

DIGNITY AT WORK POLICY

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Executive Summary

This policy provides a framework for raising concerns about harassment and/or bullying and the process for dealing quickly, effectively and consistently with those concerns

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1. Introduction

If the Walton Centre NHS Foundation Trust (WCFT) is to maximise the wellbeing of its workforce and, therefore, its effectiveness, the Trust acknowledges that an essential pre-requisite is the elimination and prevention of bullying and harassment. The Trust is committed to providing an organisation free from bullying and harassment in all its forms and will take all steps, in partnership with recognised Trade Unions, to achieve this objective including, where necessary, appropriate action in accordance with the agreed disciplinary procedure.

Managers must ensure that all staff are treated fairly and within the provisions of the Equality Act 2010.

It is not only **unacceptable** to discriminate, bully or harass – it is **unlawful**.

Bullying and harassment at work causes stress and anxiety that not only adversely affects people's working lives but may also have a detrimental effect on home life and social relationships. Bullying and harassment can result in many stress-related illnesses.

Bullying and harassment can also prevent people concentrating, undermine their confidence and turn the workplace into an intimidating and hostile environment. Consequently work performance suffers; people may dread going to work, and absenteeism/turnover increases. Anxiety and stress caused by bullying and harassment may also restrict people's training and career opportunities or affect their promotion prospects. The detrimental effects are not necessarily confined to the recipient of the offensive behaviour. Bullying and harassment may also have a damaging impact on witnesses or on those who have knowledge of it occurring in their workplace. It can damage teamwork, lower the morale of an entire department and create an uncomfortable or hostile atmosphere for everyone in the workplace. Performance, accuracy and reliability can also suffer. This may lead to costly errors or accidents and could constitute a health and safety hazard.

2. Purpose of the policy

The Trust supports a working environment for individuals in which dignity at work is paramount. The purpose of this policy is to support a working environment and culture in which bullying and harassment is unacceptable. It provides a framework for raising concerns about harassment and/or bullying and the process for dealing quickly, effectively and consistently with concerns. In addition, it outlines the support available for individuals involved.

3. Definitions

Harassment means unreciprocated and unwelcome comments, looks, actions, written materials, suggestions or physical contact that is found objectionable and/or offensive by the recipient and may create an intimidatory working environment. Harassment is normally characterised by more than one incident of unacceptable behaviour, particularly if it recurs once it has been made clear that it is regarded by the victim as offensive. However, just one incident may constitute harassment if it is sufficiently serious.

Bullying is a sustained form of psychological and/or physical abuse that aims to make victims feel demeaned and inadequate. It is defined as offensive, intimidating, malicious or insulting behaviour, or an abuse or misuse of power, which has the purpose, or effect of, intimidating, belittling/or and humiliating the recipient, leading to loss of self-esteem for the victim and ultimately the self-questioning of their worth, both in the workplace and society as a whole.

Some examples of harassment and bullying are noted in Appendix 1 and are for illustration purposes only.

Informal route In the first instance staff are encouraged to have issues dealt with through the informal route. The informal procedure involves a settlement being sought without a formal complaint being raised. If the member of staff is dissatisfied with how the matter has been dealt with informally, the formal route may be followed.

Formal route: In more serious cases of bullying or harassment or where the informal procedure has not been effective staff can pursue the formal route.

See also Appendix 1

4. Duties

The Trust has a set of core values which all staff are expected to adhere to called 'The Walton Way'. The NHS Constitution also lists a number of staff rights and responsibilities which relate directly to the maintenance of dignity and respect and the expectation that staff will not be bullied, harassed or discriminated against and their responsibility not to do this to others.

In addition to these general responsibilities, various groups within the Trust have specific responsibilities under this policy as follows:

Chief Executive:

As accountable officer, the Chief Executive has the responsibility to ensure that there are effective systems in place for anti-bullying and harassment which can be delegated to an appropriate Executive Director (Chief People Officer) who will ensure that the systems are implemented.

Chief People Officer:

Must ensure that there are policies and systems in place with regard to bullying and harassment and that they are kept up to date.

Human Resources Department:

- Maintain a confidential Bullying and Harassment monitoring spreadsheet.
- Review annual staff survey results and obtain feedback from staff where issues with bullying and harassment are raised
- Advise on implementation of the Dignity at Work policy.
- Review and update the Dignity at Work policy in accordance with policy review date
- Ensure new staff are advised of this policy during their initial induction.
- To provide training to increase knowledge and understanding amongst managers and staff as and when required.

Line Managers:

- Ensure that all employees in their area of work are made aware that this policy exists and have an understanding of the policy, via local induction
- Set a positive example to staff and take prompt action to stop bullying and harassment within their work area should it arise.

- Ensure that offensive, or potentially offensive material is not displayed in the workplace
- Ensure all complaints of bullying and harassment are treated as per the processes within this policy
- Ensure all employees know that victimisation of any employee making or helping to make a complaint is unacceptable and where appropriate will be treated as a disciplinary matter
- Where appropriate maintain accurate documentation relating to bullying and harassment

Occupational Health/Counselling Service:

- Support any staff member affected by an incident of bullying or harassment
- Provide guidance on additional support which may be available in particular circumstances
- Provide annual activity data in relation to Occupational Health interventions and staff counselling
- Confidential counselling services are available for any staff member suffering the effects of harassment or bullying and can be accessed by the staff member approaching their manager or calling [REDACTED]

Trade Unions:

- Awareness raising with members on tackling the issue of harassment and bullying at work
- Informal advice to their members who experience harassment or bullying
- Support of members in taking formal complaints forward through the agreed procedure
- Work in partnership with the organisation to eliminate bullying and harassment

Freedom to Speak up Guardian (FTSUG)

- Informal advice to staff who experience harassment or bullying
- Signpost staff to HR department and/or Trade Unions to allow the individual to determine the most appropriate route to take
- Highlight areas of concern to HR department and work in partnership with HR/Trade Unions to eliminate bullying and harassment

Staff Partnership Committee:

- Review and approve the Trust policy on bullying and harassment in accordance with policy review date.
- Review annual staff survey and Trust approach to staff survey

Business & Performance Committee:

- Ratify the Trust policy on bullying and harassment in accordance with policy review date

Individual Employees:

- Ensure that their own conduct does not cause offence
- Discourage colleagues from bullying and harassing others
- Be prepared to offer support to those who suffer bullying or harassment

- Advise management or HR if witness any examples of bullying, harassment or victimisation
- Seek support if feel they are a victim of bullying, harassment or victimisation

5. Process

How concerns about harassment or bullying can be raised

5.1 Initial advice

The aim of this policy is to deal with a complaint as quickly as possible, preferably using an informal approach. In cases where this is not possible, provision has been made for a formal process to be followed.

An employee who believes that they are being bullied or harassed is likely to want to initially seek advice and support before taking the matter further. Such advice and support will be provided in confidence without any obligation to take a complaint further and is available at any time from;

- Line manager
- Human Resources
- Trade Union Representatives
- Freedom To Speak Up Guardian (FTSUG)
- Occupational Health

Those approached must recognise the sensitive nature of bullying and/or harassment complaints. Where the Trust believes there has been a breach of the Dignity at Work policy the individual bringing the complaint will be encouraged and supported to follow one of the routes detailed below.

5.2 Informal:

Where appropriate, every effort must be made to resolve the matter informally. There are a number of steps that can be taken as follows;

-Employees who are subject to less severe incidents of bullying or harassment e.g. where no physical threat is posed, but do not feel able to discuss the matter at the time, may wish to consider making notes, including dates and details of incidents and note any witnesses and feelings experienced which will help recall events clearly at a later date. Copies of any correspondence that may be relevant e.g. reports, letters, memos, notes of meetings should also be retained.

-The recipient may wish to discuss the situation informally with their manager, a Trade Union representative, member of HR, Occupational Health or the confidential counselling service to seek advice on how to address the issue. A list of Trade Union representatives can be seen at appendix 4.

-Where possible, the individual who feels they are being subjected to bullying and harassment, should raise this with the alleged perpetrator(s), making it clear that their behaviour is unacceptable and they want it to stop.

-If the employee does not feel able to approach the alleged perpetrator(s) verbally, then a confidential written request delivered directly may be effective. The request should make it clear that their behaviour is unacceptable and request the behaviour to stop.

-In circumstances where the employee feels it is too difficult to raise the matter themselves, they may arrange for the initial approach to be made via a third party e.g. their line manager, a member of the HR team or a Trade Union representative.

-Mediation may also be used to resolve the matter at the informal stage. However, this process does require the agreement of both parties. Please see Appendix 3 for further details on the mediation process.

-Where the alleged harasser is the employees' line manager they should inform HR, Trade Union or the line managers manager. The HR department, in conjunction with the complainant, will consider whether the informal route would be effective/appropriate at this stage.

5.3 Formal:

-Where informal methods fail, are considered inappropriate or serious harassment or bullying occurs, employees are advised to register a formal complaint. The complaint may be made verbally but must be confirmed in writing as soon as possible after the alleged incident(s) and where possible, state the following:

- The name(s) of the harasser(s)
- The nature of the harassment/bullying and dates and times when harassment occurred (where known)
- Names of witnesses to any incidents of harassment
- Any action taken by the complainant to stop the harassment (if applicable)
- What outcome the complainant is seeking

-The employee's trade union representative or workplace colleague may assist with this task. The complaint should be sent, in confidence, to the complainant's immediate manager. In cases where the alleged perpetrator is the complainant's manager then the matter should be reported to the next senior manager. A copy should also be sent to the HR department.

-where a complaint is raised in line with the Grievance policy but pertains to issues of a bullying/harassment nature, permission will be sought from the individual raising the complaint to investigate it in line with the Dignity at Work policy

-A thorough, impartial and objective investigation will be carried out as quickly as possible. The investigating team will consist of an appropriate manager (both in terms of seniority and sphere of responsibility), supported by a member of the HR team. The investigation will be carried out with sensitivity and with due regard for the rights of both the complainant and the alleged perpetrator.

-Both the complainant and the alleged perpetrator will have the right of Trade Union representation, or to be accompanied by a workplace colleague. Notes taken as part of any investigatory meeting will be sent to the individual to sign and verify accuracy.

-Where it is considered necessary and is practicable, action will be taken to separate the two parties during the investigation. This may include a temporary relocation for one or

both parties. In some exceptional cases it may be necessary to suspend the alleged perpetrator. In both of these instances a discussion should be had with HR prior to any decision being made.

-If the investigation indicates that the allegations are substantiated, or if it is determined the accusations are malicious, the matter will be referred for action in accordance with the Trust's disciplinary policy.

-Where there is found to be a case to answer, it may be necessary to consider the redeployment of one party (temporarily or permanently). Wherever practical, the complainant should be given first choice of whether they wish to be moved.

-On completion of the investigation, both parties will be informed separately in writing of the outcome and any action that will be taken.

-Complainants who feel dissatisfied with the outcome within this procedure have the right of appeal.

-The alleged perpetrator also has the right of appeal. He or she may appeal against any disciplinary action taken (in line with the Trusts disciplinary policy).

-Appeals must be forwarded in writing to the Chief People Officer within 14 (calendar) days of the date of the outcome letter, stating the reasons for appeal.

6. Appeals

The employee will be given at least 7 calendar days' notice of the date of the appeal hearing.

-Appeals will be heard by an appeal panel. An appeal panel will be chaired by an appropriate senior manager. A HR representative must also be present on all appeal panels.

-The complainant may appeal if they feel that the process of investigation and subsequent application, or not, of the disciplinary process has been unfairly or poorly carried out. The complainant cannot appeal against the perceived severity or leniency of the disciplinary action taken.

-The alleged perpetrator may appeal against any disciplinary action taken (in line with the Trusts disciplinary policy).

-The purpose of the appeal hearing shall be to review the information available and decide if appropriate action was taken. In the event of the withdrawal of a disciplinary action on appeal, all references to the original action will be expunged from the employees' record.

-Documentation to be utilised in a hearing by all sides will be exchanged at least 3 days prior to the hearing.

-The decision of the Appeal Hearing will be put in writing to the appellant and the other party (if appropriate) along with confirmation that the decision concludes internal proceedings.

7. Confidentiality

All employees involved with an investigation into allegations of bullying or harassment are required to respect the need for confidentiality. Any inappropriate breach of confidentiality may result in action being taken in line with the Trust's disciplinary policy.

8. Support and Advice

The Trust counselling and Occupational Health services will be able to provide support to complainants, alleged perpetrators and any witnesses if required.

9. Third Party Harassment

The Trust is committed to dealing with harassment by third parties (defined as individuals who are not Trust employees), and will take all reasonable steps to prevent or stop this from occurring where the Trust is aware that it is an issue. It is therefore important that an employee raises issues of this nature in a timely and appropriate manner to their line manager.

10. Anonymous Statements/Complaints

An employee accused of bullying and harassment who is called to a disciplinary hearing will have a right to be presented with full details of the case against them. This will often include written statements from witnesses and it is only fair that the accused employee should know the identity of those witnesses in order to be able to reply to the evidence against them.

Therefore, it is only in exceptional circumstances where there is a real risk to the health and safety of the witness that the Trust will agree to protect the witness's identity. In this situation, the accused employee will be given copies of statements and document in which the name of the anonymous witness has been deleted or redacted as part of the investigation report. Full unedited statements will be retained within the HR department.

Anonymous complaints are usually very difficult to investigate and therefore individuals are encouraged to discuss issues with someone they feel comfortable with rather than lodge issues anonymously. If anonymous complaints are received these will be assessed on a case by case basis by the HR department to determine what action, if any, can be taken.

11. Cultural Ambassadors

- 11.1 The Trust is working in conjunction with the Royal College of Nursing (RCN) to incorporate the role of cultural ambassadors as part of its HR processes.
- 11.2 Research evidence demonstrates that Black and Minority Ethnic (BAME) staff are more likely to be investigated or disciplined than white staff. Therefore the RCN has developed the cultural ambassador's programme in order to challenge unconscious bias and discrimination to ensure that our processes are fairly and consistently applied to meet the needs of our diverse staff
- 11.3 The Trust has trained a number of its staff to be cultural ambassadors and therefore where a BAME member of staff has raised a dignity at work complaint, is the subject of an investigation or formal hearing, wherever possible, a cultural ambassador will be assigned to the investigation team and formal hearing panel.

12. General considerations

Victimisation as a result of a member of staff raising a complaint will not be tolerated.

Victimisation is a form of harassment and will be subject to disciplinary action. Staff assisting in an investigation into a complaint of harassment will be protected from victimisation of discrimination.

The Trust will support all reasonable Trade Union activities on raising awareness and tackling the issues of bullying and harassment at work.

12. Monitoring

The HR department will retain a central database of all cases brought under the policy and will monitor this to ensure consistency of application of the policy and identifying any pattern or trends.

13. References

- Health and Safety at Work Act 1974
- The Equality Act 2010
- Criminal Justice and Public Disorder Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- HSE Management Standards for Work Related Stress 2005
- ACAS Guide – Bullying & Harassment at Work – A Guide for Managers and Employers 2005

a. Supporting policies/documents

- Disciplinary policy
- Grievance policy

Appendix 1

What is harassment at work?

Harassment may be defined as any unwanted conduct that violates people's dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment and may be directed at an individual or group of individuals. It can range from extreme forms, such as violence, to more subtle and less obvious actions like alienation and non-communication. It may be persistent or an isolated incident and is not necessarily face to face as it may for example, also occur in written communications, e-mails or by phone.

The Trust recognises that individuals or groups can be subject to harassment on a wide variety of grounds. These include their:

- Race, ethnic origin, nationality or skin colour
- Gender or sexual orientation, gender reassignment
- Religion or belief
- Political convictions
- Willingness to challenge harassment, leading to victimisation
- Membership, or non-membership of a staff association/trade union
- Disabilities, sensory impairment or learning difficulties
- Status as ex-offenders
- Age (or youth)
- Real or suspected infection with AIDS/HIV

NB: This list is intended to be illustrative, not exhaustive. Anyone who is perceived as different, or who is in a minority, or who may lack organisational power, runs the risk of being harassed or bullied. Therefore, health, physical characteristics, personal beliefs and numerous other factors may lead to harassment and this can occur between people of the same or opposite sex.

Common forms of harassment:

Sexual Harassment:

Sexual harassment can be defined as any unwanted, uninvited, unreciprocated or unwelcome behaviour, or any other conduct based on sex affecting the dignity of men and women at work.

The essential characteristic is that it is unwanted and it is for each individual to determine what is acceptable and what is offensive to them. The onus is on the recipient, in the first instance, to make known to the harasser that their behaviour is unwanted. Harassment can include unwelcome physical, verbal or non-verbal conduct.

The following are given as examples of what may be considered to constitute sexual harassment:

- Unnecessary and unwanted physical contact ranging from touching or patting to serious assault (threatened or actual)
- Suggestive and unwelcome remarks, jokes, offensive language, gossip, comments about appearance and private life and deliberate verbal abuse
- Requests or demands for sexual favours, including implied or overt promises or preferential treatment or threats about employment prospects
- Intrusion by pestering, spying, stalking, etc.

- The display of sexually offensive visual material in a workplace, such as pin-ups, calendars, books, videos, etc.
- Remarks which reflect sexist attitudes and the use of affectionate, intimate or suggestive names

It is important to distinguish unwanted, unreciprocated behaviour from a “relationship” freely entered into and acceptable to those involved.

Racial Harassment:

Racial harassment can be defined as any unwanted conduct based on race, ethnic or national origin that violates peoples dignity, or creates an intimidating, hostile, degrading, humiliating or offensive environment. It includes but is not limited to the following types of behaviour:

- Physical violence on the basis of race, ethnic nor national origin
- Racially explicit derogatory statements which are found objectionable
- Racist graffiti (including pictures, flags, emblems, etc)
- Verbal and written harassment through jokes, letters, emails, offensive language, gossip and slander, suggestive comments, persistent name calling and sectarian songs
- Ignoring or excluding the individual(s)
- Refusal of treatment by a patient on the basis of race

What is bullying at work?

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour intended to undermine, humiliate, denigrate or injure the recipient.

Bullying can take many forms, it includes but is not limited to the following types of behaviour:

- Derogatory and/or threatening remarks
- Jokes or pranks
- Ignoring, marginalising or excluding individual(s)
- Public criticism
- Substituting responsible tasks with menial or trivial ones
- Withholding necessary information
- Constantly undervaluing effort
- Belittling efforts, often in front of others
- Withholding praise while giving this to all others present at that time
- Pressurising staff to adopt clinic templates, rotas or other practices that they consider unsafe
- Staff to continue covering long term sickness or rota gaps against their wishes and without recognition of their health and safety

It is the perceptions of the recipient that determine whether behaviour can be viewed as bullying. It must also be recognised that employees who are bullied often feel vulnerable and isolated, and are reluctant to complain because they may fear their complaints will not be taken seriously, or because they may fear reprisals.

Bullying or harassment may be by an individual against an individual or involve groups of people. It can also occur between a junior member of staff and a more senior manager (with the junior member of staff acting at the perpetrator). It may be obvious, or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the recipient.

Abuse of Organisational Power:

The abuse of organisational power (at all level of management and supervision) is not only a practical source of harassment, but can be perceived by staff as a real threat. All staff who carry responsibility for the management or supervision of other staff will be made aware through the operation of this policy that abuse of organisation power resulting in any form of bullying or harassment is unacceptable and will not be tolerated and may result in disciplinary action.

Appendix 2

Harassment by service users:

Harassment may occur not only between staff members, but between staff and patients/visitors. If the latter occurs, alternative Trust policies and guidance are available including:

- Violent and Aggressive Individuals policy (management of)

Appendix 3

Mediation Process

Mediation involves using an independent third person, a mediator, to help both parties reach a solution which both agree to and are happy with, to resolve disputes and restore working relationships.

The mediator remains neutral throughout the process. Mediation will be considered where appropriate and is a voluntary process and can only take place when both parties agree to participate.

Neither party will be forced to agree to anything they do not want to do however, when both parties are in agreement to mediation as the way forward, a two month deadline will come into effect during which time the mediation process must commence. If this is not feasible, an extension can be agreed for exceptional circumstances. Both parties must be agreeable with the extension. If one or both parties decline, the mediation process will not continue.

Mediation may be used to allow the recipient and alleged harasser to undertake confidential facilitated discussions to air concerns and if possible agree a resolution acceptable to all parties.

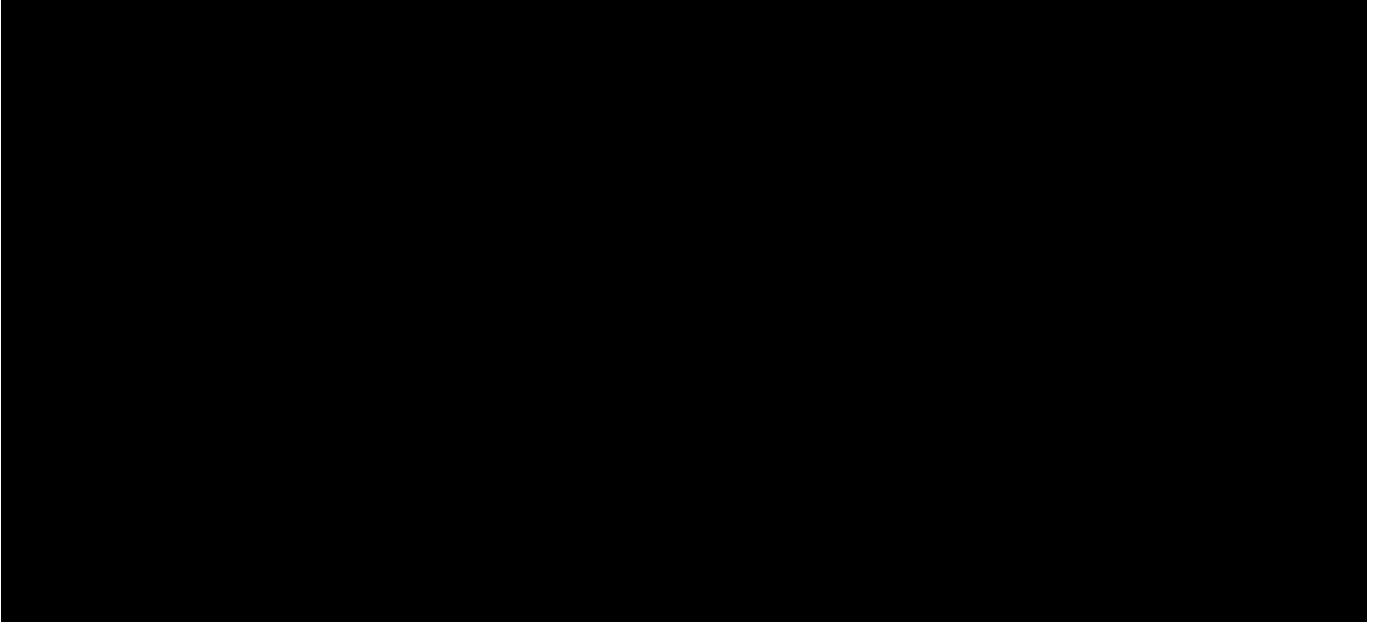
Ideally, mediation should attempt to resolve the matter as early as possible and can be instead of, or in conjunction with, the formal stage of the bullying and harassment procedure to help restore an acceptable working relationship between the parties.

If the complainant wishes to pursue mediation, they should discuss the matter with their line manager, a trade union representative or a member of the Human Resources department.

Where appropriate, and if all parties are willing to participate in the mediation process, the Human Resources department will arrange for an independent mediator to be appointed to oversee the process.

This process is confidential and agreement will be reached upfront as to who will receive any notes taken, or agreement reached, as a result of the mediation.

Appendix 4



Appendix 4 - Version Control

Version	Section/Para/ Appendix	Version/description of amendments	Date	Author/Amended by
2	Throughout	Change of format and clarity of process	Aug 15	
2	Pg 8	Addition of third party harassment	Aug 15	
3	Section 4 Pg 5	Inclusion of FTSUG	Sep 18	
3	Section 5 Pg 7	Addition re; complaints raised in line with Grievance policy	Sep 18	
3	Pg 16	Updated list of TU reps	Sept 18	
4	Throughout	Updated titles	Dec 21	
4	Pg 16	Updated list of TU reps	Dec 21	

