



Phoenix Community Care Ltd Policy & Procedure

Prevention of Harassment & Abuse

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Policy statement

PCC is committed to ensuring that staff, volunteers and service users live, attend and work in an environment free from harassment or bullying. Harassment or bullying is unacceptable in any form and will not be permitted or condoned. Any harassment or bullying that is reported must be investigated first informally and, if appropriate, through the formal procedure.

Definition of harassment and bullying

Harassment is ‘any unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive. It is behaviour which is disadvantageous and unacceptable by normal standards’ [Protection from Harassment Act 1997]

Bullying is ‘persistent offensive, intimidating, malicious, abusive or insulting behaviour, which makes the individual feel upset, threatened, humiliated or vulnerable’.

Whilst harassment or bullying can be deliberate, it is often unconscious. However, it should be noted that it is the impact of the behaviour which is relevant and not the motive or intent behind it

These instructions should be used in conjunction with the relevant policy statement.

The policy has accompanying instructions, which must be followed. This policy should be read in conjunction with the policy The vulnerable adult and protection of vulnerable adults from abuse policy.

This policy has been agreed by the directors of PCC and is mandatory on all services and offices.

Legal framework

PCC is under a legal obligation of duty of care to provide both a safe place of work and a safe system of work. Therefore, harassment and bullying may contravene Health and Safety Legislation

Sexual, racial and sectarian harassment, as well as harassing a person on account of disability or vulnerability is unlawful under Sex, Race, and Disability, and fair Employment Legislation.

Harassment can be a civil or criminal offence under the protection from Harassment Act [1997].

Statutory Provision also exists that gives employees protection against harassment , either due to their trade union membership activities or because of their non – membership of a trade union

Responsibilities

The directors of PCC have overall responsibility for the implementation of the policy and all managers have a duty to make sure that harassment and bullying does not occur, particularly in those services which they are responsible for. They have responsibility for any incidents of harassment or bullying of which they are aware. If harassment or bullying does occur, they must deal with the situation immediately.

Directors and managers are to:

- Explain the policy to staff, volunteers and service users within their service and take steps to promote awareness of the procedure for dealing with allegations of harassment and bullying.
- Be responsive and supportive to anyone who makes an allegation of harassment or bullying, provide clear advice on the procedure and maintain confidentiality.
- Set a good example by treating staff, volunteers and service users with respect and dignity.
- Seek to ensure that there is no further problem of harassment or bullying or victimisation after the allegation has been resolved.

Staff and volunteers and service users have a responsibility to:

- Ensure a living and working environment in which the dignity of everyone is respected.
- Comply with the policy.
- Ensure their behaviour does not cause offence and could not in any way be considered to be harassment or bullying.
- Alert a director or manager to any incident of harassment or bullying to enable PCC to deal with the matter.

Instructions for dealing with allegations of harassment & bullying

Informal procedure

Many cases of harassment or bullying can be resolved informally. In these cases, the manager should:

- Listen to what has happened.
- Assist the individual to make an approach to the alleged harasser, if they so wish.
- Advise all involved of the need for strict confidentiality.
- Record all discussions.
- Draw the individual's attention to further informal course of action.
- Assist the individual in initiating the formal procedure, if they so wish.
- Advise all involved of the outcome and the actions to be taken.

Formal procedure

Stage 1 – Registering an allegation

- (a) It is preferable that an allegation is made in writing, however this will not preclude the investigation of a verbal allegation.

Allegations are to be referred immediately to the manager responsible for the service to which the concerns relate. In the case of the manager being the alleged harasser the allegations to be referred to the board of directors.

This person, in line with PCC Guidance on Conducting investigations, will act as the Commissioning officer and will be responsible for managing the investigation process and resolution.

- [b] Under normal circumstances the procedure will be completed within 20 working days of the allegation being received.
- [c] The commissioning officer will acknowledge receipt of the allegation and will meet with the individual and the alleged harasser separately within 5 working days. To:-
- i. formally record the nature of the allegation and advise that it is being handled under the formal procedure;

- ii. ensure that both parties are aware of the next stages of the procedure;
 - iii. advise both parties that there should be no communication between them, directly or indirectly, in relation to the allegation;
 - iv. advise both parties that they have the right to accompanied by their staff association representative or colleague at any meetings in relation to the allegation.
- [d] Where the allegation is made in relation to an employee and where proven it would constitute gross misconduct, the commissioning officer must suspend the employee with immediate effect.

Stage 2 – Investigation

The commissioning officer is responsible for appointing an investigating officer and for ensuring the investigation is carried out in line with guidance on conducting investigations

Stage 3 – Completion

- [a] On completion of the investigation, the commissioning officer will be responsible for deciding the appropriate course of action, which may be one or more of the following;
- i. to take no further action.
 - ii. To initiate PCC disciplinary procedure.
 - iii. To take other appropriate management Action eg provision of training and or counselling
 - iv. In the case of a volunteer being involved, the board of directors must be informed
 - v. Where the allegation concerns a service user, the relevant social worker or key worker should be consulted before action is taken as the outcome may indicate PCC can no longer provide the service.
 - vi. Having made a decision on the most appropriate course of action, the commissioning officer will communicate the decision to the individual and the alleged harasser in writing.
- [b] Further meetings;

- An appropriate person (eg manager director) will meet with the individual who has alleged harassment or bullying on a regular basis to offer support and to ensure that no further harassment or bullying has occurred.
- This action will be undertaken even where an allegation has not been upheld.
- An appropriate person(eg manager director) will be responsible for ensuring that the harasser is made fully aware of PCC policy on equal opportunities and harassment and bullying and the law relating to these matters.

Monitoring

Incidents of harassment and bullying must be reported to the board of directors who will monitor them annually in line with requirements of PCC equal opportunities policy