

## DIGNITY AT WORK POLICY

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**CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST**

**DOCUMENT APPROVAL PROFORMA**

<b>Policy Title: Dignity At Work Policy</b>			
<b>Policy Number: HR8.BH.V5.1</b>			
<b>Name of Author: Jan Armstrong, Deputy Director of HR</b>			
<b>Name of Sponsor: Kath Griffin, Director of HR</b>			
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<b>Equality Impact Assessment: If this policy has a potential discriminatory impact please record below the person who has informed and involved the sponsor:</b>  <b>Name: Kath Griffin</b>  <b>Title: Director of Human Resources</b>  <b>Date:</b>  <b>NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.</b>			
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	the policy		
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**Committee Approval**

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## 1. INTRODUCTION

- 1.1 The Trust recognises the right of all employees to be treated with dignity in their working relationships and is committed to promoting a safe, healthy and fair environment and a climate at work where dignity and respect for all staff, colleagues from other organisations and visitors are the 'norm'. The Trust also recognises its duty to make sure that all employees are aware of the Policy and their duties under it.
- 1.2 Incidents of bullying, harassment, discrimination or victimisation in the workplace, which may result in placing the recipient in a threatening and intimidating environment, can adversely affect performance, health and wellbeing and is not conducive to the delivery of effective healthcare services. **Bullying, harassment, victimisation and discrimination is wholly unacceptable behaviour and where proven will be considered as Gross Misconduct, which will not be tolerated by the Trust and will result in formal disciplinary action up to and including dismissal.**
- 1.3 Employees are encouraged to raise their concerns and have the right to complain about such behaviour. Allegations of unacceptable behaviour will be treated seriously and sympathetically and on becoming aware that this has taken place, the Trust will take prompt corrective action, in accordance with this Policy.
- 1.4 Unacceptable behaviour can have an extremely damaging effect on the recipients. It undermines a person's self-confidence and can cause individuals to suffer stress, fear and anxiety and impact on personal and family life. Unacceptable behaviour can also lead to poor staff morale, absenteeism, poor performance and higher sickness and turnover.
- 4.5 The Trust is mindful of its responsibilities under the Equality Act 2010 and in particular for ensuring its workforce does not experience unacceptable behaviour as a consequence of their diverse cultural backgrounds. This policy will help the Trust to meet these responsibilities.

## 2. PURPOSE AND SCOPE

- 2.1 The purpose of this policy is to:
- Ensure a working environment that is free from unacceptable behaviour and which protects the dignity of all staff;
  - Make staff aware of the Policy through appropriate publicity and training;
  - Enable any Trust employee to pursue a concern if he/she is being subjected to unacceptable behaviour;
  - Ensure that incidents of unacceptable behaviour are effectively dealt with using this Policy;
  - Eliminate inappropriate behaviour and abuse of power.

- Ensure that the Trust complies with Regulation 20(1) of the Health and Social Care Act 2008 (Duty of Candour, which states, *“Providers should take action to tackle bullying and harassment in relation to duty of candour and must investigate any instances where a member of staff may have obstructed another in exercising their duty of candour”*).

This policy applies to all staff, students, trainees, volunteers and individuals employed by other / external organisations, working on Trust premises.

### **3. DUTIES**

#### **3.1 Board of Directors**

The Board of Directors is responsible for monitoring and approving a framework for dignity and respect at work and in working relationships, that is compliant with all relevant legislation, guidelines and NHS best practice standards.

#### **3.2 Chief Executive**

The Chief Executive is accountable for ensuring the proper application of the policy, through appropriate management arrangements.

#### **3.3 Director of Human Resources and Organisational Development**

The Director of Human Resources and Organisational Development is the nominated Director lead for the operational implementation (including consultation with trade union representatives) and ongoing management and review of this Policy.

#### **3.4 Human Resources**

The Human Resources team is responsible for:-

- Giving advice and support to managers and staff with the Policy;
- Recording and monitoring any complaints of unacceptable behaviour raised under this Policy.

#### **3.5 Managers**

All managers have a responsibility to ensure that this Policy is followed fairly and consistently. They also have a positive duty to establish and maintain a work environment free of unacceptable behaviour and to engender an atmosphere that promotes tolerance, respect and dignity at work.

Managers have a duty to be vigilant of the behaviour of their staff and to address incidents, which might cause offence. It is part of a manager's responsibility to act and not to wait for a grievance to be submitted. Failure to implement this Policy, which then results in ongoing unacceptable behaviour, may constitute a disciplinary offence.

Managers should be alert for signs of unacceptable behaviour and deal with the perpetrator promptly. They should have an “open door” policy and encourage staff to report any instances of unacceptable behaviour, either experienced personally or observed in relation to others.

Managers must ensure that staff know what to do if a member of the public is behaving inappropriately towards them i.e. it should be reported immediately to the

senior member of staff on duty. Prompt and appropriate action should then be taken to address the situation.

Managers must consult with their Human Resources Manager for advice and support in dealing with unacceptable behaviour.

### **3.6 Employees**

Individual employees at all levels of the organisation are responsible for ensuring that their behaviour does not jeopardise or affect the dignity and wellbeing of the persons around them.

There are a number of specific duties that staff are responsible for under this Policy, including:-

- Being aware of the Trust's Policy and complying with it;
- Treating colleagues, other staff, patients and members of the public with dignity and respect;
- Creating a positive working environment;
- Showing common courtesy, dignity and respect for others;
- Not accepting behaviour that may be offensive when directed towards them or others and taking positive action to ensure it is challenged and/or reported;

Whilst the Trust takes seriously all cases of unacceptable behaviour, employees are strongly discouraged from making grievances of a frivolous or vexatious nature, or from linking this Policy to other matters regarding their employment circumstances, which are unrelated to bullying or harassment. **Frivolous or vexatious grievances will be investigated and may result in disciplinary action being taken against the complainant.**

### **3.7 Trade Union Representatives**

The Trust aims to work in partnership with recognised trade unions in promoting dignity and respect in the workplace. Trade union representatives have an important role to play in raising awareness of and tackling, bullying and harassment in the workplace. Staff who are concerned about bullying or harassment in the workplace may contact their trade union representative first for advice and information.

Complainants and alleged perpetrators are entitled to be accompanied by a trade union representative at any formal meetings convened under this policy.

## **4. DEFINITIONS**

- 4.1 Bullying.** Repeated, conscious and deliberately offensive, intimidating, hostile or insulting behaviour or abuse of power through means that undermine, humiliate, denigrate or injure the recipient.

### **What is not bullying?**

- **Reasonable management action taken in a reasonable way.**  
It is reasonable for managers and supervisors to allocate work and to give fair and reasonable feedback on an employee's performance. These actions are not considered to be workplace bullying if they are carried out lawfully

and in a reasonable manner, taking the particular circumstances into account.

- Examples of reasonable management action can include but are not limited to:
  - Setting reasonable performance goals, standards and deadlines;
  - Rostering and allocating working hours where the requirements are reasonable;
  - Transferring an employee for operational reasons;
  - Deciding not to select an employee for promotion where a reasonable recruitment process is followed;
  - Informing an employee of their unsatisfactory work performance;
  - informing an employee of their unreasonable or inappropriate behaviour in an objective and confidential way;
  - Implementing organisational changes or restructuring;
  - Taking disciplinary action including suspension or termination of employment.

- **Differences and disagreements**

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences or disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases a difference of disagreement that is not managed may escalate to the point where it meets the definition of workplace bullying. Employees, who are concerned that workplace conflict is affecting them, should raise these with their manager or a Human Resources Manager.

**Appendix 1** gives examples of unacceptable behaviour and **Appendix 2** compares firm but fair management behaviour with bullying and harassment behaviour.

**4.2 Cyber-bullying.** The use of electronic communication, e.g. e-mail, social media, texting, to bully a person, typically by sending messages of an intimidating or threatening nature.

**4.3 Harassment.** Unwanted conduct, related to a protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading or humiliating or offensive environment for that individuals. More information about specific

**4.4 Grievance.** A grievance is generally a complaint about an employment matter or entitlement that an employee raises with their employer. Issues that may cause grievances include terms and conditions of employment, health and safety, new working practices or organisational changes. The Trust has a separate Grievance Policy and Procedure, a copy of which is available on the Trust Intranet. Staff should refer to this if they wish to complain about an employment related matter.

**4.5 Discrimination.** The unjust or prejudicial treatment of different categories of people, especially on the grounds of race, age, or sex:

**4.6 Protected Characteristics.** The Equality Act 2010 introduced the term "protected characteristics" to refer to groups that are protected under the Act. These are listed overleaf:



- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (formerly gender)
- Sexual orientation

**4.7 Victimisation.** Victimisation means punishing or threatening to punish someone. Victimisation in the workplace can include:

- bullying and intimidation by co-workers;
- being denied a promotion or being moved to a position with lower responsibility;
- dismissal from employment;
- Being refused further contract work.

**4.8 Mediation.** Where an impartial third party (the mediator), helps two or more people in dispute to attempt to reach an agreement. Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome. Mediators may be employees who have been trained to act as internal mediators in addition to their day jobs. Or they may be from an external mediation provider.

## 5. SUPPORT AND ADVICE

**5.1** The Trust is committed to achieving informal resolution of complaints of unacceptable behaviour where possible. In line with this approach a number of options have been put in place to support employees. Such support is available to complainants, alleged perpetrators and any other staff affected by or witnessing bullying or harassment, including:-

- **Line Manager**
- **Senior Manager**
- **Human Resources.** Contact details are available on the Trust Intranet
- **Occupational Health.** Contact details are available on the Trust Intranet.
- **Dignity at Work Advisors** - Trust staff who also act as Dignity at Work are available to:
  - Provide a confidential advisory service to any employee who feels bullied or harassed, or who has witnessed bullying or harassment or to any employee who has had allegations made against them;

- Listen to and advise staff about how they might address the problems they are facing on a day-to-day basis and help them to identify practical solutions;
- Explain how the Bullying and Harassment Policy is implemented;
- Explain what other types of support are available e.g. from Carefirst Employee Assistance Programme, Occupational Health or Human Resources.

Information and contact details for Dignity at Work Advisors are available on the Trust Intranet.

- **Carefirst Counselling / Employee Assistance Programme** - counsellors are available 24 hours a day, 365 days a year. Contact details are available on the Trust Intranet
- **Trade union representative.** Contact details for trade union representatives are available on the Trust Intranet.
- **Professional organisation, e.g. RCN, BMA**

## 6. INFORMAL PROCEDURE (Appendix 3 Dignity at Work Policy Flowchart)

- 6.1 There are three approaches available in the Trust for dealing with unacceptable behaviour; one informal, one formal and a third option of mediation where appropriate. While it is the decision of the complainant, which approach to adopt in any particular situation, the Trust will encourage the use of the informal and/or mediation approach before initiating a formal investigation. However, if an issue is considered sufficiently serious then the Trust reserves the right to initiate a formal investigation into the matter.
- 6.2 Complaints that are made in writing can still be dealt with as part of the informal procedure. That said, while it is a decision for the complainant as to whether to proceed with the informal or formal route, the Trust reserves the right to initiate a formal investigation into the matter if the issue is sufficiently serious.
- 6.3 An employee who feels they have been subject to unacceptable behaviour should if possible, keep a record of the incidents, including the date, time, nature and names of any witnesses. Some forms of bullying can be sophisticated or hard to pin down to specific dates and times, so keeping a 'diary of events' can help when seeking advice and in deciding whether to make a complaint.
- 6.4 It is important that staff who feel they have been subject to unacceptable behaviour, raise the issue with an appropriate person at the time the incidents occur, so that matters can be dealt with swiftly and the behaviour stopped from recurring. If the employee feels able, they should raise the problem with the alleged perpetrator either verbally or in writing, making it clear that their behaviour is unacceptable and asking it to stop.
- 6.3 Where an employee finds this difficult to do on their own, they should seek support and advice from their manager (if appropriate) a more senior manager, a colleague, a trade union representative, an HR Manager or a Dignity at Work Advisor.

- 6.4 Where a resolution is reached through the informal procedure, a copy of the outcome should be confirmed in writing / given to both parties and a copy placed on their personal files for retention normally for no longer than 12 months. The manager should continue to monitor the situation.
- 6.5 If the informal approach is not effective in stopping the unacceptable behaviour or the employee is not happy with the confirmed outcome of the informal approach, a formal complaint should be made as per Section 8 of this policy.

## **7. MEDIATION**

- 7.1 Mediation is a form of alternative dispute resolution and a way for resolving disputes between two or more parties. A meeting may be held at which a mediator will give both parties a chance to express and discuss their views and to try to come to an understanding and reach a mutually acceptable resolution. However, this is only an option if both / all parties agree to undertake the process with the intention of finding a resolution. Mediators will be individuals from within the Trust or external, with the necessary skills and experience required for the role.
- 7.2 Before moving to the formal procedure, serious consideration should be given to using mediation as a means of addressing the problem. Where a resolution is not achieved this way, an employee can make a formal complaint using the procedure set out below. Any discussions that took place during mediation remain confidential and 'without prejudice' and may not be used by either party in any subsequent internal or external process, unless this is with the explicit consent of all parties.
- 7.3 In the event that mediation is not pursued at the informal stage, it will remain an option for the parties to pursue either during the formal stage, or on conclusion of an investigation, where appropriate
- 7.4 Where an issue of unacceptable behaviour is resolved informally, managers should keep a record of any informal meetings and resolution, as these may be needed as evidence if a formal complaint is subsequently submitted. The record should be kept by the manager in a confidential / secure place and retained normally for no longer than 12 months.

## **8. FORMAL PROCEDURE**

- 8.1 If an employee wishes to make a formal complaint they should report it in writing to their line manager. Where the alleged perpetrator is the employee's manager, the complainant should report it to the next most senior manager or the Director of Human Resources.
- 8.2 The manager / Director of Human Resources will acknowledge receipt of the formal complaint in writing within 5 working days of its receipt. This letter should outline the next steps to be taken, information on sources of support and the name of the investigating officer where possible.

- 8.3 The investigating officer will then undertake a formal investigation, which must be carried out with due regard to the need for a swift conclusion and should normally take no longer than 6 weeks from the date of initial acknowledgement of the complaint.
- 8.4 The investigating officer will keep both parties informed of the progress of the investigation, including any necessary alteration to the above timescale.
- 8.5 Where a counter complaint is made by the alleged bully/harasser, this will be dealt with as part of the same investigation.
- 8.6 The investigating officer will arrange a meeting with the complainant. In the written confirmation of the meeting arrangements, the investigating officer will advise the employee of their right to be accompanied by a trade union representative or a work colleague. If the employee's representative / companion cannot attend on the date proposed, the employee may suggest an alternative date/time, as long as it is reasonable and not more than 5 working days after the proposed date. This 5-day time limit may be extended by mutual agreement.
- 8.7 At any stage of the formal procedure the complainant may decide that they wish to attempt to resolve the situation through an informal approach instead. They will be supported in this decision wherever possible. However, the investigating officer has a duty of care. If it is their view that informal resolution is not appropriate due to the seriousness of the allegations, or that there is a potential for serious risk to an employee, they should continue with formal action.
- 8.8 The investigating officer will interview the complainant and the alleged bully/harasser and take written signed statements from both. The alleged bully/harasser will be informed of the allegations made against him/her. Both parties have a right to be accompanied at the first and any subsequent interview. Interviews may also be held with any witnesses concerned with the incident(s) of alleged bullying/harassment.
- 8.9 In appropriate circumstances the investigating officer will take precautionary action. This will involve either temporary redeployment or suspension of the alleged bully/harasser, whilst the matter is being investigated. Any suspension will be on full pay. The appropriate Directorate Manager and Divisional HR Manager must be consulted prior to any precautionary action being taken. Precautionary action will be without any assumption of culpability, will always be for as short a period as possible and the need for its continuation will be reviewed regularly by the investigating officer.
- 8.10 On completion of the investigation, the investigating officer will evaluate the evidence and prepare a written report for the manager to whom the complaint was made or the Director of Human Resources. The report will summarise the findings on the allegations of the complainant and recommend what further action should be taken. The manager or the Director of Human Resources will then decide on the course of action to be taken and send formal notification to that effect to both parties.

## **9 INVESTIGATION OUTCOME**

### **9.1 No case to answer / complaint not upheld**

Where it is found that there is no case to answer, support will be provided to both parties and consideration given as to how their future working relationship will be managed. This might include:

- The voluntary transfer of one or both of the employees concerned;
- Counselling of one or both parties as to expected future standards of behaviour to restore a positive working relationship between the two parties;
- Monitoring the situation;
- Training for one or both parties and/or the wider team;
- Support, e.g. training, regular meetings with the manager

A copy of all documents / records relating to the investigation and its outcome should be kept on both parties' personal files and retained in accordance with the Trust's Records Management Policy.

### **9.2 Evidence of unacceptable behaviour that can be dealt with informally**

In some cases, where there is evidence of unacceptable behaviour, but the conclusion reached by the investigating officer is that this does not warrant formal disciplinary action, it may be possible to agree an acceptable resolution. For example, the manager may address the situation through supervisory processes including 'counselling', advice, instruction, training and/or support. In such cases the manager must make it clear and write to the employee, confirming that their behaviour is / has been unacceptable and that any further similar instances will lead to disciplinary action.

**9.3** A copy of all documents /records relating to the investigation and its outcome should kept on both parties' personal files and retained in accordance with the Trust's Records Management Policy

### **9.4 Disciplinary proceedings / action**

Where an investigation concludes that there is sufficient evidence of unacceptable behaviour and an acceptable resolution cannot be reached or other informal processes are inappropriate, it will be necessary to commence disciplinary proceedings against the alleged perpetrator, in accordance with the Trust's Disciplinary Procedure.

**9.5** Where formal disciplinary proceedings are commenced, the investigating officer's report and any accompanying notes will become part of the disciplinary documents and will be retained by Human Resources in line with the Trust's Records Management Policy.

## **10. APPEALS**

**10.1** If the complainant is not satisfied with the outcome of the investigation, he/she will have the right to appeal. The details of this, including the timescale and to whom the appeal should be made will be set out in the letter confirming the outcome of the investigation.

- 10.2 Appeals will be acknowledged within 5 working days of receipt and an appeal hearing arranged within 4 weeks, unless a delay is unavoidable. Appeals will be heard by a panel comprising a more senior manager from a different Directorate / Department to the complainant and a Human Resources representative will provide advice.
- 10.3 The appeal panel will review the original decision but not re-hear the complaint. The employee will be allowed to explain what was not satisfactory about the original outcome. The chair of the appeal panel may adjourn the meeting to obtain further information, carry out or request further investigation, clarify particular points or allow the employee time to confer with their representative / companion.
- 10.4 The chair of the appeal panel will confirm the outcome, within 5 working days of the appeal meeting. Where this is not possible, the employee will be notified in writing about the reason for the delay and when a response can be expected.
- 10.5 The alleged perpetrator will have a right of appeal against any disciplinary action, as set out in the Trust's Disciplinary Procedure.

## **11. FRIVOLOUS OR VEXATIOUS COMPLAINTS**

- 11.1 If in good faith, an employee makes a complaint, which following investigation is not proven, the Trust will not take any action against the employee. However, frivolous or vexatious complaints, deliberately made to cause upset and distress, will be investigated and may result in disciplinary action being taken against the complainant.

## **12. SEPARATION OF EMPLOYEES**

- 12.1 In certain circumstances, it may be necessary to remove one or more of the parties from the working environment during the investigation or whilst a decision is being made. Managers may consider options such as:
- a) Suspension – in line with the Disciplinary Procedure; (It should be made clear that suspension is not a disciplinary measure and does not imply guilt or misconduct).
  - b) Special leave pending the outcome of the investigation.
  - c) Removing individuals from the department, moving one or both to a different end of the department or from one area to another.
  - d) There should be no automatic assumption about who should be moved or placed on leave. In making this decision, the operational needs of the organisation and practical arrangements will be considered. Should a legitimate complainant have to be the one to be removed and should this become permanent, the individual would become entitled to the appropriate provisions of the Trust's Pay Protection Policy.

### **13. COUNSELLING OF PERPETRATORS**

- 13.1 Counselling as a means of addressing a specific issue is not related to the counselling provided by CareFirst, the Employee Assistance Programme. In the context of this policy, the term 'counselling' refers to the process of advising an employee about improvements required in his/her performance, behaviour or attitude. Counselling is not part of the formal disciplinary process, but may be appropriate for dealing with some incidents of unacceptable behaviour. Counselling should always take place away from the employee's workplace and on a one-to-one basis between the manager and employee concerned.
- 13.2 The aim of counselling should be to assist and encourage the employee to meet the standards of conduct and behaviour required. Notes of the key points referred to during the counselling must be made and then issued to the employee. The manager will keep a copy of the notes of the counselling.
- 13.3 Although it must be stressed to the employee that counselling is not part of the formal disciplinary procedure, he/she must be informed that if there is no improvement, their unacceptable behaviour or the issues of concern continues, the next stage may be to invoke the formal disciplinary procedure.

### **14. CONFIDENTIALITY**

- 14.1 Confidentiality should be respected, to protect an employee who feels vulnerable and to promote the ending of unacceptable behaviour, but not to cover up a problem where one exists. The duty of confidentiality however should not be a barrier to a full and fair investigation of the allegations under this Policy or affect employees' rights.
- 14.2 Staff should be informed / made aware that as soon as an issue is reported within our management structures, the Trust immediately assumes a legal 'duty of care' towards all parties. This applies to the way in which the alleged victim, perpetrator and possibly other staff are dealt with from that time forward, whatever the nature of the unacceptable behaviour.
- 14.3 All staff should be made aware of where and from whom to get confidential advice before deciding whether they wish to raise an issue under this Policy. See Section 5.
- 14.4 Seeking support in this way or supporting those who feel they have a concern about unacceptable behaviour does not constitute a breach of confidentiality. It also does not remove the responsibility to maintain a level of discretion appropriate to the circumstances.
- 14.5 Issues regarding unacceptable behaviour should remain confidential to the parties concerned, unless otherwise agreed with the individuals, except in the following circumstances:
- a) Where there is a compelling issue of public, personal or organisational interest; e.g. where it becomes necessary to investigate the circumstances with a view to criminal or disciplinary action or where there is a serious concern about an individual's or individuals' well-being, health or safety;

OR

b) The matter is only one in a series of incidents;

OR

c) An Employment Tribunal or Court requires certain information to be disclosed.

*This is not an exhaustive list*

- 14.6 In such circumstances, all parties will be made aware of the situation and the reasons for such disclosure. The Trust may also be obliged to notify the Police and/or the Health and Safety Executive. The Police may be informed without a complainant being named, but there can be no guarantee that the names of employees will not emerge and this will have to happen if a case is to be pursued.
- 14.7 Witnesses, representatives or friends are expected to maintain strict confidentiality.
- 14.8 Breaches in confidentiality will be subject to disciplinary action up to and including dismissal.

## **15 HARASSMENT BY MEMBERS OF THE PUBLIC**

- 15.1 Please refer to the Management of Violence to Staff and Management of Individuals who are Violent or Abusive Policies available on the Trust Intranet.
- 15.2 Everyone has the right to be treated with dignity and respect in the course of their work and harassment of an employee by a member of the public will not be tolerated.
- 15.3 The existence of the Trust's Anti-Violence to Staff Policy will be publicised, by displaying suitable posters in areas of the Trust that may be entered by visitors.
- 15.4 All incidents of violent, abusive or aggressive behaviour should be reported by staff via the Ulysses system or PEARL line, details of which are available on the Trust Intranet.

## **16. MONITORING COMPLIANCE / EFFECTIVENESS OF THE POLICY**

<b>Area for monitoring</b>	<b>Method</b>	<b>Frequency</b>	<b>Responsibility</b>	<b>Monitoring Assurance Group</b>	<b>Lead for developing action plan</b>	<b>Group responsible for monitoring action plan</b>
Number of complaints raised, outcome (including appeals) and lessons learnt	Workforce Report	Quarterly	Deputy Director of HR	Executive Committee	Director of HR	Board of Directors



## **17. DISSEMINATION, IMPLEMENTATION AND TRAINING**

- Contracts of Employment
- Staff Handbook
- Corporate and Local Induction
- E-mail
- Senior Manager Forum
- The Intranet
- HR Briefings
- HR Workshops/Roadshows and Training
- Team Brief

## **18. CONSULTATION/REVIEW, APPROVAL AND RATIFICATION**

### Consultation

- Human Resources Strategy Group
- Joint Consultative Group.
- Senior Manager Forum
- Matrons
- Ward and Department Managers
- HR staff

### Approval

- Executive Committee

### Ratification

- Policy Committee

### Review

- Every 3 years

## **19. EXTERNAL REFERENCES**

- Health and Safety at Work Act 1974;
- The Equality Act 2010.
- Workplace bullying and harassment - <https://www.gov.uk/workplace-bullying-and-harassment>
- Bullying and Harassment at Work. An ACAS guide for employees at <http://www.acas.org.uk/CHttpHandler.ashx?id=306&p=0>
- Bullying and Harassment at Work. An ACAS guide for managers and employees at [http://www.acas.org.uk/media/pdf/l/r/Bullying\\_and\\_harassment\\_employer\\_2010-accessible-version-July-2011.pdf](http://www.acas.org.uk/media/pdf/l/r/Bullying_and_harassment_employer_2010-accessible-version-July-2011.pdf)
- Mediation: an approach to resolving workplace issues. An ACAS guide - <http://www.acas.org.uk/media/pdf/2/q/Mediation-an-approach-to-resolving-workplace-issues.pdf>

## **20. ASSOCIATED TRUST DOCUMENTATION**

- Equality and Diversity Strategy
- Grievance Policy and Procedure
- Disciplinary Procedure
- Mandatory Training Policy
- Staff Mental Wellbeing and Resilience Policy

- Attendance Management Policy
- Health and Safety Policy
- Management of Violence to Staff Policy
- Raising Concerns (Whistleblowing) Policy
- Incident Policy

**EXAMPLES OF UNACCEPTABLE BEHAVIOUR**

Examples of unacceptable behaviour include but are not limited to, the following:-

- Bullying by exclusion (this may take the form of social isolation and/or exclusion from meetings);
- The deliberate withholding of information or resources with the intention of affecting a colleague's performance;
- Unfair and / or destructive criticism;
- Intimidating behaviour e.g. unwanted physical contact, physical threats or abusive gestures;
- Verbal abuse e.g. propositions or remarks, innuendoes, jokes, lewd comments or abusive language or spreading of rumours;
- Humiliation or ridicule;
- Setting of unrealistic targets, which are unreasonable and / or changed with limited notice or consultation;
- Setting unrealistic deadlines;
- Deliberately setting someone up to fail a task that is beyond their remit or capability;
- Overbearing supervision or other misuse of power or position;
- Criticism in public;
- Copying of memos / emails that are critical about someone to others, who do not need to know;
- Victimisation because of religion;
- Victimisation because of sexual orientation;
- Behaviour – inappropriate jokes and/or comments;
- Inappropriate comments on social media / via mobile phone.

**EXAMPLES OF FIRM BUT FAIR MANAGEMENT VERSUS BULLYING / HARASSMENT BEHAVIOURS**

<b>Firm but Fair Behaviour</b>	<b>Bullying or Harassment Behaviour</b>
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their ideas, but is willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believes they know best and is not prepared to value other people's opinions
Insists on high standards of service in quality of and behaviour in the team	Insists on high standards of service and behaviour, but blames others if things go wrong
Will discuss in private perceived concerns before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views. Listens and assimilates feedback	Tells people what is happening and does not listen
Treats staff with dignity and respect at all times	

**DIGNITY AT WORK POLICY FLOWCHART**

**If you feel you have been bullied, harassed or your dignity compromised, speak to one of the following:-**

- Dignity at Work Advisor
- Care First Employee Assistance Provider
- Trade Union Representative
- Occupational Health
- Your HR Manager / Advisor
- The Director of HR
- Your Supervisor or Line Manager
- A senior manager

**You can speak to one of the above people at any time during this process**

**Complaint against a member of the public**

**Complaint against a member of Trust staff**

**Initial action**

Seek advice from your head of department or line manager.

**Initial action**

If it is safe to do so and you feel able, write to or tell the person that you are unhappy with their behaviour. You can talk through what you might write / say, with one of the above contacts.

Staff should report incidents of violent, abusive or aggressive behaviour by members of the public through the Ulysses system or PEARL line.

**Informal resolution**

Approach your supervisor, manager, head of department or HR contact and ask for help in seeking an informal resolution.

If these actions do not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, you should submit a formal complaint

**Mediation**

An experienced mediator will work with both parties to seek a resolution and this may be attempted at any time before or after a formal investigation. Agreed outcomes will be recorded in writing.

**Appeals**

If either party is unhappy with the outcome they can invoke the appeals procedure.

**Formal Complaint**

Submit a written complaint to your ward / department manager / senior manager or Director of Human Resources

**Outcome**

Both parties will be informed of the conclusion of the investigation, the course of action to be taken and the reasons for this action

**Investigation**

A case investigator will be appointed who will inform the alleged perpetrator of the basis of the complaint. Witness statements and evidence will be collated as part of a formal investigation.