



1. Purpose

- 1.1** The purpose of this policy is to encourage a working environment in which bullying and harassment are always unacceptable, and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly.
- 1.2** To ensure that all members of staff are treated with dignity and respect regardless of whether they have a protected characteristic under the Equality Act 2010.
- 1.3** To support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
SAFE	S6: Are lessons learned and improvements made when things go wrong?
WELL-LED	W1: Is there a clear vision and credible strategy to deliver high-quality care and support, and promote a positive culture that is person-centred, open, inclusive and empowering, which achieves good outcomes for people?
WELL-LED	W2: Does the governance framework ensure that responsibilities are clear and that quality performance, risks and regulatory requirements are understood and managed?

- 1.4** To meet the legal requirements of the regulated activities that Serendipity Healthcare Ltd is registered to provide:
- Article 8 Human Rights Act 1998: Respect for private and family life, home and correspondence.
 - The Protection from Harassment Act 1997
 - Equality Act 2010
 - Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
 - Health and Safety at Work etc. Act 1974
 - General Data Protection Regulation 2016
 - Data Protection Act 2018

2. Scope

- 2.1** The following roles may be affected by this policy:
- All staff
- 2.2** The following Service Users may be affected by this policy:
- Service Users
- 2.3** The following stakeholders may be affected by this policy:
- Commissioners



3. Objectives

- 3.1** To ensure that staff are aware of the reporting procedure if they have been subjected to bullying and/or harassment
- 3.2** To ensure that all staff understand what action will amount to bullying and/or harassment of another.
- 3.3** To enforce the commitment of Serendipity Healthcare Ltd to stamping out any acts of bullying and harassment between members of staff.
- 3.4** To create an open and inclusive atmosphere in which all members of staff can thrive and feel supported
- 3.5** To recognise that bullying and harassment in the workplace does not necessarily just occur between employees but can also involve Service Users; and that knowledge of signs and indications is also relevant for the purposes of safeguarding and regulatory concerns.

4. Policy

- 4.1** Serendipity Healthcare Ltd deplores all forms of harassment, including sexual or racial harassment and harassment based on disability, age, gender, gender reassignment, religion or belief, pregnancy or maternity, marital or civil partner status and sexuality, and seeks to ensure that the working environment is conducive to all its employees.
- 4.2** The following procedure informs employees of the type of behaviour that is unacceptable and provides employees who are the victims of any form of harassment with a means of redress.
- 4.3** Implementation of the policy is the duty of all staff, particularly managers and supervisors. All employees must comply with this policy (Serendipity Healthcare Ltd encourages and welcomes the support of the recognised trade union(s) in seeking to eradicate harassment of all forms from the workplace). Any breach of this policy may be considered gross misconduct and the individual concerned may be dismissed without notice.
- 4.4** Under the Equality Act 2010, harassment 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.
- 4.5** The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know or ought to know would be harassment, which includes causing someone alarm or distress.
- 4.6** Under the Health and Safety at Work Act 1974 staff are entitled to a safe place and system of work. Individual members of staff may in some cases be legally liable for harassment of colleagues or third parties, and may be ordered to pay compensation by a court or employment tribunal.
- 4.7** The relevant protected characteristics are:
 - Race, including colour, nationality, ethnic or national origin

POL66 – Harassment Policy and Procedure

Serendipity Healthcare Ltd
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S41 8ND



- Sex
- Disability
- Age
- Religion or belief
- Sexual orientation
- Gender reassignment
- Marital or civil partner status
- Pregnancy or maternity

4.8 This policy does not form part of an employee's contract of employment and may be amended at any time.

4.9 Any data processed by Serendipity Healthcare Ltd, which includes any protected characteristics, will be processed in accordance with Data Protection legislation.

4.10 Under Article 8 of the Human Rights Act 1998 individuals have the right to respect for private and family life. A right to private life includes, for example, the right to determine sexuality or sexual orientation. It therefore follows that harassment under the Equality Act at the workplace for these would also give an argument for breach of the Human Rights Act. The Human Rights Act only technically covers public bodies directly. Private institutions carrying out public services or receiving funding from public bodies could also be caught directly by the effect of the Human Rights Act. In any event, Serendipity Healthcare Ltd will also take into account the purpose and impact of the Human Rights Act.

5. Procedure

5.1 Initially, it may be possible for an employee to raise an issue informally with the person responsible for the unwanted behaviour. Sometimes that person maybe unaware that their behaviour is causing offence (i.e. rude jokes, "banter" etc.) and may genuinely be upset to learn they have done so. Where the employee is able to do so, they should explain to the person that their behaviour is not welcomed and makes them uncomfortable and ask that they avoid such behaviour in the future. The employee should make a note of any conversation they have with the person involved.

5.2 The relevant process to follow should an aggrieved employee wish to raise a formal complaint is the Grievance Policy and Procedure and all useful documents are contained in that policy. However, for clarity, the process is reproduced below. If an employee is unable to deal with this issue informally, they can raise a formal complaint in writing with their line manager. The complaint should set out the full details of the unwanted conduct and include dates, times, locations, and the names of any witnesses to the unacceptable behaviour.

5.3 Serendipity Healthcare Ltd will treat all complaints made with the strictest confidence and will look to investigate the issue in a prompt and timely manner.

5.4 Serendipity Healthcare Ltd will undertake an investigation into the allegations and all investigations will be thorough, impartial and objective and will appoint an investigating officer to investigate and hear the complaint. The investigating officer will be independent of

POL66 – Harassment Policy and Procedure

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any discussions about the complaint to avoid them having already formed a view before the investigation is carried out.

In order to discuss the outcome of the investigation, the investigating officer will invite the employee to a meeting within 7 days of receiving their complaint. The employee has the right to be accompanied to this meeting by either a fellow colleague or a Trade Union Representative.

Where the complaint relates to a fellow colleague, Serendipity Healthcare Ltd will consider whether suspension on full pay or alterations to the colleague's working arrangements is necessary pending the outcome of the investigation.

At the conclusion of the investigation, the investigating officer will decide what action is necessary, if any, and will provide an outcome in writing to the employee.

5.5 Where the investigating officer considers that an offence has occurred, prompt action will be taken to resolve the issue.

Where the harasser or bully is a fellow employee, Serendipity Healthcare Ltd will look to deal with the potential misconduct or gross misconduct offence under the POL06 - Discipline Policy and Procedure. However, the outcome of the disciplinary process is a matter for Serendipity Healthcare Ltd to determine. The employee who raised the complaint cannot dictate what action is to be taken.

Serendipity Healthcare Ltd may explore, in certain cases, the feasibility of mediation between the harasser and the aggrieved. This may be accompanied by additional training for the harasser, either internally or externally. All staff are encouraged to consider engaging in mediation where it is offered as a solution, although Serendipity Healthcare Ltd recognises that mediation will not always be appropriate.

Where the unwanted behaviour has stemmed from a third party, Serendipity Healthcare Ltd will look to clarify the behaviour expected of their representatives or in very serious cases, ban them from our premises and/or terminate the contract with them.

Please note that any employee who deliberately provides false information, or acts in bad faith as part of the investigation process, will be subject to action under the POL06 - Discipline Policy and Procedure.

5.6 If the aggrieved employee is unhappy with the outcome of the investigation, they may appeal in writing to a senior manager or director within 7 days. The details of the relevant senior manager or director will be outlined in the investigation outcome letter and they will act as appeal officer and will be an impartial manager who has not previously been involved with the investigation. In submitting the appeal, the aggrieved employee should state the full grounds upon which their appeal is based.

The appeal officer will schedule an appeal meeting with the aggrieved employee within 7 days of receiving the appeal letter.

Again, the aggrieved employee will be entitled to be accompanied to this meeting by a fellow employee or a Trade Union Representative.

Following this meeting, the appeal officer will confirm their decision to the aggrieved employee in writing within 7 days of the appeal hearing after which there will be no further right of appeal.



6. Definitions

6.1 Bullying/Harassment

- Under the Equality Act 2010, where (A) engages in unwanted conduct related to a protected characteristic (or of a sexual nature) that has the purpose or effect of violating (B)'s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for (B). Whether the conduct has that effect is judged subjectively from (B)'s viewpoint, subject to a test of reasonableness

6.2 Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation

6.3 Direct Discrimination

- Where, because of a protected characteristic, a person (A) treats another (B) less favourably than (A) treats or would treat others

6.4 Indirect Discrimination

- Where (A) applies to (B) an apparently neutral provision, criterion or practice that (A) would apply equally to others, but which puts or would put those who share (B)'s protected characteristic at a particular disadvantage. There will be no discrimination if the provision, criterion or practice is objectively justified

6.5 Harassment and Violence

The European agreement recognises that harassment and violence can:

- Be physical, psychological, and/or sexual
- Be one-off incidents or more systematic patterns of behaviour
- Be amongst colleagues, between superiors and subordinates or by third parties such as clients, customers, patients, pupils, etc.
- Range from minor cases of disrespect to more serious acts (including criminal offences) which require the intervention of public authorities

6.6 Aggrieved Employee

- The employee who believes that they have been subjected to bullying and/or harassment and raises a complaint about this conduct either informally or formally in accordance with this policy

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HR Manager - Lisa Ward