

Anti-Harassment and Anti-Bullying Policy

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1. Introduction

- 1.1 The Flying High Trust (“FHT”) believes that having a culture that is diverse, equitable and inclusive is core to everything that we strive to achieve and to the organisational environment we wish to protect.
- 1.2 One key to protecting our culture and our employees is seeking to eradicate bullying or harassment at work. This policy supports this aim by setting out the steps we will take to investigate and deal with complaints of bullying or harassment (of any kind), and how we support those affected.

2. Scope

- 2.1 This policy applies to all individuals working for FHT, which will primarily focus on employees however this will also include workers, contractors, volunteers, interns and apprentices. The policy also relates to job applicants and is relevant to all stages of the employment relationship. The policy also applies to bullying or harassment by third parties.

3. General Principles

Our commitment to our employees

- 3.1 FHT believes that a culture of equality, diversity and inclusion not only benefits our organisation but supports wellness and enables our employees to work better because they can be themselves and feel that they belong.
- 3.2 FHT is committed to promoting a working environment based on dignity, trust and respect, and one that is free from discrimination, harassment, bullying or victimisation.
- 3.3 We, therefore, adopt a zero-tolerance approach to instances of bullying or harassment.

What we expect from our employees

- 3.4 We expect all of our employees to take personal responsibility for observing, upholding, promoting and applying this policy.
- 3.5 Any dealings our employees have with third parties, including customers, suppliers, contractors, agency staff and consultants, must be free from discrimination, harassment, victimisation or bullying.
- 3.6 If any of our employees are found to have committed, authorised or condoned an act of bullying or harassment, the FHT will take action against them (for those to whom it applies) under the FHT’s Disciplinary procedure, up to and including dismissal.
- 3.7 There is no justifiable reason to bully or harass someone else. Even if it is not the intention to bully or harass someone else, this does not legitimise one’s behaviour as it is the *impact* on the recipient that is important.
- 3.8 Everybody should be aware that they can be personally liable for harassment.

3.9 If anybody experiences bullying or harassment, FHT encourages them to speak up without delay and to ask for appropriate support (see point 5 Reporting Bullying and/or Harassment).

4. Protections, Meanings and Examples of Bullying and Harassment

4.1 Protected Characteristics

The Equality Act 2010 prohibits discrimination because of certain protected characteristics. These are:

- disability;
- sex;
- gender reassignment;
- marital or civil partnership status;
- race;
- religion or belief;
- pregnancy and maternity;
- sexual orientation; and
- age.

Although pregnancy and maternity and marriage and civil partnership are not specifically protected under the legal provisions on harassment, harassment on any ground is considered to be unacceptable.

4.2 Meaning of Harassment

(a) Harassment is unwanted conduct related to a protected characteristic that has the purpose or effect of:

- violating someone else's dignity; or
- creating an intimidating, hostile, degrading, humiliating or offensive environment for someone else.

Harassment can occur when someone perceives another person to have a protected characteristic, for example; a perception that someone is of a sexual orientation even if they are not.

Harassment can also arise by association, when someone is harassed because they are associated with someone with a protected characteristic, for example having a family member of a particular religion.

4.3 Examples of harassment

Harassment can occur in many forms and can take place either at work or outside work. While this is not an exhaustive list, examples include:

- "banter", jokes, taunts or insults that are derogatory against any other protected characteristic;
- unwanted physical behaviour, for example, pushing or grabbing;
- excluding someone from a conversation or a social event or marginalising them from the group;

4.4 Meaning of Sexual Harassment

Harassment may be sexual in nature. The law defines sexual harassment as:

- conduct of a sexual nature that has the purpose or effect of violating someone's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs because of a rejection of, or submission to, sexual conduct.

Examples of sexual harassment

Sexual harassment can occur in many forms. While this is not an exhaustive list, examples include:

- physical conduct of a sexual nature, unwelcome physical contact or intimidation;
- persistent suggestions to meet up socially after a person has made clear that they do not welcome such suggestions;
- unwelcome sexual advances, propositions, suggestive remarks, or gender-related insults;
- offensive comments about appearance or dress, innuendo or lewd comments;
- leering, whistling or making sexually suggestive gestures.

4.5 Meaning of Bullying

There is no legal definition of bullying. However, we regard it as conduct that is offensive, intimidating, malicious, insulting, or an abuse or misuse of power, and usually persistent, that has the effect of undermining, humiliating or injuring the recipient.

Bullying can be physical, verbal or non-verbal conduct. It is not necessarily face to face and can be done by email, phone calls, online (cyber-bullying) or on social media. Bullying may occur at work or outside work.

If the bullying relates to a person's protected characteristic, it may also constitute harassment and, therefore, will be unlawful (see point 4.2 Harassment).

Examples of bullying

While this is not an exhaustive list, bullying may include:

- physical, verbal or psychological threats;
- excessive levels of supervision; and
- inappropriate and derogatory remarks about a person's performance.
- It is important to understand that legitimate, reasonable and constructive criticism of a person's performance or behaviour, or reasonable instructions given to people in the course of their employment, will not of themselves amount to bullying.

4.6 Microaggressions

Microaggressions (sometimes called micro-incivilities) are statements, actions, or incidents which are regarded as indirect, subtle, or unintentional discrimination against members of a marginalised group, for example, a racial or ethnic minority. They are sometimes referred to as "death by a thousand cuts" and include insensitive comments, impersonations or jokes directed at others and/or their

characteristics which may make assumptions based on stereotypes or dismiss other's feelings or lived experiences.

Serious microaggressions can amount to unlawful harassment, bullying or discrimination but even less serious microaggressions can negatively impact the health and wellness of the person experiencing them.

5. Reporting Bullying and/or Harassment

5.1 Informal route

If an employee feels able to, they may decide to raise the issue with the individual themselves, to make clear that their behaviour is not welcome and to ask them to stop. They may not be aware that their behaviour is causing offence.

Alternatively, if an employee does not feel up to speaking directly to the individual, they may consider asking their manager, a colleague, or HR for support. An employee may or may not want them to talk to the individual on their behalf and, where possible, these wishes should be respected. However, if the welfare or safety of the employee or others is at risk or where the allegations are particularly serious, the Trust may have to approach the individual and instigate a formal investigation. In such a case and where possible this will be discussed with the complainant first.

Employees who would prefer not to discuss the issue with anyone at work, help and support is also available through the Trust's employee assistance programme (EAP). You can use our EAP to speak to an independent adviser on a confidential basis about any issue that is troubling you. See Support for those affected or involved for details of how to access our EAP.

5.2 Formal route

If an employee is not satisfied with the outcome of an informal process, or if they feel it is not appropriate to approach the issue informally, they may decide to raise it formally.

To make a formal complaint, an employee should discuss this first with their line manager. If the complaint is about the line manager, this should be raised with the next senior manager.

If the complaint about the CEO, it should be raised with the Chair of Trustees.

While an employee can raise a formal complaint of bullying or harassment under FHT's Grievance Procedure, they may prefer to do so under this policy because it is specifically aimed at dealing with such issues. Employees should be aware that they cannot raise a complaint under this policy if they have raised a complaint about the same issue already under the Grievance Procedure.

The Trust will investigate fully every formal complaint in an objective and confidential way, while also ensuring that the complainant's rights as well as the rights of the alleged bully/harasser are respected.

The Trust will use every effort to complete an investigation into bullying or harassment as quickly as possible.

Where the alleged bully/harasser is a third party, the procedure may need to be adjusted under this policy to ensure appropriate investigations are conducted and this is discussed with the complainant.

6. Appeals

If the complainant is not satisfied with the outcome of the formal investigation, they will have the right to appeal.

Appeals will be dealt with under the Grievance Procedure.

7. Support for those Affected or Involved

The Trust understands that anyone affected by, or involved with, a complaint of bullying or harassment may feel anxious or upset and appropriate support will be provided.

If an employee feels they cannot continue to work in close contact with the alleged bully/harasser, the Trust will consider seriously any requested changes to working arrangements during the investigation into the matter.

For external emotional or mental health support, all employees can access the Trust's Employee Assistant Programme (EAP), provided by Health Assured. This is a free and confidential service, available 24 hours a day. Employees wishing to make contact with the helpline can call 0800 028 0199 or visit the Wisdom online portal via <https://wisdom.healthassured.org/login> and entering the organisation code: MHA224966.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. Employees who feel they are suffering or have suffered such victimisation, please inform their line manager or the HR team as soon as possible.

Regardless of the outcome of the complaint, the Trust will consider carefully how to best approach any ongoing working relationship between those individuals concerned. For example, depending on the specific circumstances, amending the job duties, location or reporting lines of either employee may be considered. Alternatively, it may be decided that workplace mediation or counselling is appropriate.

8. Sensitivity and Confidentiality

Anyone involved with an informal or formal complaint about bullying or harassment, including witnesses, must keep the matter strictly confidential and act with appropriate sensitivity to all parties.

If anybody is found to have breached confidentiality or acted without due care or sensitivity in a case of bullying or harassment, the Trust may take disciplinary action against them.

9. Consequences of Breaching this Policy

If, following a formal investigation, it is found that an individual has committed, authorised or condoned an act of bullying or harassment, the issue will be dealt with as a possible case of misconduct or gross misconduct. Therefore, disciplinary action against those involved, up to and including dismissal (or other appropriate action for non-employees). Please refer to the Trust's Disciplinary Policy and Procedure for further information.

Anyone who complains or takes part in good faith in a bullying or harassment investigation must not suffer any form of detrimental treatment or victimisation. If it is found that an employee has victimised anyone in this way, the Trust will instigate disciplinary action against them up to and including dismissal (or other appropriate action for non-employees) under the Trust's Disciplinary Policy and Procedure.

10. Training

All new starters must attend appropriate training as part of their onboarding programme to ensure that they understand and actively promote a culture that prevents harassment and bullying in the workplace.

Every current employee must attend this training on an annual basis.

The Trust expects all our employees to proactively support these initiatives by attending events and workshops as appropriate to educate themselves on the challenges faced by others and how to help alleviate these in the workplace.