



Bullying And Harassment (v3.0.0)

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Person responsible for updating this policy: Hitendrakumar Sharma

Policy Statement

Bluestar Care & Support- Bluestar Resourcing believes in a zero-tolerance attitude toward bullying and harassment in the workplace. 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.

Harassment as defined in the Equality Act 2010 is:

"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".

Bullying may be characterised as:

"Offensive, intimidating, malicious or insulting behaviour, abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient".

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

Examples of Unacceptable Behaviour

- Spreading malicious rumours or insulting someone
- Offensive language, swearing
- Copying memos that are critical about someone to those who do not need to know
- Ridiculing or demeaning someone; setting them up to fall or fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision
- Sexual harassment: unwelcome remarks such as jokes, innuendos, touching, standing too close, display of offensive materials
- Racial harassment
- Religious discrimination
- Disability discrimination
- Age discrimination.

What harassment does not mean:

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

Our Responsibilities and Actions as a Company

- We promote an environment where no one is harassed or victimised
- All management staff are aware of this policy and aim to ensure that all staff are treated fairly and that no one is harassed or victimised
- To be observant and alert to the kind of behaviour that might indicate a problem, i.e. where one staff member is always critical of another or where one staff member is left out of social interaction
- 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 offensive
- If this approach is not successful, 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
- Where possible, steps will be taken to ensure the two parties are not placed in a situation where the matter can be aggravated, 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 staff member
- To offer support for the victims of harassment or bullying.

Responsibilities of the Employee

- All staff must comply with this policy
- staff must be aware that it is their responsibility not to harass, bully, or intimidate another staff member
- If a staff member becomes aware that another staff member 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
- If a person feels that they are in an environment and are uncomfortable with jokes or banter, they should feel free to raise concerns early so they can be dealt with.

How to Report an Allegation of Bullying and Harassment

Very often people are not aware that their behaviour is unwelcome or misunderstood, and an informal discussion can sometimes help to solve the problem. However, if you feel that 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. 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.

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.

Grievance

Refer also to the separate Grievance Policy.

We endeavour to manage grievances in a timely and confidential manner, via an investigation to establish full details of what happened. 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. The investigation will be impartial and objective and will be carried out sensitively and with due respect for the rights of all parties concerned.

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.

As part of the investigation, the person will meet with you to hear your account of the events leading to your grievance. 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.

At the conclusion of 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.

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.

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 they should remain in their current post or be transferred. Even where a grievance is not upheld (e.g. where evidence is inconclusive), consideration will be given to how the ongoing working

relationship between you and the alleged harasser or bully should be managed. This may involve, e.g., arranging some form of mediation or counselling or a change in the duties or reporting lines of either party.

Should the investigation show that there may be a case to answer, the Bluestar Care & Support- Bluestar Resourcing disciplinary procedure will be invoked against the alleged perpetrator.

Confidentiality

At all times throughout the process and after, all parties involved, including the alleged perpetrator, the victim, Service Manager Hitendrakumar Sharma, and any witnesses, will need to give due consideration to confidentiality. 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.

Details of the investigation and any subsequent disciplinary procedure that may take place will be kept on the staff personnel file.

Sexual Harrassment

Sexual harassment is unwanted behaviour of a sexual nature. The law (Equality Act 2010) protects the following people against sexual harassment at work:

- Employees and workers
- Contractors and self-employed people hired to personally do the work
- Job applicants

For it to be classed as sexual harassment, the unwanted behaviour must have either:

- Violated someone's dignity, whether it was intended or not
- Created an intimidating, hostile, degrading, humiliating or offensive environment for them, whether it was intended or not

We have a culture of zero tolerance for sexual harassment.

The Worker Protection (Amendment of Equality Act 2010) Act 2023 amended the Equality Act 2010 in two respects.

- Introduced a new duty on employers to take reasonable steps to prevent sexual harassment of their employees. This marks a key change in focus in the legislation from redress to prevention, imposing a new obligation on employers to be proactive in tackling sexual harassment.
- Gives employment tribunals the power to uplift sexual harassment compensation by up to 25% where an employer is found to have breached this new duty

As the employer we do all we reasonably can to protect our staff from sexual harassment and take steps to stop it from happening by:

- Clearly stating that sexual harassment is against the law
- Informing staff of what sexual harassment is and what behaviours are unacceptable at work
- Putting a system in place where staff can report sexual harassment complaints online or by phone, including anonymously
- Making it clear that Bluestar Care & Support- Bluestar Resourcing will never cover up or ignore a sexual harassment complaint
- Not tolerating the misuse of power in workplace relationships, for example through seniority or influence
- Explaining how a sexual harassment complaint will be handled
- Encouraging staff to report sexual harassment early
- Explaining that if someone at work sexually harasses another colleague, it may lead to them being dismissed
- Ensuring that a staff member who makes a complaint that is not upheld will not face any disciplinary action, as long as their complaint was not malicious
- Training all new and existing staff on recognising sexual harassment and the importance of reporting

As part of our quality audit process, we are:

- Keeping a record of sexual harassment complaints to monitor any patterns of unwanted behaviour and identify any actions required to further reduce incidents
- Reviewing all complaints of harassment including sexual harassment and acting on lessons learnt
- Following Data Protection legislation this record is stored securely and access is strictly limited to those who need to know
- Reviewing and updating our Bullying and Harassment Policy and circulating it to staff to ensure they are aware of the standards of behaviour expected and equipping them with the tools to address such behaviour and raise

awareness of the protection available to them

- We have reviewed the effectiveness of our staff anti-harassment training and ensure every member of staff receives regular training, that is current and meaningful.

Witnessing the incident of sexual harassment

When an incident of Sexual Harassment is witnessed we support our staff to step in and try to stop it happening but only if they feel it is safe to do so.

After the incident, it is important that the staff member:

- Keeps themselves safe
- Supports and listens to the complaint made by the person who experienced the sexual harassment
- Reports what they have seen to their manager or another senior staff member if the complaint is about that manager
- Make a statement, which may or may not mean you appear as a witness at a hearing
- In making a statement the staff member can ask to remain anonymous however, Anonymity can not be guaranteed especially if they are called to state in court what they were a witness to, The evidence may not be taken as seriously and it may need to be backed up by another witness.

The witness to the act of sexual harassment can also make a complaint because what they saw violated their dignity or created an intimidating, hostile, degrading, humiliating or offensive environment.

If the witness makes a complaint they do not need the permission of the person who has been sexually harassed.

It is helpful for the staff member to make a note of what has happened at the time of the incident, including dates, times, names and any other witnesses.

Making and dealing with a complaint of sexual harassment

The staff member making the complaint may choose to talk to their manager to try and resolve the problem informally.

If the person feels that raising it informally has not resolved the issue or is too serious to raise informally a Grievance should be raised following the Bluestar Care & Support- Bluestar Resourcing Grievance procedure. Refer to the separate Grievance Policy.

If the person does not want to make a formal complaint because they find it too distressing to make a written statement, the manager might consider taking disciplinary action against the person they have complained about.

Untrue Claims

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 the Bluestar Care & Support- Bluestar Resourcing Disciplinary Policy.

Appeals

If you are not satisfied with the outcome of the investigation, you have the right to appeal the decision within seven calendar days of being notified of the outcome. You should submit your full written grounds of appeal to the following personnel, Service Manager . 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.

Victimisation

Victimisation is when someone is treated less favourably as a result of being involved with a discrimination or harassment complaint.

Ways someone could be victimised include:

- Being labelled a troublemaker
- Being left out
- Not being allowed to do something

Victimisation is a specific type of legal discrimination (Equality Act 2010). It's different to bullying.

Any form of victimisation aimed at the person who has made the complaint or witnessed the bullying or harassment

will not be tolerated.

No one should be:

- Stopped from giving evidence
- Treated unfairly because they have made a complaint, given evidence or supported a complaint

Any allegation of victimisation will be thoroughly investigated and the perpetrator may be subject to disciplinary action.

Training Statement

All staff, during induction, are made aware of the organisation's policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used including one to one, online, workbook, group meetings, individual supervision and external courses are sourced as required.

Related Policies

- Code Of Conduct For Workers (Domiciliary)
- Disciplinary (Domiciliary)
- Equality, Diversity and Human Rights (Domiciliary)
- Grievance (Staff) (Domiciliary)

Related Guidance

- [Gov.UK: Bullying and Harrassment](#)
- [ACAS](#)
- [Equality and Human Rights Commission: Sexual Harassment and Harassment at Work Guidance](#)

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