



CREATIVITY IN THE UK

Workplace Behaviour Policy

Festival 2022 Ltd
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OC Group

Festival 2022 Ltd is a wholly owned subsidiary of the Birmingham Organising Committee for the 2022 Commonwealth Games Ltd (the "OC") and is responsible for the delivery of UNBOXED (the "Programme") References to the OC Group refer to company group of both Festival 2022 Ltd and the OC.

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1. Policy Statement

This is the Festival 2022 Limited policy on workplace behaviour, which sets out acceptable standards of behaviour. It covers harassment and bullying both at work and in any work-related setting outside the usual place of work (e.g. business trips and work-related social events). It also addresses personal relationships at work which have the potential to cause conflict at work. Discrimination is addressed separately in the Equal Opportunities, Diversity and Inclusion policy.

This policy applies to all employees and other individuals engaged to work for Festival 2022 Ltd regardless of their employment status, including officers, non-exec Directors, consultants, contractors, volunteers, interns, secondees, casual workers and agency workers (referred to collectively in this policy as "staff"). It does not form part of any employee's contract of employment and we may amend it at any time.

It is imperative that all Festival 2022 Ltd staff and anyone associated with the organisation, who are involved in any case of alleged harassment or bullying maintain complete confidentiality at all times. The matter should not be discussed with any person not involved in conducting the investigation. An employee who breaches this duty of confidentiality should be aware that they may be subject to disciplinary action under the Company's Disciplinary Action Policy and Procedure.

Through the correct adoption of this policy, Festival 2022 Ltd should be a workplace that is free from harassment, and promotes the fair treatment of everyone. Specifically, this policy will:

- Make all staff and anyone representing Festival 2022 Ltd aware of the types of behaviour which may constitute harassment or bullying and ensure they fully understand their responsibilities for preventing such behaviour.
- Make all staff and anyone representing Festival 2022 Ltd aware that they have a personal responsibility for their own behaviour towards others in the Company, and that any form of harassment or bullying is unacceptable and is likely to result in disciplinary action.
- Promote a working environment in which all those working in it, feel confident in bringing forward complaints without fear of victimisation or recrimination.
- Ensure that all allegations of harassment or bullying are responded to swiftly and confidentially.
- Provide arrangements whereby complaints can be investigated in a manner which recognises the sensitivity of the issues raised and the rights of the parties involved.
- Allow staff and managers to understand how personal relationships at work have the potential to cause conflict at work. Adherence to the policy will help avoid any possible accusation of bias, favouritism or prejudice.

2. Policy Rationale

Festival 2022 Ltd is committed to providing a work environment free of harassment and bullying, where everyone is treated with dignity and respect. Any form of harassment and bullying is not acceptable and Festival 2022 Ltd will not tolerate or condone such behaviour.

As part of our values, we believe that the integrity of our staff is critical to everything we do. Consequently, any behaviour which a member of staff finds threatening, distressing or unacceptable will be addressed in this policy and all individuals employed by or representing Festival 2022 Ltd are expected to comply with the guidelines set out in this policy. Festival 2022 Ltd is committed to treating all colleagues equally and with respect.

This policy aims to ensure that all staff, regardless of status can work in a positive, supportive working environment.

This policy aims to provide a framework for the swift, sensitive and effective resolution of any harassment and bullying issues which may arise.

Staff at Festival 2022 Ltd are expected to behave professionally at all times whilst at work or whilst representing the Company. At the same time we respect the right of all out staff to a private life. It is therefore important that any personal relationships which exist between staff do not compromise the integrity of any business decisions or create a perception by others that unfair treatment has occurred as a result of the relationship. The notes in clause 3.8 are intended to provide guidance in areas where personal relationships overlap with working relationships. The guidelines aim to ensure that staff maintain a professional standard of conduct and to help deal sensitively, fairly and consistently with personal relationships between staff which may affect the UNBOXED programme.

3. Policy Implementation

3.1. Scope

1. This policy applies to staff at all times when they are representing Festival 2022 Ltd and/or UNBOXED or when they are in any way associated with Festival 2022 Ltd and/or UNBOXED. This includes representing Festival 2022 Ltd and/or UNBOXED both in the workplace and in settings outside the workplace such as on business, at training or social events.
2. This policy will also apply when an individual outside Festival 2022 Ltd, such as a supplier or agency, brings a claim of harassment or bullying against one of Festival 2022 Ltd's staff when they have been representing Festival 2022 Ltd and/or UNBOXED, or attending an event organised by Festival 2022 Ltd.
3. Festival 2022 Ltd also has a separate Grievance and Complaints Policy. Generally, complaints of harassment or bullying are of a more sensitive/personal nature whilst a grievance tends to relate to behaviour which an individual believes is simply unfair. Individuals working at Festival 2022 Ltd should familiarise themselves with both policies before determining which is more appropriate.

3.2. Definition

1. Bullying is offensive, intimidating, malicious or insulting behaviour, and/or abuse or misuse of power that is meant to undermine, humiliate or threaten the person on the receiving end. For example, derogatory remarks, insensitive jokes or pranks, public criticism, insulting or aggressive behaviour. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation leaving a person feeling vulnerable or upset.
2. Bullying can take the form of physical, verbal and non verbal conduct. Bullying may include, by way of example:
 - (a) physical or psychological threats;
 - (b) overbearing and intimidating levels of supervision; or
 - (c) inappropriate derogatory remarks about someone's performance.Legitimate, reasonable and constructive criticism of a staff member's performance or behaviour, or reasonable instructions given to staff, will not generally amount to bullying on their own.
3. Harassment is any unwanted physical, verbal or non – verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past. A single incident can amount to harassment.
4. Unlawful harassment may involve conduct of a sexual nature (sexual harassment), or it may be related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. Harassment is unacceptable even if it does not fall within any of these categories.

5. Harassment may include, for example:

- (a) unwanted physical conduct or “horseplay,” including touching, pinching, pushing and grabbing;
- (b) continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;
- (c) sending or displaying material that is pornographic or that some people may find offensive (including emails, text messages, video clips and images sent by mobile phone or posted on the internet);
- (d) unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless);
- (e) racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;
- (f) outing or threatening to out someone as gay or lesbian;
- (g) offensive emails, text messages or social media content; or
- (h) mocking, mimicking or belittling a person’s disability.

A person may be harassed even if they were not the intended “target.” For example, a person may be harassed by racist jokes about a different ethnic group if the jokes create an offensive environment.

3.3 Dealing with Bullying or Harassment

1. Festival 2022 Ltd recognises that it may be difficult for a staff member who feels they are being subjected to any form of harassment or bullying to raise the issue. Therefore, we ask that staff from all levels to assist and support Festival 2022 Ltd to meet its commitment to providing equal opportunities and avoid any unlawful bullying or harassment.
2. Similarly, every staff member has a responsibility to behave in a way that is not offensive to others.
3. Additionally, managers and directors of Festival 2022 Ltd are asked to be vigilant and respond sensitively to any concerns expressed by staff and should (as far as reasonably possible), treat the matter confidentially. All managers should treat their staff with dignity and respect. Line managers are also responsible for ensuring that their team members know what behaviour is expected of them.
4. Festival 2022 Ltd will investigate any allegations of bullying and or harassment promptly and sensitively. Any findings of behaviour amounting to bullying and or harassment will be dealt with under the Disciplinary Action Policy and Procedure. In serious cases, some acts of bullying and or harassment may constitute gross misconduct and could lead to dismissal without notice.
5. Where a staff member is in any doubt as to whether an incident or series of incidents which have occurred constitute bullying or harassment, then in the first instance they should approach their line manager or, if they feel this is not appropriate due to the nature of their concern, a member of the HR Department. This should be on an informal, confidential basis where the staff member and manager or HR representative will discuss how the matter should be dealt with.
6. Where a staff member considers that they are being bullied and/or harassed by a third party, such as a contractor, they should initially attempt to resolve their concern by raising it with their line manager on an informal basis. The manager will then decide on the best way to move forward with the complaint and will assist in the resolution of any problems, whether through formal or informal means.

3.4 Raising Concerns Informally

1. It is Festival 2022 Ltd's preference that complaints are dealt with on an informal basis, where appropriate. The individual may not be aware their behaviour is offensive as what is perceived as bullying/ harassment will vary from individual to individual.
2. An informal discussion may help him/her to understand the effects of their behaviour and agree to change it. The aim is to produce solutions quickly to resolve issues and reduce the impact on all involved. The informal procedure shouldn't be used to discourage staff from using formal procedures where they prefer that option.
3. Where possible, the staff member may feel that they are able to approach the person directly and make it clear to them that their behaviour is not acceptable and must stop. Where the staff member does not want to approach the alleged bully/harasser alone, they may wish to ask a colleague, their line manager or a member of the HR Department to accompany them for support.
4. Alternatively, an initial approach could be made on the staff member's behalf by their line manager or a member of the HR department). In this situation, the alleged bully/harasser should be told what behaviour has been identified as offensive and unwelcome and that it needs to stop immediately.
5. In the situation where someone is speaking on behalf of the staff member, they should attempt to resolve the problem at the source by discussing it with the individual concerned. In many cases this will produce a speedy, satisfactory resolution to the problem and will allow working relationships to be maintained.
6. A record of such discussions arising from an informal complaint will be held on the personnel file of the alleged bully/harasser for reference purposes only. A note of the outcome will also be made on the complainant's personnel file for reference purposes. The staff member should keep a note of any conversations with the individual, what was said and done. The staff member should also make the alleged bully/harasser aware that should their behaviour continue, then a formal complaint will be made to their line manager or where appropriate HR.

3.5 Formal Complaints

1. Where an informal resolution has not been effective or a situation is too serious to be dealt with informally, staff may elect to raise a formal complaint. As a general principle, the decision to progress a complaint rests with the member of staff. However, Festival 2022 Ltd has a duty to protect all staff and may pursue a complaint independently, including by way of disciplinary action, if it considers it appropriate to do so in all the circumstances.
2. Any formal complaint of harassment or bullying should be made in writing to the HR Department (or, where the complaint raised relates to HR, your line manager or another senior manager that you feel comfortable raising it with). If it relates to a particular incident, it should be reported as soon as is reasonably practicable after the alleged incident. The complaint should provide the following information:
 - The name of the alleged bully/harasser;
 - A description of the alleged harassment/bullying;
 - Dates and times when the alleged harassment/bullying occurred;
 - Names of witnesses to any alleged incidents of harassment/bullying; and
 - Any action (formal or informal) already taken by the complainant to stop the harassment/bullying.
3. A confidential acknowledgement of receipt of a formal complaint will be issued by the HR Department (or relevant manager) within 2 working days. All matters will be dealt with in the strictest of confidence by those involved.
4. If appropriate, the staff member should also inform any manager or colleague who had previously been involved in trying to resolve the matter informally and ask him/her to provide any relevant comments. Individuals not involved with the complaint, whether directly or indirectly, should not be told about it.
5. Festival 2022 Ltd will deal with all complaints fairly and sympathetically. Any staff member who raises a complaint in good faith, will not suffer any detriment and should note that they do not need a witness to pursue a complaint.

6. Once a formal complaint has been received by HR (or the relevant manager), an investigation process will commence.
7. A representative from the HR Department will, together with the complainant's immediate supervisor or other appropriate individual (the Investigators) investigate the complaint promptly. The Investigators will always be individuals who have no involvement with or connection to the circumstances giving rise to the complaint.
8. The investigation will be thorough, impartial and objective, and will be carried out with sensitivity and with due respect for the rights of all parties concerned.
9. Where appropriate, the Investigators will meet with the complainant to understand their version of events and statements will be obtained from all those involved at an early stage. This information will be treated confidentially and the importance of confidentiality will be emphasised to those from whom statements are taken.
10. Individuals invited to a formal investigation meeting have the right to be accompanied by either a colleague or trade union representative. This person must not have an active role in the investigation process, for example as a witness. The right to be accompanied does not otherwise extend to individuals not employed by Festival 2022 Ltd and would not therefore include legal representatives or family members
11. The alleged bully/harasser will be informed of the allegations and given an opportunity to respond. Where the alleged bully/harasser is a third party, the employer of the third party may be informed of the complaint, if relevant. In some cases, it may be necessary to consider alternative working arrangements (for the complainant and/or the alleged bully/harasser) or possible suspension (for the alleged bully/harasser) during the investigation process.
12. Both the complainant and the alleged bully/harasser should notify the Investigators of who will be accompanying them to any meeting. The representative accompanying the staff member may ask questions and sum up the case of the individual they are accompanying but they will not be permitted to answer questions on behalf of the individual.
13. Where a complaint is upheld (see further details at section 3.6 below) but the harassment continues (even after formal or informal action against the alleged bully/harasser), the complainant should submit a further formal complaint in writing to the HR Department (or, where the complaint raised relates to HR, their line manager or another senior manager that they feel comfortable raising it with) and a further investigation will be carried out.
14. Victimisation as a result of a staff member raising a complaint or assisting in the investigation of such a complaint will not be tolerated and might in itself be considered to constitute harassment.
15. Any staff members involved in such victimisation will be subject to disciplinary action under the terms of Festival 2022 Ltd's Disciplinary Action Policy and Procedure.

3.6 Decision and Action

1. Following an investigation and a meeting, the outcome will be communicated to the complainant and the alleged bully/harasser verbally where possible and in writing within 5 working days of the meeting, or as soon as reasonably practicable thereafter.

There are four potential outcomes following an investigation:

- Complaint Upheld

If following the investigation there is sufficient evidence to uphold the complaint, action will be taken against the respondent under Festival 2022 Ltd's Disciplinary Action Policy and Procedure. Consideration will also be given as to how the ongoing working relationship between the complainant and the alleged bully/harasser should be managed (where relevant). This may involve, for example, a change in the alleged bully/harasser's duties or reporting lines of either party.

- Insufficient Evidence to Uphold Complaint

Where there is insufficient evidence to uphold the complaint, no action will be taken against the alleged bully/harasser. However, consideration will be given as to how the ongoing working relationship between the complainant and the alleged bully/harasser should be managed. This may involve, for example, a change in the alleged bully/harasser's duties or reporting lines of either party.

- Counselling/Advice Only

In some circumstances, no formal action will be taken but informal action may be appropriate, such as offering counselling to the alleged bully/harasser to help them change their behaviour or holding a facilitated discussion to attempt to resolve the situation. As part of this, consideration will also be given as to how the ongoing working relationship between the complainant and the alleged bully/harasser should be managed (where relevant).

- Complaint Not Upheld and Determined to Have Been Made in Bad Faith/Maliciously

If following investigation, it is found that the allegation of harassment/bullying is unwarranted and made in bad faith and/or maliciously, it may be deemed necessary to take disciplinary action against those involved under Festival 2022 Ltd's Disciplinary Action Policy and Procedure.

3.7 Appeal

1. If the complaint is not upheld or the complainant is not satisfied with the outcome, they have a right to appeal. The appeal's process including timescales for lodging an appeal, will be as stated in Festival 2022 Ltd's Grievance and Complaints Policy and Procedure. Any decision under the appeal process will be final and there will be no further right of appeal.

3.8 Personal Relationships at Work

1. Festival 2022 Ltd recognises that staff who work together may form personal friendships and in some cases close personal relationships. While it does not wish to interfere with these personal relationships, it is necessary for Festival 2022 Ltd to ensure that all staff behave in an appropriate and professional manner at work.
2. For the purposes of the policy, personal relationship refers to any platonic, emotional or romantic relationship which goes beyond the normally accepted boundaries of the professional sphere between colleagues including, but not limited to:
 - A family member;
 - Close friend; or
 - A romantic relationship

This definition is not intended to be exhaustive and, given the sensitive nature of personal relationships, all staff are required to use common sense in assessing whether or not this policy is relevant to them.

3. This policy also applies to any staff member who becomes involved in a close personal relationship with a contractor, supplier or employee from one of Festival 2022 Ltd's partners.
4. In order to maintain a professional working environment, staff are asked to do the following:
 - In the event that a personal relationship develops between staff working in the same Department or between a staff member and their superior, the more senior individual should inform their line manager or a member of the HR Department.
 - If a staff member believes that an individual is receiving unfair or preferential treatment as a result of a personal relationship with another staff member, they have the right to raise a complaint under Festival 2022 Ltd's Grievance and Complaints Policy.
5. The disclosure of information regarding personal relationships, or perceived unfair/preferential treatment as the result of a personal relationship will always be in confidence and will not be shared unnecessarily.

6. In circumstances where a personal relationship exists or develops between an employee and their superior, wherever possible the line management chain should be adjusted so that one partner is not reporting to another. If this is not possible, they must not be involved in performance management, disciplinary, appraisal, salary enhancement or any other management activity whereby there may be a conflict of interest, or where advantage may be perceived to be gained as a result of the personal relationship.
7. If staff are working in the same department or section or are in a supervisory relationship and the actual or perceived conflict of interest cannot be resolved by other means and is interfering with the effectiveness of work, it may be necessary to move one party to another area of work or work location.
8. Festival 2022 Ltd supports the introduction of new staff to the business by existing staff as a cost-effective alternative to external advertising agencies. However, if a staff member has a close personal or family relationship with a candidate, they should not have any involvement whatsoever in the appointment process e.g. interviewing or acting as a referee, or take any steps to exert any influence over the appointment process. Similarly, the individual responsible for the appointment process must not be influenced by the fact that the candidate has a personal relationship with another Festival 2022 Ltd staff member.
9. Applicants for employment will be asked to declare any existing personal relationships with Festival 2022 Ltd staff.
10. The existence of a relationship will not bar anyone from applying for a role with the Festival 2022 Ltd, although staff in such a situation are reminded of the need to conduct themselves in a professional manner at work at all times (as set out above).