

Dignity at Work (Bullying and Harrassment) Policy

Post Holder Responsible for Policy:	People Business Partner
Directorate Responsible for Policy:	OD and People
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Version Information

Version No.	Updated By	Updated On	Description of Changes
1.0	Jenny Hair	19/10/2006	New document
1.1	Jenny Hair	30/05/2007	Amendment to section 4.2

1.2	Jenny Hair	08/01/2009	Amendment to Harassment Advisor details in section 4.5
1.3	Nick Child	10/12/2010	<ul style="list-style-type: none"> • Headings re-numbered • New definitions included in s 3.1 with examples and application to the workplace • New Appendix A Guidelines on Working Well Together
1.4	Nick Child	24/03/2011	Diagram added to section 4 Process and updates to section 5 Monitoring.
1.5	Bank HR Advisor	13/12/2012	Removal of old appendix A, Moved process flow chart into an appendix, added/renamed sections throughout, removal of 'in the workplace' section, amendment of appendices, update of legal position, completion of new Equality Analysis form, add in mediation explained leaflet at appendix C, para 2 section 2.4 rewritten
1.6	HR Advisor	12/09/2016	Change of title to better reflect ethos of Trust. Cut down length, removed legal references; reference to Trust Values; clarification of formal procedure with reference to grievance and appeals process; addition of DAWAs and Freedom to Speak up Guardian. Added chaplaincy and equality champions references. Removed appendices to include a link to a toolkit.
1.7	People Business Partner	01/11/2018	Section 4 - Process for raising a complaint revised. Alleged bullying and harassment cases now deal with through this policy rather than the grievance policy. General grammatical update to reflect

			directorate name change also undertaken.
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1. Purpose & Scope
<p>The purpose of this policy is to support a working environment and culture in which bullying and harassment is unacceptable. It will:</p> <ul style="list-style-type: none"> • Help you understand what 'bullying and harassment' mean and know what behaviour can amount to bullying and harassment • Outline the responsibilities of the Trust, managers and others in maintaining an environment where all staff treat each other with respect • Explain how you can get help, raise a concern or make a complaint if you feel you or another person is being bullied or harassed <p>This policy applies to all staff working for the Trust, and relates to allegations of bullying and harassment by other Trust staff. The Trust has developed an accompanying bullying and harassment tool kit which is available on the Trust Intranet.</p>

2. Principles

As an equal opportunities employer, the Trust is fully committed to promoting a fair and harmonious working environment for individuals in which everyone is treated with respect and dignity at work and in which no one feels bullied, threatened or intimidated.

One of the Trust's values is to be friendly, offering a place of work where staff feel valued and can develop as individuals and within teams. This policy promotes the respectful treatment of staff within our Trust and the protection of our staff from bullying and harassment at work. Bullying and harassment will not be tolerated by the Trust in any form.

Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Trust gives an assurance that allegations of victimisation against an employee making a complaint under this policy, or against employees who assist or support a colleague in making a complaint, will be likewise taken seriously and dealt with appropriately.

Bullying, harassment and victimisation, where proven, may be treated as a disciplinary offence and, where allegations are founded, having applied the test of reasonableness, may lead to summary dismissal. Disciplinary action may also be taken against a complainant if a complaint is found to have been submitted maliciously or in bad faith.

2.1 What do we mean by Bullying and Harassment?

In the Equality Act 2010, harassment is defined as '*unwanted conduct related to a relevant protected characteristic (age, disability, gender reassignment, race, religion or belief, sex and sexual orientation, marriage and civil partnership, pregnancy and maternity) 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*'. Individuals are protected in law from discrimination of this nature.

Bullying is not specifically defined in law, however ACAS give the following definition of bullying: '*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*'.

2.2 What does Bullying and Harassment include?

Bullying or harassment may involve single or repeated incidents ranging from extreme forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. Bullying may be hierarchical or peer-to-peer. It can be delivered in a variety of ways, with or without witnesses, and be a persistent behaviour over a period of time, or a one-off act. Examples include:

- unwelcome/derogatory remarks about a person's age, dress, appearance, race or marital status, sexual orientation or perceived sexual orientation
- isolation or non-cooperation and exclusion from social activities
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- failure to safeguard confidential information
- exclusion or victimisation
- shouting and bawling; bad language

- overbearing supervision or other misuse of power or position
- persistent unwarranted criticism
- personal insults
- bullying and/or harassment that takes place at a work-related event such as a Christmas Party or a training course
- 'cyber' bullying and/or harassment – including Facebook and Twitter

Bullying and Harassment does not necessarily occur face to face, it may occur through written communications, visual images (e.g. pictures of a sexual nature or embarrassing photos of colleagues), email or phone.

Whatever form it takes, if it is unwarranted and unwelcome to the individual, it will not be tolerated by the Trust.

Please note that the above list is not exhaustive.

Firm but fair management can sometimes be confused with bullying and harassment. A manager who is fair and consistent is not guilty of bullying and harassment. Differences between firm management and bullying management are outlined in a guidance document as part of the bullying and harassment toolkit available on the intranet. A manager also has a right to monitor information routinely from time to time to check system efficiency, capacity and appropriate use and this will apply to all staff (see Acceptable Use of Internet policy).

Whilst we appreciate that there are occasions where Bullying and Harassment may take place outside of the workplace, but be unrelated to work, there does need to be some connection to employment matters for the Trust to consider actions using this policy.

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3. Responsibilities

- The Trust Board is fully committed to adopting and promoting the key principles within this policy and will ensure that any form of bullying is dealt with promptly and efficiently.
- Trust managers are responsible for ensuring the practical application of this policy and they are expected to promote high standards of behaviour.
- All staff members must adhere to this policy when undertaking their duties or representing the Trust. Each must report to an appropriate person, instances of behaviour that contravene the principles of this policy.

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4. How to Raise a Complaint

4.1 Informal Procedure

You are encouraged to seek resolution informally in the first instance by taking the following steps:

- If you feel that you can, speak directly to the harasser explaining the effects of their behaviour and requesting that you want it to stop
- Discuss any concerns about harassment with one of the below who will be able to guide you through possible interventions
 - Your line manager
 - Another suitable manager (if it is not appropriate to speak to your own line manager)

- A Dignity at Work Ambassador
- An Equality Champion
- A member of the Chaplaincy team
- Your Trade Union Representative
- A People Business Partner
- A member of the Occupational Health Team

- Access our confidential mediation service where a qualified mediator will help you to seek an informal resolution to the issues raised against the alleged perpetrator. This service can be accessed by calling the OD and People Department on x4345 and asking for the Mediation Co-ordinator. Further information about the scheme can also be found on the Trust intranet at <http://intranet/website/staff/hr/mediation/home.asp>

4.2 Formal Procedure

If informal attempts to resolve the situation have not been successful, or if you feel that it is unlikely for the complaint to be resolved informally, then you are entitled to raise a formal complaint. The processes linked to this are detailed below.

- You should submit the formal complaint in writing to your line manager including as many details as possible. A formal complaint should include the name of the alleged harasser, the nature of the alleged incident(s) including their dates, and the names of any witnesses who may be able to provide an independent account of the events. Importantly if the allegations are in respect to your own line manager's behaviour then the formal complaint should be directed to their line manager.

- An investigation would usually be carried out when a formal complaint has been made in writing. Such an investigation would be full and fair and consider all elements of the complaint.

- In order to support the process it may be necessary to consider the temporary redeployment or the granting of special leave for either party during the investigation period.

- The Trust has set a target of 4 weeks for completing formal investigations, however, given the complexities of some issues, this may not always be achievable. Timescales will be discussed in more detail with the individuals concerned.

- Following the investigation a report will be compiled by the lead investigator and sent to both the accuser and the alleged perpetrator for comment.

- This report, and any received comments, would then be used to by an appropriately appointed panel to reach a final decision about the case i.e. upto and including the action/s that should be taken to help resolve the situation.

- This panel may include such positions as the Line Manager, People Business Partner, Directorate Senior Nurse and a Trade Union Representative who has not represented either party and who is ideally drawn from a Trade Union not involved in the case.

- You will be required to respect the need for confidentiality at all times. All complaints, associated correspondence and interviews will be treated in the

strictest confidence and any breaches in confidentiality will be subject to disciplinary action. You must however expect that in the interests of natural justice, the alleged perpetrator will be given sufficient information or associated documentation to be able to respond to the allegations made against them.

4.3 Dissatisfaction with Process or outcome

Where a complainant feels that their complaint has been inappropriately dealt with, they may raise their concern using the Trust's Grievance Procedure.

An alleged perpetrator may appeal against any sanction using the Trust's Appeal Process or, if a formal sanction has not been imposed but they feel they have been inappropriately dealt with, they may also raise a grievance using the Trust's Grievance Procedure.

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5. Support & Advice

The following support options are available to all staff. This support is available to both complainants and alleged perpetrators and to any witnesses or others involved in a complaint.

5.1 Counselling

The Trust provides a confidential counselling service for its staff. This service is provided by a counsellor based in the Occupational Health department. The counsellor may be contacted directly through Occupational Health reception (x2235) or by mobile on 07548 537996. There is a voicemail service available 24 hours a day, seven days a week.

5.2 Trade Unions

The Trust recognises the important role Trade Unions play in addressing bullying and harassment. Staff who are members are encouraged to approach their Trade Union Representative in the first instance regarding their concerns. The Trust will work in conjunction with the Trade Unions in addressing unacceptable and inappropriate behaviours.

5.3 Dignity at Work Ambassadors

Dignity at Work Ambassadors are members of staff recruited by the Trust to provide a confidential, supportive and impartial service to staff and managers. Staff are able to discuss issues they may have relating to bullying, harassment, discrimination or work life in general. Their role is as a facilitator to listen and signpost people to the most appropriate source of support. Details of who our Ambassadors are and how you can contact them can be found on the intranet at: <http://intranet/website/staff/hr/dignityatworkambassadors/index.asp>

5.4 Freedom to Speak Up Guardian

If you have an issue around quality and patient safety, your work or the wider hospital that you prefer not to raise directly through the line management route you can now speak to our Freedom to Speak up Guardians who can be contacted by email at FTSUG@Salisbury.nhs.uk

5.5 Occupational Health Service

Any member of staff who is involved in a claim of bullying and harassment may find it helpful to talk to the Occupational Health service. All employees have a right to self-refer to occupational health in confidence. Call on extension 2235 or email occupationalHealth@salisbury.nhs.uk.

5.6 Chaplaincy

Our Chaplaincy team is available to support staff, as well as patients and visitors. The chaplains provide religious, spiritual and pastoral care to anyone and everyone in the hospital who might need it. Whatever your faith, or if you have none, chaplains can be approached to listen and to offer support in any situation, whether personal or work related.

Find them in the Chapel, (on Level 3, next to the Pharmacy); or call and leave a message on ext. 4271; or call Switchboard and ask them to bleep the duty chaplain.

5.7 Equality, Diversity and Inclusion Team

Our Equality, Diversity & Inclusion (EDI) team are available to support staff with issues relating to their protected characteristics i.e. Race, disability or sexual orientation. The Trust have a number of dedicated Equality Champions who offer impartial, non-judgemental support and who can signpost you to the most appropriate sources of advice. Further information can be found at

<http://intranet/website/staff/staffservices/supportingstaff/equality+champions/wearethechampions.pdf>

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6. Monitoring

The Trust will monitor activity which falls under the broad heading of bullying and harassment in the following ways:

- A six-monthly report to the Trust Board on all formal discipline and grievance procedures (which includes bullying and harassment cases)
- By analysis of the annual staff survey

Where necessary, actions to remedy issues raised by the above monitoring activities will be developed. The processes described in this policy are evaluated and reviewed following feedback from:

- i. members of disciplinary panels where a formal process has been followed
- ii. The Trust's Dignity at Work Ambassadors
- iii. Trades Unions
- iv. The parties involved
- v. Regular reviews of the policy.
- vi. EDI steering group

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7. Related Documents

- Health and Safety at Work Act 1974

- Equality Act 2010
- Criminal Justice and Public Disorder Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Employment Act 2002
- ACAS 'Bullying and Harassment at Work – A guide for managers and employers'
- www.gov.uk
- www.cipd.co.uk

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8. Privacy Impact Assessment

In compliance with Data Protection and Information Governance Regulations, any information linked to an alleged bullying and harassment case will only be shared with relevant individuals on a need to know basis (i.e. individuals who are imperative to decision making processes). In light of this, agreement has been reached with the IG Manager that a Privacy Impact Assessment is not needed for this policy.