

## Document Control

<b>Title</b>			
<b>Bullying and Harassment Policy</b>			
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<b>Version</b>	<b>Date Issued</b>	<b>Status</b>	<b>Comment / Changes / Approval</b>
1.0		Final	Published on Tarkanet.
1.1	Feb 2008	Revision	Amendments made due to NHS Litigation Authority assessment.
1.2	Mar 2008	Revision	Approval gained from Policy Group and Joint Negotiating and Consultative Committee.
1.3	Apr 2008	Revision	Presented to Clinical Services Executive Committee for final approval.
1.4	May 2008	Revision	Presented to Trust Board for ratification on 6 <sup>th</sup> May 2008. Ratified without amendments.
2.0	May 2008	Final	Finalised version published on Tarkanet.
2.1	Jun 2008	Revision	Final amendments to ensure corporate identity requirements.
2.2	Dec 2008	Revision	Checked against NHS LA Level 1 assessment recommendations, no amends necessary.
2.3	Apr 2008	Revision	Checked Against NHS LA level 2 assessment recommendations, amended as required.
2.4	Apr 2008	Revision	Approved by Joint Negotiating and Consultative Committee (JNCC) in April 2010.
2.5	May 2010	Revision	Revised and approved by JNCC in May 2010.
2.6	May 2010	Revision	Minor amendments by Corporate Affairs to document control report, headers and footers and formatting. Formatted for document map viewing. Bookmarks and hyperlinks for appendices. Updated to reflect name change from Respect and Dignity and corrected page numbering. Recommended revised layout for Appendix E. Reference to NHS Constitution. Websites added to Appendix G.
2.7	Feb 2011	Revision	Review date extension for one year approved by Director of Personnel & Development on 11 Feb 2011. Minor amendments by Corporate Affairs to update document control report format.
2.8	Jan 2012	Revision	Harmonised policy as a result of the merging of Northern Devon Healthcare NHS Trust and NHS Devon community services. A summary of key issues and differences is on page 4.

2.9	Feb 2012	Revision	Comments and amendments incorporated following presentation at Partnership Forum.
3.0	Feb 2012	Final	Approved by Partnership Forum on 14 <sup>th</sup> February following consultation.
3.1	Feb 2012	Revision	Minor amendments by Corporate Governance to document control report, header and footer updated, document formatting, hyperlinks to appendices and policies. The monitoring section has been strengthened as a result of revised NHSLA requirements. Appendix H compliance monitoring added.
3.2	Feb 2012	Revision	Above points addressed
4.0	June 2018	Final	Approved by Partnership Forum, June 2018
5.0	Feb 2019	Final	Addition to Appendix B, Section 4. Approved by Pay & Reward Group on 30 <sup>th</sup> January 2019.
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<b>Superseded Documents</b> NDHT- Bullying and Harassment Policy (formerly Respect & Dignity Policy) v2.7 2011 NHS Devon – Dignity at work Policy v 3 17 <sup>th</sup> January 2011			
<b>Issue Date</b> February 2019		<b>Review Date</b> January 2022	<b>Review Cycle</b> Three years
<b>Consulted with the following stakeholders: (list all)</b> <ul style="list-style-type: none"> <li>• Pay &amp; Reward Group Staff Side</li> <li>• Partnership Forum</li> </ul>			
<b>Approval and Review Process</b> <ul style="list-style-type: none"> <li>• Partnership Forum</li> </ul>			
<b>Local Archive Reference</b> G:\ Personnel & Development <b>Local Path</b> \ HR Admin \ policies, personnel <b>Filename</b> Bullying & Harassment Policy v4.1 Final			
<b>Policy categories for Trust's internal website (Bob)</b> Human Resources, Occupational Health, Personnel and development, Harmonised		<b>Tags for Trust's internal website (Bob)</b>	

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## 1 Introduction

This document sets out Northern Devon Healthcare NHS Trust's system for maintaining Respect and Dignity both for staff and for any individual on Trust premises. It provides a robust framework to ensure a consistent approach across the whole organisation, and supports our statutory duties as set out in the NHS Constitution. It also reflects the provisions contained within Section 32 of the national Agenda for Change staff handbook and applies to all Trust employees. Nothing contained within this policy is intended to contravene or reduce an individual's entitlement under national terms.

The Trust expects of its managers and staff the highest standards of behaviour in carrying out their duties and responsibilities and that they will work to the agreed values, culture and behaviours of the Trust. To achieve this standard it is essential that employees work in a supportive environment, which does not tolerate unacceptable behaviour of any kind. The Trust is therefore committed to creating an environment of positive working relationships. Any form of harassment or bullying is totally unacceptable. Furthermore, the Trust guarantees that all complaints will be taken seriously and will be thoroughly and fairly investigated.

### 1.1 Policy Statement

The Trust Board and individual directors are committed to providing a working environment free from harassment, prejudice or bullying and to positively promoting a culture of "acceptable behaviour". It will not tolerate any behaviour by individuals, or groups which in any way causes offence, embarrasses, or threatens others. The Trust supports the right of all staff to be treated with respect and dignity at work at all times. This policy extends to all employees and individuals on Trust premises. For the purpose of this policy and procedure, the term 'Manager' is used to cover any employee who has responsibility for staff. The Trust will ensure appropriate training and development opportunities are available to managers and staff aimed at preventing and managing bullying and harassment (See Section 7).

## 2 Purpose

Harassment on the grounds of race, gender, disability, age, sexual orientation, religion or belief is a serious matter. The purpose of this document is to ensure that the Trust complies with the following laws:

- Equality Act 2010
- Protection from Harassment Act 1997
- Human Rights Act 1998
- Disclosure Protection Act 2000

Employers are liable for the activities of their employees where they know, or should know, about their conduct and take no action to prevent inappropriate behaviour. Bullying and harassment by staff is a matter of conduct and may also constitute a criminal or civil offence. Instances will be dealt with through the Trust's Disciplinary Policy and may be referred to the police and relevant professional bodies as appropriate.

Implementation of this policy will ensure that:

- Individuals are made aware of the policy (via Trust Managers) through appropriate publicity and training.
- Positive action will be taken to prevent and/ or deal with harassment, prejudice or bullying.
- Any employee of the Trust will be able to pursue any concern they might have if they feel that they are being subjected to harassment or bullying.
- Incidents and complaints are dealt with effectively and that ultimately, incidences of harassment and bullying are eradicated.

### 3 Definitions

#### 3.1 Harassment

Harassment can be defined as:

“Any unwanted attention or behaviour that a person finds unreasonable, offensive and which makes him or her feel threatened or uncomfortable potentially leading to a loss of dignity or respect”.

Harassment can take many forms. It can be related to age, related to sexual orientation, related to disability, related to class, related to religion or related to politics. Other examples may include trade union membership and suspected or actual HIV/ Aids status. In addition, a person with a close relationship to anyone detailed above could also be subjected to harassment because of this relationship.

#### Forms of harassment

There are many forms of behaviour that can cause harassment. Here are some examples:

- Sexual innuendo
- Request for sexual favours in return for promotion or job security
- Lewd remarks
- Ageist comments
- Jokes and offensive language which are targeted at a particular group or individual
- Insults or threats
- Spreading of malicious rumours
- Gossip or slander
- Displaying offensive materials, in the form of e.g. photographs, calendars, ornaments
- Offensive literature or computer based graphics
- Inappropriate use of social media to convey unacceptable comments or spread gossip
- Sex based/ racially based gestures
- Written abuse including graffiti
- Physical assault, touching, pinching or pushing

### 3.2 *Bullying*

Bullying can be defined as:

“The abuse of power or position to criticise, intimidate and undermine an individual in a way which leaves them feeling hurt, humiliated or vulnerable”.

It should be noted that it is not always the case that bullying is more common from a manager to a subordinate. It can occur from a subordinate or group of subordinates to a manager and between colleagues of equal position within the organisation.

#### **Forms of bullying**

Bullying can take many different forms and may include:

- Constant criticism which undermines or demeans an individual.
- Shouting or swearing at a person, in public or private.
- Verbal intimidation.
- Physical intimidation.
- Constantly undervaluing a person's contribution.
- Criticising someone for work that has always previously been acceptable.
- Over zealous monitoring of someone's work.
- Unreasonable allocation of work.
- Unreasonably removing areas of responsibility and replacing with menial tasks.
- Setting someone unrealistic targets.
- Singling out or victimising an individual for different treatment.
- Being ignored by colleagues.
- Excluded from social activities.

The list of examples is not exhaustive. It is important to recognise that the occasional differences of opinion or conflicts in working relationships will occur and can be regarded as normal. Problems with harassment and bullying arise when an individual becomes affected by the situation. They may feel offended, humiliated, or demoralised by the actions of another.

Legitimate management procedures to deal with staff whose capability or conduct is in question will not be regarded as harassment or bullying provided the manager employs acceptable behaviour in his/her dealings.

### 3.3 *Acceptable Behaviour*

Displaying acceptable behaviour we:

- Afford dignity, trust and respect to everyone and ourselves.
- Provide feedback based on evidence and are open to constructive criticism.
- Have awareness of the effect of our behaviour on others and only make reasonable and manageable demands.
- Communicate honestly and openly, clearly stating what we mean and expect of others.

- Start from the assumption that everyone is working to the best of his/her ability, considering his/her current stage of personal and professional development.

## 4 Responsibilities

### 4.1 *Role of the Chief Executive*

The Chief Executive has the overall responsibility for all Human Resources matters and for ensuring mechanisms are in place for the overall implementation, maintenance, monitoring and revision of this policy.

### 4.2 *Role of the Trust Board*

The Trust Board is responsible for:

- Promoting and providing an environment for exemplary behaviour.
- Providing a framework for resolving individuals concerns.
- Ensuring the correct operation of the policy and procedure.
- Facilitating awareness and training of all staff.
- The Director of Nursing, Quality & Workforce is, in particular, responsible for ensuring the full application of this policy and procedure.

### 4.3 *Role of Managers*

([See Appendix A – Guidance Notes for Managers](#))

Managers are responsible for:

- Proactively promoting a culture dignity, respect and acceptable behaviour.
- Ensuring that employees are aware of the aims and objectives of the organisation.
- Leading by example. (By treating all their staff with respect and dignity).
- Monitoring the behaviour of their staff.
- Being proactive in addressing the causes of harassment or bullying.
- Notifying the HR Operations Team of all complaints relating to harassment and bullying so that effective action and monitoring takes place.
- Reporting any incidents of bullying and harassment on DATIX being mindful of any request to maintain confidentiality (e.g. not identifying the names of the parties concerned).
- Supporting individuals who are experiencing harassment or bullying.
- Managing the expectations of all parties and ensuring promises that may not be able to be delivered are not given (e.g. don't promise an individual that they will never have to work with another individual again).

- Not condoning discriminatory, adverse behaviour from patients, members of the public or other staff.
- Dealing with incidents reported to them informally, if appropriate, in a quick, sensitive and effective way.
- Taking appropriate action against those who are behaving unacceptably.
- Identifying training needs if/ where appropriate and discussing with HR or Workforce Development team suitable training options.
- Ensuring (in a contributory capacity) that the Trust's policy and procedure is well known to staff and service users.
- Contributing to the policy's implementation, monitoring and review.

#### **4.4 Role of individual employees**

(See [Appendix B – Guidance Notes for Employees](#))

Trust employees are responsible for:

- Treating all their colleagues with respect and dignity.
- Understanding that they can challenge any type of harassment and bullying and seek the support of colleagues and managers.
- Promoting dignity and respect by setting an example and behaving in an acceptable way themselves.
- Recognising the manager's role and responsibility in the delivery of the aims and objectives of the organisation.
- Being aware of the Trust's commitment to creating an environment free of harassment and bullying.
- Supporting individuals experiencing harassment or bullying.
- Reporting incidents of harassment or bullying they witness.
- Undertaking awareness training where this has been identified as a development need.

#### **4.5 Role of Trade Unions**

Trade Unions are responsible for:

- Supporting application of the Trust's policy and procedure.
- Contributing to the on-going review and development of the policy.
- Being fully aware of the policy and procedure and support its use with members.

## **5 Confidentiality and support for staff**

A member of staff can be assured that any incident reported will be treated seriously and in confidence as far as is reasonably practicable ([see Appendix C – Guidance Notes Regarding Confidentiality](#)). If confidence cannot be maintained for whatever reason, the complainant will be informed prior to any action being taken.



Support for the complainant and alleged harasser may be accessed through the line manager, the Workforce & Organisational Development Directorate (HR Operations Team), a trade union representative or the Occupational Health Department.

Employees will be protected against victimisation as a result of making or being involved in a justified complaint.

## 6 Procedure

A flowchart outlining both the informal and formal procedures can be found at [Appendix D](#).

### 6.1 Informal

If an employee feels that they are being harassed or bullied, they can:

- If they feel able to do so, object to the behaviour (either verbally or in writing) by stating directly to the person concerned that they find the alleged bully/harasser's behaviour to be unwelcome and upsetting and that it should stop.
- Talk to their manager, or if it is their manager that they are concerned about, their manager's manager.
- Talk to someone in the HR Operations Team (a contact number is available in [Appendix E](#)).
- Talk to their trade union representative who is trained and experienced in all aspects of the formal and informal options.
- Make a self-referral to the Occupational Health Department, who can assist with external welfare and counselling support (contact numbers are available in [Appendix E](#)).

### 6.2 Mediation/Facilitated Discussion

A facilitated discussion and/or mediation is essentially part of the informal procedure, but can, under certain circumstances, be used instead of the formal procedure. A facilitated discussion between the parties can be supported by HR or a senior manager. It involves working through the issues to try and reach an agreement. Mediation further builds on the principles of a facilitated discussion to try and bring about a resolution. Mediation should only be undertaken by an individual trained in mediation. Such mediation can only take place with the agreement of both parties (i.e. recipient and alleged bully/harasser). Requests for the mediation service must be made to the HR Operations Team (a contact number is available in [Appendix E](#)).

### 6.3 Formal

Ideally issues will be resolved at the informal stage. However, if informal attempts have not been successful or the behaviour is too serious for the problem to be resolved informally, employees will be advised to pursue a formal complaint. This will require:

- The parties to be identified
- A thorough and impartial investigation of all the evidence

The allegation will be investigated using the Trust's Disciplinary Procedure. If it is found, at a formal disciplinary hearing, that harassment or bullying did occur; consideration will be given to imposing a disciplinary sanction in line with the provisions of the Disciplinary Policy.

#### **6.4 Harassment or bullying by a contract worker or agency worker**

If a member of staff perceives that they are being bullied or harassed by a contract worker or agency worker they should inform their manager immediately. The manager in turn must take prompt action to deal with the situation.

Action should be taken to ensure that the employee making the complaint is not placed in a position where further incidents may take place. This may include reporting the incident to the contractor and agency and agreeing action to be taken to deal with the matter. Action could include the contractor or agency replacing the worker while they conduct an investigation. Also please refer to the Trust's [Managing Violence & Aggression Policy](#).

#### **6.5 Harassment or bullying by a patient or member of the public**

If a patient or member of the public is perceived as harassing or bullying a member of staff, then that member of staff has the right to inform his or her manager immediately. Prompt action will be taken to deal with the situation.

Action should be taken to ensure that the employee making the complaint is not placed in a position where further incidents may take place. In these circumstances please refer to the Trust's [Managing Violence & Aggression Policy](#).

## **7 Training and Education**

Training on Equality & Diversity is part of the Trust's mandatory training programme. Where additional or more specific training is identified as a developmental need, appropriate courses or programmes will be identified and sourced to meet the required needs.

## **8 Monitoring Compliance With and the Effectiveness of the Policy**

### **8.1 Standards/Key Performance Indicators**

Key performance indicators comprise:

- Improved results in Annual Staff Survey (bullying and harassment).
- Reduction in number of Occupational Health self-referrals each year
- Reduction in number of incident forms/datix submissions each year.

## 8.2 *Process for Monitoring Compliance and Effectiveness*

### 8.2.1 Monitoring Arrangements

When either procedure (i.e. informal or formal) has been completed, it is important to check that harassment or bullying (if upheld), has stopped and there has been no victimisation.

Careful monitoring is required to ensure the issue has been resolved. A Manager will check by way of a specially convened meeting to review and discuss the outcome and any ongoing action plan.

The number of cases of bullying and harassment are monitored through the quarterly monitoring report with actions and outcomes reported in the regular confidential reports compiled by the HR Team. Any incident form/datix report which alleges harassment or bullying will be reviewed by a member of the HR Team.

## 9 References

### Legislation

- The Protection from Harassment Act 1997
- The Disclosure Protection Act 2000
- The Human Rights Act 1998
- The Equality Act 2010
- The Health & Safety at Work etc, Act 1974
- The Workplace (Health, Safety and Welfare Regulations)1992 SI 1992/3004

The NHS Employers website provides further information and resources on bullying and harassment: [www.nhsemployers.org](http://www.nhsemployers.org).

## 10 Associated Documents

- [Disciplinary Policy](#)
- [Equal Opportunities Policy](#)
- [Incident Reporting Policy](#)
- [Managing Violence and Aggression Policy](#)
- [NDHCT Training Needs Analysis](#)
- [Risk Management Policy](#)
- [Training and Study Leave Policy](#)
- [Whistleblowing Policy](#)

## Appendix A: Guidance Notes for Managers

### 1. Introduction

- 1.1 The Trust finds any form of harassment and bullying unacceptable and recognises that in such cases there needs to be clear guidance on how managers will deal with the situation.
- 1.2 Managers will treat all complaints of harassment or bullying in a serious and non-judgemental manner.
- 1.3 This document sets out how managers can prevent or deal with cases of harassment and bullying.
- 1.4 Legitimate management procedures to deal with staff whose capability or conduct is in question will not be regarded as harassment or bullying provided the manager employs acceptable behaviour in his/her dealings.

### 2. Avoiding Harassment and Bullying

- 2.1 Harassment or bullying is a serious issue that is detrimental to the employee(s) concerned and the running of the workplace.
- 2.2 Many incidents of harassment can be dealt with effectively in an informal way, as often a person is unaware of the effect their behaviour has on others. Once made aware of the distress caused by their actions, the offensive behaviour often ceases.
- 2.3 All managers have a responsibility to establish and maintain a working environment free from harassment and bullying. Managers should ensure that all employees are aware of what constitutes harassment and bullying at work.
- 2.4 Managers should not allow items that could be offensive to be displayed in their department. This includes photographs, calendars, literature, graffiti and other symbols.
- 2.5 Where managers observe inappropriate behaviour or hear offensive comments/discussions taking place, this must be immediately brought to the attention of the individuals concerned and advised that this must stop. Should such a request be disregarded, the manager will consider whether it is appropriate to implement the Trust's Disciplinary Procedure.

### 3. Reported Allegations of Harassment

- 3.1 All complaints of harassment and bullying must be taken seriously and prompt action taken.
- 3.2 Initially employees can try to deal with the situation personally by asking the offender to stop and making it clear that their behaviour is unacceptable/unwanted. Where this has no effect, or where the employee feels unable or unsure how to deal with the situation, the employee should seek advice from their manager.
- 3.3 In some instances the employee may have difficulty raising their concern with their immediate manager. Where such difficulties occur the employee may

- seek the advice and support from the HR Operations Team or a trade union representative.
- 3.4 The HR Operations Team must be notified of all complaints relating to harassment and bullying so that effective monitoring takes place.
  - 3.5 Incidents of harassment or bullying at work will be treated as a serious offence and may lead to disciplinary action up to and including summary dismissal.
  - 3.6 The investigation will be carried out as quickly as possible and in a sensitive manner. This is regardless of whether the matter has been raised informally or formally. Where the matter is being investigated formally, the processes detailed in the Trust's Disciplinary Policy will be followed.
  - 3.7 Managers should be sensitive to the situation where the employee alleging harassment or bullying may prefer to discuss the incident with a manager of the same sex or background. Arrangement for this can be made by the HR Operations Team.
  - 3.8 Where it is inappropriate for investigations to be carried out by the line manager, responsibility will be given to another manager who has as little connection with the circumstances of the complaint as possible and is likely to have an understanding of the complaint being considered. Please refer to Disciplinary Policy.
  - 3.9 During the investigations it may be necessary to make arrangements to avoid the individuals working together.
  - 3.10 At each stage of the process both parties will be entitled to have a trade union representative or work place colleague present.
  - 3.11 Where the matter proceeds to a disciplinary hearing, assistance will be given to help alleviate the victim's stress. This may include allowing the complainant to give evidence through a third party where practical.
  - 3.12 Where harassment/ bullying is proven, the victim will not normally be moved to another job unless this move is at their request. Similarly the victim will not be suspended or alternatively forced to work with the harasser, especially in serious cases.
  - 3.13 Where necessary the advice of Occupational Health will be sought on the availability and provision of counselling and further support.
  - 3.14 Ensuring complete confidentiality will make it difficult to investigate a complaint. However, it is essential that confidentiality guidelines are established to protect the rights of both the complainant(s) and those accused ([see Appendix C – Guidance Notes Regarding Confidentiality](#)).

## Appendix B: Guidance Notes for Employees

### 1. Introduction

The aim of these notes is to protect employees from harassment and bullying and to enable them, if necessary, to make a complaint or assist in an investigation without fear of reprisal.

The Trust takes all forms of harassment and bullying very seriously. The following guidance notes explain what employees should do in the event of being subjected to harassment or bullying at work.

### 2. What is Harassment?

Definitions and examples of harassment are many and varied, a guiding principle is that it is:

- Unwanted
- Persistent
- Offensive
- Unreasonable

It is action or behaviour which is based upon something about you such as sex, race, age, disability, religion or belief, marital status, sexuality, pregnancy/maternity, gender reassignment, social class, regional accents or achievements etc.

Examples may include:

- Sexual innuendo
- Request for sexual favours in return for promotion or job security
- Lewd remarks
- Ageist comments
- Jokes and offensive language which are targeted at a particular group or individual
- Insults or threats
- Spreading of malicious rumours
- Gossip or slander
- Displaying offensive materials, in the form of e.g. photographs, calendars, ornaments
- Offensive literature or computer based graphics
- Inappropriate use of social media to convey unacceptable comments or spread gossip
- Sex based/ racially based gestures
- Written abuse including graffiti
- Physical assault, touching, pinching or pushing

This list is not exhaustive.

Unwanted sexual attention from a man or a woman is harassment if it continues after you make it clear that you find it unacceptable. However, one incident can be enough to constitute harassment, if it is sufficiently serious. Anyone can be the victim of harassment; it is not the intent but the impact of the behaviour, which is important.

### 3. What is Bullying?

Bullying is repeated abuse that denies an individual respect, destroys self-confidence and creates a stressful environment. It is sometimes hard to recognise.

Bullying can include the following:

- Giving the cold shoulder – leaving an individual out of communications, exclusion from activities.
- Verbal abuse – sarcasm, shouting, swearing, threats, belittling a person or their abilities.
- Physical abuse – physical conduct ranging from pushing, shaking or blocking someone's way, to actual assault.
- Unfair treatment – apportioning blame wrongly, not recognising true contribution.
- Humiliation – hurtful gossip.

This list is not exhaustive.

It should be noted that it is not always the case that bullying is most common from a manager to a subordinate. It can occur from a subordinate or group of subordinates to a manager and between colleagues of equal position within the organisation.

Anyone can be the victim of harassment or bullying at work and it is for this reason the Trust takes harassment and bullying at work seriously, ensuring that procedures are in force to deal with such cases quickly and sympathetically.

### 4. What should I do if I find myself being subjected to harassment or bullying at work?

You must first make it clear to the person(s) who is harassing or bullying you that their behaviour is unwelcome and that you want it to stop. Once the person concerned knows their behaviour is unwelcome, this may be enough to stop it. Should the behaviour continue you should talk to your manager, lead clinician, clinical tutor or appraisal lead. If you wish, you may also consult with a member of the HR Operations Team or your trade union representative. They will be able to advise you on what to do next. This might be to make a formal complaint.

It is important to keep a record of the incidents so you can accurately recall what has been happening.

If it is your manager or supervisor who is harassing or bullying you, speak to someone more senior, any member of the HR Operations Team or your trade union representative. The Trust has a Supporting Staff Policy.

### 5. What will happen if I make a formal complaint?

You are entitled to and will be protected against any attempt at victimisation by other persons.

Allegations about harassment or bullying will be:

- Taken seriously.
- Dealt with confidentially by management at every level as far as is reasonably practicable. If confidence cannot be maintained for

whatever reason, the complainant will be informed prior to any action being taken.

- Fully, promptly and sensitively investigated.

Any employee who brings a complaint of harassment or bullying will not suffer victimisation for having brought the complaint. However, if the complaint is untrue and has been brought in bad faith (e.g. spite), disciplinary action may be taken.

## **6. Informal procedures to resolve a complaint**

It is usually better for a complaint to be resolved informally if possible. In many cases it may be sufficient for the person carrying out the investigation to explain to the person causing offence that the behaviour complained of is unwelcome, embarrassing and is interfering with work.

## **7. Mediation/Facilitated Discussion**

A facilitated discussion and/or mediation is essentially part of the informal procedure, but can, under certain circumstances, be used instead of the formal procedure. A facilitated discussion between the parties can be supported by HR or a senior manager. It involves working through the issues to try and reach an agreement. Mediation further builds on the principles of a facilitated discussion to try and bring about a resolution. Mediation should only be undertaken by an individual trained in mediation. Such mediation can only take place with the agreement of both parties (i.e. recipient and alleged bully/harasser). Requests for the mediation service must be made to the HR Operations Team.

## **8. Formal procedures to resolve a complaint**

If informal attempts have not been successful or the behaviour is too serious for the problem to be resolved informally, employees will be advised to pursue a formal complaint. This will require:

- The parties to be identified.
- A thorough and impartial investigation of all the evidence.
- Each side to have an opportunity to present their case, either on their own, with a workplace colleague, a trade union representative or some other appropriate person.

Consideration will (in accordance with the Trust's Disciplinary Procedure) be given to imposing a disciplinary sanction, up to and including summary dismissal, if it is found harassment or bullying did occur.

## **9. Subsequent action**

If your complaint is upheld, consideration may need to be given to separating the parties involved although this may not always be possible and it may be necessary for parties to continue to work together. If your complaint is not upheld, consideration may still be given to the need to separate the parties involved in the interests of harmonious staff relations.

Where a complaint is genuinely made then regardless of the findings of the investigation, you will not be adversely affected by any action taken. However if the investigation finds a complaint was made with malicious or vexatious intent, disciplinary action may be taken.

In any case where a complaint is upheld, a check will be made that the harassment or bullying has stopped and that there has been no victimisation.



## 10. What if I need support and counselling?

It is appreciated that being subjected to harassment or bullying can be extremely distressing.

In addition to the support you will be given when reporting the incident, the Occupational Health Department can also arrange for you to receive professional counselling ([see Appendix D– Internal Sources of Health and Advice](#)).

## 11. Complaints of harassment and/or bullying by a person who is not an employee of the Trust

If you consider that you are being harassed or bullied by a patient, patient's relative, member of the public, contract worker or agency worker you must report the matter immediately to your manager who in turn will take immediate action to protect you. Please see Sections 6.4 and 6.5 in the main body of the policy for further information.

## 12. How you can help prevent harassment or bullying in your workplace?

As an employee you can help ensure a working environment where harassment and/or bullying will not occur by:

- Being aware of the issue: know the Trust's policy.
- Making sure your own conduct does not cause offence or misunderstanding.
- Treating all your colleagues with dignity and respect.
- Supporting individuals who may be experiencing harassment or bullying.
- Setting an example and not behaving in an unacceptable way yourself.
- Reporting incidents of harassment or bullying they witness.
- Not being afraid to stand up against being harassed or bullied at work or to support colleagues who are being harassed or bullied at work.
- Not accepting behaviour that may be offensive.
- Being aware of what goes on around you.

The Trust has taken positive steps to ensure that harassment and bullying does not occur in the workplace and that procedures exist to resolve complaints. It is your responsibility as an employee to abide by and support these steps so all employees can work with dignity and respect in a harmonious, friendly and supportive working environment free of any harassment or intimidation based on individual differences.

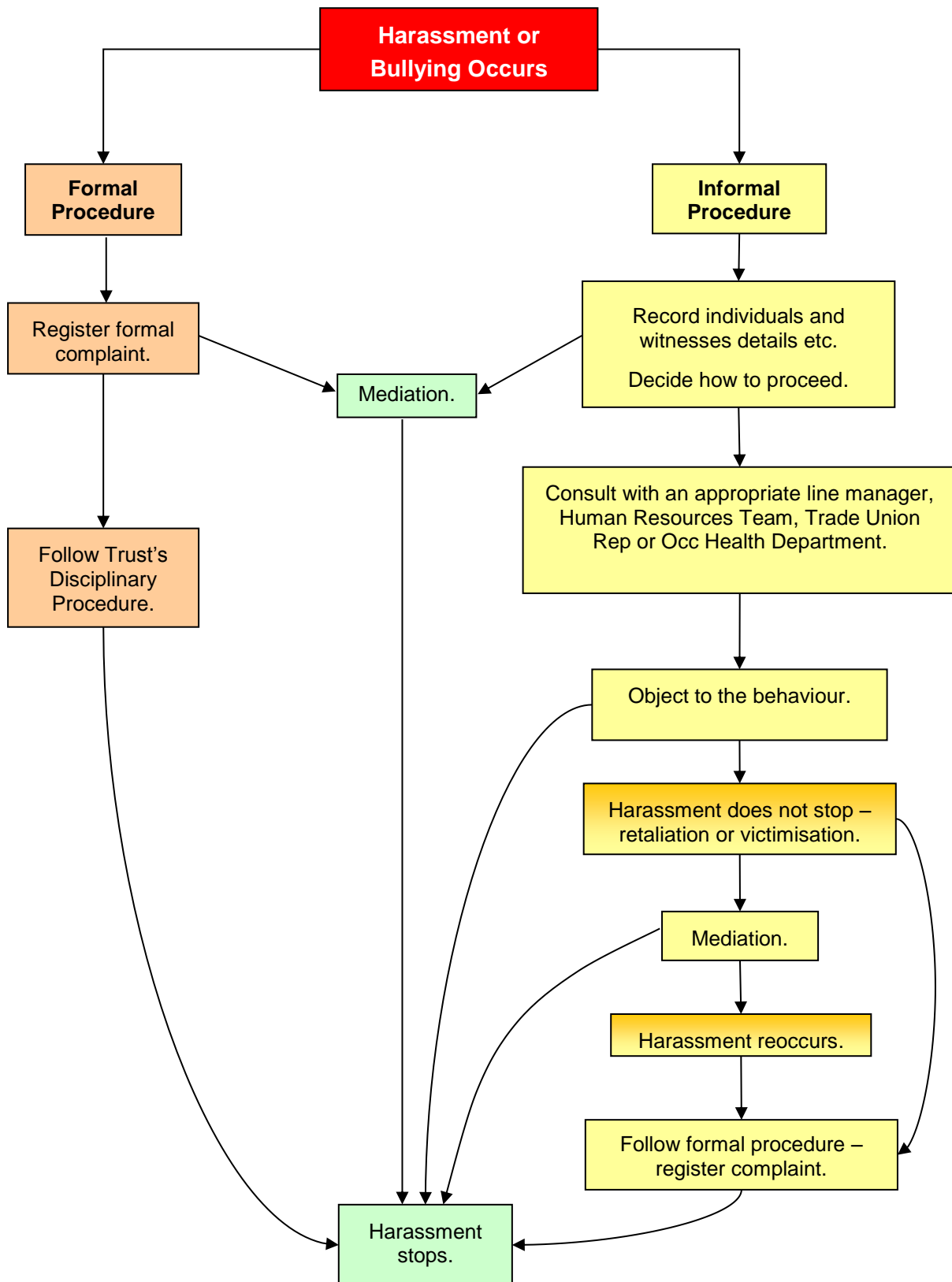
## 13. Additional Information

If having read through these guidelines you remain unsure what to do and/or would like further advice, then please talk to your manager, the HR Operations Team or your trade union representative. All matters will be treated in the strictest confidence and action will not normally be taken without your agreement unless the complaint is so serious that to take no action would potentially put you or others at the risk of harm.

## Appendix C: Guidance Notes for Managers Regarding Confidentiality

- Clarify any confusion there may be about confidentiality on an informal support system and the confidentiality guidelines required for formal investigation and disciplinary procedures.
- Never promise absolute confidentiality but encourage all parties not to disclose information about the incident and/ or investigation.
- A clear understanding of why a promise of total confidentiality cannot be made needs to be established and supported by a guarantee by the employer to limit discussion to only those individuals involved.
- Only disclose information on a 'need to know' basis – designate an investigator to ensure that details of the incident and the investigation are only discussed with those who are involved in the process, or with the individuals who have to make a decision about the outcome.
- Restrict the viewing and circulation of documents relating to the investigation only to those involved in the investigation and any subsequent process.

### Appendix D: Flowchart Showing Harassment / Bullying Procedures - For Guidance Only



### Appendix E: Internal Sources of Help and Advice

<i>Internal Sources of Help and Advice</i>	<i>Contact Details</i>
<b>HR Operations Team</b>	<b>01271 311533</b>
<b>Occupational Health Department - NDDH</b>	<b>01271 341520</b> Internal Extension <b>2791</b>
<b>Occupational Health Department – RD&amp;E</b>	<b>01392 405800</b>
<b>Chaplain (NDDH)</b>	<b>01271 322362</b> Internal Extension <b>2362</b>
<b>Trade Union Representative (via Staffside Secretary)</b>	<b>01271 322353</b>

## Appendix F: Equality Impact Assessment Screening Form

Equality Impact Assessment Screening Form			
<b>Title</b>	Bullying and Harassment Policy		
<b>Author</b>	Tim Robinson, Assistant Director of Human Resources (Revision)		
<b>Directorate</b>	Workforce & Organisational Development		
<b>Team/ Dept.</b>	Workforce & Organisational Development		
<b>Document Class</b>	<b>Document Status</b>	<b>Issue Date</b>	<b>Review Date</b>
Policy	Review	June 2018	June 2021
<b>1</b>	<p><b>What are the aims of the document?</b></p> <p>This document sets out Northern Devon Healthcare NHS Trust's system for maintaining Respect and Dignity both for staff and for any individual on Trust premises. It provides a robust framework to ensure a consistent approach across the whole organisation. The Trust is committed to creating an environment of positive working relationships. Any form of harassment or bullying is totally unacceptable and it will not condone or tolerate any such behaviour. Furthermore, it guarantees that all complaints will be taken seriously and will be thoroughly and fairly investigated.</p>		
<b>2</b>	<p><b>What are the objectives of the document?</b></p> <p>The Trust is committed to creating an environment of positive working relationships. Any form of harassment or bullying is totally unacceptable and it will not condone or tolerate any such behaviour. Furthermore, it guarantees that all complaints will be taken seriously and will be thoroughly and fairly investigated.</p> <p>Harassment on the grounds of race, sex, disability, age, sexual orientation, religion or belief is a serious matter. The purpose of this document is to ensure that the Trust complies with the following laws The Equality Act 2010, Protection from Harassment Act 1997, Human Rights Act 1998 and Disclosure Protection Act 2000. Employers are liable for the activities of their employees where they know, or should know, about their conduct and take no action to prevent inappropriate behaviour.</p>		
<b>3</b>	<p><b>How will the document be implemented?</b></p> <p>Implementation of this policy will ensure that:</p> <ul style="list-style-type: none"> <li>• Individuals are made aware of the policy (via Trust managers) through appropriate publicity and training.</li> <li>• Positive action will be taken to prevent and/ or deal with harassment, prejudice of bullying</li> <li>• Any employee of the Trust will be able to pursue any concern they might have if they feel that they are being subjected to harassment or bullying.</li> <li>• Incidents and complaints are dealt with effectively and that ultimately, incidences of harassment and bullying are eradicated.</li> </ul>		
<b>4</b>	<p><b>How will the effectiveness of the document be monitored?</b></p> <p>Once either procedure (i.e. informal or formal) has been completed, it is important to check that harassment or bullying (if upheld), has stopped and there has been no victimisation. Careful monitoring is required to ensure this.</p>		
<b>5</b>	<p><b>Who is the target audience of the document?</b></p>		

All Staff				
<b>6</b>	<b>Is consultation required with stakeholders, e.g. Trust committees and equality groups?</b> Yes			
<b>7</b>	<b>Which stakeholders have been consulted with?</b> <ul style="list-style-type: none"> <li>• Pay &amp; Reward Group</li> <li>• Partnership Forum</li> </ul>			
<b>8</b>	<b>Equality Impact Assessment</b> Please complete the following table using a cross, i.e. <b>X</b> . Please refer to the document “A Practical Guide to Equality Impact Assessment”, Appendix 3, on Tarkanet for areas of possible impact. <ul style="list-style-type: none"> <li>• Where you think that the policy could have a <b>positive</b> impact on any of the equality group(s) like promoting equality and equal opportunities or improving relations within equality groups, cross the ‘Positive impact’ box.</li> <li>• Where you think that the policy could have a <b>negative</b> impact on any of the equality group(s) i.e. it could disadvantage them, cross the ‘Negative impact’ box.</li> </ul> Where you think that the policy has <b>no impact</b> on any of the equality group(s) listed below i.e. it has no effect currently on equality groups, cross the ‘No impact’ box.			
Equality Group	Positive Impact	Negative Impact	No Impact	Comments
<b>Age</b>	X			This policy provides a robust framework for managing all forms of bullying and harassment with additional focus on the prevention of bullying & harassment on the grounds of a protected equality characteristic.
<b>Disability</b>	X			(As above)
<b>Gender</b>	X			(As above)
<b>Gender reassignment</b>	X			(As above)
<b>Human Rights</b> (rights to privacy, dignity, liberty and non degrading treatment)	X			(As above)
<b>Marriage and civil partnership</b>	X			(As above)
<b>Pregnancy, maternity and breastfeeding</b>	X			(As above)
<b>Race / Ethnic Origins</b>	X			(As above)
<b>Religion or Belief</b>	X			(As above)

<b>Sexual Orientation</b>	<b>X</b>			(As above)
<p>If you have identified a negative discriminatory impact of this procedural document, ensure you detail the action taken to avoid/reduce this impact in the Comments column. If you have identified a <b>high</b> negative impact, you will need to do a Full Equality Impact Assessment, please refer to the document "A Practical Guide to Equality Impact Assessments", Appendix 3, on Tarkanet.</p> <p>For advice in respect of answering the above questions, please contact the Equality and Diversity Lead.</p>				
<b>9</b>	<p><b>If there is no evidence that the document promotes equality, equal opportunities or improved relations, could it be adapted so that it does? If so, how?</b></p>			

**Completed by:**

<b>Name</b>	Tim Robinson
<b>Designation</b>	Assistant Director of Human Resources
<b>Trust</b>	Northern Devon Healthcare NHS Trust
<b>Date</b>	June 2021