

# Heritage Care at Home Ltd

## Bullying and Harassment Policy

Policy reviewed and valid from: 01/01/20



### Introduction

Heritage care at Home Ltd fully supports the right of all people to be treated with dignity and respect at work. We are committed to promoting a working environment free from all forms of harassment and bullying and agree that appropriate steps should be taken to achieve this.

We are aware that workplace bullying has a detrimental and negative affect on individuals and therefore operational efficiency. We have therefore resolved to create a working environment that supports the dignity of all employees and is free from bullying and any other forms of harassment.

All employees will be made aware of our policy forbidding the bullying of any employee by another employee and will be expected to comply with this policy. Appropriate disciplinary action, including warnings and dismissal for serious offences, may be taken against any employee who violates this policy. Heritage Care at Home Ltd also recognises that it has a responsibility to protect employees from bullying at work by customers and members of the public. All staff have the right to be treated with respect by the customers and relatives of those they provide services to.

All employees have a clear role to play in helping to create a climate at work in which bullying behaviour is unacceptable. In particular, employees should be aware of their own conduct, avoid colluding with inappropriate behaviour and co-operate fully in any complaint procedure. Managers and supervisors have a responsibility to raise awareness of the issue, respond positively to any complaints and challenge and stop unacceptable behaviour in the workplace. This policy will be communicated to employees using a variety of methods including posters, leaflets and training.

### What is bullying at work?

Bullying can be defined in many ways but is generally behaviour that is identified as a misuse of power. It is usually persistent (i.e. more than a one-off incident), is offensive, abusive, intimidating, malicious or insulting behaviour, unfair use of sanctions. This makes the recipient feel upset, threatened, humiliated or vulnerable and undermines self-confidence.

Bullying behaviour is largely identified not so much by what has actually been done, but rather by the effect that it has on its target(s).

At its most extreme, bullying can be physical e.g. hitting, pushing, damaging or stealing personal possessions. This may, in some cases, constitute gross misconduct and should be dealt with under the disciplinary procedure. Examples of bullying covered by this Policy could include:

- Persistently criticising an individual unnecessarily;
- Shouting at colleagues in public or private;
- Deliberate isolation by ignoring or excluding a person;
- Withholding information or removing areas of responsibility without justification;
- Spreading malicious rumours;
- Making inappropriate personal comments;
- Blocking leave or training applications without reason;
- Setting objectives with impossible deadlines with the deliberate intention of undermining an individual;
- Deliberate misrepresentation of the views of senior management;
- Undermining a person's self respect by condescending, paternalistic or threatening treatment that humiliates, intimidates or demeans.

Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument does not constitute bullying.

It is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtain results whilst ensuring that employees are treated with dignity and respect.

### **The Legal Position**

Heritage care at Home Ltd has duties to ensure the physical and psychological health, safety and welfare of employees at work under health and safety legislation. This includes assessing the causes of stress at work and introducing measures to reduce or prevent stress.

Harassment based on race, gender, sexuality or disability are serious employment issues and may be in breach of the Race Relations Act 1976, the Sex Discrimination Act 1975, the Disability Discrimination Act 1995, the Public Order and Criminal Justice Act 1994, the Protection from Harassment Act 1997 and/or Equal Opportunities Code of Practice.

Employers may be liable for the actions of their employees, whether or not they are carried out with the employer's knowledge or approval. This is in addition to the employee's individual liability for his/her own actions. Liability for harassment amounting to unlawful discrimination can only be avoided if it can be proven that appropriate preventative measures were taken to ensure that the offending acts were not committed.

Individuals complaining of racial or sexual harassment, or harassment on the grounds of disability may have direct recourse to the law through an Employment Tribunal. Whilst other forms of harassment may not be in breach of the law, they may contravene (the employer's) policy and as such are unacceptable.

Any legal claims for bullying would be concerned with breach of contract and unfair dismissal. That is, that the failure by an employer to deal with bullying related issues may result in a fundamental breach of one of the following implied terms:

- To keep employees safe from harm;
- To support and assist;
- Trust and confidence.

In addition, the Human Rights Act 1998 may also provide legal redress for complainants of harassment or bullying.

Heritage Care at Home Ltd recognises that there can be difficulties in raising the issue of bullying. The following are examples, but not an exhaustive list:

- If the immediate manager is doing the bullying.
- If the employee is reluctant or too embarrassed to raise the matter with their manager, or feel the manager may lack the skills, knowledge or sensitivity to deal with complaints of bullying.
- If the employee finds the prospect of using the formal complaints procedures intimidating.

We are concerned to ensure that such potential difficulties are overcome and that allegations of bullying are raised so that they can be acted upon. To help ensure this there has been member of staff designated to deal with complaints of bullying and to offer advice to employees who believe that they or their colleagues have been bullied. (Please ask for details)

Their main role is to:

- Provide sympathetic assistance to employees with complaints of bullying.
- Explain to them how the procedures for making a complaint operate.
- Establish the main details of any complaint.
- Channel the complaint to the appropriate manager for action if the employee decides to take the matter further.

An employee who comes to talk about bullying is under no obligation to take further action. This is to help employees decide what they want to do.

### **Complaints procedure**

An individual can deal with bullying in various ways, ranging from asking the person to stop their bullying behaviour or to making a formal complaint.

Some people are unaware that their behaviour in some circumstances is bullying or harassing. If it is clearly pointed out to them that their behaviour is unacceptable, the problem can sometimes be resolved. With this in mind, this policy includes informal as well as formal action to deal with complaints of bullying.

### **Informal Complaints Procedure**

1. If possible, an employee who believes that he or she has been the subject of bullying should, in the first instance, ask the person to stop the bullying behaviour and make it clear what aspect of their behaviour is offensive and unacceptable and the effect it is having. This can be done either verbally or in writing. If the bullied person feels unable to approach the person responsible directly, a friend, colleague or trade union representative can make this initial approach.
2. If an employee is unable to adopt the above approach, or the bullying is of a very serious nature, they can approach a trained member of staff, who will provide informal advice in confidence. No further action will be taken without the consent of the employee making the complaint.

Confidential advice is also available to other employees who themselves may not be the subject of bullying but are concerned about the bullying of others.

### **Formal complaints procedure**

If informal action does not stop the bullying behaviour, or a formal complaint is made, the complaints procedure should be initiated and a formal report should be made. Throughout this procedure, the complainant and the person against whom the complaint is made have the right to trade union representation or to be represented by a friend or colleague.

1. An employee who believes that he or she has been the subject of bullying should formally report the alleged act to their (line manager) or (a senior manager).
2. All complaints will be handled and investigated in a timely and confidential manner. Confidentiality will be maintained at all times. Employees shall be guaranteed a fair and impartial hearing whether they are the bully or the bullied. The manager will be responsible for ensuring a thorough investigation of the complaint.
3. As a first stage in the investigation, the manager will arrange to interview separately both the complainant, and the person against whom the complaint has been made, with a representative if requested.
4. The manager will give a detailed response in writing to the complainant.
5. If the investigation reveals that the complaint is upheld, prompt action designed to stop the bullying immediately and prevent its recurrence will be taken. In such circumstances, if relocation proves necessary, the alleged bully and not the complainant will be relocated unless the person complaining requests otherwise.
6. Where disciplinary action is considered necessary such action will be considered strictly in accordance with the staff disciplinary procedure.
7. Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliating against an employee for complaining about or assisting in an investigation of bullying is a disciplinary offence.
8. Any decisions taken under this procedure do not preclude any employee from pursuing a grievance in the usual way under the staff grievance procedures.
9. The complainant and the alleged bully have the right to appeal against the processing of a complaint (not the outcome) within (time limit) of the outcome of an investigation to (senior manager).

### **Information and training**

Information and training about bullying and about this policy will be given to all employees, including supervisors, managers and new staff. This will include information on what constitutes bullying and, for managers, on what their responsibilities are. Trade unions will be invited to speak at training sessions on bullying.

The manager responsible for investigating complaints will be given training for this role.

This policy on bullying will be published in the following ways (list the ways-for example, via training, leaflets, notice boards and so on).

The policy will also be brought to the attention of contractors and agency staff, which will be required to comply with the policy as part of their contract.

### **Support for bullied staff**

Heritage Care at Home Ltd recognises that bullying can affect job performance and cause stress. Where bullying causes deterioration in job performance, this will be treated as a health problem and the person will be encouraged to seek help under the terms of this policy. There will be no discrimination against individuals suffering from bullying or stress caused by bullying.

Access to independent and trained counsellors will be available to all staff. This service will be strictly confidential between the counsellor and member of staff. No details or records will be disclosed without the written permission of the member of staff concerned.

Employees who have been bullied will be offered paid time off to attend counselling sessions. Contact details of stress counsellors will be posted on notice boards, so that staff can make arrangements for counselling outside their working hours if they wish (this is for staff who do not want to ask for time off which would draw attention to their need for counselling).