



POLICY

4.1 ABACUS CARE & SUPPORT LIMITED is committed to having a workplace which is free from harassment and bullying and one that ensures that all employees, contractors and others who come into contact with ABACUS CARE & SUPPORT LIMITED, in the course of their work, are treated with dignity and respect regardless of any Protected Characteristics.

ABACUS CARE & SUPPORT LIMITED will not tolerate bullying or harassment whether it is a one-off act or repeated, and whether it is done purposefully or not. Neither will ABACUS CARE & SUPPORT LIMITED tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may, in appropriate circumstances, lead to dismissal.

4.2 Bullying and harassment are considered acts of misconduct. When these are deemed to be sufficiently serious, they will be considered gross misconduct which may lead to the dismissal of the perpetrator.

ABACUS CARE & SUPPORT LIMITED will consider each case on its own facts.

4.3 This policy applies to all employees, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. This policy does not apply to harassment and/or bullying by or against third parties such as Service Users' families, suppliers or visitors.

4.4 Bullying, harassment and discrimination are personal grievances and are not covered by whistleblowing law, unless the particular case is in the public interest.

4.5 Belinda Berry has day-to-day responsibility for this policy and you should refer any questions about this policy to them in the first instance. Staff should disclose any instances of harassment or bullying of which they become aware to their line manager. If the allegations of harassment or bullying relate to their line manager then they should disclose any instances to Belinda Berry.

4.6 This policy does not form part of the employee's contract of employment and may be amended at any time.

DEFINITIONS

6.1 Harassment

- Harassment is defined as any unwanted physical, verbal or non-verbal conduct which has the effect of violating another member of staff's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for them
- This only needs to be a single incident and does not have to be on the grounds of a Protected Characteristic (specifically race, religion, age, sex, sexual orientation, marriage, gender (including gender reassignment), pregnancy and maternity or disability), for example, unwanted conduct directed at a member of staff because of their weight would amount to harassment
- The focus is on the effect that the unwanted treatment has on the member of staff, as opposed to whether the conduct was intentional or not, although intention can be taken into account when deciding how serious the matter is

6.2 Whistleblowing

- You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always
- The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public
- As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. The law is the Public Interest Disclosure Act 1998

6.3 Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics
- These characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation



6.4 Gross Misconduct

- Misconduct that is sufficiently serious to warrant dismissal of an employee without notice

6.5 Bullying

- Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying can be:
 - **Emotional** - being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language)
 - **Physical** - pushing, kicking, hitting, punching or any use of violence
 - **Verbal** - name-calling, criticising in public, sarcasm, spreading rumours, teasing
 - **Mobile** - threats by text messaging and calls, misuse of associated technology, i.e. camera and video facilities

6.6 Misconduct

- Conduct by an employee which is serious but is not sufficient on its own to warrant dismissal either with or without notice