

Prevention of Harassment and Bullying at Work Procedure

CONTROLLED DOCUMENT

CATEGORY:	Procedure
CLASSIFICATION:	Human Resources
PURPOSE	This document outlines the procedure for the prevention of harassment and bullying at work and supports the Prevention of Harassment and Bullying at Work Policy.
Controlled Document Number:	59
Version Number:	5
Controlled Document Sponsor:	Executive Director of Delivery
Controlled Document Lead:	Director of Human Resources
Approved By:	Executive Director of Delivery
On:	18 th April 2013
Review Date:	April 2016
Distribution:	
<ul style="list-style-type: none"> • Essential Reading for: Executive Directors Directors of Operations Divisional Directors Heads of Service Line Managers HR Team Trade Union Representatives • Information for: All Staff 	

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1. Introduction

- 1.1. Everyone who works in the Trust has a right to be treated with dignity and respect, and to work in an environment that is free from harassment or bullying. If you believe that you have been harassed or bullied you should take action in accordance with this procedure at the earliest opportunity. This includes the right to make a formal complaint.
- 1.2. If you feel that you are being harassed or bullied you can speak to Human Resources, Staffside, or your manager for advice. The Prevention of Harassment and Bullying at Work Policy gives clear definitions and examples of what behaviours may be harassment or bullying and such definitions apply to this procedure.
- 1.3. In the first instance, every effort should be made to resolve harassment or bullying on an informal basis.
- 1.4. You can contact the Staff Support service in strictest confidence at any stage. Staff Support can provide counselling and support if necessary. It is vital that psychological health is maintained as far as possible. Other agencies such as Occupational Health or your GP are also available.

2. Procedure

- 2.1. Every effort should be made to resolve harassment/bullying cases on an informal basis however there may be occasions where it is necessary to move straight to the formal procedures. A facilitative meeting with a 3rd party can be arranged in some cases, or an accredited mediator may also be appointed in exceptional circumstances. Decisions regarding which course of action should be taken will be made on a case by case basis with Human Resources.

2.2. Informal Procedure

- 2.2.1 In many cases what is perceived as harassment or bullying can vary between individuals. Often a person is unaware of the effect of their behaviour on others, and once made aware of the distress caused by their actions, the offensive behaviour stops. If you believe that you have been harassed or bullied you should, as a first step, state that the harassment or bullying is offensive, unacceptable, unwanted and/or interfering with your work, as appropriate, and ask the person, or people, responsible to stop.
- 2.2.2 It is preferable for you to do this personally as this can help to restore your sense of dignity. If however you find such action to be too difficult or embarrassing, you may prefer to write (keeping a dated copy of the letter) or to ask your manager or trade union representative to speak to the harasser/bully. This may often be enough to prevent further incidents, particularly if the harasser/bully is unaware that they have been causing offence by their actions. Where a manager or trade union representative is asked to speak

to the harasser/bully they should do so promptly and should also feedback to the person who raised the concern.

2.2.3 You should do this as soon as the harassment or bullying becomes apparent.

2.2.4 Behaviour which was not previously considered unwelcome by you may become so for various reasons. In this case you must state that it is unwelcome as soon as it becomes so. The matter should be dealt with in the same way as any other harassment or bullying.

2.2.5 If you have exhausted the informal stage and not had a satisfactory outcome you can either make a formal complaint or can ask for a facilitative meeting.

2.3 Formal Procedure

2.3.1 If the informal route has been unsuccessful, or it is so serious that the informal route is not appropriate, you should put your complaint in writing to the HR First Contact Team using the form in Appendix A or a letter/e-mail which includes the same information.

2.3.1 The complaint will be acknowledged within 5 working days. Human Resources will appoint an investigating manager to investigate the facts of the case and to collect any evidence. This may include oral evidence e.g. complainant and witnesses, documentary evidence e.g. emails, incident forms, expert evidence e.g. specialist knowledge, or site inspections to see the layout.

2.3.2 Human Resources will confirm to the alleged harasser that an investigation is to be carried out. This will normally identify who has made the allegations.

2.3.3 Investigatory meetings will be held in an appropriate location. Staff who have to attend an investigatory meeting will be entitled to bring a workplace colleague or Staffside representative with them. It is recognised that the time suggested by management may not always be suitable, however in line with the ACAS Guide for Disciplinary and Grievances, an alternative time within 5 working days of the original date should be given by the member of staff and their representative.

2.3.4 Investigation meetings will be recorded to enable verbatim records to be made. Members of staff and/or their representatives will be provided with a copy of the audio file on request.

2.3.5 Where an incident is witnessed by an individual who is not an employee, every effort should be made to obtain a statement from the individual, which should be signed and dated.

2.3.6 The investigation process and feedback aims to be completed within 12 weeks unless there are extenuating circumstances.

2.4 Outcomes

- 2.4.1 Following the conclusion of an investigation into allegations of harassment or bullying, the Investigating Manager should confirm the outcome of the investigation in writing. This should be done within 10 working days of the conclusion of the investigation and should be followed up in writing. There are two potential outcomes: no case to answer or case to answer.
- 2.4.2 Where the investigation has found that there is no case to answer, it may be recommended that both parties participate in a facilitative meeting or mediation in exceptional circumstances.
- 2.4.3 Where the investigation has found that there is a case to answer the case will move to the Disciplinary Procedure/Maintaining High Professional Standards in the Modern NHS Policy for conclusion.
- 2.4.4 The complainant will only be advised that it has been found that there is a case to answer i.e. they will not be provided with any further details due to confidentiality of the other party.

2.5 Movement of either party

Where there is evidence, or evidence becomes available during the investigation, it may be necessary and/or desirable to separate the individuals involved whilst the investigation is taking place. Such a decision will be made on a case by case basis.

2.6 Suspension/Exclusion

In serious cases of harassment/bullying, suspension/exclusion may be deemed necessary to ensure that an investigation can be properly carried out and to eliminate significant risk of further harassment/bullying or other detriment to a member of staff. In these cases the Disciplinary Procedure/Maintaining High Professional Standards in the Modern NHS Policy will be followed.

2.7 Appeal

If the investigation has resulted in no case to answer, you may appeal in writing to the Director of Human Resources within 10 working days of the written outcome of the investigation, requesting a review and specifying the aspect with which you are not satisfied. The Director of Human Resources will allocate a review of the written evidence and statements to an appropriate senior manager who was independent from the previous investigation who will determine whether there is a case to answer or not. The senior manager will provide feedback, in writing within 10 working days. There is no further appeal beyond this level.

2.8 Facilitative Meeting

- 2.8.1 A facilitative meeting is where you meet with the alleged harasser/bully and an independent third party (facilitator) to try and resolve the problem.

- 2.8.2 A facilitative meeting may be an appropriate course of action to be taken at any point in the process with the agreement of all parties involved.
- 2.8.3 The facilitator will be appointed by the Human Resources Department or senior manager as appropriate. The facilitator is then responsible for arranging the meeting and informing the parties of the date and venue.
- 2.8.4 The facilitator should write to both parties confirming the agreed outcome of the meeting.
- 2.8.5 The Trust's primary aim in all cases will be to prevent recurrence of the harassment or bullying. In many cases the informal process will be sufficient. However, when a facilitative meeting is unsuccessful and further action is required the formal procedure can be followed.
- 2.8.6 Where a facilitative meeting is recommended but one party chooses not to participate in this, the matter will be deemed closed and both parties will be expected to behave professionally.
- 2.8.7 In exceptional circumstances, an external accredited mediator may be appointed by the Trust. This will only be considered where the issues are exceptionally complex and professional intervention is considered necessary. Any costs will be met by the department/Division.

3. References

- 3.1. ACAS
- 3.2. Equality Act 2010
- 3.3. Health and Safety at Work Act 1974
- 3.4. Protection from Harassment Act 1997
- 3.5. NHS Employers Guidance – Bullying and Harassment (April 2006)
<http://www.nhsemployers.org/Aboutus/Publications/Documents/Bullying%20and%20harassment.pdf>

4. Associated Policy and Procedural Documentation

- 4.1. Prevention of Harassment and Bullying at Work Policy
- 4.2. Disciplinary Policy and Procedure
- 4.3. Maintaining High Professional Standards in the Modern NHS

Formal Complaint Of Harassment Or Bullying Form

NAME:.....

JOB TITLE: ASSIGNMENT NO:

WARD/AREA OF WORK:

DATE FORMAL HARASSMENT CLAIM RAISED:

STAFF SIDE/TRADE UNION REPRESENTATIVE:

PREFERRED METHOD OF CONTACT AND DETAILS (e.g. email address, phone no)

.....

1. Please give the name(s) of the person who is alleged to have harassed/bullied you.

2. Please give details of the nature of the harassment and/or bullying (continue on a separate sheet if necessary).

3. Please give dates and times of this harassment.

4. Please explain the impact of the behaviour and how it made you feel.

5. Please give the names of any witnesses to events.

6. Did you tell the person/people how it made you feel?

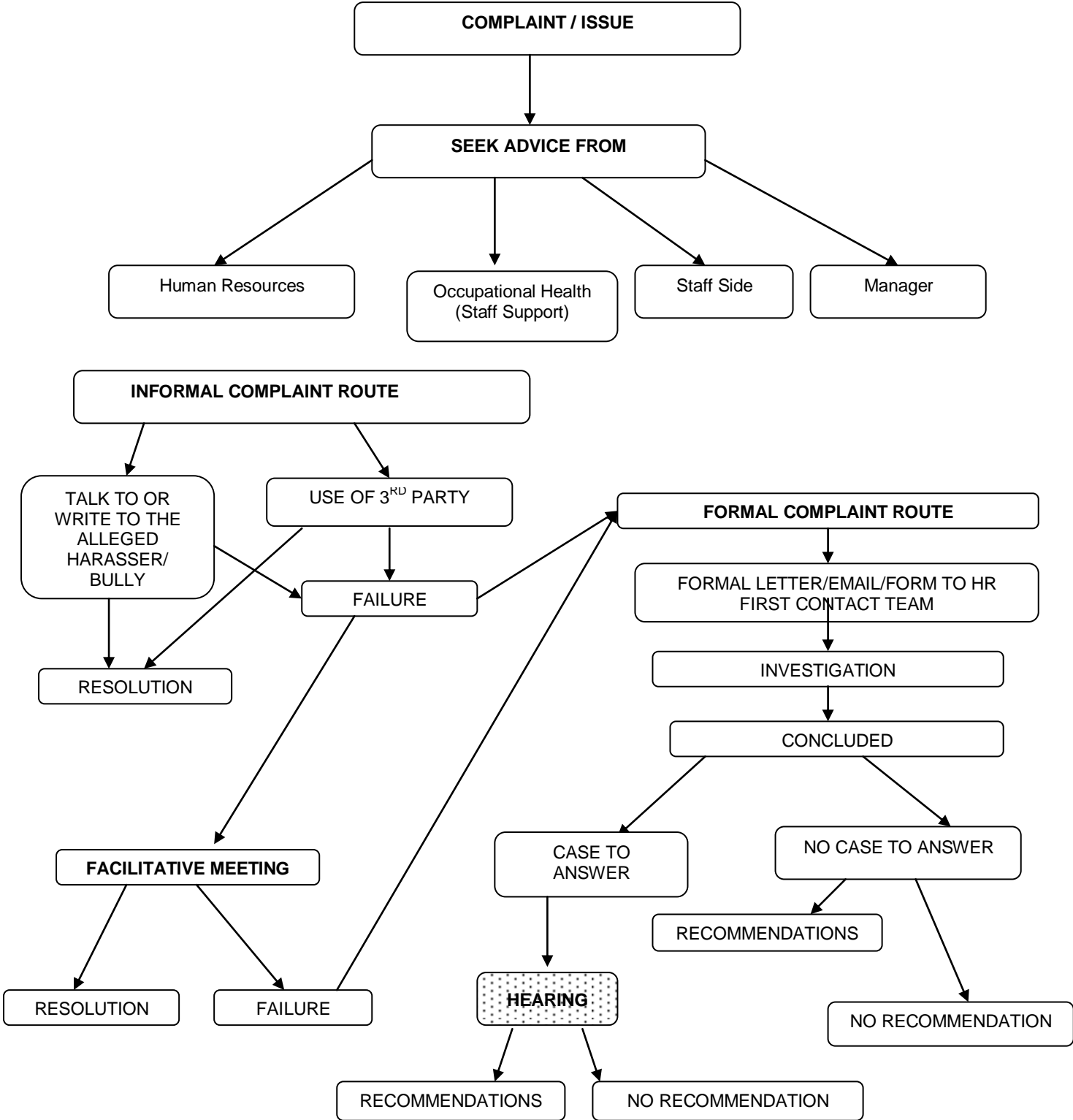
7. Has any informal action been taken to stop the harassment/bullying, if yes please give details?

8. What steps do you feel could be taken to rebuild working relationships with the person/people alleged to have harassed or bullied you?

Signed:Date:

Please send this form to the HR First Contact Team

PROCESS FOR MAKING / HANDLING A HARASSMENT OR BULLYING COMPLAINT



Key

 As per Disciplinary Policy and Procedure