

# Bullying and Harassment Policy

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# Bullying and Harassment Policy

## Contents

<b>Introduction.....</b>	<b>3</b>
<b>Purpose .....</b>	<b>3</b>
<b>Scope.....</b>	<b>4</b>
<b>DEFINITIONS .....</b>	<b>5</b>
<i>Personal Harassment.....</i>	<i>5</i>
Perceptive Discrimination / Harassment: .....	5
Associative Discrimination / Harassment: .....	5
Third Party Harassment: .....	6
<i>Bullying .....</i>	<i>6</i>
<i>Victimisation.....</i>	<i>6</i>
<b>Procedure for dealing with BULLYING AND Harassment .....</b>	<b>7</b>
<i>Complaining about the Alleged Perpetrator.....</i>	<i>7</i>
<b>Roles &amp; Responsibilities .....</b>	<b>8</b>
<i>Employees .....</i>	<i>8</i>
<i>Managers.....</i>	<i>9</i>
<i>Workforce Team .....</i>	<i>9</i>
<b>7. Support.....</b>	<b>9</b>
<b>RELATED POLICIES .....</b>	<b>10</b>
<b>Appendix One .....</b>	<b>11</b>
<b>Change Register .....</b>	<b>12</b>

# Bullying and Harassment Policy

## Introduction

BrisDoc recognises the right of all staff and patients to be treated with respect and dignity. We have a commitment to providing a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive.

## Purpose

Many people in our society are victimised and harassed because of their age, disability, gender reassignment, marriage and civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation, known as a Protected Characteristics.

The Equality Act 2010 makes it clear that unwanted conduct encompasses verbal, non-verbal and physical conduct. The conduct does not have to relate to a complainant's Protected Characteristic, anyone can be bullied or harassed. This policy can also relate to a staff member who is offended by comments or actions relating to a Protected Characteristic which are directed at or relate to someone else can still bring a claim for harassment.

Personal harassment takes many forms ranging from tasteless jokes and abusive remarks to pestering for sexual favours, threatening behaviour, actual physical abuse, online abuse and via social media. Whatever form it takes, personal harassment is considered unacceptable and is always taken seriously.

We recognise that personal harassment can exist in the workplace, as well as outside, and that this can seriously affect employees' working lives by interfering with their job performance or by creating a stressful, intimidating and unpleasant working environment.

BrisDoc will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Any suspected claims of victimisation will be taken very seriously and may be dealt with through our disciplinary procedure.

BrisDoc recognises that employees may be subjected to harassment or even violence at work from patients, service users, relatives and other agencies linked to the workplace. These will be dealt with separately in line with the Managing and Preventing Violence and Aggression towards Employees Policy. It is emphasised that all forms of harassment from any source are unacceptable and will be dealt with appropriately.

# Bullying and Harassment Policy



## Patient Care

Patient focused - understanding our patients needs and ensuring we prioritise the "patients view" in all our everyday activities and actions.

## Workforce Care

Teamwork and individual responsibility - every person contributing to supporting each other, sharing information, valuing and encouraging.

## Quality Care

Commitment to do what we say and improve what we do - a commitment to excellence and quality when serving patients and colleagues.

## Resource Care

Optimising the use of all resources across the local health economy. Taking care of our working environment and equipment.

In line with our four focus areas, we are committed to:

- Patient care
  - Ensuring that our patients are treated with respect and dignity and not discriminated against, particularly on account of any protected characteristic.
  - Ensuring that any form of discrimination, bullying or harassment will be treated seriously in accordance with formal policy
- Workforce Care
  - Ensuring that our staff are treated with respect and dignity and not discriminated against, particularly on account of any protected characteristic.
  - Ensuring that any form of discrimination, bullying or harassment will be treated seriously in accordance with formal policy.
  - Supporting any staff that have been subject to any form of bullying or harassment in or outside of the workplace.
- Quality Care
  - Ensuring we comply with the relevant employment legislation e.g. Equality Act 2010 – Bullying and harassment is unlawful.
- Resource Care
  - Ensuring legal compliance in order to avoid discrimination claims.

This policy does not form part of any employee's contract of employment, and we may amend it at any time.

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## Scope

This policy applies to all staff at BrisDoc including all salaried staff, those who work on a casual workers basis, locum and self-employed contractors and volunteers.

# Bullying and Harassment Policy

## DEFINITIONS

### Personal Harassment

A person harasses another person where they subject that person to “unwanted conduct related to a relevant Protected Characteristic or, which is of a sexual nature, which has the purpose or effect of:

- Violating that person’s dignity; or
- Creating an intimidating, hostile, degrading, humiliating or offensive environment which can include behaviour that is offensive, frightening or in any way distressing” (ACAS).

Personal harassment takes many forms and staff may not always realise that their behaviour constitutes harassment.

Personal harassment is unwanted behaviour by one employee towards another, and examples of harassment include (this list is not exhaustive):

- Insensitive jokes and pranks
- Lewd or abusive comments about appearance
- Deliberate exclusion from conversations
- Displaying of abusive or offensive writing or material
- Unwelcome touching
- Abusive, threatening or insulting words or behaviour
- Prevention of promotion or training opportunities
- Nicknames, teasing, name calling, offensive jokes, exclusion from informal groups such as social events, or other behaviour which is not with malicious intent, but which is upsetting
- A general culture which, for instance, appears to tolerate the telling of sexist/ageist jokes etc.

An employee’s conduct may be harassment even if they did not intend to offend. Something intended as a “joke” may offend another person. Additionally, harassment does not need to be targeted at a person, if someone overhears or witness’s conduct, they find offensive, this could be harassment.

### Other types of harassment:

Under the Equality Act 2010, BrisDoc is committed to ensuring that staff are not harassed by perception or association or by third parties:

### Perceptive Discrimination / Harassment:

This is discrimination against an individual because of a perception that he or she has a [protected characteristic](#) under the Equality Act 2010 when he or she does not, in fact, have that protected characteristic. For example, perceptive discrimination has occurred where a heterosexual man is being harassed because of the protected characteristic of sexual orientation if he is taunted about his sexuality by colleagues who perceive him to be gay.

### Associative Discrimination / Harassment:

This is discrimination against an individual because of an association with another person who has a [protected characteristic](#) under the Equality Act 2010. The individual does not have to have

# Bullying and Harassment Policy

the protected characteristic him or herself. For example, associative discrimination has occurred where a woman is not promoted because she has a disabled child, and it is thought that she could not devote sufficient time to increased duties.

## Third Party Harassment:

[This is harassment](#) of an employee related to a [protected characteristic](#) under the Equality Act 2010 by third parties, for example clients or customers (or patients). For example, third party harassment has occurred where a waitress of Asian origin has complained on several occasions to her employer that a particular customer has been making racist remarks to her. In this example, the employer must take steps to protect the employee from such third-party harassment, such as banning the customer from the restaurant.

## Bullying

Bullying may be characterised as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient” (ACAS).

Examples include (this list is not exhaustive):

- Spreading malicious rumours or insulting someone, particularly on account of a Protected Characteristic.
- Ridiculing or demeaning someone – picking on them or setting them up to fail.
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances: touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- 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

Behaviour that is considered as bullying by one person may be considered as firm management by another.

Bullying and harassment are not necessarily face to face, they may be by written communication, visual images (e.g., pictures of a sexual nature or embarrassing photographs of colleagues), email, phone and through social media.

## Victimisation

Victimisation is subjecting a person to a detriment because he/she/they has, in good faith, complained (whether formally or otherwise) that someone had been bullying or harassing him/her/them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because he/she/they has made a complaint or giving him/her a heavier or more difficult workload.

# Bullying and Harassment Policy

Provided the member of staff acted in good faith, i.e., they genuinely believed that what they reported was true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment and BrisDoc will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

## Procedure for dealing with BULLYING AND Harassment

### Complaining about the Alleged Perpetrator

We recognise that complaints of bullying and personal harassment, particularly of sexual harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for staff to raise the issue through our normal grievance procedure.

In these circumstances staff are encouraged to raise such issues with a senior colleague of their choice (whether or not that person has a direct supervisory responsibility for them) as a confidential helper.

This person cannot be the person who will be responsible for investigating the matter if it becomes a formal complaint.

An employee who raises a concern which is proved to be vexatious or malicious may find themselves subject to disciplinary action.

#### Informal Complaint

An early resolution to an allegation of bullying and/or harassment is desirable for all concerned. In the first instance, an employee who feels that they have or are being bullied and/or harassed should ask the individual to stop and make it clear that their behaviour is unwanted and unwelcome. It is possible that the individual's behaviour is unintentional, and they are unaware of the impact of their actions. This will allow for the working relationship between both parties to continue.

If considered appropriate by both parties a meeting could be arranged so the matter can be discussed openly in a confidential and constructive environment. Alternatively, the manager of the accused should discuss their behaviour with them and explain that it is causing the recipient distress and, in order to resolve matters, this should cease.

Further Guidance for employees can be found in Appendix 1.

#### Formal Complaint

Where the informal approach fails, or if the unwanted behaviour is more serious and the informal approach is not appropriate, you should bring the matter to the attention of your line manager (or a more senior manager if applicable) and/or, the Workforce team as a formal written complaint under BrisDoc's Grievance Procedure - your confidential helper can assist you in this.

# Bullying and Harassment Policy

If possible, you should keep notes of the harassment so that the written complaint can include: -

- the name of the alleged perpetrator.
- the nature of the alleged bullying or harassment.
- the dates and times when the alleged bullying or harassment.
- the names of any witnesses; and
- any action already taken by you to stop the alleged harassment/behaviour.

On receipt of a formal complaint, we will take action to separate you from the alleged perpetrator to enable an uninterrupted investigation to take place. This may involve a temporary transfer of the alleged perpetrator to another work area or suspension with pay until the matter has been resolved.

The person dealing with the complaint will invite you to attend a meeting, at a reasonable time and location, to discuss the matter and carry out a thorough investigation in accordance with our Grievance Procedure.

You have the right to be accompanied at such a meeting by your confidential helper or another work colleague of your choice and you must take all reasonable steps to attend.

Those involved in the investigation will be expected to act in confidence and any breach of confidence could be a disciplinary matter.

On conclusion of the investigation, a report of the findings and of the investigator's proposed decision will be sent in writing, to you and to the alleged perpetrator.

If you are dissatisfied with the report or with the proposed decision, you have the right to appeal against the findings of the investigator in accordance with the appeal provisions of the Grievance Procedure.

If the report concludes that the allegation is well founded, the alleged perpetrator will be liable to disciplinary action in accordance with our Disciplinary Policy and Procedure.

## Roles & Responsibilities

### Employees

All employees are responsible for creating a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour but also ensuring their own behaviour does not contribute to, or collude with, others unacceptable behaviour.

Employees are responsible for:

- Setting a positive example by being aligned with BrisDoc's values treating others equally and with dignity and respect
- Maintaining professional conduct at work, with staff, patients, and any other service users
- Ensuring they treat colleagues, patients, and other service users fairly and equitably
- Ensuring they comply with all BrisDoc's policies and procedures
- Attending meeting as requested under this policy
- Arranging the attendance of their companion at meetings



# Bullying and Harassment Policy

- Notifying the manager conducting the meeting who their representative/ companion and any witnesses will be prior to the meeting
- Maintaining confidentiality during and after the application of this policy.

## Managers

Managers have an obligation to prevent bullying and/or harassment and to take immediate action once it has been identified. Managers must ensure all staff are treated fairly and consistently with dignity and respect and in accordance with BrisDoc's values. They should respond to any concerns raised swiftly and sensitively. Managers should be aware of behaviours which could cause offence, and where necessary remind employees of expected behaviours and outline their behaviour will not be tolerated if it continues.

Managers are responsible for:

- Ensuring staff BrisDoc's policies and procedures are complied with
- Inform the Workforce Team when incidents arise
- Promoting a working culture where bullying and/or harassment is unacceptable and not tolerated
- Set a positive example by treating others with dignity and respect and setting standards of acceptable behaviour
- Tackle, and where possible, resolve incidents in line with the policy
- Arranging meetings in line with this policy
- Maintaining confidentiality during and after the application of this policy.
- Ensure that you inform the complainant of appropriate support services.

## Workforce Team

The Workforce Team provide guidance and coaching for managers to enable and empower them to deal with incidents as and when necessary. They are responsible for ensuring the policy is followed fairly and consistently.

The Workforce Team is responsible for:

- Providing appropriate advice and support to managers in the application of the procedure including relevant training and coaching
- Providing appropriate advice to ensure the policy is followed in a fair and equitable manner
- Provide appropriate advice to ensure the policy is adhered to and timescales are met
- Reviewing and amending this policy as necessary
- Provide Guidance to line managers and employees regarding appropriate support services

## 7. Support

Situations regarding alleged bullying and/or harassment can be challenging for all parties involved, BrisDoc is committed to providing appropriate support in these situations. In addition to the workforce team, support can be accessed via a variety of routes:

## Bullying and Harassment Policy

- Mindful Employer Helpline – this is a confidential, anonymous staff helpline available by calling 0300 555 6006.
- Wellbeing Hub: BrisDoc has a range of resources available via the online wellbeing hub [The Staff Wellbeing Hub – Radar \(radar-brisdoc.co.uk\)](https://radar-brisdoc.co.uk)
- ACAS - ACAS provide a workplace helpline where individuals can talk through their options – 0300 123 1100.
- Union representation – those staff that are members of a union or professional body may wish to contact these organisations for additional guidance and support.

## RELATED POLICIES

- Grievance Policy
- Equality & Diversity Policy and Procedure
- Religious & Cultural Policy
- Code of Expectations and Standards of Behaviour
- Social Media Policy
- Disciplinary Policy
- Managing and Preventing Violence and Aggression towards Employees Policy

# Bullying and Harassment Policy

## Appendix One

### **Guidance for Employees**

What to do if you feel you are being bullied and/or harassed

- If possible, make it clear to the alleged perpetrator that their behaviour is unacceptable and causing you distress.
- Keep a note of incidents to include dates, times, and witnesses so if you decide to raise a formal concern you have specific details to draw upon.

Further support can be provided by the following:

- Your line manager (or a more senior line manager if your manager is being accused)
- Professional body such as NMC
- Workplace colleague
- Workforce team via [workforcesupport@brisdock.org](mailto:workforcesupport@brisdock.org)
- Mindful Employer Helpline – this is a confidential, anonymous staff helpline available by calling 0300 555 6006.
- Wellbeing Hub: BrisDoc has a range of resources available via the online wellbeing hub [The Staff Wellbeing Hub – Radar \(radar-brisdock.co.uk\)](http://TheStaffWellbeingHub-Radar.radar-brisdock.co.uk)
- ACAS - ACAS provide a workplace helpline where individuals can talk through their options – 0300 123 1100.

By confiding in someone as listed above, they can offer you further support and guide you through the options available to you.

To raise your concerns more formally you should report this either verbally or in writing to any of the following:

- Your line manager
- Any senior manager within BrisDoc
- A member of the Workforce team

In the first instance we would recommend, where possible you raise your concerns to your manager to try and deal the concern as quickly as possible.

Do not be afraid to raise your concerns, even if the alleged perpetrator is more senior to you. BrisDoc is committed to making staff feel safe, secure and to maintain their dignity in the workplace.

# Bullying and Harassment Policy

## Change Register

The following changes have been made between the February 2016 (v2) policy and the July 2021 (v3) policy.

Section	Change
1.	Part of introduction moved to 3. Scope. Introduction updated.
2	Updated
4.	Policy section removed
4.1.1 / 4.1.2 / 4.1.3	Removed reference to marriage, civil partnership, maternity and pregnancy.
4.2	Removed “These examples are not exhaustive and disciplinary action at the appropriate level will be taken against staff committing any form of personal harassment or bullying”.
4.3	Removed comment in relation to untrue complaints. Information added within 5.1.
5.1.1	Additional information added
6	Roles and responsibilities section added
8	Support section added
Appendix 1	Added