

# THIRD PARTY ABUSE AND HARASSMENT POLICY

<b>AUTHOR</b>	Human Resources and Organisational Development
<b>SCOPE</b>	This policy applies to: <ul style="list-style-type: none"><li>• All workers including agency staff, casual staff and staff deployed to the Manchester Local Care Organisation (MLCO)</li><li>• All employees</li></ul>
<b>PURPOSE</b>	The purpose of this policy is to: <ul style="list-style-type: none"><li>• outline the Council's approach to tackling incidents of third-party abuse against workers, including harassment, bullying and hate crime</li></ul>
<b>APPROVAL</b>	
<b>REVIEW</b>	The policy will usually be reviewed every 3 years but may be reviewed sooner if there are changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

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## 1. POLICY AIMS

We have a zero-tolerance approach to any incident involving harassment or abuse against our staff. Any form of abuse is unacceptable, and the Council is committed to taking the strongest possible action to tackle any incidents and protect staff. In line with the [Employee Code of Conduct](#), the Council is responsible for ensuring that the working environment for staff is one in which all staff are treated with respect, and any abuse or harassment by third parties is not tolerated. 'Third party' means someone that workers interact with as part of their role but who are not employed by the Council, for example service users, contractors, shareholders and anyone else we are connected to or do business with.

All staff have the right to work in a safe environment where they are protected from abuse or harassment. The Council has a responsibility to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all staff, in line with the Health and Safety at Work Act (1974).

Third party abuse or harassment can have a severe impact on staff and can lead to feelings of anxiety or fear in the workplace as well as undermine an individual's self-confidence. This in turn can lead to a wide range of issues including physical and/or mental health problems, and in some cases result in staff leaving the Council. Whilst Managers have a responsibility to take action to prevent abusive incidents or harassment, this policy is victim centred to ensure that victims have a high degree of control over what type of actions are taken to protect them in their role.

We will ensure the safety, protection and welfare of our staff at all times by:

- reducing the risk of harassment or abuse of staff
- making sure arrangements are in place to assess the risk of harassment or abuse against our staff
- taking appropriate action against the third party who perpetrated the harassment or abuse
- providing appropriate training and information for staff
- making sure our management standards are applied consistently
- making sure staff are aware of their responsibilities
- providing appropriate support to staff following an abusive or harassment incident

- maintaining robust recording and management systems for all abuse or harassment incidents
- making sure staff who have experienced or witnessed incidents feel able to report them and have the matter treated seriously and dealt with effectively

## **2. WHAT IS THIRD PARTY ABUSE OR HARASSMENT**

This policy covers any kind of unwanted behaviour from third parties that humiliates, victimizes or threatens any of our staff, for example:

- Verbal and physical abuse
- Racial slurs
- Sexual advances
- Violence or threat of violence
- Facial expressions or mimicry
- Discrimination
- Bullying
- Harassment
- Imagery or graffiti
- Jokes or banter
- Acts affecting a person's surroundings
- Physical behaviour towards a person or their property

Abuse or harassment can take place online, face to face or over the phone. This list is not exhaustive. Abuse or harassment by a third party can be just as devastating for a worker as incident/s perpetrated by a colleague.

In line with the Equalities Act 2010, 'Harassment' also has a specific legal definition which is included as part of the Equality section.

Any incidents of abuse involving other Council employees should be dealt with through the [Employee Dispute Resolution Policy](#) and for incidents involving domestic abuse the [Domestic Abuse Policy](#) should be consulted. [The Complaints Policy and Procedure Manual](#) (Section Seven Unreasonably Persistent Complainants) is in place to guide staff in how to manage third parties who behave unreasonably when complaining about Council services.

## **3. EQUALITY**

The Council employs staff from a diverse range of backgrounds and all staff should be treated with respect regardless of protected characteristics. It is recognized that discriminatory abuse is a specific type of abuse that has a particular impact on staff from certain groups, that includes but is not limited to groups with protected characteristics as outlined in the Equalities Act 2010. The protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion, faith or belief, sex, and sexual orientation.

As a public sector employer, we must comply with the Public Sector Equality Duty which means we must take steps to prevent third party harassment which may help to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations.

The Council is committed to taking robust actions to oppose any incidents of workplace harassment and recognizes that staff who do not have a 'protected characteristic' can still experience discriminatory third-party harassment, for example people belonging to an alternative subculture (defined as appearance and lifestyle).

In addition, the Equality Act makes three types of harassment unlawful

- Harassment related to a 'relevant protected characteristic'
- Sexual harassment
- Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment

#### **1) Harassment related to a 'relevant protected characteristics'**

The 'relevant protected characteristics' are

- Sex
- Age
- Disability
- Gender reassignment
- Race
- Religion, faith, or belief
- Sexual orientation

Unlike other forms of discrimination, pregnancy and maternity are not included, however harassing somebody because of pregnancy or maternity would be harassment related to sex.

Harassment arises when a worker is subject to 'unwanted conduct' that is related to one of the protected characteristics (or perceived characteristic) listed above which has the purpose or effect of

- Violating the worker's dignity
- Creating an intimidating, hostile, degrading, humiliating or offensive environment for that worker

Unwanted conduct covers a wide range of behaviours and can include all the types of behaviours describing abuse listed in section two of this policy. Unwanted means 'unwelcome' or 'uninvited'.

The Protection from Harassment Act 1997 states that an individual who causes fear or distress to another individual on more than one occasion is guilty of a criminal offence. This applies to instances where the same member of staff is harassed by the same person on more than one occasion. Managers must take robust action in response to all incidents of harassment.

## **2) Sexual harassment**

Sexual harassment occurs when a worker is subjected to unwanted conduct, and which is of a sexual nature. All incidents of sexual harassment by third parties should be dealt with swiftly and robustly by Managers.

## **3) Less favourable treatment of a worker because they submit to, or reject, sexual harassment or harassment related to sex or gender reassignment**

Managers should ensure that they are not treating workers who report third party harassment any less favourably than any other worker.

## **Victimisation**

Victimisation is defined in the Equalities Act 2010 as:

Treating someone badly because they have done a 'protected act' (or because it is believed that a person has done or is going to do a protected act).

A 'protected act' is:

- Making a claim or complaint of discrimination (under the Equality Act).
- Helping someone else to make a claim by giving evidence or information.

- Making an allegation that you or someone else has breached the Act.
- Doing anything else in connection with the Act.

If a worker is treated less favourably because they have taken such action, then this will be unlawful victimisation.

## **Hate Crimes and Hate Incidents**

The police and Crown Prosecution Service have agreed a common [definition](#) of hate crime as any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice based on a person's race or perceived race; religion or perceived religion, faith or belief; sexual orientation or perceived sexual orientation; disability or perceived disability and any crime motivated by hostility or prejudice against a person who is transgender or perceived to be transgender.

Hate incidents are incidents that the victim or anyone else thinks was motivated by hostility or prejudice based on the protected characteristics listed above, and can also include other characteristics such as such as being female (misogyny or hatred of women), older age or belonging to a subculture (defined as appearance and lifestyle). The key word is 'hostility'. There is no legal definition for 'hostility' but the everyday understand of the word can be used as a guide and includes: ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment, and dislike. A hate incident or hate crime can include verbal abuse, intimidation, threats, harassment, assault, and bullying.

## **4. ROLES AND RESPONSIBILITIES**

### **Manager Responsibilities:**

- Ensuring [risk assessments](#) are done to determine whether any measures can be put in place to avoid or reduce the risk of harassment or abuse happening. Risk assessments should be recorded and regularly reviewed, for example when there has been a significant change to the work activity, workplace or there is new information
- Workers may not always feel comfortable reporting abuse or harassment, so it is important that managers are open to disclosures in a range of settings such as one to

ones, or 'About You' meetings, sickness or return to work meetings, informal or formal capability meetings or exit interviews

- Listening and supporting the victims of abuse or harassment without judgement
- Ensuring that staff are trained and aware of how to keep themselves safe in the workplace and that they are aware of existing guidance to support them for example the Personal Safety and [Lone Workers](#) guidance
- Ensuring effective regular and effective reporting of abusive incidents or harassment to Senior Management to ensure they have oversight over numbers, types and frequency of abusive incidents and harassment
- Responding robustly to any incidents of abuse or harassment by third parties. More information on this is in section five.

### **Workers Responsibilities:**

- Taking reasonable care of themselves and others who may be impacted by their actions
- Dynamically assessing risks where appropriate (e.g. at a home visit)
- Attending any relevant training provided
- Discussing any concerns regarding identified risks of violence, abuse or harassment with their manager
- Reporting all incidents of violence, abuse and harassment to their manager following any local procedures and reporting the incident using the third-party abuse and harassment reporting process

## **5. WHY REPORT INCIDENTS?**

It is critical that staff report incidents. It is understood that in some service areas third party abuse or harassment can be common and become normalized. In addition, staff can become 'desensitised' to it, and it can be viewed as 'part of the job'. However, staff are not expected to tolerate this abuse and it is crucial that it is reported for the following reasons:

- It allows managers to take steps to protect staff and their colleagues
- It ensures that managers are sighted on abuse or harassment across a team or service area
- It helps managers to take further actions to prevent abuse or harassment from happening
- It provides managers with the information they need to take appropriate action against third parties where this is agreed with the member of staff

- It helps ensure that relevant services can support managers to act on serious abuse or harassment
- It allows the Council to have an overview of areas of concern so that this can be managed by DMTs

## 6. RESPONDING TO AN INCIDENT

An overview of the steps to respond to an incident are the following:

- 1) If anyone is at immediate risk steps need to be taken to protect the individual and anyone else at risk, including calling the Police (999).
- 2) If the worker's Manager was not present at the incident the worker should contact their Manager as soon as it is safe to do so
- 3) The Manager should have a debrief with the worker and complete the [third party abuse and harassment form](#) (*title and content is being reviewed*) and submit it to [Health and Safety](#). If the incident/s are connected to protected characteristics, the seriousness and specific impact should be recognized by managers and recorded on the form.
- 4) The Manager should also contact the [Anti-Social Behaviour Team](#) (Or the [Community Safety Team](#) for Northwards staff) and the Police (if not previously contacted) where there has been use or threat of violence, hate incident or crime and targeted harassment (i.e. happened more than once) and the member of staff consents to their involvement. If the incident could be classified as a hate incident or hate crime, and the staff member is uncomfortable reporting it directly to the Police, provide information about [True Vision](#) as staff may feel able to report hate incidents or hate crime to the police online.

### Post Incident steps for Managers

Managers should be led by the staff perception as the victim of abuse or harassment. Even if the Manager does not consider it to be a 'serious' incident/s the distress to the staff member should be taken seriously. The below are steps for Managers to take as soon as possible following an abusive incident.

- Meet with the worker/s to discuss the incident and offer support. There is more information on the types of support available in section eight.

- Consult the Post-Incident checklist for guidance on the steps that must be taken to ensure a thorough investigation of the incident. This guidance will also help Managers ensure the safety of the member of staff and (where it applies) their family/relatives, as well as other workers who could be at risk
- Notify senior managers about risks to staff in relation to a particular member of the public, service-user or member of staff as appropriate
- In consultation with Heads of Service, where appropriate, follow any local procedures, in relation to acting against third-parties such as issuing a warning or applying service access restrictions against service users who have harassed or abused a member of staff.
- Consult the Anti-Social Behaviour Action Team or Community Safety Team (where required) for further advice about the range of options available to respond to incidents including acceptable behavior agreements and Anti-Social Behaviour Civil Injunctions.
- Review all risk assessments associated with any incident and work activity and take steps to identify and implement actions that will minimize the risk of similar incidents happening again.
- Work with staff to identify and put in place any additional training or support required following any incident.
- Ensure that the incident is included in regular reporting to Senior Management on the numbers, types, and frequency of incidents.
- Make a record of the abuse or harassment against the service user's name on relevant information systems as appropriate to the service area.
- Where complaints of abuse or harassment relate to an workers of another organisation, an appropriate senior manager of that organisation should be informed, and any relevant information shared with them to enable action to be taken against their workers where appropriate.

## **7. WITHDRAWING SERVICES**

Depending on the type of service being provided, it may not be possible to withdraw services. Where this is an option, the decision to withdraw services can only be made by a Head of Service and only after all other options to manage the situation have been considered. Services could be withdrawn when there has been:

- Abusive or threatening behaviour towards staff
- Persistent intimidation, bullying or harassment of staff or other service-users despite warnings; and/or

- An actual physical assault on a member of staff or another service-user

The list is not exhaustive. Managers should speak to their Health and Safety Lead where this is the case to discuss additional measures that may need to be put in place.

Staff and managers should always work towards a resolution that maintains staff safety while continuing to provide necessary services. Heads of Service should manage any service that is withdrawn in conjunction with advice from Legal Services as appropriate.

## **8. SUPPORT FOR STAFF WHO HAVE EXPERIENCED HARASSMENT OR ABUSE AT WORK**

In all cases Managers should have a regular 'check in' or 'one to one' for a period of time to check on the staff members wellbeing and give them the opportunity to raise any worries or concerns. The impact of abuse or harassment can last a long time.

Managers should also offer access to a range of [mental health support](#) including the [Employee Assistance Programme \(EAP\)](#) and refer the staff member to [Occupational Health](#) if the member of staff feels they would benefit from this support.

In addition, Managers should consider offering the follow support options to staff who experience harassment or abuse at work. It is recognized that not all options will be appropriate depending on the circumstances. Managers should be led by workers' feedback and their view of what will support them in their situation:

- Discuss the incident with the workers to ensure they feel in control of the steps that will be taken and the full circumstances of the incident and impact on the victim are understood.
- Remove the workers from situations where repeat occurrences of abuse or harassment are likely to take place, where possible. This should be arranged in a way that does not negatively impact the workers being abused.
- Ensure the worker does not have to work alone for a period if visits/duties can be carried out with another team member.
- Discuss reasonable adjustments such as flexible working – this could be adjusting start and finish times or incorporating some home working. Where the workers are based on site, it could mean changing the location from where staff work on a temporary or permanent basis.

- Amend caseload/duties to avoid contact with the service user responsible for harassment or abuse. This may include Managers undertaking some duties for the workers where appropriate.
- Where abuse or harassment has impacted across a whole team or service, consider implementing the approach adopted by some NHS Services: '[Schwartz Rounds](#)'. This involves reflecting on a particular incident/s and discussing the emotional impact as a whole group who have been impacted. This takes place in a safe environment, supported by an independent facilitator.
- Suggest staff seek support from their [Trade Union](#) if they are a member
- Where discrimination has occurred, Managers can suggest staff seek peer support through our [Equality Networks](#)
- If the incident involved a crime taking place, discuss reporting the incident to Greater Manchester Police and provide information about [Victim Support](#) - an independent charity that can provide emotional and practical support
- The [Equality Advisory and Support service](#) are also available for victims of abuse for advice on equality and human rights

## 9. TRAINING

Whilst workers are never responsible for any abuse they receive from third parties, the Council has a legal responsibility to provide staff with adequate health and safety information, induction, and training to address and/or manage foreseeable risks associated with their work and the environment they work in. There are several training options available including:

- Personal safety e-learning
- De-escalation / restraint training (team teach) for staff who work in Residential Units
- Dynamic risk assessment training

Contact the [Health and Safety Team](#) for more information about the training options available.