

Policy For The Prevention of Bullying & Harassment at Work

Statement of Policy

1. Tendercare Ltd is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give of their best. Everyone in the Company and those who have dealings with the Company has a responsibility to maintain good working relationships and not use words or deeds that may harm the wellbeing of others. In addition to the obligations placed upon both employers and employees by the Equality and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect. This contributes to a workplace environment in which individuals feel safe and can work effectively competently and confidently.
2. The Company's policy applies to all staff working within the organisation and to all employees working off the premises. It extends to include non-permanent workers such as contractors, agency, temporary staff, consultants and any other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work or working relationships.
3. The Company has a "zero tolerance" policy and will investigate vigorously any allegations of bullying or harassment, regardless of whether the matter has been raised formally or informally.

Key Principles

4. The Company will provide and sustain a safe working environment in which everyone is treated fairly and with respect. Those working or dealing with the Company must not encounter harassment, intimidation or victimisation on the basis of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, trade union membership, disability, offending background or any other personal characteristic.
5. Everyone carries a personal responsibility for their own behaviour and for ensuring that their conduct is in accordance with the principles set out in this policy. In addition, each person has a responsibility to report any instance of bullying or harassment which they witness, or which comes to their attention. Employees have a responsibility to act as role models, pro-actively addressing instances of bullying and harassment. Managers should also make themselves aware of their responsibility.
6. Harassment may be defined as any conduct which is :-
 - unwanted by the recipient
 - is considered objectionable
 - causes humiliation, offence, distress or other detrimental effect.
7. Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour.
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities.

8. Bullying is unlikely to be a single or isolated instance. It is usually, but not exclusively repeated and persistent behaviour which is offensive, abusive, intimidating, malicious or insulting. Bullying includes but is not limited to:

- Conduct which is intimidating, physically abusive or threatening
- Conduct that denigrates, ridicules or humiliates an individual, especially in front of colleagues
- Humiliating an individual in front of colleagues
- Picking on one person when there is a common problem
- Shouting at an individual to get things done
- Consistently undermining someone and their ability to do the job
- Setting unrealistic targets or excessive workloads
- “cyber bullying” i.e. bullying via e-mail. (This should be borne in mind where employees are working remotely and are managed by e-mail. Care and sensitivity should be practised with regard to the choice of context and language).
- Setting an individual up to fail e.g. by giving inadequate instructions or unreasonable deadlines.

Harassment and Bullying may be summarised as any behaviour that is unwanted by the person to whom it is directed. It is the impact of the behaviour rather than the intent of the perpetrator that is the determinant as to whether harassment or bullying has occurred.

9. Any employee who wishes to make a complaint of harassment or bullying is encouraged to first discuss matters informally with their line manager, provided that they feel able to do so. Should the issues not be resolved at this stage, or the employee feels unable to raise the issue informally, then a formal resolution should be sought.
10. When a complaint of Harassment or Bullying is brought to the attention of a manager at any level, whether informally or formally, prompt action must be taken to investigate the matter. Corrective action must be taken where appropriate and this may require an investigation under the Company’s Disciplinary Policy and Procedure.
11. If it is considered that one of the parties concerned in a harassment or bullying case should be moved from their current workplace, then as a matter of principle the Company will normally remove the alleged perpetrator rather than the complainant. However, the final decision on who should be moved should reflect the particular circumstances of the case. It should be noted and explained to those concerned that the moving of either party is not an implication of guilt or culpability and no detriment to either party will be construed as a consequence.

12. All matters relating to the investigation of complaints of harassment or bullying will be treated in strict confidence. Any breach of confidentiality in this regard may render those responsible liable to disciplinary actions. However, it will be necessary that any alleged perpetrator is made aware of the allegations against them and the name(s) of those making the allegations together with the name(s) of any witnesses.
13. No employee will be victimised or suffer detriment for making a complaint of harassment or bullying and no manager shall threaten either explicitly or implicitly that an employee's complaint will be used as the basis for decisions affecting that employee. Such conduct will be treated as a very serious disciplinary offence. Similarly, managers are required to act on any complaint of harassment or bullying. Failure to do so will be regarded as misconduct which if proven, will result in disciplinary action.
14. All complaints of harassment or bullying whether raised formally or informally must be notified by the recipient of the complaint to Human Resources for recording in accordance with the requirements of the Equality and Human Rights legislation. This legislation requires such records to be maintained and the incidence of bullying and harassment to be monitored.
15. This policy and procedure will be reviewed periodically giving due consideration to legislative changes.

APPENDIX

PROCEDURE

1. Informal Resolution

- 1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 1.3 If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken and the matter notified to Human Resources.
- 1.4 An individual who is made aware that their behaviour is unacceptable should:-
 - Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view: everyone has a right to work in an environment free from harassment/intimidation;

- Understand and acknowledge that it is the other person's reaction/perception to another's behaviour that is important;
- Agree the aspects of behaviour that will change;
- Review their general conduct/behaviour at work and with workplace colleagues.

2. Formal Resolution

- 2.1 If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally with the employer.
- 2.2 Normally, the employer's representative will be the employee's line manager. However, if the employee feels unable to do this they should submit the complaint in writing to a more senior manager within their Department or Directorate. In exceptional circumstances, allegations may be raised directly with the relevant Director, who will with other appropriate senior managers, arrange for the matter to be progressed in accordance with this policy and procedure.
- 2.3 When dealing with a complaint of harassment under the Formal Resolution Procedure, the relevant manager should:
- a Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - b Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
 - c Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - d Keep all parties informed of expected timescales.
 - e Inform all parties in writing of the outcome and any action that may be required.
- 2.4 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the enquiry to another Department.
- 2.5 Should there be a case to answer against the alleged harasser, the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. The normal disciplinary procedure for misconduct/gross misconduct should then be followed. However, the following points should be taken into account:
- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;

- If the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.
- 2.6 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:
- Dismissal
 - A formal warning
 - A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
 - Implementation of other sanctions as detailed in the Company's Disciplinary Policy.
 - Making arrangements for both parties to work as separately as possible within the same workplace.
- 2.7 In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Company.
- 2.8 It should also be noted that the complainant may wish to move Department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.
- 2.9 With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence demonstrates that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint will be subject to Disciplinary proceedings as outlined in the Company's Disciplinary Policy.

Appeals

Appeals against decisions taken under the Bullying and Harassment at Work Policy and Procedure shall be dealt with as follows:

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the Disciplinary Procedure.
- Appeals by a complainant about the outcome of any enquiry will be dealt with in accordance with the appeal process in the Grievance Policy.

Records

Where the complaint is informal and resolved at this stage, no record will be kept on personal files.

Following formal investigation, where the complaint is not substantiated, no records will be retained.

Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.

Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.