

Bullying & Harassment Policy

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014	13, 18
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CQC Single Assessment Framework Topics

Safe Topic Areas:

Safe and effective staffing

Caring Topic Areas:

Workforce well-being and enablement

Well-led Topic Areas:

Workforce equality, diversity and inclusion

Freedom to speak up

Capable, compassionate and inclusive leaders

Please see the 'Quality Statements' section for full guidance

Scope

This policy applies to all staff working for us at any of our premises, including casual and agency staff, consultants, contractors, directors, employees, homeworkers and managers. We also make it clear to people using our service, their family, visitors, and others who work with us that harassment of our staff is unacceptable.

Equality Statement

We are committed to equal rights and the promotion of choice, person-centred care and independence. This policy demonstrates our commitment to creating a positive culture of respect for all individuals. The intention is, as required by the Equality Act 2010, to identify, remove or minimise discriminatory practice in the nine named protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, sexual orientation, religion or belief, and marriage and civil partnership. It is also intended to reflect the Human Rights Act 1998 to promote positive practice and value the diversity of all individuals.

Key Points

- The organisation is committed to ensuring that all staff are treated with dignity and respect and treat others in the same way.
- All staff have the right to work in an environment which is free from any form of bullying and/or harassment.
- Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.
- Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.
- Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.
- People may be harassed in relation to one of the nine protected characteristics as defined in the Equality Act 2010. This is unacceptable and unlawful.
- Bullying may be described as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
- Bullying may be physical, verbal or non-verbal conduct.
- All allegations of bullying and/or harassment will be dealt with seriously, promptly and in confidence.

- Employees who feel they have been subject to bullying and/or harassment must not hesitate in using this procedure nor fear victimisation.
- Retaliation against an employee who brings a complaint of bullying and/or harassment is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

Policy Statement

All staff are required to read and follow this policy and to ensure that they understand what types of behaviour are unacceptable. Staff must ensure their behaviour does not fall below the required standards.

The Policy

The organisation is committed to ensuring that all staff are treated with dignity and respect and treat others in the same way. We believe that all staff have the right to work in an environment which is free from any form of bullying and/or harassment. This policy covers harassment and bullying that occurs both in the workplace and outside the workplace in a work-related context, such as on business trips, customer or supplier events or work-related social events.

This policy does not form part of any employee's contract of employment. We may amend it at any time and decide to follow a different procedure where we consider it appropriate.

Bullying

Bullying may be described as offensive, intimidating, malicious or insulting behaviour and an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying may be physical, verbal or non-verbal conduct. Bullying might be a regular pattern of behaviour or a one-off incident. It may happen face-to-face on social media, in emails or calls. It can occur at work or in other work-related situations. It is not always be obvious or noticed by others.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment, but it is sometimes the 'grey' areas that cause problems. In our organisation, unacceptable behaviour includes (this is not an exhaustive list):

- Spreading malicious rumours, or insulting someone (particularly because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, or sexual orientation).

- Sharing critical or negative information about someone to others who do not need to know, ridiculing or demeaning someone, picking on them or setting them up to fail.
- Unfair treatment, deliberately excluding a person from communications or meetings without good reason, overbearing or intimidating supervision and/or other misuse of power or position.
- Making threats or comments about job security without foundation.
- Deliberately undermining a competent worker by overloading and constant criticism.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to a worker in the course of their employment will not, on their own, amount to bullying.

Harassment

The harassment of any of our employees is unacceptable behaviour. Anyone found to be in breach of this policy will be liable to disciplinary action, which could result in dismissal without notice.

Harassment may take many forms (including bullying), may occur on a variety of different grounds and can be directed at one person or a number of people. Harassment need not be directed at the complainant and can occur if the complainant witnesses another person being harassed.

Harassment involves subjecting an individual to conduct which is unwanted and where the conduct has the purpose or effect of violating the victim's dignity, or creating an environment that is intimidating, hostile, degrading, humiliating or offensive to the victim.

Harassment also occurs where the perpetrator engages in unwanted conduct of a sexual nature and that conduct has the purpose or the effect referred to above. An individual of any gender may be the victim of sexual harassment.

A person will also commit harassment if they (or anyone else) engage in unwanted conduct (of a sexual nature or otherwise) that has the purpose or the effect referred to above and the victim either rejects or submits to it and, because of that rejection or submission, that person treats the victim less favourably. For example, it is harassment for a manager, whose repeated advances to a more junior employee have been consistently rebuffed, to subsequently give them a poor performance review because they had rejected them.

Conduct usually becomes harassment if it continues even though it has been made clear that it is regarded by the recipient as offensive or unwanted. However, a single incident may amount to harassment if it is sufficiently serious.

The unwanted nature of the conduct distinguishes harassment from friendly behaviour that is welcome and mutual. Staff must always consider whether their words or conduct may be considered offensive.

Harassment can occur whether or not it is intended to be offensive, as it is the effect on the victim which is important, not whether the perpetrator intended to harass them. Harassment or bullying is unacceptable even if it is unintentional.

Harassment may relate to:

- Age
- Disability (past or present)
- Gender reassignment
- Race, colour, nationality, ethnic or national origins
- Religion or belief
- Sexual orientation
- Trade union membership (or non-membership)
- Part time or fixed term status
- Power or hierarchy
- Willingness to challenge harassment (leading to victimisation).

The phrase 'relate to' is very wide and therefore covers:

- Harassment based on a perception of another person (e.g. that the person is gay, or is disabled, whether or not this perception is correct and even if the perpetrator knows that their perception is, in fact, wrong).
- Harassment that occurs because someone is associated with another person (e.g. someone who is harassed because they care for a disabled person, or who is harassed because they are friends with a transsexual person, or a white worker who sees a black colleague being subjected to racially abusive language which also causes an offensive environment for them).

Whilst not an exhaustive list, forms of harassment include:

- Physical contact and obscene or offensive gestures,
- 'Jokes,' 'banter,' gossip, slander, offensive language, shouting and/or behaving in an intimidating manner,
- Offensive, insensitive or sectarian songs or messages (including email),
- Displaying posters or pictures, graffiti, emblems, flags, offensive email and screen savers etc,
- Isolation or non co-operation and exclusion,
- Coercion for sexual favours and sexually suggestive remarks,
- Pressure to participate in political/religious groups,

- Intrusion by pestering, spying and stalking,
- Continued requests for social activities after it has been made clear that such suggestions are not welcome, and/or
- Verbal, non-verbal or physical conduct of a sexual nature.

Harassment is unlawful in many cases and individuals may be held personally liable for their actions. In some cases, this behaviour may also amount to a criminal offence.

Bullying and Harassment Procedure

All allegations of bullying and/or harassment will be dealt with seriously, promptly and in confidence. Employees who feel they have been subject to bullying and/or harassment must not hesitate in using this procedure nor fear victimisation. Retaliation against an employee who brings a complaint of bullying and/or harassment is a serious disciplinary offence which may constitute gross misconduct and could result in dismissal.

Managers will provide, in confidence, advice and assistance to employees subjected to bullying and/or harassment and assist in the resolution of any problems. If you are in any doubt as to whether an incident, or series of incidents, constitute bullying and/or harassment then, in the first instance, you should approach a manager on an informal, confidential basis. They will be able to advise you as to whether the complaint necessitates further action, in which case the matter will be dealt with formally/informally as appropriate.

If an incident happens which you think may be harassment or bullying, you may prefer initially to attempt to resolve the problem informally, if you feel able to do so. In some cases, it may be possible and sufficient to explain clearly to the person engaging in the unwanted conduct that the behaviour in question is not welcome, that it offends you or makes you uncomfortable and that it interferes with your work. You should make it clear that you want the behaviour to stop.

In circumstances where this is too difficult or embarrassing for you to do on your own, you could seek support from a peer/manager/HR. If the incident concerns a person using the service or other third party, you may wish to ask your Manager to intervene for you on an informal basis.

If the conduct continues, or if it is not appropriate to resolve the problem informally or you do not feel able to raise it informally, you should raise a formal complaint, using the procedure set out in our 'Grievance Policy.'

If the Manager or organisation does not take appropriate action you can obtain independent advice from organisations such as:

- [ACAS](#)

Telephone: 0300 123 1100

Textphone: 18001 0300 123 1100

- A Trade Union
- [Protect](#) (UK whistleblowing charity)

If this does not work and you are still being harassed, you can take legal action at an employment tribunal.

You can also share your experiences with CQC via their '[Give feedback on care](#)' online form. CQC use information they receive from a range of organisations and people to support how they assess the quality and safety of registered services.

References and Further Reading

[Workplace bullying and harassment](#)

[What bullying is - Bullying at work, Acas](#)

[Discrimination and bullying, Acas](#)

[Approaching a complaint - Handling bullying and discrimination, Acas](#)

[Protect](#)

[Bullying and harassment, Royal College of Nursing](#)

[If you're being harassed or bullied at work, Citizens Advice](#)

[Give feedback on care, CQC](#)

Quality Statements

Safe and effective staffing

We make sure there are enough qualified, skilled and experienced people, who receive effective support, supervision and development. They work together effectively to provide safe care that meets people's individual needs.

Workforce well-being and enablement

We care about and promote the well-being of our staff, and we support and enable them to always deliver person-centred care.

Workforce equality, diversity and inclusion

We value diversity in our workforce. We work towards an inclusive and fair culture by improving equality and equity for people who work for us.

Freedom to speak up

We foster a positive culture where people feel that they can speak up and that their voice will be heard.

Capable, compassionate and inclusive leaders

We have inclusive leaders at all levels who understand the context in which we deliver care, treatment and support and embody the culture and values of their workforce and organisation. They have the skills, knowledge, experience and credibility to lead effectively. They do so with integrity, openness and honesty.

Governance, management and sustainability

We have clear responsibilities, roles, systems of accountability and good governance. We use these to manage and deliver good quality, sustainable care, treatment and support. We act on the best information about risk, performance and outcomes, and we share this securely with others when appropriate.

[Key questions and quality statements - Care Quality Commission](#)