

# DIGNITY AT WORK POLICY AND PROCEDURE

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<b>Approved by:</b>	JNCC
<b>Date of first approval:</b>	15 <sup>th</sup> February 2016
<b>Latest Revision</b>	31 <sup>st</sup> January 2019
<b>Review Date:</b>	31 <sup>st</sup> January 2021
<b>This is the most current document and should be used until a revised version is in place</b>	
<b>Target Organisation(s)</b>	Worcestershire Acute Hospitals NHS Trust
<b>Target Departments</b>	All wards and departments
<b>Target staff categories</b>	All staff categories

## Purpose of this document:

Harassment or bullying at work, in any form, is wholly unacceptable and will not be tolerated.

The Trust is committed to creating a workplace where employees feel they can courteously challenge each other and are treated fairly, equally and with respect. Clear standards of behaviour are expected from all employees of the Trust, at all levels.

The Policy outlines the processes that are to be followed by managers, staff, Human Resources (HR) managers, Freedom to Speak Up Champions and Guardian, and staff side representatives and has been developed to enable members of staff who believe they have been the subject of bullying or harassment to take action and obtain support. It is also designed to ensure that all staff understand their responsibilities under the policy.

All allegations concerning bullying or harassment will be taken seriously and dealt with fairly, sensitively and confidentially by the Trust and there will be no victimisation of any member of staff making or involved in a complaint

**References:**

Equality, Diversity and Inclusion Policy WAHT-HR-445

Equality Act 2010

Rehabilitation of Offenders Act 1974

Employment Rights Act 1996

Human Rights Act 1998

Part-time Workers Directive 1999

Health and Safety at Work Act 1974

Protection of Harassment Act 1997

Management of Health and Safety at Work Regulations 1999 (SI 1999/3242)

Public Interest Disclosure Act 1998

The Trust's Disciplinary Policy WAHT-HR-017

Freedom to Speak Up Policy WAHT-HR-051

Management of Stress at Work Policy WAHT- HR-037

The Trust's Performance Management Policy WHAT- HR-009

Code of conduct for Employees in Respect of Confidentiality WAHT-IG-001

**Key amendments to this Document:**

<b>Date</b>	<b>Amendment</b>	<b>By:</b>
Jun 2012	Rewritten to remove use of the grievance procedure and to streamline process, including use of mediation/facilitation	Debbie Drew
Aug 2014	Reviewed and amended as appropriate for the bi-annual assessment	Julia Cross
	Includes reference to the staff Support Advisors role	Julia Cross
	Realignment of paragraphs for ease of reference	Julia Cross
Sep 2015	Rewrite of the Trust Policy to ensure feedback from GGI Report is incorporated and early interventional processes are clearly defined to encourage a culture of resolving issues prior to formal processes. Inclusion of the Trust Values and ensuring appropriated support mechanisms are in place for all employees.	Diane Pugh
Feb 2017	Disability question added	
Dec 2017	Document extended for 3 months as per TLG recommendation	TLG
March 2018	Document extended for 3 months as approved by TLG	TLG
June 2018	Document extended for 3 months as per TLG recommendation	TLG
Dec 18	Reviewed and amended as appropriate for the scheduled review. An inclusion of the Freedom to Speak up process and the removal of the staff advisor role. Reference made to additional supportive policies. Change of definitions to take account of the revised Agenda for Change Terms and Conditions Handbook following 2018 pay award.	

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## 1. INTRODUCTION

The Trust is committed to creating a workplace where employees are treated fairly, equally and with respect. Clear standards of behaviour are expected from all employees of the Trust, at all levels, Harassment and Bullying in the workplace is not acceptable and will not be tolerated.

Collaboration and partnership are central to our approach in delivering our fundamental activities of patient care, teaching and research. These values determine the vision of Worcestershire Acute Hospitals NHS Trust to be:

*“Working together with our partners in health and social care we will provide safe, effective, personalised and integrated care for local people, delivered consistently across all services by skilled and compassionate staff”*

Our policies are developed in line with the Trust’s 4 Signature Behaviours. These Signature Behaviours are at the heart of our 4ward programme - a long-term, far-reaching initiative which aims to help colleagues across our Trust collectively work together, as we tackle the challenges we face, and make the most of the opportunities that the future will bring.

### Our signature behaviours:



Do what we say we will do



No delays, every day



We listen, we learn, we lead



Work together, celebrate together

Our focus going 4ward is twofold. We want to transform our culture whilst at the same time improving our performance across the whole of Trust, particularly around our wide-ranging quality improvement programme, improving the flow for patients who attend our Emergency Departments, our preparations for winter and our efforts to achieve financial stability.

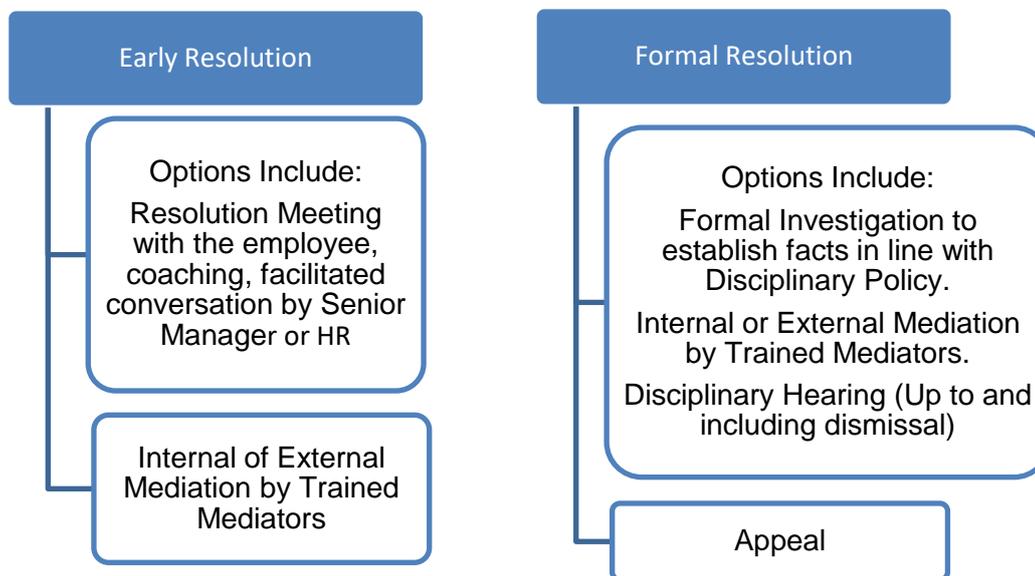
Our aim is to have all our staff positively demonstrating these behaviours and working together to achieve our shared goals.

The Trust is committed to role model the signature and leadership behaviours and demonstrate these on a day to day basis. All staff can contribute to shaping the culture of the Trust working with the Trusts four signature behaviours. These behaviours support a culture of equality, respect, trust, dignity and openness.

Each member of staff has the right not to be bullied or harassed and the right to complain should it occur. When a complaint is made it will be taken seriously, action will be taken promptly. The Trust encourages staff to seek advice from their Line Manager, Freedom to Speak up Guardian, Freedom to Speak up Champions, Human Resources or Staff Side representatives regarding any issues that they perceive to be harassment or bullying.

## Resolution Model

### Issue Raised and Resolution Assessment (triage) by Manager and/or HR



## 2. OBJECTIVES

The aim of this policy is to raise awareness and help staff develop confidence to challenge offensive or discriminatory behaviour.

The policy is intended to provide guidance on how to respond to and report bullying or harassment and to ensure that robust mechanisms are in place to provide routes for informal and/or formal resolution of complaints. The aim is to be consistent and fair in all procedures and to act in a timely manner.

## 3. SCOPE

This policy applies to all Trust staff and also includes bank workers, agency staff, sub-contractors and volunteers. The words member of staff in this policy refers to all these groups.

For the purposes of this policy and procedure 'at work' includes any place where this Trust delivers care. It also includes work-related social events and social media; including Facebook and Twitter should inappropriate comments be publicly posted about colleagues.

## 4. EQUALITY AND DIVERSITY STATEMENT

It is the commitment of Worcestershire Hospitals NHS Trust to provide a safe working environment that encourages tolerance and respectful treatment of colleagues and service users. In doing so, this document takes into account current legislation including that outlined below must be implemented in conjunction with the Trust's Equality, Diversity and Inclusion Policy.

## 5. DUTIES AND RESPONSIBILITIES

### 5.1 Trust Board and Directors

Overall responsibility for ensuring that this policy is implemented rests with the Trust Board of Directors but specific accountability is with the Director of People and Culture.

### 5.2 Line Manager Responsibilities:

- Ensure that employees are aware of the Dignity at Work Policy
- Create an environment and culture where everyone is treated with dignity and respect
- Set examples and standards of good behaviour
- Recognise destructive behaviour and take action when it occurs
- Promote a good communication culture
- Work to find solutions to support staff who feel that they are being bullied, harassed or treated inappropriately.
- Deal with complaints fairly, thoroughly, quickly and sensitively, respecting the feelings of all concerned.
- Maintain confidentiality in regard to these matters
- Seek Human Resource guidance when necessary
- Ensures the Trust values underpin all aspects of their performance and demonstrate good practice in treating all colleagues and team members fairly and with respect
- Be a role model for others in the manner in which they conduct themselves during the course of their duties

### 5.3 Employees:

- Comply with all aspects of the Dignity at Work Policy
- Treat all colleagues and service users with dignity and respect
- Be continuously aware of own behaviour and how this may be interpreted by others to ensure that recipients are treated in a manner that they find acceptable
- Be prepared to change behaviour if it is brought to the employee's attention that some of their actions are perceived negatively by others
- Co-operate with the informal and formal procedures outlined in this policy
- Report any inappropriate behaviour or behaviour that contravenes this policy to their Line Manager and / or the Human Resources Department.

Employees who consider that they have been subjected to bullying and harassment behaviours should also consider the following as their responsibility:

- Make attempts to resolve the issue first by using the informal procedure before commencing formal action.
- Make file notes of the date, time and detail of behaviour that they have considered inappropriate. This should also include a record of any response they gave during the situation and details of who (if anyone) they reported the alleged offence to.
- Document the names of any witnesses or people present at the time of an incident.
- Keep documentary evidence such as emails and any correspondence relating to the alleged incidents – these may be used as supporting evidence if a formal investigation is commissioned.
- Utilise support services offered by the Trust including support in bringing a complaint from Freedom to Speak Up Guardian/Champions and/or accredited TU rep, policy

advice from Human Resources, and accredited trade union reps. health advice and support from Occupational Health Advisers, and counseling services

#### 5.4 Human Resources

- Assist managers with the fair and consistent application of the policy
- Provide advice to employees and managers concerning individual issues
- Provide training for managers and Freedom to Speak up Guardian/Champion on the application of the policy
- Monitor complaints from information provided from Freedom to Speak Up Guardian, Occupational Health Advisers and Trade Unions to incorporate organizational lessons learnt and make appropriate recommendations to the Board. Ensuring individual confidentiality is protected.

#### 6. DEFINITIONS

##### What is Bullying and Harassment?

**6.1 Bullying** is offensive, intimidating, malicious or insulting behaviour, based on an abuse or misuse of power that is meant to undermine, humiliate or injure the person on the receiving end.

**6.2 Harassment** is unwanted conduct any conduct based on age, gender, pregnancy or maternity, marriage or civil partnership, sexual orientation, gender reassignment, disability, HIV status, race, religion, or belief political, trades union or other opinion, national or social origin, association with a minority, domestic circumstances, property, birth or other status and:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating his/her dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for him/her, even if this effect was not intended by the person responsible for the conduct.

In all cases it will be for the recipient to define what is inappropriate behaviour.

“At work” includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where NHS care is delivered.

Employees may raise concerns regarding behaviour that they find offensive even if it is not directed at them.

In addition, the employee need not possess the relevant protected characteristic themselves; they can be harassed because of their association with a person who has a protected characteristic or because they are wrongly perceived to have a protected characteristic or are treated as if they do have one.

## 7.0 RECOGNISING BULLYING AND HARASSMENT AT WORK

### 7.1 Bullying in the Workplace

Bullying is not always immediately obvious and can take many forms that vary over time to avoid detection. For this reason, there is not one single definition or type of behaviour that can be classified as bullying, and employees need to be vigilant to the occurrence of employees experiencing less favourable treatment than others.

Bullying can range from misuse of power to any other type of situation including inappropriate behaviour between colleagues, to service users, between groups of employees, and from an employee towards their supervisor or line manager.

Some examples of bullying behaviours could include the following, but this list is not intended to be in any way exhaustive:

- Persistent and unfair criticism
- Repeatedly shouting and / or behaving in an intimidating manner
- Apportioning unfair blame
- Insulting others and name calling
- Ridiculing or humiliating others
- Withholding information possibly with a view to making it more difficult (or possible) for a colleague or employee to perform their duties
- Taking away responsibility and persistently imposing menial tasks
- Offensive language, gossip and spreading of malicious rumours
- Denial of leave, training or promotion unfairly
- Deliberately favouring others
- Using their power or position unfairly/inappropriately.

The key identifying feature of bullying is that it is usually ongoing and for this reason one-off or arguments / incidents are not necessarily thought to constitute bullying; although such behaviour may represent misconduct and should be appropriately managed, possibly in accordance with the disciplinary policy and procedure.

### 7.2 Harassment in the Workplace

Employees should remain conscious of being courteous and considerate of others in the workplace and be aware that even unintentionally offensive behaviour could constitute harassment in accordance with equality legislation.

Equality Act (2010) protects individuals from harassment in relation to protected characteristics and the Trust is fully committed to its responsibility to provide an environment where employees can work safe in the knowledge that they will not be subjected to harassment. It is expected that every employee of the Trust shares this responsibility and commits to demonstrating the Trust values in all that they do during the course of their duties.

Harassment is legally prohibited when associated with a protected characteristic, and these include the following:

- Race
- Gender

- Sexual Orientation
- Disability
- Religion or belief
- Transsexual status and / or gender reassignment
- Being pregnant and / or just having had a baby
- Age
- Being a carer for a dependent

It should also be noted that due to changes instigated by the Equality Act (2010) an employee can bring a claim against an individual and the Trust if they have suffered harassment on the grounds that they are associated with someone who possesses one of these characteristics as described above, or if they themselves are incorrectly assumed to have one of these characteristics.

As with bullying behaviours, harassment might not always be obvious but some behaviours that could constitute harassment are as follows:

- Unwanted physical contact or more serious physical assault or threats
- Unwanted sexual advances or serious sexual assault, directed at women or men
- Verbal abuse including innuendo, jokes, offensive language
- Persistent name calling and teasing
- Isolation and intimidation

The growing use of social media presents challenges as employees may communicate outside of working time and socialize online. Conduct of an unacceptable nature which has been carried out online will be liable to scrutiny and could be included in a complaint.

#### 7.4 What is the difference between Management Action and Bullying/Harassment?

Managers often have to make decisions which may not be universally popular, particularly in a challenging climate where activity, budgets and performance are under close scrutiny. As part of their role and responsibilities managers have to highlight poor performance and/or conduct and make clear the consequences if there is no satisfactory improvement. Whilst this may make an individual or group of staff feel uncomfortable, **it does not in itself constitute bullying and harassment.**

There is a difference between firm but fair management practice, and a manager who uses a management style that is perceived as bullying by staff. Managers are expected to deal with matters relating to staff's performance in a professional manner with respect to their dignity. Performance management carried out fairly in line with the Trust's Policy does not constitute bullying or harassment.

If a staff member is in the process of having their performance managed (e.g. informal action or disciplinary action) these proceedings will not cease if the staff member makes an allegation of harassment (unless deemed significant enough not to continue following HR advice) by their manager or other people involved. The allegation will be considered as part of the proceedings or will be investigated afterwards.

The table below sets out a framework to make clear the distinctions between the management styles and provides a guide as to whether a member of staff's concerns may relate to bullying. These behaviours apply to staff at all levels.

Firm but fair	Bullying or harassing
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results but is 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 that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists on high standards of service and behaviours in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper, regularly degrades people in front of others, and threatens official warning without listening to any explanation
Asks for people's views and listens to the team	Tells people what is happening, does not listen

*The Department of Work and Pensions' Equality Team*

## 8.0 SUPPORT AND ADVICE

Bullying and Harassment are rarely one-off events, unless this is an assault (if assault please refer to formal procedures as set out in section 9.4): it is often repeated behaviour. Employees are therefore encouraged to take personal action to try and resolve concerns about someone's behaviour before such behaviour escalates into bullying.

The Trust has a number of sources of support available so employees can discuss and raise concerns. Sometimes a **trusted colleague or line manager** can be approached, but in the case an employee does not feel comfortable speaking to their line manager then there are other venues of support available.

The Trust also recognises that being accused of bullying and / or harassment can also be a stressful time, particularly if they dispute that this behaviour has taken place. It is therefore encouraged that those accused of such behaviour also seek support following submission of a complaint against them.

### 8.1 Freedom to Speak Up Guardian/Champions

The FTSU Guardian is responsible for ensuring that the Trust promotes an open culture where all staff feel empowered to speak up when they have concerns which may be a matter of public interest. The Guardian will ensure that concerns are managed effectively through the Freedom to Speak up Policy WHAT-HR-051.

The FTSU Champions are responsible for providing support advice and guidance to staff who have concerns and signposting them to the appropriate department. The FTSU Champions will also ensure that the FTSU Guardian is made aware of issues raised to enable appropriate reporting or escalation as necessary.

### 8.2 Occupational Health Service

Any employee who has a concern about bullying or harassment may find it helpful to talk to an Occupational Health Adviser.

The Trust's Occupational Health Department is located at the Working Well Centre, Newtown Road, Worcester, WR5 1JF (Contact Details: 01905 760693 / Email OHAdmin.worcsacute.nhs.uk) or Blythe House, Alexandra Hospital, Redditch, B98 7UB (Contact Details via Worcester) or A Block, Kidderminster Treatment Centre, Kidderminster, DY11 6RJ (Contact Details go through Worcester).

Employees can also access a wide source of information via the Occupational Health Web pages on the Trust intranet.

A system of support and external counselling services are available via the Occupational Department and staff and managers can access additional information via the Trusts Management of Stress at Work Policy WHAT-HR-037.

### **8.3 Trade Unions**

Where employees are a member of a trade union, they should approach their representative regarding their concerns. Contact details for trade union representatives are available on the Trust Intranet.

Accredited Trade Union representatives have a role in attending meetings and can provide support and representation during all aspects of the procedure, although this may not be necessary in the informal stages.

## **9.0 THE PROCEDURE FOR DEALING WITH BULLYING AND HARASSMENT COMPLAINTS**

### **9.1 Early Resolution Meeting - Informal Action**

Where an employee feels bullied or harassed, talking directly with the person concerned may be sufficient to resolve the issue. The employee should ideally make it clear to the person and ensure that they:

- Explain how the behaviour makes them feel and how it is interfering with their work
- Discuss how the working relationship can be restored
- Explain that if their inappropriate behaviour continues then a formal complaint could be made

If the behaviour persists, employees should make and retain file notes of all incidents that happen and keep together with any associated evidence such as emails and letters. Details of any potential witnesses should also be kept in case they need to be approached as part of a later formal investigation.

It is recognised that this approach may not always be appropriate, particularly if the employee feels threatened by the behaviour of the alleged harasser. In this case, it is recommended that the employee approach a Staff Support Adviser or Trade Union Representative to guide them through the most appropriate way of resolving their concerns informally

## 9.2 Early Resolution Meeting - Facilitated Conversations

If informal action as described in Section 9.1 does not stop the unwelcome behaviour or if the issue is particularly complicated then employees should seek help with their line manager, or if the line manager is involved, in exceptional cases, the higher level manager.

The line manager has the responsibility for informing their human resources representative that a concern has been raised and to explore together whether a facilitated meeting would be appropriate, or if the issue requires formal investigation.

If a facilitated meeting process is deemed appropriate and both parties agree to participate, an impartial and appropriately skilled manager will be appointed to chair the meeting.

The meeting will be convened with the appropriate manager chairing and both employees attending to talk through the issues causing concern in order to agree an appropriate way forward. The manager will document agreed actions and write a summary of the meeting to each participant. This method can be useful if there is recognition of a problem and both parties are willing towards a solution.

If either employee is concerned about attending the meeting unaccompanied then they would be welcome to be accompanied at the facilitated meeting by an accredited trade union representative or colleague. To ensure the process is fair and balanced, should employees want to be accompanied then this must be made clear to the chairing manager in advance of the meeting so that the other participant may also choose to be accompanied.

In the case of employees bringing a colleague or trade union representative to the informal meeting then the chairing manager may be accompanied by an HR Adviser.

It should be noted that issues to be considered should be current and it is expected that incidents that are complained of will have occurred within the last **6 months**. Incidents that occurred more than **12 months ago** will not normally be taken into account when responding to a complaint.

## 9.3 Early Resolution / Formal Resolution - Mediation

Mediation is a more structured resolution process where trained mediators are involved. Both parties have to agree to mediation for it to go ahead.

Mediation is a confidential and voluntary process where an impartial mediator facilitates communication between two individuals in dispute. The mediator is not here to judge, to say that one individual is right and the other wrong, or tell those involved in mediation what to do. Mediation seeks to provide an informal and speedy solution to a dispute, and offers a safe and confidential space for the individuals to find their own answers in a number of ways:

- By exploring issues, feelings and concerns of both parties and rebuilding relationships
- By allowing those involved to understand and empathise with the feelings of those they conflict with

- By helping individuals develop the skills to resolve workplace difficulties for themselves in the future
- By encouraging communication and helping the individuals involved to find a solution that feels fair to both sides

Employees or managers who wish to use this option should contact a Human Resources Manager in the first instance.

#### 9.4 Formal Resolution - Formal Action

If informal resolution options have been exhausted and/or the offence is deemed so serious in nature not to warrant informal resolution, the employee making the complaint should complete a Bullying and Harassment Complaint Form (see Appendix 7). It should be forwarded to their manager and copy to Head of Human Resources. If the alleged harasser is the employee's manager, the employee should forward the form to the next level management.

In circumstances where a member of staff wants to make a formal complaint without having initially tried to resolve the situation informally, if it is appropriate the manager to whom they make their formal complaint may suggest supporting them to try to resolve the matter informally at this stage. If they do not wish to resolve their complaint informally, the complaint will be formally investigated. It is for the member of staff to decide if they are willing to take this course of action.

The formal complaint should include the following information:

- Clear, specific allegations against the named person(s)
- Where possible, dates, times and witnesses to any incidents
- Relevant documentary evidence
- Details of any informal action taken to address the issue

A Case Manager for the investigation would appoint an investigating manager to conduct the investigation. Consideration will be given to those carrying out the investigations to ensure they reflect the nature of the case, are impartial\* and are at an appropriate level within the Trust. If a full investigation has already been carried out at the informal stage of the procedure, it will be the decision of the Head of Human Resources in consultation with the Manager as to whether further investigations are appropriate.

\*This means that wherever possible the investigating manager will not have close working links with the work areas where the members of staff involved are employed. It is essential that the manager investigating the case is not then involved in any related disciplinary case other than providing evidence to the hearing.

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.

The investigation meetings will be arranged by the investigating manager supported by a Human Resources Representative and will normally begin to be conducted within 10 working days of the complaint being received by the manager. The staff member can be represented by an accredited trade union representative at this meeting if they so choose. All parties and witnesses who are interviewed should be afforded and should maintain strict confidentiality, although anonymity will not be possible.

The investigating officer will normally meet both parties and any relevant witnesses individually. Both parties should be permitted to submit written statements, to be represented or accompanied during the investigation meetings by a trade union representative or a work colleague. Where appropriate, witnesses may also be asked to make a written statement.

In the event of a serious allegation of bullying or harassment it may be necessary to separate the two parties at the workplace or suspend the person against whom the allegation has been made until a full investigation has been carried out. Moving a member of staff is not an indication of guilt but to enable space between the parties while the process is concluded. In some instances the individual making the allegation may be moved. In exceptional circumstances consideration may also be given to whether the complainant should be suspended. Suspension will be on full pay and does not constitute disciplinary action.

Once the investigations have been completed, the investigating manager will submit a written report to the case manager who commissioned the investigation making recommendations on what actions should be taken which may include:

- taking no action, where the allegation has not be substantiated; or
- taking informal action such as exploring mediation, recommending suitable training etc.
- convening a Disciplinary Hearing, where there is evidence of misconduct or

The case manager will confirm the outcome of the investigation normally within 5 working days of receipt of the investigation report or as soon as is practically possible.

Where a disciplinary hearing is recommended, it will be held in accordance with the Trust's Disciplinary Policy.

Where there have been serious or repeated incidences of bullying or harassment formal disciplinary action up to and including dismissal may be taken.

Vexatious claims, if proven, may also lead to separate disciplinary action.

Where a member of staff is being performance managed under the Trust's Performance Management 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 member of staff to determine the most suitable means for resolving both issues.

## 9.5 Confidentiality

All information associated with the investigation should remain confidential and not be shared with any unauthorised persons. This means employees with knowledge pertaining to the investigation should not discuss with colleagues or those connected with the investigation to ensure that all evidence presented by the witnesses remains impartial.

Where it is identified that employees have deliberately shared information inappropriately, this could be liable to action under the Trust's Disciplinary Policy and Procedure.

Those investigating the complaints should make arrangements to ensure the safe storage of papers, statements and other documentation relating to the case. At the end of the investigation process all documents must be passed to Human Resources for appropriate storage. These records should be treated confidentially and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain data.

## 9.6 Appeal Process

If the complainant is unhappy with the investigation outcome, they may appeal. This would be done within 10 working days on receipt of the outcome of the investigation to the Deputy Director of HR. The Appeal will be held in accordance with the Stage 3 (Final Stage) of the Trust's Grievance Policy.

The alleged harasser may appeal against any disciplinary action using the Trust's Disciplinary Policy and Appeal Procedure.

## 9.7 Follow Up

Following a bullying or harassment claim either party may be worried about working with the other party again. The Trust will ensure that ongoing support is available for all parties involved if required and consideration given to exploring ways of resolving any remaining difficulties in working relationships.

## 10.0 TRAINING

All staff at all levels are responsible for ensuring they complete all forms of mandatory training, including on occasion specific programmes/sessions on Harassment and Bullying training.

The Trust Training and Development department runs specific programmes for managers and staff on equality and diversity and these programmes are mandatory. Training for managers in supporting staff with difficult conversations is provided also. Additional awareness sessions to support this policy will be implemented to train and support managers in managing their staff fairly and effectively.

## 11.0 EQUALITY REQUIREMENTS

An Equality Impact Assessment has been undertaken in accordance with Trust policy and attached at Supporting Document 1.

## **12.0 FINANCIAL RISK ASSESSMENT**

There are no direct financial risks associated with the policy

## **13.0 CONSULTATION**

The policy has been developed by a sub-group of the Joint Negotiating and Consultative Committee (Policy Working Group) and has been subject to consultation with staff representatives and Divisions.

## **14.0 APPROVAL PROCESS**

The policy has been approved by the Joint Negotiating and Consultative Committee.

## **15.0 IMPLEMENTATION ARRANGEMENTS**

The policy will be implemented immediately upon approval and will replace any previous policies.

## **16.0 DISSEMINATION PROCESS**

The policy will be placed on the Intranet and will be publicised through the Communication Department's weekly communication, and notified to the Trust Board by the People and Culture Committee.

## **17.0 MONITORING AND COMPLIANCE**

The Trust will receive and monitor reports of all anonymised informal complaints from Freedom to Speak Up Guardian/Champions, Occupational Health, Trade Unions as well as formal complaints and their outcomes to enable appropriate actions to remove causes of inappropriate behaviour, harassment or bullying from the organisation.

This Policy will be reviewed after three years from the date of issue, or earlier, in light of changing circumstances/legislation.

## Supporting Document 1

## Equality Impact Assessment Tool

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

		Yes/No	Comments
1.	<b>Does the policy / guidance affect one group less or more favourably than another on the basis of:</b>		
	Age	No	
	Disability	No	
	Gender reassignment	No	
	Marriage and civil partnership	No	
	Pregnancy and maternity	No	
	Race	No	
	Religion or belief	No	
	Sex	No	
	Sexual orientation	No	
2.	<b>Is there any evidence that some groups are affected differently?</b>	No	
3.	<b>If you have identified potential discrimination, are any exceptions valid, legal and / or justifiable?</b>	No	
4.	<b>Is the impact of the policy / guidance likely to be negative?</b>	No	Casework to be monitored regularly to check
5.	<b>If so can the impact be avoided?</b>	N/A	
6.	<b>What alternatives are there to achieving the policy / guidance without the impact?</b>	N/A	
7.	<b>Can we reduce the impact by taking different action?</b>	N/A	

**NB:**

*Where an inappropriate, negative or discriminatory impact has been identified please proceed to conduct a Full Equality Impact Assessment and refer to Equality and Diversity Committee, together with any suggestions as to the action required to avoid / reduce this impact.*

*Advice can be obtained from the Equality and Diversity Leads in HR and Nursing Directorates (details available on the Trust intranet).*

## Supporting Document 2

### Financial Risk Assessment

To be completed by the key document author and attached to key document when submitted to the appropriate committee for consideration and approval.

	Title of document:	Yes/No
1.	Does the implementation of this document require any additional Capital resources	no
2.	Does the implementation of this document require additional revenue	no
3.	Does the implementation of this document require additional manpower	no
4.	Does the implementation of this document release any manpower costs through a change in practice	no
5.	Are there additional staff training costs associated with implementing this document which cannot be delivered through current training programmes or allocated training times for staff	no
	Other comments: There is significant risk should this policy not be rigorously adhered to.	

If the response to any of the above is yes, please complete a business case and which is signed by your Finance Manager and Directorate Manager for consideration before progressing to the relevant committee for approval

## Appendix 1

**GUIDELINES FOR THE ROLE OF THE FACILITATOR**

An effective facilitator should:

- Aid discussion, without biasing the flow of conversation and debate
- Ensure that all participants are encouraged to have their say
- Ensure the participants do not stray from the discussion topic to irrelevant subject areas that will not provide meaningful insight
- Do not aim to answer the questions of the participants, instead capture their insight and record it to feedback and reflect.
- Help participants with any difficulties in reading materials or understanding what they are required to do
- Be personable, friendly and impartial. Do not judge either party.
- Clearly communicate what participants need to do and when
- Keep discussions within the timeframe required and ensure all tasks are completed
- Capture any key actions which need to be followed-up.

## Appendix 2

**WORKPLACE MEDIATION PROCESS****HANDOUT FOR STAFF****What is mediation?**

Mediation is a confidential and voluntary process which brings together people who are experiencing problems with a work related relationship. This problem usually relates to behaviour, attitude, or communication. Mediation takes place in the presence of an impartial third party. During mediation individuals will be encouraged to tell their story and air their feelings. It empowers those involved, as the parties and the mediator decide on the terms of any resolution. The mediator does not offer advice on how to solve the problem.

**Why have a mediator?**

The mediator is new to the dispute, disagreement or upset, and is not involved in the work area. The mediator will make sure that the meetings are conducted in a fair and productive way. The mediator can help you to reach a resolution which is acceptable to all those involved. If requested, the mediator will assist with any feedback to the Human Resources Department to prevent a similar situation reoccurring. This will be general points, agreed by all parties.

**How do we access mediation?**

The Human Resources Department will arrange for an appropriate trained mediator.

**What will happen during the mediation process?**

The mediator will introduce themselves and will then ask everyone else to introduce themselves.

The mediator will ask you to agree some ground rules as to how to conduct the meeting; e.g. allowing each person to speak without interruption.

The mediator assists everyone to deal with issues one by one, sometimes as a whole group, sometimes in smaller meetings.

During the meeting the mediator will keep a note of what issues have been resolved and what issues still need to be dealt with. Any notes will be destroyed once mediation is complete.

If any individual feels uncomfortable at any time, an adjournment can be organised or the individuals may choose to leave on a temporary or permanent basis.

When everyone is happy that all the issues that they want to raise have been discussed and all the resolutions that are possible have been reached, the mediator will suggest closing the mediation.

**Will agreements be reached?**

The purpose of the mediation process is for those present to come to a resolution, which is recorded, in the form of a written agreement. The mediator will assist with writing down the agreement if this is wanted.

Individuals coming to mediation must be able and willing to implement the resolutions they propose.

**Will mediation be confidential?**

The mediator will respect the confidentiality of the information that you discuss during the meeting and will not share information without your permission.

There will not be any record on staff personal files. The parties involved own the agreements they have reached and may choose to refer to it if the problem arises again.

If you disclose information about a serious matter, e.g. abuse, fraud, or issues relating to gross misconduct the mediation will be stopped and the mediator will report the issues to the Trust.

**What happens after mediation?**

You will be asked for feedback to help us to improve the process. If in your view the mediation has been unsuccessful you may invoke the formal procedures. Mediators will not be involved in any formal procedures.

**When would mediation not be appropriate?**

Mediation would not be appropriate if the issue concerns serious matters involving for example abuse, fraud or clinical misconduct.

Mediation will only work when all parties want to reach a resolution. Therefore, mediation will not be attempted without the voluntary agreement of all concerned.

## Appendix 3

**TEMPLATE FOR RAISING A FORMAL BULLYING AND HARASSMENT COMPLAINT**

Name:	Department:
<p>Details of the complaint to include who it relates to, any dates/times of specific incidents, if appropriate.</p>	
<p>What steps have you taken to resolve this matter before raising this complain (if any)</p>	
<p>What outcome are you expecting?</p>	
<p>In signing this form you are declaring that this complaint has been raised in good faith and the details regarding the complaint as far as you know are factually accurate.</p> <p>Sign: _____ Date: _____</p>	

**This form is to be forwarded to your line manager and copied to the Head of Human Resources marked 'Private and Confidential'**