

# Healthwatch Cambridgeshire and Peterborough

## Harassment and Bullying at Work Policy

### Introduction

1. Bullying, harassment or victimisation on the grounds of race, colour, nationality, ethnic or national origin, sex, marital status, gender reassignment, sexual orientation, religious belief, disability or age is unacceptable. This policy covers all types of harassment.
2. Harassment may include bullying behaviour, and refers to bad treatment that is related to a protected characteristic, such as age, sex, pregnancy, disability, race, gender, religion or sexual orientation. More specifically, the law defines it 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.' It can include behaviour that individuals find offensive even if it's not directed at them, and even if they do not have the relevant protected characteristics themselves.
3. Victimisation broadly refers to bad treatment directed towards someone who has made or is believed to have made or supported a complaint under the Equality Act. It includes situations where a complaint hasn't yet been made but someone is victimised because it's suspected they might make one. If an individual gives false evidence or makes an allegation in bad faith, then they are not protected from victimisation under the Act.
4. Bullying can be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power that undermines, humiliates, denigrates or injures the recipient (emotionally or physically) - but it doesn't have a legal definition in the Equality Act. In fact, bullying behaviour is very similar to harassment, but it is not related to a protected characteristic.
5. Healthwatch Cambridgeshire and Peterborough recognises that bullying and 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.

### Policy

1. Healthwatch Cambridgeshire and Peterborough deplores all forms of personal harassment and bullying and seeks to ensure that the working environment is sympathetic to all our employees.
2. We have published these procedures to inform employees of the type of behaviour that is unacceptable and provide employees who are the victims of harassment or bullying with a means of redress.

3. Healthwatch Cambridgeshire and Peterborough recognises that we have a duty to implement this policy and all employees are expected to comply with it.

### **Examples of harassment**

Harassment takes many forms and employees may not always realise that their behaviour constitutes harassment. Harassment is unwanted behaviour by one employee towards another or several employees and examples of harassment include:

- Offensive comments on the basis of a protected characteristic;
- insensitive jokes and pranks;
- lewd or abusive comments about appearance;
- deliberate exclusion from conversations;
- abusive or offensive writing or material including via email, text or social media;
- unwelcome touching; and
- abusive, threatening or insulting words or behaviour.

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of personal harassment. Serious acts of harassment will be classed as gross misconduct and can lead to summary dismissal.

### **Examples of bullying**

Bullying is persistent behaviour, directed against an individual or group that creates a threatening or intimidating work environment which undermines the confidence and self-esteem of the recipient. Bullying is not performance managing someone in an appropriate way or giving constructive feedback to people regarding their behaviour or performance.

Examples of bullying include:

- Verbal abuse (for example harsh or undermining treatment; verbal intimidation or threat; verbal abuse, including racist, sexist, homophobic or other prejudiced remarks)
- Abuse of power or unfair sanctions
- Practical jokes, initiation ceremonies
- Physical bullying (for example intimidating physical presence; inappropriate touch; physical assault; intentional damage of property or work)

- Social bullying (for example belittling in front of colleagues; lying, spreading rumours or making comments to damage someone's reputation; unjustifiable preferential treatment of others; excluding from activities/opportunities, or encouraging others to exclude).
- Cyber/remote bullying (for example using text message, email or social media to deliver abusive, undermining or hurtful messages; online intimidation or harassment; intentional exclusion of others from online forums; public sharing of private information without consent).

These examples are not exhaustive and disciplinary action at the appropriate level will be taken against employees committing any form of bullying. Serious acts of bullying will be classed as gross misconduct and can lead to summary dismissal.

### **Complaining about harassment or bullying**

#### **1. Informal complaint**

Healthwatch Cambridgeshire and Peterborough recognises that complaints of harassment or bullying, and particularly of sexual or racial harassment, can sometimes be of a sensitive or intimate nature and that it may not be appropriate for the issue to be raised through the grievance procedure. In these circumstances the issues should be raised with a senior colleague of your choice (whether or not that person has a direct supervisory responsibility for you) as a confidential helper. This person cannot be the person who will be responsible for investigating the matter if it becomes a formal complaint.

If you are the victim of minor harassment/bullying you should make it clear to the perpetrator on an informal basis that their behaviour is unwelcome and ask the perpetrator to stop. If you feel unable to do this verbally then you should hand a written request to the person. Your confidential helper can assist you in this.

#### **2. Formal complaint**

Where the informal approach fails or if the behaviour is more serious or you wish to make a formal complaint, the matter should be brought to the attention of the CEO or the designated member of the senior team responsible for staff wellbeing (or the designated trustee responsible for staff wellbeing) as a formal written complaint and again your confidential helper can assist you in this. If possible, please include brief written details of the following: -

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

On receipt of a formal complaint, where necessary, 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 contractual 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 will carry out a thorough investigation. You have the right to be accompanied at such a meeting by your confidential helper, trade union representative 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 will be a disciplinary matter.

On conclusion of the investigation which will be within a reasonable timeframe, a draft 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 or the alleged perpetrator are dissatisfied with the draft report or with the proposed decision this should be raised with the investigator within five working days of receiving the draft. Any points of concern will be considered by the investigator before a final report is sent, in writing, to you and to the alleged perpetrator. You have the right to appeal against the findings of the investigation in accordance with the appeal provisions of the grievance procedure.

### **General notes**

1. If the report concludes that the allegation is well founded, the perpetrator will be liable to disciplinary action in accordance with our disciplinary procedure. An employee who receives a formal warning or who is dismissed for harassment/bullying may appeal by using our disciplinary appeal procedure.
2. If you bring a complaint of harassment/bullying you will not be victimised for having brought the complaint.
3. Accusations of bullying can sometimes be used as a form of bullying. If the report concludes that the complaint is both untrue and has been brought with malicious intent, disciplinary action may be taken against the person raising the accusation.
4. All complaints of bullying, whether formal or informal, will be reported to Healthwatch Cambridgeshire and Peterborough's full board at the next board meeting following the complaint. Where appropriate, and depending on circumstance, complaints may be anonymised.

## **Victim support**

Where appropriate, Healthwatch Cambridgeshire and Peterborough will seek to provide additional assistance to victims by contacting outside agencies who will provide specialist advice and support, with the staff member's permission.

Healthwatch Cambridgeshire and Peterborough will provide additional support to victims of harassment, until the case is resolved. Wherever possible, Healthwatch Cambridgeshire and Peterborough will ensure that staff are available to support victims if they so wish.

## **Police involvement**

Healthwatch Cambridgeshire and Peterborough will report incidents of harassment to the police where there is a clear threat to the safety of staff or the general public or if the allegation is of a serious criminal nature such as rape or sexual or racial assault

**Approved by Healthwatch Cambridgeshire and Peterborough Board of Directors**

Date: September 2021

For review: September 2023

## **Responsible Officer**

Chief Executive Officer of Healthwatch Cambridgeshire and Peterborough