

Dignity at Work (Bullying and Harassment) Policy

Please be aware that this printed version of the Policy may NOT be the latest version. Staff are reminded that they should always refer to the Intranet for the latest version.

Purpose of Agreement	This policy provides a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive. All employees, patients and service users should be treated with dignity and respect.
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Include details of when the document was last reviewed.

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1	1 st Sept 2013	L Bicknell	JCC, Policy Group	Minor amendments
2	1 st April 2016	V Butler	JCC, Policy Group	Policy Re-write

Policy Summary

This policy outlines the Trust Commitment to providing a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive.

It defines:

- What the Trust means by Harassment and Bullying in Section 3.
- The Informal and Formal procedure in use within the Trust are contained within Sections 4 and 5.
- Special cases are covered in Section 7

Individual responsibilities of staff managers staff side representative and Companions, Managers, and others within the policy (Section 8)

Appendix A gives Guidance to staff about bullying and harassment

Dignity at Work Policy

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SOLENT NHS TRUST
Dignity at Work Policy
(Policy for Management of Bullying and Harassment)

1. INTRODUCTION & PURPOSE

- 1.1. The Trust is committed, and has a duty to provide a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive. All employees, patients and service users should be treated with dignity and respect in accordance with the Trust values.
- 1.2. The Trust will not tolerate any form of bullying and/or harassment and will take all practicable steps to avoid and eliminate this. Any form of bullying and/or harassment will be regarded as gross misconduct and may result in disciplinary action in line with the Trust's Disciplinary Policy.
- 1.3. The Trust recognises that employees may be subjected to harassment or even violence at work from patients, service users, relatives and other agencies linked to the workplace. These will be dealt with separately in line with the Trust's Management of Violence and Aggression or Abuse against NHS staff Policy. It is emphasised that all forms of harassment from any source are unacceptable and will be dealt with appropriately.

2. SCOPE

- 2.1 This document applies to all directly employed staff within Solent NHS Trust and other persons, working within the organisation in line with the Trust's Equal Opportunities Policy.

3. DEFINITIONS

- 3.1 *Harassment* may be characterised as unwanted conduct affecting the dignity of a person. This can be in relation to age, race, sex, disability, religion or belief, nationality, sexuality, gender reassignment, marital status or any other personal characteristics. Harassment is defined under the Equality Act (2010) as 'violating dignity or, creating an intimidating, hostile, degrading, humiliating or offensive environment'.
- 3.2 ACAS gives the following definition for bullying which 'may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'.
- 3.3 *Bullying and harassment* can range from physical violence to less obvious forms which could be as simple as ignoring somebody. (Chartered Institute of Personnel Development (CIPD) 2010) This can be delivered in a variety of ways with or without witnesses and could be a one off act or persistent behaviour and can include (***THIS LIST IS NOT EXHAUSTIVE***):
 - Unwanted physical contact
 - Unwelcome remarks about a person's age, sexuality, dress, appearance, race or marital status
 - Jokes, offensive language, gossip, slander, sectarian songs and letters
 - Posters, graffiti, obscene gestures, flags, bunting and emblems

- Isolation or non-cooperation and exclusion from social activities
- Coercion for sexual favours
- Pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking
- Failure to safeguard confidential information
- Shouting at staff
- Setting impossible deadlines
- Persistent criticism
- Personal insults (CIPD 2010)

3.4 *Bullying and/or harassment* can also arise in the following forms:

- Unwanted, unwelcome, inappropriate, intimidating physical contact,
- Unwanted, unwelcome, inappropriate intimidating verbal statements including offensive jokes, swear words, sexual innuendos or threatening words
- Unwanted, unwelcome, inappropriate, intimidating non verbal actions (emails/texts/images/offensive/rude or threatening gestures).

4. INFORMAL PROCEDURE

- 4.1 An early resolution to an allegation of bullying and/or harassment is desirable for all concerned. In the first instance, an employee who feels that they have or are being bullied and/or harassed should ask the individual to stop and make it clear that their behaviour is unwanted and unwelcome. It is possible that the individual's behaviour is unintentional and they are unaware of the impact of their actions. This will allow for the working relationship between both parties to continue.
- 4.2 Due to the sensitive nature of bullying and/or harassment the employee may wish to discuss it informally initially with their manager. If this is not possible then their concerns can be raised verbally or in writing to the next in line manager or where not possible the HR Business Partner Team at Trust Headquarters.
- 4.3 If considered appropriate by both parties a meeting could be arranged so the matter can be discussed openly in a confidential and constructive environment. Alternatively the manager of the accused should discuss their behaviour with them and explain that it is causing the recipient distress and in order to resolve matters this should cease.
- 4.4 Further guidance for employees can be found in appendix A.
- 4.5 The decision to progress a concern of bullying and/or harassment rests with the recipient except where the situation is so serious that by not taking any action the Trust would be failing its common law duty of care and responsibility under Health and Safety Legislation.
- 4.6 An employee who raises a concern which is proved to be vexatious or malicious may find themselves subject to disciplinary action.

5. FORMAL PROCEDURE

- 5.1 If it is not possible to resolve the matter informally the employee should refer to the Trust's Grievance Policy, which details the procedure to follow.
- 5.2 There will be no victimisation of any employee who has raised a concern under the terms of this policy. Any evidence of discrimination against an individual who has made a claim of bullying and/or harassment will be the subject of an investigation and could lead to disciplinary action.

6. PROCEDURE INVOLVING THIRD PARTIES

- 6.1 If an employee is being subjected to bullying and/or harassment by a patient, relative or service user then they should inform their manager immediately and refer to the Trust's Management of Security and Violence and Aggression Policy which will detail the procedure to follow.

7. SPECIAL CASES

7.1 Proceedings against a Staff Side Representative

- 7.1.1 In all cases where action is being considered against a Trade Union Official the case will be discussed with a branch or full time officer.

7.2 Language Barriers

- 7.2.1 If there are likely to be understanding or language difficulties during the meeting, it may be necessary for an interpreter to be made available. The employee is responsible for making these arrangements, or where appropriate, access to communications will be contacted with the support of the relevant HR Business Partner.

8. ROLES & RESPONSIBILITIES

8.1 Employees

- 8.1.1 All employees are responsible for creating a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour but also ensuring their own behaviour does not contribute to or collude with others unacceptable behaviour.
- 8.1.2 Employees are responsible for:
- Setting a positive example by being aligned with the Trust's values treating others equally and with dignity and respect
 - Maintaining professional conduct at work, with staff, patients and any other service users
 - Ensuring they treat colleagues, patients and other service users fairly and equitably
 - Ensuring they comply with all Trust policies and procedures Attending meeting as requested under this policy

- Arranging the attendance of their staff side representative or companion at meetings
- Notifying the manager conducting the meeting who their representative/ companion and any witnesses will be prior to the meeting
- Maintaining confidentiality during and after the application of this policy.

8.2 Managers

8.2.1 Managers have an obligation to prevent bullying and/or harassment and to take immediate action once it has been identified. Managers must ensure all staff are treated fairly and consistently with dignity and respect and in accordance with the Trust values. They should respond to any concerns raised swiftly and sensitively. Managers should be aware of behaviours which could cause offence, and where necessary remind employees of expected behaviours and outline their behaviour will not be tolerated if it continues.

8.2.2 Managers are responsible for:

- Ensuring staff and patients are treated fairly and equitably.
- Ensuring that Trust policies and procedures are complied with
- Inform the HR Business Partnering Team when incidents arise
- Promoting a working culture where bullying and/or harassment is unacceptable and not tolerated
- Set a positive example by treating others with dignity and respect and setting standards of acceptable behaviour
- Tackle, and where possible, resolve incidents in line with the policy
- Arranging meetings in line with this policy
- Where necessary carry out a fair, timely and thorough investigation in line with the Trusts Investigation Policy
- Ensuring all timescales in the policy are adhered to
- Maintaining confidentiality during and after the application of this policy.

8.3 Human Resources

8.3.1 The HR Business Partner Team provide guidance and coaching for managers to enable and empower them to deal with incidents as and when necessary. They are responsible for ensuring the policy is followed fairly and consistently.

8.3.2 The HR Business Partner Team is responsible for:

- Providing appropriate advice and support to managers in the application of the procedure including relevant training and coaching
- Providing appropriate advice to ensure the policy is followed in a fair and equitable manner
- Provide appropriate advice to ensure the policy is adhered to and timescales are met
- Reviewing and amending this policy as necessary

8.4 Staff Representatives and Companions:

- Employees are entitled to be accompanied by a staff-side representative or workplace friend or colleague at any formal meetings held under this Policy. It is the employee's

responsibility to make arrangements to be accompanied. The employee must be informed of this right at the commencement and all subsequent stages of this procedure.

- The employee's choice of companion must be reasonable, depending on the circumstances of each individual case, however, it would not normally be reasonable for someone to attend whose presence would prejudice the meeting.
- Staff Side Representatives may be from another Trust or a lay official or full time officer as long as they are certified by their union as being competent to accompany an employee. Any other companion (a workplace friend or colleague) should always be an employee of the Trust. Reasonable time off should be afforded to the workplace friend or colleague, in discussion with their Line Manager.
- The companion may address the meeting and confer with the employee, during the meeting, put forward the employee's case, summarise the employee's case and/or respond on the employee's behalf to any view expressed at the hearing.
- The representative or workplace colleague or companion may not answer questions on behalf of the employee or prevent the employer from explaining their case.
- Any companion must maintain confidentiality during and after the application of this policy.
- If the reason given for failing to attend a meeting is due to the non-availability of a trade union representative or workplace friend/colleague and there have been no earlier adjournments in the process for this reason, on only one occasion the meeting will be postponed and a new meeting will be arranged within reasonable time; normally 5 working days . Exceptional circumstances will always be considered.

9. TRAINING

- 9.1 The Trust recognises the importance of appropriate training for all staff. Managers are responsible for ensuring awareness of this policy is raised through their local induction processes. If any clarification in relation to this policy is required please contact the HR team. For training requirements and refresher frequencies, please refer to the Training Needs Analysis (TNA) on the intranet.

10. EQUALITY & DIVERSITY AND MENTAL CAPACITY ACT

- 10.1 In line with Trust policy, an Equality Impact Assessment has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy. The Equality Impact Assessment is included in Appendix B.

11. MONITORING COMPLIANCE WITH THE DOCUMENT

- 11.1 The Trust is committed to monitoring incidents to provide identification of causes and subsequent rectifying actions. Following each investigation or incident a review is undertaken and any remedial action taken. This policy is reviewed following any incidents when issues are identified. An annual report is produced and presented to the Board.

12. REVIEW

- 12.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed on three yearly basis.

13. LINKS TO OTHER DOCUMENTS

- 13.1 This policy links to the following Policies:

Policy on Investigation, Analysis and Learning from Incidents, Complaints and Claims

- Serious Incidents Requiring Investigation (SIRI) Policy
- Equality & Human Rights Strategy
- Disciplinary Policy
- HR Investigation Policy
- Grievance Policy
- Complaints Policy
- Freedom to Speak up (Whistle blowing) Policy
- Performance Management Policy
- Managing Attendance and Wellbeing Policy
- Policy for Managing Performance of Medical and Dental Staff
- Retention and Disposal of Records Policy
- Safeguarding Children & Young People Policy
- Safeguarding Adults at Risk Policy
- Claims Management Policy and Procedures
- Allegations Management Policy
- Suspension, Exclusion and Transfer Policy
- Management of Security and Violence and Aggression Policy
- Social Media Policy

- 13.2 In relation to this policy the following references have been used;

- CIPD, (2010). Bullying and Harassment Factsheet.
<http://www.cipd.co.uk/bullyingandharassment>
- ACAS. (2009) *Bullying and harassment at work: guidance for employees*. London: ACAS.
Available at: <http://www.acas.org.uk>
- The Equality Act (2010). Available at <http://legislation.gov.uk>

Guidance for Employees

What to do if you feel you are being bullied and/or harassed:

- If possible make it clear to the accuser that their behaviour is unacceptable and causing you distress.
- Keep a note of incidents to include dates, times and witnesses so if you decide to raise a formal concern you have specific details to draw upon.

Further support can be provided by the following:

- Your line manager (or a more senior line manager if your manager is being accused)
- Trade Union representative
- Professional body such as NMC
- Workplace colleague
- HR business partner team

By confiding in someone as listed above, they can offer you further support and guide you through the options available to you.

To raise your concerns more formally you should report this either verbally or in writing to any of the following:

- Your line manager
- Any manager within the Trust
- A member of the HR Business Partnering Team
- Occupational Health Department
- Your Trade Union or Professional Representative

In the first instance we would recommend, where possible you raise your concerns to your manager to try and deal the concern as quickly as possible.

Do not be afraid to raise your concerns, even if the accuser is more senior to you. The Trust is committed to making staff feel safe, secure and to maintain their dignity in the workplace.

Impact Assessment Template

Step 1 – Scoping; identify the policies aims

Question	Answer		
1. What are the main aims and objectives of the policy?	To ensure that there is a fair and consistent approach to managing staff concern and ensure staff are aware bullying and harassment will not be tolerated		
2. Who will be affected by it?	All staff and third party service users		
3. What are the existing performance indicators/measures for this? What are the outcomes you want to achieve?	To ensure that there is a fair and consistent approach to managing staff concern and ensure staff are aware bullying and harassing others will not be tolerated		
4. What information do you already have on the equality impact of this policy?	This policy supersedes the current procedure in place		
5. Are there demographic changes or trends locally to be considered?	No		
6. What other information do you need?	None		
<u>Step 2 - Assessing the Impact; consider the data and research</u>	Yes	No	Answer (Evidence)
1. Could the policy discriminate unlawfully against any group?		x	The policy is designed to ensure staff are treated equally and consistently
2. Can any group benefit or be excluded?		x	The policy is designed to ensure staff are treated equally and consistently
3. Can any group be denied fair & equal access to or treatment as a result of this policy?		x	The policy ensures all groups are treated in a consistent manner
4. Can this actively promote good relations with and between different groups?	x		The policy is designed to ensure staff are treated equally and consistently
5. Have you carried out any consultation internally/externally with relevant individual groups?	x		Current Policy Steering groups and Trade Unions.
6. Have you used a variety of different methods of consultation/involvement?		x	None required
Mental Capacity Act implications			
7. Will this policy require a decision to be made by or about a service user? (Refer to the Mental Capacity Act policy for further information)		x	Does not impact upon patients directly.

If there is no negative impact – end the Impact Assessment here.