

PE05 - Anti-Bullying Policy and Procedure

Category: Human Resources Sub-category: Equality and Human Rights

Policy Review Sheet

Last Reviewed: 06/11/18 Last Amended: 06/11/17

Next planned review in 12 months, or sooner as required.

Note: The full policy change history is available in your online management system.

Business Impact:	Low	Medium	High	Critical
		X		
Changes are important, but urgent implementation is not required, incorporate into your existing workflow.				

 Reason for this review:	Scheduled review
 Were changes made?	Yes
 Summary:	Policy reviewed with minor amendments to clarify this is a Human Resources policy and relates to staff, not people who use the service.
 Relevant Legislation:	<ul style="list-style-type: none"> Equality Act 2010 Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
 Underpinning Knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> Government, (2010), <i>Equality Act 2010</i>. [Online] Available from: http://www.legislation.gov.uk/ukpga/2010/15/contents [Accessed: 06/11/2017] Government, (2010), <i>Equality Act 2010 Explanatory Notes</i>. [Online] Available from: http://www.legislation.gov.uk/ukpga/2010/15/contents [Accessed: 06/11/2017]
 Suggested action:	<ul style="list-style-type: none"> Notify all staff of changes to policy Share 'Key Facts' with professionals involved in the service Training sessions Discuss in supervision sessions Confirm relevant staff understand the content of the policy Encourage sharing the policy through the use of the QCS App

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1. Purpose

1.1 4SocialCare Ltd is committed to providing a caring, friendly and safe environment for all of our workers, ensuring that they are treated with dignity and respect so they can work in a relaxed and secure atmosphere. Bullying of any kind is unacceptable and, if bullying does occur, all incidents will be dealt with promptly and effectively.

1.2 To support 4SocialCare Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Line of Enquiry (KLOE)
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
RESPONSIVE	R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care?
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

1.3 To meet the legal requirements of the regulated activities that 4SocialCare Ltd is registered to provide:

- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)

2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following people may be affected by this policy:

- Service Users

3. Objectives

3.1 To ensure a working atmosphere free from bullying or harassment of any kind.

3.2 To ensure that all members of staff are treated with dignity and respect regardless of any Protected Characteristics.

3.3 To ensure that all staff members are aware that 4SocialCare Ltd takes all allegations of bullying and/or harassment seriously and will not hesitate to invoke the disciplinary procedure should the allegations be found to be true.

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4. Policy

4.1 Bullying and Harassment are considered acts of misconduct. When this is deemed to be sufficiently serious, it will be considered gross misconduct which may lead to dismissal of the perpetrator. 4SocialCare Ltd will consider each case on its own facts.

4.2 What is Harassment?

Harassment is defined as any unwanted physical, verbal or non-verbal conduct which has the effect of violating another member of staff's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for them.

This only needs to be a single incident and does not have to be on the grounds of a Protected Characteristic (specifically race, religion, age, sex, sexual orientation, marriage, gender (including gender reassignment) pregnancy and maternity or disability). For example, unwanted conduct directed at a member of staff because of their weight would amount to harassment.

The focus is on the effect that the unwanted treatment has on the member of staff, as opposed to whether the conduct was intentional or not, although intention can be taken into account when deciding how serious the matter is.

4.3 What is Bullying?

Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened.

Bullying can be:

- **Emotional** - being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language)
- **Physical** - pushing, kicking, hitting, punching or any use of violence
- **Verbal** - name-calling, criticising in public, sarcasm, spreading rumours, teasing
- **Mobile** - threats by text messaging and calls, misuse of associated technology i.e. camera and video facilities

4.4 This policy does not form part of the employee's contract of employment and may be amended at any time.

4.5 This policy applies to all employees, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. This policy also applies to harassment and/or bullying by or against third parties such as Service Users' families, suppliers or visitors.

4.6 Bullying, harassment, and discrimination are personal grievances and are not covered by whistleblowing law, unless the particular case is in the public interest.

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5. Procedure

5.1 Initially the affected member of staff may feel it is possible to address the issue **informally** with the perpetrator with a view to resolving matters.

5.2 Sometimes it may be the case that the perpetrator is unaware that their conduct is having such an effect and may be genuinely upset that they have caused offence. The affected member of staff should explain to the perpetrator that their conduct is unwelcome, makes them uncomfortable and ask that they avoid such behaviour in the future. Notes should be taken of any conversation.

5.3 Following a **formal complaint**, the member of staff's line manager or another nominated person will undertake an impartial and objective investigation into the allegations raised. Following an investigation, 4SocialCare Ltd will invite the member of staff to a meeting to discuss the outcome of the investigation within 7 working days of receiving the complaint. The member of staff has a right to be accompanied at this meeting by a fellow colleague or Trade Union representative.

5.4 Where the manager considers that an offence has occurred, the manager will take prompt action to resolve the issue.

5.5 Where the harasser or bully is a fellow employee, 4SocialCare Ltd will look to deal with the potential misconduct or gross misconduct offence under the disciplinary procedure. However, the outcome of the disciplinary process is a matter for 4SocialCare Ltd to determine. The aggrieved cannot dictate what action is to be taken.

5.6 4SocialCare Ltd may explore, in certain cases, the feasibility of mediation between the harasser and the aggrieved. This may be accompanied by additional training for the harasser, either internally or externally. All staff are encouraged to consider engaging in mediation where it is offered as a solution, although 4SocialCare Ltd recognises that mediation will not always be appropriate.

5.7 Where the unwanted behaviour has stemmed from a third party, 4SocialCare Ltd will look to clarify the behaviour expected of their representatives or in very serious cases, ban them from our premises and/or terminate the contract with them.

5.8 Please note that any employee who deliberately provides false information or acts in bad faith as part of the investigation process will be subject to action under the disciplinary procedure.

5.9 A decision will be communicated in writing to the member of staff within 7 working days of the appeal hearing. Following this there will be no further right of appeal.

5.10 Bullying or harassment of a Service User is a safeguarding concern and should be dealt with firstly by following safeguarding procedures and dovetailing with 4SocialCare Ltd's Discipline Policy.

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6. Definitions

6.1 Bullying

- Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened

Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation

6.2 Gross Misconduct

- Misconduct that is sufficiently serious to warrant dismissal of an employee without notice

6.3 Harassment

- Harassment is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them

A single incident can amount to harassment

6.4 Misconduct

- Conduct by an employee which is serious but is not sufficient on its own to warrant dismissal either with or without notice

6.5 Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics

These characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

6.6 Whistleblowing

- You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public

As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. The law is the Public Interest Disclosure Act 1998

Key Facts - Professionals

Professionals providing this service should be aware of the following:

- Attempts should be made to resolve issues of bullying and/or harassment informally if at all possible
- If informal resolution is not possible, then 4SocialCare Ltd should look to resolve matters formally. This may involve use of the disciplinary procedure and/or the use of workplace mediation if appropriate
- 4SocialCare Ltd should respond to any formal complaint by arranging a meeting with the aggrieved employee within 7 days of receipt of the complaint. Similarly, if the aggrieved employee appeals the initial decision, 4SocialCare Ltd should hold an appeal meeting within 7 days of receipt of the appeal
- The aggrieved employee should ensure that their formal complaint sets out all relevant details, dates, times, places and witnesses of the conduct alleged

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Further Reading

As well as the information in the 'Underpinning Knowledge' section of the review sheet we recommend that you add to your understanding in this policy area by considering the following materials:

<https://www.gov.uk/guidance/equality-act-2010-guidance> - Government Guidance on the Equality Act 2010

<http://www.acas.org.uk/index.aspx?articleid=1864> - ACAS Guide to bullying and harassment at work for managers

<http://www.acas.org.uk/index.aspx?articleid=1864> - ACAS Guide to bullying and harassment at work for employees



Outstanding Practice

To be 'Outstanding' in this policy area you could provide evidence that:

- Feedback is sought and taken on board from members of staff on changes in organisational culture and the incidence of bullying and harassment
- Return to work interviews are undertaken in the management of absence, which should include the opportunity to raise any bullying/harassment problems and for these to be noted
- Training is undertaken with members of staff on equal opportunities and bullying and harassment
- The wide understanding of the policy is enabled by proactive use of the QCS App

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