



Family Nursing & Home Care

Bullying, Harassment and Incivility Policy

May 2023

Document Profile

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Author	Amanda De Freitas, Head of HR, with input from Law At Work and support of Mo de Gruchy, Governance Team
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Version control / changes made

Date	Version	Summary of changes made	Author
May 2023	1	Revised policy which replaces current policy contained within Staff Handbook	Mo de Gruchy; Amanda de Freitas; Sue Ashford

CONTENTS

1. INTRODUCTION	4
1.1 Rationale.....	4
1.2 Scope.....	4
1.3 Role and Responsibilities	4
2. POLICY	5
2.1 Key Principles	5
2.2 Bullying	6
2.3 Harassment.....	6
2.4 Victimisation	7
2.5 Examples of bullying and harassment and incivility behaviours.....	7
2.6 Expected standards – all employees.....	8
3. PROCEDURE.....	10
4. CONSULTATION PROCESS	11
5. IMPLEMENTATION PLAN	11
6. MONITORING COMPLIANCE.....	11
7. EQUALITY IMPACT STATEMENT	11
8. GLOSSARY OF TERMS	12
9. REFERENCES	12
10. APPENDIX	13
Appendix 1 Equality Impact Screening Tool	13

1. INTRODUCTION

1.1 Rationale

Family Nursing & Home Care (FNHC) aspires to create an environment where employees are enabled to carry out their duties in a pleasant working environment where their rights and dignity are maintained and protected at all times. Our core values are:

- To show kindness
- Be courageous
- To care
- To be compassionate
- To be committed
- To always providing the best service

However, it recognises that in any organisation it is inevitable that instances of unsociable behaviour will arise from time to time whether unintentional or deliberate - there will always be personality clashes and misunderstandings in any group of people.

This policy has been designed to ensure employees are aware of their responsibilities and to ensure that anyone who feels that they are being harassed or bullied knows that FNHC will not tolerate such behaviour and that they do have access to help.

The aims of this Policy are to:

- Promote a good and harmonious working environment in which all people are treated with respect in order to enable employees to achieve their full potential
- Prevent occurrences of bullying, harassment, victimisation and Incivility
- Ensure FNHC meets its legal obligations under the relevant (local) legislation

1.2 Scope

This policy applies to all employees of FNHC, co-located staff, students and any staff working on behalf of FNHC. This policy covers bullying and harassment and incivility at work and in any work-related setting outside the workplace or outside working hours (e.g., business trips and work-related social events).

1.3 Role and Responsibilities

Chief Executive Officer (CEO)

The CEO has overall responsibility for ensuring that this policy meets the requirements of the organisation.

Director of Governance and Care

The Director of Governance and Care has responsibility to ensure that the organisation maintains an up-to-date bullying, harassment and incivility policy and procedures.

Line Managers

Line managers are responsible for:

- Having an awareness of their team as a whole and individuals within the team
- Being aware and proactively managing, any noticeable behaviour changes or atmospheres that may indicate bullying, harassment, victimisation or incivility.
- Reviewing any incidents of bullying, harassment, incivility or victimisation that are reported to them and addressing same, following the agreed procedure

Human Resources

HR are responsible for:

- Supporting and advising staff and Line Managers about the process and policy

Employees

Employees are responsible for:

- advising their Line Manager if they are aware of any bullying or harassment or incivility or victimisation, either against themselves or any third party contrary to the spirit of this policy, so that FNHC can take steps to deal with it at an early stage
- Behaving in such a way that does not cause discomfort or distress to others
- Adhering to the requirements of this policy

2. POLICY

2.1 Key Principles

FNHC does not want to promote an atmosphere in which there is no room for friendly banter and normal sociable relationships. However, increasingly 'friendly banter' can cause distress to individuals and our aim is to provide clarity of what is acceptable and what is not.

The objective is to help employees identify and eliminate the kind of behaviour that can cause discomfort or distress.

Employees who harass, victimise or bully others will face disciplinary action, up to and including dismissal, could be personally liable to pay compensation in legal claims, and may find their own family and social relationships are adversely affected. Serious

harassment and/or victimisation may be a criminal offence. Bullying and Harassment can occur over a period of time and be targeted at certain people but sometimes a single incident can be serious enough to fall within the definitions.

Workplace incivility is often less visible where conflict and uncivil behaviour can occur. Workplace incivility generally includes low-intensity deviant acts, such as rude and discourteous verbal and non-verbal behaviour towards a member of the team, group or organisation with ambiguous intent to harm (CIPD, 2022). Workplace incivility can be experienced by all levels of staff within the organisation.

Bullying and Harassment, Incivility and Victimisation has an indisputable, evidenced based negative impact on employees, teams and organisations. It is related to behavioural, attitudinal and health related outcomes including depression, anxiety, low self-esteem increased absenteeism, performance and turnover. In particular, Incivility from supervisors has a negative impact on attitudes and behaviours. However, whether from cohorts or supervisors individuals tend to replicate behaviours when they have either experienced themselves or observed the mistreatment of others.

Whilst it is hoped that the majority of cases can be resolved on an informal basis between the parties concerned, maybe with the use of dispute mediation, all formal complaints will be investigated under the Grievance Policy and if necessary be dealt with through FNHC's Disciplinary Policy. FNHC will not tolerate any form of bullying or harassment or incivility or victimisation and will treat all complaints seriously, sensitively and with as much confidentiality as reasonably practicable.

2.2 Bullying

Bullying may be characterised 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 key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

On occasion, behaviour that is considered bullying by one person may be regarded as firm management by another. There are bound to be occasional differences of opinion, conflicts and problems in working relationships; these are part of working life.

Conversely, some people will excuse bullying behaviour as a necessary means of motivating workers in today's demanding workplace and competitive environment. Staff absences and increased workloads can cause pressure on both employees and supervisors to meet expectations and demands. These issues should be addressed as appropriate and are not an excuse for bullying or incivility. FNHC considers each alleged case on its own merits: if the behaviour is unreasonable and offends or harms any person, then workplace bullying exists and must be stopped.

2.3 Harassment

Harassment is unwanted conduct related to Protected Characteristics: - sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, pregnancy, sexual orientation, and age. It -

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour that any reasonable person would realise would be likely to offend will be harassment without the recipient having to make it clear in advance that behaviour of that type is not acceptable to them, e.g. sexual touching.

It may not be so clear that some other forms of behaviour would be unwelcome, or could offend, another person, e.g., certain "banter", flirting or asking someone for a private drink after work. In these cases, first-time conduct that unintentionally causes offence will not be harassment, but it will become harassment if the conduct continues after the recipient has made it clear, by words or conduct, that the behaviour is unacceptable to them.

A person may feel harassed even if the unwanted conduct is not directed towards them or related to their actual or perceived protected characteristic.

2.4 Victimisation

Victimisation is subjecting a person to a detriment (essentially being treated badly) because they have, in good faith, complained (formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint (the original complaint could be against this organisation or another employer). This could include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

Provided that an employee 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. FNHC recognise that fear of victimisation can put people off reporting harassment and FNHC will always therefore take appropriate action to deal with any alleged victimisation, including disciplinary action. Making a complaint that a person knows to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

2.5 Examples of bullying and harassment and incivility behaviours

The following list of actions gives some examples of what may constitute as unacceptable bullying or harassment or incivility behaviour. It is not exhaustive, of course, and is not in any order of importance or severity, but includes:

Physical

- inappropriate physical contact
- assault: restraining; fighting; pushing; pinching
- uninvited and unwanted sexual propositions, such as petting; kissing; stroking; groping; cuddling; or massaging
- intimidation such as staring; suggestive looks; invading personal space; sitting or standing too close

Verbal

- derogatory nicknames or name calling
- Shouting, using inappropriate or abusive language, swearing
- Cutting a telephone conversation off in anger
- unwanted comments related to race, gender, gender re-assignment, sexual orientation, pregnancy and maternity, age, religion, political opinion, disability, or personal characteristics - this can include actions designed to undermine someone's confidence - whether personal or in their ability to do the job
- ridiculing or impersonating someone
- participating, enjoying or spreading malicious gossip
- offensive banter
- intimate questions
- whispering

Non-Verbal

- excluding victim from normal work place conversation or activities
- isolating victim
- inappropriate gestures
- stereotypical assumptions
- sending inappropriate communications
- displaying inappropriate material: pornography; scantily clad people; posters; body art
- inappropriate social media content
- interfering with victim's work
- orchestrating meetings to be alone with someone
- undue pressure, unequal treatment and unfair criticism and abuse of power

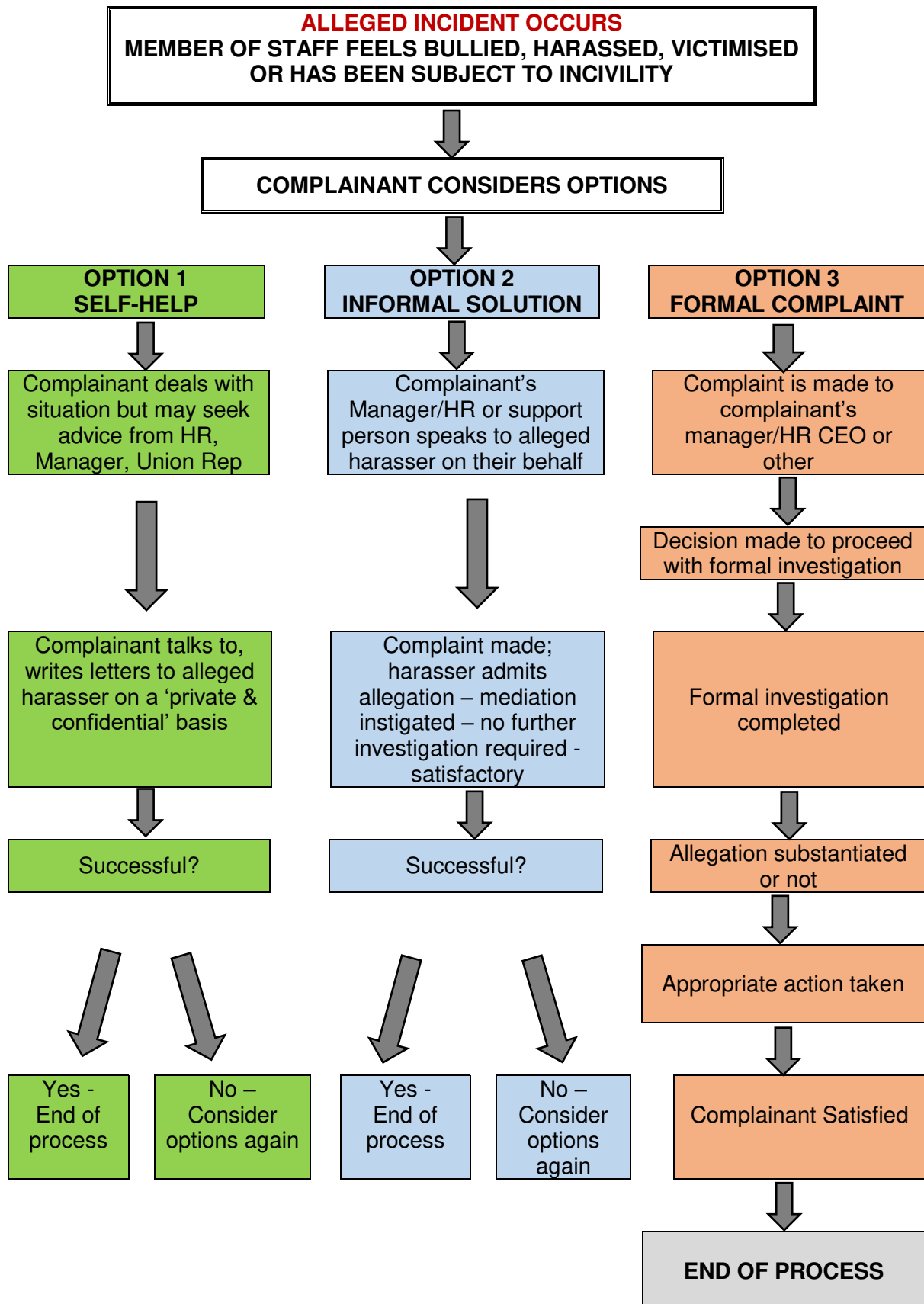
2.6 Expected standards – all employees

Whilst overall responsibility for the effective operation of this policy lies with FNHC, employees are also responsible for ensuring its effective implementation. As such, employees can be held personally liable for any acts of bullying, harassment, or incivility. In this respect, employees should ensure that they:

- co-operate with any measures introduced by FNHC to prevent and eradicate bullying and harassment and incivility and victimisation in the workplace

- refrain from taking any actions or decisions which are contrary to the letter or spirit of this policy
- are aware of how their own behaviour and language may affect others (even if they are “only joking”)
- do not bully or harass or victimise other employees
- take a stand if they think inappropriate jokes or comments are being made
- treat all colleagues with dignity and respect
- make it clear to others if they find behaviour is unacceptable
- do not instruct or pressurise others to act in breach of this policy

3. PROCEDURE



Any employee can take action without a complaint being made if they hear/observe inappropriate behaviour

4. CONSULTATION PROCESS

Name	Title	Date
Justine Bell	Head of Education and Development	24 March 2023
Teri O'Connor	Home Care Manager	24 March 2023
Tia Hall	Operational Lead Adult Nursing	24 March 2023
Michelle Cumming	Operational Lead Child and Family Services	24 March 2023
Clare Stewart	Operational / Clinical Lead Out of Hospital Services	24 March 2023
Clare Whelan	Head of Information Governance and Systems	24 March 2023
Elsbeth Snowie	Head of Quality and Safety	24 March 2023

5. IMPLEMENTATION PLAN

Action	Responsible Person	Planned timeline
Email to all staff	Secretary/Administration Assistant (Quality and Governance Team)	Within 2 weeks of ratification
Policy to be placed on organisation's Procedural Document Library	Secretary/Administration Assistant (Quality and Governance Team)	Within 2 weeks of ratification

6. MONITORING COMPLIANCE

The Human Resources Department will monitor compliance with this policy when they are made aware of issues relating to bullying, harassment, victimisation or incivility.

Outcomes from staff surveys will also be used to monitor the effectiveness of this policy.

7. EQUALITY IMPACT STATEMENT

Family Nursing & Home Care is committed to ensuring that, as far as is reasonably practicable, the way services are provided to the public and the way staff are treated reflects their individual needs and does not discriminate against individuals or groups on any grounds.

This policy document forms part of a commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The intention is to identify, remove or minimise discriminatory practice in the areas of race, disability, gender, sexual orientation, age and 'religion, belief, faith and spirituality' as well as to promote positive practice and value the diversity of all individuals and communities.

The Family Nursing & Home Care values underpin everything done in the name of the organisation. Our core values are: To show kindness, be courageous, to care, to be compassionate, to be committed to always providing the best. They are manifest in the behaviours employees display. The organisation is committed to promoting a culture founded on these values.

Always:

- ✓ Putting patients first
- ✓ Keeping people safe
- ✓ Have courage and commitment to do the right thing
- ✓ Be accountable, take responsibility and own your actions
- ✓ Listen actively
- ✓ Check for understanding when you communicate
- ✓ Be respectful and treat people with dignity
- ✓ Work as a team

This policy should be read and implemented with the Organisational Values in mind at all times.

8. GLOSSARY OF TERMS

None

9. REFERENCES

Young, J. and Gifford, J, (2022) *Bullying and incivility at work: an evidence review*. Practice summary and recommendations. London: Chartered Institute of Personnel and Development.

Available at: [Bullying and incivility at work: An evidence review | CIPD](#) (Accessed 16/02/2023)

10. APPENDIX

Appendix 1 Equality Impact Screening Tool

Stage 1 - Screening

Title of Procedural Document: Bullying and Harassment Policy and Procedure

Date of Assessment	August 2022	Responsible Department	Human Resources
Name of person completing assessment	Amanda De Freitas	Job Title	Head of Human Resources

Does the policy/function affect one group less or more favourably than another on the basis of :

	Yes/No	Comments
• Age	No	
• Disability Learning disability; physical disability; sensory impairment and/or mental health problems e.g. dementia	No	
• Ethnic Origin (including hard to reach groups)	No	
• Gender reassignment	No	
• Pregnancy or Maternity	No	
• Race	No	
• Sex	No	
• Religion and Belief	No	
• Sexual Orientation	No	

If the answer to all of the above questions is NO, the EIA is complete. If YES, a full impact assessment is required: go on to stage 2, page 2

Stage 2 – Full Impact Assessment

What is the impact	Level of Impact	Mitigating Actions (what needs to be done to minimise / remove the impact)	Responsible Officer

Monitoring of Actions

The monitoring of actions to mitigate any impact will be undertaken at the appropriate level