

Prevention of Harassment and Bullying at Work Policy

CONTROLLED DOCUMENT

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1. Introduction

- 1.1. The purpose of this policy is to ensure that you are treated with dignity and respect, and to enable you to work in an environment that is free from harassment and bullying by colleagues.
- 1.2. Harassment and bullying are not acceptable under any circumstances, or at any level in the Trust. The Trust will take any allegations of harassment or bullying seriously and will deal with them promptly and confidentially. Serious cases of harassment or bullying may amount to gross misconduct leading to dismissal.
- 1.3. This policy supports the Trust's values, and in particular, respect, responsibility and honesty.

2. Scope

- 2.1 This policy covers all staff working for the Trust including employees, contractors, volunteers, students, locum and agency staff, and staff employed on honorary contracts.
- 2.2 The policy covers harassment and bullying in the workplace and in any work-related setting outside the workplace e.g. work undertaken away from Trust premises and work-related social events.

3. Framework

3.1 Definitions

- 3.1.1 Harassment: Harassment is any unwanted behaviour that violates your dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for you. Some examples of harassment are listed in Appendix B.
- 3.1.2 Bullying: Bullying is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate or injure the recipient. Some examples of bullying behaviours can be found in Appendix C.

3.2 Key Principles

- 3.2.1 If you feel that you are being harassed or bullied you can seek advice from your manager, Human Resources, Occupational Health, Staff Support or your Staff side representative.
- 3.2.2 Members of the Occupational Health and Safety Department will provide support and advice to any staff involved in harassment or bullying cases. You are able to self-refer to Occupational Health services.
- 3.2.3 The Staff Support service will provide you with confidential counselling in relation to harassment or bullying at work. You are able to self-refer to the Staff Support services.

- 3.2.4 Generally, the decision whether to pursue a complaint is up to you. However, the Trust has a duty to protect all staff and may pursue the matter independently if it considers it appropriate to do so.
- 3.2.5 In the event of a complaint of harassment or bullying, every effort should be made by all those involved to resolve the issue informally at an early stage. In cases where the informal approach has not been successful, or in more serious cases, it may be necessary to use a formal process. The processes found in the Prevention of Harassment and Bullying at Work Procedure must be followed in these circumstances.
- 3.2.6 Mediation may be an appropriate course of action to be taken at any point in the process with the agreement of all parties involved.
- 3.2.7 Confidentiality must be maintained by all parties at all times during investigations into allegations of harassment or bullying. Any breach of confidentiality by either party may result in disciplinary action in accordance with the Disciplinary Policy and Procedure.
- 3.2.8 Victimisation or retaliation against any party will not be tolerated and may result in disciplinary action in accordance with the Disciplinary Policy and Procedure.
- 3.2.9 False allegations will be taken seriously and may result in disciplinary action in accordance with the Disciplinary Policy and Procedure.
- 3.2.10 Managers might have to take actions such as outlining expected standards of performance, asking for improvements in performance, and making clear the consequences of poor performance to staff. Whilst this may make you feel uncomfortable, these do not in themselves constitute harassment or bullying, and normal performance processes will be expected to continue. Appendix D gives examples of bullying behaviours in managers and appropriate behaviours for strong and fair management..
- 3.2.11 The Trust will provide staff training in accordance with the Training Catalogue (Training Needs Analysis).

4. Duties

4.1 Executive Director of Delivery

The Executive Director of Delivery is responsible for the policy and its implementation and has the authority to approve the Procedure for the Prevention of Harassment and Bullying at Work and any amendments to the document in response to changes in legislation or best practice, provided that they are compliant with this policy.

4.2 Managers

Anyone in charge of a group of staff must ensure that harassment or bullying does not occur in their work area by ensuring that:

- 4.2.1 They and their team are aware of this policy;
- 4.2.2 They set a good example in their work relationships and style of management the key principles of the policy;
- 4.2.3 They deal with any harassment or bullying in a proactive and timely manner in accordance with the Investigations procedure;
- 4.2.4 They support individuals who say that they have been harassed or bullied, and take full account of their feelings and perception of the situation;
- 4.2.5 They appreciate that individuals who may be causing offence may not be aware of the impact of their actions. Such individuals are also in need of support;
- 4.2.6 They maintain complete confidentiality and do not mention or discuss the case with any person not involved in its investigation;
- 4.2.7 They do not participate in, encourage or condone gossip relating to cases of actual or alleged harassment or bullying, and take appropriate steps to prevent or stop such gossip in their work area;
- 4.2.8 They attend any training sessions which may be arranged to increase their awareness of the issues involved in harassment and bullying.

4.3 Staff Side and Trade Union Representatives

Staff Side and Trade Union representatives will:

- 4.3.1 Provide advice and support to their members if requested to do so, including raising a concern on a member's behalf;
- 4.3.2 Assist in raising awareness and communication of the policy.

4.4 Staff

You must:

- 4.4.1 Treat everyone that you come into contact with at work in a professional manner and with respect for their dignity;
- 4.4.2 Not harass or bully, or encourage or collude with any form of harassment or bullying in your workplace. If you are found to be responsible for such actions you may face disciplinary action up to and including dismissal;

- 4.4.3 Raise your concern at the earliest possible opportunity if you believe you are being harassed or bullied;
- 4.4.4 Report any incident of harassment or bullying that you witness to your manager, or if your manager is the alleged harasser then report it to a third party e.g. another manager;
- 4.4.5 Maintain appropriate confidentiality during any investigation into harassment or bullying and do not mention or discuss the case with anyone not involved.

5. Implementation and Monitoring

5.1 Implementation

- 5.1.1 This policy will be available on the Trust's Intranet site. It will also be disseminated through the management structure within the Trust.
- 5.1.2 Human Resources will provide consistent advice and guidance to managers and staff on the application of this policy and its procedure;
- 5.1.3 Training relating to this policy and associated procedure is available for managers via the Essential Skills for People Management training course.

5.2 Monitoring

Please see Appendix A for the monitoring matrix.

6. References

- 6.1 ACAS
- 6.2 Equality Act 2010
- 6.3 Health and Safety at Work Act 1974
- 6.4 Protection from Harassment Act 1997
- 6.5 NHS Employers Guidance – Bullying and Harassment (April 2006)
<http://www.nhsemployers.org/Aboutus/Publications/Documents/Bullying%20and%20harassment.pdf>
- 6.6 Staff Survey

7. Associated Policy and Procedural Documentation

- 7.1 Prevention of Harassment and Bullying at Work Procedure
- 7.2 Training Catalogue (Training Needs Analysis)
- 7.3 Disciplinary Policy and Procedure
- 7.4 Grievance and Disputes Policy and Procedural document
- 7.5 Maintaining High Professional Standards in the Modern NHS (national guidance)

- 7.6 Security (including Violence and Aggression) Policy and Security Procedure
- 7.7 Procedure for Conducting an Investigation

MONITORING MATRIX

MONITORING OF IMPLEMENTATION	MONITORING LEAD	MONITORING PROCESS	MONITORING FREQUENCY
All formal harassment and bullying cases monitored including timescales	Human Resources Department	All formal cases recorded via KPI reports	Monthly
All formal harassment and bullying cases are adhere to the processes in the policy and procedure	Human Resources Department	All formal cases recorded via KPI reports then reported in Annual Workforce Plan	Annual
Staff Survey	Human Resources Department	Feedback from Staff Survey regarding harassment and bullying analysed and if cause for concern action plan developed	Annual

Examples of Harassment

The grounds for harassment are varied and can include:

- Race, ethnic origin, nationality or skin colour
- Sex, sexual orientation, sexual reassignment or gender identity
- Religious or political convictions
- Physical characteristics (e.g. weight, height)
- Disabilities including physical disabilities, sensory impairments, learning disabilities, or mental health issues
- Age
- Real or suspected infection with HIV/AIDS
- Past criminal record
- Willingness to challenge people who harass or bully others which may in turn result in victimisation

Sexual harassment

- Unwelcome sexual advances, propositions and demands for sexual favours
- Unwanted or derogatory comments about clothing or appearance
- Leering and suggestive gestures and remarks
- Displaying offensive material, such as pornographic pictures, page-three type pin-ups or calendars, including those in electronic forms such as computer screen savers or by circulating such material in emails
- Physical contact such as the invasion of personal space and unnecessary touching through to sexual assault

Racial harassment

- Any incident which is perceived to be racist by the victim or any other person
- Refusing to work with someone or deliberately isolating them because of their race, colour, nationality or ethnic origin
- Displaying racially offensive material including graffiti
- Racist jokes, banter, insinuations, insults and taunts
- Verbal and physical abuse/attacks on individuals because of their race, colour, nationality or ethnic origin.

Harassment of workers with disabilities

- Asking intimate questions about an individual's impairment such as how it occurred and what it is like to be disabled
- Name calling, jokes, taunts and use of offensive language
- Assuming that a physical disability means that the individual is inferior
- Assuming that a mental disability means that the individual lacks intelligence

Harassment on the grounds of religion

- Mocking people's religious beliefs
- Making unwanted comments on dress
- Making it unnecessarily difficult for people to conform to their religious beliefs.

Harassment on the grounds of sexual orientation

- Homophobic or biphobic comments, 'jokes' and name-calling
- Dissemination of homophobic or biphobic materials
- Repeated references to a person's sexual orientation
- Outing a person as LGB without their consent or spreading rumours
- Prejudiced myths such as that all gay men are HIV positive, bisexual people are attracted to everyone, lesbians don't have caring responsibilities or that LGB people are a threat to children
- Excluding an LGB person from conversation and activities
- Excluding a same sex partner when opposite sex partners are included
- Intrusive questioning about an individual's personal or sex life

Harassment of transgender workers

- Transphobic comments, 'jokes' and name-calling
- Refusing to treat a person as of their new gender when they transition
- Failing to address a person by their preferred name and correct gender pronouns
- Denying people access to the appropriate single sex facilities such as changing rooms
- Outing a person as transgender without their consent or spreading rumours (this may also be a criminal offence)
- Intrusive questioning.

Age harassment

- Derogatory comments relating to age e.g. 'old fogey' or 'still in nappies'
- Ageist jokes
- Assumptions about a person based on their age
- Excluding a person from work social events on the grounds of their age

These lists are not exclusive or exhaustive and there may be other behaviour which also constitutes harassment and leads to discrimination.

Examples of Bullying Behaviours

Bullying may take the form of physical, verbal or non-verbal conduct. The following are examples of bullying behaviour:

- **shouting at, being sarcastic towards, ridiculing or demeaning others;**
- **physical or psychological threats;**
- **overbearing and intimidating levels of supervision;**
- **inappropriate and/or derogatory remarks about someone's performance;**
- **abuse of authority or power by those in positions of seniority;**
- **deliberately excluding someone from meetings or communications without good reason.**

This list is not exclusive or exhaustive and there may be other behaviour which also constitutes bullying and leads to discrimination.

DISTINCTION BETWEEN BULLYING BEHAVIOURS IN MANAGERS AND STRONG MANAGEMENT

Bullying Behaviours

- Making threats
- Handing out physical and verbal abuse
- Humiliating people in front of others
- Refusing to listen to concerns
- Ignoring people for promotion
- Needlessly reviewing someone's work
- Addressing people by their job title or grade rather than by name
- Setting unrealistic deadlines
- Withholding necessary information

Strong and Fair Management Behaviours

- Setting and agreeing achievable tasks and goals
- Consistent and fair
- Gives constructive feedback
- Manage performance by recognising good performance and tackling poor performance constructively.
- Shares information freely
- Is realistic about strengths and development needs
- Gives credit where credit is due.

These lists are not exclusive or exhaustive.