

ANTI-BULLYING AND HARASSMENT POLICY



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ANTI-BULLYING AND HARASSMENT POLICY

If you require reasonable adjustments to read this document or have any questions about the policy/procedure/guidance please contact hr@rcpsych.ac.uk

INTRODUCTION

This policy should be read in conjunction with other policies and procedures such as the Equality, Diversity and Inclusion Policy, Disciplinary Procedures and Grievance Procedures from the Royal College of Psychiatrists (from now on referred to as the “College”).

The College has a clear set of values which drive everything we do. They support our leaders and staff to make values-based decisions and they enable the creation and reinforcement of our positive, empowering and enabling culture.

Our values are:

- **Courage**
- **Innovation**
- **Respect**
- **Collaboration**
- **Learning**
- **Excellence**

As a values-based organisation, in order to ensure the best outcomes for staff, we put equity, diversity and inclusion at the heart of all we do. Equity ensures there is fair treatment, accessibility, and opportunities for everyone, regardless of their protected characteristics. The College recognises that each individual has different circumstances and supports them to ensure they have a fair access to all opportunities.

POLICY STATEMENT

The College is committed to maintaining a safe, inclusive and respectful environment for all. In line with our values and relevant employment legislation, we take a zero-tolerance approach to threatening, abusive, violent, or vexatious behaviour.

This means we will always address such behaviour appropriately and proportionately, recognising that each situation is unique and must be assessed on its own merits.

Our focus is on addressing the impact and nature of the behaviour rather than on the individual, and ensuring that responses are fair, consistent with our values, and supportive where possible.

Challenging unacceptable behaviour helps to:

- Establish clear and respectful boundaries
- Promote accountability for actions
- Discourage behaviours that compromise safety and dignity
- Foster a culture where all individuals feel safe, heard, and valued

Appropriate action will be taken in accordance with best practice, relevant policies, and legal obligations.

Harassment/bullying at work and/or at events outside of work is unlawful, and it can have a detrimental impact on a person's mental health. Harassment can reduce the effectiveness of the College by undermining the confidence of the individuals who are recipients of this behaviour, creating a threatening environment, increasing sickness absence and turnover.

DEFINITIONS

Harassment

Harassment is defined in the Equality Act 2010 as *“unwanted conduct related to a protected characteristic... [that] has the purpose or effect of violating [someone's] dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for [them].”*

Protected characteristics are defined in the Equality Act 2010. These are: *“age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.”* Harassment based on any of these characteristics is unlawful.

Harassment is also defined in the Equality Act 2010 as a person engaging in 'unwanted conduct of a sexual nature' – this is commonly called 'sexual harassment'.

Bullying

Unlike harassment, bullying does not have a legal definition. ACAS define it as *“offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”*. Power does not always mean being in a position of authority but can

include both personal strength and the power to coerce through fear or intimidation, which means that bullying can occur between peers. Bullying can encompass all forms of harassment.

SCOPE OF THE POLICY

This policy covers all forms of harassment and bullying, including cyber bullying/harassment in the context of working relationships, not only between employees and workers of the College, but also between College members and employees, but makes specific reference to the following protected characteristics from the Equality Act 2010:

- harassment based on age.
- harassment of people with disabilities.
- harassment based on gender reassignment.
- harassment based on marriage or civil partnership.
- harassment based on pregnancy or maternity.
- harassment based on race.
- harassment based on religion or belief.
- harassment based on sex.
- harassment based on sexual orientation.

This policy can be referred to regardless of where bullying or harassment takes place. Examples of locations where workplace bullying and harassment can take place includes:

- Social events and work-related gatherings
- Remote work and virtual spaces
- Social media and online presence
- Business travel and off-site work

HARASSMENT

The defining feature of harassment is that the behaviour is unwanted by and is offensive or intimidating to the recipient.

Some different types of harassment are described below, with examples of physical, verbal, and non-verbal unwanted conduct and behaviours. These examples are not exhaustive. Harassment can also be conducted by electronic means (see the section on **Cyber bullying/harassment**).

Harassment by association

The law protects an individual that doesn't have the relevant protected characteristic, but they are associated with someone who does.

An example of this:

During a casual conversation, an employee and their manager discuss what they did over the weekend. The employee mentions that they went to a gay pride event with their friends.

The manager knows they are not a member of the LGBTQ+ community, but treats them less favourably than their other colleagues, regardless.

Employment law would likely see this as an example of associative discrimination as the manager is treating them differently due to their association with the LGBTQ+ community.

While they themselves are not LGBTQ+, their friends are, and the law protects against the discrimination of sexual orientation.

Harassment by perception

The law protects individuals who do not doesn't have the relevant protected characteristic but are perceived to have it.

An example of this:

An employer sees an Arabic name on a job application. They mentioned to the hiring manager that they did not want to interview that candidate because they believed that Muslims would take too much time off for religious observances. The candidate in question is not Muslim but has been the victim of discrimination by perception based on religion.

Sexual harassment

Sexual harassment is unwanted conduct of a sexual nature that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The following are examples of such conduct:

Physical – Unwanted physical contact including unnecessary touching, patting, pinching or deliberately brushing against another person's body, assault and coercing sexual intimacy.

Verbal – Unwelcome sexual advances, propositions, or pressure/blackmail for sexual activity, continued suggestions for social activity outside the workplace after it has been made clear that such suggestions are unwelcome, offensive flirtations, suggestive remarks, innuendoes or lewd comments, disclosure of another individual's sexual orientation against their wishes; a person disclosing their own sexual encounters in an inappropriate and offensive way.

Non-verbal – The display of pornographic or sexually suggestive pictures, objects or written materials, leering, whistling, or making sexually suggestive gestures.

Please refer to the sexual harassment policy for further information.

Harassment based on sex, gender reassignment, and sexual orientation

It is important to recognise that harassment towards the LGBTQ+ community refers to all identities, including those who have multiple identities (known as intersectionality).

This type of harassment is unwanted conduct related to a person's gender or sexual orientation that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The following are examples of unwanted conduct:

Physical – assault, damage of personal property, threatening behaviour such as standing over/too close to someone, threatening gestures such as pointing or shaking your fist.

Verbal – derogatory or degrading abuse or insults that are related to a person's sex, appearance, or dress, or to a person's sexuality/sexual orientation; jokes or 'banter' about someone's gender expression (e.g., the way they dress); jokes or comments that are based on offensive gender stereotypes; wilfully misgendering someone (e.g., referring to someone with a non-binary identity as he/she).

Non-verbal – sharing images that denigrate or ridicule someone's gender or sexual orientation.

Racial harassment

This type of harassment is unwanted conduct related to a person's race, skin colour, ethnic origin, cultural difference, creed (religious belief/fait) and/or nationality that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The following are examples of unwanted conduct:

Physical – assault, damage of personal property, deliberate and unwanted touching based on appearance (e.g., touching of hair) threatening behaviour such as standing over/too close to someone, threatening gestures such as pointing or shaking your fist.

Verbal – derogatory name-calling, malicious comments, jokes, hostile attitudes, banter that encourages stereotypes; intrusive and unnecessary questions about a person's race, colour, ethnic origin, creed and/or nationality.

Non-verbal – graffiti, displays and/or sharing of racist symbols or images, denial of opportunities, exclusion from social activities.

Harassment of people with disabilities

This type of harassment is unwanted conduct related to a person's disability (mental or physical) that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

The following are examples of unwanted conduct:

Physical – abuse or intimidation, mimicking the particular disability.

Verbal – speaking to others rather than to the person directly and/or speaking to the person in a patronising way, asking intimate questions about a person's disability, unreasonably questioning a person's capacity and/or ability to work by making inappropriate demands, requirements or jokes.

Non-verbal – staring at the person and/or uninvited touching the person or their assistive devices (for example, wheelchair), exclusion from social events, making assumptions about people with disabilities (e.g., that they do not have a social, sexual, or private life), making assumptions about a person's impairment and sickness record.

Harassment based on religion or philosophical belief

This type of harassment is unwanted conduct related to a person's religion or philosophical belief that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

It should be noted that philosophical belief e.g. Atheism, in this context is one that is worthy of respect in a democratic society and does not affect other people's fundamental rights.

The following are example of unwanted conduct:

Physical – abuse or intimidation, assault, damage of property; deliberate and unwanted touching (e.g., deliberate touching of a person's religious dress); threatening behaviour such as standing over/too close to someone, threatening gestures such as pointing or shaking your fist.

Verbal – derogatory name-calling, malicious comments, jokes, hostile attitudes, banter that encourages stereotypes, degrading comments about an individual's religion or philosophical belief.

Non-verbal – graffiti, displays of offensive material, denial of opportunities, exclusion; intolerance towards religious holidays, traditions, and/or customs.

Harassment based on age

This type of harassment is unwanted conduct related to a person's age that has the purpose or effect of violating their dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. This can affect younger as well as older people.

The following are examples of unwanted conduct:

Physical – intimidation, threatening behaviour such as standing over/too close to someone, threatening gestures such as pointing or shaking your fist.

Verbal – derogatory remarks or jokes based on age; banter that encourages stereotypes.

Non-verbal – making assumptions about people based on age, whether younger or older; making assumptions about lack of ability based on age.

BULLYING

Bullying can happen at any level in an organisation. While it can involve an abuse or misuse of power, bullying is not only perpetrated by people in authority. People can bully their line manager or others in authority, for example, and bullying can also happen between peers, where there might be unacceptable peer pressure.

Bullying is aggressive behaviour, which is deliberate and persistent and would, in effect, follow a continuous pattern. Anyone who thinks they are being bullied should consider this point carefully.

The following are examples of bullying behaviour:

- All forms of harassment as above.
- Aggressive, insulting, and uncooperative attitude.
- Destructive innuendo and sarcasm.
- Constant unjustified criticism, unilaterally removing responsibilities and replacing them with trivial tasks to do instead.
- Shouting to get things done or consistently raising their voice.
- Persistently picking on people in front of others or in private.
- Insisting that their way of doing things is always right without discussion.
- Unreasonable use of disciplinary/competence procedures.
- Unreasonable refusal of requests (e.g., leave or training).
- Deliberately ignoring or excluding individuals from activities.
- Unreasonably overloading anyone with work and reducing deadlines.
- Constantly attacking a member of staff in terms of their professional or personal standing.
- Persistently undervaluing an employee's efforts.
- Setting out to make a person appear incompetent, or to make their life miserable, in the hope of getting them dismissed or making them resign.
- Making someone the butt of jokes.
- Cyber bullying (see below)
- Extreme and persistent rudeness, particularly to one individual.

The examples are not exhaustive.

CYBER BULLYING/HARASSMENT

Bullying and harassment can be conducted via electronic communication by any means, which includes by email, text, and social media platforms. This is commonly known as cyber bullying or harassment.

Many of the verbal and non-verbal behaviours listed above in the **Harassment** and **Bullying** sections can be expressed via electronic communication, including offensive messages (either text or images), offensive tweets or disclosing information on a social media platform about another person, to intimidate, degrade, humiliate, or offend a person or group of individuals.

This section should be read alongside the Social Media Policy.

PROCEDURE

Those who consider that they are being harassed or bullied have the right to seek redress through either informal or formal procedures. Only if the matter is brought to the attention of the harasser/bully, manager or HR can action be taken to stop the behaviour.

Due to the sensitive nature of complaints concerning harassment and bullying, employees who wish to discuss such complaints in confidence should contact their Head of Department or HR for advice and assistance, as appropriate.

The defining feature of harassment or bullying is that the behaviour is unwanted by and is offensive or intimidating to the recipient.

The person who is perceived to be harassing or bullying needs to:

- Know the effect of their behaviour.
- Have an opportunity to reflect on and understand their behaviour and its effects.
- Agree to change their behaviour.
- Be aware of the consequences if they do not.

Those being bullied or harassed have the options of complaining informally or formally. It is important that other College staff – particularly their line manager – create a safe environment for them to raise the matter, where their complaint is taken seriously, and steps are taken to achieve a fair hearing and outcome.

How to Complain Informally

1. An employee who believes that they can deal with the incident without going through formal procedures, are advised to make it clear to the person who has harassed/bullied them, either verbally or in writing, that their behaviour is unacceptable and has caused distress and that it must stop. It may be advisable to involve a third party at this stage. This third party could be their line manager, if the line manager isn't the person who has harassed/bullied them.
2. It may be useful for the employee to keep a diary stating dates, times and incidents of inappropriate behaviour and any witnesses.

3. If the recipient feels that they cannot approach the harasser/bully themselves, their line manager or HR can make the initial approach. A written record will be kept including agreed action to be taken.

Note: If the alleged perpetrator is the Director of Human Resources, the Chief Executive should be approached. If the alleged perpetrator is the Chief Executive, the Registrar should be approached who may liaise with the Director of HR.

How to Complain Formally

1. Where informal methods fail or where serious harassment or bullying occurs, employees are advised to bring a formal, written complaint to HR, the Chief Executive, if the Director of Human Resources is involved or the Registrar, if the Chief Executive is involved who may liaise with the Director of Human Resources. See "Grievance Procedures".
2. The College will treat seriously any breaches of this policy and all instances of actual or alleged inappropriate behaviour will be fully investigated and the harasser/bully may be subject to the College's disciplinary procedures. Some behaviours may constitute gross misconduct.
3. If the allegation is made by a College employee against a College member, the Registrar will be involved in either the investigation or the resolution of the complaint, depending on the nature of the complaint.

ANTI-BULLYING AND HARASSMENT ASSOCIATE

The College has appointed Josie Hastings as an Anti-Bullying and Harassment Associate for the College. She is an independent trainer and adviser who specialises in the areas of bullying and harassment and equality and diversity.

This role has been created to provide an external person, who is independent of the College's management structure, for employees to speak to about incidents of bullying, harassment, or disrespectful behaviour they are experiencing or have witnessed at work, if they feel that they cannot speak to HR or their manager, in the first instance. The College always advises staff to go through the College's internal process, but this external process is available for anyone who is finding this initially difficult.

Her role will be to listen confidentially to staff who want to talk through the situation they are experiencing and, if required, signpost staff to the College procedure they can follow, if they would like to pursue a complaint informally or formally. No information regarding the complaint will be passed to the College without the complainant's permission.

If a staff member does not want to make a complaint, no record of the discussion will be retained, and no information will be passed on to the College with the exception of anonymised statistical information, which will be made available to the SMT and the Board of Trustees. The SMT and Trustee will review the data and take any appropriate actions, in order to ensure that we continue to live our values.

A discussion with the Anti-Bullying and Harassment Associate will not be considered as making a complaint, either informally or formally, under the College's Anti-Bullying and Harassment Policy or the Grievance Procedure. As a result, just speaking to the Anti-Bullying and Harassment Associate will not initiate any type of process within the College. The Anti-Bullying and Harassment Associate is not part of the HR department.

The Anti-Bullying and Harassment Associate isn't a counsellor and should not be used in this way.

EMPLOYEE ASSISTANCE PROGRAMME (EAP)

All staff are reminded of the employee assistance programme (EAP) service. Minor to severe support supplied by Rehab Works. This includes end-to-end mental health provision.

IMPLEMENTATION OF THIS POLICY

In order to achieve effective implementation of this policy, the College will ensure that it is brought to the attention of all employees at induction and at regular intervals thereafter.

CONFIDENTIALITY AND DATA PROTECTION

Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

Information about a complaint by or about an employee may be placed on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process. (These will be processed in accordance with our Data Protection Policy.)

Breach of confidentiality may give rise to disciplinary action under our Disciplinary Procedure.

Staff are invited to comment on this policy and suggest ways in which it might be improved by contacting the Director of HR.

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