1 Introduction

1.1 This policy has been devised to provide protection and guidance to those individuals who feel that they have not received the dignity and respect required whilst working on behalf of Foundation Scotland.

1.2 Foundation Scotland [FS] believes that under no circumstances should an individual be subject to comments, language or behaviour which could be perceived to be either bullying or harassment.

1.3 To that end, FS will ensure that all individuals working on behalf of FS [FS Individuals] and third parties are aware of the policy in relation to such matters. FS Individuals and third parties must be aware that FS will not tolerate bullying and harassment of any type by any third party against an FS Individual and any such allegation will be taken seriously.

2 Scope

2.1 This policy extends to our trustees, co-opted committee members, employees, seconded and temporary staff, and contractors [FS Individuals] and any place or venue where work is carried out and is deemed to be a work environment of FS. It also applies to conduct outside of the workplace that is related to the work of Foundation Scotland.

2.2 Third parties are defined as panel members, donors, customers, suppliers, or anyone FS Individuals come into contact with as part of their role at Foundation Scotland.

3 Abbreviations and Definitions

3.1 Bullying can be defined as behaviour or language that is offensive, intimidating, malicious or insulting. Bullying can use either a single factor in the above definition or a combination where there is an intention to undermine or humiliate another person.

3.2 Examples of bullying behaviour include:

- Insensitive jokes or pranks.
- Dismissive, insulting, or aggressive behaviour.
- Ignoring or excluding an individual.
- Setting unrealistic deadlines.
- Withholding necessary information.
- Coercive controlling behaviour
- Use of offensive language towards another person.
- Constantly undervaluing effort.

3.3 This list is not exhaustive. The actions listed above must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

3.4 Harassment can be defined as “any conduct based on age, disability, HIV status, domestic circumstances, gender, sexual orientation, gender reassignment, race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority, property, birth or other status” which is unreciprocated or unwanted and which affects the dignity of people at work.

3.5 Harassment is not only unwanted physical contact, assault or propositions but includes suggestive remarks or gestures, pin-ups, graffiti, offensive comments, jokes and banter based on race, religion, sex or other personal characteristics. This list is not exhaustive.

3.6 ‘At work’ includes any place where the occasion can be identified with either the requirements of the employer, or with events associated with work. Events can be outside of normal working hours and / or held on outside premises. It can include any place where the Foundation is operating.

3.7 Where appropriate third parties such as panel members will be provided with, and agree to, a Code of Conduct that outlines acceptable behaviours.

3.8 Harassment and / or bullying may be single incidents or a variety of repeated actions. The actions may be verbal, non-verbal, written, or physical.

3.9 It should be noted that certain types of behaviour may seem reasonable to one individual while to another the behaviour is clearly not reasonable. Where this is the case a discussion between the individuals and the Line Manager may be needed in order to clarify that the behaviour is unacceptable.

4 Policy

Equality Act

4.1 The Equality Act 2010 s.26 defines harassment as unwanted conduct (i.e. bullying) related to a relevant protected characteristic, which has the purpose of effect of ‘violating’ a person’s dignity or ‘creates an intimidating, hostile, degrading, humiliating or offensive environment’ .

4.2 The unwanted conduct can also be ‘of a sexual nature’.

4.3 The Equality Act 2010 s.27 considers victimisation to be when a person is subjected to a detriment because they make, or are making, or supporting a complaint or grievance made under the Act – meaning if they report an incident of harassment or bullying, as defined by the Act (and under this policy), or support a person who is, and are targeted because of this, it can be victimisation.

Reporting third party bullying or harassment

4.4 If an individual feels that they have been subject to an incident where their dignity and respect has been offended, they should inform their immediate line manager or, if the individual is a trustee or co-opted committee member, the CEO. Individuals should not be concerned that reporting such behaviour will jeopardise client or third-party relationships: FS’s primary concern is to ensure that FS Individuals are supported.

4.5 If an individual witnesses behaviour towards an FS individual other than themselves that could be considered bullying or harassment, the individual witnessing the incident should report this to FS.

Informal Resolution

4.6 Ideally relationship issues and conflict should be dealt with informally. An FS Individual or any third party with concerns should speak to a member of staff, their Line Manager, or the CEO. The Line Manager or CEO should gather details of the alleged incident(s) to establish whether a facilitated conversation between the parties might resolve the situation or whether a direct approach to the third party is required. Should informal resolution fail, the matter will be investigated by a member of the Foundation. If the reported third-party bullying and harassment concerns are upheld, then steps may be taken to terminate the relationship with the third party.

5 Roles and Responsibilities

Addressing Issues of Bullying and Harassment

5.1 FS will strive to ensure that no person is subject to detrimental treatment, victimisation or discrimination because they made or supported a complaint under this Policy or because they are suspected of doing so or being about to do so.

5.2 FS will take any complaint seriously and will seek to resolve any grievance that it upholds. You will not be penalised for raising a complaint, even if your grievance is not upheld, unless your complaint is both untrue and made in bad faith.

FS Individual's Duties

5.3 FS will take reasonable steps where possible to prevent sexual harassment of FS Individuals by anyone (other FS Individuals or third parties)

5.4 FS insists that every FS Individual be treated with dignity and respect and that any instances of bullying and harassment will not be tolerated. An FS Individual will not be penalised for reporting third party bullying or harassment concerns, even if these are not upheld, unless the report is both untrue and made in bad faith.'

5.5 In addition, FS expects all FS Individuals to inform their line manager or the CEO immediately if they are the subject of bullying or harassment or witness another FS Individual being harassed, victimised, or bullied for any reason, but particularly because of their sex, race, disability, age, gender reassignment, sexual orientation, marriage and civil partnership, pregnancy and maternity, religion, or belief.

6 Training

- LMS – Bullying
- LMS – Conflict Management
- LMS – Emotional Intelligence

7 References

- Equality Act 2010 (legislation.gov.uk)
- The Worker Protection (Amendment of Equality Act 2010) Act 2023 – effective October 2024

8 Review

8.1 This policy is reviewed, approved, and endorsed by the CEO. It is updated when required by legislation, to ensure that it reflects statutory responsibilities, government guidance and best practice for FS, or every 36 months whichever is the soonest.

9 Document Properties

Title	Third Party Anti-Bullying and Harassment Policy		
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