

Dignity at Work Policy

V1.0

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Relevant External Standards/ Legislation	Equality Act 2010
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Further information:	Head of Operational HR

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Version History:

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2.0	TBC	Deputy Director of Workforce	TBC	TBC

Summary of changes from last version:

- Policy more succinct
- Emphasis on informal resolution of concerns
- Expanded the definitions of Harassment and Bullying to include sexual orientation or gender identity

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1 Policy Statement

Heart of England NHS Foundation Trust is committed to creating and maintaining a culture whereby all staff have the right to be treated with Dignity, respect and have equality of opportunity. The Trust recognises that the existence of bullying and harassment at work, in any form, can create an environment which can adversely affect not only the performance and well-being of employees but also employee attendance and may also prevent employees from fulfilling their full potential.

The Trust is committed to providing equal access in the recruitment, selection and development of staff. This will support and promote an environment where individuals are treated fairly, courteously and respectfully.

The purpose of this policy is to outline the framework in which this will be achieved and also to describe how instances of harassment and bullying in the workplace will be managed effectively by the Trust.

Where behaviour is deemed to be in conflict with reasonable expectations of behaviour, this policy aims to seek amicable resolution in the first instance, where appropriate in order to prevent any further instances and escalation of issues.

The Trust expects that all employees and their representatives shall work individually and collectively in partnership to ensure a safe, positive working environment for all staff, in which harassment and bullying are not tolerated in any form.

2 Scope

This policy applies to all employees of the Trust, bank staff, contractors and employees of other organisations who are on any of the Trust sites. It also includes volunteers providing a service at the Trust.

3 Definitions

Harassment and bullying at work, in any form, is wholly unacceptable and the Trust will take all reasonable steps and practicable measures to ensure that all employees enjoy a working environment in which the dignity of individuals is respected.

3.1 Harassment

Harassment can be defined as “any unwanted action, behaviour, comment, physical contact or passive intimidation that a person finds objectionable or offensive and which makes that individual feel threatened, humiliated, patronised or uncomfortable, leading to a loss of dignity or respect”.

Harassment may be persistent or an isolated incident. Harassment can create an intimidating or hostile work environment. Harassment may be directed towards people because of their gender, age, sexual orientation, race, colour, ethnic origin, religious beliefs, physical or mental disability, or some other characteristic.

It is important to remember that it is for the recipient to define what is and is not acceptable.

3.2 Racial Harassment

Racial harassment usually involves someone behaving or acting in a way that causes embarrassment, humiliation or is likely to intimidate or offend others on the grounds of their colour, race or religion.

In practice, racial harassment may include:

- display or circulation of racially offensive material, including computer based graphics and photographs
- verbal or physical threat or abuse
- innuendo, mockery or unwarranted remarks or jokes
- use of derogatory racial stereotypes.

Any comments, action or written material, which derides or insults someone's race, colour, religion, nationality or ethnic origin are unacceptable.

3.3 Harassment due to sexual orientation or gender identity

Harassment due to sexual orientation or gender identity ie, any behaviour which causes distress or alarm and can range from verbal abuse to violence and assault. Such harassment can include:

- name calling
- indecent offensive remarks and jokes
- unwanted comments and questions about your sex life
- nuisance phone calls
- offensive texts, letters or emails
- vandalism of your property
- physical or sexual assault

Sometimes, heterosexual people are harassed because they are perceived to be lesbian, gay, bisexual or transgender – this is still harassment

Any comments , action or written material which derides or insults someone's sexual orientation or gender identity are unacceptable.

3.4 Sexual Harassment

Sexual harassment can be difficult to define because types of behaviour which may cause distress, annoyance or embarrassment to one individual may be acceptable to another. It may, for example, be acceptable to remark upon someone's appearance when it is clear that this will be welcome. However, persistent or inappropriate remarks of this type which are neither invited nor welcome may well cause offence and could, therefore, amount to sexual harassment, even if this was not the intention.

In general, sexual harassment can be distinguished from acceptable behaviour in that it involves unreciprocated and unwelcome actions, attention or behaviour, which is of a sexual nature.

Some forms of sexual harassment, such as assault, are obvious; others are much less so and may include:

- displays or circulation of sexually offensive material, for example pin-ups, calendars, photographs and computer based graphics
- innuendo
- obscene gestures, leering, staring
- unsolicited comments
- touching, hugging, pinching or pushing

Suggestions that sexual favours may further a member of staff's career or that not offering sexual favours may adversely affect a member of staff's career.

Harassment in terms of sexual orientation or gender re-assignment may be related to the above, but is more likely to include:

- innuendo, mockery or remarks or jokes which may offend the individual
- verbal or physical threats or abuse
- use of derogatory sexual stereotypes.

3.5 Bullying

Bullying is offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying may take a variety of forms, not exclusively being the actions (or exclusions) of a senior member of staff towards a junior member of staff. For instance it is possible for a junior member(s) of staff to bully and harass a more senior colleague.

Examples of actions which may be described as bullying can include, but not be restricted to:

- Physical abuse and aggression;
- Deliberately and inappropriately excluding individuals from group activities or conversations;
- Insensitive jokes or pranks;
- Criticising an individual in front of others;
- Obstructing an individual's ability to carry out their work;
- Abuse of power including misuse of formal procedures.

4 Policy Framework

4.1 Dealing with Concerns of Harassment and Bullying

An individual may consider that they have experienced bullying or harassment, either by a colleague, manager or subordinate. S/he may initially register a concern verbally, or in writing. Depending on the nature of the behaviour, which has given rise to the concern being raised, it would be appropriate to consider informal resolution where this is an isolated first issue.

An informal approach is encouraged wherever possible and relevant. However, in exceptional circumstances and depending on the nature of the complaint, it may be decided to initiate formal proceedings in light of unacceptable behaviour, even where the individual raising concerns may not prefer this as a course of action.

Employees shall be protected from intimidation, victimisation or discrimination for raising concerns/complaints or assisting in an investigation. Retaliation against an employee for complaining about bullying or harassment will be considered as a conduct matter and in some instances as gross misconduct and will therefore lead to disciplinary action.

4.2 Informal Procedure

It may be sufficient to raise the concern with the person directly involved and this course of action should usually be recommended unless such an approach could further inflame the situation. The complainant should keep a record of the instances of alleged inappropriate behaviour and describe in detail the nature of the behaviour that is found to be offensive in order to support possible further investigation and resolution.

Where the employee finds it difficult, for whatever reason, to deal with the situation alone, s/he may seek support from a relevant manager who may accompany the employee to discuss the concerns. Any manager offering support shall treat the matter sensitively, act in an impartial manner and in confidence, and also act in accordance with the wishes of the employee. Notes should be kept of any discussions including details of resolution.

It is important that the alleged perpetrator is made aware of the behaviour which has caused offence, and therefore it may be appropriate to confirm the meeting details to all parties following the meeting. Equally, it is important that the alleged perpetrator provides a commitment not to repeat that, or similar behaviour, and is aware that failure to do so is likely to lead to the initiation of formal disciplinary procedures.

Mediation – Where further support is required to assist in an informal resolution, mediation may be considered, subject to the agreement of both parties. In these circumstances a mediator may be engaged to help the parties overcome any differences and resume normal working relationships. Advice from the HR team should be sought when mediation support is being considered.

If the complainant does not receive the appropriate assurances from the alleged perpetrator, or if informal resolution is either unsuccessful or inappropriate in the circumstances, then the manager notified of the complaint may initiate a formal investigation in accordance with the Trust Disciplinary Procedure.

Where a complaint(s) by an employee is found to be frivolous, malicious, vindictive or not made in good faith then that person may find that they are subject to an investigation within the remit of the Trust Disciplinary Procedure. This ensures that all staff are safeguarded, and that the Dignity at Work Policy is not used inappropriately, thereby reducing its effectiveness and/or status.

Whether or not a complaint is upheld, it may be appropriate to provide support to all parties involved. Each case shall be considered on its own merits in determining whether this is appropriate, and in what form.

4.3 Formal Procedure

In cases where matters cannot be resolved satisfactorily and the manager considering the complaint, together with the HR representative, feels that there is a case to answer then it may be referred for formal investigation under the Trust's Disciplinary Procedure.

In the event that a disciplinary investigation is undertaken, the complainant will be asked to attend a fact finding meeting within the remit of the Disciplinary Policy.

Appropriate steps should be taken to ensure the complainant is not victimised in any way while the matter is investigated. Changes in working arrangements may be considered where appropriate by the senior manager with support from the HR representative.

Every attempt will be made to complete an investigation within 4 weeks of commencement unless there are practical difficulties preventing this (e.g. Sickness absence of a material witness).

5 Duties and Responsibilities

5.1 The Trust Board

The Trust Board's responsibilities are:

- To create an environment and culture in which neither harassment nor bullying are tolerated and in which the dignity of the individual employee at work is safeguarded and respected
- To ensure that all staff, directly or indirectly employed have access to this policy
- To oversee the policy and ensure that managers take action commensurate with the guidance in this policy to prevent or manage instances of bullying and harassment.

5.2 Managers

Managers must ensure that:

- This policy is implemented and operates effectively within their area of responsibility;
- All employees are aware of the requirements and purpose of this policy and their own individual responsibilities in this respect;
- All employment matters are dealt with in a fair and consistent manner, and are appropriately documented, without reasonable delay;

- Any concerns raised under the scope of this policy are treated seriously, sensitively and confidentially; and all complaints considered objectively;
- All managers are appropriately trained in the application of this policy.

5.3 Employees

Employees responsibilities are:

- To adhere to the requirements and purpose of this policy.
- To draw the attention of their line manager, HR Department or trade union officer, any suspected discriminatory acts or practices.
- To cooperate with measures introduced to ensure equality of opportunity.
- To refrain from victimising employees who have made allegations or complaints of discrimination or who have provided information about such complaints or allegations.

5.4 Operational Human Resources

The responsibilities of the Operational Human Resources team are:

- To ensure this policy is implemented and interpreted consistently by all managers with support to staff about the use of the policy;
- To review not only this but other policies to ensure that the basic principles of Dignity at Work are reflected throughout the Trust;
- To respond to complaints promptly and sensitively, in order to reduce the need for formal procedures where a less formal approach is appropriate.

6 Training to Support Implementation of Policy

Arrangements for relevant and regular training to support managers and staff recognise preventative measures and management intervention for Dignity at Work issues will be coordinated from within the Workforce Directorate and be available to all staff.

7 Monitoring

See Appendix A

Appendix A – Monitoring Matrix

MONITORING OF IMPLEMENTATION	MONITORING LEAD	REPORTED TO PERSON/GROUP	MONITORING PROCESS	MONITORING FREQUENCY
That concerns raised under this policy are dealt with appropriately	Operational HR	Operational Workforce Group	<p>A report detailing:</p> <ul style="list-style-type: none"> Number of formal concerns raised within the remit of this policy Particular trends with an emphasis on the recognised protected characteristics 	Quarterly if required but at least annually
That the preceding report is escalated appropriately and action plans followed up on.	Operational HR	<p>Operational Workforce Group Strategic Workforce Group</p> <p>Director of Workforce</p>	<p>Operational Workforce group will analyse information and determine recommendations for remedial action.</p> <p>Any remaining issues of concern are escalated to the Strategic Workforce group and the Director of Workforce with any actions notified back to the Operational Workforce Group</p>	As required

