DIGNITY AT WORK POLICY

Bullying and Harassment

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Dignity at Work Policy

1.0 Introduction

1.1 The Norfolk and Norwich University Hospitals NHS Foundation Trust (hereafter referred to as "the Trust") is committed to ensuring that all employees are able to seek, obtain and hold employment without bullying or harassment.

1.2 This policy sets out to define what Bullying and Harassment is who the policy applies to and the procedure for dealing with such complaints whether informally, through mediation or via formal action.

1.3 All employees have the right to be treated with consideration, dignity and respect irrespective of their gender, race, age, disability, sexual orientation, colour, marital status, religion or belief, ethnic or national origin, HIV status, political affiliation, trade union membership and gender reassignment. All employees have a responsibility to help to create a safe and supportive working environment.

1.4 The Trust will not tolerate any form of bullying and harassment and will investigate all complaints. The Trust will ensure that all complaints will be treated sensitively, confidentially, thoroughly and in a timely manner.

1.5 Any serious or persistent forms of bullying and/or harassment will be viewed as gross misconduct and as such may result in dismissal in accordance with the Trust's Disciplinary policy.

1.6 The Trust and its employees have a legal responsibility to comply with relevant employment legislation and this policy should not be referred to in isolation. Further details of relevant legislation and policies can be found in Appendix A.

2.0 Scope

2.1 This policy applies to all staff employed within the Trust, individuals registered with the Bank, locums, individuals' on honorary contracts, work experience and Hospital Volunteers. Each individual carries personal responsibility for their own behaviour in relation to this policy.

2.2 The Trust recognises that bullying and harassment has a wider application than the employees of the Trust. Service users, members of the public, voluntary organisations, public sector organisations, employees from other employing organisations, individuals on work experience placements, contractors and suppliers are expected to conform to the standards set by the Trust.

2.3 The Trust has a Zero Tolerance approach towards patients, visitors or employees who are violent or abusive in anyway towards our employees. We have the right to refuse treatment, remove them from the premises and report

them to the police. Please refer to the Trust's Violence and Abusive Behaviour Management Policy for these situations.

2.4 For the purposes of this policy, the term Staff Organisation representative will mean individuals representing a Trade Union or their professional body for example the Royal College of Nursing (RCN) or Royal College of Midwifery (RCM).

2.5 Any incidents identified as a result of an exit questionnaire or interview process will be followed up as appropriate.

3.0 Definitions – What is bullying and harassment?

3.1 What is Bullying?

3.2 Bullying is defined as 'offensive, intimidating, malicious, insulting or humiliating behaviour, an abuse or misuse of power or authority which attempts to undermine an individual or group of employees and which may cause them to suffer distress.' Bullying can be a one off or series of incidents.

3.3 Examples of bullying may be derogatory remarks, spreading rumours or deliberately impeding work performance. Appendix B gives further examples of bullying behaviour and definitions of discrimination.

3.4 What is Harassment?

3.5 Harassment is unwanted conduct, which affects the dignity of men and women at work. This may be based on age, sex, race, religion or belief, mental or physical disability, nationality, sexual orientation, gender reassignment or some other characteristic.

3.6 Harassment can be persistent or be an isolated incident, and can occur at an individual or organisational level. Examples of harassment include unwanted and/or deliberate physical contact, lewd comments and intimidation. Appendix B gives further examples of behaviours that may constitute harassment and definitions of discrimination.

3.7 Incidents of bullying and harassment can be one off events or a pattern of behaviour.

4.0 Duties and Responsibilities

4.1 All employees have an obligation to act responsibly to one another and to report and/or intervene when they witness inappropriate behaviour.

4.2 Line Managers have a responsibility to investigate and respond quickly when they are made aware of inappropriate behaviour.

4.3 The Trust has a responsibility to provide a safe and secure working environment for all its employees which is free from bullying and harassment. The Trust will take steps to promote a culture of zero tolerance towards bullying and harassment.

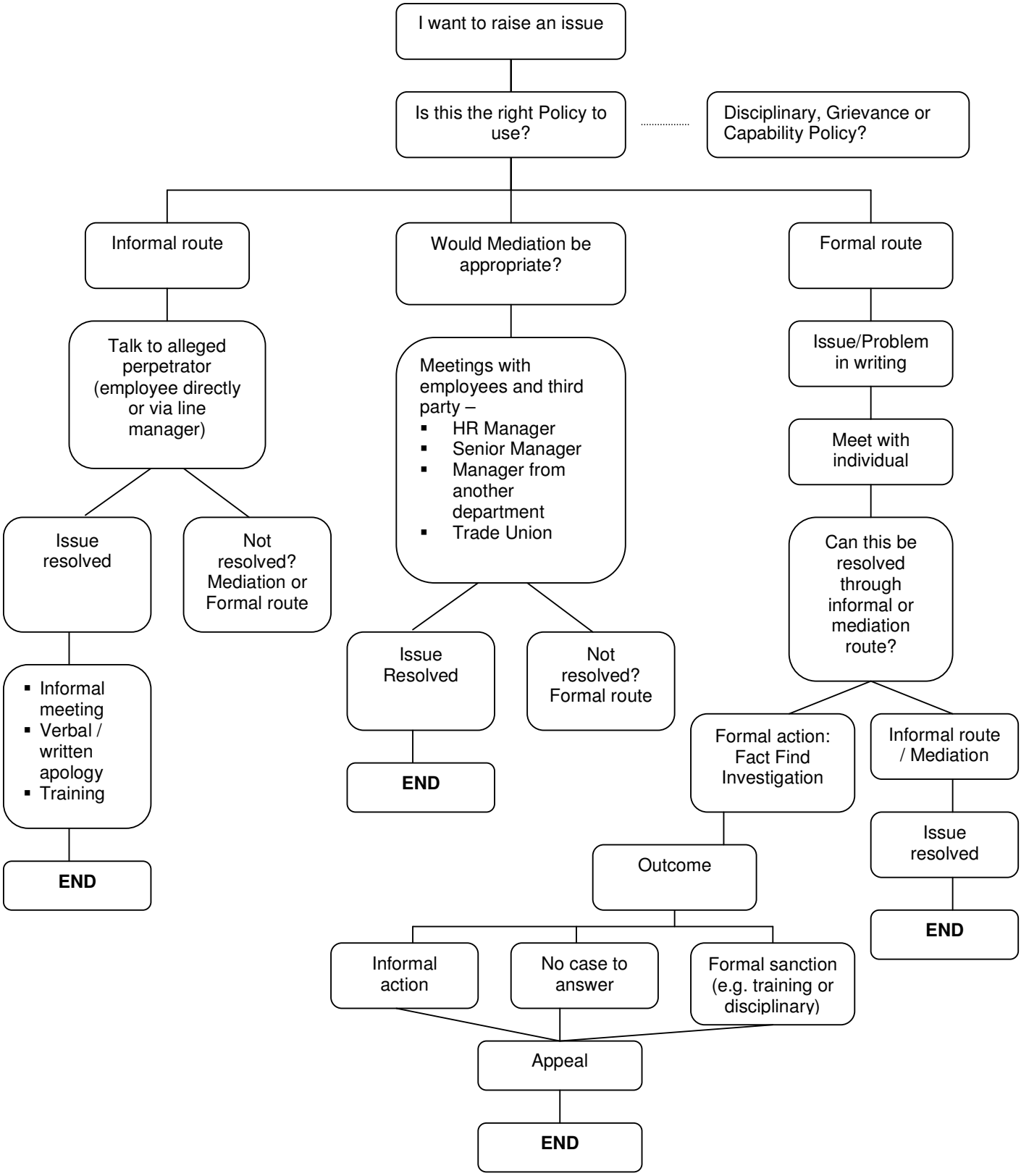
5.0 Day to day management

5.1 ‘Firm but fair’ line management should not be viewed as bullying or harassment behaviour. This would include giving employees reasonable deadlines and work requests.

5.2 Where a manager is taking formal action through another Trust policy such a the Capability Procedure or Managing Sickness Absence Policy, the Trust will not deem this action to be bullying or harassment provided that the relevant policy is being used appropriately.

Dignity at Work: Process for raising concerns or complaints about harassment and or Bullying and process to be followed once a concern or complaint has been raised.

Quick Reference Guide



6.0 The Procedure to raise a concern or complaint and process to follow once a Concern or complaint has been raised

6.1 If you wish to raise an issue under this policy or if you receive a complaint, this procedure along with the quick reference guide lays out the different ways of handling and resolving a complaint;

Informally – whereby the employee deals with the issue directly or via their line manager.

Internal Mediation – through mediation between all parties to resolve the issues.

Formally – whereby the employee makes a formal complaint which is Investigated.

6.2 The decision of how to progress with the concern should rest with the individual raising the issue however the Trust would recommend that the informal route and possible mediation are explored before progressing to making a formal complaint unless the incident causes serious concern. The Trust is committed to a zero tolerance approach to bullying and harassment. If the issue is of a serious nature, the Trust may commence formal investigations despite an individual not wishing to pursue the matter formally.

6.3 Should informal action and mediation not resolve the issues, individuals may still progress the complaint forward formally. Informal action and mediation may highlight behaviour issues by alleged perpetrator's and it may be appropriate to deal with these behaviours outside of the Dignity at Work policy and under the Trust's Disciplinary policy.

6.4 Informal Procedure

6.5 Where an employee believes that they are being bullied and/or harassed they should raise their concern directly with the person concerned or their line manager. It is recommended that the employee makes notes or copies of relevant communications and may also choose to discuss their concerns with HR or Staff Organisations.

6.6 Individuals may be unaware that their behaviour or actions are unacceptable or intimidating and bringing these issues to their attention may be sufficient to stop inappropriate behaviour. Using informal action gives individuals the opportunity to acknowledge their behaviour, reflect on it and change.

6.7 Employees who feel able to approach the person concerned directly, may wish a colleague or Staff Organisation representative to accompany them at the meeting. They may also choose to place their concerns in writing if they feel unable to approach the individually directly however advice should be sought first from Human Resources or their chosen representative.

6.8 It should be recognised that not all employees will feel comfortable raising their concerns directly with the person concerned, and they may prefer to approach their line manager or the Human Resources Department who will be able to speak to the person concerned on their behalf.

6.9 Managers should agree with the employee raising the complaint a timescale by which their concerns will be raised with the individual concerned, keep notes of actions and if resolved through informal action, make a note to review how things are with the individual at an agreed date.

6.10 Internal Mediation

6.11 Mediation between the individuals concerned may help to resolve issues before they need to be progressed to the formal part of the policy.

6.12 Mediation may involve the line manager, a manager from another department, Human Resources or Staff Organisation representatives.

6.13 When using mediation to try to resolve issues, it is important to ensure that all parties:

- understand why they are there
- set ground rules for the meeting
- ensure confidentiality
- understand what happens if the mediation does not work
- agree how they will work together

Notes should be taken and provided to all.

6.14 Using mediation gives individuals the opportunity to acknowledge their behaviour, reflect on it and change.

6.15 Formal Procedure

6.16 Employees and managers should follow the formal complaints procedure outlined below when informal routes have been explored and failed to rectify the problem, or where the problem is sufficiently serious.

6.17 Employees who wish to make a formal complaint regarding bullying or harassment should raise their concerns in writing to their line manager in relation to complaints regarding their colleagues, or their line manager's manager or Human Resources if their complaint relates to their line manager.

6.18 Once received the line manager should acknowledge the complaint in 7 calendar days in writing and will meet the employee to discuss the issues within the following 14 calendar days. The aim of this initial meeting is to listen to the employees concerns and agree how to resolve them. Any outcomes of this meeting should be followed up in writing to the employee within a further 7 calendar days.

6.19 Where the complaint is sufficiently serious and following a discussion with Human Resources, it may be appropriate to appoint an Investigating Officer to look into the incident, interview relevant witnesses and produce a report establishing the facts of what occurred.

6.20 The Investigating Officer should have received equal opportunities training and can be a Human Resources Manager. The investigation should be carried out in line with the Trust's Disciplinary Policy and within 21 days.

6.21 It is important that all employees involved are kept up to date with the progression of the investigation and offered support for example through Occupational Health and their counselling services.

6.22 Depending on the nature of the complaint it may be appropriate to temporarily move the individuals concerned to another place of work and/or suspend them. Any action at this stage by the Trust does not imply guilt, should be seen as a neutral act and would be managed in line with the Trust's Disciplinary Policy.

6.23 Once the investigation is completed the employee making the complaint and the person against whom allegations have been made will be advised of the findings of the investigation.

6.24 All parties should be written to and informed of the conclusion of the investigation. Neither party will be given a copy of the investigation report. However if the alleged perpetrator's conduct leads to a formal disciplinary hearing, a copy will be provided as per the Trust's Disciplinary policy.

6.25 Should there be evidence of Bullying and/or Harassment a disciplinary hearing will be arranged in accordance with the Trust's Disciplinary policy. The employee making the formal complaint will be advised that a disciplinary hearing is being held, but will not be advised of any sanctions that may be imposed.

7.0 Appeals

7.1 Either party will have the right of appeal and appeals will be dealt with under the Trust's Grievance appeals procedure. The complainant may appeal if they consider that the process of investigation is not appropriate.

7.2 The complainant cannot appeal against the perceived severity or leniency of any disciplinary action taken. The alleged perpetrator may appeal if they consider that the process of investigation or subsequent application of the Disciplinary Procedure has been unfairly or inappropriately implemented.

7.3 For time scales please refer to the Trust Grievance Procedure, appeals section.

8.0 Fictitious complaints

8.1 The Trust will not tolerate complaints which are found to be fictitious and intended to discredit individuals. In such instances the Trust may pursue disciplinary procedures against the complainant.

9.0 Time scales

9.1 All employees should be kept informed of the investigation progress and reason for any delays.

9.2 Managers dealing with complaints should aim to resolve issues in a timely manner and work proactively to deal with the matter as soon as reasonably possible. Employees and their chosen representatives should work with the Trust to avoid delays and make every effort to attend scheduled meetings.

10.0 Trade Union representative and work place colleagues

10.1 Employees may be accompanied at any stage of a Dignity at Work complaint by a Staff Organisation representative or work place colleague not acting in a legal capacity. Consideration must be given to the timeliness of trying to resolve issues.

11.0 Confidentiality

11.1 It is important that confidentiality is maintained throughout any investigation. The employee making the complaint should be informed that details of the complaint will need to be discussed with the alleged perpetrator and potential witnesses in order to establish any facts relating to an investigation. All employees involved in an investigation should be reminded of their individual duty of confidentiality.

12.0 Help and support

12.1 Help and support should be offered to all individuals involved with the complaint for example through the counselling services offered at Occupational Health. Managers, Human Resources and Staff Organisation representatives should be mindful of the need for support during the process for all individuals involved in the process.

13.0 Communication of the Policy

13.1 The Trust will aim to educate and raise the awareness of all employees and individuals as outlined in Section 2 – Scope in matters relating to this Policy and Procedure and its implementation.

13.2 The Policy will be made available on both the Trust's intranet and internet sites.

13.3 The Policy will be communicated as appropriate to organisations and companies who provide services to the Trust.

14.0 Process for Monitoring Compliance with this Policy

14.1 To ensure that the Trust's Dignity at Work and Equality and Diversity Policies aims are being achieved the Trust will collect the necessary statistical data to accurately profile the workforce and to monitor instances of bullying and harassment in accordance with this policy, statutory and NHS requirements. The Trust will also ensure that effective monitoring arrangements of this policy are in place and undertaken in accordance with NHSLA minimum standards as outlined in Appendix C.

14.2 The results of the annual NHS National Staff Survey will also provide a valuable overall indicator of any problems, which may require further action.

14.3 The Trust will also undertake surveys as appropriate within specific departments.

15.0 Organisations expectations in relation to staff training as identified in the Training Needs Analysis.

15.1 All staff receive training in this area as part of their initial induction course which is a mandatory one day classroom based programme attended within four weeks of joining the Trust. In addition this area is also covered in the Equality and Diversity course which is a mandatory classroom/e-learning based course that staff undertake every three years.

16.0 References

- NHS Employers guidance – bullying and harassment April 2006
- www.Acas.co.uk – Advice leaflet – bullying and harassment at work; a guide for managers and employers
- www.CIPD.co.uk – Guidance on bullying and harassment policies
- Preventing workplace harassment and violent; Joint guidance implementing a European Social Partner Agreement
- NHS constitution

Appendix A

Supporting Legislation

There are a wide range of statutory requirements that the Trust and its employees must recognise and respond to in addressing bullying and harassment.
This includes, but is not limited to the following:

- Sex Discrimination Act 1975 (updated 1986)
- Race Relations Act 1976
- The Race Relations (Amendment) Act 2000
- Race Relations Act 1976 (Amendment) Regulations 2003
- Disability Discrimination Act 1995
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion and Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Human Rights Act 2000
- Rehabilitation of Offenders Act 1974
- Protection from Harassment Act 1997
- Health and Safety Act 1974
- Equalities Act 2010

Supporting Trust Policies

This Policy complements the following Trust documents, which should be read in conjunction with this policy:

- Tackling Racial Harassment by Service Users
- Equality and Diversity Policy
- Disability Policy
- Disciplinary Procedure
- Grievance Procedure
- Whistleblowers and Openness Policy

The above policies are located on the Trust intranet site under the Human Resources Policies pages.

Appendix B

Examples of bullying behaviour

Whilst it is not possible to list all forms of bullying, it is intended that the following examples should enable both employees and managers to identify incidents of bullying behaviour:

- derogatory remarks
- insulting or aggressive behaviour
- insensitive jokes or pranks
- ignoring or excluding an individual
- persistently setting unrealistic work deadlines, in relation to other employees within the department
- constant and persistent public and private criticism
- substituting responsible tasks with menial or trivial ones
- constantly undervaluing effort
- withholding necessary information
- shouting at employees to get things done
- repeated shouting or swearing
- spreading malicious rumours
- refusing to delegate
- knowingly destroying a relationship between other people
- deliberately impeding work performance
- overtly praising people causing other individuals or groups to feel belittled
- physical attacks

Examples of Harassment

The following are some examples of behaviour/activities that might constitute harassment:

- unwanted and/or deliberate physical conduct/contact, or gestures which are of a sexual nature (i.e. touching, standing too close, leering, coercing sexual intercourse, abuse or assault).
- display, distribution or transmission of written materials or images of a sexually or racially offensive nature which can cause offence (eg: sexually suggestive or pornographic pictures, written articles, suggestive or offensive pictures, images, insignia, objects, videos, books, e-mails, internet pages).
- the use of demeaning or degrading language (eg: embarrassing remarks, innuendoes, lewd comments, sexual, racial or cultural jokes, derogatory name-calling, jibes or abusive, threatening or insulting words).
- speculation about a person's private life and sexual activities.
- requests for sexual favours, including threat of dismissal, loss of promotion or demotion if requests are not met.

- intimidation of an individual (i.e. exclusion from conversations, isolation, unjustified supervision).
- frequently asking for comments on racial, religious or disability issues from an individual who is a member of a religious or racial group or has a disability.

Definition of Discrimination

It is unlawful to discriminate on the grounds of sex, race, disability, religion or belief and sexual orientation. Acts of discrimination can occur in three main ways:

Direct Discrimination

This takes place when one (or more) person(s) is treated less favourably than others in the same circumstances

Indirect Discrimination

This form of discrimination takes place when a requirement or condition of employment, promotion or aspects of service delivery is applied equally and appears to be fair, but can be shown to have an adverse impact on an individual or group by placing them at a disadvantage, and the reasons for this cannot be justified.

Victimisation

This form of discrimination takes place when a person receives less favourable treatment because they have made a complaint, or it is suspected that they have made a complaint, or if they have or are going to provide evidence about an act of discrimination.

Appendix C:

Document Name: **Policy Reference:**
Document Owner: **NHSLA Standard:**

Element to be monitored *(For NHSLA documents this must include all Level 1 minimum requirements)*	***Lead Responsible for monitoring*** *(Name & Title of individual needed)*	***Monitoring Tool / Method of monitoring***	***Frequency of monitoring***	***Lead Responsible for developing action plan & acting on recommendations***	***Reporting arrangements*** *(Committee or group where monitoring results and action plan progress are reported to)*	***Sharing and disseminating lessons learned & recommende changes in practice as result of monitoring compliance with this document***
Duties	Julia Buck HR Manager	Review of Bullying and harassment complaint handling	Quarterly	Julia Buck HR Manager	Equality and Diversity Working Group Pay and Conditions Committee annually	
Organisational statement that harassment and / or bullying is not acceptable	Julia Buck HR Manager	Annual policy review	Annual	Julia Buck HR Manager	Pay and Conditions Committee annually	
Process for raising concerns about harassment and / or bullying	Julia Buck HR Manager	Review of Bullying and harassment complaint data. Data will be anonymous and used to review trends and create action plans where appropriate.	Quarterly	Julia Buck HR Manager	Equality and Diversity Working Group Pay and Conditions Committee annually	The Lead responsible for developing the action plans will disseminate lessons learned via the most appropriate committee e.g. Clinical Effectiveness; Clinical Governance, Patient Safety and relevant Compliance Monitoring Sub Group Lead.

Process to be followed once a concern has been raised	Julia Buck HR Manager	Review of Bullying and harassment complaint handling	Quarterly	Julia Buck HR Manager	Equality and Diversity Working Group Pay and Conditions Committee annually	
Organisation's expectations in relation to staff training, as identified in the TNA	Julia Buck HR Manager	Review of Bullying and harassment complaint handling	Quarterly	Julia Buck HR Manager	Equality and Diversity Working Group Pay and Conditions Committee annually	