

Anti-Bullying and Harassment Policy

The practice supports the rights of all people to seek, obtain and hold employment without harassment. It is the practice's policy to provide a working environment free from harassment and bullying on any grounds including: age, disability, gender re-assignment, race, religion or belief, sex or sexual orientation (the protected characteristics). The practice will not permit or condone harassment towards any of its employees (including temporary employees), contractors working in the practice, workers, patients, suppliers or any persons visiting its premises. All team members have a personal responsibility to behave in a manner that is not, nor is it likely to be, perceived as offensive to others. The practice will not tolerate bullying or harassment of any kind.

The aim of this policy is to draw attention to, and thereby prevent, all types of behaviour which amount to harassment and which are, therefore, unacceptable. Any person acting in breach of this policy may be liable to disciplinary action including dismissal. Harassment can constitute discrimination and, accordingly, may be unlawful. The harasser may be held personally liable for such conduct. In addition, harassment can amount to a criminal offence, rendering the harasser liable to criminal prosecution.

The practice follows the ACAS definition of bullying as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.' The legal definition is if the behaviour 'has the purpose or effect of violating the complainant's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment'.

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'.

It is also harassment to treat a person less favourably because they have submitted to, or rejected, previous unwanted conduct of a sexual nature, or related to gender re-assignment or sex, which had the purpose or effect of violating another person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

This policy applies to all team members, contractors and agency staff acting on behalf of the practice, who agree to respect the rights of others and will refrain from unacceptable behaviour. This applies both in the workplace and at work-related social events, such as functions/social events, training courses and conferences. This includes, but is not limited to, the following (as identified in ACAS guidance):

- Spreading malicious rumours or insulting someone by word or behaviour
- Copying notes/memos that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone by picking on them or setting them to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- 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

Harassment of a sexual nature is one of the most common forms of harassment and is specifically outlawed by the Equality Act 2010. The practice takes a zero-tolerance approach to any form of sexual harassment which includes but not limited to:

- Unwanted conduct of a sexual nature
- Sexual comments or jokes
- Suggestive looks, staring or leering
- Sexual gestures
- Sexual posts or contact on social media
- Spreading sexual rumours about a person
- Sending sexually explicit emails or text messages
- Propositions and sexual advances, such as touching, standing too close, hugging, massaging or kissing
- Display of offensive material
- Asking for sexual favours
- Making business decisions on the basis of sexual advances being accepted or rejected
- Criminal behaviour, including sexual assault, indecent exposure and offensive communications

Conduct may be sexual harassment whether or not the person behaving in that way intends to offend. If unwanted conduct is not intended to cause distress, it can still have the effect of violating a person's dignity or creating an offensive environment. It does not matter whether the conduct is acceptable to others or is common in the work environment. Unwanted conduct that has been welcomed in the past can become unwanted. A single incident can be sexual harassment if it is sufficiently serious. Unwanted conduct does not need to be directed at a person, it can be witnessed or overheard.

The Worker Protection (Amendment of Equality Act 2010) Act 2023 ensures that the practice will take reasonable steps to prevent sexual harassment of its employees from both internal and external parties. This is more commonly referred to as the 'preventative duty'. As part of this, the practice has undertaken a risk assessment (M 250B) to identify risk factors for sexual harassment to minimise them through proactive and reasonable steps.

Team members are held personally accountable for their actions and behaviour and should contact the Personnel manager, Monika Cross to complain of harassment, or for advice and support. If the complaint is regarding Monika Cross, it should be reported to the Business manager, Monika Cross or the Principal Uday Patel.

The Personnel Manager will intervene if they observe harassment by third parties and team members are required to report any such behaviour to enable the Personnel Manager to promptly investigate it and take appropriate action to prevent harassment from continuing.

If you are suffering from harassment or bullying you should:

- Immediately make it clear to the person causing the offence that such behaviour is unacceptable to you either verbally or in writing if you find it difficult to raise matters face to face. In many cases this would be sufficient to bring it to an end
- If the behaviour persists keep a record with full details and the dates of any distressing incidents and how the incidents are affecting your working life
- Follow the practice grievance procedure

All complaints will be treated with sympathy and sensitivity, taking whatever actions are deemed necessary. All records will be kept confidential. Serious cases of harassment may amount to gross misconduct, which can lead to summary dismissal. In less serious cases, however, it may be sufficient for the harasser to give an undertaking not to re-offend and to be warned as to their future conduct. In the case where the harasser is a self-employed team member, action will be taken which may include termination of the services agreement.

Victimisation is subjecting a person to a detriment because they have, in good faith:

- Complained, formally or informally, that someone has been bullying or harassing them
- Supported someone to make a complaint or given evidence in relation to a complaint
- Complained, formally or informally, that someone has been bullying or harassing someone else

Provided that the complainant has acted in good faith, i.e. they genuinely believe that what they are saying is true, they have a right not to be victimised for making a complaint or doing anything in relation to a complaint of bullying or harassment. The practice will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised.

Cases of false complaints brought with mischievous or malicious intent will be investigated and may result in disciplinary action against the complainant as detailed in the Disciplinary Procedure (M 227B). In the case of a self-employed team member making a false complaint, action will be taken, which may include termination of the services agreement.

Recruitment

The practice will take reasonable steps to ensure that applications for employment are encouraged without regard to the protected characteristics and will ensure that there are equal opportunities at all stages of the recruitment process.

Promotion

Promotion within the practice is made without regard to the protected characteristics and is based on merit.

Terms and conditions of employment

The practice will not discriminate on the basis of age, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex or sexual orientation and, where practicable, on the basis of disability in respect of the general terms and conditions of employment, employee facilities and benefits.

Monitoring

The management will be responsible for the operation of the policy and will periodically monitor, review and communicate this policy to judge its effectiveness. To ensure that the policy is operating effectively the practice may retain records of employees' and applicants' protected characteristics. Where necessary, employees will be able to correct/check their own record of these details. Otherwise, access to this information will be restricted.

For additional information associated with Equal Opportunities, please refer to the following policies and procedures:

- M 227A – Grievance Policy and Procedure
- M 227B – Disciplinary Policy and Procedure
- M 233-EQD – Equality, Dignity and Human Rights Policy
- M 236 – The Human Rights Act and the Equality Act
- M 285 – Disability Rights Under the Equality Act
- M 222H – Recruitment and Selection Policy and Procedure