Title of Policy:	**Anti-Harassment and Bullying**
Section:	**Human Resources**

Purpose

This policy outlines the minimum expectations of Carers Choices in respect of how employees treat each other.

Statement

Carers Choices aim is to provide a working environment that respects the rights of each employee, where colleagues treat each other with respect and where stable and friendly relationships are the norm. Any behaviour that undermines this aim is unacceptable.

Carers Choices does not tolerate, therefore, any form of harassment or bullying under any circumstances.

Whilst implementing and upholding the policy is the duty of all of our managers and supervisors, all employees have a responsibility to ensure that harassment or bullying does not occur in any circumstances.

Procedure and Guidance

Principles and procedures

The following procedure has been designed to inform employees about the type of behaviour that is unacceptable and provides employees who are the victims of harassment and bullying with a means of redress. We will not tolerate harassment or bullying of:

- job applicants
- employees
- contractors
- agency workers
- the self-employed
- ex-employees

This policy also applies to work related functions which are held outside of normal working hours, either on or off Company premises, such as Christmas parties, leaving celebrations, working lunches, etc.

Harassment

Harassment is unwanted conduct related to a relevant protected characteristic (an area covered by discrimination legislation) which has the purpose of violating an individual's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive working environment for them.

Harassment will also occur where a colleague is treated less favourably because he or she has rejected or refused to submit to sex-based harassment, sexual harassment or gender reassignment harassment.

Where it cannot be established that there was an intention to offend, conduct will only be regarded as violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment if, taking all the circumstances into account it would be reasonable to come to that conclusion.

People can be subjected to harassment on a wide variety of grounds. Some examples are:

- sex-based (purely because of gender) or sexual (sexual in nature)
- sexual orientation
- trans-sexualism (gender reassignment)
- being married or a civil partner
- race, nationality, ethnic origin, national origin or skin colour
- disability itself or a reason relating to it

- age
- employment status, e.g., part-time, fixed term
- membership or non-membership of a trade union
- carrying out health and safety duties
- religion or religious beliefs or lack of either
- deeply held personal beliefs or lack of them
- political beliefs
- criminal record
- health, e.g., aids/HIV sufferers
- physical characteristics
- social class
- willingness to challenge harassment – being ridiculed or victimised for raising a complaint

Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it reoccurs, once it has been made clear by the victim that they consider it offensive. One incident may constitute harassment, however, if it is sufficiently serious. Harassment on any grounds, including the above, will not be tolerated.

Harassment at work is unlawful under the Equality Act 2010.

Carers Choices together with any managers or supervisors who fail to take steps to prevent harassment or investigate complaints may be held liable for their unlawful actions and be required to pay damages to the victim, as will the employee who has committed the act of harassment. There is no limit to the compensation that can be awarded in employment tribunals for acts of harassment.

Carers Choices will also be liable for harassment that comes from a third party (e.g., a customer or supplier) if that harassment occurs on at least two occasions, the organisation is aware that it has happened and does nothing to stop it happening.

Harassment on any grounds is also a criminal offence, primarily under the Protection from Harassment Act 1997. This means that colleagues who suffer harassment may contact the police, in the case of harassment from fellow employees or harassment by

third parties. Those found guilty face fines or periods of imprisonment of up to two years.

Additionally, an employee harassed by a colleague may sue that colleague personally for the damage and distress caused.

Carers Choices may be held vicariously liable under the Protection from Harassment Act for any harassment perpetrated by an employee whenever the behaviour in question is closely connected to the employment relationship.

Examples of harassment - behaviours

Employees must recognise that what is acceptable to one employee may not be acceptable to another.

Examples of harassment include:

- Verbal – crude language, open hostility, offensive jokes, suggestive remarks, innuendoes, rude or vulgar comments, malicious gossip and offensive songs
- Non-verbal – wolf-whistles, obscene gestures, sexually suggestive posters/calendars, pornographic material (both paper-based and generated on a computer, including offensive screensavers), graffiti, offensive letters, offensive emails, text messages on mobile phones and offensive objects
- Physical – unnecessary touching, patting, pinching or brushing against another employee's body, intimidating behaviour, assault and physical coercion
- Coercion – pressure for sexual favours (e.g., to get a job or be promoted) and pressure to participate in political, religious or trade union groups, etc.
- Isolation or non-cooperation and exclusion from social activities
- Intrusion – following, pestering, spying, etc.

Bullying

Bullying is a gradual wearing down process comprising a sustained form of psychological abuse that makes victims feel demeaned and inadequate. Bullying is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of intimidating, belittling and

humiliating the recipient, leading to loss of self-esteem for the victim and ultimately self-questioning his or her worth in the workplace and society as a whole.

Examples of bullying

Workplace bullying can range from extreme forms such as violence and intimidation to less obvious actions, like deliberately ignoring someone at work. These can be split into two categories:

The obvious:

- shouting or swearing at people in public and private
- persistent criticism
- ignoring or deliberately excluding people
- persecution through threats and instilling fear
- spreading malicious rumours
- constantly undervaluing effort
- dispensing disciplinary action that is totally unjustified
- spontaneous rages, often over trivial matters

The less obvious:

- withholding information or supplying incorrect information
- deliberately sabotaging or impeding work performance
- constantly changing targets
- setting individuals up to fail by imposing impossible deadlines
- levelling unfair criticism about performance the night before an employee goes on holiday
- removing areas of responsibility and imposing menial tasks, without cause
- unreasonable and repeated blocking applications for holiday, promotion or training

The actions listed must be viewed in terms of the distress they cause the individual. It is the perceptions of the recipient that determine whether any action or statement can be viewed as bullying.

The impact of harassment and bullying

Harassment and bullying can lead to illness, absenteeism, an apparent lack of commitment, poor performance and resignation.

The damage, tension and conflict that harassment and bullying creates should not be underestimated. The result is not just poor morale, but higher labour turnover, (which in itself is of considerable harm to Carers Choices) reduced productivity, divided teams, poor service and poor product quality. Public image can be badly damaged when incidents of harassment and bullying occur, particularly when they attract media attention. This can result in a loss of customers.

Enforcement

Any harassment or bullying will be classed as gross misconduct, for which employees may be summarily dismissed. All employees will be informed of Company policy towards harassment and bullying at induction training and through communication and awareness programmes. It will be stressed that all complaints of harassment will be treated seriously. Carers Choices expects all managers and supervisors to ensure that this policy and procedure is adhered to at all times and expects all employees to respect the dignity of their colleagues.

Training, communication and awareness

Carers Choices recognises that a written policy is not sufficient to eliminate harassment and bullying. Prominent and regular communication, training and awareness sessions are important to ensure that all employees:

- Understand our commitment to prevent harassment and bullying
- Understand their responsibilities and role in the process
- Know how to seek advice and guidance
- Know how to make complaints and are confident they will be handled effectively

Carers Choices is committed to communicating the policy effectively through:

- training and awareness programmes for all staff at all levels
- briefings for employee

- posters
- notices on staff notice boards
- a section in the staff handbook
- management guides
- employee guides
- inclusion in briefing meetings
- induction

Procedures

Advice

Carers Choices recognises the sensitive nature of harassment and bullying. Employees who believe they are being harassed or bullied may wish to discuss their situation before deciding what action to take. Carers Choices operates an open-door policy to discuss workplace problems and employees can discuss the matter with their manager (or a higher level of management, if there is one, and it is more appropriate) on an informal basis.

Advisers will:

- ensure the conversation remains confidential as far as possible
- listen sympathetically
- help individuals consider objectively what has happened
- discuss what outcome the individual would wish to see
- draw attention to available procedures and options
- inform the individual of the legal liabilities involved
- help weigh up the alternatives, but without pressure to adopt any particular course
- assist the individual in dealing with the situation, if they ask for help.

Confidentiality will be maintained as far as possible. If an employee decides not to take any action to deal with the problem and the circumstances described are very serious, however, Carers Choices reserves the right to investigate the situation. It has an overall duty of care to ensure the safety of all employees who may be adversely affected by the alleged harasser's/ bully's behaviour.

Solutions

It is for the individual to decide which route to take in solving any problem that has occurred. There are two types of solution available – informal and formal.

Informal

Employees can choose to solve the matter themselves by approaching the harasser or bully, telling him or her that their behaviour is unwelcome and that it must stop. Otherwise, a formal complaint will be made using the procedure outlined below.

If victims would find it difficult or embarrassing to raise the issue directly with the person creating the problem, support can be sought from a work colleague who can accompany the victim when speaking to the harasser or bully. A third option, is that the victim can put his or her views in writing to the harasser or bully, telling him or her that their behaviour is unacceptable and that it must stop.

Formal

Where informal solutions fail, or serious harassment or bullying occurs, employees can bring a formal complaint in the form of a grievance, with the procedure adapted to take account of the sensitivities of such situations. Each step and action under the formal complaints procedure will be taken without unreasonable delay. Complaints will be investigated swiftly and confidentially while ensuring that the rights of both the alleged victim and the alleged harasser or bully are protected.

Employees and witnesses can be assured that they will not be ridiculed or victimised for making, or assisting a colleague in making, a complaint, even if it is not upheld, as long as it is made in good faith. Everyone involved in the investigation, including witnesses, will be required to maintain confidentiality – a failure to do so will be a disciplinary matter.

The procedure is as follows:

Step 1: Lodging a statement of grievance and conducting an investigation:

- the complaint should be put in writing, outlining the alleged incidents, when they occurred, the harm caused, the names of any witnesses and the name of the alleged harasser or bully
- the written complaint should initially be lodged with the employee's manager
- an independent investigator will be appointed who has had no previous involvement with the situation and who will conduct investigatory interviews with the complainant, the individual against whom the complaint has been lodged and any relevant witnesses. The right to accompaniment will be provided to all those interviewed
- the investigator will submit a full report to the manager who is to hear the grievance.

Step 2: Grievance meeting:

- the employee will be invited to a meeting to discuss the grievance and the result of the independent investigator's report
- the employee will be provided with the right to accompaniment
- the timing and location of the meeting must be reasonable
- the meeting will not take place until the manager has had a reasonable opportunity to consider the information contained in the employee's grievance letter and the independent investigator's report
- the employee must take all reasonable steps to attend the meeting
- the meeting must be conducted in a manner that enables the employee to explain his or her case and manager to set out the results of the investigation
- after the meeting the manager will inform the employee of his or her decision as to the grievance and notify the employee of the right to appeal against that decision if the employee is not satisfied with it.

Step 3: Hearing the appeal:

- if the employee wishes to appeal, s/he must inform the manager who is to hear the appeal - who should be senior to the manager who heard the grievance (provided that this is possible within Carers Choices' organisational structure)
- the employee will be invited to attend a further meeting
- the employee will be provided with the right to accompaniment
- the timing and location of the meeting will be reasonable
- the employee must take all reasonable steps to attend the meeting

- the meeting will be conducted in a manner that enables both sides to explain their cases
- after the appeal meeting Carers Choices will inform the employee of the final decision, within five working days.

Full records will be kept of the grievance proceedings and copies of meeting records given to the complainant. If, at the end of Step 1, the complaint is upheld the matter will be passed to the appropriate line manager to conduct a disciplinary hearing with the person who perpetrated the harassment or bullying.

Continuing to work together

Whether a complaint is upheld or not, Carers Choices recognises that it may be difficult for the employees concerned to continue to work in close proximity to one another during the investigation or following the outcome of the proceedings. If this is the case Carers Choices will consider a voluntary request from either party to transfer to another job or work location. A transfer cannot always be guaranteed, however.

Monitoring

Where harassment or bullying has been found to have occurred and the perpetrator remains in employment, regular checks will be made to ensure that harassment has stopped and that there has been no victimisation or retaliation against the victim. Carers Choices will also ensure that the employee who committed the act of harassment or bullying is not victimised in any way.

Malicious complaints

Where a complaint is blatantly untrue and has been brought out of spite, or for some other unacceptable motive, the complainant will be subject to Carers Choices' disciplinary procedure, as will any witnesses who have deliberately misled Carers Choices during its investigations.

Complaints to an employment tribunal

While Carers Choices trusts that employees will use the internal procedure to resolve any concerns they have about harassment, claims can be lodged with an employment tribunal where harassment is on the grounds of:

- sex
- gender reassignment
- race
- disability
- sexual orientation
- religion
- belief
- age

CQC Registration and Inspection Compliance

Key Questions and Quality Statements applicable to this Policy	Care Quality Commission (Registration) Regulations 2009 applicable to this Policy
Well-Led • Governance, management and sustainability • Shared direction and culture • Freedom to speak up • Workforce equality, diversity and inclusion • Environmental sustainability – sustainable development	

Legislative Compliance

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 applicable to this Policy	Other legislation relevant to this Policy
Regulation 18: Staffing	Protection from Harassment Act 1997 Equality Act 2010 Employment Rights Act 1996

Policy Reviewed on Date of Implementation by the Following Company Officer:

Full name:

Paul Ramsden

Job Title:

CEO

Signature:

P. Ramsden