

# Dignity and Respect at Work Policy and Procedure

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<b>FORMS AND DOCUMENTS LINKED or ADDED AS APPENDIX IN THIS POLICY</b>	<ul style="list-style-type: none"> <li>• Formal Dignity and Respect at Work Submission Form</li> <li>• Facilitation Process Guide</li> </ul>
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HR.4002.7	April 2022	General update of terminology and titles of roles/ departments. Rewrite of procedure consistent with other policies	Sacha Campbell Gemma Farley

**Executive Summary**

The Trust recognises that all employees have a right to work in an environment in which the dignity of individuals is respected and is free from harassment and bullying.

The Trust is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give their best.

The Trust has zero tolerance to any form of bullying and / or harassment, and incidences of this nature are deemed to be wholly unacceptable, therefore will be managed in accordance with the Trust's Disciplinary Policy and Procedure.

This policy outlines the processes to follow to report bullying or harassment in the workplace. Allegations raised will be taken seriously and investigated promptly, sensitively and fairly in line with the Trust's Investigation Policy. There will be no victimisation against an employee making a complaint under this policy, or against employees who assist or support a colleague in making a complaint.

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## 1. Introduction

- 1.1. Queen Victoria Hospital NHS Foundation Trust (“the Trust”) is committed, and has a duty to provide a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive. All employees, patients and service users should be treated with dignity and respect in accordance with the Trust’s core values of humanity, pride and continuous improvement of care and the NHS Constitution.
- 1.2. The Trust will not tolerate any form of bullying and/or harassment and will take all practicable steps to prevent and eliminate this. Any form of bullying and/or harassment if proven may be regarded as gross misconduct and result in disciplinary action in line with the Trust’s Disciplinary Policy and Procedure.
- 1.3. This policy and procedure are designed to comply with best practice, the ACAS Code of Practice and current legislation, including the Employment Act 2008.

## 2. Definitions:

- 2.1. **Manager** – throughout this document where there is reference to the manager this includes Clinical Directors/ Educational Supervisors and line managers.
- 2.2. **Dignity** – is concerned with how people feel, think and behave in relation to the worth or value of themselves and others.
- 2.3. **Respect** – due regard for the feelings, wishes and rights of others.
- 2.4. **Harassment** – (as defined in the Equality Act 2010): is unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual. Harassment may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
- 2.5. **Bullying** – (as defined in ACAS guidance): may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.
- 2.6. **Victimisation** – is where a person is treated less favourably than others because they have either given evidence or brought a complaint of bullying, harassment or discrimination. Victimisation is unlawful and will not be tolerated.
- 2.7. **Protected characteristics** – age, gender, race, disability, religion or belief, sexual orientation, gender reassignment, marriage and civil partnership, and pregnancy and maternity, or any personal characteristics of the individual.
- 2.8. **Grievance** – circumstances where an employee wishes to raise a matter of concern in connection with their employment. A grievance is defined as a complaint by an employee or group of employees about an action which the Trust or their manager has taken, or is contemplating taking, in relation to them.

- 2.9. **Vexatious** – a complaint raised without merit that is purely raised to cause annoyance to the individual being complained about or to cause annoyance in the organisation.
- 2.10. **Malicious** – a complaint raised purely to cause harm to another person; vicious in motivation or purpose.
- 2.11. **Restorative Justice** - Restorative justice brings those harmed by conflict and those responsible for the harm into communication, enabling everyone affected by a particular incident to play a part in repairing the harm and finding a positive way forward. This is part of a wider field called restorative practice.

### 3. Scope

- 3.1. This policy and procedure applies to all staff, including Medical and Dental staff, regardless of role, location or contractual status. Agency workers or contractor staff should give regard to this policy; however, separate policies will exist with their respective employers.
- 3.2. Where concerns arise in respect of Medical and Dental staff, reference should be made to Maintaining High Professional Standards: Conduct, Capability, Ill Health and Appeals Policies and Procedures for Medical and Dental Practitioners (MHPS).

### 4. Principles

#### 4.1. Fairness

- 4.1.1. The application of this policy will be consistent, prompt, impartial, reasonable, and applied without discrimination.
- 4.1.2. You are expected to bring to the attention of your manager or a senior member of staff the actions of a person or persons which might jeopardise the health, safety or welfare of a patient, a member of the public or a member of staff.

#### 4.2. Confidentiality

- 4.2.1. Information relating to an allegation of bullying and/ or harassment will not be divulged to any parties not involved in the process. Statements, letters and other communications will be strictly confidential to those involved and records will be kept in accordance with the General Data Protection Regulations (GDPR).

#### 4.3. Natural justice

- 4.3.1. At every formal stage of the process, those involved will be advised of the nature of the issues/ the allegations(s) being made and given the opportunity to state their case/ respond to the allegation(s).
- 4.3.2. Individuals will be given appropriate support throughout the process.

#### 4.4 Representation

- 4.4.1. At all formal stages, you may be represented or accompanied by a Trade Union/ Staff Side representative or a workplace colleague/ companion who is an employee of the Trust. This cannot be a relative or a representative acting in a legal capacity.

It is your responsibility to arrange this and confirm attendance as requested.

- 4.4.2. The formal stages that the employee has a statutory right to be accompanied are:
  - 4.4.2.1. Any formal investigation meetings
  - 4.4.2.2. Any formal meetings as a result of the investigation which could result in a warning being issued; or confirmation of a warning; or some other disciplinary action including appeal hearings.
- 4.4.3. Reasonable time will be given for you to secure representation if you wish. The Trust may proceed with a meeting if a representative is not secured within a reasonable timeframe. Where your representative cannot attend on the date proposed, an alternative date can be offered so long as it is reasonable and falls within 5 working days of the original date. All such reasonable requests will be agreed on one occasion only.
- 4.4.4. In exceptional circumstances where the postponement of a meeting is due to circumstances beyond your control, a rearranged meeting may be agreed at the discretion of the manager or meeting Chair.
- 4.4.5. Your representative/ companion shall have an opportunity to address any formal stage of the process, may with your permission respond to any views expressed at meetings on your behalf, and confer with you during meetings in an appropriate manner. Your representative/ companion does not have the right to answer questions on your behalf, address the meeting if you do not wish it, or prevent management from explaining the case.
- 4.4.6. As the process is a matter for internal resolution, there is no entitlement to legal representation at any stage of this process.
- 4.4.7. Family members often become emotionally involved and are therefore not permitted to attend any meetings with you, regardless of whether they are also a member of staff. They can be available to support you before and after a meeting.
- 4.4.8. Your representative/ companion should not be someone who may have a conflict of interest or who may prejudice any formal process.
- 4.4.9. Additional provisions for representation are in place for Medical and Dental staff and these are set out in the Maintaining High Professional Standards: Conduct, Capability, Ill Health and Appeals Policies and Procedures for Medical and Dental Practitioners (MHPS).

#### **4.5. Support and communication**

- 4.5.1. The Trust recognises that being subjected to inappropriate behaviour can be quite unpleasant as can the reporting of such behaviour. It is important that you feel supported throughout the process.
- 4.5.2. You can discuss with your manager at any stage a referral to an Occupational Health professional, if you would find this helpful. Your line manager will meet with you and discuss any advice from Occupational Health ensure shared

understanding and to give support.

- 4.5.3. Alternatively you can refer yourself to Occupational Health through the Advisory team by email [qvh.hradvice@nhs.net](mailto:qvh.hradvice@nhs.net)
- 4.5.4. Details of the Trust's Employee Assistance Programme are available on Qnet which provides an independent and confidential service 24/7.
- 4.5.5. The individuals whom allegations have been raised against and may be subject to an investigation/ disciplinary action as a result of allegations of harassment, bullying or victimisation shall be offered the same support.
- 4.5.6. Bullying and harassment can make someone feel anxious and humiliated. Feelings of anger and frustration at being unable to cope may be triggered. Some people may try to retaliate in some way. Others may become frightened and de-motivated. Stress, loss of self-confidence and self-esteem caused by harassment or bullying can lead to job insecurity, illness, absence from work, and even resignation. Often job performance is affected and relations in the workplace suffer. Consider how the Management of Stress at Work Policy may support all parties involved in the situation (available on Qnet).
- 4.5.7. Under no circumstances should employees who raise concerns about dignity and respect at work, bullying or harassment be victimised. They should have their concerns treated with dignity, respect and confidentiality. Managers must provide direct support and take the time to explain the process thoroughly.
- 4.5.8. During an investigation process, you will be offered an independent named person who will maintain regular (i.e. weekly) contact with you throughout as agreed. Where possible they will contact you in person, or by telephone, and follow up in writing by email if required. They will provide you with their contact details and location, and will be available to be contacted should you have any questions regarding the process.
- 4.5.9. During an investigation process, the Commissioning Manager will provide you with a regular (i.e. weekly) update on progress as agreed. They will contact you either in person or by telephone, where possible, and follow up in writing by email.

#### **4.6. Recording of meetings**

- 4.6.1. Audio recordings are acceptable at any stage of the process provided all parties agree. A note take may be present at meetings as an alternative or in addition to an audio recording. A typed record can be requested following the meeting.
- 4.6.2. The notes of meetings are not intended or required to be a verbatim record but an account of the main points discussed.
- 4.6.3. Any covert recordings will be considered a disciplinary issue.

#### **4.7. Application of Policy**

- 4.7.1. The application of this policy will be consistent, prompt, impartial, reasonable, and applied without discrimination. The policy should not be used to deal with the following:
- 4.7.1.1. To appeal against any process that has its own right of appeal, in this scenario, the appeal process must be used which affords you similar rights to this procedure.
  - 4.7.1.2. To deal with disciplinary sanctions imposed against other staff members, as only that member of staff has the right to appeal the outcome of a disciplinary process.
  - 4.7.1.3. To raise concerns that do not impact on your working life or that of a group of staff.
  - 4.7.1.4. Disputes about, for example, your terms and conditions of employment, health and safety, new working practices, improper application of Trust policy/ procedure, organisation change, equal opportunities, etc., should be made in line with the Trust's Grievance Policy and Procedure.
  - 4.7.1.5. To raise frivolous issues or to raise concerns in a vexatious or malicious manner. Inappropriate use of this policy may result in disciplinary action being taken in line with the Trust's Disciplinary Policy and Procedure.
- 4.7.2. All issues relating to your employment which you believe to be unfair, inappropriate or breaches your contract should be raised using the Trust's Grievance Policy and Procedure.
- 4.7.3. When handling concerns raised, the following guiding principles will always apply:
- 4.7.3.1. **Partnership approach with joint responsibility for resolution** – all parties will be treated as equal partners in the resolution of concerns. This will mean working together constructively and positively to identify solutions and to resolve problems.
  - 4.7.3.2. **Openness, transparency and confidentiality** – all parties will be given the opportunity to understand the context of the complaint and to respond accordingly. All complaints and concerns raised will be handled in confidence.
  - 4.7.3.3. **Fairness and equity** – all parties will be treated fairly and equitably. Individuals should feel free to raise valid complaints and should be reassured that they will not be victimised for bringing a complaint or acting as a witness for another complainant.
  - 4.7.3.4. **Resolution of issues as informally as possible** – it is in the interests of both the Trust and the employee that any concern or complaint raised is resolved at the earliest opportunity, using the informal process wherever possible.
  - 4.7.3.5. **Timely resolution** – where a concern or complaint has been raised, these will be dealt with in a timely manner.



4.7.3.6. **Organisational learning** – the Trust will continually seek to learn and improve from any concerns or complaints raised.

**4.8. Time Limits**

4.8.1. To assist with the timely resolution of issues raised under this policy, time limits are identified at each stage. Wherever possible, every effort will be made to comply with these time limits. However, there may be circumstances where it is not possible to comply with them, in which case all reasonably practicable steps will be taken to ensure that the relevant stage is completed as soon as possible. The manager must advise you in writing and indicate the likely completion date.

4.8.2. Completion of each stage must be taken without unreasonable delay on the part of either party. Time limits may, however, be extended, for example to take annual leave into account or if you or the complainant are off work sick and it is confirmed that you are unable to attend a formal meeting.

**4.9. Anonymous Complaints**

4.9.1. Where an anonymous or number of anonymous complaints are received the Director of Workforce and Organisational Development will decide whether it will be investigated.

**4.10. Status Quo**

4.10.1. Where a concern is raised under this policy, this will not normally hinder any changes from being made or your line manager progressing or proceeding with any actions.

**5. Duties and Responsibilities**

The table below outlines the roles and responsibilities of the parties involved in the process as well as what they are required to do:

Group	Duties and responsibilities
<b>Employees</b>	<ul style="list-style-type: none"> <li>• Ensure that you understand the policy and your obligations.</li> <li>• Responsible for your own behaviour and be aware of how it can affect other people. To treat others with dignity and respect by not bullying, harassing, victimising or contributing to the harassment of a colleague or colleagues, or bullying, harassment or victimisation by others.</li> <li>• Be supportive of colleagues who may be subject to bullying, harassment or victimisation.</li> <li>• Report any cases of harassment, bullying or victimisation you witness, even if it is not directed at you. In the first instance, this should be to your Line manager/ Clinical Director or, should this be inappropriate, to the General Manager/Head of Service or the Advisory Team and/ or relevant local Staff Side or trades union representative</li> <li>• Use the Formal Dignity and Respect at Work Submission Form, should you wish to raise your concerns formally.</li> </ul>

	<ul style="list-style-type: none"> <li>• Contribute to the resolution of any concerns raised in a proactive way. You should be aware that concerns raised may have to be shared with the subject of the complaint in order to pursue a resolution, and the contents of an outcome related to others will not be disclosed to you.</li> <li>• Participate fully as required in any investigation in order to fully establish the facts as quickly as possible.</li> </ul>
<b>Line Managers</b>	<ul style="list-style-type: none"> <li>• Fully understand the policy and procedure, and ensure that it is applied fairly and consistently at all times.</li> <li>• Set a positive example by treating others with dignity and respect by not bullying, harassing, victimising or contributing to the harassment of a colleague or colleagues, or bullying, harassment or victimisation by others.</li> <li>• Set and manage standards and expectations of acceptable behaviour</li> <li>• Act on any cases of harassment, bullying or victimisation raised or witnessed, and ensure that any concern raised is taken seriously and is dealt with in a fair, timely, supportive, confidential and constructive manner.</li> <li>• Promote a working environment where bullying, harassment or victimisation is unacceptable and not tolerated</li> <li>• Recognise, tackle, and where possible, resolve incidents of harassment, bullying or victimisation</li> <li>• Take all appropriate actions to prevent retaliation against the complainant or alleged perpetrator, and take action to resolve any issues</li> <li>• Ensure that all individuals involved are aware of the support available to them.</li> <li>• Seek advice and support from the Advisory Team as required</li> </ul>
<b>Advisory Team</b>	<ul style="list-style-type: none"> <li>• Provide guidance to managers and you on the application of this policy and procedure.</li> <li>• Support managers in appointing the investigating manager and throughout the process.</li> <li>• Provide guidance and support to the investigating manager.</li> </ul>

## 6. Examples of Bullying and Harassment

- 6.1. Bullying and harassment are not necessarily face-to-face. They may also occur in written communications, email, and telephone, including texts and on-line social networking sites.
- 6.2. Harassment may be intentional or unintentional and may involve action/ behaviour/ verbal/ non-verbal conflict, or physical conflict which is found objectionable or causes offence.
- 6.3. The following list of examples is not exhaustive or exclusive:
  - 6.3.1. Exclusion or victimisation
  - 6.3.2. Spreading of malicious rumours, or insulting someone by word or behaviour
  - 6.3.3. Unfair treatment
  - 6.3.4. Overbearing supervision or other misuse of power or position
  - 6.3.5. Unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
  - 6.3.6. Making threats or comments about job security without foundation

- 6.3.7. Deliberately undermining a competent worker by overloading and constant criticism
- 6.3.8. Preventing individuals progressing by intentionally blocking promotion or training opportunities
- 6.3.9. Shouting at individuals/ belittling/ humiliating
- 6.3.10. Personal insults
- 6.3.11. Isolation or non-cooperation and exclusion from social activities
- 6.3.12. Unwanted, unwelcome, inappropriate, intimidating physical contact,
- 6.3.13. Unwanted, unwelcome, inappropriate intimidating verbal statements including offensive jokes, swear words, sexual innuendos or threatening words
- 6.3.14. Unwanted, unwelcome, inappropriate, intimidating non-verbal actions (emails/ texts/ images/ offensive/ rude or threatening gestures).

## 7. Firm and fair management or bullying and harassment?

- 7.1. The distinction between a manager who is firm but fair and a manager who is bullying and harassing employees is an important one. Please refer to **Appendix 2** for examples of these.
- 7.2. As part of the everyday management process, your manager is required to provide you with feedback concerning your performance, for example, conduct, punctuality. If any of these areas have been unsatisfactory, the feedback may be critical of you. If criticism is delivered in a constructive way, it can be beneficial to you, providing you with the opportunity to reflect on your behaviour and make any necessary improvements. Destructive criticism on the other hand can have a detrimental effect. Therefore it is essential that when feedback is given it is specific and examples can be given.
- 7.3. Constructive criticism will focus on:
  - Actions and behaviours, focusing on what you have or have not done
  - Facts with specific examples of behaviour that has been inappropriate, and an explanation of why it was not appropriate
  - Future improvement, for example requiring you to do something differently or make changes
- 7.4. Destructive criticism may involve:
  - Aggressive behaviour, such as shouting/ yelling
  - Personal insults or put downs
  - Allocating blame rather than responsibility.

## 8. Resolution Procedure

### 8.1. Informal Resolution

- 8.1.1. If you feel that you have not been treated with dignity and/or respect, and feel harassed, bullied or treated in any way which potentially breaches this policy you should, if you feel able, tell the person immediately that the behaviour in question is offensive, unwanted and you want it to stop. You do not need to justify why it offends you.

- 8.1.2. Alternatively, you may ask a workplace colleague, manager, or Union Representative to speak to the person on your behalf. If you do not wish to be identified, this should be respected. However, it must be noted that in most cases it can be easy to identify who has raised the complaint.
- 8.1.3. In the first instance, you should consider whether informal methods of resolution may resolve the situation; this may include asking the perpetrator to stop or having a facilitated conversation or mediation session (please refer to **Appendix 4** for further guidance). If someone does not know their behaviour is causing offense, they don't know to change their behaviour. People need a chance to change their behaviour.
- 8.1.4. Should you wish to raise a complaint or matter of concern, you should do so verbally, and follow up in writing, to your immediate line manager at the earliest opportunity. When raising the matter, you should make it clear that your intention is to raise a complaint under this Policy.
- 8.1.5. Should you feel unable to discuss the matter with your line manager, or if the complaint relates to your line manager, then you should raise the concern or complaint with your line manager's manager.
- 8.1.6. The line manager should make a written record of the main points and outcome of the conversation, as well as any associated action plan. A copy of this should be given or emailed to you within 5 working days.
- 8.1.7. On occasion, it may also be necessary for the line manager to meet with other relevant individuals to ascertain all the relevant facts. Where a fact finding exercise is necessary, the line manager should arrange to meet with you at the conclusion to discuss the findings relevant to you and explore all available options, with a view to resolving the issue. An action plan may be agreed. An action plan may be agreed. Further conversations may be required to ensure the agreed actions have been completed. The contents of an outcome related to others will not be disclosed to you.
- 8.1.8. Where the complaint is raised informally and you agree for your manager to speak to the alleged harasser/ bully, they should do so within 5 working days to advise the individual that their behaviour is perceived as bullying/ harassment. Your manager should also clearly discuss and explore the following:
- What the behaviour is
  - How you are feeling as a result of the behaviour towards you
  - The alleged harasser/ bully's view of the situation
  - How the behaviour contravenes the Dignity and Respect at Work Policy
  - The expected standards of behaviour
  - The likely consequences if the behaviour continues
  - How the situation will be monitored and agree a review date
- 8.1.9. In some instances, a facilitated conversation between the parties involved may help to resolve the issue informally, however, formal mediation can also be considered if deemed more appropriate. Please refer to **Outcome of Formal Process**.

- 8.1.10. All possible avenues of resolution must have been extensively explored by informal discussion at this level before the formal stages of the resolution procedure can be invoked. Matters should only proceed to formal resolution as a last resort with every effort being made to resolve the issue at the informal stage.
- 8.1.11. However, in some circumstances if a concern or complaint raised is deemed to be of a serious nature, and informal resolution is not suitable in the first instance, this can be escalated to the formal stage immediately. In these instances, advice should be sought from the Advisory Team and refer to section **Prior to Formal Action**.

## 8.2. Prior to Formal Action

- 8.2.1. Where formal action or a formal investigation may be required, the Director of Workforce and Organisational Development (or Deputy) will review all cases to make a decision.
- 8.2.2. In instances of an issue with, for example, your terms and conditions of employment, health and safety, new working practices, improper application of Trust policy/ procedure, organisation change, equal opportunities, etc., the grievance procedure will apply in line with the Trust's Grievance Policy and Procedure.

## 8.3. Formal Resolution

- 8.3.1. If you wish to raise your concerns formally, you should complete the Formal Dignity and Respect at Work Submission Form (**Appendix 3**). This should be sent to the next line manager above the one whom completed the informal resolution (as appropriate), within 10 working days of the completion of the informal stage.
- 8.3.2. If the informal resolution stage has not been followed, you should send the Formal Dignity and Respect at Work Submission Form to the line manager.
- 8.3.3. If the concerns are about your line manager, then you should send the Formal Dignity and Respect at Work Submission Form to your line manager's manager.
- 8.3.4. It is recognised that setting out concerns in writing may not be easy. Assistance may be sought from a workplace colleague or trade union representative if required.
- 8.3.5. The receiving manager should provide written confirmation acknowledging receipt of the Formal Dignity and Respect at Work Submission Form to you within 5 working days.
- 8.3.6. The receiving manager should then engage with the Advisory team to agree the appropriate next steps.
- 8.3.7. A decision to conduct a formal investigation should be made in line with the Trust's Investigation Policy. Where an investigation is deemed appropriate, your line manager or an impartial manager from a different department could conduct the investigation and may be supported by a member of the Advisory Team.

- 8.3.8. The Trust's Disciplinary Policy and Procedure may be used in conjunction with this policy.

#### 8.4. Outcome of Formal Process

- 8.4.1. A meeting will be arranged with you to confirm the outcome of the formal process/ investigation. This will be followed up in writing to you within 5 working days of the meeting. The right of appeal against the decision will also be notified in that letter. If your line manager is not able to respond within the timescale, you will be given an explanation for the delay and told when a response can be expected.
- 8.4.2. If you are dissatisfied with your manager's decision, you should submit an appeal. Please refer to **Appeal Process**.
- 8.4.3. In some cases an outcome could be Restorative Justice, through the means of facilitation or formal mediation. All parties can be asked to take part as a reasonable management request, however, it often more successful if all parties consent and are prepared to fully engage in the process.
- 8.4.4. Restorative Justice is a process that can be utilised following conflict that has arisen in the workplace or where an employee has experienced inappropriate behaviour, resulting in broken working relations between individuals or whole teams, restorative practice can be utilised.
- 8.4.5. Restorative Practice can aid in addressing issues when they occur to enable individuals and teams to work well together and also as a preventative measure to avoid these circumstances occurring.
- 8.4.6. The process can be completed by the means of a facilitated conversation conducted by trained facilitators within the workforce or wider NHS, or formal mediation conducted by external trained mediators through a more formal process. The processes involve:
- Bringing together all individuals affected by any conflict that has occurred
  - Providing a safe environment for those individuals to express their emotions
  - Allowing participants to come to a shared understanding
  - Identifying creative ways to deal with conflict moving forward
  - Providing opportunities to rebuild damaged working relationships and strengthen teams.
- 8.4.7. The Trust has a number of trained facilitators onsite who are instructed to assist in matters of conflict to provide a safe space for individuals to air their concerns and rebuild working relationship by agreeing steps to enable them to move forward. The full process for this can be found in **Appendix 4**.
- 8.4.8. If internal facilitation is not a viable option or does not work effectively in the first instance then the Trust has the ability to bring in external trained facilitators or mediators, if it is felt this would have a more successful outcome, ahead of considering other formal actions to find a resolution.
- 8.4.9. Where you and the alleged harasser/ bully are based in the same department and the complaint is upheld, it may be necessary to separate the two parties. The

decision will be based on operational needs and practical arrangements will need to be taken into consideration by your manager in conjunction with the General Manager and the Advisory team.

- 8.4.10. Sometimes it may be necessary to separate you and the alleged harasser/ bully even where the complaint is not upheld to maintain good working relations. This will be managed and agreed on a case by case basis.

## **9. Resignation**

- 9.1. Should you decide to resign whilst an investigation or formal process is still in progress, a decision will be made as to whether sufficient evidence has been gathered and what the most appropriate way forward is for bringing the matter to a conclusion.

## **10. Raising Concerns (Whistleblowing)**

If you are troubled about something that involves a risk to, for example, patients, public or colleagues, or a concern in relation to professional misconduct or financial malpractice, it can be difficult to know what to do. It would be appropriate to raise any concerns of this nature under the Trust's Raising Concerns (Whistleblowing) Policy.

## **11. Appeals**

If you wish to appeal the panel decision, this should be made in line with the Trust's Appeals Policy which is available on Qnet.

## **12. Dealing with incidents of harassment and bullying involving external parties**

Where the alleged harassment, bullying or victimisation involves an external party, managers will take all reasonable steps to address the complaint in line with the principles of this policy, in consultation with the employee/ worker making the complaint. These steps may include, for example, reporting the incident to the individual's manager or reviewing or terminating a contract.

## **13. Equality**

This policy and procedure has been equality impact assessed in accordance with the Trust's impact assessment toolkit. Completed assessments are available upon request from [gvh.eqia@nhs.net](mailto:gvh.eqia@nhs.net)

## **14. Training and Awareness**

The policy will be held on Qnet, the Trust Intranet, under Trust Policies and Procedures / Human Resources.

Further information and support for both employees and managers is available from the Advisory Team.

## **15. Freedom of Information**

Any information that belongs to the Trust may be subject to disclosure under the Freedom of Information Act 2000. This act allows anyone, anywhere to ask for information held by the Trust to be disclosed (subject to limited exemptions). Further information is available in the Freedom of Information Act Trust Procedure which can be viewed on the Trust Intranet.

**16. Records Management**

Records are created or received in the conduct of the business activities of the Trust and provide evidence and information about these activities. All records are also corporate assets as they hold the corporate knowledge about the Trust. The Trust has a Records Management Policy for dealing with records management. Compliance with and the application of this policy will ensure that the Trust’s records are complete, accurate and provide evidence of and information about the Trust’s activities for as long as is required.

**17. Review**

This policy will be reviewed in 3 years’ time. Earlier review may be required in response to exceptional circumstances, organisational change or relevant changes in legislation or guidance.

**18. Discipline**

Breaches of this policy will be investigated and may result in the matter being treated as a disciplinary offence under the Trust’s Disciplinary Policy and Procedure.

**19. Monitoring Compliance with this Policy**

<b>Activity being monitored</b>	<b>Methodology to be used for monitoring</b>	<b>Responsibility for monitoring</b>	<b>Frequency of monitoring and reporting</b>	<b>Process for review and improvement</b>
Claims of harassment, bullying or victimisation	Annual audit of allegations	Advisory team	Annually	Annual

**20. References**

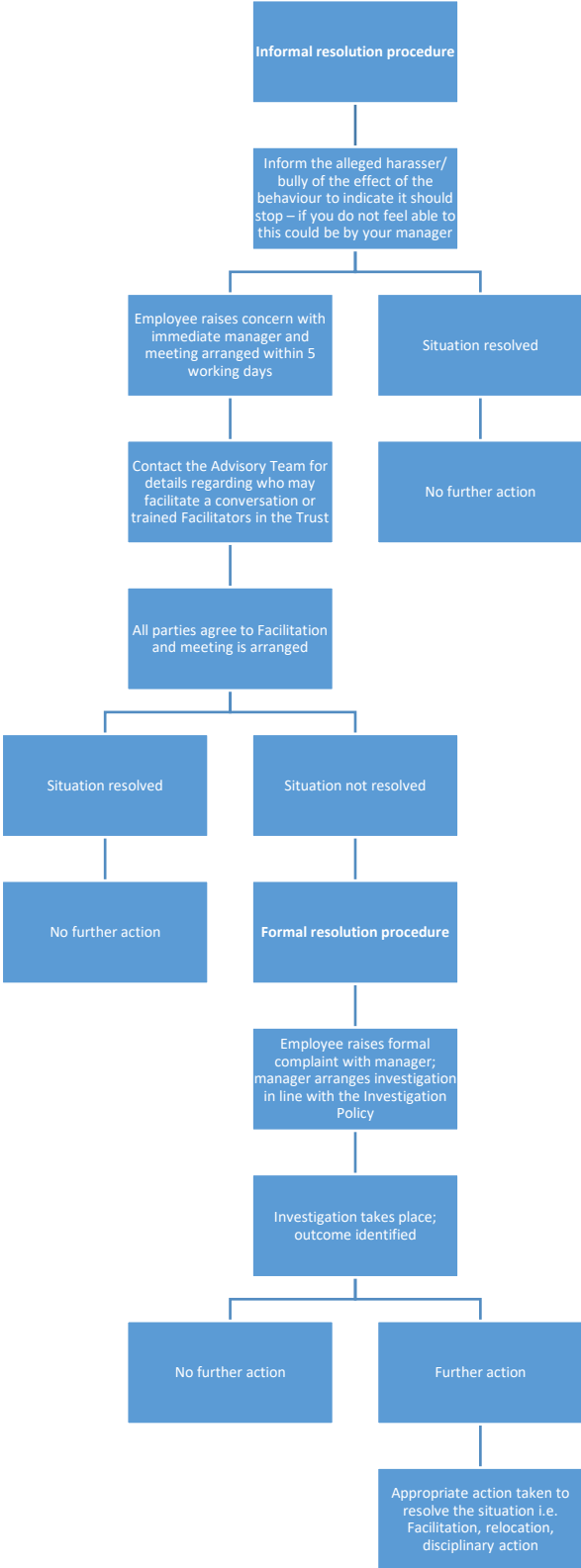
Equality Act 2010  
 ACAS

**21. Associated Documentation**

- Appendix 1 – Bullying and Harassment Flowchart
- Appendix 2 – Examples of firm but fair management versus bullying and harassment behaviours
- Appendix 3 – Formal Dignity and Respect at Work Submission Form
- Appendix 4 – Facilitation Flowchart



**Appendix 1 – Bullying and Harassment Flowchart**



**Appendix 2 – Examples of firm but fair management versus bullying and harassment behaviours**

Firm but fair behaviour	Harassment and bullying behaviour
Consistent and fair	Aggressive, inconsistent and unfair in approach
Determined to achieve the best results but reasonable and flexible	Unreasonable and inflexible, not willing to compromise
Knows their own mind and is clear about their ideas but is willing to consult with colleagues and employees before drawing up proposals	Believes they are always right, has fixed opinions, believes they know best and is not prepared to value other people's opinions
Insists on high standards of service in quality of and behaviour in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private a perceived concern before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening and does not listen
Treats others with dignity and respect at all times	Does not treat others with dignity and respect consistently

*This table is illustrative*

### Appendix 3 – Formal Dignity and Respect at Work Submission Form

This form is for guidance purposes only and may be changed to reflect the individual circumstances / needs of a case.

Once completed please submit to your line manager or in the event that your concern relates to your line manager, please send to their manager (next level of management). This should be submitted within **10 working days** of receipt of the outcome of your informal meeting.

<b>Your name</b>	
<b>Your job title</b>	
<b>Department</b>	
<b>Contact telephone number</b>	
<b>Subject(s) of your concern</b> – what is your concern about	
<b>Details of the concern or complaint</b>	
<p><i>This should include:</i></p> <ul style="list-style-type: none"> <li><i>The facts of the case, with references (where possible) to dates, times and places and brief evidence to support</i></li> <li><i>You should keep your information succinct as this helps to clarify the matters to be addressed. Further relevant information can be sought as part of any investigation</i></li> </ul>	
<b>Witnesses</b>	
<p><i>Please state the names of any witnesses to incidents or concerns and what aspects of your concern they can comment on.</i></p>	
<b>Informal resolution</b>	
<p><i>Please state what steps you / your manager have taken to resolve the matter informally, including facilitation or mediation, and why the concern remains unresolved</i></p>	

<b>Resolution sought</b>	
<i>Please state what remedy or resolution you are seeking</i>	
<b>Additional Information</b>	
<i>Please add any other information that you consider is important</i>	
<b>Declaration:</b> I confirm the above statements are true to the best of my knowledge, belief and information	
Signed:	
Print name:	
Date:	

## **Appendix 4 – Facilitation Process Guide**

A facilitated conversation is a completely voluntary and confidential form of resolving workplace disputes between people.

It involves an independent, impartial person(s) helping two or more individuals or groups reach a solution to a workplace dispute that's acceptable to everyone.

Facilitators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim is to restore and maintain the working relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

