



Somerset Partnership NHS Foundation Trust
Taunton and Somerset NHS Foundation Trust

Dignity at Work

Policy

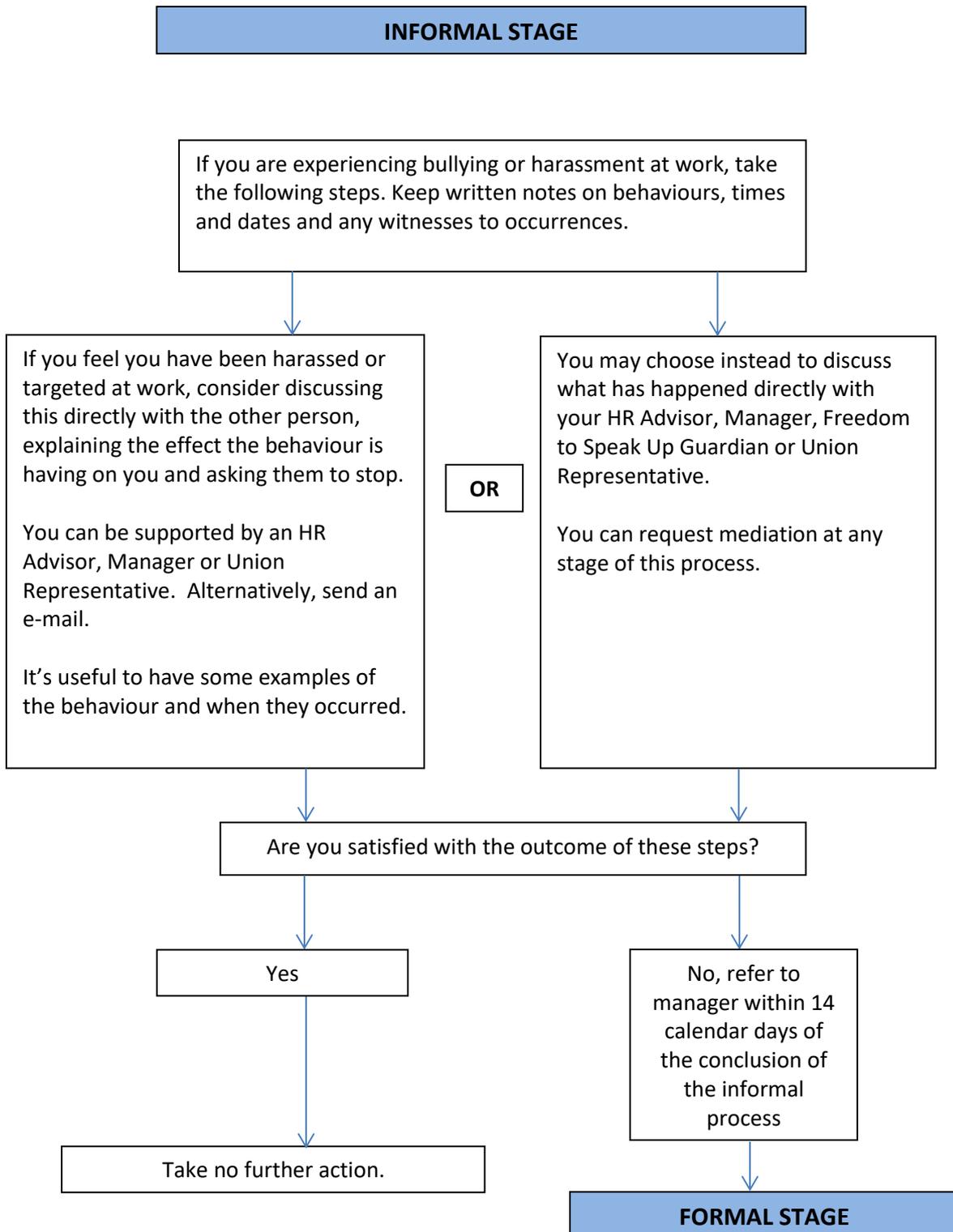
This document can only be considered current when viewed via the Trust intranet/internet. If this document is printed or saved to another location, you are advised to check that the version you use remains current and valid, with reference to the review due date

CONTENTS

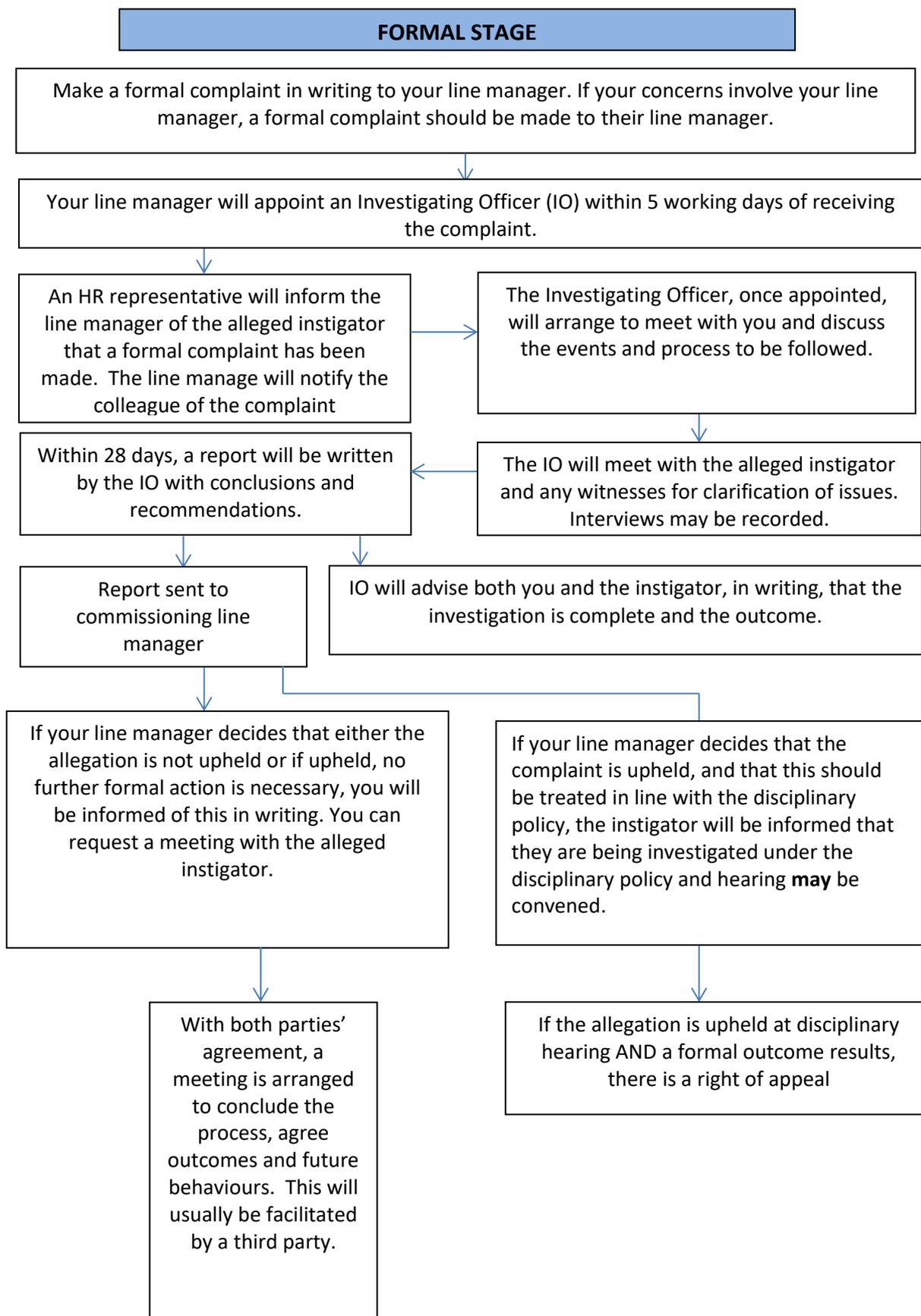
1.0	FLOW DIAGRAM	3
2.0	INTRODUCTION	5
3.0	DEFINITIONS	6
4.0	ROLES and RESPONSIBILITIES	7
5.0	PROCESS DESCRIPTION	8
6.0	TRAINING/COMPETENCE REQUIREMENTS	9
7.0	MONITORING	10
8.0	REFERENCES	10
9.0	DOCUMENT CONTROL	10

1.0 FLOW DIAGRAM / ALGORITHM OR KEY STEPS

DIGNITY AT WORK FLOWCHART



DIGNITY AT WORK FLOWCHART



2.0 INTRODUCTION

- 2.1 This policy has been produced and agreed in partnership between management and Trade Union representatives of both Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust to ensure all colleagues are treated fairly if a complaint or concern is raised against them. It is acknowledged that not all situations will necessitate the need to implement this policy and in assessing whether a formal approach is required, many factors will need to be considered.
- 2.2 The Trusts are committed to providing an environment where colleagues are treated with dignity and respect and one that is free from all forms of bullying and harassment.
- 2.3 The Trusts want to ensure that colleagues feel empowered to speak up and challenge behaviour which is not in keeping with the Trusts' values.
- 2.4 This policy sets out the types of behaviour that are unacceptable, the process for raising concerns and the support that will be offered to colleagues who are able to speak up.
- 2.5 The impact of bullying and harassment can have a profound effect on a person. It can make someone feel anxious, humiliated, angry, frightened, demotivated and lead to loss of confidence, self-esteem and stress. Therefore it is important that, when complaints are raised, they are resolved fairly, confidentially, sensitively and in a timely manner. Job performance is affected and relationships within the workplace suffer.
- 2.6 It is sometimes difficult to distinguish between firm but fair management and bullying and harassment. A manager may need to give constructive feedback in relation to a colleague's behaviour or under-performance. The colleague may interpret their treatment as oppressive and over-bearing when in fact the manager is being consistent, constructive, balanced and fair.
- Constructive feedback will focus upon actions and behaviours, giving examples of what the colleague has or has not done. It will suggest what the colleague can do differently to make improvements.
- Destructive criticism is likely to involve aggressive behaviour, personal insults or put downs, allocating blame rather than responsibility, focussing on how awful the current situation is rather than the future improvement or rectification of the problem.
- 2.7 The Trusts believe that fairness and transparency are promoted by developing clear and transparent policies and procedures and ensuring all colleagues regardless of role understand their content.
- 2.8 The Trusts recognise that some sections of society experience prejudice and discrimination. The Equality Act of 2010 recognises protected characteristics and gives consideration to socio-economic factors including pregnancy/maternity and marriage/civil partnership.

- 2.9 The Trusts are committed to equality of opportunity and inclusive practices in both the provision of services and our role as an employer. All people have the right to be treated with dignity and respect and the Trusts are committed to the elimination of unfair and unlawful discriminatory practices
- 2.10 This policy does not include harassment by service users. Please refer to the Trusts' Recognition, Prevention and Management of Violence and Aggression Policy.
- 2.11 This policy may be updated from time to time in consultation with staff side colleagues. It will apply to any successor organisation and remain valid until its renewal.

3.0 DEFINITIONS

- 3.1 **Harassment** can be any unwanted attention or behaviour due to a protected characteristic which a person finds objectionable or offensive, and which makes them feel threatened or uncomfortable, leading to a loss of dignity or self-respect. It is usually a pattern of behaviour but can be an isolated incident. Examples can include, but are not limited to:
- unnecessary and unwanted physical contact
 - derogatory or degrading comments relating to a person's "protected characteristic"
 - unwanted non-verbal conduct, including sexually suggestive gestures, staring and leering
 - unwanted sexual advances or propositions
 - continued suggestions for social interaction outside the workplace after it has been made clear that such suggestions are unwelcome
- 3.2 **Bullying** is a more general form of harassment that is not based on a protected characteristic. As with harassment it can be defined as words, actions or other conduct which ridicules, intimidates or threatens and affects individual dignity and well-being. It is often associated with a misuse of power. Bullying behaviour is largely identified not so much by what has been done but rather the effect that it has on the recipient. Examples can include but are not limited to:
- unnecessary persistent criticism
 - shouting at colleagues in private or public
 - deliberate isolation by ignoring or excluding a colleague
 - withholding information or removing areas of responsibility without justification
 - spreading malicious rumours
 - refusing leave or training requests without reason
 - deliberately setting objectives with impossible deadlines
- 3.3 **Victimisation** is treating colleagues less favourably because of action they have taken, for example making a formal complaint about someone or giving evidence against a colleague.

- 3.4 **Protected Characteristic** is any characteristic defined under the Equality Act 2010. These are sex, race, disability, religion and belief, sexual orientation, gender reassignment or gender identity, marriage or civil partnerships, pregnancy and maternity and age.

4.0 ROLES and RESPONSIBILITIES

- 4.1 **Colleagues** are responsible for:

- acting in line with Trust values and the NHS Code of Conduct
- taking personal responsibility to create a working environment where bullying and harassment are not tolerated
- taking seriously any allegation made against them
- proactively addressing inappropriate behaviours shown by others either directly or through managers, Trade union colleagues, 'Freedom to Speak Up' Guardians or the HR Advisor team.

- 4.2 **Managers** are responsible for:

- taking complaints of bullying and harassment seriously
- working swiftly to resolve concerns in the most appropriate way including arranging mediation or commissioning an investigation
- taking into account the views of all parties
- reflecting and learning from incidents to address any cultural issues
- seeking advice from HR Advisors

- 4.3 **HR Advisors** are responsible for:

- providing support and coaching to managers to enable them to resolve allegations of bullying and harassment
- supporting colleagues who have raised issues of bullying and harassment in a sensitive way, giving advice and explaining options
- ensuring a fair process is followed
- advising on the application of this policy
- supporting resolution of any issues through the provision of advice and guidance

- 4.4 **Trade Union Colleagues** are responsible for:

- supporting members who raise incidents of bullying, harassment and victimisation
- supporting members who are the subject of allegations
- where possible, facilitating amicable resolutions by liaising with Managers and HR Advisors.

- 4.5 **People Governance Committee** is responsible for:

- monitoring compliance of this policy

- 4.6 **Freedom to Speak Up Guardians** are responsible for:

- listening to concerns raised by colleagues

- signposting support
- raising issues that may be systemic or cultural with senior management

4.7 **Investigators** are responsible for:

- seeking support on process including terms of reference by the HR Advisor team
- conducting a thorough and impartial investigation
- keeping all parties up to date with progress and notifying all parties of any unexpected delays
- preparing a report on their findings and recommendations

5.0 **PROCESS DESCRIPTION**

5.1 Where appropriate, attempts should be made to resolve complaints informally. It is often the case that a person may be unaware of the effect that their conduct is having and, depending upon the behaviour, an informal resolution is appropriate. This could be by way of direct intervention by means of an informal meeting or e-mail, setting out the behaviour that is upsetting or unwelcome and asking for it to cease. It might be that a supported conversation or a formal mediated meeting could resolve the situation. Alternatively, colleagues can talk to their manager, trade union representative, or HR Advisors to get advice on how to handle the situation informally. If the complaint is about a direct manager, their line manager should be approached for help. Resolutions may also include training, counselling or coaching for the person accused of the inappropriate behaviour.

5.2 Whilst confidentiality will be maintained as far as possible, a colleague who is the subject of a complaint will need to understand the nature of the complaint with specific examples in order that the behaviour can be addressed.

5.3 If the behaviour is serious or if informal interventions have not brought about a change in behaviour, the colleague should make a formal complaint to their manager within 14 calendar days of completion of the informal process. A mutually agreed manager will undertake the investigation in a timely manner (see flow chart) and both parties will be informed of both the progress and the outcome which could be that the complaint is not upheld or that it is upheld and that other interventions are recommended to resolve the situation. This could include training, counselling, coaching, and mediation, and in exceptional circumstances a temporary or permanent move of one of the parties (see Redeployment and Pay Protection policy).

In serious cases; a disciplinary hearing may be convened. In most circumstances, the full report will be made available to both parties although at the discretion of the commissioning manager, certain parts may be redacted to protect witnesses. The document remains confidential and should not be shared with other colleagues.

5.4 During the course of a formal investigation, either party may request a temporary move to a different role. This may be accommodated and does not imply blame.

The Commissioning Manager may also require the alleged instigator to move to an alternative role temporarily whilst the investigation is carried out.

5.5 In the unlikely event that a formal investigation concludes that a vexatious complaint was made maliciously and without any foundation, the Trusts may consider the matter in accordance with the Disciplinary Policy.

5.6 **Commitment to Support**

The Trust recognises that when allegations, complaints or issues are raised it can be a stressful period for everyone involved. In order to mitigate this, the Trust is therefore committed to support colleagues in any reasonable way. Supportive actions may include, but are not limited to:

- giving the colleague under investigation the opportunity to comment on the proposed investigating officer prior to confirmation of their appointment
- appointing an impartial individual who is aligned to support the welfare of the colleague under investigation and feedback any areas of concern relating to safeguarding
- occupational health referrals if appropriate
- promoting the Trust's Employee Assistance Programme (EAP)
- providing appropriate line management support to the person making the allegation and any witnesses
- ensuring the process is concluded as swiftly as reasonably possible without detriment to the integrity of the process or learning that may be gained.

5.7 If the allegation is upheld and a formal outcome results eg an enforced permanent move to a different post, or formal outcome following a disciplinary hearing, there is a right of appeal. The procedure relating to how to appeal is as detailed in the disciplinary policy.

5.8 **Debrief and Learning**

It is important to ensure all colleagues affected are fully supported following the outcome of an investigation. This support will need to be tailored to meet the needs of colleagues and the situation. At the conclusion of the process those involved will be asked to feedback on any learning from the case in order to identify any process improvements or learning that the organisation can take forward.

6.0 **TRAINING/COMPETENCE REQUIREMENTS**

6.1 Investigators will be appropriately trained in conducting investigations. Colleagues and managers have a duty to familiarise themselves with this policy.

7.0 MONITORING

Element of policy for monitoring	Section	Monitoring method - Information source (e.g. audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
Informal Resolution	5.3	NHS Staff Survey. Demonstrate an improvement year on year. Pulse Check Metrics provided to the Board by Freedom to Speak Up Guardians	Kirstie Lord	Annually	Staff Survey Action Plan, leadership development and training.
Formal Action	5.5 - 5.7	Case Tracker Outcomes with a reduction year on year of formal cases. Feedback from NHS Staff Survey.	HR Advisors	Annually	Staff Survey Action Plan, leadership development and training.

8.0 REFERENCES.

- 8.1 The Equality Act 2010
- 8.2 Protection from Harassment Act 1997
- 8.3 Section 32 of Agenda for Change Handbook
- 8.4 Disciplinary Policy and associated guidance notes

9.0 DOCUMENT CONTROL

Document Author	<i>Elaine Edwards, HR Specialist</i>		
Lead Owner	<i>Isobel Clements, Director of People Services</i>		
This Version	1	Status	<i>Final</i>
Replaces	All previous Bullying and Harassment/Dignity at Work TST and Sompar Policies		
Approval Date	26.11.2019	Where	Policy Lockdown Group
Ratification Date	20.02.2020	Where	Policy Review Group
Date of issue	27.02.2020	Review date	20.02.2023
Applies to	All colleagues, students and individuals on work experience	Exclusions	None