



CC_HR02 Bully & Harassment Policy

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| Document name: | CC_HR02 Bully & Harassment Policy |
| Document Classification: | Corporate - HR |
| Document No: | CC_HR02 |
| Version: | 1.0 |
| Name of originator/author: | Anna Bernard |
| Policy Owner: | HR Director |
| Date created | 03/12/2015 |
| Date ratified: | Dec 2016 |
| Date reviewed | 18/12/2017 |
| Ratified by: | Exec Board |
| Responsible committee: | Exec Board |
| Superseded policy (if applicable): | 08. HR Policy |
| Next review date: | Dec 2019 |
| Target audience: | Directors, Managers, Clinicians, Staff |

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1. Introduction

The Company fully supports the rights and opportunities for all people to seek, obtain and hold employment without discrimination. It is therefore the aim of the Company to make every effort to provide a working environment free of bullying or harassment and intimidation, and any other form of harassment constituting unacceptable behaviour which is personally offensive. It will not condone any form of harassment which involves abusive or offensive behaviour with regard to gender, race, sexuality, disability, religion or age.

their race, ethnic origin, nationality or skin colour;
their sex or sexual orientation;
their religious beliefs or political convictions;
their age;
their disabilities, sensory impairments or learning disabilities;
their membership, or non-membership, of a trade union;
their status as ex-offenders;
their state of health and existence of any chronic conditions or ailments;
their willingness to challenge harassment, leading to victimisation.

This list is not exhaustive. Anyone who is perceived as different, or who is in a minority, or who lacks organisational power, is vulnerable. Thus, health, physical characteristics, personal beliefs and numerous other factors may lead to harassment, and this can occur between people of the same or opposite sex.

Breach of this policy will render the person(s) responsible liable for disciplinary action, the aim of the policy is to draw attention to, and thereby prevent all forms of offensive behaviour.

2. Purpose

This policy sets out the standards of behaviour that the Company expects of all its employees, temporary staff and contractors. The policy:

sets out the many forms and grounds of bullying and harassment at work;;
emphasises the need to treat everyone fairly;
outlines how bullying and harassment affects people and the Company;
describes how to get help and complain;
outlines the steps the Company will take to protect staff, how allegations will be dealt with and that bullying and harassment will be treated as a disciplinary offence;
conveys that such behaviour may be unlawful

3. Legal Background

The legal offence of intentionally causing a person harassment, alarm or distress was first created by the Public Order Act in 1995. This offence carries a penalty, on summary conviction, of imprisonment for up to six months and/or a fine.

The Protection from Harassment Act 1997 also provides protection for individuals, as does common law. However, regardless of whether a form of offensive behaviour is unlawful or not, this policy both applies to and is intended to prevent all forms of offensive behaviour.

4. Definitions

The terminology used to describe offensive and unwanted behaviours is generally termed as “**bullying and harassment**”. The following definitions are guidelines, but are not exhaustive definitions. Other types of offensive or unwelcome behaviour may also be found to be harassing or bullying, and will always be treated as such.

4.1 HARASSMENT

“**HARASSMENT**” can be defined in general terms as ***unwanted conduct affecting the dignity of men and women in the workplace.***

It could be persistent acts, or an isolated incident relating to any conduct or behaviour shown towards another person related to their age, creed, disability, nationality, race, religion, sex, sexual preference or any other personal characteristic which is unwanted by the recipient. It could also be any conduct based on the above characteristics which affects the dignity and respect of any individual or group of individuals at work.

Harassment may be directed towards one or more individuals.

Differences of attitude or culture and the misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. The defining features, however, are that the behaviour is unwanted by the recipient and would be regarded as harassment by any reasonable person.

Although harassment may involve an overt abuse of power, coercion or violence, it can also appear in far more subtle guises. In some cases it can be unintentional on the perpetrator's part. Witnesses can sometimes also be affected as adversely as those directly involved.

4.2 BULLYING

“**BULLYING**” may be defined as ***offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power by a manager.*** This includes persistent criticism, personal abuse and/or ridicule, either in public or private, which humiliates and demeans the individual involved, gradually eroding their self confidence.

This could take the form of social isolation or exclusion from meetings, the deliberate withholding of information with the intention of adversely affecting a colleague's performance, or giving unfair and destructive criticism. It could be demonstrated by intimidating behaviour towards an individual or group, verbal abuse or spreading unfounded rumours, setting unrealistic or unreasonable targets and/or changing them without discussion or notice, sharing written information which is critical about an individual with others who do not need to know.

4.3 UNACCEPTABLE BEHAVIOUR

“UNACCEPTABLE BEHAVIOUR” includes instances of:

Physical Conduct – Unwanted physical conduct including; unnecessary touching, patting, pinching or brushing against another employee's body; assault; coercing sexual intercourse; physical threats; insulting or abusive behaviour or gestures.

Oral Conduct - Unwelcome advances, patronising titling, propositions or remarks, innuendoes, lewd comments, jokes, banter or abusive language which refers to a person's sex, race, age, creed, disability, sexual preference, religion, politics or personal appearance; continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome.

Non-oral Conduct - Graffiti or other non-direct written communication or messaging/emailing referring to an individual's characteristics or private life; display of pornographic or suggestive pictures or written materials; making abusive or offensive gestures, leering, whistling etc.

Unacceptable Conduct

- Conduct which denigrates, ridicules, intimidates, or is physically abusive of an individual.
- Intrusion by pestering, spying or following.
- Isolation or non-co-operation at work, exclusion from social activities etc.
- “Bullying” through persistent criticism and personal abuse, either in public or in private, which humiliates and demeans the individual, gradually eroding his/her sense of self.

5 How Bullying and Harassment Affects the Employee

Bullying and Harassment creates an intimidating work environment and can often undermine an individuals’ confidence and self esteem. It can cause long-term problems with fear, stress and anxiety which may put great strain on personal and family life. It can lead to illness, increased absenteeism, as apparent lack of commitment, poor performance and even resignation. As well as being distressing for the individual, harassment can be detrimental to the organisational effectiveness.

6 Dealing with Complaints

Often employees are afraid to report incidents for a variety of reasons which may include embarrassment, fear of not being taken seriously, feelings of guilt, fear of reprisals and accusations of ruining their own work environment.

The Company will ensure that all allegations are treated seriously and dealt with sensitively, swiftly and in confidence.

7 Confidential Help

An employee who feels he/she is being bullied or harassed may wish to seek confidential advice, guidance and support. An employee should be aware that they may approach and discuss the problem in the first instance with whoever they feel most comfortable.

Advice and support can also be valuable for individuals whose behaviour has been found to be unacceptable, as this may help them to recognise the impact of their actions and prevent further occurrences.

8 What to do about Bullying and Harassment

8.1 Informal Procedure

in many cases it will be appropriate for the alleged harasser to be approached informally in the first instance. Bullying or Harassment can sometimes be unintentional and in some cases it may be sufficient for the employee who believes that they have been the subject of harassment to ask the person responsible to stop the harassing behaviour, or ask a friend/colleague to talk to the harasser, making it clear that their behaviour is offensive/unwelcome.

If a person feels too upset or embarrassed to speak to the harasser directly, they can write a letter to the harasser stating what behaviour is causing offence, how it affects them and ask them to stop. However, it is strongly advised that the person seek advice from the Senior Manager or Snr Partner prior to writing a letter.

The complainant is advised to keep a written record of all alleged incidents, including the time and date of their occurrence and any requests made to the alleged harasser that the behaviour should cease.

8.2 Formal Complaint

If the course of action described above fails to bring the bullying or harassment to an end or if the harassment is too serious a nature to be dealt with informally, a formal written complaint should be made using the Company's grievance procedure (or equivalent). The employee should raise the matter with their Senior Manager or Director.

A written complaint should detail the following

- the name(s) of the harasser(s);
- the nature of the bullying or harassment;
- dates and times when the harassment occurred;
- names of any witnesses to any incidents of harassment;
- any action already taken by the complainant to stop the harassment;
- copies on any written records or related correspondence e.g.: email or meeting notes, appraisals/supervision notes or written reflections on feelings following incidents.

Under normal circumstances the Company would expect such a complaint to be made within two months of the alleged incident(s) taking place. Complaints made after this time can be considered and processed in accordance with the procedure, should the adviser noting the circumstances and the complainant feel it reasonable to do so.

8.3 Investigation

As bullying and harassment is a disciplinary offence, the complaint should be investigated and dealt with following the Company's Disciplinary Procedure. Whilst an investigation is taking place, any person or persons who are subject of the investigation may be suspended from duty in accordance with the

Company's Disciplinary Procedure. During the investigation and at formal interviews, both the complainant and the alleged harasser will have the right to be accompanied by a staff side representative, colleague, or a friend not acting in an official capacity.

The Company would normally expect an initial investigation to be completed within 5 working days. Where this has not been achieved, the person leading the investigation should provide a report stating the reason for the delay and timescales envisaged for its completion.

9 What Happens at the end of the investigation

If the investigation reveals that the complaint is valid, prompt action is required under the disciplinary procedure.

If the allegation is not proved, all paperwork relating to the complaint will be destroyed and no further action taken.

9.1 Malicious Complaints

An employee making a complaint of bullying or harassment, which when investigated is found to be malicious will be liable to disciplinary action.

9.2 Victimization

The Company will do all that it can to ensure that employees are protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee who has made a complaint about harassment is a disciplinary offence.

VERSION HISTORY TABLE

| VERSION | DATE UPDATED | UPDATED BY | REASONS |
|---------------------|---------------------|-------------------|------------------------------------------------------------------------------------|
| 08 HR Policy | 03/12/2015 | AB | Removed from archived HR policy. Added to new policy template. Version 1.0 issued. |
| V1.0 | N/A | JH | Reviewed – No legislation changes |
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