

# **BULLYING AND HARASSMENT POLICY**

## **South Central Strategic Health Authority Policy Number 6**

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**This Policy will be reviewed in accordance with relevant changes in employment law as and when necessary**

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# Bullying and Harassment Policy

## 1. Introduction

- 1.1 South Central Strategic Health Authority (SHA) believes that all employees have a right to be treated with dignity and respect in their workplace and that harassment and/or bullying is insulting and demeaning to those affected. SHA is committed to ensuring that the workplace is free from harassment and bullying and intends that all reports of harassment and bullying will be dealt with both seriously and sensitively.
- 1.2 Harassment and bullying at work can lead to illness, increased absenteeism, and an apparent lack of commitment, poor performance and even resignation. If occurrences of bullying and/or harassment are not dealt with promptly and effectively they can affect whole teams, creating tensions and divides that are often difficult to resolve.
- 1.3 This policy makes clear to all employees the SHAs commitment to tackling harassment and bullying at work through its positive actions, and also their own responsibilities under this policy.
- 1.4 Any abuse of staff is not acceptable and action, which may include disciplinary action, will be taken against offenders, where both are found to have taken place.

## 2. Equality and Diversity

The SCSHA will ensure that the application of any part of this policy does not discriminate, directly or indirectly, against anyone on the grounds of race, disability, sex, gender reassignment, sexual orientation, religion or belief, age, pregnancy or maternity, marriage or civil partnership, union membership or non-membership. This policy will apply equally to full-time and part-time staff

## 3. Objectives of the Policy

To ensure:

- SHA takes a positive stand to protect all of its employees from harassment and bullying and has a clear procedure for dealing with complaints should they arise.
- SHA strives to encourage an open environment where individuals are not afraid to bring forward a complaint if the need arises.
- SHA promotes an organisational culture that recognises and promotes positive action to eliminate workplace bullying and/or harassment by:

- actively seeking out and implementing best practice;
- taking all reasonable steps to ensure that all employees of SHA are made aware of their responsibilities under this policy;
- ensuring that monitoring and review arrangements are in place to assess the success of the policy and implement changes as necessary;
- The policy is provided as guidance and it should be recognised that it will be applied to accommodate individual circumstances.

#### **4. Definition of Harrassment**

The essential characteristics of harassment are that it is behaviour unwanted by the recipient and regarded as offensive. 'Normal' behaviour becomes harassment if it persists once it has been made clear that the recipient regards it as offensive, although one incident may constitute harassment if sufficiently serious. It is the unwanted nature of the conduct that distinguishes harassment from friendly behaviour, which is welcome and mutual. It is the impact of the conduct and not the intent of the perpetrator that is the determinant.

Conduct, which may amount to harassment, is often not intended to cause offence but occurs because of lack of awareness of other people's feelings.

Some forms of harassment are covered by legislation e.g. harassment of a sexual nature. However, SHA intends to take as wide a view as possible and includes less favourable treatment on the grounds of age, disability, race, nationality, ethnic or national origin, gender, religion beliefs, sexual orientation, reassignment or political affiliation or trade union membership, although this list is not exhaustive.

It should be noted that harassment and/or bullying at work included conduct 'in the course of employment', or work related social events.

#### **Examples of Harassment**

General examples of harassment, can include:

- insensitive jokes and pranks
- displays or articulation of offensive material, e.g. pin-ups, racist graffiti etc
- speculation or intrusive questioning about an employee's private life, activities, culture, religion, disability, work adjustments etc
- shunning or deliberately excluding people from normal workplace conversation or social events
- threatened or actual assault, whether verbal or physical
- being condescending or deprecatory about the way a member of staff dresses or speaks

- attacks on the property of a member of staff.

This list is not exhaustive.

Some behaviours can be deemed so serious as to be classed as gross misconduct and where substantiated could result in summary dismissal, e.g. threat of dismissal, loss of promotion for refusal of sexual favours. Other behaviour may also constitute gross misconduct depending on the circumstances of the case in question.

## **5. Definition of Bullying**

For the purpose of this policy this means conduct which has some or all of the following elements:

Offensive, abusive, intimidating, malicious or insulting behaviour or abuse of power, which makes the recipient/s feel upset, threatened, humiliated or vulnerable, undermines their self –confidence and may cause them to suffer stress.

### **Examples of Bullying**

- regular or frequent shouting at staff to get things done or uncalled for or unjustifiable criticism often in front of others
- subjecting individuals to repeated humiliation or ridicule, belittling their efforts often in front of others
- intimidating gestures/body language
- refusing to speak to someone directly or using a third party
- excessive supervision or monitoring
- undermining an individual's decision
- removing responsibility and constantly giving individuals trivial or menial tasks
- repeatedly taking the credit for other people's work
- knowingly withholding information which the person requires in order to do their job effectively
- excluding individuals from decision making
- setting people up to fail through making unreasonable demands
- deliberately excluding individuals from work-related social events
- making someone the butt of jokes
- subjecting individuals to personal insults or threatening them
- knowingly invading an individual's "personal space" in order to intimidate them
- refusing to remove oneself from "personal space" when asked
- unreasonably refusing requests for time off, training etc

This list is not exhaustive.

### **Roles and Responsibilities**

SHA will strive to ensure that:

all employees work in an environment free from bullying and/or harassment  
all employees are made aware of this policy  
workforce information is monitored i.e. turnover and sickness absence  
relevant feedback is given to Managers from exit questionnaires/interviews with individuals consent

5.1 All managers have a responsibility to:

- Set and observe standards of behaviour that ensure that all staff are treated with dignity and respect
- Be aware of how their own behaviour affects others
- Create an environment and culture where destructive forms of behaviour are not tolerated, and where everyone is treated with respect and dignity
- Recognise bullying and harassment and take positive action where it occurs
- Ensure staff know about this policy and know how to raise harassment and bullying issues
- Support staff who may feel they are being harassed and bullied
- Deal with any complaints fairly, thoroughly, quickly and confidentially, respecting the feelings of all concerned

5.2 All employees are responsible for adhering to this policy and are required to:

- treat all colleagues with dignity and respect and be aware of how their behaviour can affect other people
- Support colleagues who are being bullied or harassed and bring it to the attention of their line manager, or another appropriate senior manager

5.3 The role of Trade Unions/Staff Side

- supporting members
- identifying appropriate Policies and Procedures
- informing members of their options
- monitoring and commenting on the effectiveness of the Policy
- assisting in raising awareness and training
- reviewing the policy.

5.4 The role of the Human Resources Department

- giving appropriate procedural advice to all staff
- ensuring appropriate support is provided to the complainant and alleged harasser/bully
- supporting managers in identifying the most appropriate way forward and implementing the procedure
- monitoring the effectiveness of the policy

- raising awareness of the policy

#### 5.5 The role of Occupational Health Department:

- supporting both the complainant and alleged bully/harasser
- informing the complainant of other sources of support/information

### 6. Procedure

#### 6.1 The following procedure aims to help resolve complaints of bullying and harassment carefully and sensitively by:

- Clarifying how complaints should be made and resolved
- Ensuring that complaints are dealt with promptly, fairly and consistently
- Protecting the rights of both the complainant and the alleged bully/harasser up to completion of the investigation confidentiality for both complainant and alleged bully/harasser will be paramount, however, once investigation concluded information will be accessible to both parties.

#### 6.2 Sources of support for handling investigations

It is important for investigating managers to have the required skills when carrying out a sensitive and complex investigation. Human Resources and appropriate senior managers can offer support for investigating managers or it may be necessary to engage support from an external organisation in handling complex investigations.

#### 6.3 Stages in the Procedure

Members of staff who believe they are being bullied or harassed should take the following steps:

- Personal action
- Informal action
- Formal action

#### 6.4 Personal Action

In some cases talking directly with the person who is causing the bullying or harassment problem may be enough. This approach may be appropriate if the person complaining believes that the destructive behaviour is unintentional, and the perpetrator is unaware of its impact. The person complaining can take this approach alone, or with help from a friend, trade union or staff side representative.

The person complaining should clearly:

- 2 Explain how the behaviour makes them feel
- 3 Explain how it is interfering with their work
- 4 Ask for it to stop.

## 6.5 Informal Action

Informal action is designed to conciliate rather than punish. If the complainant does not feel that the personal action would be appropriate, then the appropriate line manager or member of the HR team may be approached to take the complaint forward. The advantages to this approach are:

- It provides an opportunity for the manager to be satisfied that the individual complained about fully understands the requirements of the policy
- It produces quick and effective solutions
- It keeps embarrassment and the risk of confidentiality breaches to a minimum

6.6 This approach should not be taken if the person complaining wishes to take formal action or if the seriousness of the incident(s) makes it inappropriate.

6.7 After discussing the issue with the person complaining, the manager should speak to the alleged harasser/bully to attempt to resolve the issue. This informal and confidential discussion should explore:

- How the person complaining is feeling as the result of the behaviour
- The alleged harasser/bully's view of the situation
- How the behaviour may be contrary to the harassment and bullying policy
- The required standards of behaviour
- The likely consequences of continuing the behaviour
- How the situation will be monitored

6.8 The manager should make notes of both discussions. After the discussions each employee will be given a written copy of the discussion.

6.9 Following these discussions the manager should provide feedback to the person complaining. If appropriate the manager can offer to facilitate a joint meeting with both sides to re-establish effective working relations.

## 6.10 Formal Action

When informal action has failed to resolve the complaint or where the complainant feels it would be inappropriate to deal with the incident informally or where the incident is serious; or the incident has reoccurred, a member of staff may seek redress through a formal complaint to management. However, the



member of staff should discuss the implications of taking this action with either a trade union representative or a member of the HR team.

The allegation may initially be made verbally but must be followed up immediately in writing to an appropriate manager who will arrange for the matter to be investigated.

The formal complaint should give:

- The name of the harasser/bully
- The nature of the harassment/bullying
- Dates and times when harassment/bullying occurred
- Names of witnesses to any incidents of harassment/bullying
- Any action already taken by the complainant to stop the harassment or bullying

6.11 If the allegation is against the manager, the complaint should be made to the next level of management.

6.12 Immediately a complaint of harassment has been received and where appropriate, action will be taken by the appropriate manager, to separate the harasser from the complainant. This may involve temporary transfer of the alleged harasser to another department, or suspension with pay until the complaint has been resolved. It may be appropriate to involve Occupational Health at this stage with agreement from alleged harasser.

6.13 The manager selected to handle the complaint should not be directly connected to the workplace where the alleged harassment and/or bullying is taking place e.g. a manager will not carry out an investigation concerning two members of his/her staff. The senior manager will gather facts and statements relating to the incident from everyone concerned. The purpose of the investigation is to establish the full details of what has happened. All employees involved in the investigation must always respect confidentiality and not make prejudgements.

6.14 It should be noted that whilst the investigation will be handled in a confidential manner, the alleged harasser/bully will receive full details of the allegations, including the complainant's name.

6.15 The investigating officer should ensure that:

- the complaint is handled in a timely and confidential manner
- an investigation is carried out which is fair and impartial to both the complainant and the alleged harasser/bully
- both the complainant and alleged harasser are made aware of their right to staff side representation at any investigatory interviews any witnesses seen will be expected to make statements which will be written, dated and signed

and will be made available to the alleged harasser. However witnesses do have the right to be accompanied by a staff side representative Employees are protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Any individual bringing what they believe is a genuine complaint will be protected against claims for defamation of character by the other party

6.16 Where further allegations or evidence emerge during the course of the investigation, the Investigating Officer will notify both the manager and the alleged harasser/bully of the new allegations/evidence. The manager may consider suspension a necessary course of action, in accordance with SHA Disciplinary Procedure.

6.17 At the completion of the investigation a report will be prepared summarising the details of the complaint and the findings of the investigation. Recommendations will be made to deal with the complaint in 1 of 3 ways:

- Dismissal of the complaint
- Resolution of the complaint informally with appropriate support provided for both parties and action plan agreed with the appropriate manager with responsibility for implementing
- If the matter is of a serious nature and a disciplinary hearing is recommended, this investigation will be used to move the matter into SHA Disciplinary Procedure and a disciplinary hearing will be set up within 21 working days

6.18 Notification of End of Procedure

At the conclusion of the investigation, the investigating officer, in liaison with Human Resources, will write to the complainant and the person who has been the subject of the complaint informing them of the outcome and of any action taken or proposed.

## **7. Working Relationships**

7.1 When a formal complaint is upheld, it may be appropriate to consider providing training for the perpetrator as he/she may be unaware of, or insensitive to, the impact of his/her actions. Training may help to raise awareness of the issues and prevent further incidents.

7.2 In addition, where an incident of harassment or bullying has occurred, the impact on the working relationship between the complainant and the perpetrator should be considered. Where necessary, support should be provided to both parties to facilitate a satisfactory reconciliation.

Where the working relationship between the parties involved is considered to be damaged all reasonable steps to re-build the working relationship must be

evaluated and taken. This may include team building, facilitation, counselling and mediation.

## **8. Alternative Action**

- 8.1 After all avenues have been exhausted to try and rebuild working relationships a change in the reporting chain or redeployment of either party (where this is mutually agreed and possible) may be necessary.

## **9. Grievance Procedure**

- 9.1 If either party is dissatisfied with the application of any aspect of this policy, they may take this matter up as grievance using SHA Grievance Procedure. However a grievance cannot be lodged against the outcome of any disciplinary action or other resolution of the complaint.

## **10. Monitoring**

- 10.1 The relevant manager must meet with the complainant between 3-6 weeks after the conclusion of the case to ensure the conduct has ceased, the complainant has been appropriately supported and there has been no victimisation following their complaint. The alleged perpetrator should also be seen to review progress and offer additional support.

## Bullying and Harassment Flow Chart

