



## **POLICY RELATING TO HARASSMENT OF EMPLOYEES**

### **1. INTRODUCTION**

- 1.1 Harassment can be defined as any behaviour which makes someone feel unsafe, under threat or generally ill at ease. It is a complex area because it involves individual and subjective perceptions of other people's behaviour
- 1.2 Mind in Croydon acknowledges that employees may experience harassment in the course of their employment. Mind does not regard it as part of an employee's duties to accept such behaviour and does not expect them to tolerate it. Mind will provide support for any employee who is the victim of harassment in the course of their employment.
- 1.3 This policy relates to harassment of employees. Harassment of service users, volunteers or visitors will be dealt with under Mind in Croydon's Complaints Policy.
- 1.4 Mind regards the prevention of harassment as a basic responsibility of all staff, volunteers and visiting professionals. Users of Mind services can also help to prevent harassment if they also share responsibility for this policy.

### **2. FORMS OF HARASSMENT**

- 2.1 These may include the following:
  - racial harassment or abuse
  - sexual harassment or abuse
  - refusal by a user to accept service on the grounds of an employee's gender, ethnic origin, sexual orientation etc.
  - threat of or actual aggression
  - persistent and unreasonable criticism of, interference in the work of, or pressurising of an employee
  - malicious or unreasonable use of the Complaints Policy against a particular employee or employees
- 2.2 This list is not comprehensive and other types of behaviour by individuals may be treated as harassment if they cause fear or undue stress to employees.

### **3. PREVENTION**

- 3.1 Mind in Croydon condemns all forms of harassment and will do everything it can to prevent it occurring by:
  - making its condemnation of harassment clear
  - informing and educating wherever possible
  - challenging unacceptable behaviour
  - responding quickly and fairly to reports of harassment
  - giving support to victims of harassment
  - taking action against the perpetrators of harassment

### **4. GENERAL ACTION**

- 4.1 In all cases the employee who has been subjected to harassment must be dealt with sympathetically and supportively by senior staff, and all employees should be aware through this and other policies of the Employee Support and Advice Line operated by Health Assured on behalf of Mind in Croydon (ph. 0800 030 5182).

4.2 Specific cases of harassment should be dealt with initially through the Complaints 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 action will be taken as outlined below:

## **5. ACTION WHEN THE PERPETRATOR IS A USER OF MIND'S SERVICES OR A MEMBER OF THE PUBLIC**

- 5.1 Managers and trustees should deal explicitly with perpetrators with a view to withdrawing service if behaviour is not moderated
- 5.2 If the harassment is perpetrated by a friend or carer of a user of Mind services the carer may be banned from Mind premises and from contact with Mind personnel but the service will not necessarily be withdrawn from the user concerned.
- 5.3 If the victim or perpetrator of any alleged harassment is someone who might be thought of as vulnerable, consideration should be given as to whether a Safeguarding Report should be made (see Mind in Croydon's Safeguarding Adults Policy).
- 5.4 Managers and trustees should not automatically respond by removing the employee from the area of work or case where the harassment occurred. To do so is likely to undermine the employee and give the harasser the impression that their actions are acceptable. Only where the employee has requested such a move 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. Not every case can be covered by such advice and managers must use their discretion in appropriate circumstances.
- 5.5 Mind in Croydon's disciplinary procedures should not normally be invoked against employees who refuse to deal with individual service users because of harassment.

## **6. ACTION WHEN THE PERPETRATOR IS ANOTHER EMPLOYEE**

- 6.1 A complaint of harassment against an employee will be investigated and appropriate action taken in accordance with the Complaints procedure and the Disciplinary Procedure. This may include temporary suspension of the employee against whom the allegation of harassment has been made. Persistent harassment is likely to result in dismissal of the perpetrator. Any harassment of a criminal nature should be reported to the Police
- 6.2 Harassment of a criminal nature (e.g. serious sexual assault) will, if the perpetrator is convicted of the offence, result in 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 Mind will seek legal advice on what further action to take.
- 6.3 Managers will need to exercise judgment as to whether it is necessary for the well-being of the employee who has been subjected to harassment to consider arrangements for the perpetrator and employee who has been harassed to work separately. The perpetrator, rather than the person harassed, should normally be expected to move shifts or area of work.
- 6.4 It must be borne in mind, however, that Mind in Croydon is a tightly staffed organisation with a variety of specialised projects and permanent arrangements for the separation of employees may not be practicable. Also, in order to comply with the Disciplinary Procedure (and hence with employment legislation) Mind must give the perpetrator of less serious harassment an opportunity to improve their behaviour and it may be impossible to do this without testing the behaviour in the perpetrator's regular work situation.
- 6.5 Interventions such as mediation will be considered where appropriate.

## **7. WHERE THE PERPETRATOR IS A TRUSTEE OR OTHER VOLUNTEER**

- 7.1 A complaint of harassment on the part of a trustee or volunteer will be dealt with under the Complaints Procedure.
- 7.2 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.
- 7.3 In the case of proven harassment, this may result in it being decided that the Trustee or volunteer should no longer be volunteering with the organisation.