

## **BULLYING AND HARASSMENT POLICY**

### **Essential purpose**

The purpose of this policy is to ensure that the Trustees of the Friends of Penlee House Gallery and Museum work to prevent incidents of bullying and harassment and respond appropriately to any such incidents.

### **Scope**

1. This policy applies to those acting in the capacity of Trustees and those undertaking voluntary activities on behalf of the Friends.
2. Complaints relating to bullying and harassment may be made by Trustees and members of the Friends and members of the public who are receiving a service provided by the Friends.

### **Definitions**

The definitions of bullying and harassment adopted here and quoted in the Appendix reflect those adopted by Penzance Town Council.

### **Responsibilities**

1. The Board of Trustees is responsible for: compliance with this policy; making sure that all trustees and volunteers are aware of it and that members of the public receiving a service provided by the Friends have access to information about it, for example by posting the policy on the Friends' website; making sure that allegations are dealt with promptly and with confidentiality and impartiality; designating one or more Trustees to act as lead member should a complaint be made.
2. Volunteers have a responsibility to comply with this policy.
3. Trustees and volunteers are responsible for treating colleagues and members of the public with dignity and respect, intervening to stop any incidents and giving support to victims as appropriate, reporting incidents to the Secretary / Chair of Trustees in line with this procedure.
4. The designated lead Trustee (usually the Trustee responsible for dealing with Complaints) is responsible for investigating complaints promptly, thoroughly and impartially and providing a report to the complainant. S/he is also responsible for informing the Board of Trustees of complaints (in anonymised form) and recommending any action to be taken.

## Procedure

1. This policy will be posted on our website so that information on how to make a complaint relating to bullying or harassment is available to all concerned.
2. It is for the person who feels that they are being bullied or harassed to decide how they wish to proceed.
3. If an allegation appears to involve potentially criminal behaviour, the complainant will be advised to contact the police and will be supported in so doing. In such a case the Trustees may reserve the right to take legal advice and not to proceed with a complaint using this procedure.
5. Any person may be subjected to harassment or bullying behaviour, but if the person is a member of a 'protected characteristic' group under the Equalities Act, 2010 (see Appendix) then that harassment may be regarded as illegal. In this case Trustees may need to take legal advice and not to follow this procedure.
6. A complaint relating to harassment or bullying that is made against a Penlee House Gallery and Museum (PHGM) staff member, who is therefore an employee of Penzance Town Council, is to be directed to the Council and dealt with according to their procedures. A PHGM staff member has the right to use the Friends of Penlee House's procedure about an action by a Trustee or volunteer acting on behalf of the Friends

## Victimisation

Any person who makes a complaint will not be subjected to victimisation or any less favourable treatment as a result of their complaint.

## Dealing with a complaint

1. **Stage 1 – Informal:** the complainant may choose to explain why the behaviour is not acceptable and ask the alleged perpetrator to desist. At this stage the complainant may seek advice from the Secretary / Chair on the procedure and the options open to them. If they wish, the complainant may ask a friend or colleague to be with them or to speak on their behalf.
2. **Stage 2 – Formal:** if an informal approach fails to resolve the complaint, or if the complainant feels unable to use an informal approach, the complainant may raise the matter formally. This should be done by writing to the Hon. Secretary, explaining the issue. If the complaint is against the Secretary, the complainant should write to the Chair. Letters should be sent to the Friends' administrator, [info@penleehouse.org.uk](mailto:info@penleehouse.org.uk), or by post c/o Penlee House, and marked 'PRIVATE: FAO SECRETARY / CHAIR' as appropriate.
3. **Formal investigation of a complaint relating to harassment and/or bullying.** The Secretary or Chair as appropriate will contact the complainant to discuss the complaint and to investigate what measures might be taken to resolve the situation. These might include a facilitated meeting with the alleged perpetrator. If these measures are not appropriate / successful, the Secretary/ Chair will refer the complaint to the designated Trustee for Complaints to investigate. S/he will investigate, contacting both complainant and alleged perpetrator, and produce

a report with recommendations for any action to be taken including an apology and any recommendations for action by the Trustees. S/he will inform the complainant of the outcomes.

4. In the case of repeat complaints, which are found by investigation to be malicious or vexatious the Trustees reserve the right not to respond.
5. The Board of Trustees will be informed of any investigations retrospectively and as a confidential matter, in order to deal with any systemic issues.

### **Appeal**

If a complainant or the subject of a complaint is not satisfied with the conduct or outcome of the investigation then they have the right to appeal to an Adjudicator to be appointed by the Chair. This will normally be a Trustee not previously involved with the case.

### **Sanctions**

In extreme cases of bullying or harassment that cannot be resolved by the above means the Trustees reserve the right to consider whether the person found to be causing the harassment or bullying should be removed from membership of the Friends in accordance with Clause 4 (a) (iv) of the CIO Constitution. This step would only be taken under extreme circumstances and sanctions would need to be agreed by the Board of Trustees at a confidential session.

*Adopted by the Trustees: 25 September 2024*

## **APPENDIX**

The definitions of bullying and harassment adopted here reflect those adopted by Penzance Town Council. In some places they have been modified to suit the needs of a voluntary organisation.

**HARASSMENT:** Harassment can be defined as unwanted behaviour towards a person. This behaviour can include: a serious one-off incident; repeated behaviour; spoken or written words, imagery, graffiti, gestures, mimicry, jokes, pranks, physical behaviour that affects the person. Harassment has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The Equalities Act (2010) states that harassment is against the law when the unwanted behaviour is related to one or more of the following 'protected characteristics':

- age
- sex
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity

- race
- religion or belief
- sexual orientation

However harassment can be experienced by anyone.

**BULLYING:** ACAS (the Advisory, Conciliation and Arbitration Service) states that bullying can 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'. It is typically associated with unequal power relationships. However it can also occur when there is unacceptable peer or group pressure. It is often associated with sustained behaviour over a period of time by the bully and may instil fear and anxiety.

Some examples of bullying behaviour cited by ACAS which are relevant to the current policy may include:

- Spreading malicious rumours
- Making the person the butt of jokes
- Insulting and un-cooperative attitudes
- Destructive innuendo and sarcasm
- Constant unjustified criticism
- Deliberately ignoring or excluding individuals from activities
- Constantly undermining a person in terms of their professional or personal standing
- Undervaluing a person's efforts
- Seeking to make a person appear incompetent, or intentionally creating an unacceptable environment, with the object of making them resign.