

	<b>Bullying and Harassment policy</b>		Reviewed	June 2023
			Revised	March 2021
	Adopted	August 2014	Next review	June 2025

## Bullying and Harassment in the workplace policy

Kingston GP Chambers (KGPC) aims to support the creation of a work environment that is free from discrimination, harassment and bullying, where everyone is treated with dignity and respect.

This policy covers bullying and harassment in the workplace and in any work related setting outside the workplace, for example business trips or any work related social events. It also covers contact between colleagues outside of working hours such as through social media or messaging apps.

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. Complaints will not be ignored but investigated swiftly and confidentially, ensuring the rights of all are protected. This responsibility applies to all managers.

### Definitions

In this policy “Complainant” refers to the employee alleging the bullying or harassing behaviour; “Respondent” and/or “Perpetrator” refers to the person against whom the complaint is brought. The term “parties” refers to the complainant and the person against whom the complaint is brought.

The following interpretations and examples of harassment may be helpful in determining whether harassment has taken place:

**General Harassment:** Harassment can take many forms and may be directed in particular against people because of their age, disability, sexual orientation, gender/gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion or belief. It may involve action, behaviour, comments or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated or patronised and it can create an intimidating work environment.

**Sexual Harassment:** Sexual harassment can be defined as an uninvited, unreciprocated and unwelcome behaviour of a sexual nature which is offensive to the person involved and causes that person to feel threatened, humiliated or

embarrassed. Sexual harassment may be experienced by men or women as a result of the conduct of men or women. It applies equally regardless of grade or level of job and may also occur when dealing with external clients and/or members of the public.

**Racial Harassment:** Racial harassment may take the form of actual or threatened physical abuse or it may involve offensive jokes, verbal abuse, language, graffiti or literature of a racist nature or offensive remarks about a person's skin colour, physical characteristics or religion. It may also include repeated exclusion of a person of an ethnic or religious minority from conversations, patronising remarks, unfair allocation of work or pressure about the speed and/or quality of their work in a way which differs from the treatment of other employees.

**Bullying:** Bullying can be characterised as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Some examples of bullying behaviour are included below (this is not an exhaustive list):

- Spreading malicious rumours, or insulting someone by word or behaviour
- Ridiculing or demeaning someone – picking on them or setting them up to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

Legitimate, constructive and fair criticism of an employee's performance or behaviour at work is not bullying or harassment. However, it is unacceptable to condone bullying behaviour under the guise of a particular management style. Effective management obtains results whilst ensuring that employees are treated with dignity and respect.

### **Third party harassment**

KGPC operates a zero-tolerance policy in relation to harassment perpetrated against one of its employees by a third party, such as a client/customer or visitor to the organisation. All employees are encouraged to report any and all instances of harassment that involve a third party in line with our reporting procedure, as outlined below.

If we find that the allegation is well-founded, we will take steps we deem necessary in order to remedy this complaint. This can include, but is not limited to:

- warning the individual about the inappropriate nature of their behaviour
- banning the individual from company premises
- reporting the individual's actions to the police.

In addition to this, the Company will endeavour to take all reasonable steps to deter and prevent any form of harassment from third parties taking place.

### **Ethical Veganism**

KGPC recognises that some of our employees may identify as ethical vegans and will endeavour to ensure its decisions are made in such ways that do not conflict with their rights or beliefs.

KGPC understands ethical veganism to be a rejection of any and all practices that relate to the use of animal-based products.

### **Responsibilities of Managers**

Every manager has an obligation to prevent harassment / bullying and to take immediate action once it has been identified, whether or not a complaint has been made.

Allegations of harassment or bullying received either informally or formally, must be dealt with promptly and sensitively.

It is important that managers recognise that sexual harassment is any sexual advance unwanted by the recipient or behaviour which causes offence to the recipient. Similarly, racial harassment is behaviour which is racially offensive to the recipient. Managers must therefore take care to ensure that they do not prejudge situations based on their own sexual or racial attitudes and perceptions.

It may not always be appropriate for a line manager to be involved with specific complaints. For example, if the complainant is male and wishes to speak to a male, but the manager is female, or, if the complaint relates to the conduct of the line manager. The procedure below sets out the alternatives for such instances.

### **Responsibilities of all employees**

Every employee has a personal responsibility NOT to harass or bully other colleagues.

An employee who becomes aware of harassment or bullying occurring should bring the matter to the attention of their manager.

## **Procedure for dealing with allegations of bullying or harassment**

The procedure for addressing allegations of bullying or harassment is laid out below.

Proven cases of bullying and/or harassment will always be treated as a disciplinary offence, and KGPC's Disciplinary Policy and Procedure may be invoked at any stage.

In investigating and making a judgement regarding any allegation, it is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards, and is disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

In considering reasonable normal standards, the provisions included in the Equality Act 2010 will be taken into account.

### Informal process

An employee who feels that they are being subjected to harassment or bullying may attempt to resolve the matter informally in the first instance. In some cases it may be possible and sufficient for them to explain clearly to the person(s) engaged in the unwanted activities that the behaviour is unwelcome, that it offends or makes them uncomfortable.

- If at the initial informal discussion stage the circumstances are too difficult or embarrassing to approach the perpetrator alone, the complainant may wish to be accompanied by a colleague
- The complainant may wish to write a letter/email to the perpetrator; the complainant should keep a record of any incidents, detailing when, where, what occurred, and witnesses (if any)
- Alternatively (or subsequently), if the complainant has no success, they may wish to talk to someone in order to obtain another perspective on the situation and to ensure that someone else knows about the unacceptable behaviour. At this stage the complainant has the option of speaking to a colleague, a trade union representative, their line manager or any other manager at KGPC, or to the Recruitment and Retention Manager.
- If the allegation is made against the line manager, the next in line manager should be approached.
- A final option is to make a formal complaint without following the informal approach.

Where the steps outlined above are unsuccessful or inappropriate, the complainant should raise the matter informally and in confidence with their manager. Alternatively, the matter may be raised with a more senior manager (if felt necessary this could be someone of the same gender as the complainant).

In the first instance the line manager, with advice from the Recruitment and Retention Manager (if necessary), should try and resolve the matter informally. Separate meetings should be convened with both parties. In the case of a bullying or harassment allegation it is inappropriate that both parties meet to try to resolve the situation until investigations have been conducted and conclusions drawn. Either party is entitled to bring a representative to these meetings.

If it is agreeable to the complainant, it may be relevant for the Recruitment and Retention Manager or another assigned manager to facilitate a meeting between both parties to give the complainant the opportunity to talk to the alleged perpetrator about the offending behaviour.

The informal action outlined above may be appropriate in many cases and will often be sufficient to resolve matters. A formal complaint should only be considered as a final option if the unacceptable behaviour begins again, or in exceptional circumstance, where the nature of the incident(s) warrants a more formal approach.

A file note must be provided by the line/investigating manager, following the conclusion of this stage of the procedure.

The Recruitment and Retention Manager will help to resolve difficulties by providing independent confidential advice and support. Intervention such as professional mediation or counselling can be provided at any stage in the procedure if the situation warrants it.

Should the harassment continue, the HR team must be consulted before formal action is taken.

The manager will discuss the matter with the complainant and agree a course of action. The complainant must be assured that they will not be discriminated against or victimised for raising the complaint. Confidentiality will be observed throughout and the need for any disclosure of the details of the case will be discussed and agreed.

At any stage of the process the complainant, the manager dealing with the complaint or the accused may feel that they need the help of an independent person before deciding on the best course of action. KGPC will seek the advice of a suitable trained person who can give confidential advice and assistance, including:

- Advising on the nature of harassment
- Offering guidance on resolving harassment problems, including acting as an independent mediator

If the situation cannot be resolved informally, then the complainant has the right to pursue their complaint formally via the Grievance Policy and Procedure.

Where management consider that there may be evidence of harassment, they may consider it appropriate to undertake a full investigation of the circumstances. In this

case an independent manager will be asked to undertake this investigation. Best practice in relation to confidentiality will be maintained during this investigation; and both the complainant and alleged perpetrator will have the opportunity to have their say. The investigator will also interview and take statements from any appropriate witnesses to the alleged harassment.

Where there is evidence that harassment has occurred, prompt and corrective action will be taken, including disciplinary action where appropriate. Harassment is a serious offence which may result in summary dismissal.

### Formal procedure

Formal action will only be entered into if:

- After monitoring, the informal action has not been acceptable to the complainant.
- The complainant chooses to pursue the matter formally in the first instance
- The line manager, investigating manager, or Recruitment and Retention Manager consider the allegations to be so serious that a formal investigation is warranted

The purpose of the formal stage is to ensure that the perpetrator stops the unwanted and unacceptable behaviour. The process outlined in the Grievance procedure will be used to investigate the case of the complainant, and provide a resolution. Should the grievance hearing find there is a case to answer, the formal Disciplinary Procedure will be invoked, at an appropriate stage.

### Follow Up

Following a formal bullying or harassment complaint, either party may be concerned about working with the other again. Due regard of such views should be taken into account when offering counselling or mediation and a transfer of one or both parties to another section or department may be appropriate in some cases and where feasible.

If either the complainant or the respondent believes they have not been dealt with fairly, they should raise their concerns via the Grievance Procedure.