



For better
mental health

Mind Monmouthshire

1 Introduction

- 1.1 Mind Monmouthshire is committed to ensuring a working environment in which any kind of harassment or bullying is unacceptable and must be challenged.
- 1.2 Mind Monmouthshire acknowledges that employees may suffer harassment or bullying in the course of their employment and that it has a legal and moral responsibility to ensure that no employee is subjected to such treatment at work.
- 1.3 Harassment or bullying can cause physical and mental distress and lead to absenteeism, it can affect the organisations public image and reputation and it can lead to legal action.
- 1.4 Harassment on the grounds of race, religion, gender, sexuality or sexual orientation, age, mental health, disability, HIV status or other personal characteristic will not be tolerated.
- 1.5 Harassment and bullying in the workplace contravene the organisation's equal opportunities statement; this policy must therefore be read in conjunction with the organisation's equal opportunities policy and the grievances and disciplinary policies.
- 1.6 Some examples of harassment and bullying are given below. It is important to note that harassment is not necessarily limited to just these types of behaviours – for example mental health service users may be vulnerable to some forms of harassment simply because they have a diagnosed mental health problem.
- 1.7 This policy relates to harassment of employees and volunteers. Harassment of service users, volunteers or visitors will be dealt with under the complaints policy.

2 Principles

- 2.1 All staff have the right to work in surroundings free from harassment and bullying and it is everyone's responsibility to ensure a safe, non-threatening workplace.
- 2.2 Mind Monmouthshire regard the prevention of harassment and bullying as a basic responsibility of all staff, volunteers and visiting professionals. Users of services can also help to prevent harassment if they share responsibility for this policy
- 2.3 Mind Monmouthshire is committed to investigate all allegations fairly and promptly and every effort to keep details confidential.
- 2.4 Any complaints of harassment or bullying will be taken seriously and can be grounds for disciplinary action that may include dismissal. Where the perpetrator is a service user, restrictions on their use of future services may be introduced.
- 2.5 Mind Monmouthshire will provide support for any employee who is the victim of harassment in the course of his or her employment.

3 Definitions

3.1 Harassment

- 3.2 The Protection from Harassment Act 1997 does not define harassment, however it may be defined as "the persistent demeaning and downgrading of an individual or group of people through words and actions that erode self-confidence and undermine self-esteem".
- 3.3 Harassment may be deliberate and conscious, but it can also be unintentional. It is possible that someone may not be aware that their behaviour is offensive to others.
- 3.4 Harassment can be determined by the effect certain actions have on an individual or group of individuals. It is behaviour, which is unwanted and that is not reciprocated.
- 3.5 Lack of intention is **NOT** a defence and cases will be assessed on the effect of actions and the distress caused.

3.6 Sexual harassment

- 3.7 Sexual harassment means unwelcome sexual advances, touching, staring or comments.
- 3.8 A single incident can constitute sexual harassment. This may include sexually suggestive remarks.

3.9 Harassment of a disabled person

- 3.10 Harassment of a disabled person occurs where, a person relates to the person's

disability, in a way that has the purpose or effect of violating the disabled person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for him or her.

- 3.11 If it was the intention of the action to have these effects then it will be considered harassment irrespective of the actual effect. In the absence of such an intention, the conduct will be considered harassment only if it could reasonably be considered as having either of these effects.

3.12 Racial harassment

- 3.13 This can involve derogatory name-calling, insults, racist jokes and graffiti, verbal abuse, threats, ridicule of individuals for cultural differences, offensive acts or expressions aimed at the racial or ethnic origins of the recipient.

3.14 Racial Harassment and Harassment on the grounds of Religion

- 3.15 Racial or religious harassment may be any hostile or offensive act or expression by a person of one racial or religious group against a person of another racial or religious group, or incitement to commit such an act, motivated by racial or religious dislike or hatred.

3.16 Bullying

- 3.17 Bullying can be defined as "the use of strength or power to coerce others by fear, to persecute or oppress by force or threat."
- 3.18 Bullying constitutes offensive treatment of a person or group of people through intimidating, insulting behaviour, cruel malicious or humiliating attempts to undermine. In addition, the abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the person or group of people all amounts to bullying.
- 3.19 The power used by the perpetrator maybe physical, that granted by a position of authority, rudeness or purely intellectual.
- 3.20 Bullying can be obvious, persistent, unpredictable or it maybe subtle. It maybe carried out by an individual against another or involves groups of people. Whatever form bullying takes, it is unwarranted and unwelcome for the recipient and or their colleagues.
- 3.21 Legitimate, constructive, objective and fair comment of an employee's performance or behaviour is acceptable, provided that all staff are treated equally with respect.
- 3.22 It is however unacceptable to condone bullying under the disguise of 'strong management'.

4 Victimisation

- 4.1 Victimisation is form of harassment and bullying that occurs when one person is treated less favourably than another because they are suspected or known to have complained, or may have given evidence about a behaviour, which has resulted in an allegation of harassment or bullying. Victimisation could happen irrespective of the outcome of an investigation.
- 4.2 Victimisation like harassment and bullying is unacceptable and can lead to disciplinary action being taken. Where the perpetrator is a service user, restrictions on their use of future services may be introduced.
- 4.3 Any member of staff, who believes that they are being harassed or bullied or who witness such incidents, should feel free to report such incidents in good faith, without fear of victimisation.

5 Prevention

- 5.1 Mind Monmouthshire condemns all forms of harassment and bullying and will do everything it can to prevent it occurring by:
 - Making clear its condemnation of harassment and bullying.
 - Informing and educating wherever possible.
 - Challenging unacceptable behaviour.
 - Responding quickly and fairly to reports of harassment or bullying.
 - Giving support to victims of harassment or bullying.
 - Taking action against the perpetrators of harassment or bullying

5.2 Responsibilities

- 5.3 All staff, (i.e. permanent, temporary and or locum) have an essential role in implementing this policy; dealing promptly with complaints and taking active steps to create an environment where harassment and bullying is not tolerated and where all individuals are treated with respect and dignity.
- 5.4 Managers are responsible for setting examples and standards of behaviour in the workplace and are required to ensure that the staff they manage are aware of their responsibility not to harass or bully other employees.
- 5.5 Employees are required to treat colleagues, service users and other individuals whom they may have contact with during their work with respect and dignity, not to condone harassment and or bullying, and to bring any such behaviour to the attention of their line manager / Personnel Services. Such reports will be treated in confidence.
- 5.6 All new employees will be informed of this policy during their induction session.

5.7 Unpaid Staff / Volunteers' Responsibilities

- 5.8 All unpaid staff and volunteers including trustees and elected representatives are required to adhere to this policy, and therefore treat other work colleagues with respect and dignity.
- 5.9 Where an allegation of harassment and / or bullying is made against an unpaid member of staff, she / he will be asked to answer the allegation and to follow the same processes as paid staff.
- 5.10 Where allegations are found to be substantiated after an investigation, he/she maybe asked to withdraw their services from Mind Monmouthshire.
- 5.11 People involved or about to become with Mind Monmouthshire are to be made aware of this expectation through our policies, their job descriptions and induction process.

5.12 External Sources

- 5.13 All employees are bound by this policy when dealing with people from outside the organisation.
- 5.14 Harassment and bullying from external sources is unacceptable. We will support, in whichever way is appropriate, any employee, volunteer or trustee who is harassed or bullied in the course of their work by someone from outside the organisation.
- 5.15 We will ensure that the values underpinning this policy are communicated to external sources.

6 Procedure for dealing with harassment and bullying

- 6.1 Employees who believe they are being harassed or bullied by another employee of Mind Monmouthshire should follow these guidelines:
- 6.2 Act quickly and not to wait until working conditions become intolerable or personal well-being is being seriously affected.
- 6.3 If possible speak up at the time and tell the person to stop, be direct and wherever possible, say explicitly that that they feel that they are being harassed and make clear why the behaviour is objectionable.
- 6.4 If they don't feel entirely comfortable raising the matter face-to-face they could ask a friend or colleague to help, or ask them to raise the issue on their behalf.
- 6.5 They can also ask their line manager for help, but if they want the matter dealt with informally at this stage then they must make this clear.
- 6.6 If informal methods haven't succeeded in dealing with the harassment, they may decide to make a formal complaint by raising a grievance. The grievance policy should be followed.
- 6.7 Employees are under no obligation to pursue the matter informally first, and may raise a grievance at any stage.
- 6.8 If an employee believes that an employee is harassing another volunteer or employee, staff are encourage to advise the person who is being harassed to follow the steps outlined above.
- 6.9 If the person is reluctant to deal with the matter, even when offered appropriate support, they will need to make a judgment on how to proceed.
- 6.10 In all cases the employee who has been subjected to harassment must be dealt with sympathetically and supportively by senior staff.
- 6.11 Specific cases of harassment should be dealt with initially through the grievance procedure. All allegations of harassment will be investigated in accordance with this procedure, preserving the confidentiality of both parties as far as possible. If the allegation is found to be proven the following action will be taken:

<p>Perpetrator is a user of Mind's services or a member of the public</p>	<p>Managers and trustees should deal explicitly with perpetrators with a view to withdrawing service if behaviour is not moderated.</p> <p>If the harassment is perpetrated by a friend or carer of a user of services the carer may be banned from Mind Monmouthshire premises and from contact with personnel but the service will not necessarily be withdrawn from the user concerned.</p> <p>Only where the employee has requested a move from the area of</p>
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	work where the harassment / bullying occurred, or has asked not to deal with the individual user again, (and Mind is contractually bound to provide a service to the user), should substitution of staff be considered. However as not every case can be covered by such advice, managers must use their discretion in appropriate circumstances and consult more senior staff as necessary. Actions may include restricting services to the individual.
Perpetrator is another employee	<p>A complaint of harassment against an employee will be investigated and appropriate action taken in accordance with the grievance procedure.</p> <p>Any harassment of a criminal nature (e.g. serious sexual assault) should be reported to the Police, and if the perpetrator is convicted of the offence, it will result in the immediate dismissal for gross misconduct. If such harassment is alleged but either is not pursued through the legal system or does not result in a conviction we will seek legal advice on what further action to take.</p>
Perpetrator is a trustee or other volunteer	<p>A complaint of harassment by a trustee or volunteer will be dealt with under the grievance procedure.</p> <p>In the case of proven harassment, arrangements will be made to ensure that the employee subjected to harassment is not required to have any further contact with the trustee or volunteer concerned.</p>

6.12 When a service user feels they are the victim of harassment

6.13 If a service user feels they are being harassed by another service user or by an employee they should be encouraged and supported to follow Mind Monmouthshire complaints procedure (unless it is obvious that the matter can be very quickly and easily resolved).

6.14 The matter will then be investigated and dealt with formally in accordance with the procedure. Appropriate measures to address the situation will be put in place as required.

6.15 Where a service user feels they are being harassed by an individual outside of the organisation's direct sphere of influence (such as by a family member, a member of the general public or another professional) employees are expected to support the user to deal with the situation in the most appropriate way. This may involve acting as an advocate or representative for the user, complaining to outside agencies, reporting the matter to statutory services, following vulnerable adults' protection procedures etc.

6.16 Employees should take advice from their line manager as to how to approach the situation.

Appendix

Examples of Harassment and Bullying

<p>Harassment can take the form of:</p>	<p>Unwanted physical contact ranging from touching to serious assault.</p> <p>Verbal and written harassment through jokes, offensive language, gossip, slander and letters.</p> <p>Display or circulation (including via e-mail or texting) of sexually suggestive or racially abusive material or material that is insulting on the basis of other personal characteristics.</p> <p>Visual display of posters, graffiti, obscene gestures.</p> <p>Coercion ranging from pressure for sexual favours to pressure to participate in political / religious and social groups.</p> <p>Sexist jokes, racist or religious jokes, ageist jokes, jokes about an individual's disability or sexual orientation or any other jokes about an individual's characteristics.</p>
<p>Examples of sexual harassment</p>	<p>Behaviour that is repeated or continued after it has been made clear that it is unwelcome or it is part of a pattern of offensive behaviour by the same person.</p> <p>An assault is involved.</p> <p>Unnecessary body contact or unwanted sexual attention.</p> <p>Sexual jokes or stories or comments about a person's appearance or dress of a sexually suggestive or offensive character.</p> <p>The display or circulation of sexually suggestive or offensive material</p> <p>Request for sexual favours.</p>
<p>Examples of harassment of disabled people</p>	<p>Staring and /or uninvited touching.</p> <p>Making assumptions about disabled people, for example, their private or sexual life.</p> <p>Questioning a disabled person's working capacity/and or ability by making inappropriate demands or requirements.</p>
<p>Examples of Racial Harassment</p>	<p>Insensitive jokes and pranks related to race.</p> <p>Use of threats, abuse, insults and gibes relating to race.</p> <p>Isolating and or excluding a person(s) because of their race, colour,</p>

	<p>nationality or ethnic origin.</p> <p>Making racist insinuations</p>
Examples of Bullying	<p>Aggressive behaviour either verbal and or physical</p> <p>Derogatory or offensive remarks about people</p> <p>Ignoring or excluding an individual</p> <p>Negative attacks on a person about their professional performance</p> <p>Shouting at staff in public or private</p> <p>Public humiliation</p> <p>Making false allegations</p> <p>Sending abusive correspondence (including text or E-mail)</p> <p>Unnecessary checking of work</p> <p>Withholding information unnecessarily making it difficult for someone to do their job</p> <p>Changing priorities and objectives unnecessarily</p> <p>Conduct that interferes with dignity or privacy</p> <p>Constantly undervaluing effort or being overly critical</p> <p>Setting unrealistic deadlines and objectives</p>

Quality Policy	Written and circulated for staff consultation September 2010
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