

DIGNITY AT WORK POLICY AND PROCEDURE

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1. POLICY STATEMENT

- 1.1 The Trust is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect in line with the Trust's values. Further information on the Trust's values and behaviours is available on the intranet.
- 1.2 The Trust will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken.

2. SCOPE

- 2.1 This policy and procedure applies to all Trust employees, honorary, bank workers, agency workers, contractors, students and volunteers.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, eg work-related social events, social media.

- 2.2 The policy and procedure does not cover inappropriate behaviour by patients or members of the public. These complaints are dealt with under the Managing Incidents to Staff at Work Policy.

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3. Definitions

ACAS define bullying and harassment as:

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Harassment is unwanted conduct affecting the dignity of men and women in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Victimisation is subjecting a person to a detriment because they have, in good faith, complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

4. DUTIES AND RESPONSIBILITIES

4.1 Everyone carries personal accountability for their own behaviour and for ensuring their conduct is professional at all times in accordance with the Trust values and behaviours, their relevant professional code of practice, their contractual duties and the principles set out in this policy and procedure.

4.2 Overall responsibility for ensuring that the policy and procedure is implemented rests with the Trust Board of Directors but specific accountability is with the Director of Workforce.

4.3 Responsibilities of **Managers**

Be fully conversant with this policy and how it operates;

Reinforce the principles of this policy within inductions and throughout the onboarding process.

Act by example, with dignity and respect towards colleagues and patients;

Prevent and challenge any harassment, bullying and inappropriate behaviour in the workplace or at a work-related social event.

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Provide support to any member of staff who experiences harassment where appropriate or be able to direct staff to the other avenues of support available in the Trust;

Create and encourage an open and constructive working environment with staff and between staff.

Be committed to find solutions to bullying and harassment cases, and act as a facilitator at times in order to resolve complaints at the earliest opportunity;

Deal with any complaints fairly, thoroughly, quickly and confidentially, respecting the feelings of all concerned;

Promptly seek advice from the Employee Relations team if they are unsure with any aspect of this procedure.

4.4 Responsibilities of **Staff**:

Be responsible for their behaviour under this policy;

Act professionally, with dignity and respect towards colleagues and patients and ensure that their own verbal and non- verbal communication is always respectful and dignified;

Work with management to ensure that harassment does not take place in the workplace by reporting concerns immediately if they believe that a colleague is being bullied or harassed;

Raise their complaints in a timely manner; and co-operate with investigations whilst maintaining confidentiality;

Contribute and participate in resolving matters informally or formally if appropriate, to help themselves e.g. informal discussions or mediation;

Co-operate with any investigation being conducted by the Trust, and attend meetings/provide statements when requested.

Attend appropriate training

4.5 **Human Resources are responsible for:**

- Providing advice, support and procedural guidance to all parties;
- Keeping data relating to bullying and harassment cases;
- Providing training to raise awareness of Trust values and about any behaviour that could be considered to be bullying and harassment e.g. corporate induction, statutory and mandatory training, manager's induction.

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5. RIGHT TO REPRESENTATION

5.1 An employee may be represented or accompanied at Stage 2 and 3 of this policy and procedure by a Trade Union Representative or by a current work colleague, not acting in a legal capacity and who is not involved in the proceedings. It is the responsibility of the employee to make their own arrangements for their representation. In exceptional circumstances and with the agreement of all parties, Trade Unions may attend informal meetings as appropriate.

6. PROCEDURE FOR RAISING CONCERNS

6.2 The main consideration in determining whether harassment or bullying has occurred is the impact of the behaviour on the recipient, not the intention of the other person.

6.3 Both the complainant and the person who is the subject of the complaint are entitled to a full and fair opportunity to provide their version of events.

6.4 It may be necessary to consider whether the parties involved should, if possible, be temporary moved to different working areas whilst investigations are being carried out.

6.5 In some cases, an employee may only perceive that they have been a victim of bullying or harassment because of a course or pattern of conduct over a period of time. If this is the case the employee should seek to resolve their concerns as soon as they perceive they may have been bullied or harassed.

6.6 If an employee has a concern, the Trust hopes the employee feels able to raise it in the first instance with their direct line manager either verbally or in writing and strongly encourages this approach to seek an informal resolution. This can lead to swift resolution as the line manager is often the individual with influence to address and rectify a problem. If the employee feels unable to speak to their manager, for example, because the complaint concerns them, then they should speak informally to their line manager's manager.

6.7 The employee can seek advice, guidance and support from the following:

- Their line manager or line manager's manager.
- A Trade Union Representative.
- The Trust's Freedom to Speak Up Champions, whose role is to support employees to speak up about any concerns they might have in relation to workforce matters.
- The Employee Relations/Human Resources Team.
- The Trust's Counselling Service.
- The Trust's Occupational Health Department.

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- 6.8 Informal complaint and resolution may not be appropriate if, for example the employee has fears for their health or safety, or if the Stage 1 informal resolution has previously been attempted and failed to produce a change in the alleged bully or harasser's conduct, or if management decide that the allegations are serious and warrant formal investigation.

Further information is available on the intranet.

6.9 INITIAL MEETING

On receipt of the employee's concern, the line manager will arrange an initial meeting. This meeting is an opportunity for the manager to meet with the employee to listen to and discuss their concerns to identify the most suitable route to resolution. If the employee's line manager is involved, then another manager can be nominated. Emphasis should be placed on early resolution through an informal approach where possible and appropriate.

The following may be considered at the meeting:

- The seriousness of the issues being raised.
- The employee's willingness to engage in the informal procedure route.
- The outcome the employee is seeking.
- Previous attempts to resolve the situation.
- Any previous complaints, or patterns of behaviour.

The outcome of the meeting is to determine how matters can best be resolved and confirm the next steps and decide on the best route for resolution, either informal or formal action.

7. STAGE 1 INFORMAL PROCEDURE

- 7.1 Employees are expected to try to resolve their concerns informally. Progression to Stage 2, formal stage will be appropriate in instances where Stage 1 Informal Procedure has failed or that the serious nature of the complaint requires instigation for the Stage Two Formal Procedure.

Informal concerns and resolution may not be appropriate if for example, where the employee has fears for their health or safety, if management agrees or decide that the allegations are serious and warrant a formal investigation. In these circumstances a formal investigation may be undertaken and then a decision made by management as to the appropriate next steps.

At the informal stage, there are a number of different options open to an employee who feels they have been harassed or bullied by another employee including a colleague, subordinate, supervisor or manager.

- 7.2 If possible, an employee who feels bullied or harassed should in the first instance tell the person responsible that their behaviour is unwelcome, that it is causing them distress and to ask them to stop as the other person may be unaware of the effect of their actions. The employee may wish to ask a colleague to be present when they speak to the person concerned. Alternatively, they may find it easier to write to them.

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7.3 If the harassment or bullying continues or if the employee is unwilling or unable, for whatever reason, to confront the person directly, they may seek support from their line manager, or line manager's manager or a Trade Union Representative.

The appropriate manager will need to find out what has happened by establishing the facts and should also keep a written record.

7.4 The line manager will try to resolve the situation informally using a number of different options. These options may include:

- The manager arranging a facilitated meeting where both parties come together and the manager, another manager or a member of the Human Resources Team, facilitates the discussion.
- Speaking to a member of the Employee Relations Team, who can provide procedural guidance, advice and support..
- Using mediation through a trained mediator where this is mutually agreed by the parties involved.
- The manager holding an advisory discussion in accordance with the Disciplinary Policy and Procedure and speaking to the alleged harasser directly about the complaint where there is clear evidence that their behaviour is not in line with Trust values, behaviours and expectations.

The manager should keep a record of any action taken and this should be confirmed in writing to the parties concerned.

FACILITATED CONVERSATIONS

7.5 It is the responsibility of the line manager to arrange a facilitated resolution meeting between employees with the support of senior management as required.

7.6 This may be at a point before or at Stage 1, informal procedure, and is designed to:

- Address and resolve workplace concerns raised by employees.
- Understand the situation from the perspective of those involved.
- Exploring the impact of the concerns on the individuals involved and the service.
- Find realistic and workable solutions.
- Clarify expectations about future behaviour in the workplace.

7.7 The facilitating manager will meet individually with each employee involved before bringing them together and will then lead the joint meeting, giving time for each employee to explain their concerns and discuss ways of resolving the problem.

7.8 The role of the manager as a facilitator is to promote both a shared resolution to the concerns of the employee, and in so doing ensure that the employee understand the standards of behaviour and performance expected of them. The manager should set out their expectations in writing following the meeting.

7.9 Managers can seek advice and guidance on conducting facilitated conversations from their HR Business Partner or the Employee Relations Team.

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MEDIATION

- 7.10 Mediation is a voluntary and confidential process for resolving interpersonal differences at either stage 1 informal or stage 2 formal procedure.
- 7.11 The process of mediation is designed to help the employees involved to share their experiences, identify the impact of the situation on them, and consider how they need to change and what they need from others to resolve the situation.
- 7.12 Mediation should only be considered when the affected employees are openly committed to resolving their differences. It can help rebuild relations that have been damaged, but should not be used in place of formal procedures; where the health and safety of employees and patients is an ongoing risk because of the breakdown in collaborative working and communication; or, in place of clear management instruction on expected behaviours/levels of performance.
- 7.13 Mediation is a voluntary informal process that may be requested by the line manager with the agreement of the employee's and is usually conducted by a trained mediator.
- 7.14 For further information about mediation and how to make a referral, please visit HR/Employee Relations on the Trust's intranet.

8. STAGE 2 FORMAL PROCEDURE

- 8.1 Where the informal procedure is exhausted, or has not been attempted but the employee believes that the nature of the complaint is too serious for informal resolution, and this is agreed by management, then a formal investigation may be carried out. Exceptionally management may decide that a complaint warrants formal investigation without Stage 1 Informal Procedure.

If not already done so in the previous stages or if further concerns have come to light, the employee must set out their complaint in a written statement as soon as possible and within two weeks of the most recent incident, and send the statement to their manager (or manager's manager if appropriate). Support in writing the statement can be sought from a Trade Union representative or line manager, if required.

When setting out their complaint in writing, employees are encouraged to describe, in as much factual detail as possible, the exact nature of their complaint, the sequence of events, in date order, including any documentary evidence, what methods they have used to try and resolve their complaint and any resolution/action they would like to be considered to address and resolve their concerns.

- 8.2 A Commissioning Manager will be appointed to draw up the terms of reference and to appoint an investigation manager who has had no previous involvement in the case.

In the event of a serious allegation of bullying or harassment it may be necessary to separate the two parties, as a temporary measure, until a full investigation has been carried out. In such situations there will be consideration of the impact of any temporary placements.

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- 8.3 The Trust recognises the need to investigate and resolve cases of bullying and harassment in a timely manner, to minimise potential stress to all those involved. However, such cases are often very complicated and need to be dealt with sensitively and thoroughly to ensure that full consideration is given to each situation. The timescales given below are therefore a guide only and may need to be extended for reasons which may include arranging dates for meeting with all parties involved, gathering evidence/ statements etc. For any member of staff who needs additional help and support they can access the Trust's Staff Wellbeing Services including Occupational Health and the staff support/counselling service. Further information is available on the intranet.
- 8.4 The investigation meetings will be arranged by the investigating manager, supported by an Employee Relations Representative and will normally be held within 10 working days of the complaint being received by the manager. All parties and witnesses who are interviewed can be supported by a work colleague or trade union representative and will be informed by the investigating manager of the importance of confidentiality throughout the process.
- 8.5 Once the investigations have been completed, the investigating manager will submit a written report to the commissioning manager outlining their findings and conclusion.
- 8.6 The commissioning manager will confirm the outcome of the investigation to both parties, normally with 5 working days of receipt of the investigation report, or as soon as is practically possible.
- 8.7 Where the investigation finds evidence of bullying behaviour, and it is decided the investigation findings should be considered at a disciplinary hearing, it will be held in accordance with the Trust's Disciplinary Policy and Procedure.
- 8.8 Where complaints against an employee result in action being taken under the Trust's Disciplinary Policy, the employee raising the complaint will only be informed that their complaint has been upheld and not the outcome of the subsequent disciplinary as it is a confidential matter for the employee the concern is against.
- 8.9 The commissioning manager will hand over any recommendations or actions to the relevant line manager to take forward and monitor to ensure any required change of behaviour is made.
- 8.10 Where an employee is being performance managed under the Trust's Managing Performance Policy and they raise a complaint of harassment or bullying by the Manager conducting the performance reviews, HR will work with the Manager and the employee to determine the most suitable means for resolving both issues.

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9. STAGE 3, OUTCOME REVIEW

9.1 The complainant employee may request a review following the outcome of the investigation on the basis of one (or more) of the following:

- Incorrect decision based on the evidence provided to the commissioning manager.
- New evidence has come to light that would have affected the decision.

9.2 To request a review, the complainant must state their grounds in writing to the Director of Workforce, and copied to Employee Relations, within 10 working days of the letter.

9.3 Where the complainant has requested a review an impartial manager who had not previously been involved in the case will review the findings and recommendations of the investigation to determine whether a different course of action is required.

9.4 The outcome of the review should be confirmed in writing to the complainant.

10. TRAINING

10.1 The Trust Learning and Development department runs specific programmes for managers and employees on equality and diversity and these programmes are mandatory. Programmes are also available from this department to train and support managers in managing their staff fairly and effectively.

11. COMMUNICATION

11.1 All employees will be made aware of this Policy and Procedure and how to contact a Freedom to Speak Up Champions through the Trust's On Boarding Programme and through internal communication programmes such as team briefings and internal publicity campaigns.

12. REPORTING AND MONITORING

12.1 Formally reported cases of bullying and harassment will be recorded by Human Resources including outcomes of hearings and appeal decisions. All records will be kept by the Human Resources department for a period of 3 years. Information will be reported to the Equality, Diversity and Inclusion Steering Group annually.

13. POLICY REVIEW

13.1 This policy and the associated procedure will be reviewed at the date stated and may be subjected to change at that time, or at an earlier date if necessary, subject to consultation with staff representatives recognised for that purpose.

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APPENDIX 1.

Bullying or harassing actions can range from unintentional misunderstandings and lack of awareness through to deliberate and malicious acts.

Examples of inappropriate behaviour which may constitute bullying or harassing behaviour in the Trust include:

- Unwelcome sexual advances - touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected.
- Being threatenin any way including invasion of personal space, aggression, physically threatening a person or actual physical contact/assault.
- Being shouted at or someone losing their temper.
- Teasing, mocking sarcasm or jokes which go too far and cause offence.
- Being humiliated in front of others or ridiculed in connection with your work including email, phone or other forms of verbal or written communication.
- Hints or signal from others that you should quit your job without foundation.
- Being excluded from groups.
- Being treated in a disrespectful or rude way including unwelcome comments about dress, appearance, beliefs or lifestyle choices.
- Being insulted or having offensive remarks made about you.
- Gossip and remours being spread about your or having allegations made against you.
- Being given unmanageable workload or impossible deadlines.
- Having your views and opinions ignored.
- Persistent criticism of work or performance which is unfair and not factual.
- Overbearing supervision or other misuse of power or position.
- Pressure from someone else to do work above your level of competence.
- Someone withholding information which affects your performance.
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.

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