

Sexual behaviour between colleagues

Preliminary findings from research with professionals
and the public for the Professional Standards Authority

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9th March 2018

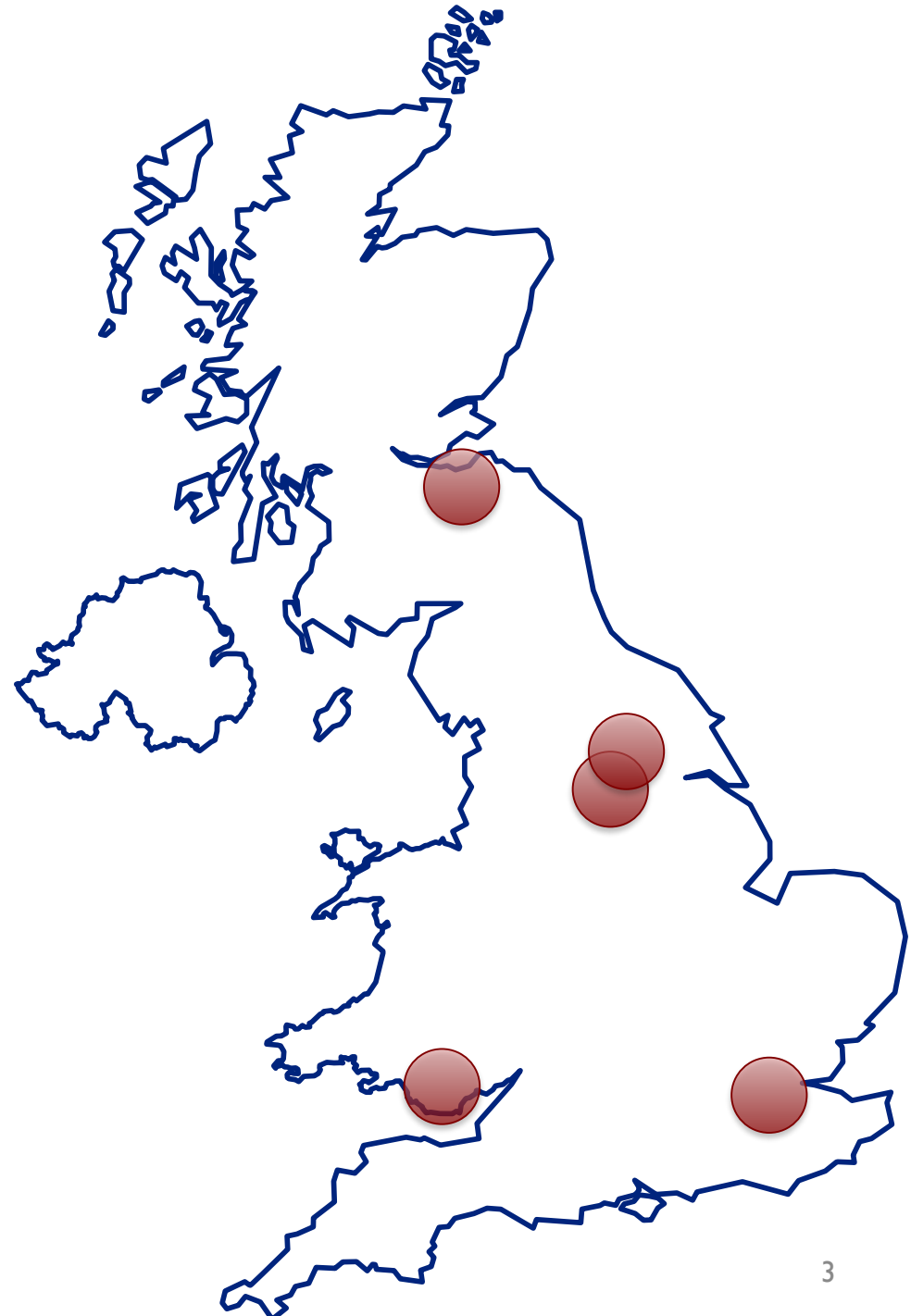
Three key questions

1. When does behaviour towards/with a colleague cross a boundary?
2. How is this relevant to fitness to practise?
3. How should regulators respond to such behaviour?

Fieldwork

- 22 x 60-minute face-to-face interviews with people working in health and care teams
 - 18 regulated professionals, with diversity of professions, seniority/experience, and working contexts
 - 4 unregulated team members working alongside regulated professionals
- 12 x 90-minute face-to-face group interviews (trios), each with 3 members of the public
 - single-gender trios
 - pairs of trios differentiated by age, SEG, ethnicity, rurality

Fieldwork conducted in January 2018



Stimulus

A sends
an explicit photo
of themselves to B

A asks B out
on a date

A talks about
their sex life to B

A asks questions
about B's sex life

A grabs
B's bottom

A makes rude sexual
comments about B
on social media

SCENARIO 1

N, a female dental nurse, aged 19 and newly qualified, was assigned to work with dentist D. Examples of D's behaviour included:

- telling her she was the only good looking person in the town
- asking for her mobile number so he could send her dirty pictures
- suggesting they should go out because he was "anyone's" after two glasses of wine
- telling her he could look down her top
- touching her back and asking what colour bra she was wearing
- sending her text messages outside of working hours, for example asking what she was doing
- backing "up h

After six young de repercussions her direc D's beha point, N staff.

As a rest

SCENARIO 2

X is a male consultant doctor working in a hospital and providing supervision for trainees. Complaints were made by two of these trainees.

One, a female trainee doctor, described behaviour such as:

- commenting on the size of her breasts, and telling her she was pretty
- hugging her and giving her a prolonged kiss on the cheek
- holding her hand and placing it on his own thigh/crotch

The othe as

- rubbi
- puttin
- touch

In respo behaviour

SCENARIO 3

R is a male radiographer qualified for two years and working in a hospital. An anonymous complaint was made that R had made sexually explicit posts on Facebook regarding work colleagues and that he had asked another work colleague an inappropriate question of a sexual nature. The colleagues were aware of the Facebook posts and this caused distress.

The Facebook posts posed questions such as:

- whether anybody had masturbated thinking about a named female colleague
- which two named male colleagues would be chosen for sexual contact if it had to be with a male
- whether sexual intercourse would be preferred with one named female colleague or another
- whether anybody engaged in anal intercourse

R also asked another fourth female colleague what her favourite sexual position was and said he needed to know so he could report back to other colleagues.

In response to the complaints, R admitted posting the comments on Facebook, but argued he had not written them himself. Instead, two colleagues had written them, and he had merely 'liked' them while off duty. R also admitted asking his colleague the inappropriate question of a sexual nature, but suggested there was a culture of sexually explicit conversations between radiographers in the workplace.

R had lost his job at the hospital as a result of these posts.

My focus today

1. When does behaviour towards/with a colleague cross a boundary?

2. How is this relevant to fitness to practice?

PROFESSIONAL PERSPECTIVES

3. How should regulators respond to such behaviour?

To keep in mind...

- Construction of tentative, provisional assessments, NOT reporting of pre-formed, settled opinions
 - *“I've never experienced this so I really have no idea.”*
 - *“You don't really know what you think about these things until you have to think about them.”*
- Patterns in *how* participants made sense of and assessed behaviours, NOT patterns in *what* they concluded about them
 - *“Why should you do that? No, it's a workplace. That's somewhere you go to work.”*
 - *“You can say something to someone and they would find it funny and then you'd have a joke, and you'd have that sort of relationship with them.”*
 - *“You can talk about what you want. I think that quite often people who get offended by chat, that the fault is with the person who is offended.”*

A talks about
their sex life to B

Two 'protocols' for assessing behaviour

"You know, we've got professional standards setting what we need to fall in line with and that wouldn't be falling in line with what we should be doing. That's breaking our professional standards of the code of conduct and how we should and shouldn't behave. You know, it's not appropriate."

A grabs
B's bottom

"Everyone's got what they would accept as, you know, that's a bit of a laugh. I think if, say, I don't know, somebody saw my colleague pinch my bum at work and I just laugh it off and, you know, that's just us and this is a bit of a laugh."



THE STANDARDS PROTOCOL

A boundary is crossed if the behaviour contravenes a standard (which is *independent* of the relationship)

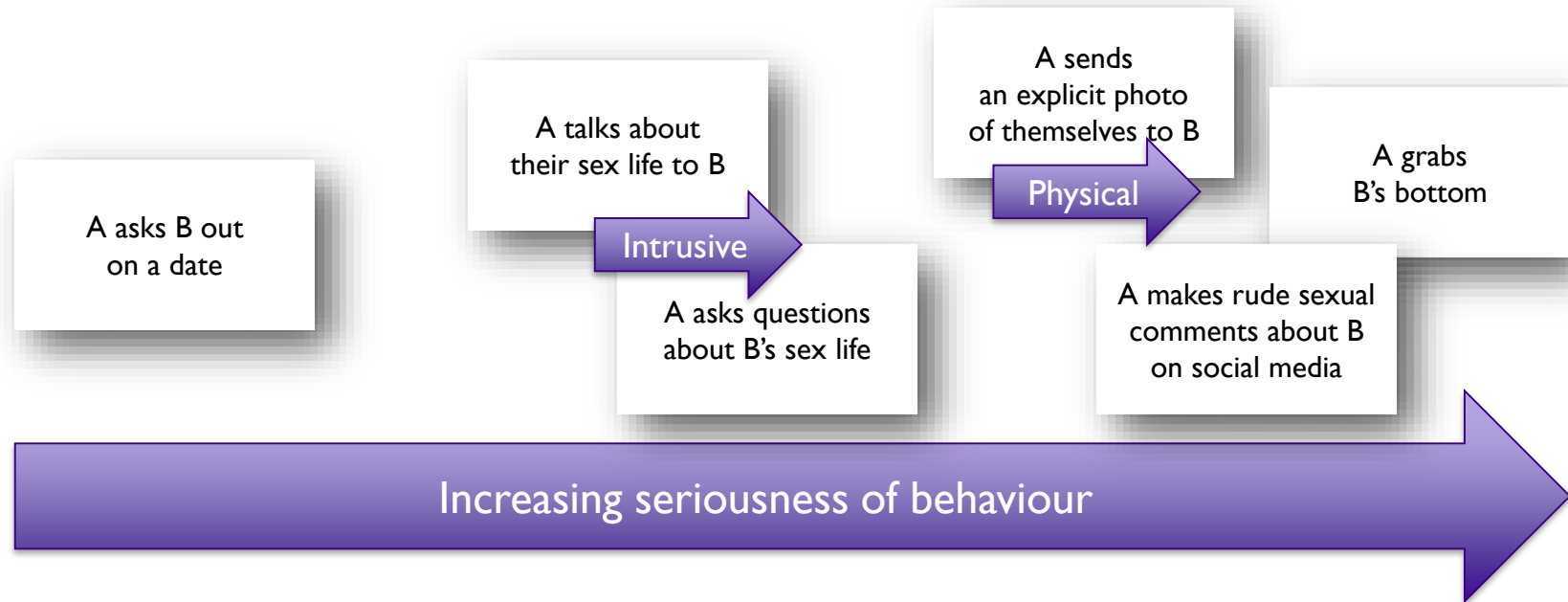


THE RELATIONSHIP PROTOCOL

A boundary is crossed if someone is unhappy (the behaviour breaks norms *within* the relationship)

Which protocol gets applied

I. Seriousness of behaviour



The more serious the behaviour,
the more likely the standards
protocol will be applied

How far can the relationship protocol go?

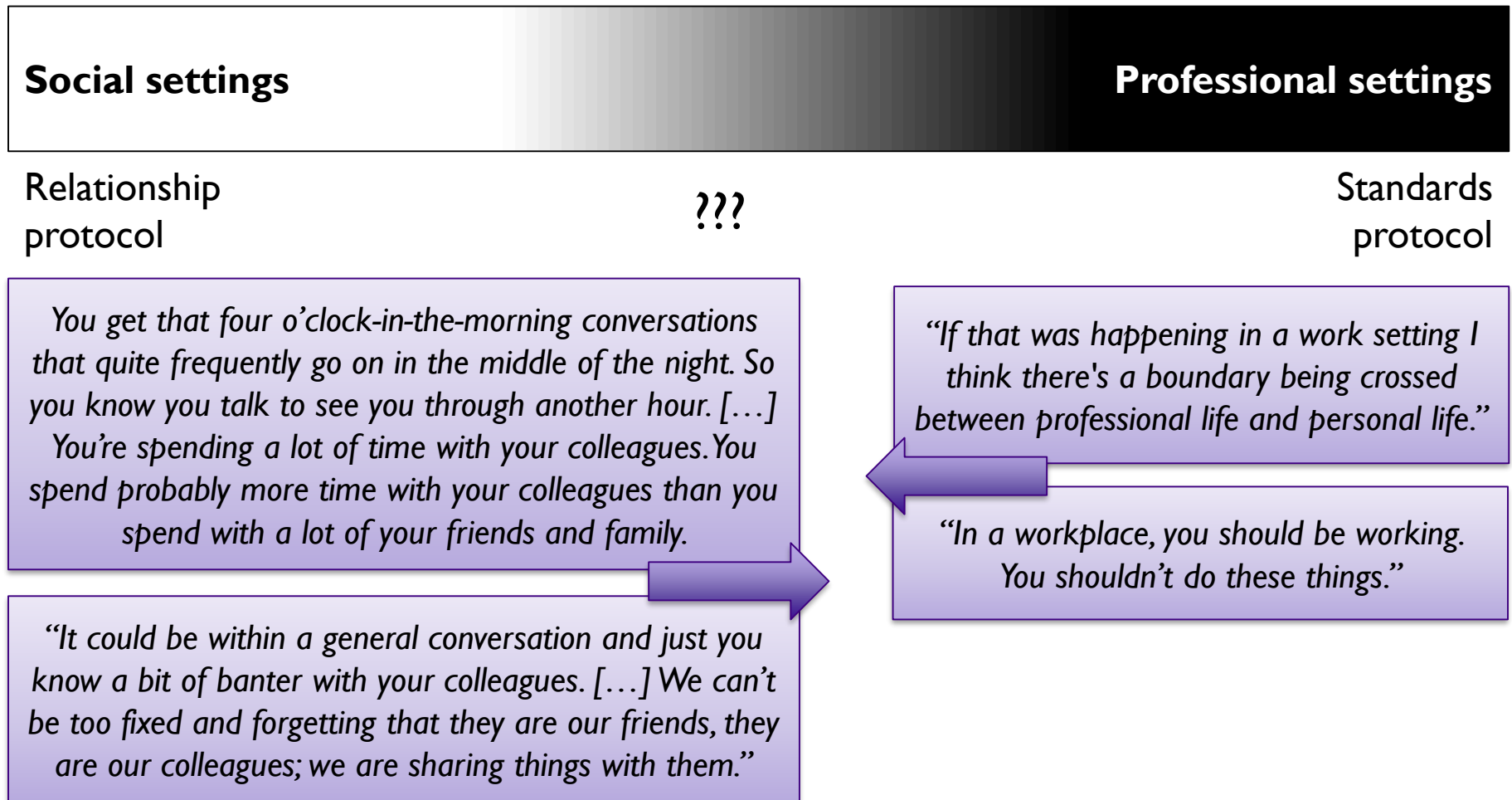
- *“No, even if they're married, at work you can't do that.”*
- *“They may be friends, they may be colleagues and everything, but that is totally inappropriate. What they do outside of work, that's fine, but that is totally unacceptable.”*
- *“If you're talking A and B are mates, are friends, and that's the kind of what they do, that's not an issue to me. [...] If you're on your own time, in your own safe zone and that's acceptable, then I don't see a problem.”*
- *“If two single 30-year-olds playfully do it in the kitchen on their meal break, although B is offended by it... it was maybe just a miss you know, a wee slight misreading of their relationship.”*



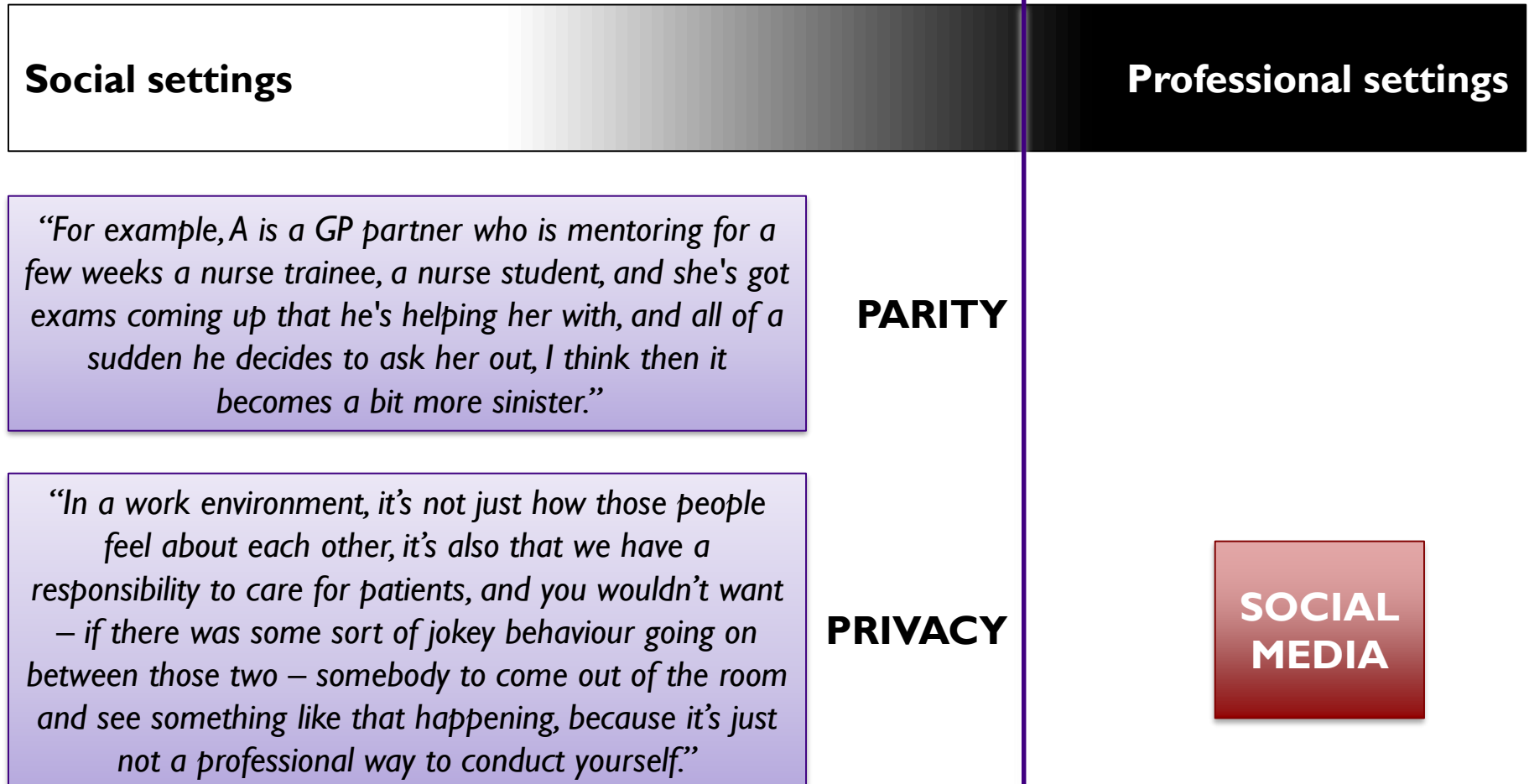
A grabs
B's bottom

Which protocol gets applied

2. Social settings



Limits on social settings at work



What about “cultures of banter”?

“We know our scrub team very well, combination of men and women, and gay and straight, and, you know, we're in a profession where we're using lots of power tools. There's innuendo left, right, and centre.”

“They're quite maybe not so much dark, but, yes, they're quite risqué maybe, would be the word I'd use. [...] I suppose we call it banter quite a lot, but just giving someone a bit of abuse, so to speak. I think in certain contexts it's sort of a group, team-building, friendly thing.”



SO IS THERE A THIRD PROTOCOL??

Can the existence of a “culture of banter” legitimise behaviour with/towards a colleague that makes that colleague unhappy?

No!

- *“To be honest, I don’t care whether there’s a culture of banter in the ward, if someone is uncomfortable with it, then it’s not appropriate, it’s not acceptable.”*
- *“Banter's banter until you... Until someone calls it not, kind of thing.”*
- *“If the culture of sexually explicit conversations existed then they would have not been offended by this.”*
- *“Maybe there is a culture of that, but then actually that concerns me about the professionalism of the team as a whole.”*
- *“There is a risk that [an appeal to a culture of banter] would be employed by people who are senior and in a more dominant role [...] where people are forced to accept something that in other work places they wouldn’t.”*
- *“Sometimes, for me, banter sometimes is basically just... Can be an excuse for bullying as well.”*

The challenge: a culture of consent

- *“I think we work in settings where people here are very nice and polite, and wouldn't necessarily say stop. It doesn't mean that by not saying stop they're actually consenting or agreeing to hearing about this. They're just being polite.”*
- *“I think sometimes when people laugh these things off, they're not really laughing. They just want it to go away, so it doesn't necessarily make it any better.”*
- *“If somebody's upset by it then it's not acceptable at all is it? You know we're all professionals, you should be able to see when our actions are causing distress and upset somebody.”*