

1. Introduction

- 1.1 Lynx Theatre and Poetry (“Lynx”) values everyone who works for it equally, whether they work full or part time, are employed, self-employed or volunteers, are working at the Lynx office, on tour or from home.
- 1.2 Lynx recognises that threatening or intimidating behaviour can create a work environment that interferes with job performance, undermines job security, causes undue stress and can lead to absenteeism. We are committed to providing a work environment and culture in which our staff – and everyone that we work with – are treated with dignity and respect, free from bullying, intimidation and harassment. We believe in building relationships on the basis of mutual respect and we strive to create an environment where it is possible to give and receive feedback in a constructive way. We aim to ensure that everyone at Lynx understands the expectations that relate to acceptable behaviour.
- 1.3 We also recognise that harassment and bullying are serious offences and we will not tolerate any form of harassment or bullying by or of our staff, volunteers, Management Committee members, trainers, members, event attenders or others that we deal with.
- 1.4 We undertake to work with all parties involved to resolve complaints of harassment and bullying. To achieve this, we will ensure that procedures are in place for the reporting of complaints, we will deal with all complaints promptly, fairly and confidentially and we will allow all parties concerned the opportunity to make their case and to appeal a judgement if they feel that it is unfair.
- 1.5 Where bullying or harassment is found to have occurred we will take appropriate action against the perpetrators. Lynx staff who fail to fulfil their responsibilities under this policy may face disciplinary action. Single, serious offences or repeated breaches of this policy may result in dismissal under Lynx’s disciplinary policy.
- 1.6 This policy will be reviewed periodically by Lynx’s Management Committee and amended if required by changes in legislation or significant developments in employment law practice.

2. Policy Aims

This policy is intended to:

- increase awareness of what is unacceptable behaviour;
- increase awareness that any form of harassment is unacceptable;
- provide a mechanism for complainants to report cases for resolution; and
- provide a mechanism for complaints to be properly investigated and addressed.

3. What are Harassment & Bullying?

- 3.1 Harassment is defined as any unwelcome behaviour that has the effect of violating a person’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Harassment may be related to “protected characteristics” under the Equality Act 2010, i.e: a person’s age, disability, gender reassignment, race, religion/ belief, sex, sexual orientation, marriage/civil partnership and pregnancy/maternity or to a personal habit or characteristic. It may also be related to issues such as work status (e.g part time work), trade union membership or non-membership. Harassment can take many forms and may be directed at one person or at several.
- 3.2 Bullying is offensive treatment through vindictive, cruel, malicious or humiliating attempts to undermine an individual employee or group of employees. Bullying may combine a variety of different approaches – it can be physical, verbal or non-verbal. It can be experienced from manager to subordinate, subordinate to manager, peer to peer, group of staff to individual. It is insidious (in other words, implied criticism rather than actually stated) and undermines the

ability and confidence of the person on the receiving end. Such persistently negative attacks on personal or professional performance are often not apparent to anyone else.

- 3.3 Harassment and bullying can be evidenced in many ways including offensive emails, text or social media content, unwanted physical conduct, suggestive comments, offensive comments. Comments do not have to be directed at the victim, for example commenting on a person's partner's race or disability would be harassment. They do not have to be true, e.g: comments about a person's perceived sexual orientation could be harassment whatever their actual sexual orientation.

4. When is Behaviour Unacceptable?

- 4.1 In order to assess whether bullying or harassment has taken place we will consider if the behaviour complained of is unacceptable by reasonable normal standards and if it is harmful or unwelcome to the person or people on the receiving end. Perpetrators may not be aware that their actions amount to harassment, however, what matters is the effect of their actions. A one-off act, if serious, can amount to bullying or harassment.

- 4.2 Examples of unacceptable behaviour include:

- derogatory comments, offensive language, remarks or jokes;
- spreading malicious rumours or insulting someone;
- insulting behaviours or gestures;
- displaying offensive or suggestive literature or remarks;
- intrusion by pestering, spying or stalking;
- embarrassing, threatening, humiliating, patronising or intimidating remarks;
- unwanted physical contact;
- physical or verbal assault, such as shouting;
- unwelcome sexual advances, such as touching or standing too close;
- undermining a person's self-esteem, for example by constantly making unfavourable comparisons with others or belittling their status;
- deliberately undermining a competent worker by overloading or under loading them with work, and constantly criticising them;
- excluding or isolating a colleague, not co-operating with them or victimising them;

5. What should you do about Harassment or Bullying? Informal Procedure

- 5.1 Try to talk about it: We aim to create an environment in which people feel safe to speak out about harassment or bullying without fear. If you believe that you or anyone else has been harassed or bullied, consider if you feel your workplace is a safe environment. If so consider the following possible actions –
- If you feel able, it could be a constructive first step to tell the person or people concerned that you do not consent to the behaviour that is being directed at you and that it should stop immediately. In asking them to stop, you are making it clear that their behaviour has made you feel bullied, harassed or unsafe. This gives them an opportunity to stop without anyone else being involved.
 - If you do not feel able to make a personal approach, but still wish to keep things informal, you could ask a work colleague or Trade Union representative to speak to that person on your behalf.
- 5.2 Put it in writing. Alternatively, you can write to the person or people concerned, keeping a dated copy of the letter.

- 5.3 This kind of informal action may be enough to end the harassment or bullying, especially if the accused person is unaware that he or she is causing harm. An informal approach, however, may not be sufficient if the person/people concerned do not take responsibility for the action or dispute(s) the allegation.
- 5.4 If you feel that you are the victim of unacceptable behaviour, keep a record of events, incidents and also any informal action that you or your representative takes.

6. What should you do about Harassment or Bullying? Mediation

- 6.1 If an informal approach has been unsuccessful, or is not appropriate it is recommended that you consider mediation before proceeding to a full formal procedure. Mediation is a voluntary option and is not the answer to every conflict. It can only be used when both parties agree to take part.
- 6.2 Mediation gives both parties the opportunity to talk directly about the issues that are affecting them, without the stress and time normally associated with a formal investigation. A mediator is an impartial facilitator who will create a structured, safe meeting space at which both parties should feel able to have their say. This can provide a positive, confidential way of reaching agreement about how each party will behave towards the other in future. A written agreement is then drawn up between the parties to prevent further friction and misunderstandings.
- 6.3 Mediation is not designed to establish facts or to decide if someone was at fault. It is purely a method of resolving past conflict and agreeing a positive way forward.
- 6.4 Any employees who want to follow the mediation process should speak to the Artistic Director or the Chair of the Management Committee, as appropriate, in the first instance.
- 6.5 If you go through mediation and it is not successful, you can then go through the formal complaints procedure.

7. What should you do about Harassment or Bullying? Formal procedure

- 7.1 The formal procedure will be followed if:
 - either you or we decide that the seriousness of your complaint makes this necessary; or
 - all attempts at informal resolution or mediation have failed; or
 - you particularly want to make a formal complaint.
- 7.2 A formal complaint should be made in writing, to the Artistic Director (or to the Chair of the Management Committee if the Artistic Director is the alleged bully or harasser). A Trade Union representative can raise a complaint on your behalf. At this stage, a complaint will be treated as an allegation, which means that it is not proven and will be investigated.
- 7.3 The staff or Management Committee member investigating will arrange for a representative of the Independent Theatre Council (“ITC”) to meet you to discuss your statement within 5 working days, where possible. A full investigation will begin within 10 working days of receipt of the original complaint, where possible.
- 7.4 The accused person will be informed of the nature of the allegations, in person, by the ITC representative before the investigation begins.
- 7.5 The ITC representative should collect evidence and/or take statements from you, the person you are complaining about and any witnesses.
- 7.6 It is recommended that investigation into any complaint is carried out and concluded as quickly as possible, ideally within 21 working days of receiving the complaint. However, some cases will be more complex and therefore take longer to investigate. The ITC representative will keep the parties informed of progress and expected timescales.
- 7.7 If you have made a serious allegation, or to protect you or the person you have complained about, it may be appropriate to consider suspending the person you have complained about

from duty, on full pay, until the investigation has been completed. Suspension is a neutral act and does not presume guilt or innocence. These options will only be considered as a last resort.

- 7.8 Employees may be accompanied at any stage of the formal procedure by either a Trade Union representative or a Lynx colleague. If your Trade Union representative or colleague cannot attend on the date proposed, you can suggest an alternative time and date for the meeting, as long as it is reasonable and falls within 5 working days of the date proposed by the ITC representative.
- 7.9 The outcome of the meetings must be confirmed in writing to both parties together with a copy of the investigation report and all the relevant evidence.

8. Records

During the investigation, the ITC representative should keep copies of paperwork and correspondence and, after the investigation is complete, a Lynx manager will file them specifically appropriately to maintain confidentiality. A copy of the outcome letter will be kept on the personnel files of both parties.

9. Right of appeal

- 9.1 If either the person complaining or the person being complained about is not satisfied with the outcome of the formal procedure, they should write to the Chair of the Management Committee within 10 working days of receiving the letter confirming the outcome, to request a review of the findings. The Chair of the Management Committee will arrange for an appropriate person to deal with the appeal and will set up an appeal hearing.
- 9.2 If either party is not happy with the way in which the investigation was conducted, they can lodge a grievance through Lynx's grievance procedure.
- 9.3 All appeals will be dealt with within Lynx. You will then have no further right of internal appeal.
- 9.4 You have the right to be accompanied at an appeal hearing by a work colleague or an appropriate Trade Union representative.
- 9.5 All parties involved will be given at least 5 working days notice in writing of the date, time, place and any other arrangements of the appeal hearing.
- 9.6 The appeal decision may dismiss the appeal and confirm the original decision or uphold the appeal and overturn the original decision.
- 9.7 A letter confirming the decision will be sent to both parties within 5 working days of the appeal, unless otherwise agreed.

APPENDIX 1: Good management behaviours vs bullying behaviours

Good management

Setting realistic targets

Giving feedback in private

Legitimate, constructive and fair criticism of performance or behaviour

Regular supervision

Keeping records

Challenging poor performance in order to improve performance

Bullying

Deliberately setting unachievable targets

Giving negative feedback in public

Unfair or unjustified criticism

Intrusiveness, over-managing

Keeping unnecessary and unjustified records on irrelevant information, e.g. toilet visits

Unsubstantiated criticism with no improvement plan

APPENDIX 2: Guidance to staff who feel that they are being subjected to unacceptable behaviour

Get advice from your line manager, Trade Union representative or a board member.

Consider following the informal procedure outlined in this policy.

Consider mediation.

Remember, all staff have the right to complain if they consider they are being harassed or bullied.

If you feel you are suffering such treatment you are encouraged to keep a diary of events so that the extent of the problem can be determined.

Any employee making a complaint of bullying or harassment can be assured that they will be protected from any victimisation that could arise as a result of making a complaint.

APPENDIX 3: Dignity at work sample complaint form

Name:
Job Title:
Date of complaint:
Please list the names of the alleged bullies/harassers?
In your own words, describe the incident(s), including: <ul style="list-style-type: none"> • dates, times and places; • the people involved, including witnesses; • your feelings concerning the incident(s); and • how long the situation has been going on.
Was there anyone else present who witnessed the incident(s)?
What outcome, if any, would you like to see?
Please add any other relevant information in the space below.
<i>Please keep a copy of this form along with any written response for future reference. You should put this form in an envelope marked 'Private and Confidential' and give it to your line manager or, if your allegations concern your line manager, to a board member.</i>

APPENDIX 4: Malicious complaints

Although it is extremely rare, an investigation may reveal that a complaint has been made maliciously. If this happens, the complainant (the person claiming that they have suffered bullying or harassment) may face disciplinary action. It must be stressed, however, that this should in no way deter genuine complaints of harassment or bullying as they will be dealt with sympathetically and constructively.

APPENDIX 5: Anonymous complaints

We may receive anonymous allegations of bullying or harassment through the “Whistle-blowing procedure”. While we recognise that it is very difficult to investigate such complaints, management will conduct as thorough an investigation as possible, given the information available.

This will always include informing the accused person that a complaint has been received about them and asking for their views. Given the anonymity of the complainant however it may be impossible to investigate such a complaint.

If an allegation is made by someone other than the person who is being bullied or harassed, the investigating officer must check whether the person making the allegation is prepared to make a statement. In addition, the employee who is thought to have been bullied or harassed must be informed that an allegation has been made and to find out whether they feel that they are being bullied or harassed. If so the investigating officer should encourage them to make a complaint or advise them of the other available options. In some instances, where there is reasonable grounds to suspect a serious breach, the organisation will instigate the formal procedure, even if the ‘victim’ will not make a formal complaint

APPENDIX 6: Complaints against non-Lynx-employees

If a complaint involves employees of other organisations we have dealings with on a regular basis, for example Lynx members, consultants, trainers or other suppliers we will seek full co-operation of the organisation and encourage them to deal with the matter in line with the principles of this policy. If the organisation refuses to co-operate, the investigation will continue and when it is completed we will tell the organisation what action we would like them to take to protect our employees. Ultimately, we may remove the employee from one-to-one contact with the accused person. It will probably be necessary to advise the organisation involved of the identity of the complainant and the details of the complaint.