

Dignity and Respect at Work Policy

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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 Disciplinary Policy.

This policy outlines the processes to follow to report harassment or bullying in the workplace. Allegations raised will be taken seriously, investigated promptly, sensitively and fairly. 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

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 core values of humanity, pride and continuous improvement of care and the NHS Constitution.

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.

Definitions:

- **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.
- **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.
- **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.
- **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.
- **Manager** – throughout this document where there is reference to the manager this includes Clinical Directors/ Educational Supervisors and line managers.

2. Scope

This policy applies to all employees and individuals working within the Trust, including bank workers, agency workers, volunteers, contractors and staff from other organisations working on the Trust premises.

3. Duties

3.1 Employees

Staff have a personal responsibility for their own behaviour and ensuring that they comply with this policy. There are a number of things that can be done to help prevent bullying and harassment such as:

- set a positive example by treating others with respect

- be aware of the Trust's policy/procedure and comply with it
- do not make personal comments
- do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- not harass, bully, victimise or contribute to the harassment of a colleague or colleagues, or condone harassment, bullying or victimisation by others
- be aware of how your behaviour can affect other people
- be supportive of colleagues who may be subject to harassment, bullying or victimisation
- 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 Business Unit Manager/Head of Service or the HR/ Medical Advisory Team and/ or relevant local Staff Side representative or trades union

3.2 Managers

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area. In order to establish and maintain a work environment free of bullying and harassment they must:

- ensure good communications and trust with and between staff
- set a positive example by treating others fairly and respectfully and setting standards and expectations of acceptable behaviour
- promote a working environment where harassment, bullying or victimisation is unacceptable and not tolerated
- treat a complaint seriously and deal with it promptly, sensitively and confidentially, giving the employee and the alleged perpetrator full support during the entire process
- recognise, tackle, and where possible, resolve incidents of harassment, bullying or victimisation
- ensure there is no retaliation against the complainant or alleged perpetrator, and take action to resolve
- ensure that all individuals involved are aware of the support available to them.
- consult with HR/ Medical Advisory Team as required for advice and support

3.3 Human Resources/ Medical Advisory team

The HR/ Medical Advisory team will provide support and guidance to managers and employees in relation to the application of this Policy whilst ensuring that it is applied fairly and consistently.

3.4 Support to Staff

It is recognised 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.

The person to whom the incident is reported should ensure that the appropriate support is offered, such as a management referral to Occupational Health and informing of the Employee Assistance Programme.

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.

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. Almost always 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).

Under no circumstances should employees who make complaints about harassment or bullying 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. Examples of Bullying and Harassment behaviour

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.

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.

The following list of examples is not exhaustive or exclusive:

- Exclusion or victimisation
- Spreading of malicious rumours, or insulting someone by word or behaviour
- Unfair treatment
- Overbearing supervision or other misuse of power of position
- 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
- Making threats or comments about job security without foundation
- Deliberately undermining a competent worker by overloading and constant criticism

- Preventing individuals progressing by intentionally blocking promotion or training opportunities
- Shouting at individuals / belittling / humiliating
- Personal insults
- Isolation or non-cooperation and exclusion from social activities
- Unwanted, unwelcome, inappropriate, intimidating physical contact,
- Unwanted, unwelcome, inappropriate intimidating verbal statements including offensive jokes, swear words, sexual innuendos or threatening words
- Unwanted, unwelcome, inappropriate, intimidating non-verbal actions (emails/texts/images/offensive/rude or threatening gestures).

5. Firm and fair management or harassment and bullying?

The distinction between a manager who is firm but fair and a manager who is harassing and bullying employees is an important one.

As part of the everyday management process, managers are required to provide employees with feedback concerning their performance, for example, conduct, punctuality. If any of these areas have been unsatisfactory, the feedback may be critical of the employee concerned. If criticism is delivered in a constructive way it can be beneficial to the employee, providing them with the opportunity to reflect on their 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.

Constructive criticism will focus on:

- Actions and behaviours, focusing on what the employee has or 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 the employee to do something differently or make changes

Destructive criticism may involve:

- Aggressive behaviour, such as shouting/ yelling;
- Personal insults or put downs;
- Allocating blame rather than responsibility.

6. Informal Resolution Procedure

6.1 Anyone who feels they have been harassed, bullied or treated in any way which breaches this policy should, if they feel able, tell the person immediately that the behaviour in question is offensive, unwanted and they want it to stop. The person does not need to justify why it offends them.

- 6.2 Alternatively they may ask a workplace colleague/ friend, manager, member of the HR/ Medical Advisory Team or Union Representative to speak to the person on their behalf. If the individual does 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.
- 6.3 In the first instance an employee 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 section 8 for further guidance). If someone doesn't know their behaviour is causing offense, they don't know to change their behaviour. People need a chance to change their behaviour.
- 6.4 If informal methods have not resolved the situation the employee may choose to raise the complaint formally with their manager and may, if they so wish, be supported by a workplace colleague or Union Representative. This meeting should be arranged within 3-5 working days. If the manager is implicated, then the matter should be reported to the next level of management.
- 6.5 Where the complaint is raised informally, the manager should speak to the alleged harasser/ bully within 3–5 working days to advise the individual that their behaviour is perceived as bullying/ harassment by a colleague. The manager should also clearly discuss and explore the following:
- What the behaviour is
 - How the person complaining is feeling as a result of their behaviour
 - The alleged harasser/ bully's view of the situation
 - How the behaviour contravenes the Dignity and Respect at Work Policy
 - The required standards of behaviour
 - The likely consequences of continuing the behaviour
 - How the situation will be monitored and agree a review date
- 6.6 The manager should provide feedback to the complainant, and should follow up the conversation in writing by email to both parties within 3-5 working days. The emails should outline the discussions held and any follow up actions, as it may be needed for evidence should harassment/ bullying continue.

7. Formal Resolution Procedure

- 7.1 If informal attempts to resolve the situation have not been successful, or it is considered by the complainant that the acts complained of may not be resolved informally, the matter may be raised directly with the manager, or next level of management, or Trade Union Representative who will advise on the next steps, for example a formal investigation into the allegations made.

- 7.2 All formal complaints about harassment, bullying or victimisation, will be managed under the Trust's Grievance Policy where an investigation may be instigated under the Trust's Disciplinary Policy and Procedure.
- 7.3 A decision to conduct a formal investigation should be made by a senior manager jointly with the HR/ Medical Advisory Team. Where investigation is deemed appropriate, the line manager or an impartial manager from a different department could conduct the investigation and may be supported by a member of the HR/ Medical Advisory Team.
- 7.4 The Trust's Disciplinary Policy and Procedure may also be used if the complainant's behaviour is deemed to be malicious or vexatious.
- 7.5 The complainant will receive verbal feedback from the investigating manager of the outcome of their complaint, and this will be confirmed in writing within 5-10 working days.
- 7.6 Where the complainant 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 the manager in conjunction with the Business Unit Manager and the HR/ Medical Advisory team.
- 7.7 Sometimes it may be necessary to separate the complainant 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.

8. Raising Concerns (Whistleblowing)

This policy would may be relevant if an individual has concerns where they believe the interests of others or Queen Victoria Hospital NHS Foundation Trust are at risk. If you are troubled about something that involves a risk (to patients, public or colleagues), 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.

9. Appeals

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

10. Mediation

- 10.1 Mediation may be used to address concerns if considered appropriate by the manager and it is agreed by all parties to the complaint. Mediation is a voluntary process. A trained mediator meets both parties individually before advising on next

steps of the mediation process. There are a number of trained mediators within the Trust who can be contacted through the HR/ Medical Advisory team (mediation guidance is available on Qnet).

10.2 Mediation is not appropriate in all circumstances and works most effectively when both parties are open to an effective and workable resolution to a dispute. An agreement comes from those in dispute, not from the mediator.

11. 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.

12. Training and Awareness

This Policy is available on the Trust's intranet and whilst there is no specific training for this Policy, guidance can be sought from the HR/ Medical Workforce Advisory team.

13. Equality

This policy and protocol will be equality impact analysed in accordance with the Trust Policy Documents Policy, the results of which are available upon request via qvh.eqia@nhs.net

14. 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.

15. 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.

16. 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.

17. 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 procedure.

18. Monitoring Compliance with this Policy

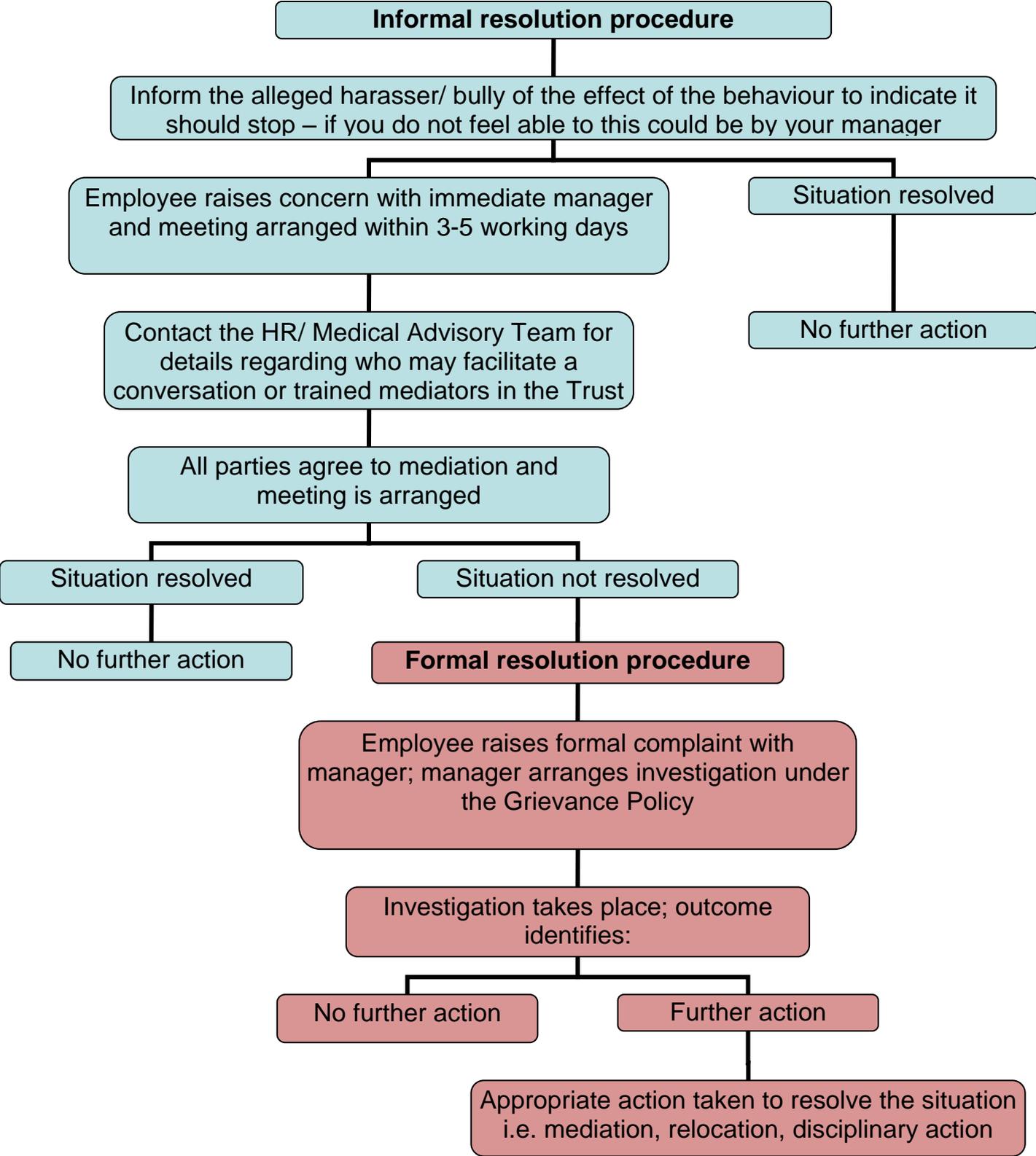
This policy will be implemented by Clinical Directors/ Line Managers, supported by the Human Resources Department and the Occupational Health Department.

Activity being monitored	Methodology to be used for monitoring	Responsibility for monitoring	Frequency of monitoring and reporting	Process for review and improvement
Claims of harassment, bullying or victimisation	Annual audit of allegations	HR	Monthly	Annual

19. References

Disciplinary Policy and Procedure
Equality Act 2010
ACAS

Appendix 1 – Bullying and harassment flow chart



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