

BULLYING AND HARASSMENT POLICY

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Version	Release	Author	Update comments
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2.1	May 2011	Jan Armstrong, Deputy Director of Human Resources	Policy updated in line with comments from Human Resources Strategy Group.
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2.3	July 2011	Jan Armstrong, Deputy Director of Human Resources	Policy updated in line with comments from Executive Board

CITY HOSPITALS SUNDERLAND NHS FOUNDATION TRUST

DOCUMENT APPROVAL PROFORMA

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Name of Author: Jan Armstrong, Deputy Director of Human Resources

Name of Sponsor: Kath Griffin, Director of Human Resources

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If this Policy has an impact on City Hospitals Sunderland, please list below, the person who has informed and involved the sponsor:

Name: Jan Armstrong

Title: Deputy Director of Human Resources

Date: 13 July 2011

NB: It is the sponsor's responsibility to submit the policy through the CHS approval route.

Committee Approval

Committee which forms the approval process: Board of Directors

Date of approval:

Signature of Chair of Committee, including approval: Mr John Anderson

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1. INTRODUCTION

As an equal opportunities employer, the Trust supports a working environment for individuals in which dignity at work is paramount.

This policy applies to all staff working within the Trust, contractors, volunteers, students and staff from other organisations working on the Trust's premises.

2. PURPOSE AND SCOPE

The purpose of this policy is to:

- Assist in developing a working environment and culture in which bullying and harassment are unacceptable and where individuals have the confidence to complain about bullying and harassment should it arise, in the knowledge that their concerns will be dealt with appropriately and fairly;
- Provide a proper framework in which complaints about these matters can be dealt with consistently.

The Trust recognises that all staff have the right to be treated with consideration, dignity and respect. The Trust seeks to support all staff in their professional development and aims to provide a happy and fulfilling environment in which to work. This policy promotes the respectful treatment of staff within the organisation and the protection from bullying and harassment at work.

Bullying and harassment will not be tolerated by the Trust in any form.

Each member of staff carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is in line with the standards set out. Staff should report to the appropriate manager, accredited trade union/professional body representative, Divisional Human Resources Manager, or bullying and harassment advisor, any incidents of bullying and harassment which come to their attention.

Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Trust gives an assurance that 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. However, disciplinary action may be taken if a complaint is found to have been submitted maliciously or in bad faith.

Bullying and harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal.

3. DUTIES

3.1 Board of Directors

All Directors have corporate responsibility to provide a safe working environment. The Directors are responsible for exercising the Trust duty of care and shall ensure adequate arrangements are in place for implementing this policy.

3.2 Chief Executive

The Chief Executive is accountable for ensuring the proper application of the policy

through appropriate management arrangements

3.3 Director of Human Resources

The Director of Human Resources is the nominated Director lead for the management of this policy and is directly responsible to the Chief Executive for facilitating its implementation following consultation with staff side representatives.

3.4 Human Resources

The Human Resources Department has a responsibility for ensuring that this policy is followed, fairly and consistently by.

- advising managers on the application of the policy;
- advising managers and staff where individuals feel that they are being bullied or harassed in the course of their employment;
- ensuring the effective implementation of the policy;
- monitoring incidents of bullying and harassment and initiating appropriate action;
- reviewing and amending the policy as necessary.

3.5 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 harassment they should:

- Encourage an atmosphere of tolerance and respect.
- Lead by example through a fair and open management style.
- Make sure that all employees for whom they are responsible are aware of and understand the bullying and harassment policy.
- Be aware of their team members' behaviours and take steps to address any action, which may cause offence or distress.
- Be supportive of employees who come to them with concerns about unacceptable behaviour.
- Stop unacceptable behaviour and deal with any complaints they receive.
- Consult with their Divisional Human Resources manager as required for advice and support.

3.6 Employees

All staff have a personal responsibility for their own behaviour and for ensuring that they comply with this policy. There are a number of things that staff are expected to do to prevent bullying and harassment as follows:

- Treat fellow workers with dignity and respect;
- Think about their behaviour and actions and how these may impact on others;
- Meet the requirements of Trust policies introduced to ensure equal opportunity and non-discrimination;
- Do not bully, harass, or victimise colleagues or any other person on any grounds;

- Do not display behaviour or actions that are unwelcome or undermine fellow employees or any other person;
- Report suspected acts of unacceptable behaviour or practices that go against the bullying and harassment policy;

Do not make false accusations with a deliberate attempt to damage another person's reputation, dignity and character;

3.7 Occupational Health

Any member of staff who is involved in a claim of bullying and harassment may find it helpful to talk to the Occupational Health Service. All employees have a right to self-refer to Occupational Health.

3.8 Accredited Trade Union/Professional Body Representatives

Accredited trade union/professional body representatives have an important role in addressing bullying and harassment at work. Many employees may approach their representative regarding their concerns as their first point of contact.

Both a complainant and an alleged bully/harasser will have the opportunity to be accompanied by an accredited trade union/professional body representative at any formal meetings held under this policy.

The Trust aims to work in partnership with accredited trade unions/professional bodies in tackling bullying and harassment and promoting respect for all employees in the workplace.

3.9 Bullying and Harassment Advisors

These Advisors are drawn from a wide range of jobs across the Trust and are provided with specialist training. They offer an independent and confidential resource for staff. They do not carry out investigations. As part of their role they can:

- Provide empathetic assistance to staff with complaints of bullying and harassment;
- Explain how the procedures for making a complaint operate both informally and formally;
- Help establish and provide support for both alleged bullies/harassers and complainants throughout the process.

4. DEFINITIONS

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

4.2 Harassment, in general terms, is unwanted conduct, which is intended to affect the dignity of individuals or groups of people. It may be related to age, sex, race, disability, religion/belief, nationality, colour, sexual orientation, pregnancy, maternity, marital or civil partnership status, transgender status, or any personal characteristic of the individual. Some further definitions are provided below.

4.3 Racial Harassment is harassment, which is related to race, ethnic origin, colour, language or nationality. Examples could include:

- name calling or ridicule resulting from cultural differences
- verbal abuse or racist jokes
- references to an individual's skin colour
- unnecessary and unwelcome comments about racial issues or origins
- the display or circulation of racist material, including email jokes or images

4.4 Harassment on grounds of gender may be defined as any hostile, intimidating, degrading or offensive act by a person against another person, which is related to:

- male or female status
- issues around pregnancy or maternity leave
- the fact that a person has undergone, is undergoing, or intends to undergo gender reassignment;
- marital status.

Such behaviour might include derogatory name calling, insults and sexist jokes, sexist graffiti, slogans, songs or images, verbal abuse and threats, physical attack and ridicule of a person as a result of gender differences. Demanding that a person undertakes (or ceases) certain types of work based on gender stereotypes could also constitute gender harassment.

4.5 Sexual Harassment occurs when any unwanted sexual attention creates an intimidating, hostile or offensive environment. Sexual harassment involves unwanted sexual attention, which emphasises sexual status over that as an individual or colleague. It can be:

- physical, ranging from suggestive looks to serious sexual assault
- verbal, including belittling or suggestive remarks, compromising invitations, aggressively foul language, unwanted demands for sex/sexual favours
- visual/written, including displays of sexually suggestive or degrading pictures in the workplace, suggestive, offensive or degrading emails, notes or text messages.

4.6 Harassment on the grounds of disability may be defined as unwanted behaviour based on disability, impairment or additional need, which creates an intimidating, hostile or offensive environment for disabled people. Disability harassment could include:

- inappropriate references to a person's disability,
- refusal to work with and/or exclusion of people with disabilities from social events or meetings
- offensive language, jibes and taunts relating to disability
- teasing someone because a member of their family is disabled

4.7 Harassment on the grounds of age refers to behaviour, which results in an individual being treated less favourably than others because of their age. This might take the form of:

- not being provided with training because you are too old or too young
- being repeatedly selected to carry out particularly menial tasks because of your age
- jokes, jibes, nicknames or other inappropriate age-related language
- being subjected to adverse terms and conditions

- ageist jokes

4.8 Harassment on the grounds of sexual orientation may be defined as unwanted behaviour based on known/presumed sexual orientation. Such behaviour could include:

- name calling,
- stereotyping or homophobic remarks
- assault,
- verbal abuse,
- actual or threatened unwanted disclosure of sexuality,
- derogatory comments, jokes, 'banter' or gossip
- intrusive questioning about a person's domestic circumstances or sexual preferences

4.9 Harassment on the grounds of religion and belief may be defined as unwanted behaviour based on religious beliefs or practices. This may take many forms including:

- ridiculing items worn for religious reasons,
- denigrating cultural customs
- derisory comments against an individual's beliefs.
- the incitement or persistent pressure through forms of evangelism and religious propaganda,
- the singing of sectarian songs
- religious or political jokes.

4.10 What is not bullying and harassment?

4.10.1 Effective management

We expect our managers to lead and manage employees. This involves setting and making sure employees understand performance standards. It also involves dealing in a respectful and constructive way with employees who fall below the standards.

4.10.2 Organisational change

Organisational change does not amount to bullying or harassment. It is both essential and inevitable. It may be caused by many factors, for example, cuts in budget, economic downturn, the introduction of new legislation, service reform or changes to organisational strategy. It is vital that the Trust changes to remain effective in the economic climate to ensure healthcare service delivery. We recognise that changes can at times result in employees feeling apprehensive, upset and resistant to change. Organisational change is never intended to undermine or humiliate employees but will always be aimed at improving patient services or meeting economic challenges.

4.11 Victimisation

Victimisation is treating someone less favourably than others and includes isolating someone or giving him or her worse work. Any victimisation or intimidation of a complainant, of someone supporting a complainant or of an alleged perpetrator, regardless of whether a complaint is substantiated or not, will be treated as a disciplinary offence to be dealt with under the Trust's Disciplinary Procedure, which may lead to dismissal.

Victimisation does not include separation as part of this policy or the imposition of a disciplinary sanction, subject to usual arrangements for appeal.

4.12 Mediation

Mediation is a form of alternative dispute resolution that aims to help two or more disputants reach an agreement. Whether an agreement results or not and whatever the content of that agreement, if any, the parties themselves determine this, rather than accepting something imposed by a third party.

Mediators use appropriate techniques and/or skills to open and/or improve dialogue between disputants, aiming to help the parties reach an agreement on the disputed matter. Normally, all parties must view the mediator as impartial.

5. SEEKING SUPPORT AND ADVICE

Employees affected by bullying and harassment should not ignore the issue. The first step they should take is to talk to someone about their experiences. We have trained people to help with this who will listen in confidence to an employee's experiences or complaint.

They are:

- Independent, experienced counsellors from FirstAssist our Employee Assistance Provider are available 24 hours a day, every day on 0800 716 017 or via their website at <http://www.firstassistonline.com/Login.aspx>.
- Any of our Bullying & Harassment Advisors. They can be contacted in confidence between 9am and 5pm Monday to Friday. Contact details are published on the Trust's Intranet and in Grapevine, the staff newsletter,
- An accredited trade union/professional body representative.
- Any member of the Human Resources Department can advise of the sources of support and the options open to staff to help stop the unacceptable behaviour.

6. INFORMAL PROCEDURE

Many incidents of bullying or harassment can be dealt with effectively in an informal way. 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 ceases. Therefore, before the formal procedure is invoked, every effort should be made to use the informal procedure and to resolve issues as soon as possible after they arise.

Actions you can take yourself:

- Keep a diary of all incidents - records of dates, times, any witnesses, your feelings Etc.
- Keep copies of any correspondence that may be relevant, for example reports, letters, memos, notes of any meetings that relate to you.
- In many instances it is possible for the matter to be resolved quickly by explaining directly to the bully or harasser the effect their behaviour is having and that you want it to stop.

- You should always make it clear that if it continues you will make a formal complaint.

If the behaviour of a person is aggressive when you speak to them, it may be necessary to walk away making it clear you do not wish to be spoken to in that way.

If you do not feel able to raise your concerns with the person directly, you could write to them stating that you feel bullied or harassed, state where and when this occurred and how you wish to be treated. Always keep a copy.

In circumstances where an employee finds this difficult to do on their own, they can normally seek support from their line manager, a work colleague, an accredited trade union/professional body representative or a bullying and harassment advisor. In certain circumstances mediation may be appropriate in an attempt to resolve the situation.

Should the unwanted conduct persist or the informal approach is not considered appropriate for any reason, the formal procedure should be followed.

7. MEDIATION

Mediation is a way of resolving disputes between two or more parties. The process is private and confidential and may be used to address concerns if considered appropriate by a manager and it is agreed by all parties. The usual approach is that a trained external mediator meets both parties individually before advising on the next steps of the mediation process, which might include a further meeting between both parties, facilitated by the mediator.

At this meeting the complainant will be given the opportunity to explain to the alleged bully or harasser why the identified behaviour is detrimental to their dignity at work. Where possible the matter will be resolved through informal discussion and agreement about future behaviour.

Mediation is not appropriate to all circumstances and works most effectively when both parties are open to an effective and workable resolution to a dispute.

Managers should contact The HR Department to discuss whether or not mediation is appropriate in the circumstances.

8. WRITING A COMPLAINT

Setting out a grievance in writing is not easy, especially for employees whose first language is not English or who have difficulty expressing themselves on paper. In these circumstances, the employee is advised to seek assistance from a colleague, an accredited trade union/professional body representative, friend, relative, bullying and harassment advisor, or a Divisional HR Manager/Advisor.

Employees unable to formulate a written grievance because of a disability will be given assistance by the Trust and should approach a Divisional HR Manager if this assistance is required. Guidance on writing grievances is given in Appendix 2 to this policy.

9. FORMAL PROCEDURE

9.1 Meeting with Complainant

An employee who feels they are being bullied or harassed and who wishes to raise a formal complaint should do so in writing to their manager in the first instance, outlining the nature of the offensive behaviour, with as much detail as possible.

In cases where the alleged perpetrator is the line manager or is a very senior employee, the complaint should be made in writing to the next tier of management or to the Director of Human Resources. The manager receiving the complaint will arrange a meeting, with themselves or another manager, as soon as possible in consultation with the employee. The written confirmation of the meeting arrangements will remind the employee of their right to be accompanied by a work colleague or an accredited trade union/professional body representative.

The employee should make every effort to attend the meeting.

If the employee's work colleague or accredited trade union/professional body representative cannot attend on the date proposed, the employee may suggest an alternative and time, as long as it is reasonable and not more than 5 working days after the date proposed by the manager. This 5-day time limit may be extended by mutual agreement.

At the meeting will normally be the manager in the chair, the employee and his/her work colleague/accredited trade union/professional body representative, if any, a Human Resources officer and a note taker.

At the meeting, the employee will be allowed to explain the complaint and say how they think it should be resolved. This will normally require a formal investigation, unless an alternative resolution, such as mediation, is agreed and attempted.

The manager will keep the employee informed of progress during the investigation. Once this is completed, a further meeting will be arranged as set out above, to report on the outcome. The employee should take all reasonable steps to attend this meeting.

The manager will confirm the outcome of their investigation in writing within 10 working days of the meeting. If this is not possible, the employee will be kept informed in writing about the reason for the delay and when a response can be expected.

The formal response to the complaint will advise the employee of the right of appeal and how to make such an appeal. This will normally be to the manager of the manager chairing the meeting, although this may not always be possible or appropriate. The employee should submit their appeal letter within 10 working days of the date of the formal response.

9.2 Investigation Outcome

There are a range of potential investigation outcomes, which are set out below. This list is not exhaustive:

9.2.1 Complaint upheld – recommendation to proceed to disciplinary action

If an investigating manager upholds a complaint, it is likely that s/he will recommend disciplinary action and formal disciplinary proceedings will be commenced with the

support of the HR Department in accordance with the Trust's Disciplinary Procedure. This will include formally notifying the alleged perpetrator of the allegations against them.

9.2.2 Complaint not upheld – no disciplinary action recommended – parties remain working together

The investigating manager may decide not to uphold the complaint, or there may be insufficient evidence on which to make a decision. In this case s/he will not recommend disciplinary action. However, it is likely that a range of recommendations will still need to be made. These are likely to cover:

- The arrangements that should be made to restore a positive working relationship between the two parties;
- The arrangements that should be made to monitor the situation in the future;
- Training implications for the parties and/or wider team;
- The support required by the parties involved (e.g. counselling; regular meetings with the manager)

9.2.3 Complaint not upheld – recommendation that the parties are separated

Circumstances may be such that the investigating manager decides to recommend the separation of the two parties, even though the complaint is not upheld. In such cases this may mean that one party (or both parties) is permanently redeployed to an area where they will not have to come into contact with the other. This is obviously a last resort and all possible options for repairing the working relationship should be considered first.

Options for redeployment should be set out in the report. The Trust provides a guarantee that complainants will not be moved after making a complaint, unless they specifically choose to and it would be equally unfair to require the alleged offended party to move. In these circumstances it will be appropriate to discuss and offer the opportunity of redeployment to both parties, subject to the availability of suitable posts elsewhere.

9.2.4 Complaint not upheld – investigation concludes that the complaint is malicious

Such situations are very rare but not unheard of. In these circumstances the investigating manager may decide to recommend disciplinary action against the complainant.

10. FINAL STAGE - APPEAL

If the employee appeals against the outcome of the formal procedure, the manager to whom the appeal was addressed will arrange a meeting in consultation with the employee as soon as possible. The manager may delegate another appropriate senior manager to arrange and chair the appeal meeting.

The manager chairing the appeal meeting will have the authority and seniority to overturn a decision made by the manager following the formal grievance meeting. It will not always be possible for the manager not to have been involved at an earlier stage, although it will be avoided if at all possible and appropriate.

The written confirmation of the appeal meeting will confirm that this meeting is the final stage of the procedure and remind the employee of the right to be accompanied at the meeting.

The employee should make every effort to attend the appeal meeting.

If the employee's work colleague/accredited trade union/professional body representative cannot attend on the date proposed, the employee may suggest an alternative and time, as long as it is reasonable and not more than 5 working days after the date proposed by the manager. This 5-day time limit may be extended by mutual agreement.

The appeal meeting will normally take the form of a review of the earlier stages. At the meeting will normally be the manager in the chair, the employee and his or her work colleague/accredited trade union/professional body representative, if any, a Human Resources officer and a note taker, together with any witnesses or other individuals whom the manager chairing the meeting considers have information important to the case. The employee may request the attendance of other CHS employees to support the case. Details of all those to be present at the meeting will be confirmed in writing in advance of the meeting.

The meeting will be a review of the original decision and not a complete re-hearing. The employee will be allowed to explain the complaint and what was not satisfactory about the original outcome. The manager chairing the meeting may adjourn the meeting to obtain further information, carry out or commission a further investigation, clarify particular points or allow the employee time to confer with any work colleague/accredited trade union/professional body representative.

The manager will respond in writing within 10 working days of the meeting. If this is not possible, the employee will be kept informed in writing about the reason for the delay and when a response can be expected.

11. FALSE ACCUSATIONS

If in good faith an employee makes an accusation, which following investigation is not confirmed as bullying and harassment, the Trust will not take any action against the employee. If however an employee makes a malicious complaint, which does not have grounds, substance or evidence and was made to deliberately cause upset and distress the Trust may take action in line with its Disciplinary Procedure.

12. SEPARATION OF EMPLOYEES

In certain circumstances, it may be necessary to remove one or more of the parties from the working environment during the investigation or whilst a decision is being made. Managers may consider options such as:

1. Suspension – in line with the Disciplinary Procedure; (It should be made clear that suspension is not a disciplinary measure and does not imply guilt or misconduct.)
2. Special leave pending the outcome of the investigation.
3. Removing individuals from the department, moving one or both to a different end of the department or from one area to another.
4. There should be no automatic assumption about who should be moved or placed on leave. In making this decision, the operational needs of the organisation and practical arrangements will be considered. Should a legitimate complainant have to

be the one to be removed and should this become permanent, the individual would become entitled to the appropriate provisions of the Trust's Pay Protection Policy.

13. CONFIDENTIALITY

Confidentiality needs to be respected to protect an employee who feels vulnerable and to promote the ending of bullying and harassment, but not to cover up a problem where one exists. The duty of confidentiality shall not act as a barrier to a thorough investigation of all allegations under this policy or obstruct employees' rights.

However it must be understood that as soon as an issue is reported within our management structures, the Trust immediately assumes a legal 'duty of care' towards all parties. This applies to the way in which the alleged victim, perpetrator and possibly other staff are dealt with from that time forward, whatever the nature of the unacceptable behaviour.

All staff should be made aware of where and from whom to get confidential advice prior to deciding whether or not they wish to raise an issue under this policy (see Section 5). If the person to whom concern is expressed in relation to bullying or harassment feels they need advice, they should discuss the issues confidentially with one of the following:

- A designated Bullying and Harassment Advisor.
- An accredited Trade Union/Professional Body representative;
- An Occupational Health specialist
- A Human Resources Advisor/Manager or other appropriately trained person.

Seeking support in this way, to support those who feel they have a problem in relation to bullying or harassment does not constitute breach of confidentiality. It also does not remove the responsibility to maintain a level of discretion appropriate to the circumstances.

Bullying and harassment issues should remain confidential to the parties concerned, unless otherwise agreed with the individuals, except in the following circumstances:

a) Where there is a compelling issue of public, personal or organisational interest; e.g. where it becomes necessary to investigate the circumstances with a view to criminal or disciplinary action or where there is a serious concern about an individual's or individuals' well-being and/or safety;

OR

b) The matter is only one of a series of incidents;

OR

c) An Employment Tribunal or Court requires certain information to be disclosed.

Note: this is not an exhaustive list

In such circumstances, all parties will be made aware of the situation and the reason(s) for such disclosure. The Trust may also be obliged to notify the Police and/or the Health and Safety Executive. The Police may be informed without a complainant being named, but there can be no guarantee that the name(s) of employee(s) will not emerge and this will have to happen if a case is to be pursued.

Witnesses, representatives or friends are expected to maintain strict confidentiality.

Breaches in confidentiality will be subject to disciplinary action up to and including dismissal.

14. MONITORING COMPLIANCE/EFFECTIVENESS OF THE POLICY

By setting specific timescales in the policy the Human Resources Department will monitor adherence to the management processes as outlined to ensure that any divergence from these (agreed or otherwise) is documented.

The Director of Human Resources will produce anonymised statistical reports on a quarterly basis for Executive Board and Board of Directors, which will include the number of cases where complaints of bullying and harassment have been made and the outcomes to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

These reports also will be presented to the Joint Consultative Group.

The Trust will annually monitor how successful we are being in creating a workplace free of bullying and harassment via the NHS annual staff survey.

This policy and any subsequent review of it will be submitted to the Corporate Governance Steering Group as part of the assurance process.

15. DISSEMINATION, IMPLEMENTATION AND TRAINING

The Trust will provide information via Corporate Induction to all new employees and others engaged to work at the NHS Trust to help them understand their rights and responsibilities under this policy and what they can do to help create a working environment free of bullying and harassment.

The Trust will provide additional training to managers to enable them to deal more effectively with complaints of bullying and harassment via the ILM Level 3 programme for managers and via:

- Emails to Senior Manager Forum ;
- The Intranet;
- Team Brief;
- HR briefings at Directorate meetings;
- HR Workshops

16. CONSULTATION/REVIEW, APPROVAL AND RATIFICATION

Consultation/Review

- Human Resources Strategy Group
- Joint Consultative Group, who will ensure that a fair and proper equality screening and impact assessment has been carried out.

Approval

- Executive Board

Ratification

- Board of Directors

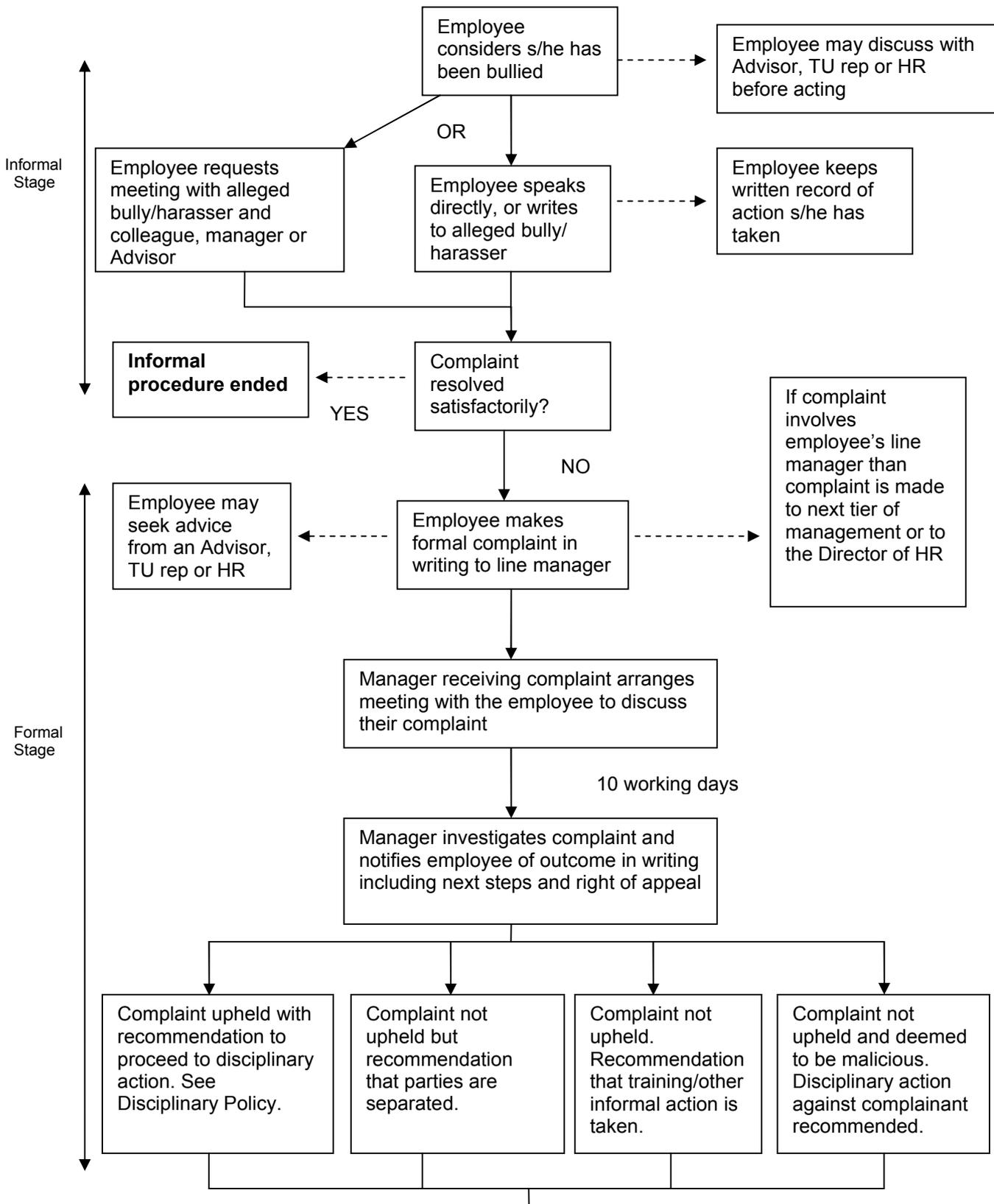
17. REFERENCES

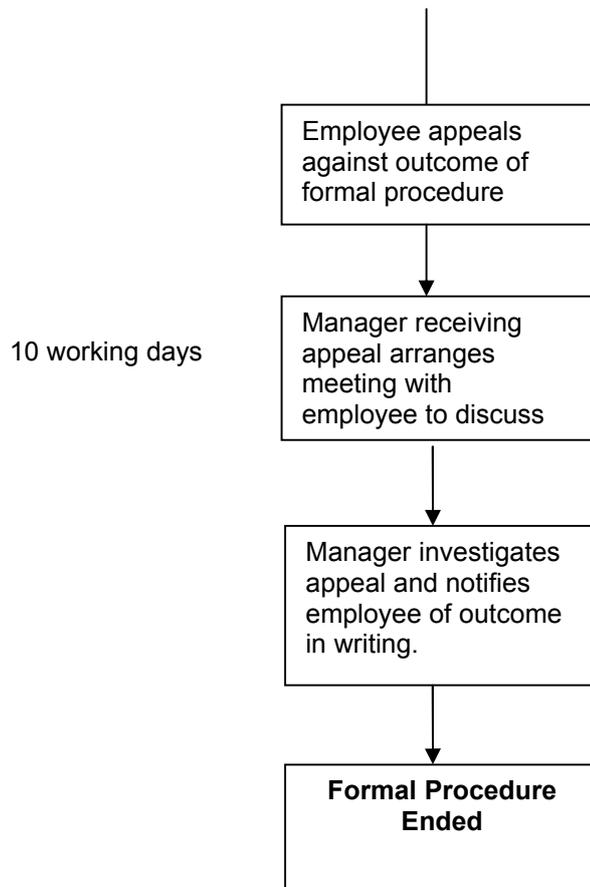
- Health and Safety at Work Act 1974;
- Sex Discrimination Act 1975 (as amended by the Sex Discrimination Act 1986);
- Race Relations Act 1976;
- Disability Discrimination Act 1995 ;
- Criminal Justice and Public Disorder Act 1995;
- Employment Rights Act 1996;
- Protection from Harassment Act 1997;
- Crime and Disorder Act 1998;
- Race Relations (Amendment) Bill 2000;
- Employment Act 2002;
- Employment Equality (Sexual Orientation) Regulations 2003;
- Employment Equality (Religion or Belief) Regulations 2003;
- Sex Discrimination Act 1975 (Amendment) Regulations 2008;
- The Equality Act 2010.

18. ASSOCIATED DOCUMENTATION

- Grievance Procedure
- Disciplinary Procedure
- Wellbeing (Stress) Policy
- Attendance Management Policy
- Mandatory Training Policy
- Health and Safety Policy
- Whistleblowing Policy

FLOWCHART OF INFORMAL AND FORMAL PROCEDURE





GUIDANCE ON WRITING FORMAL COMPLAINTS UNDER THE BULLYING AND HARASSMENT POLICY

1. Type or write clearly in black ink - your document will need to be copied and read by several people.
2. Make it clear whether or not you are making a formal complaint.
3. Identify within which policy - the Grievance or Bullying & Harassment policy - you would like your document to be considered.
4. Discuss your document with a friend, colleague or an accredited trade union/professional body representative, if you are a member.
5. Keep your comments focused on the specific issues you wish to raise - if you raise too many issues, you may hide the crucial ones.
6. Don't use your submission as a chance to complain about other issues, which are less important than the complaint itself.
7. If there is one key issue, identify it as such.
8. Try and keep the document to 1 or 2 sides of A4.
9. Don't exaggerate the issues - it makes for a much more effective investigation if the issues are outlined in a clear and straightforward manner.
10. Describe what happened and provide specific details of dates, names and circumstances.
11. Explain any steps, if any, you have taken to address the issues informally.
12. Outline what outcome you would like to see - but remember to be reasonable and realistic in your expectations, even if you don't think that the other parties have been.
13. Remember to sign and date your statement.

BULLYING AND HARASSMENT ADVISORS

Bullying and Harassment Advisors are 'ordinary' employees who have been trained to listen and support other employees in the workplace, who either feel they are being bullied or harassed, have witnessed bullying or harassment of someone else, or who have had allegations of bullying or harassment made against them.

They work in a voluntary capacity and meet regularly as a network, co-ordinated by the Equality and Diversity Co-ordinator.

The Advisors provide an independent service to help staff understand what is happening to them and to talk through how best to take things forward to suit their own needs. It has been set up to support staff in the most effective way possible whilst ensuring that any decisions made/actions decided on are those of the employee. Advisors will:

- Provide a confidential advisory service to any employee who feels harassed or bullied, who has witnessed bullying or harassment or to any employee who has had allegations made against them ;
- Listen to and advise staff how they might address the problems they are facing on a day to day basis and help to identify practical solutions;
- Explain how the Bullying and Harassment Policy is implemented;
- Explain what other types of support are available to them – e.g. Occupational Health, FirstAssist counselling service.

The service provided by the Advisors is confidential. No records other than anonymous monitoring data are collected. An employee can if they wish contact the service anonymously and they will not be asked to declare their place of work or the person(s) about whom they are talking, if that is their wish.

An Advisor can be contacted Monday – Friday, between the hours of 9am to 5pm. Contact details are published on the Trust's Intranet and in Grapevine, the staff newsletter. Please note that outside of these hours a telephone answering service is in operation. Any messages received will be responded to as soon as possible.

EASY READ VERSION OF BULLYING AND HARASSMENT POLICY

In this summary we will call Bullying and Harassment Advisors, Advisors. We will call Human Resources, HR

What can I do if I think I am being bullied or harassed?

You should talk to someone. You could:

- Talk to your line manager;
- Talk to an Advisor, Monday to Friday 9am to 5pm;
- Talk to FirstAssist who are available 24 hours a day. The telephone number is 0800716017;
- Talk to your trade union representative.

What if I don't want to formally report bullying or harassment?

Don't worry lots of people don't want to make a formal complaint. An Advisor or one of the HR team can help explain the choices available to you.

What can I do?

You can keep a diary of events to help you remember what has happened. You can keep a copy of any letters, e-mails or notes of any meetings that involve you. You can ask to meet with the person who you think is bullying or harassing you. Our Advisors could support you to do this. You could ask the Advisor about your choices.

What is mediation?

Mediation is a way of resolving disputes between 2 or more people. It usually involves an external person as the mediator.

What if want to make a formal complaint?

You will have to tell the Advisor, your line manager or HR if you want to make a formal complaint. You will have to put your complaint in writing. If you need any help to do this you can contact your trade union, friends, the HR team, or an Advisor. You can ask a colleague to help you, but you need to make sure they are not involved in your complaint as this could be very difficult for them and for you.

You will then be asked to attend a meeting with HR and your line manager (unless they are involved in the complaint) and you can bring along a colleague, or a union representative.

At the meeting you can explain your complaint and what you would like to happen. You might be offered mediation, or you might agree to a formal investigation. Sometimes if the situation is very serious, an investigation will be started immediately and you will not have a choice. This will only be happen if there is a possible risk to you or anyone else in the Trust. You will be told if this is going to happen.

What if I am worried about people in my area being asked questions?

When a formal complaint is made it is very important that we look at all aspects of your complaint. The person being accused has a right to understand what they are being accused of and given a chance to explain their version of what's happened. In some cases we might need to talk to other members of staff. You will be told what we are planning to do and why.

What happens when the investigation is complete?

We will explain the outcome of the investigation. Sometimes there might be a delay. People may be off sick and cannot explain what has happened and we will tell you if this happens. Once the investigation is complete you will be asked to attend another meeting and we will tell you what we found.

What can happen at the end of the investigation?

We may agree with you that bullying has taken place. We found evidence to support your complaint and the person or group of people who have been bullying you will have disciplinary action taken against them.

OR

We think there are problems and would like to help the team work together. We cannot find any evidence to support your complaint. You can stay working in the same areas, but we will help with plans to get the team working together.

OR

We think there are problems and would like to separate people for a while. We did not find enough evidence that you were being bullied or harassed but we think it might be better to separate you and the other person. HR will help to sort this out.

OR

We are very concerned that the complaint is not true. We found evidence that the complaint was not true. If this has been done on purpose, to get another person into trouble, we will need to look at this very carefully.

What if I am not ok with the outcome of the formal investigation?

If you think the outcome is wrong or unfair you can appeal. This means you will need to attend another meeting with a different person who will go over the information and make a recommendation. This can be different to the original findings but might be the same.

What if I don't want the complaint to go forward and the Trust does?

If you want to change or withdraw a complaint you will need to talk to the Advisor or the person you raised the complaint with. If the complaint was very serious, the Trust may have to act to protect you, other staff and/or patients. If this happens, HR will explain to you exactly why the complaint is being taken forward and will offer you support throughout the process.

What if I want to withdraw my formal complaint?

If you want to change or withdraw a complaint you will need to talk to the Advisor or the person you raised the complaint with. If the complaint was very serious, the Trust may have to act to protect you, other staff and/or patients. If this happens, HR will explain to you exactly why the complaint is being taken forward and will offer you support throughout the process.

What if I am being accused of being a bully or harassing a member of staff?

You still have rights under all the Trust policies
You can talk to your trade union representative
You can talk to HR
You can talk to an Advisor.

What if I am a witness and worried about my job if I talk?

We will need to ask you questions to help us understand what has happened. We will make sure you are supported and protected by us. It is against the law to harass or victimise anyone who is acting as a witness. Being a witness will have no impact on your job.