



Bullying And Harassment Policy

1.2

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1. INTRODUCTION

This policy outlines actions to be taken by the manager or a member of staff when a concern arises in relation to staffing issues.

Please refer to Appendix 1 – Policy Route Guidance Flowchart.

This policy does not form part of the employee contract of employment, however outcomes following a formal process may then become relevant to an employee's terms and conditions of employment.

This policy may be amended from time to time. SHPCA may also vary any parts of this procedure, including time limits, as appropriate, depending on the circumstances of particular cases.

2. SCOPE

This policy is applicable to all employed staff working within SHPCA, interim (off payroll) workers and volunteers.

3. ROLES AND RESPONSIBILITIES

Line manager's Responsibilities

- To ensure that they themselves and employees are aware of this policy.
- To ensure that the policy and its supporting standards and guidelines are built into local processes and that there is on-going compliance
- To adhere to the timescales within the policy to ensure that matters are dealt with quickly, reasonably and as fairly as possible
- To ensure that the informal stage is used wherever possible prior to any formal action being taken
- To involve the SCW HR for advice and support when an issue has been raised
- To respond to any concerns raised by employees, consider them fully, sympathetically and fairly in accordance with this policy.
- To treat all employees fairly by applying the policy consistently and ensuring that any personal information is kept in complete confidence in line with the information governance requirements
- To adopt the principles of the SHPCA Code of Conduct.

Employee's Responsibilities

- To ensure they read, understand and comply with this policy
- To contact SCW HR, their trade union representative or appropriate professional body for advice and guidance
- To try and deal with matters at the nearest point of origin and where appropriate first approach the manager in order to discuss the problem informally
- To attend meetings as required

- To maintain confidentiality.

SCW HR's Responsibilities

- To assist managers and employees in the fair and consistent application of the policy
- To provide advice to employees and managers concerning individual issues, including advice on the range of options or courses of action that may be taken
- To facilitate informal meetings on request
- To provide coaching and training to managers on the application of this policy
- To provide support at formal meetings
- To provide template letters/documents to managers
- To maintain confidentiality.

4. OVERVIEW

SHPCA is committed to creating a work environment free of harassment and bullying for all employees, where everyone is treated with dignity and respect and protected from harassment, intimidation and other forms of bullying at work

SHPCA believes that harassment and bullying at work in any form is completely unacceptable and will not be tolerated. All allegations of bullying and harassment will be investigated and, if appropriate disciplinary action will be taken.

SHPCA will not tolerate victimisation of a person for making the allegations of bullying and harassment in good faith or supporting someone to make such a complaint.

SHPCA will take such steps as are necessary to achieve this aim.

Managers and employees alike should note that the SHPCA's liability may extend to both "official" and "unofficial" social activities. These may be deemed to be an extension of the workplace. SHPCA may have a duty of care in respect of such matters and will investigate all complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside the workplace.

In addition, SHPCA will investigate vigorously any allegations of harassment, regardless of whether the matter has been raised formally or informally.

5. PRINCIPLES

This procedure is designed to ensure that all complaints of harassment are dealt with objectively, quickly, sensitively, and confidentially.

Each employee of the SHPCA carries a responsibility for their own behaviour. They should act at all times in accordance with SHPCA's statement of values and behaviours. However, the behaviour of people in the workplace can vary on a daily basis. Employees who normally appear civil can occasionally appear impatient or pre-occupied. This policy and procedure is

not intended to deal with occasional lapses of good manners unless a pattern of behaviour emerges that is perceived to be offensive or intimidating.

All matters relating to any part of this procedure will be treated in strict confidence. Any breach of this confidentiality may render those responsible liable to disciplinary action. However, it must be remembered that legislation requires the accused to be made aware of the allegations against them and the name(s) of those making the allegations, along with witnesses.

No employee will be victimised for making a complaint of harassment and no manager shall threaten either explicitly or implicitly that an employee's complaint of harassment will be used as a basis for decisions affecting that employee. Such conduct will be treated as a serious disciplinary offence.

6. WHAT IS BULLYING AND HARRASSMENT?

Harassment is a form of discrimination defined in the Equality Act 2010 as 'unwanted conduct related to a relevant protected characteristic, which has the purpose of or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'. Under the Act the relevant protected characteristics are; age, disability, gender reassignment, race, religion, or belief, sex (gender) and sexual orientation.

In addition the Equality Act 2010 prohibits harassment based on association with a protected characteristic and perception that someone has a protected characteristic.

Harassment is defined as any conduct which is:

- Unwanted by the recipient
- Is considered objectionable by the recipient
- Causes humiliation, offence and distress (or other detrimental effect)
- Any of the above witnessed by a third party.

The key to distinguishing between what does and does not constitute harassment is that harassment is behaviour that is unwanted by the person to whom it is directed. It is the impact of the conduct and not the intent of the perpetrator that is the determinant.

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. **Harassment may be, but is not limited to:**

- **Physical contact:** ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- **Verbal:** unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language
- **Non-verbal:** offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

Indirect harassment is also defined in law. That is, the harassment is not directed to the person concerned but in their hearing. The legislation also refers to less favourable treatment because an individual has rejected or submitted to the defined conduct.

Bullying can be defined as: Unacceptable behaviour as perceived by the employee, which subjects the individual or group to unwelcome attention, intimidation, humiliation or ridicule or violation of an individual's dignity. Furthermore, offensive, abusive, or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened or vulnerable. Deliberately undermining a competent employee by imposing unreasonable workloads or frequent unjustified criticism.

7. BULLYING AND HARASSMENT PROCESS

Managers are required to act upon any complaint of harassment, whether formal or informal. Failure by a manager to do so will be regarded as misconduct, which if proven, will result in disciplinary action. Details of all such complaints must be notified to SCW HR for recording in compliance with legislation, for example, the Race Relations (Amendment) Act 2000. The Grievance Policy should then be applied.

Any employee who wishes to make a complaint of harassment should first discuss this informally with SHPCA Site manager/Clinical Services Manager/Phlebotomy Supervisor/SCW HR, providing they feel able to do so in accordance with the Grievance Policy. Should the issues not be resolved at this stage, or if an employee feels unable to raise the issue informally, then a formal resolution should be sought as outlined in the Grievance Procedure.

Where a complaint of harassment is brought to the attention of management, whether formally or informally, prompt action will be taken to investigate the case (refer to SHPCA's Investigation Policy). If harassment is established, corrective action will be taken. This will normally include action under the SHPCA's Disciplinary Policy.

If it is considered that one of the parties concerned in a personal harassment case should be moved from the workplace, then as a matter of principle SHPCA will normally remove the alleged harasser rather than the complainant. However, this will depend on the nature of the complaint and the circumstances at the time as in some cases it may be more appropriate to remove the complainant. It should be noted that by moving either party, there is no implied guilt nor will this have any detriment on the investigation.

SHPCA recognises the distress and anxiety that such allegations can cause to both the complainant and the alleged harasser. Support is available for both parties from SCW HR and the counselling service (details of which are available from your manager or SCW HR). Enquiries into complaints of harassment will be progressed promptly and objectively, with sensitivity and due respect for the rights of both the complainant and the alleged perpetrator.

8. RECORDS

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.

9. EQUALITY AND DIVERSITY

In applying this policy, SHPCA will have due regard for the need to eliminate unlawful discrimination, advance equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

Where English is not the first language or there are difficulties in reading this policy, employees should contact their line/other appropriate manager or senior officer within their organisation, SCW HR or staff representative for advice and guidance.

If there are likely to be understanding or language difficulties during meetings, it may be necessary for an interpreter or friend to be made available. The employee will be responsible for making arrangements for this, or where appropriate, Access to Communications will be contacted with the support of SCW HR.

In line with SHPCA's policy, an Equality Analysis has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy.

10. POLICY MONITORING AND REVIEW

The effectiveness of this policy will be monitored by the SCW HR team to ensure the correct procedures have been followed and timescales met. Any learning points and trends will be identified by SCW HR who will make recommendations to the Business & HR Services Manager about changes which may need to be made. The application and impact assessment of this policy will be monitored by SHPCAs Governance Committee.

This policy may be reviewed at any time at the request of either Staff Side or SHPCA but will be reviewed automatically in the event of new legislation or guidance emerging or annually.

Policy monitoring and review will include analysis of the available equality characteristics of people applicants, interviewees and successful candidates, in order to identify and differential treatment or bias during recruitment. The equality characteristics of leavers will also be monitored.

11. TRAINING IMPLICATIONS

All employees need to be aware of this policy and their responsibilities. This will be achieved by the following:

- New employees will be directed to where policies are located on the SHPCA's website
- Promoting the policy through the staff newsletter on publication and each time it is reviewed
- Line managers will be provided with coaching and training on the application of this policy.

This policy is made available to all staff via SHPCA's Staff Intranet site. The Management Team also have access on SharePoint.

APPENDIX 1 – POLICY ROUTE GUIDANCE FLOWCHART

