

Bullying & Harassment Policy

Statement and Purpose of the Policy

Serenta Homecare is committed to providing a working environment that is free from bullying and harassment, where everyone is treated with dignity and respect. This Policy should be read in conjunction with Serenta Homecare Equality, Diversity and Inclusion Policy and Serenta Homecare Whistleblowing Policy.

Managers and Employees are expected to:

- Behave in a way that respects the rights and dignity of others
- Value differences in others and the contribution they make
- Be committed to the Company's Equality, Diversity, and Inclusion Policy

1. Principles

- The Company will not tolerate any form of bullying or harassment
- Staff will be supported to challenge and speak out against any unacceptable behaviour you have experienced or witnessed
- Formal complaints should be raised under the Serenta Homecare Grievance Procedure
- Complaints will be taken seriously, and allegations will be investigated promptly
- Confidentiality will be maintained, and information will only be shared with those directly involved in dealing with the complaint
- Where evidence of bullying or harassment is found the employee responsible will be subject to formal proceedings under the Serenta Homecare Disciplinary Procedure. Such behaviour may constitute gross misconduct which can lead to dismissal
- If you believe that you have been bullied or harassed by a client you should raise this with your supervisor or line manager as soon as possible so that the matter can be dealt with appropriately

2. Definitions

2.1 Harassment

Under the Equality Act 2010 harassment is defined as: "unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual".

The relevant protected characteristics relating to harassment under the Equality Act 2010 are age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. Pregnancy and maternity and marriage and civil partnership are not included as protected characteristics for harassment but unfavourable treatment on these grounds may constitute discrimination.

You can also complain about behaviour that you find offensive even if it is not directed towards you personally and you do not need to possess the relevant characteristic yourself.

Examples of unacceptable behaviour in relation to protected characteristics for harassment (as defined under the Equality Act 2010) are given in **Appendix 1**.

2.2 Bullying

Bullying is persistent, unwelcome, offensive, and intimidating behaviour or misuse of power which makes the recipient feel upset, threatened, humiliated or vulnerable and undermines their self-confidence. The words bullying and harassment are often used interchangeably in the workplace, however, you cannot make a claim for bullying to an Employment Tribunal unless the bullying amounts to harassment under the Equality Act 2010.

Examples of bullying behaviour include:

- Unfair treatment
- Exclusion or victimisation
- Overbearing supervision or misuse of power or position
- Spreading malicious rumours, insulting, ridiculing, or demeaning someone or setting them up to fail
- Constant criticism
- Making threats or comments about job security
- Deliberately undermining a competent worker by overloading with work
- Intentionally blocking promotion or training opportunities

Bullying and harassment can also occur in written communications, email, telephone calls and via social media.

3. Raising a Complaint

The Company recognises that people perceive things differently e.g. behaviour that is considered bullying by one person may be considered firm management by another. Whether behaviour is acceptable or unacceptable will depend on your individual perception and the impact the behaviour has on you e.g. if it causes you to feel threatened, intimidated, humiliated, undermined, stressed, anxious etc.

Before raising a formal complaint, you may want to tell the person that their behaviour is unacceptable and ask them to stop as they may be unaware how their behaviour is affecting you.

If you are unable to confront the person or resolve the matter informally you should inform your Supervisor or Line Manager as soon as possible. If you feel your Line Manager is bullying or harassing you, then you should contact their Line Manager.

Formal complaints should be raised through the Serenta Homecare Grievance Procedure.

If the investigation shows that there is a case to answer against the person concerned this will be dealt with under the Serenta Homecare Disciplinary Procedure.

You will have the right to be accompanied at any formal meetings by a work colleague or trade union representative.

It is a good idea to keep a written record detailing the incidents of bullying or harassment you have experienced and a record of any requests you have made asking the bully or harasser to stop their behaviour. This written record should be made as soon as possible after the events and should include as much detail as possible on dates, times, places and the circumstances of what happened and whether there were any witnesses.

Bullying and harassment is often evidenced through patterns of behaviour and frequency of incidents.

4. Management Responsibilities

Serenta Homecare Managers will encourage dignity and respect at work by:

- Setting a good example in their own behaviour
- Ensuring that there is a supportive working environment
- Making sure that employees know what standards of behaviour are expected of them
- Intervening to stop bullying, harassment, discrimination or victimisation
- Dealing appropriately with any complaints or incidents

5. What Happens if an Allegation is Made Against You?

If a colleague approaches you informally to complain about your behaviour, do not be dismissive about the complaint or think that they are being too sensitive.

You may have offended someone without intending to. If that is the case the person concerned may be satisfied with an apology and an assurance that the behaviour will stop. Provided that there is no repeat of the behaviour, this may be enough to resolve the matter.

If a formal complaint is made about your behaviour, this will be raised under the Serenta Homecare Grievance Procedure. The complaint will be fully investigated and if the

grievance is upheld you may be subject to disciplinary proceedings under the Serenta Homecare Disciplinary Policy and Procedure.

The allegations against you may constitute gross misconduct and could lead to dismissal. Further details on what constitutes gross misconduct can be found in the Serenta Homecare Disciplinary Policy and Procedure.

You will have the right to be accompanied at any formal meetings by a work colleague or trade union representative.

If a complaint is made against you and not upheld, and Serenta Homecare has grounds to believe that the complaint was malicious, the Company may take disciplinary action against the person making false allegations.

You must not victimise the person who has made a complaint, or anyone who has supported them or given evidence in relation to the complaint. Such behaviour may result in disciplinary proceedings.

Some types of behaviour covered by this policy may be unlawful and allegations may lead to civil claims or criminal proceedings, which would proceed independently of the Serenta Homecare Disciplinary Procedure.

Document Control

Date Approved: June 2026

Target Audience: All Serenta Homecare Staff

Review Date: June 2028

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Appendix 1

Examples of unacceptable behaviour in relation to protected characteristics for harassment (as defined under the Equality Act 2010).

NB: These lists are not exhaustive.

Race

- Threatened or actual physical assault motivated by race, colour, ethnic or national origins
- Language that is racially offensive or derogatory, whether verbal or in writing
- Racist remarks made to or about someone

- Calling someone by a name based on race, colour or national origins or nationality, which may be regarded as demeaning or insulting
- Deliberate isolation of someone, or non-cooperation on the grounds of race, colour or national origins or nationality
- The displaying of racist material, including on a computer
- The conspicuous wearing of a tattoo, clothing or wearing a shirt/badge that displays a racist or racially offensive slogan
- Discrimination in job or promotion selection on the basis of a person's race

Sex and Gender Reassignment

- Unwelcome fondling, patting or touching
- Threatened or actual sexual assault
- Persistent sexual advances or continued requests for dates
- Language or comments of a sexual or sexist nature, whether verbal or in writing
- Gossiping or speculating about a colleague's private sexual activities
- Jokes or banter of a sexual nature
- Coarse or vulgar humour
- Sexually suggestive gestures
- Leering at someone in a manner that is overtly sexual
- The display of pin-up calendars or pictures of naked/scantily clad bodies
- The displaying of sexually explicit material, including pornographic magazines/DVDs
- Gender-based jokes or banter that may be demeaning or derogatory
- Calling someone a name with a gender-bias or stereotype
- Discrimination in job or promotion selection on the basis of gender reassignment
- Unnecessary discussion or speculation about a person's gender reassignment

Sexual Orientation

- Homophobic remarks or banter
- 'Outing' of a colleague as gay, lesbian or bisexual
- Gossiping or speculating about someone's actual or perceived sexual orientation
- The use of offensive terminology in relation to sexual orientation

- Deliberate isolation of someone or non-cooperation on the grounds of someone's perceived or actual sexual orientation
- Teasing directed at someone based on them having a same-sex partner or a family member who is gay, lesbian or bi-sexual
- Discrimination in job or promotion selection on the basis of a person's sexual orientation

Disability

- Jokes or banter based on disability
- Offensive language in relation to disability whether verbal or written
- Mimicking someone with a disability
- Deliberate isolation of someone or non-cooperation on the grounds of a disability
- Unnecessary discussion of a person's looks or physical attributes
- Intrusive questions about a person's disability
- Gossiping or speculating about a person's actual or perceived disability
- Discrimination in job or promotion selection on the basis of a person's disability

Religion & Belief

- Threatened or actual physical assault motivated by religious or belief differences
- Derogatory remarks made about a particular religion, or about a person on the grounds of their religion or belief
- Jokes or banter based on religion or belief
- Teasing someone on the subject of religious convictions or practices
- The conspicuous wearing of a tattoo or slogans that are offensive to someone of a particular religion or belief
- Discrimination in job or promotion selection on the basis of a person's religion and belief
- Discrimination, victimisation or unfair treatment on the basis of someone's political beliefs, including political activities
- Discrimination, victimisation or unfair treatment on the grounds of someone's trade union membership and / or activities

Age

- Jokes or banter based on someone's age
- Deliberate isolation of someone on the grounds of their age
- Prevention from career progression
- Discrimination in job or promotion selection on the basis of a person's age