

Policy:

HR 034 - Zero Tolerance of Harassment (Third Party)

Executive Director lead	Director Human Resources
Policy Owner	Head of Equality and Inclusion
Policy Author	Head of Equality and Inclusion

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Document version number	Version 4.1
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Approved by	Executive Directors' Group
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Summary of policy

The purpose of this policy is to set out the Trust's position in relation to harassment (not covered by the Trust's Workforce Bullying and Harassment Policy) i.e. where a service user, carer or member of the public harasses another service user, member of staff, volunteer, contractor or visitor.

The changes made to this version of the policy are summarised on page 3 (amendment log).

Target audience	Staff, people undertaking roles in the organisation that are not employees and people who have an interest in working for SHSC.
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Keywords	Zero, tolerance, harassment, third party
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Storage

This is Version 4.1 – an Equality Impact Assessment Form has been added to the Policy. This is Version 4 and is stored and available through the SHSC Intranet/Internet. This version supersedes the previous Version 3 September 2016.

Any copies of the previous policy held separately should be destroyed and replaced with this version.

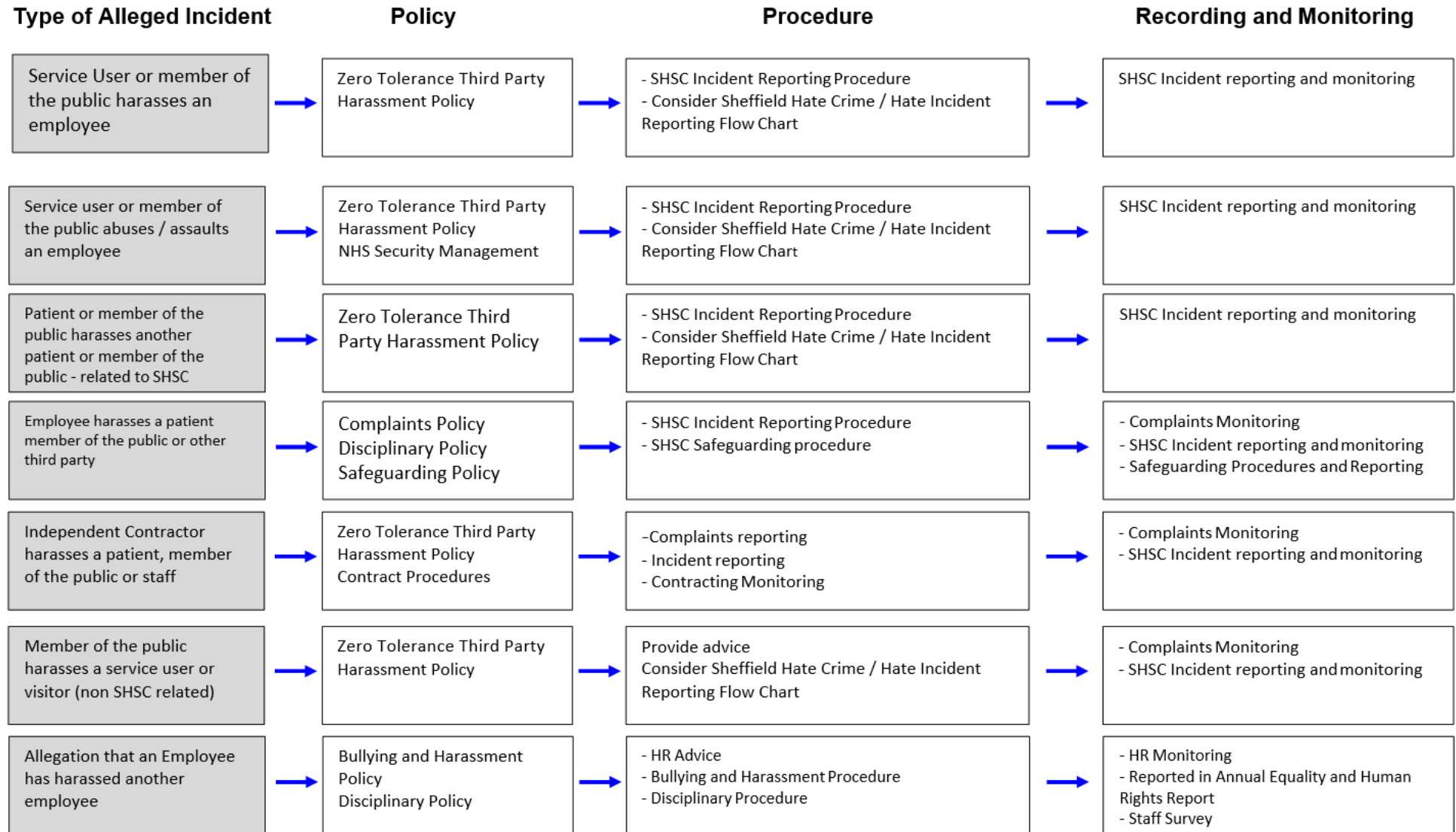
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Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
1	New Policy	Nov 2005	-
2	Updated and title of policy changed	Sept 2015	-
3	Policy updated and title reviewed again	Sept 2016	Updated to include: <ul style="list-style-type: none"> - Link to and information on hate crime / hate incident reporting. - Clearly define which policy to use in different situations. - Updated the Trust Policy statement - updated to take account of new Safeguard incident reporting available for race related incidents. - Revised title to better reflect the purpose of the policy.
4	Review / Consultation / Approval / Ratification / Issue	April to July 2019	Full review completed as per the HR Policy Governance schedule. <ul style="list-style-type: none"> -Updated the numbering in some sections as it was out. -Taken out abbreviation of Multi-disciplinary team. -At section 6.3.2 - slight change to wording -At section 7.6.1 - amended because the specific Race Equality Cultural Capability training (RECC) is no longer provided. -Implementation section updated. -Changes to Appendix B on hate incident reporting – added reference to development of protocol to support this, following feedback from the Joint Policy Group (Staff Side consultation) on 4th July 2019. -HR colleagues and relevant influential managers reviewed April – June 2019.
4.1	Equality Impact Assessment Form Added	Dec 2020	An EIA Form added to the Policy after An EIA Audit was carried out by Policy Governance which highlighted that this Policy should have an EIA Form as an Appendices.

Flowchart



1. Introduction

How to establish which Harassment policy applies

This policy applies where staff or service users experience harassment or alleged harassment from a third party i.e. a person that is not a member of staff. Harassment of staff by staff is covered by the Trust Bullying and Harassment Policy.

The Flow chart on page 4 provides an easy reference to ensure that the correct policy is applied. This table also references the reporting and recording systems that apply.

Sheffield Health and Social Care NHS Foundation Trust (SHSC) believe that:

- Service Users have a right to expect to receive care and treatment in a way that feels safe and dignified without experiencing harassment due to, Race, Disability, Sex, Gender Reassignment, Sexual Orientation, Age or their Religion or Belief.
- That Trust staff and volunteers have the right to go about their duties without experiencing similar harassment, and
- Anyone visiting or providing services on Trust premises has a right to feel safe and respected and equally not experience harassment.

The Equality Act 2010 protects staff, as employees, from harassment and service users when service users are receiving a service. This means that harassment from employers or harassment of service users by service providers is unlawful; but there is no specific part of the Act that is in force that directly relates to harassment of staff or service users by service users or members of the public.

Despite this it is the policy of the Trust to recognise that harassment of staff or service users by others has an impact on staff and other service users and the Trust will do all that it can to take account of this impact and take appropriate action where it is possible to do so.

2. Scope

- 2.1. This policy relates to Harassment as defined in the Equality Act 2010.
- 2.2. The policy takes account of the relevance of Hate Crime and Hate Incident reporting
- 2.3. The policy is relevant to all areas of the Trust
- 2.4. This policy does not cover instances of aggression or violence, in this case the following policy should be used: Aggression and Violence: Respectful Response and Reduction Policy.

3. Purpose

- 3.1. The purpose of this policy is to set out the Trusts position in relation to harassment not covered by the Trust workforce Bullying and Harassment Policy i.e. where a service user, carer or member of the public harasses another service user, member of staff, volunteer, contractor or visitor.

- 3.2. The policy aims to clarify which Trust policy or procedures is the most appropriate in different circumstances.
- 3.3. The policy sets out the action that the Trust will take aimed at reducing instances of harassment.
- 3.4. The policy sets out the action that the Trust will take with the aim of responding to instances of harassment not covered by the workforce Bullying and Harassment Policy.

4. Definitions

4.1. Harassment

The Equality Act 2010 says that:

- A person harasses another person if they engage in unwanted conduct related to a protected characteristic, and that has the purpose or effect of violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- A person also harasses another person if they engage in unwanted conduct of a sexual nature, and the conduct has the purpose or effect of violating that person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.
- This is also the case for unwanted conduct of a sexual nature related to a gender reassignment or sex.

4.2. Hate Crime and Hate Incidents

- 4.2.1. *Hate Crimes* and *Hate Incidents* are taken to mean any incident or crime where the perpetrators hostility or prejudice against an identifiable group of people is a factor in determining who is victimised.
- 4.2.2. Hate Incidents are incidents that do not necessarily constitute a criminal offence, but cause alarm, distress or harassment where it appears that the victim has been targeted because of their Disability, Sex, the fact they are considering undergoing or have undergone Gender Reassignment, a person's Sexual Orientation, Age, Religion or Belief or the perception by the perpetrator of these differences.
- 4.2.3. Hate Crimes and Hate incidents can include verbal abuse, threatening behaviour, offensive graffiti, harassment, malicious communications, damage to property and violence.

5. Detail of the policy

The broad overview of this policy is as described in the introduction.

6. Duties

6.1. Chief Executive and Executive Management Team

- 6.1.1. To ensure that appropriate arrangements operate within the Trust for reducing incidents of harassment towards staff, service users, contractors or visitor.
- 6.1.2. To ensure that appropriate arrangements operate within the Trust to review the effectiveness of the Trusts overall performance, and that of its Services.
- 6.1.3. To ensure appropriate response and support mechanisms are in place and available following incidents of harassment or abuse towards service users and staff.
- 6.1.4. To ensure that appropriate resources are in place to support training and development needs.
- 6.1.5. Ensure arrangements are in place to seek staff views and experiences of incidents of harassment and the effectiveness of Trust responses.
- 6.1.6. Ensure that processes are in place to collect and review data on incidents of harassment towards staff.
- 6.1.7. To ensure appropriate provision is made to meet the training needs identified through this policy in respect of cultural awareness and managing and responding to incidents.
- 6.1.8. Ensure arrangements are made, periodically, to review the implementation of this Policy, with regards to the experiences of Service Users.
- 6.1.9. Ensure arrangements are in place for Teams and/ or Clinicians to access legal advice in relation to individual circumstances.

6.2. Service Directors / Senior Managers and Heads of Services

- 6.2.1. To fully and actively support Teams in their efforts to address incidents of harassment and abuse, as indicated within this Policy and supporting Procedures
- 6.2.2. To ensure that incident reporting procedures are followed in support of ongoing notification of incidents and monitoring.
- 6.2.3. Ensure that arrangements operate within Directorates / Services to support the implementation of this Policy.
- 6.2.4. To ensure that appropriate reports are available periodically to assist with ongoing review, which identify potential trends and/ or changes in incidents.

6.3. Team Leaders, Ward Managers, Senior Clinicians

- 6.3.1. To ensure that all staff in their respective service areas are aware of the requirements of this Policy.
- 6.3.2. To ensure that the service requirements, in respect to responding to incidents are followed and adhered to in practice, in particular;
 - That incidents are challenged effectively
 - That support to Individuals who have been subject to harassment and abuse is provided
 - That reconciliation approaches are adopted as routine practice.
- 6.3.3. The multi-disciplinary team ensures that reviews of repeat incidents are arranged, with active consideration of all options to prevent and manage repeat incidents, as supported by the relevant procedure.

- 6.3.4. To ensure that actions as outlined, requiring their individual involvement, are followed.
- 6.3.5. To ensure that incident reporting is consistently implemented to support on-going monitoring and review.

6.4. Members of Staff

- 6.4.1. To be aware of and follow procedures designed to respond to and manage incidents of harassment and abuse related to Race, Disability, Gender, Sexual Orientation, Age, Religion or Belief, in the same manner they would all other incidents affecting Clients or Colleagues.
- 6.4.2. To undergo training that has been identified as necessary, in support of raising awareness and insight about the forms of racial harassment and its impact upon individuals.
- 6.4.3. To report incidents to their line manager or appropriate member of staff immediately and ensure that incident reporting procedures are followed.

7. Procedure

7.1. Trust Policy Statement

- 7.1.1. Instances of harassment or abuse towards service users and/ or staff are unacceptable and will not be tolerated. All such incidents or potential incidents will be taken seriously by SHSC and its staff.
- 7.1.2. A statement regarding the Trust policy on zero tolerance of harassment aimed at Staff, Service Users, Carers, Visitors and any other third parties on Trust premises or whilst working in the community, will be displayed within SHSC premises and made widely available (see appendix 1)
- 7.1.3. The Trust recognises that at times its statutory duty of care may impact upon its ability to successfully adhere to the principles set out in this policy.
- 7.1.4. The Trust will work with other agencies to raise awareness of Hate Crime and Hate Incidents and work to ensure that staff and service users are aware of how to use reporting and support services in the city.
- 7.1.5. The Trust is committed to ensuring all options have been explored and considered in ensuring that individuals who behave and act in an abusive manner are challenged with regards to their actions and behaviour. If necessary and appropriate, The Trust will consider adjusting the way it seeks to provide such individuals with access to its services, and consider the withdrawal of access to certain services
- 7.1.6. The Trust will seek advice from the police where there are concerns that a Hate Crime may have been committed.

7.2. Statutory and Other Duties

The Trust has legal duties to protect the health and safety of our workforce, people who use our services and members of the public.

7.3. Responding to Incidents of Harassment & Abuse

- 7.3.1. All incidents involving actual or potential harassment of, staff, service users, volunteers, contractors or visitors must be addressed proactively. The Trust will:
- Ensure that incidents are challenged effectively
 - Support individuals who have been subject to harassment and abuse
 - Implement 'respect' training for all relevant staff.
 - Put systems in place so that effective reviews are arranged in response to repeated incidents, with active consideration given to all options to prevent and manage repeat incidents.
- 7.3.2. If necessary and appropriate, when all other meaningful options to address the area of concern have failed, alternative ways of providing care may be considered if they may remove the potential for further incidents, and this may consist of the withdrawal of access to certain services.
- 7.3.3. Should it be the wish of individual who has been subject to harassment to receive their care through another Team, or to temporarily work elsewhere, then consideration of such options is supported. Such options should only be considered should the individual concerned wish to consider this, and under no circumstances as an alternative to above principles being actively implemented and explored.
- 7.3.4. Consideration should be made as to whether the incident may be a Hate Crime and seeking advice from the police.
- 7.3.5. Consideration should be made as to whether if the incident is a Hate Incident and the use the city Hate Incident reporting procedures.
- 7.3.6. Records of incidents should be reviewed as part of local governance procedures and centrally so that the frequency of incidents can be monitored and specific action identified.
- 7.3.7. The Trust Head of Equality and Inclusion will receive copies of incident reports and provide reports on trends.
- 7.3.8. The Trust BAME strategy steering and operational groups will consider these reports and agree any action required as a response.

7.4. Service User and Staff Wellbeing

- 7.4.1. The Trust recognises that instances of harassment towards individuals receiving our services, and its staff can have a fundamental impact on their wellbeing.
- 7.4.2. All staff will be provided with details of this policy at induction and as part of relevant mandatory and other training.
- 7.4.3. Incident reporting systems will operate to identify incidents of harassment relevant to this policy.

7.5. Staff

- 7.5.1. When incidents are reported that involve racism, disablism, sexism, transphobia, homophobia, ageism or religion / belief occur staff should be offered appropriate support that recognises the potential impact of the incident on their health and wellbeing and the opportunity to agree any action and reiteration of the availability of support through workplace wellbeing if it is felt that this would be useful.

- 7.5.2. The incident must be reported through the Trust Incident reporting systems.
- 7.5.3. Staff should be made aware individually or through information available in services of systems in place in the city to report hate incidents and hate crimes
- 7.5.4. Where an incident involves violence or threats or violence the Aggression and Violence: Respectful Response and Reduction Policy should be used and consideration given to seeking advice from the police regarding hate crime reporting.
- 7.5.5. Ensuring incidents are effectively challenged and responded to brings the following benefits:
 - Reducing the negative impact on service users and staff wellbeing of observing incidents not being addressed and managed effectively.
 - Recognising the fundamental impact on an individual's feeling of worth, dignity and confidence
 - Reducing the risks of individuals feeling isolated, vulnerable, anxious, fearful or disempowered about the environment they are in.
 - Improving levels of trust and confidence
 - Reducing the risk that witnessing instances being poorly managed, or not dealt with, resulting in feelings of anxiety and concern for other service users receiving care, with regards to their own safety and feelings of vulnerability.

7.6. Service Users

- 7.6.1. The Trust will use training and staff development initiatives for staff at all levels to support appropriate approaches, in particular:
 - The Trust will encourage all senior staff to attend training that involves race equality and cultural capability
 - Respect Training will be mandatory
- 7.6.2. Ensure that systems are in place for effective reviews in response to repeated incidents, with active consideration given to all options to prevent and manage repeat incidents, as supported by the relevant procedure.
- 7.6.3. If necessary and appropriate, when all other meaningful options to address the area of concern have failed, alternative ways of providing care may be considered if they may remove the potential for further incidents, and this may consist of the withdrawal of access to certain services.
- 7.6.4. Where an incident involves violence or threats or violence to the service user the safeguarding policy and procedures should be considered and consideration given to seeking advice from the police regarding hate crime reporting.
- 7.6.5. Where a service user or carer is harassed in the community by the public services must act proactively to provide support including providing advice and support on reporting of incidents as hate incidents or hate crimes. (See Appendix 2) and consider the Trust's Safeguarding Policies and Procedures.

7.7. Harassment by Members of Staff

This policy does to apply to instances where a member of staff is the alleged perpetrator of harassment in this case the following policies and procedures are available and should be referred to

- Trust Complaints Policy and Procedures
- Trust Disciplinary Policy and Procedures
- Trust Bullying and Harassment Policy and Procedures.
- Trust incident reporting procedures

8. Development, consultation and approval

The original policy was developed and consulted on in 2005; the policy was ratified at that time. The consultation process which took place at that time involved:

Care Groups, Executive Management Team, Medical Staff Committee, Lead Nurses, Therapy Agency Joint Consultative Forum (Staff Representatives) Care Trust Council (Trust Wide & Adult Mental Health) BME Working Groups (AM Health wide & Inpatient) Sheffield African Caribbean Mental Health Association Somali Mental Health Project, Kin Hon Project (Chinese Community Group) Cara (Irish Community Group), Citizens Advice Bureau (Advocacy Services)

Version 2 consultation

Did not undergo any major changes other to incorporate a wider group of beneficiaries to the policy, clarify the type of policy to be used in specific circumstances and place the policy in the new format for policies on policies. With this in mind that version did not undergo extensive consultation copies were sent to the following key people for comment in relation to specific areas:

- The original author - to comment on whether any of the updating would potentially impact on anything agreed as a part of the original policy development.
- The CEO - for comment on the revised Trust statement to which he is a signatory.
- The chair of the transcultural inpatients group
- The HR Director - in relation to the interface between this policy and the Bullying and Harassment policy

Version 3 consultation

Was sent to the following groups for comment:

- Black and Minority Ethnic Strategy Operational Group
- Black and Minority Ethnic Staff Network Group

The draft policy considered by HR colleagues in June 2016, JCF in July 2016 and the Joint Policy Group in August 2016, before being verified by JCF on 21st September 2016

Version 4 consultation

The policy was reviewed by the Joint Policy Group on the 4th of July 2019. The group asked for clarity on the procedures that staff should follow in relation to reporting hate incidents. It was agreed that a statement would be put into Appendix B noting that a supporting protocol would be introduced. This was already noted in the implementation plan. Section 7.6.1 amended because the Race Equality Cultural Capability training (RECC) is no longer provided.

The Equality Impact Assessment will be undertaken and stored separately in conjunction with Corporate Governance.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/group/committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/committee for action plan development	Responsible Individual/group/committee for action plan monitoring and implementation
In order to respond appropriately, monitor and learn more about the occurrences and circumstances in which harassment and abuse occurs, it is essential that all instances are recorded using the existing Incident Reporting System.	All instances of recorded incidents will be copied to the Trust Head of Equality and Inclusion. Reports will be reviewed at the BME Operational Group (Head of Equality and Inclusion). A quarterly report will be provided to Trust Board as part of the workforce report.	HR Senior Management Team	Quarterly reporting	HR Senior Management Team	Head of Equality and Inclusion	Head of Equality and Inclusion

The policy review date is 31st August 2023.

10. Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
Upload new policy onto intranet and internet and remove and archive the old version	Corporate Governance via Communications Team	31-08-2019	04/10/2019
Make HR team and wider Trust aware of updated policy	Head of Equality and Inclusion via HR advisers and email to all staff via Connect	31-08-2019	October 2019
Review posters supporting the policy	Head of Equality and Inclusion	October 2019	TBC
Review procedures for reporting hate incidents through city wide hate incident reporting	Head of Equality and Inclusion	October 2019	TBC
Introduce protocol for responding to hate incidents	Head of Equality and Inclusion	October 2019	TBC

11. Dissemination, storage and archiving (version control)

Version	Date on website (intranet and internet)	Date of entry in Connect (all staff communication)	Any other promotion/ dissemination (include dates)
2.0	November 2016	November 2016	HR intranet page November 2016
3.0	September 2019	<i>September 2019</i>	<i>HR intranet page September 2019</i>

This is Version 4.0 and is stored and available through the SHSC Intranet/Internet.

This version supersedes the previous Version 3.0 09 /2016.

Any copies of the previous policy held separately should be destroyed and replaced with this version.

All versions of HR policies are stored on the HR Shared Drive by the policy author and the PA to the Director of Human Resources.

Word copies of final versions of policies can be obtained from Policy Governance via the PA to the Director of Human Resource

12. Training and other resource implications

A briefing will be given via e-mail to all staff to make them aware of the policy. Reference will be made to the policy in relevant training such as recruitment.

13. Links to other policies, standards, references, legislation (associated documents) and national guidance

- Complaints Policy
- Bullying and Harassment Policy and Procedure
- Trust incident reporting procedures.
- Aggression and Violence: Respectful Response and Reduction Policy.
- Complaints Policy

14. Contact details

Job Title	Name	Phone	Email
Head of Equality and Inclusion	Liz Johnson	EX16703	Liz.johnson@shsc.nhs.uk



Respect - **Compassion** - **Accountability** - **Fairness**

Sheffield Health and Social Care **Respects** our staff, people who use our services, and people who visit our services.

- When you use our services you have a right to experience care and treatment in a way that feels safe and dignified and not experience harassment due to, Race, Disability, Sex, Gender Reassignment, Sexual Orientation, Age or Religion or Beliefs
- People who work in our services and volunteers have the right to go about their duties without experiencing similar harassment, and
- If you are visiting our services you have a right to feel safe and respected.

We will take action if our staff or people who use services experience negativity or threats and we may treat these as hate incidents or hate crimes when negativity or threats are because of:

- Disability
- Age
- Sexual Orientation
- Race, colour, Nationality (including citizenship) Ethnic or National Origin.
- Because of gender reassignment
- Religion or Belief

This means we will take action and report these using our trust incident reporting systems and we may also consider police involvement.

If you have any concerns report these to the person in charge if you are a service user or to your manager if you are a member of staff

Appendix A - Trust Policy Statement

Appendix B - Reporting Hate Crimes and Hate Incidents

If a decision is made that an incident needs to be reported there are two options. It may be a Hate Crime in which case the police will investigate this as a hate crime, or it may be a hate incident in this case a person can have the incident recorded but it will not be investigated as a crime by the police.

Hate Crime

A hate crime can be defined as any criminal offence motivated by the hostility or prejudice of the perpetrator, based upon one or more identifying factors which may be real or perceived. Identifying factors include (but are not limited to) disability, race, religion or belief, sexual orientation, transgender.

Non-Crime Hate Incident

Sometimes, a victim or witness may perceive that an action against them was motivated by the hostility and prejudice of the perpetrator, based one or more of the identifying factors referred to above, though no criminal offence has been committed. When an incident of this nature is reported to South Yorkshire Police, it will be recorded as a 'non-crime hate incident'.

Reporting a Hate Crime or a

Hate Incident http://www.report-it.org.uk/your_police_force

Hate Crime and Hate Incidents can be reported straight to South Yorkshire police or through a reporting centre. Reporting centres have been set up so that victims can access support from a source that is not the police. Hate crimes can only be investigated by the police and the police record hate incidents however reporting centres can help with this.

Porterbrook Clinic is a Reporting Centre and the Trust aims to establish a central reporting center in 2019.

A protocol will be developed by the trust once the details of this initiative have been finalised.