



Malvern Hills Trust

Special Meeting of Staffing Committee

Tuesday 15 July 2025 at 5.00 pm

**Park View Community Room
Malvern Town Council
Victoria Park Road
Malvern, WR14 2JY**

Special Meeting of the Staffing Committee

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Tuesday 15 July 2025 at 5 pm

Members: David Baldwin, Richard Bartholomew, David Core (non-voting), Lucy Hodgson, John Michael (non-voting), John Raine, Mary Turner, Frances Victory, Sheila Wren.

1. Apologies for absence
2. Chair's announcements
3. Declarations of Interest
4. Public comments
5. Matters arising from the meeting held on 10 April 2025
6. Staffing Matters Confidential - Paper A
 - a. Staff Survey Results and recommended actions
 - b. Staff well-being
7. Review of Prevention of Bullying & Harassment Policy Paper B
8. Changes to Staff Handbook Paper C
9. Health and Safety Update Paper D
10. Training update
11. Urgent Business
12. Date of next meeting

Thursday 9 October at 4.30 pm at Colwall Park Hotel

Staffing Committee
Review of Prevention of Bullying & Harassment Policy
15 July 2025

Background

During the review of the Policy Schedule by the Governance Committee in June, the Bullying & Harassment Policy was highlighted as due for review by Staffing Committee during 2025.

Training in dealing with bullying and harassment has also recently been provided for staff and for Nominated Contacts by Sara Marrett of HRDept. Although it has previously been the custom for the CEO automatically to be one of the Nominated Contacts, Sara Marrett has recommended that this should **not** be the case in order that the CEO may remain impartial.

Recommendation:

- 1. That Staffing Committee recommend to Board, for the sake of clarity, that the Policy be renamed *Prevention* of Bullying & Harassment.**
- 2. That Staffing Committee recommend to Board that the Policy be amended to state that the CEO will *not* be one of the staff Nominated Contacts and that the two staff Nominated Contacts should be of different genders from each other.**

Alison Marlow
Secretary to the Board
7 July 2025



Prevention of Bullying and Harassment Policy

Policy purpose and scope

This policy applies to everyone working at or with the Trust – employees, trustees, volunteers and MHT visitors.

MHT is committed to having a working environment where everyone is treated with dignity and respect. The Trust does not tolerate bullying, harassment and/or victimisation and all trustees, employees and volunteers must comply with this policy. You are required to treat other people with respect and you must not behave in ways which may cause offence, or which could be considered to be harassment, bullying or victimisation.

The purpose of this policy document is to:-

- explain what bullying and harassment is,
- explain the rights and responsibilities of individuals,
- set out the responsibilities of MHT as an employer,
- give guidance on how to report allegations of bullying and harassment and
- give guidance and direction to trustees, managers and others about what to do when they are informed of allegations of bullying and harassment.

This policy can be used if you experience bullying, harassment and/or victimisation either at work or work events (including social functions, trustee meetings and work related visits). We encourage you to resolve any problems informally in the first instance.

Definition of bullying, harassment and victimisation

Bullying and/or harassment can take place in a number of ways, either verbally or non-verbally, including face-to-face, behind your back, by telephone, email, text, social media or any other form of communication and it can also occur through the display or sharing of visual images.

Bullying - There is no statutory definition of bullying.

ACAS describes bullying as

“Behaviour from a person or group that is unwanted and makes you feel uncomfortable, including feeling:

Frightened; less respected or put down; made fun of or upset”

Harassment - This policy adopts the definition of harassment as set out in law as unwanted conduct related to a relevant protected characteristic or of a sexual nature, and where the conduct has the purpose or effect of violating an individual’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Protected characteristics are:



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

Victimisation - Victimisation is when someone treats you badly or subjects you to a detriment because you complain about discrimination or helped someone who has been the victim of discrimination (or they think you have).

Examples

Bullying and/or harassment are not always obvious or apparent to others. It may be persistent or an isolated incident.

There are many actions and behaviours that would not amount to bullying and/or harassment. For example:

- fair and reasonable criticism of your performance or behaviour,
- a manager rejecting your personal request (such as a request for time off or for adjusted hours) because of a legitimate business need,
- constructive feedback,
- not being invited to a meeting where you are not required,
- being appropriately managed in accordance with any MHT policy, e.g. being placed on a performance procedure where your performance is not of an appropriate standard.

Examples of unacceptable behaviours which could constitute bullying or harassment (including sexual harassment) are:

- spreading malicious rumours, or insulting someone by word or behaviour;
- maliciously copying to others memos that are critical about someone;
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- unjustified exclusion from work activities;
- victimisation;
- communicating in a demeaning manner;
- deliberately undermining a competent worker, including by overloading or constant criticism;
- preventing individuals progressing by intentionally or unjustifiably blocking promotion or training opportunities;
- unwelcome sexual advances or sexual innuendo – touching, standing too close, display of offensive materials (including pornographic), asking for sexual favours;
- making decisions on the basis of sexual advances being accepted or rejected, or sending material of a sexual nature by any means; and
- making threats or comments about job security without foundation.



Responsibilities

The Trust has a legal duty to protect its staff and a responsibility for its volunteers whilst they are working for the Trust and will not tolerate bullying and harassment of any kind. Senior staff and trustees have an obligation to tackle harassment, bullying and victimisation in the workplace. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

Where you feel you can, you should actively discourage harassment, bullying or victimisation by making it clear you find such behaviour unacceptable. You should support colleagues who suffer any such treatment and who are considering making a formal complaint. You should alert a manager or Nominated Contact (see footnote) to any incident of harassment, bullying or victimisation to enable MHT to deal with the matter.

If you make an informal or formal bullying, harassment and/or victimisation complaint, you will be treated fairly, without victimisation or detriment. However, vexatious or malicious complaints will be dealt with in line with MHT's Disciplinary Policies.

How to raise a Bullying or Harassment concern

Concerns should be raised informally in the first instance. Where necessary, modifications may be made to the process outlined below to ensure that concerns raised are considered and responded to in an appropriate way.

Informal Process

Before using the formal process, where possible and appropriate, you are encouraged to try to resolve problems informally. Informal resolution can often help resolve matters more swiftly and help reduce the emotional impact on those involved. There are several routes you can take to raise your complaint informally and/or get support.

- If you feel able to do so, talk to the person you feel aggrieved with to explain the situation and how it made you feel. It can be helpful to describe the day, place, meeting or event that took place so the other person is clear about your concerns. You should use the opportunity to ask the person to change or stop their behaviour. It is important to remember that the other person may be unaware of their behaviour and/or the impact it has on you.
- If you are uncomfortable talking to the person you are aggrieved with alone, you may ask your line manager or another senior staff member, to be present.
- Such an informal approach may be all that is needed, but you should make and keep a note of what happened.
- If you feel unable to make the informal approach or if your request is ignored and the harassment continues, please contact one of the four Nominated Contacts as soon as possible. They will provide support, advice



and guidance to help you address your concerns and explore whether there are any other ways of resolving the matter informally.

If after exploring the informal process, the matter has not been satisfactorily resolved you may wish to raise a formal complaint.

Formal Process

Step 1: Making your formal complaint

Your complaint should be put in writing, to one of the Nominated Contacts as soon as possible after the incident occurred. Please set out as much detail of your complaint as possible and include any supporting documentation you wish to be considered. You should also state how you would like the matter resolved.

Step 2: Appointing someone to investigate

The Nominated Contact will send you a written acknowledgement and ask for any additional information which he/she feels is necessary. He/she will then check that this policy is the most appropriate route for dealing with your complaint. If the behaviours or actions outlined in the complaint do not appear to have the potential to amount to bullying, harassment and/or victimisation, your case may be dealt with under the MHT Grievance Procedure. The Nominated Contact will discuss with you why they believe this is more appropriate and confirm that decision in writing.

If it is considered appropriate to deal with your complaint under this policy, the Nominated Contacts together (unless one of them is a party to the complaint, in which case that person or persons will take no part) will appoint someone (the Investigator) to fully investigate the complaint. This may be one of the Nominated Contacts. They may appoint someone appropriately qualified from outside the Trust, either as the Investigator or to act as a joint decision maker with the Investigator.

The Trust aims to deal with complaints within 30 calendar days from the date of receipt (or 60 calendar days for complaints involving a number of witnesses and/or a lot of evidence). You will be notified of the likely timescale as soon as possible. Where it is likely your case is not going to be completed within the notified timescale, you will be told of this and the reason(s) why.

Step 3: Formal investigation

As soon as possible, you will be invited to a formal meeting to discuss your complaint with the Investigator at a mutually convenient time. You will receive confirmation in writing of the date, time and location of this meeting (giving you five working days' notice to ensure you have sufficient time to prepare).

You have the right to be accompanied to this meeting by a trade union representative or colleague to support you through the process (not a practising lawyer or anyone directly involved in your case, e.g. a witness). You should inform the Investigator in advance of the name of the person accompanying you, so they



can check there is no conflict of interest. Where there is a conflict of interest the Trust reserve the right to require you to find a different supporter.

At the meeting the Investigator will give you full opportunity to explain your complaint and may seek clarification including on any documentation submitted. It may be necessary to adjourn the meeting to allow for further investigation (for example so any witnesses can be spoken to) and you will be notified of the time and date when the meeting is to be resumed.

Points to note:

- In exceptional cases, if the complaint is particularly sensitive (for example sexual harassment) and you do not feel able make the complaint in writing, you may talk to one of the Nominated Contacts instead.
- Consideration will be given at every stage to whether mediation or conciliation can be used to resolve matters.
- Consideration will be given to a temporary change in working arrangements.
- If the complaint involved actions which if proven, would be a criminal offence, the Investigator will discuss with the complainant whether the matter should be reported to the police.
- You may be required to participate in any disciplinary process, in which case full support will be provided to you.

Confidentiality and Data Disclosure

Confidentiality is an important part of the application of this policy and we will respect and maintain your confidentiality where possible. We will also remind anyone involved in your complaint about their responsibilities to maintain confidentiality. There may be instances where information you have submitted and/or which we have collated in relation to your complaint under this policy may need to be disclosed, for example to other parties as part of the investigation and in accordance with MHT's legal or reporting obligations (eg where there is a concern about the safety of others). By submitting information during any step of the processes outlined in this policy, you agree to the disclosure of such information for the above purposes.

The Investigator's decision

The Investigator determines if there is 'a case to answer'. After your complaint has been fully investigated and a conclusion has been reached, the Investigator will communicate their decision to you in writing. A meeting will be arranged with you and the Nominated Contact in order to discuss the outcome and what action, if any, should be taken. You have the right to bring a colleague or a trade union representative to the meeting. The subject of the complaint will also be informed of the outcome in writing. If the Investigator decides there is a case to answer, the matter will be dealt with under the relevant disciplinary process. For confidentiality reasons, we will be unable to inform you of the exact outcome of that process. However, you will be advised when that process has come to an end.



Your right to appeal

If you wish to appeal the outcome of your complaint you must do so within 14 calendar days of the decision being provided to you in writing. You must set out in writing to the Nominated Contact to whom your complaint was originally made your grounds of appeal ensuring you provide as much detail as possible and any supporting documentation.

Legitimate grounds for appeal may include:

- procedural errors,
- a failure to consider relevant evidence and/or
- a failure to address all allegations.

The Nominated Contacts will appoint someone who has not been involved with the complaint to hear the appeal (Appeal Manager). MHT aims to offer you a date for an appeal hearing at the earliest opportunity and within 30 calendar days of receiving your grounds for appeal.

As part of the appeal process we will need to share all relevant documentation from your original complaint with the Appeal Manager. They will review and investigate your grounds of appeal and you will be invited to a formal hearing to discuss your grounds of appeal.

The Appeal Manager will make a decision as to whether your appeal is upheld or not. If your appeal is upheld, the appropriate disciplinary process will commence. For confidentiality reasons, we will be unable to inform you of the outcome of that process. However, you will be advised when that process has come to an end.

If your appeal is not upheld, there is no further right of appeal.

Criminal Investigations

Where the allegations in your complaint or appeal involve a potential criminal matter, and the police become involved, any ongoing internal investigation may need to be delayed or suspended.

*Note

Nominated Contacts.

Two members of staff and two trustees are appointed by the Board as Nominated Contacts in to deal with bullying and harassment. The CEO should **not** be one of the Staff Nominated Contacts. The two nominated staff members should be of different genders and the two nominated trustees should be of different genders. Names of all nominated persons are displayed on notice boards in Manor House and the Top Shed.

Last updated July 2025

Staffing Committee
Changes to the Staff Handbook
15 July 2025

Background

It was noted at the April meeting of Staffing Committee that the Whistleblowing Policy was due for review.

Accordingly the CEO asked Sara Marrett of HRDept to review the existing policy. Sara suggested 1) the addition of an explanatory paragraph under the list of six specific concerns and 2) rewording the procedure in section 11.6.3 on How to Raise your Concern.

Recommendation:

- 1. That Staffing Committee recommend to Board that the updated version of the Whistleblowing Policy be included in the Staff Handbook.**

Alison Marlow
Secretary to the Board
7 July 2025

11.6 Whistle Blowing Policy

MHT encourages an open culture in all its dealings with employees, managers and all the people with whom we come into contact. Effective and honest communication is essential if malpractice is to be effectively dealt with. The procedure below provides guidelines to all our employees, casual, temporary agency staff, freelancers, trainees, home workers and contractors, who feel they need to raise certain issues relating to, in confidence.

The Public Interest Disclosure Act 1998 (commonly known as the 'Whistle Blowing Act') protects workers who raise legitimate concerns about specified matters from being dismissed by MHT or being subjected to detrimental treatment or victimised by either MHT or colleagues as a result, provided certain criteria are met. Certain kinds of disclosures qualify for protection and these are set out below. These are disclosures of information which a worker reasonably believes are made in the public interest and tend to show one or more of the following relevant failures is either happening now, took place in the past, or is likely to happen in the future.

- A criminal offence has been committed including offences such as theft, fraud or acts of bribery
- A person has failed, is failing, or is likely to fail to comply with a legal obligation which they are subject to
- A miscarriage of justice
- A danger to health and safety of any individual
- Damage to the environment
- Deliberate covering up of information tending to show any of the above five matters

The procedure is not a substitute for the Disciplinary and Grievance policy and is not a channel for employees to raise matters in relation to their terms and conditions of employment. The procedure allows individuals to have their concerns treated in confidence.

It is not necessary for you to prove the wrongdoing. However to be protected by whistleblowing laws against detrimental treatment or dismissal, you must reasonably believe the wrongdoing (related to one of the categories listed above) is being, has been, or is likely to be committed and your disclosure is in the public interest.

11.6.1 Your protection

If you raise a genuine concern, you will not be at risk of damaging your position as a result. Provided you are acting in the public interest it does not matter whether or not your concern proves to be well founded. You must however make your complaint to the right person and in the right way as detailed in this policy. MHT does not of course extend this assurance to someone who acts from an improper motive and raises a matter they know to be untrue.

11.6.2 Your confidence

MHT will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action. You may decide that

you want to raise a concern in confidence. Therefore, if you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity (for instance because your evidence is needed in court or a disciplinary hearing), there will be a discussion as to whether and how we can proceed. This policy does not cover the situation where information about malpractice is received anonymously; however, discretion will be used in the investigation of such information.

11.6.3 How to raise your concern

Stage 1: Raising a Whistleblowing Concern

If you have a genuine concern relating to any type of wrongdoing that is covered under this policy, you should raise it with your line manager. If your concern relates to your line manager, or for any reason you do not wish to approach your line manager, you should raise your concern with the CEO. If you feel unable to raise the matter with the CEO, for whatever reason, please contact the Chairman of the Board.

You may raise your concern orally, or in writing. It is important that you set out clearly:

- The details of the suspected wrongdoing;
- The names of any individuals involved; and
- What action, if any, you are seeking.

In some cases it may be necessary to ask you to attend a meeting to clarify the nature of your concern. This will be arranged as soon as possible. You may, if you wish, bring a colleague or a trade union representative with you to the meeting.

Stage 2: Responding to your whistleblowing concern

The manager to whom you raise your concern will decide if an investigation is required and, if it is, the most appropriate person to conduct it. The relevant manager will write to you confirming that they are conducting an investigation and the timetable for completion.

The level of investigation and the time this will take will vary depending on the nature of the suspected wrongdoing.

Following the investigation, the relevant manager will inform you, in writing, as quickly as possible after completion of the investigation, of the outcome and any next steps or action that will be taken. While we aim to provide you with comprehensive feedback, in some cases this may not be possible, for example where data protection rules apply or there are sensitive issues that need to remain confidential.

Staffing Committee Health and Safety Report 10th July 2025

Introduction

Please note that, since the previous report, the Malvern Hills Trust Wardens have been re-named as Rangers.

All annual driving licence checks have been done and all staff submitting one was deemed suitable to drive company vehicles.

The bin emptying review continues. A test drive in a Suzuki Carry took place on 3 July in considering an alternative vehicle to a panel van for a Ranger whose vehicle is up for replacement. This vehicle is smaller than regular trucks and has an open back. The team will also review the map of bin locations with a view to making a proposal in due course. The alternative skip from Go Greener did come at an annual cost and this has been applied as a budget pressure.

In this period, the Trust had its annual visit from the retained health and safety advisor on 2 June. Their visit included:

- Manor House compliance risks addressed against an initial consultants' spreadsheet and other improvements made since last visit.
- A meeting with the Senior Management Team, to meet new managers and receive an update.
- Reiterating trustee responsibilities to invited trustees including the Chair, Vice Chair and the Health and Safety Working Group of trustees.
- A visit to the St Ann's Well building to see progress made against compliance risks with the Land and Property Manager.
- A toolbox talk for staff on dynamic risk assessment.
- Reflections and next steps with the CEO.

In follow-up, the advisor reported that:

- A lot of progress has been made in the general upgrading of building safety at Manor House, Malvern.
- It was good to visit Top Shed and find that all the recommended actions previously discussed had been implemented.
- He felt the Rangers' existing process of recording day events for volunteers was a good example of capturing dynamic risk assessment (DRA).
- Overall, he would say that the team does carry out DRA on a regular basis and he was content they are allowed the capacity in respect of time and resources to carry out and implement DRA.

The health and safety advisor (Keith Tomkins CMIOSH) will visit again this year and continue to support the staff team in making general health and safety improvements e.g. in establishing new fire and housekeeping procedures for its buildings.

Since the visit, as part of ongoing improvements, the staff have improved the distance of work stations from the final exit (to safety) on the third floor.

The Trust is updating its Safeguarding Policy.

Drafting of an updated health and safety policy is still behind schedule due to staffing pressures.

Training and Monitoring

1. Health and Safety Incidents in the period 1 April 2025-30 June 2025:

Notifiable Accidents in last 12 months:	1
Reported Incidents and Accidents in the period:	
Reported Incidents	3 [1 visitor-related, 1 staff-related, 1 volunteer-related]
Near Miss reports	2
Safety observations	0

2. Accidents and incidents

- a. On 2 May, there was a serious incident on the Hills at Clutters Cave, which involved an abandoned vehicle. We are working with West Mercia Police and regulators with their investigations.
- b. On 3 May, a runner fell, injuring their face and wrists. A Ranger took them to hospital, since it was considered too long a wait for an ambulance to arrive, which would increase the risk of the casualty going into shock.
- c. On 16 May, a walker entered Berrington Quarry and apparently took a fall off a cliff face. Emergency services attended. Our involvement was not required and Rangers and the Conservation Manger observed the incident. The injured person was air lifted to hospital.
- d. On 21 May, a volunteer patrol warden undertaking ad hoc reporting fell and received cuts and bruises to their face and head. A Ranger took them to hospital.
- e. On the night of Friday 20 June, our CEO and a Ranger who was on call, were called by Hereford and Worcester Fire and Rescue Service. This was about a camp fire on Worcestershire Beacon. The fire service attended and didn't need our input on this occasion.

3. Near miss reports and safety observations

Two near misses were reported in this period and no safety observations:

- a. On 7th June a volunteer day was cancelled due to a yellow weather warning for thunderstorms.
- b. On 21st June a volunteer day was cancelled due to an extreme weather warning.

Note: Under the byelaws, no unauthorised fires are permitted anywhere on the Malvern Hills or Commons and there are no places on the Hills and Commons designated to hold Barbeques. Numerous Barbecues and camp fires have been dealt with in this period. Instead of doing a near miss form for each one, they will be logged in the Ranger's incident log and collated at the end of each month. If there is a fire event with a high level of severity then that will be logged at the time. The Trust has shared social media posts on fire safety awareness by Hereford and Worcester Fire and Rescue Service and posted its own stories. Further promotional opportunities are being sought via Visit Worcestershire to inform visitors.

4. Training

Training has been undertaken in this period in the following areas:

• Windblown trees	1
• Brush cutter	5
• Chainsaw (full course)	2
• Chainsaw (refresher course)	1
• First Aid training	0
• Health & Safety Briefing for invited trustees incl. HSWG (in person) reiterating their liabilities and how to respond to a major incident	6
• A toolbox talk for a cross-section of staff with Keith Tomkins on assessing risks during work activities (dynamic risk assessment)	6

Additional training and compliance is either required or else being considered in the coming months on the following topics:

• Operation of remote control mowers by Field Staff	2 July
• Pole pruning certification for Rangers	This financial year
• Trailer towing	This financial year
• HAVS and audiometry for all field and wardens	In autumn
• Assisted Felling	As needs basis
• Wind Blown Trees	As needs basis
• Tractor Driving on slopes	As needs basis
• Off Road ATV driving	As needs basis
• Mandatory certification for new Ranger	As needs basis
• Mental health first aid.	As needs basis

Recommendations:

A continuation of that which was presented previously:

- For the board to adopt a new MHT Health & Safety statement and policy when presented by the Health and Safety Working Group.
- For the HSWG to make a report to the Board, on a plan for addressing H&S and fire risk non-compliance and opportunities for improvement.
- For the CEO to gain legal advice on the Trust's liabilities in relation to contractors using PPE (in progress).

Not yet progressed:

With the appointment of the Land and Property Manager and new Operations Manager, plans can now be reinstated for staff welfare facilities.

Deborah Fox
CEO
10th July 2025