

E3 INITIATIVE SAFEGUARDING BULLYING, HARASSMENT AND WHISTLE-BLOWING POLICY

1. Introduction

This policy has been informed by the Charity Commission in England and Wales guidelines on safeguarding of staff, volunteers and people who benefit from our charity's work.

E3 already has a Child Protection and Safeguarding Policy to protect the vulnerable children with whom E3 and its partners work. This Policy focuses on E3 trustees, staff and volunteers.

This policy applies to people working or volunteering for E3 in all of its countries of operation, in the office and working from home and in the field. We also encourage our partner organisations to act in accordance with this policy or adopt their own similar policy even if it isn't required in their country of operation.

2. Why is this policy necessary?

E3's vision is to bring transformation into the lives of children and vulnerable people in some of the poorest communities in Southern Africa. E3 wants to safeguard those who benefit from our work and those who help deliver the work – i.e. staff, volunteers, trustees.

This policy aims to address how to:

- protect people from harm
- make sure people can raise safeguarding concerns
- handle allegations or incidents
- report to the relevant authorities

3. Risks to be aware of

- sexual harassment, abuse and exploitation
- negligent treatment
- physical or emotional abuse
- bullying or harassment
- health and safety
- commercial exploitation
- extremism and radicalisation
- people may target your charity
- a charity's culture may allow poor behaviour
- people may abuse a position of trust they hold within a charity

4. Protecting volunteers and staff

Bullying and harassment is unlawful, not to be tolerated and may be treated as a disciplinary offence.

4.1 Bullying and harassment

Bullying and harassment is behaviour that makes someone feel intimidated or offended. Harassment is unlawful under the UK Equality Act 2010.

Examples of bullying or harassing behaviour include:

- spreading malicious rumours or insulting someone by word or behaviour
- unfair treatment
- picking on or regularly undermining someone
- denying someone's training or promotion opportunities
- copying memos that are critical about someone to others who do not need to know
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.

Bullying and harassment can happen:

- face-to-face
- by letter
- by email
- by phone

Bullying may be characterised as:

Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Bullying itself is not against the law, but harassment is. This is when the unwanted behaviour is related to one of the following:

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sexual orientation

Employees should see if they can sort out the problem informally first. If they cannot, they should talk to:

- the E3 CEO
- the Chair of the E3 Board
- Any other trustee (in case the first two were involved in the alleged issue)
- All trustees should then be informed of the concern.

If this does not work, they can make a formal complaint using their employer's grievance procedure.

If this does not work and they're still being harassed, they can take legal action.

4.2 Whistle blowing

Individuals have a right to report concerns about wrongdoing to their employer. In the first instance, you should raise your concern with the E3 CEO, Chair of E3 Board or one of the other trustees. All trustees should then be informed of the concern. Whistle-blowers are protected by UK law – you shouldn't be treated unfairly or lose your job if you 'blow the whistle'.

You can tell your employer anonymously, but they may not be able to take the claim further if you have not provided all the information they need. You can give your name, but request confidentiality – the person you tell should make every effort to protect your identity.

Your employer will listen to your concern and decide if any action is needed. You may be asked for further information. You must say straight away if you do not want anyone else to know it was you who raised the concern. You will not have a say in how your concern is dealt with.

Your employer can keep you informed about the action they've taken, but they cannot give you much detail if they have to keep the confidence of other people.

If you report your concern to the media, in most cases you'll lose your whistleblowing law rights.

5. Recruitment and training of volunteers and employees

Please see E3's Child Protection and Safeguarding Policy for detailed notes about this area.

6. Procedures for reporting suspected or actual bullying, harassment or other safeguarding concerns

6.1 Take immediate action

Should a person in E3 observe or receive any information about actual or suspected safeguarding concerns, he or she must immediately inform the appropriate E3 staff member.

In order that a high standard of reporting and responding is met, E3 Trustees undertake to:

- take seriously any concerns raised;
- take positive steps to ensure the protection of the person who is the subject of any concerns;
- support staff members, trustees or other volunteers who raise concerns or who are the subject of concerns;
- act appropriately and effectively in instigating or co-operating with any subsequent process of investigation;

6.2 Procedure for reporting safeguarding concerns:

- Note the date(s) and time(s) the suspected concerns were identified;
- If it relates to someone else, write a report, using their own words as far as possible. Do not ask leading questions. Listen carefully and make notes;
- Report the matter to the appropriate E3 person immediately – the E3 CEO, Chair of the Board or any other trustee. All trustees should then be informed of the concern.
- You or the E3 person should report to the police if the incident or concern involves criminal behaviour.

Note: There may be cases where somebody makes an unfounded allegation of bullying and/or harassment for malicious reasons. These cases should also be investigated and dealt with fairly and objectively under the disciplinary procedure.

6.3 Principles in dealing with complaints

- Investigate the complaint promptly and objectively.
- Take the complaint seriously. Employees do not normally make serious accusations unless they feel seriously aggrieved.
- The investigation must be seen to be objective and independent.
- Decisions can then be made as to what action needs to be taken.
- Employers investigating claims of harassment should consider all the circumstances before reaching a conclusion, and particularly the perception of the complainant as harassment is often felt differently by different people.
- Having gathered all the evidence employers should ask themselves “could what has taken place be reasonably considered to have caused offence?”

6.4 Informal approaches

In some cases it may be possible to rectify matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease. It may be that the individual will choose to do this themselves, or they may need support from personnel, a manager, an employee representative, or a counsellor.

6.5 Confidentiality

The issue of confidentiality is of the utmost importance when dealing with issues and concerns regarding safeguarding. E3 staff members/volunteers must exercise extreme vigilance in protecting information and must pass on this information via the reporting process as described above. Any matters regarding the abuse or the matter in general must only be discussed within the above mentioned reporting structure.

Any concerns, allegations or disclosure must be written down at the time or as soon as possible after the concern has been raised. Records must be signed and dated.

Records must be locked away in a safe place which is not accessible to those outside the reporting process. Information may only be shared with relevant parties and it must always be done in such a way

that confidentiality is maintained.

6.6 Disciplinary procedures

Where an informal resolution is not possible, the employer may decide that the matter is a disciplinary issue which needs to be dealt with formally at the appropriate level of the organisation's disciplinary procedure. As with any disciplinary problem, it is important to follow a fair procedure. In the case of a complaint of bullying or harassment there must be fairness to both the complainant and the person accused, including:

- informing the employee of the problem
- holding a meeting to discuss the problem
- allowing the employee to be accompanied
- deciding on appropriate action
- providing the employee with an opportunity to appeal.

7. Penalties for misconduct

The action to be taken must be reasonable in the light of the facts. In some cases it may be concluded that a penalty is unnecessary or that counselling or training is preferable – the individual may now be more able to accept the need to change their behaviour. Where a penalty is to be imposed, all the circumstances should be considered, including: the employee's disciplinary and general record; whether the procedure points to the likely penalty; action taken in previous cases; any explanations and circumstances to be considered and whether the penalty is reasonable.

Written warnings, suspension or transfer of the bully/harasser are examples of disciplinary penalties that might be imposed in a proven case. Suspension or transfer (unless provided for in the employee's contract or agreed by the employee), could breach the employee's contract if they suffer a detriment by it, for instance a transfer to a different location which means additional expense or a less responsible job.

Any such breach could lead to a claim of constructive dismissal by the affected employee. Where bullying or harassment amounts to gross misconduct, dismissal without notice may be appropriate.

8. Implementation of the policy

This Policy will be reviewed annually and will be communicated to all new trustees, staff and volunteers as part of the induction process. A policy acceptance form will need to be signed by each person before work commences with E3.

9. Declaration of acceptance

This policy should be signed and dated before commencement of this relationship. E3 will keep the Declaration of Acceptance on file. Any and all persons mentioned in Paragraph 10 must keep the remainder of the policy for their own safe keeping.

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