

POLICY DOCUMENT

Policy Title:	Anti-Harassment and Victimisation Policy
Policy Group:	Human Resources
Policy Owner:	Human Resources Manager
Issue Date:	22/06/2022
Review Period:	24 months
Next Review Due	22/06/2024
Author:	S. O'Rourke
Cross References:	Staff handbook, Disciplinary Policy, Grievance Procedure.
Evidence:	Equality & Human Rights Commission, ACAS, Equality Act 2011, Race Relations Act 1976, Sex Discrimination Act 1975, Disability Discrimination Act 1995, Criminal Justice Act 1994, Delafield Consulting.
How implementation will be monitored:	Staff handbook, Induction, Training.
Sanctions to apply for breach:	Training, Disciplinary Action
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Policy Accepted by MT	22/06/2022
Sign-off by CEO	

Purpose of Policy: This policy supports Holy Cross Hospital's commitment to good and fair employment practice. The Hospital requires all employees to respect each other and to understand that behaviour that they may find acceptable may not be regarded as such by others. The Hospital also expects that all other persons involved in the Hospital's work, including patients and their visitors, should conform to normal standards of courtesy. Should there be any concerns that this is not the case, appropriate action will be taken in line with this Policy.

Policy Statement: The Hospital declares itself opposed to harassment or victimisation in any form. The experience of harassment is acknowledged as a valid ground for a person making complaints under the Grievance Procedure.

The Hospital will not condone harassment or victimisation of any employee within the Hospital whether these acts are committed by members of the public or by colleagues. Nor will the Hospital condone any acts of harassment by employees against members of the public.

Individuals suspected of harassment or victimisation will be liable to disciplinary action which may lead to dismissal.

Definitions

Harassment is when an individual is subjected to unwanted conduct related to a relevant protected characteristic which has the purpose or effect of violating the individual's dignity or

creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It is also applicable to unwanted conduct because the individual is thought to have or associates with someone who has a protected characteristic.

It should not be overlooked that harassment can take many forms, e.g. age, religion, skin colour, sexual preference, disability – even dialect or accent – can all form the basis of unwanted aggression and attention. Victimisation in the widest sense of the word is also a form of harassment and those exposed to or subject to such action need protection.

Victimisation is when an individual is subjected to a detriment in response to bringing legal proceedings (protected acts) against the employer and/or one or more of its officers or where the employer/officers thereof believes the employee has or intends to bring such proceedings.

1. Harassment and victimisation for whatever reason – including a person's age, ethnic background, religion, sexual preference, accent or dialect, disability etc. are entirely unacceptable and may be regarded as gross misconduct.
2. Managers and Supervisors are required to act and react to all employees (and any other persons with whom they may be in contact) with respect and dignity.
3. Managers and Supervisors are also required to ensure those under their control act in a similar way in their relationships with each other. They should immediately investigate and take appropriate action, when faced with or notified of any unacceptable behaviour.
4. Managers and Supervisors are expected to familiarise themselves with and apply the Hospital policy to ensure the Hospital procedure is known to all, in the event of an employee wishing to raise a complaint. Such complaints must be dealt with immediately, objectively and fairly.
5. Managers and Supervisors should:
 - 5.1 Encourage genuine concerns to be raised rather than be hidden.
 - 5.2 Endeavour to eradicate harassment and victimisation.
 - 5.3 Make employees aware that under the Criminal Justice Act 1994, harassment was made a criminal offence punishable by a substantial fine and/or a prison sentence of up to six months and under the Protection from Harassment Act 1997 to unlimited fines and imprisonment of up to five years.

6. Procedure

6.1 If an incident is reported the following procedure should be followed:

6.2 Make a note of the time, date, place and any other relevant data.

6.3 Make a note of any witnesses, or persons in the immediate neighbourhood who may not have witnessed the event but may at least be able to corroborate that the persons involved were at the location at the time stated

6.4 If the person generating the alleged harassment or victimisation is:

6.4 An employee of the same or junior status: the matter should be reported to the superior of the employee suffering the harassment or victimisation, with an indication of the required action.

6.5 Senior to, but not the immediate superior of the employee suffering the harassment or victimisation: the matter should be reported to that immediate superior; with an indication of the required action.

6.6 The immediate superior of the employee suffering the harassment or victimisation: the matter should be reported to the senior person of their choice with an indication of the required action.

6.7 Whenever possible, the anonymity of the employee complaining of harassment or victimisation should be maintained.

6.8 The person to whom the complaint is made should record in writing as many details as possible regarding the complaint, including details of any witnesses etc.

6.9 Within no later than five working days and sooner if possible, the person receiving the complaint must report back to the complainant with details of action taken and any resolution achieved. A resume of the action taken and any resolution must be given to the complainant in writing and a copy held with the notes regarding the complaint. If the solution is satisfactory to the complainant, the matter should be concluded. Any notes relating to the case will be held under confidential control.

6.10 If the solution is not satisfactory to the complainant, the matter should be discussed further and an alternative solution attempted to be agreed. This may require the person receiving the complaint to make further investigations and to take the matter to a higher authority.

6.11 If the matter is referred to a higher authority (i.e. someone not involved in any way with the matter previously), then the investigation by that person and subsequent decision will be made known to the complainant within five working days. This decision will be binding and conclude the enquiry internally.

- 6.12 If in the course of the investigations at whatever level, it is proved, or it is admitted that harassment or victimisation did take place, the matter will be referred to the superior of the person responsible for the harassment or victimisation. Since harassment and victimisation may be regarded as gross misconduct (please refer to Disciplinary Policy), it is mandatory that the person responsible is given a formal warning. Depending upon the seriousness of the act this may be a final written warning stating that should there be a repeat, dismissal could follow. In extreme cases dismissal may be the only solution.
- 6.13 If the victim and harasser normally work in close proximity, consideration should be given to relocating one or the other.

Review

This policy has been reviewed for overt or implied discrimination within the scope of the Hospital's policies on equality and diversity and none was found.

The policy will be reviewed bi- annually to ensure that the system described continues to provide an effective framework for managing victimisation and harassment.