



## Review Sheet




Last Reviewed  
16 May 2025



Last Amended  
21 May 2024



This policy will be reviewed as needs require or at the following interval:  
Annual

Business Impact:	 <p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p> <p><b>MEDIUM</b></p>
Reason for this Review:	Scheduled review
Changes Made:	No
Summary:	This policy has been reviewed with no significant changes since the last review. The Underpinning Knowledge references and Further Reading links have also been checked and updated.
Relevant Legislation:	<ul style="list-style-type: none"> <li>• Employment Rights Act 1996</li> <li>• Equality Act 2010</li> <li>• Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)</li> <li>• Public Interest Disclosure Act 1998</li> <li>• UK GDPR</li> <li>• Health and Social Care Act 2008 (Regulated Activities) Regulations 2014</li> </ul>
Underpinning Knowledge:	<ul style="list-style-type: none"> <li>• Author: Government, (2010), Equality Act 2010 [Online] Available from: <a href="https://www.legislation.gov.uk/ukpga/2010/15/contents">https://www.legislation.gov.uk/ukpga/2010/15/contents</a> [Accessed: 16/05/2025]</li> <li>• Author: Government, (2020), Workplace bullying and harassment [Online] Available from: <a href="https://www.gov.uk/workplace-bullying-and-harassment">https://www.gov.uk/workplace-bullying-and-harassment</a> [Accessed: 16/05/2025]</li> <li>• Author: ACAS, (2023), Handling a bullying, harassment or discrimination complaint at work [Online] Available from: <a href="https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint">https://www.acas.org.uk/handling-a-bullying-harassment-discrimination-complaint</a> [Accessed: 16/05/2025]</li> </ul>
Suggested Action:	<ul style="list-style-type: none"> <li>• Encourage sharing the policy through the use of the QCS App</li> </ul>
Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.



## 1. Purpose

**1.1** Wellspring Recruitment and Care Services Limited is committed to providing a caring, friendly and safe environment for all of its workers, ensuring that they are treated with dignity and respect so they can work in a relaxed and secure atmosphere. Bullying of any kind is unacceptable and, if bullying does occur, all incidents will be dealt with promptly and effectively.

**1.2** The bullying or harassment of Service Users is outside the scope of this policy and is a safeguarding concern which must be dealt with firstly by following safeguarding procedures and dovetailing with the Discipline Policy and Procedure at Wellspring Recruitment and Care Services Limited.

### 1.3

Key Question	Quality Statements
CARING	QSC1: Kindness, compassion and dignity
RESPONSIVE	QSR4: Listening to and involving people
SAFE	QSS3: Safeguarding
WELL-LED	QSW5: Governance, management and sustainability

### 1.4 Relevant Legislation

- Employment Rights Act 1996
- Equality Act 2010
- Equality Act 2010: Chapter 1 (Protected Characteristics) Chapter 2 (Prohibited Conduct) and Chapter 3 (Services and Public Functions)
- Public Interest Disclosure Act 1998
- UK GDPR
- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014



## 2. Scope

### 2.1 Roles Affected:

- All Staff

### 2.2 People Affected:

- Service Users

### 2.3 Stakeholders Affected:

- Family
- Representatives



### 3. Objectives

- 3.1** To ensure a working atmosphere free from bullying or harassment of any kind.
- 3.2** To ensure that all members of staff are treated with dignity and respect, regardless of any protected characteristics.
- 3.3** To ensure that all staff members are aware that Wellspring Recruitment and Care Services Limited takes all allegations of bullying and/or harassment seriously and will not hesitate to invoke the Discipline Policy and Procedure against the perpetrator should the allegations be found to be true.



### 4. Policy

**4.1** Wellspring Recruitment and Care Services Limited is committed to having a workplace which is free from harassment and bullying and one that ensures that all employees, contractors and others who come into contact with Wellspring Recruitment and Care Services Limited, in the course of their work, are treated with dignity and respect regardless of any protected characteristics.

Wellspring Recruitment and Care Services Limited will not tolerate bullying or harassment whether it is a one-off act or repeated, and whether it is done purposefully or not. Neither will Wellspring Recruitment and Care Services Limited tolerate retaliation against, or victimisation of, any person involved in bringing a complaint of harassment or bullying. Retaliation or victimisation will also constitute a disciplinary offence, which may, in appropriate circumstances, lead to dismissal.

**4.2** Bullying and harassment are considered acts of misconduct. When these are deemed to be sufficiently serious, they will be considered gross misconduct which may lead to the dismissal of the perpetrator. Wellspring Recruitment and Care Services Limited will consider each case on its own facts.

**4.3** This policy applies to all employees, workers, officers, consultants, contractors, volunteers, casual workers and agency workers. This policy does not apply to harassment and/or bullying by or against third parties such as Service Users' families, suppliers or visitors.

**4.4** Bullying, harassment and discrimination are personal grievances and are not covered by whistleblowing law, unless the particular case is in the public interest.

**4.5** Olajumoke Omolola has day-to-day responsibility for this policy and any questions about this policy should be referred to them in the first instance. Staff should disclose any instances of harassment or bullying of which they become aware to their line manager. If the allegations of harassment or bullying relate to their line manager then they should disclose any instances to Olajumoke Omolola.

**4.6** This policy does not form part of the employee's contract of employment and may be amended at any time.

**4.7** This policy should also be read in conjunction with the Harassment Policy and Procedure.



### 5. Procedure



## 5.1 Informal Process

Initially, the affected member of staff may feel that it is possible to address the issue **informally** with the perpetrator, with a view to resolving matters.

Sometimes it may be the case that the perpetrator is unaware that their conduct is having such an effect and may be genuinely upset that they have caused offence. The affected member of staff should explain to the perpetrator that their conduct is unwelcome, makes them uncomfortable and ask that they avoid such behaviour in the future. Notes should be taken of any conversation.

In the event that addressing the issue informally does not resolve it or the employee considers the actions to be too serious to try to resolve it informally, the employee should raise these concerns formally under the Grievances Policy and Procedure at Wellspring Recruitment and Care Services Limited.

The affected member of staff should submit it in writing to their line manager or main point of contact (if self-employed). If the matter concerns their line manager or main point of contact, they should submit it to Olajumoke Omolola or HR Department (where applicable).

The written complaint should set out full details of the conduct in question, including the name of the harasser or bully, the nature of the harassment or bullying, the date(s) and time(s) at which it occurred, the names of any witnesses and any action that has been taken so far to attempt to stop it from occurring.

As a general principle, the decision whether to progress a complaint is up to the affected member of staff. However, Wellspring Recruitment and Care Services Limited has a duty to protect all staff and may pursue the matter independently if, in all the circumstances, it considers it appropriate to do so.

## 5.2 Formal Process

Following receipt of a **formal complaint**, the member of staff's line manager or another nominated person with appropriate experience and no prior involvement (where possible) will undertake an impartial and objective investigation into the allegations raised.

Wellspring Recruitment and Care Services Limited may arrange a meeting with the affected member of staff, usually within one week of receiving the formal complaint, so that they can give their account of events. The affected employee will be allowed to bring a colleague or a trade union representative to the meeting with them.

Wellspring Recruitment and Care Services Limited will ensure that any necessary steps are taken to manage the relationship between the employee making the accusation and the individual the allegations are made about. Any details of the investigation, including the names of individuals involved, will only be disclosed on a need-to-know basis. Wellspring Recruitment and Care Services Limited will maintain the utmost confidentiality where possible.

Once Wellspring Recruitment and Care Services Limited has completed its investigation, the employee will be informed of the outcome of the investigation. If the harasser or bully is a fellow employee, Wellspring Recruitment and Care Services Limited will look to deal with the potential misconduct or gross misconduct offence under the Discipline Policy and Procedure. As per usual practice, the outcome of the disciplinary process is at the determination of Wellspring Recruitment and Care Services Limited and the affected employee cannot dictate what action is to be taken.



Wellspring Recruitment and Care Services Limited may explore, in certain cases, the feasibility of mediation between the harasser and the aggrieved. This may be accompanied by additional training for the harasser, either internally or externally. All staff are encouraged to consider engaging in mediation where it is offered as a solution, although Wellspring Recruitment and Care Services Limited recognises that mediation will not always be appropriate.

Where the unwanted behaviour has stemmed from a third party, Wellspring Recruitment and Care Services Limited will look to clarify the behaviour expected of their representatives or, in very serious cases, ban them from the premises and/or terminate the contract with them.

Where the unwanted behaviour has stemmed from any Service User, the member of staff should bring this to the attention of their line manager as soon as possible. Wellspring Recruitment and Care Services Limited will investigate this and where the line manager considers an offence has occurred, they will then take appropriate action to resolve the issue.

Whether or not the employee's complaint is upheld, Wellspring Recruitment and Care Services Limited will consider how best to manage any ongoing working relationship between the employee and the person concerned.

### **5.3 Appeals**

If the affected employee is not happy with the outcome of the investigation, they may appeal to Olajumoke Omolola or the HR Department (where applicable) within seven days. The letter must state the full reasons for the appeal.

Wellspring Recruitment and Care Services Limited will arrange an appeal meeting with the affected employee usually within seven days of receiving the appeal letter. The appeal will be carried out by a manager who has not previously been involved with the investigation.

The affected employee will be allowed to bring another employee or a trade union representative to the meeting with them.

Following the meeting, Wellspring Recruitment and Care Services Limited will write to the affected employee with their decision. This will usually be within seven days. There will be no further right of appeal after this decision.

**5.4** Please note that any employee who deliberately provides false information or acts in bad faith as part of the investigation process will be subject to action under the Discipline Policy and Procedure at Wellspring Recruitment and Care Services Limited.

**5.5** Wellspring Recruitment and Care Services Limited may keep information about a complaint by or about an employee on the employee's personnel file, along with a record of the outcome and of any notes or other documents compiled during the process.



## **6. Definitions**

### **6.1 Bullying**

- Bullying is categorised as offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can leave an employee feeling vulnerable, upset, humiliated, undermined or threatened. Bullying can be:



- **Emotional** - being unfriendly, excluding and ignoring, tormenting (e.g. hiding or interfering with belongings, threatening gestures, threatening language)
- **Physical** - pushing, kicking, hitting, punching or any use of violence
- **Verbal** - name-calling, criticising in public, sarcasm, spreading rumours, teasing
- **Mobile** - threats by text messaging and calls, misuse of associated technology, i.e. camera and video facilities

## 6.2 Gross Misconduct

- Misconduct that is sufficiently serious to warrant dismissal of an employee without notice

## 6.3 Misconduct

- Conduct by an employee which is serious but is not sufficient on its own to warrant dismissal either with or without notice

## 6.4 Protected Characteristic

- The Equality Act 2010 is concerned with discrimination and harassment in respect of nine protected characteristics
- These characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation

## 6.5 Whistleblowing

- You are a whistleblower if you are a worker and you report certain types of wrongdoing. This will usually be something you have seen at work - though not always
- The wrongdoing you disclose must be in the public interest. This means it must affect others, e.g. the general public
- As a whistleblower you are protected by law - you should not be treated unfairly or lose your job because you 'blow the whistle'. The law is the Public Interest Disclosure Act 1998

## 6.6 Harassment

- Harassment is defined as any unwanted physical, verbal or non-verbal conduct which has the effect of violating another member of staff's dignity or creating a hostile, intimidating, degrading, humiliating or offensive environment for them
- This only needs to be a single incident and does not have to be on the grounds of a Protected Characteristic (specifically race, religion, age, sex, sexual orientation, marriage, gender (including gender reassignment), pregnancy and maternity or disability), for example, unwanted conduct directed at a member of staff because of their weight would amount to harassment
- The focus is on the effect that the unwanted treatment has on the member of staff, as opposed to whether the conduct was intentional or not, although intention can be taken into account when deciding how serious the matter is



## 7. Key Facts - Professionals

Professionals providing this service should be aware of the following:

- The aggrieved employee must ensure that their formal complaint sets out all



relevant details, dates, times, places and witnesses of the conduct alleged

- If informal resolution is not possible, then Wellspring Recruitment and Care Services Limited must look to resolve matters formally through the grievance procedure. An outcome to this may involve use of the disciplinary procedure and/or the use of workplace mediation if appropriate
- Attempts must be made to resolve issues of bullying and/or harassment informally if at all possible



## 8. Key Facts - People Affected by The Service

People affected by this service should be aware of the following:

- Bullying and/or harassment of Service Users is a safeguarding concern and will be dealt with as such. Wellspring Recruitment and Care Services Limited will ensure compliance with Regulation 13, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 in dealing with such concerns



## Further Reading

**GOV.UK - Equality Act 2010: Guidance:**

<https://www.gov.uk/guidance/equality-act-2010-guidance>

**National Bullying Helpline:**

<https://www.nationalbullyinghelpline.co.uk/about.html>

**ACAS: Bullying at work:**

<https://www.acas.org.uk/bullying-at-work>

**Grievances Policy and Procedure**

**Discipline Policy and Procedure**

**Harassment Policy and Procedure**



## Outstanding Practice

To be "outstanding" in this policy area you could provide evidence that:

- The wide understanding of the policy is enabled by proactive use of the QCS App
- Training is undertaken with members of staff on equal opportunities and bullying and harassment



- Return to work interviews are undertaken in the management of absence. These should include the opportunity to raise any bullying/harassment problems which should be noted
- Feedback is sought from members of staff on changes in organisational culture and the incidence of bullying and harassment, and this feedback is taken on board

Quality Compliance Systems  
Wellspring Recruitment and Care Services Limited  
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OLAJUMOKE OMOLOLA