finds it difficult to confront the person who is harassing them, they should refer the matter to the centre designated person who will advise the employee as to the most appropriate action to be taken and assist as required.

Where a learner finds it difficult to confront the person who is harassing them they should refer the matter to their mentor or any other member of PETA staff who will advise the learner as to the most appropriate action to be taken and assist as required.

#### **Formal Grievance Procedure (Employees and Learners)**

1. Where informal methods fail, or serious anti-social behaviour, harassment or discrimination occurs, employees/learners are advised to bring a formal complaint under the company grievance policy and procedure, and should seek assistance in doing so. The complaint should be made in writing and, where possible, state:
  - ▲ the name of the perpetrator
  - ▲ the nature of the anti-social behaviour, harassment or discrimination
  - ▲ dates and times when the incident(s) occurred
  - ▲ names of witnesses to any incidents of anti-social behaviour, harassment or discrimination
  - ▲ any action already taken by the complainant to stop the incident(s)/occurrences

The complaint should be forwarded in confidence to the Director (for employees) or the WBL Scheme Manager (for learners), either by hand or in an envelope marked 'Private and Confidential, Addressee Only'.

2. Immediately a formal complaint of anti-social behaviour, harassment or discrimination has been made, a thorough investigation will be carried out as quickly as possible, maintaining confidentiality at all times. All employees and/or learners involved in the investigation are expected to respect the need for confidentiality. Failure to do so will be considered a disciplinary offence. Depending on the seriousness of the complaint, it may be necessary to separate the perpetrator from the complainant.

3. A nominated senior person, not directly involved with the complaint, shall conduct the investigation/hearing.
4. Copies of statements made by witnesses will be made available to the alleged perpetrator and the complainant. Witnesses will be encouraged to appear at the complaint hearing if requested by either party. It is acknowledged that some witnesses may be reluctant to do so and in these circumstances the nominated senior person will, if necessary, adjourn the hearing to talk to witnesses in private.
5. In all cases of harassment the complainant may, if he or she wishes, be supported throughout the hearing by any work colleague of his or her choice.
6. The accused (employee or learner) will also have the right to be accompanied at the hearing by a fellow worker or trade-union official who may speak on their behalf. Where the senior nominated person concludes that anti-social behaviour, harassment or discrimination has taken place, he or she will ensure that the accused has every opportunity to defend or explain their actions, in accordance with the Disciplinary Procedures.
7. The severity of the penalty imposed upon an employee or learner guilty of anti-social behaviour, harassment or discrimination will be consistent with those detailed in the Disciplinary Procedure (eg gross sexual harassment will normally result in summary dismissal). Where a lesser penalty is appropriate (eg a written warning) this may be coupled with action to ensure that the victim is able to continue working without embarrassment or anxiety. After discussion with the victim, it may be decided to re-arrange working practices to minimise contact between the two employees/learners. If the victim so wishes, consideration will be given to arranging a transfer, subject to practical limitations.
8. The result of the hearing will be confirmed in writing to both employees and/or learners.
9. If the complainant or alleged perpetrator is not satisfied about the way the complaint has been handled, he or she may ask for it to be reconsidered by the Director. Requests for consideration of the complaint should be made in writing within three working days of the first hearing. The decision of the second hearing will be sent in writing to both parties and will be final (except in the circumstances outlined in 12. below).
10. An employee/learner who receives a warning or is dismissed for any form of anti-social behaviour, harassment or discrimination, may appeal against the penalty in accordance with the Company's Appeals Procedure.
11. An employee/learner who brings a complaint of anti-social behaviour, harassment or discrimination will not suffer victimisation for having brought the complaint. However, if the complaint is untrue and has been brought in bad faith, disciplinary action will be taken.
12. Where the complainant or alleged perpetrator reports directly to the Director (Chief Executive Officer) he or she may pursue their grievance to the PETA Council for a final decision. The PETA Council sub-committee for this purpose will comprise of three current members of the Council as follows:
  1. the Chair or Vice-Chair
  2. an HR Specialist
  3. one other member

The appeal must be made in writing within three days of receiving the Director's decision, to the Chair of the PETA Council and must state the reason for the appeal. The Chair will then arrange a meeting of the sub-committee to discuss the grievance with the employee concerned. The employee may be accompanied to that meeting by a fellow worker or trade-union official who may speak on their behalf.

The Chair or Vice-Chair will subsequently give their decision, which will be final to the employees concerned. The time taken to complete this stage will not normally exceed four weeks. Any further delay will be fully explained to the employee in writing.

# Appendix

## Code of Conduct

This code of conduct provides guidance to employees and learners on how to ensure that their actions and behaviour are consistent with both the company's policy on anti-social behaviour and the high standards of conduct required to maintain the integrity, confidence and trust of our customers and key stakeholders such as the LSC, Connexions and Award Bodies.

- ▲ Employees and learners should familiarise themselves with the content of this Code and act in accordance with the principles and guidance set out in it.
- ▲ Individuals have a duty to understand their own responsibilities and rights and to ensure they are familiar with other related policies and procedures which impinge on this Code of Conduct such as Anti-social Behaviour, Equal Opportunity, Alcohol and Drugs, Health and Safety or Harassment.
- ▲ Failure to comply with this Code of Conduct may be a disciplinary matter and could result in reporting any allegation involving a learner or vulnerable adult to the Local Safeguarding Authority, therefore employees and learners should seek advice and guidance from their Line Manager or Trainer if there is any doubt about how this code applies in practice
- ▲ All employees should be aware of our commitment to the Safeguarding Agenda and act in accordance with the principles and guidance set out in the Safeguarding Young People Policy – Code of Conduct.

### Standards of Behaviour

The Director has overall responsibility and is accountable to the PETA Board of Directors (known as the Council) for standards of behaviour within the company and has a duty to ensure that employees' and Learners' rights are respected.

#### As an employee or Learner you have a right to:

1. Be spoken to politely
2. Be treated with respect
3. Be treated fairly and courteously by colleagues and those outside the organisation for whom we work
4. Be treated fairly in recruitment, training and promotion
5. Have your private life and commitments outside of work respected
6. Have your point of view listened to and considered
7. Expect not to be harassed or intimidated at work and, in particular, have a right not to be harassed or intimidated because of race, gender, colour, ethnic or national origin, religion, disability, marital status, age or sexuality
8. Speak out if you are the victim of bullying, harassment, anti-social behaviour or intimidation and have your complaint taken seriously and properly investigated using the grievance procedure

**As an employee you have a responsibility to:**

1. Act professionally in your dealings with other staff, Learners, customers visitors or others – treating them as individuals and showing sensitivity to their needs
2. Consider the needs of others when carrying out your duties, work or training
3. Express your point of view without being aggressive or overbearing
4. Refrain from swearing or using abusive language
5. Listen to what others say and respect their point of view
6. Try to find solutions and work through disagreements with others
7. Take responsibility for your own actions and behaviour
8. Take action if you witness or are made aware of improper conduct, including any act of harassment or discrimination
9. Challenge attitudes which demean or denigrate other people (individuals or groups) and develop self awareness of the impact of your own behaviour
10. Ensure that your behaviour and your appearance at work whilst representing PETA does not cause embarrassment or reflect negatively on the company in a way that would bring the reputation of PETA into disrepute or cause loss of customer or key stakeholder confidence in its work
11. Disclose any pending prosecutions or Police actions which may impact upon their role whilst a PETA employee or volunteer.

**As a learner you have a responsibility to ensure that you:**

1. Behave in a manner which is not discriminatory and complies with the Company's policies on Anti-social Behaviour, Equality of Opportunity and Harassment. For example, any form of racial or sexual harassment will not be tolerated
2. Behave in a way which is not threatening, violent, aggressive, abusive or disruptive to others
3. Respect the rights of others to a quiet, clean and orderly working environment
4. Behave in way which does not put your own or another person's health, safety or welfare at risk and that you observe all policies and rules with regard to Health and Safety
5. Must not cheat in examinations or in course work
6. Respect the property of other people and that of PETA and its premises
7. Must not bring illegal substances onto PETA premises
8. Must not consume any alcohol on PETA premises
9. Understand that anyone under the influence of drugs or alcohol will not be allowed to enter PETA premises
10. Must not bring offensive weapons onto PETA premises
11. Must not smoke on PETA premises, other than in designated external areas
12. Must not bring the reputation of PETA into disrepute through anti-social behaviour either on or off PETA premises
13. Abide by all reasonable instructions issued by a member of PETA staff
14. Observe the mobile phone policy and switch it off whilst in any PETA building, Training Centre or Office.
15. Observe parking and speed restrictions and drive with care and consideration for others (if you bring a vehicle onto PETA premises)

16. Abide by the Company's Internet Usage and Security Policy
17. Operate a good neighbour attitude to organisations or individuals in adjoining premises
18. Wear appropriate dress conducive to a working environment

Where there is evidence that a serious criminal offence has occurred, the matter will be referred to the police for investigation.