



## 1. Purpose

**1.1** Serendipity Healthcare Ltd is committed to providing a caring, friendly and safe environment for all of its workers, ensuring that they are treated with dignity and respect so they can work in a relaxed and secure atmosphere. Bullying of any kind is unacceptable and, if bullying does occur, all incidents will be dealt with promptly and effectively.

**1.2** The bullying or harassment of a Service User is outside the scope of this policy and is a safeguarding concern which must be dealt with firstly by following safeguarding procedures and dovetailing with the Discipline Policy and Procedure at Serendipity Healthcare Ltd.

**1.3** To support Serendipity Healthcare Ltd in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
CARING	C1: How does the service ensure that people are treated with kindness, respect and compassion, and that they are given emotional support when needed?
RESPONSIVE	R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care?
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?
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:

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Public Interest Disclosure Act 1998

## 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:

- Family
- Representatives



### 3. Objectives

- 3.1 To ensure a working atmosphere free from bullying or harassment of any kind.
- 3.2 To ensure that all members of staff are treated with dignity and respect, regardless of any Protected Characteristics.
- 3.3 To ensure that all staff members are aware that Serendipity Healthcare Ltd takes all allegations of bullying and/or harassment seriously and will not hesitate to invoke the disciplinary procedure should the allegations be found to be true.

### 4. Policy

- 4.1 Serendipity Healthcare Ltd is committed to having a workplace which is free from harassment and bullying and one that ensures that all employees, contractors and others who come into contact with Serendipity Healthcare Ltd in the course of their work, are treated with dignity and respect regardless of gender, sexual orientation, transgender status, marital or family status, colour, race, nationality, ethnic or national origins, creed, culture, religion or belief, age, or disability.  
Serendipity Healthcare Ltd will not tolerate bullying or harassment whether it is a one-off act or repeated, and whether it is done purposefully or not. Neither will Serendipity Healthcare Ltd tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying.  
Retaliation or victimisation will also constitute a disciplinary offence, which may, in appropriate circumstances, lead to dismissal.
- 4.2 Bullying and harassment are considered acts of misconduct. When these are deemed to be sufficiently serious, they will be considered gross misconduct which may lead to the dismissal of the perpetrator. Serendipity Healthcare Ltd will consider each case on its own facts.
- 4.3 This policy applies to all employees, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. This policy also applies to harassment and/or bullying by or against third parties such as Service Users' families, suppliers or visitors.
- 4.4 Bullying, harassment and discrimination are personal grievances and are not covered by whistleblowing law, unless the particular case is in the public interest.
- 4.5 This policy does not form part of the employee's contract of employment and may be amended at any time.

### 5. Procedure

- 5.1 Initially, the affected member of staff may feel that it is possible to address the issue informally with the perpetrator, with a view to resolving matters.
- 5.2 Sometimes it may be the case that the perpetrator is unaware that their conduct is having such an effect and may be genuinely upset that they have caused offence. The affected member of staff should explain to the perpetrator that their conduct is unwelcome, makes

## **POL67 – Anti-Bullying Policy and Procedure**

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them uncomfortable and ask that they avoid such behaviour in the future. Notes should be taken of any conversation.

- 5.3** In the event that addressing the issue informally does not resolve it or the employee considers the actions to be too serious to try to resolve it informally, the employee should raise these concerns formally under the Grievances Policy and Procedure.
- 5.4** Following a formal complaint, the member of staff's line manager or another nominated person with appropriate experience and no prior involvement (where possible) will undertake an impartial and objective investigation into the allegations raised. Serendipity Healthcare Ltd will ensure that any necessary steps are taken to manage the relationship between the employee making the accusation and the individual the allegations are made about. Any details of the investigation, including the names of individuals involved, will only be disclosed on a need-to-know basis. Serendipity Healthcare Ltd will maintain the utmost confidentiality where possible.
- 5.5** Where the manager considers that an offence has occurred, the manager will take prompt action to resolve the issue.
- 5.6** Once Serendipity Healthcare Ltd has completed its investigation, the employee will be informed of the outcome of the investigation. If 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 Discipline Policy and Procedure. However, the outcome of the disciplinary process is a matter for Serendipity Healthcare Ltd to determine. The aggrieved cannot dictate what action is to be taken.
- 5.7** 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.
- 5.8** 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 its premises and/or terminate the contract with them.
- 5.9** Whether or not the employee's complaint is upheld, Serendipity Healthcare Ltd will consider how best to manage any ongoing working relationship between the employee and the person concerned.
- 5.10** 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 disciplinary procedure.
- 5.11** Serendipity Healthcare Ltd may keep information about a complaint by or about an employee on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.



## 6. Definitions

### 6.1 Bullying

Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying can be:

- Emotional - being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language)
- Physical - pushing, kicking, hitting, punching or any use of violence
- Verbal - name-calling, criticising in public, sarcasm, spreading rumours, teasing
- Mobile - threats by text messaging and calls, misuse of associated technology, i.e. camera and video facilities

### 6.2 Gross Misconduct

Misconduct that is sufficiently serious to warrant dismissal of an employee without notice

### 6.3 Misconduct

Conduct by an employee which is serious but is not sufficient on its own to warrant dismissal either with or without notice

### 6.4 Protected Characteristic

The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics

These characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

### 6.5 Whistleblowing

You are a whistle-blower if you are a worker and you report certain types of wrongdoing.

This will usually be something you have seen at work - though not always

The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public

As a whistle-blower policy

you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. The law is the Public Interest Disclosure Act 1998

### 6.6 Harassment

Harassment is defined as any unwanted physical, verbal or non-verbal conduct which has the effect of violating another member of staff's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for them

This only needs to be a single incident and does not have to be on the grounds of a Protected Characteristic (specifically race, religion, age, sex, sexual orientation, marriage, gender (including gender reassignment), pregnancy and maternity or disability), for example, unwanted conduct directed at a member of staff because of their weight would amount to harassment

The focus is on the effect that the unwanted treatment has on the member of staff, as opposed to whether the conduct was intentional or not, although intention can be taken into account when deciding how serious the matter is