



Delivering Quality Healthcare

Policy Title	Bullying and Harassment Policy: 10	Date Implemented or Date of Last Review	09/05/2020
CLOE Reference	Well Led	Date of Next Review	08/05/2021

1. POLICY STATEMENT

- 1.1. KOPE-MEDICS believes in a zero-tolerance attitude toward bullying and harassment in the work place.
- 1.2. This in practice requires that all staff are treated with dignity and respect whilst undertaking their duties in a working environment in which the dignity of all staff is respected and where staff feel able and encouraged to reach their full potential and effectiveness.

2. HARASSMENT and BULLYING

- 2.1. Harassment is defined in the Equality Act 2010 as unwanted conduct related to 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.

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- 2.2. 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.

3. THE POLICY

- 3.1. The recipient's view is crucial because what one person may find acceptable another may not. Any form of harassment or inappropriate behaviour which causes offence, whether intentional or not, will be treated very seriously and where appropriate will lead to disciplinary action, which could include dismissal, being taken.

4. EXAMPLES OF UNACCEPTABLE BEHAVIOUR:

- 4.1. Spreading malicious rumours or insulting someone.
- 4.2. Offensive language, swearing.
- 4.3. Copying memos that are critical about someone, to those who do not need to know.
- 4.4. Ridiculing or demeaning someone – setting them up to fall or fail.
- 4.5. Exclusion or victimisation.
- 4.6. Unfair treatment.
- 4.7. Overbearing supervision.
- 4.8. Sexual harassment – unwelcome remarks such as jokes, innuendos, touching, standing too close, display of offensive materials.
- 4.9. Racial harassment.
- 4.10. Religious discrimination.
- 4.11. Disability discrimination.

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4.12. Age discrimination.

5. HARASSMENT DOES NOT MEAN:

- 5.1. Mutually acceptable friendship or flirtation
- 5.2. Enjoying a joke at work providing that it is not at someone else's expense
- 5.3. Enjoying a joke at work if no-one shows they are offended
- 5.4. Normal operational management of staff in the conduct of their duties

6. KEEPING PERSPECTIVE:

- 6.1. If you are in an environment and are uncomfortable about jokes or banter in the environment, it is your responsibility to raise concerns early so they can be dealt with.

7. OUR RESPONSIBILITIES AND ACTIONS AS A COMPANY

- 7.1. We promote an environment where no-one is harassed or victimised.
- 7.2. All management staff are aware of this policy and aim to ensure that all Workers are treated fairly and that no-one is harassed or victimised.
- 7.3. To be observant and alert to the kind of behaviour which might indicate a problem, i.e. where one employee is always critical of another or where an employee is left out of social interaction.
- 7.4. To deal with any form of harassment or intimidation at an early stage, this may be initially informally as the accused may not be aware their behaviour is causing offence.

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- 7.5. If this approach is not successful then written statements will be taken from the complainant and the accused and an investigation will be undertaken seeking advice from senior management or outside agencies as deemed necessary.
- 7.6. Where possible, steps will be taken to ensure the two parties are not placed in a situation where the matter can be aggravated.
- 7.7. If the outcome of the investigation shows that there is a reasonable belief of bullying and harassment it is within the realm of the employer to take disciplinary action against that employee.
- 7.8. To offer support for the victims of harassment or bullying.

8. RESPONSIBILITIES OF THE EMPLOYEE

- 8.1. All staff must comply with this policy.
- 8.2. Staff must be aware that it is their personal responsibility not to harass, bully or intimidate another employee.
- 8.3. If an employee becomes aware that a colleague is experiencing harassment or bullying it is part of their duty of care not to allow it to continue by reporting all incidents to a manager.

9. HOW TO REPORT AN ALLEGATION OF BULLYING AND HARASSMENT

- 9.1. Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can sometimes help to solve the problem.
- 9.2. However, if you feel you are being bullied or harassed, we realise that the situation may be sensitive and may make you feel vulnerable or in fear of reprisal and therefore, may make it difficult for you to make an allegation.
- 9.3. Subsequently, we suggest you consider discussing matters informally with your manager, in confidence, who will then be able to support you when pursuing the matter. If you feel able to do so, you should then raise the matter informally with the perpetrator, with your manager to support you.

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- 9.4. If this does not solve the problem, or if the matter is more serious, (or if you do not feel able to do so,) you should report the matter to the manager as a formal written grievance.

10. GRIEVANCE

- 10.1. We endeavour to manage grievances in a timely and confidential manner via an investigation to establish full details of what happened.
- 10.2. Your name and the name of the alleged harasser will not be divulged other than on a "need to know" basis to those individuals involved in the investigation. At the outset, someone with no prior involvement in the complaint will be appointed.
- 10.3. The investigation will be impartial and objective, and will be carried out sensitively and with due respect for the rights of all parties concerned.
- 10.4. Consideration will be given to whether the alleged harasser or bully should be redeployed temporarily, or suspended on contractual pay or whether reporting lines or other managerial arrangements should be altered pending the outcome of the investigation.
- 10.5. As part of the investigation, the person will meet with you to hear your account of the events leading to your grievance.
- 10.6. You have the right to be accompanied by a colleague of your choice. The investigating officer will also meet with the alleged harasser or bully who may also be accompanied by a colleague. It may also be necessary to interview witnesses to any of the incidents mentioned in your grievance. Where it is necessary to interview witnesses, the importance of confidentiality will be emphasised to them.
- 10.7. After the investigation, the outcome of the findings will be notified to both you and the alleged harasser usually within two weeks of your complaint first being reported.

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- 10.8. If the conclusion is that harassment or bullying has occurred, prompt action will be taken to stop the harassment or bullying immediately and prevent its recurrence.
- 10.9. The findings will be dealt with under the disciplinary procedure. Consideration will be given to whether the harasser or bully should be dismissed and, if not, whether he or she should remain in his or her current post or be transferred.
- 10.10.** Even where a grievance is not upheld, (for example, where evidence is inconclusive), consideration will be given to how the on-going working relationship between you and the alleged harasser or bully should be managed. This may involve, for example, arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.
- 10.11.** Should the investigation show that there may be a case to answer KOPE-MEDICS's disciplinary procedure will be invoked against the alleged perpetrator.

11. CONFIDENTIALITY

- 11.1.** At all times throughout the process and after, all parties involved, including the alleged perpetrator, the victim, the manager, and any witnesses will need to give due consideration to confidentiality.
- 11.2. As such, all parties will be reminded that they should not breach confidentiality and should not discuss the matter with anyone outside of the procedure.
- 11.3. Details of the investigation and any subsequent disciplinary procedure which may take place will be kept on the member of staff personnel file.

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12. UNTRUE CLAIMS

- 12.1. Whilst we will support all parties during and after a thorough and objective investigation into the allegation as appropriate, if through the course of the investigation and subsequent disciplinary meetings evidence demonstrates that the allegation has been made maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in KOPE-MEDICS's Policy.

13. APPEALS

- 13.1. If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within 7 calendar days of being notified of the outcome.
- 13.2. You should submit your full written grounds of appeal to another manager.
- 13.3. The person hearing your appeal will meet with you to discuss your appeal. You may be accompanied by a colleague or Trade Union Official. You will normally be notified of the outcome of the appeal within fourteen days of this meeting. This is the final stage of the formal procedure.
- 13.4. Further Guidance and advice is available from ACAS <https://www.gov.uk/workplace-bullying-and-harassment>

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