HARASSMENT AND BULLYING POLICY

1. INTRODUCTION

Outcomes First Group provides high-quality care, education and clinical support every day. We create happy places that are safe, friendly and supportive, so that we can be trusted to be doing the best for each person in our care. Outcomes First Group is dedicated to have a workplace which is free from harassment and bullying and to ensure that all staff members are treated with dignity and respect.

- The purpose of the harassment and bullying procedure is to provide a method for staff members to raise issues with Outcomes First Group and for those issues to be dealt with fairly, consistently and as speedily as possible.

- This policy applies to all staff members who have a contract of employment with Outcomes First Group. This policy does not apply to agency/external consultancy staff or self-employed project workers.

2. PRINCIPLES

- It is important to ensure that any management action taken is fair and consistent and in keeping with Outcomes First Group’s Equality policy and practices. Therefore, the policy, procedures and processes identified within this document are applied to all staff irrespective of age, ethnicity, disability, gender, marital or civil partnership status, nationality, offending history, race, religion or belief, sexual orientation, social status, trade union membership or working patterns.

- It is the responsibility of the Line Manager to ensure that staff members are aware of and understand this policy.

- It is the responsibility of all staff members to comply with this procedure and the particular responsibility of supervisors and managers to ensure it is carried out, with a view to developing and maintaining a working environment in which harassment and bullying are understood by all to be unacceptable.

- All staff members have a duty not to bully or harass each other and not to help anyone else to do so.
• This procedure only applies to those employed by the company. Any issues raised when the staff member has left the organisation will be considered but the full procedure would not normally be followed.

• Outcomes First Group will not tolerate harassment or bulling in the workplace or at work-related events outside of the workplace, whatever the seniority of the perpetrator and whether the conduct is a one-off act or repeated, or done purposefully or not on purpose. Neither will the organisation tolerate retaliation or victimisation of any person involved in the bringing of a complaint of harassment or bulling.

• Staff members should be aware that if a court or tribunal finds that they have bullied or harassed someone they could be liable to compensate the victim. In some circumstances the treatment may amount to a crime punishable by a fine or imprisonment.

• If a staff member witnesses, or has evidence to suggest that another staff member is being harassed or bullied they must follow the Whistleblowing policy to report it.

• Staff members found to have harassed or bullied another staff member, may be subject to disciplinary action, up to and including dismissal. Retaliation or victimisation will also constitute a disciplinary offence, which may in appropriate circumstances lead to dismissal.

• All allegations of bullying and harassment will be treated seriously. Investigations will be carried out promptly, sensitively and, as far as possible, confidentially.

3. WHAT IS CONSIDERED AS HARASSMENT AND BULLYING?

• Harassment or bullying are phrases that apply to treatment from one person (or a group of people) to another that is unwanted and that has the effect of violating that person’s dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.

• Examples of harassment and bullying can include:
  • verbal abuse or offensive jokes or pranks related to a person’s characteristics (which include but are not limited to their race, colour, nationality, ethnic origin, national origin, religion or belief, sex, sexual orientation, gender re-assignment, disability or their age);
  • lewd or suggestive comments;
  • display of pin-ups or pornography, inflammatory or abusive literature or graffiti;
  • deliberate exclusion from conversations or work activities;
  • withholding information a person needs in order to do their job;
  • practical jokes, initiation ceremonies or inappropriate birthday rituals;
  • physical abuse such as hitting, pushing or jostling;
  • rifling through, hiding or damaging personal property;
  • subjecting a person to humiliation or ridicule, belittling their efforts, often in front of others

• It is not always necessary for staff to be in the same room for harassment and bullying to take place. The potential for harassment or bullying by telephone and letter has now expanded to include so-called cyber bullying e.g. emails, text messages and material posted on personal blogs and social networking sites.

• Bullying does not include appropriate criticism of an staff member’s behaviour or proper performance management.

• It is important to recognise that conduct which one person may find acceptable, another may find totally unacceptable. All staff members must, therefore, treat their colleagues with respect and appropriate sensitivity.
## 4. HARASSMENT AND BULLYING PROCEDURE

- If a staff member is being bullied or harassed by a customer or supplier they must bring it to the attention of their Line Manager who in conjunction with HR decide how best to deal with the situation, in consultation with the staff member concerned.

- The Harassment and Bullying Procedure is divided into two parts:
  - **Informal approach**: Where possible this is always the preferred route.
  - **Formal complaint**: Where the informal approach has failed to resolve a matter, or for more serious matters, the Formal Complaint Procedure should be used.

### 4.1 Informal Approach

- If a staff member is being bullied or harassed by another staff member, they may be able to resolve the situation themselves by explaining clearly to the perpetrator(s) that their behaviour is unacceptable, contrary to our policy and must stop.

- Alternatively, staff members may wish to ask their Line Manager or a colleague to put this on their behalf or to be with them when confronting the perpetrator(s).

- In either case, please approach the HR department for advice and support. Any request for help will be treated confidentially.

- If the above approach does not work or if the staff member does not want to try to resolve the situation in this way, or if they are being bullied by their own manager, the matter should be raised with the HR department who will assign a senior manager who will:
  - Try to resolve the situation informally by telling the alleged perpetrator(s), without prejudging the matter, that there has been a complaint that their behaviour is having an adverse effect on a fellow staff member; that any such behaviour is contrary to our policy; that the continuation of such behaviour could, if substantiated, amount to a serious disciplinary offence. It is normally possible to have this conversation with the alleged perpetrator without revealing the staff member’s name. It will also be stressed that the conversation is confidential.

- In certain circumstances the organisation may involve a neutral third party (a mediator) to facilitate a resolution of the problem.

- If the complaint is resolved informally, the alleged perpetrator(s) will not be subject to disciplinary sanctions. However, in exceptional circumstances (such as an extremely serious allegation of sexual harassment) it may be decided to investigate further and take more formal action. This will be done in consultation with the staff member.

### 4.2 Formal Procedure

- To be used if informal resolution is unsuccessful or inappropriate.

- The staff member can make a formal complaint verbally or in writing about the harassment or bullying to either their Line Manager or next most Senior Manager or HR as appropriate.

- Full details should be given including: the name of the alleged perpetrator(s), the nature of the harassment or bullying, the dates and times the harassment or bullying occurred, the names of any witnesses and any action taken by the staff member to resolve the matter informally.

- The alleged perpetrator/s would normally need to be told the staff member’s name and the details of the complaint in order for the issue to be dealt with properly. However, all issues will be dealt with as confidentially and sensitively as possible.

- The staff member who made the complaint will be invited to a meeting to clarify the details of the information. See template letter HB1. See claim meeting template HB2.
• The member of staff has the right to be accompanied by a work colleague or trade union representative not acting in a legal capacity and this should be made clear in the invitation letter. The companion may address the meeting to put the staff member’s case and/or sum up the case on request of the staff member. He or she may confer with the staff member during the meeting but does not have the right to answer questions on their behalf or prevent anyone from making their contribution to the meeting.

• Where possible, the person chairing the meeting should endeavour to resolve the issues in the meeting. In some cases, this may include reasoning with the staff member if their complaint is not within the scope of this policy.

• If the claim cannot be resolved during the meeting, the meeting should be adjourned for further information to be obtained via an investigation – see investigation below.

• In most cases, the person chairing the meeting will be appointed as Investigation Officer. In the event that this person is not suitable, the complaint should be passed on to another manager with all the information collated so far.

• All meeting notes must be signed by the relevant staff member.

• For the staff member raising the complaint, the Company will consider the notes to be a true reflection of the meeting. Any additions or amends that the staff member wishes to make must be submitted separately. This is indicated at the end of the meeting template.

• Where the staff member and the alleged perpetrator(s) work in close proximity to each other, it may be deemed inappropriate for them to continue to do so whilst the complaint is being investigated and during any consequent disciplinary proceedings. If so, we may decide to:
  - transfer one or both members of staff;
  - send one or both members of staff home on full pay.

• When the investigation is complete the meeting can be reconvened as soon as possible.

• Any outcomes of the investigation and future actions will be outlined in the meeting.

• The chair should normally respond in writing within 5 working days of the meeting. The response should include - see template letter HB7:
  - The notes of the meeting and decisions made.
  - The right to appeal if the staff member is dissatisfied with the decisions.
  - The manager that the appeal should be addressed to.

Investigation

• Where a full investigation is to take place the alleged perpetrator(s) should be informed verbally and in writing and the nature of the allegation/concerns that have been raised also stated. They must also be invited to an investigation meeting and interviewed. See template letter HB3. See investigation meeting template HB4.

• Any witnesses must also be interviewed. See investigation meeting template HB4.

• All meeting notes must be signed by the relevant staff member.

• Witnesses do not receive a copy of their signed notes. Arrangements can be made for any witnesses to sign these in a confidential environment in work time.

• For the accused staff member, the Company will consider the notes to be a true reflection of the meeting. Any additions or amends that the staff member wishes to make must be submitted separately. This is indicated at the end of the meeting template.
• The investigation should take no longer than necessary and should normally take no longer than 3 working weeks.

• The Investigation Officer must keep both parties informed of the progress of the investigation including any necessary alteration to the above timescale.

• An investigation report must be completed with a summary and a conclusion of the investigation. See report template HB5.

• The outcome of the investigation will determine under which policy any further action may apply.

• If the Investigation Officer concludes that the complaint should be referred as a disciplinary matter, another Investigation Officer should be appointed to review the investigation and complete a disciplinary investigation report. See template DIS4.

• If the investigation shows that no further action is to be taken the alleged perpetrator /s must be notified in writing. See template letter HB6.

• If an outcome of the investigation states any recommendations which are not for the staff member they should be delegated to the appropriate manager to action.

Appeal

• Where a staff member wishes to appeal against the decisions and the outcome of the grievance meeting they must state this fact in writing within 5 working days of receiving the letter of confirmation following the meeting. This appeal will be addressed to the Head of HR, as set out in the letter.

• The letter should state why the staff member is dissatisfied with the decisions and outcome of the investigation.

• A meeting will be arranged normally within 5 working days. See template letter HB8. The member of staff has the right to be accompanied by a work colleague or trades union representative not acting in a legal capacity.

• The appeal manager will confirm the outcome of the meeting in writing, with the difference that this letter will state that, the procedure has been exhausted and the outcome represents the Organisation's final decision on the matter. See template letter HB9.

5. MISUSE OF THE POLICY

• False accusations of harassment or bullying can have a serious effect on innocent individuals. Staff members have a responsibility not to make false allegations. False allegations made in bad faith will be dealt with under the disciplinary procedure.
APPENDIX 1

LIST OF SUPPORTING TEMPLATE FORMS AND LETTERS

- HB1 Invitation to Claim meeting
- HB2 Harassment and Bullying Claim meeting template
- HB3 Perpetrator notification of Claim & invitation to meeting
- HB4 Harassment and Bullying Claim investigation meeting template
- HB5 Investigation report template
- HB6 Perpetrator Notification of Investigation Outcome – No Action
- HB7 Outcome of Claim meeting letter
- HB8 Invitation to Claim Appeal meeting
- HB9 Outcome of Claim Appeal meeting letter
- HRG3 Human Resources Guide to Conducting an Investigation

The above list of template forms and letters, in Word format, can be found on the Outcomes First Group Resources Portal at http://www.optionsgroup.co.uk/resources/resources_downloadable_res.php under PPM Forms and Template Letters. Should a document be password protected, please contact your local Admin department for assistance.

For access to the Portal, please refer to the latest monthly update email for current log-on details for the Portal. Local Administration departments can assist where required.