

# Code of Conduct

## CODE OF CONDUCT FOR DEALING WITH ISSUES OF HARASSMENT, DISCRIMINATION OR VICTIMISATION

### 1 DEFINITIONS

1.1 'Council' means the Management Council of the Foundation.

1.2 'Foundation' means the Foundation for Emotional Therapeutic Counselling.

1.3 'Member' means a Probationer, Diploma or Advanced Diploma Member of the Foundation for Emotional Therapeutic Counselling.

### 2 GENERAL

It is the responsibility of all Members to ensure that no one suffers any form of harassment, discrimination or victimisation, and that anyone who reports such events is taken seriously. The Foundation is committed to a working and learning environment that is free from intimidation or unlawful harassment, discrimination or victimisation and these are disciplinary offences

**3 HARASSMENT** is the 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. Harassment applies to all protected characteristics except for pregnancy and maternity, and marriage and civil partnership.

**4. DISCRIMINATION** – can be direct, indirect, by association or by perception. Direct discrimination occurs when someone is treated less favourably than another person because of a protected characteristic (see Code of Ethics & Practice – Part 4, Equal Opportunities) they have or are thought to have (see perception discrimination below), or because they associate with someone who has a protected characteristic (see discrimination by association below). Discrimination by association is direct discrimination against someone because they associate with another person who possesses a protected characteristic. Perception Discrimination is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic. Indirect discrimination can occur when there is a condition, rule, policy or even a practice in the organisation that applies to everyone but particularly disadvantages people who share a protected characteristic.

**5. VICTIMISATION** occurs when a person is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. A person is not protected from victimisation if they have maliciously made or supported an untrue complaint.

6 The Foundation deems **SEXUAL OR RACIAL HARASSMENT, DISCRIMINATION, OR VICTIMISATION** to be the most likely areas where unacceptable situations may occur:

6.1 Sexual Harassment, discrimination or victimisation can be defined as the inappropriate introduction of sexual activities or comments into the work, therapeutic or learning situation, for example, activities such as:

6.1.1 Unnecessary and unwelcome physical contact, touching or patting, suggestive and unwelcome comments or gestures emphasising the sexuality of the individual or group;

6.1.2 Unwelcome or derogatory remarks regarding the sexual orientation or preference of an individual or group;

6.1.3 Unwelcome requests for social-sexual encounters and favours;

6.1.4 Display of pornographic pictures;

6.1.5 Criminal acts such as indecent exposure or sexual assault.

6.2 Any of the examples in clause 6.1 to 6.6 above constitute sexual harassment, discrimination or victimisation particularly when they are accompanied by one or more of the following:

6.2.1 Explicit or implicit promises of rewards for cooperation that are a misuse of institutional authority (e.g. a trainee's assessment marks);

6.2.2 Explicit or implicit threats of punishment for non-cooperation that are a misuse of institutional authority (e.g. refusal to provide appropriate support);

6.2.3 Any form of harassment, victimisation or discrimination, which creates a hostile or offensive working or learning environment and/or interferes with an individual's studies or induces conformity, stress, anxiety, fear or sickness on the part of the harassed person.

## **7. RACIAL HARASSMENT, DISCRIMINATION OR VICTIMISATION**

7.1 Racial harassment, discrimination or victimisation can be defined as a hostile or defensive act or expression by a person or group of one racial or ethnic origin against a person or group of another, or incitement to commit such an act or expression on racial grounds. Such behaviour includes:

7.1.1 Derogatory name calling;

7.1.2 Insults and racist jokes;

7.1.3 Ridicule of an individual for cultural differences;

7.1.4 Exclusion from normal study activities or social events;

7.1.5 Unfair allocation of work or responsibilities;

7.1.6 Racist graffiti or insignia;

7.1.7 Verbal abuse or threats;

7.1.8 Physical attack.

7.2 Racial harassment, victimisation or discrimination occurs when any such behaviour creates an intimidating, hostile or offensive environment for employment, for study or for social life.

**8. OTHER FORMS OF HARASSMENT, DISCRIMINATION OR VICTIMISATION** may occur in the working, therapeutic or teaching environment and be related to the other protected characteristics within the Equality Act 2010 e.g. age, gender, disability (see Code of Ethics & Practice - Part 4, Equal Opportunities). These may include:

- 8.1 Bullying, intimidation, haranguing, threats, abuse, victimisation;
- 8.2 Insults or ridicule about a person's work, attitudes, character or personal life;
- 8.3 Derogatory remarks concerning personal or physical characteristics or appearance;
- 8.4 Persistent teasing;
- 8.5 Persistent unfounded criticism of the performance of the work tasks.

## **9. RESPONSIBILITY**

9.1 Any person who suffers harassment, discrimination or victimisation will have the Council's support in acting to stop it.

9.2 Anyone experiencing or witnessing an incident should take immediate action as detailed below.

## **10. IF YOU ARE A VICTIM OF HARASSMENT**

10.1 Your first action should be to speak to the person whom you believe is harassing you, discriminating against you or victimising you. It is possible that the person against whom you have a complaint is not aware that their behaviour is inappropriate or objectionable. It is also possible that their actions or words are being misinterpreted. In these cases the misunderstanding needs to be cleared up speedily. Even when the behaviour was intentional, a swift clear indication that the behaviour is objectionable may be sufficient.

10.2 If you do not feel able to face the person against whom you have a complaint you have the following options:

10.2.1 Ask a fellow trainee/Member to accompany you to speak to the person;

10.2.2 Write to the person against whom you have a complaint, being specific about what offends you; you must keep a copy of the letter which must be dated in case further action is necessary and you should record the details of any subsequent incidents, together with dates on which they occurred;

10.2.3 If necessary, contact a member of the Council (see clause 10.4).

10.3 If the behaviour persists, or if you feel that clause 10.4 is the most appropriate action, contact a member of the Council, who will listen to you in confidence. They will advise you on how to proceed, and will explain how a formal complaint can be made. (See Complaints Policy).

10.4 Serious or persistent cases of harassment will be considered as potential disciplinary matters and will therefore have to be raised with the Chair or his/her representative. If a formal complaint is made a written report will be prepared on the basis of interviews conducted with the complainant and the person against whom the complaint has been made.

**ALL COMPLAINTS CONCERNING HARASSMENT, DISCRIMINATION OF VICTIMISATION WILL BE HANDLED WITH THE UTMOST CONFIDENTIALITY**