
Scope

This policy applies to all employees at the Care Group. This policy does not form part of any contract of employment and it may be amended at any time following approval from the Board.

Principles

The Care Group does not tolerate any form of bullying or harassment of colleagues. Such behaviour may lead to disciplinary action up to and including summary dismissal.

As an employee of the Care Group you are expected to behave appropriately at all times and to challenge any bullying or harassing behaviour by colleagues that you witness. You must also support any organisational procedures or initiatives designed to address bullying and harassment and report any behaviour of concern that you witness.

There are many definitions of bullying and harassment. For practical purposes those making a complaint usually define what they mean by bullying or harassment – something has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

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.

Harassment is defined in the Equality Act 2010 as:

Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

In addition, the complainant need not possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are perceived to have one, or are treated as if they do.

Behaviour that is considered bullying by one person may be considered firm management by another. However, behaviour that will be considered unacceptable includes:

- Spreading malicious rumours, or insulting someone by word or behaviour
- Copying emails or other communications that are critical about someone to others who do not need to know

- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Excluding someone unreasonably
- Victimisation – treating someone differently because of a complaint they have made
- 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

We will take reasonable and proportionate action to address concerns you have about the unwanted behaviour or harassment in connection with your employment by someone who doesn't work for the Care Group. This can include service users, family members and employees of other organisations.

Every effort will be taken to ensure that cases are dealt with in a non-discriminatory and consistent manner.

All those involved in a bullying and harassment procedure are expected to respect the confidentiality and privacy of others. Where appropriate, information may be withheld or anonymised in certain circumstances, for example to protect witnesses.

Victimisation or any other unfair or inappropriate treatment of any person raising a concern about bullying and harassment will not be tolerated by the organisation and any colleague involved in such activity may be subject to disciplinary proceedings.

Informal Action

Where possible and appropriate you are encouraged to try and resolve problems with bullying and harassment informally before using the formal process.

You may feel able to speak to the person you feel has bullied or harassed you and make them aware of the behavior and how it is affecting you. Alternatively, you may prefer to write to the individual. The individual may be unaware of the behavior or its impact on you. Making them aware will give them the opportunity to change their behavior.

If you feel unable to speak to the person yourself you can approach your trade union representative or manager, or if the complaint is about your manager, the next level of management, to help you.

You should try to resolve matters informally within three weeks of the event causing you concern.

Following this initial stage you may want to involve a mediator. This can be arranged through your manager.

Mediation is a voluntary process where the mediator helps two [or more] people in dispute to find a solution to the issue that they can both agree to. The mediator does not take sides or tell those in dispute what to do. Mediation is most likely to be successful if the parties:

- understand what mediation involves
- enter into the process voluntarily
- are seeking to repair the working relationship

It will be for you and the person whose behaviour has caused you concern to decide whether mediation would be likely to be helpful in your case.

If the informal approach does not resolve the issue you may decide to follow the formal procedure.

Discrimination or bullying actions can range from unintentional misunderstandings and lack of awareness through to deliberate and malicious acts. In some cases you or your manager may view the allegations to be of such a nature that the formal procedure involving investigation and possible disciplinary action is the right approach.

Formal Procedure

Every effort should be made to resolve issues without recourse to the formal procedure. However, if the concerns remain unresolved then the following steps can be taken:

1 - Write to your manager informing them that you wish to make a formal complaint

You should raise your concerns to your manager or in the case of a complaint against your manager, the next level of management. This should be done in writing within three weeks of the action complained of. Exceptionally, this time limit may be extended up to a maximum of five weeks when circumstances make it impracticable for written notification to be lodged within three weeks.

The letter should give details of the complaint, the efforts made to resolve the matter and the resolution you are seeking. You should include sufficient information and details to allow the complaint to be properly investigated.

2 - Your manager will confirm receipt of the complaint and commission an investigation

The commissioning manager will provide clear terms of reference for the investigation. The terms of reference will be given to you. The person complained about will be informed that a complaint has been made, provided with a copy of the terms of reference and informed that an investigation is taking place.

3 - The investigation is carried out

Meetings to investigate an issue are not formal meetings at which the employee has the right to be accompanied, however provided it does not result in undue delay, any employee

involved in the investigation may request that an accredited trade union representative or work place colleague be present at the meeting.

While we investigate your complaint we may arrange for you or the other person involved to be temporarily redeployed. Alternatively, we may decide to temporarily change the person you report to. In certain cases, we may decide that it is appropriate to suspend the other person involved.

4 - Once completed a report is provided to your manager

Investigation substantiates claim

If the investigation substantiates the claim of bullying and harassment and the commissioning manager agrees with this decision then the case will be referred to a disciplinary hearing. Please see the Disciplinary Policy.

Investigation does not substantiate claim

If the investigation does not substantiate the claim the commissioning manager will meet with both employees separately and give each employee the outcome of the investigation and its rationale, including a copy of the investigation report [sensitive or confidential information may be removed].

Where the allegations are not substantiated further action could include:

- Recommending mediation
- Training for either party
- Redeployment for either party
- If the complaint has been judged to be malicious disciplinary action may be taken against the complainant

The manager will write to both parties after the meeting confirming the outcome of the investigation, summarizing the discussion at the meeting and noting any further action agreed.

5 - The right to Appeal

You have the right to appeal against the outcome of the bullying and harassment process. All appeals will be conducted in accordance with the Care Group Appeals Policy.

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