



BULLYING AND HARASSMENT POLICY (Promoting Dignity and Respect at Work)

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| Policy Type | People & Organisational Development |
| Directorate | Corporate |
| Policy Owner | Director of People and Organisational Development |
| Policy Author | Senior HR Manager |
| Next Author Review Date | 1 st August 2021 |
| Approving Body | Corporate Governance & Risk Sub-Committee – 12 th September 2017 |
| Version No. | 4.0 |
| Policy Valid from date | 1st September 2017 |
| Policy Valid to date: | 31 st January 2022 |

‘During the COVID19 crisis, please read the policies in conjunction with any updates provided by National Guidance, which we are actively seeking to incorporate into policies through the Clinical Ethics Advisory Group and where necessary other relevant Oversight Groups’

DOCUMENT HISTORY

(Procedural document version numbering convention will follow the following format. Whole numbers for approved versions, e.g. 1.0, 2.0, 3.0 etc. With decimals being used to represent the current working draft version, e.g. 1.1, 1.2, 1.3, 1.4 etc. For example, when writing a procedural document for the first time – the initial draft will be version 0.1)

| Date of Issue | Version No. | Next Review Date | Date Approved | Director Responsible for Change | Nature of Change or Action |
|---|-------------|------------------|---|--|--|
| Jan 2012 | 2011v5 | | 09/01/2012 | H R Director | Approved by Provider Executive Board |
| May 2012 | 2011v6 | | | H R Director | Added NHS Trust logo |
| October 2012 | 2011 v7 | | | H R Director | Re-formatted into the new Trust template. Amended effective date for Dignity at Work Advisory Service |
| Policy Updated commencing October 2013 | | | | | |
| 17 Oct 13 | v2.1 | | | Executive Director of Nursing and Workforce | Ratified by Local Negotiating Committee |
| 17 Oct 13 | V2.1 | | | Executive Director of Nursing and Workforce | Ratified by Dignity at Work Advocates |
| 29 Oct 13 | V2.1 | | | Executive Director of Nursing and Workforce | Opened consultation at Partnership Forum |
| 26 Nov 13 | V2.1 | | | Executive Director of Nursing and Workforce | Ratified at Organisational Culture Development Group |
| 21 Jan 14 | V3 | 20 Jan 2017 | 21 Jan 2014 | Executive Director of Nursing and Workforce | Approved at Policy Management Group |
| Policy Updated October 2016 | | | | | |
| Date of Issue | Version No | Date of Approval | Director Responsible for Change | Nature of Change | Ratification/Approval |
| 15 Aug 2016 | V2.2 | | Executive Director of Finance and Workforce | Re-formatted in Trust Policy template | |
| 25 Oct 2016 | V2.2 | | Executive Director of Finance and Workforce | | |
| 10 th January 2017 | V3 | 10 Jan 2017 | Executive Director of Finance and Workforce | Approved at | Corporate Governance & Risk Sub-Committee |
| April 2017 | V3.1 | | Executive Director of Finance and Workforce | Policy review | |
| July 2017 | V3.1 | | Executive Director of Finance and Workforce | Endorsed at | Partnership Forum |
| 12 Sep 2017 | V4.0 | 12 Sep 17 | Executive Director of Finance and Workforce | Approved at | Corporate Governance & Risk Sub-Committee |
| 28 Oct 2020 | 4.0 | | Executive Director of Finance and Workforce | Extension to review date until 31/01/2021 approved by | Deputy Director of Human Resources |
| 29 January 2021 | 4.0 | 12 Sep 2017 | Director of People and Organisational Development | 12 month blanket policy extension due to covid 19 applied with author review date set 6 months prior to Valid to Date. | Quality & Performance Committee |
| 27 April 2021 | 4.0 | 12 Sep 2017 | Director of People and Organisational Development | Extended policy uploaded and linked back with new cover sheet | Corporate Governance |

NB This policy relates to the Isle of Wight NHS Trust hereafter referred to as the Trust.

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1. EXECUTIVE SUMMARY

The Trust acknowledges that it has a responsibility to promote a working environment that is safe and non-threatening, where all people feel they are respected, valued and supported and everyone is able to work free from undue anxiety and stress.

As an equal opportunities employer, the Trust supports a working environment for individuals in which dignity at work is paramount. The purpose of this policy is to support a working environment and culture in which bullying, harassment, victimisation and illegal discrimination are unacceptable and to provide a proper framework in which complaints about these matters can be dealt with.

All employees have the right to be treated with consideration, dignity and respect. Bullying and harassment will not be tolerated by the Trust in any form.

The Trust's Disciplinary and Dismissal Policy and the Conduct, Capability, Ill Health and Performance Management of Medical Staff policy, consider serious bullying, discrimination and harassment as examples of gross misconduct, which can result in dismissal.

Many incidents and patterns of behaviour can be dealt with effectively in an informal way and every effort should be made to resolve matters informally before a formal approach is adopted, although this may not always be possible or appropriate.

Allegations raised regarding bullying, harassment, discrimination and victimisation will be taken very seriously and treated confidentially. The Trust gives assurance to staff that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague making a complaint. However, disciplinary action may also be taken if the complaint is found to have been made maliciously or in bad faith.

The Trust expects each person to fulfil their responsibilities to creating a culture of openness, with dignity and respect towards each other, as well as patients. The policy explains how the Trust will manage those individuals who choose to behave in a manner that is deemed unacceptable and unwanted can expect to be managed.

Where this does occur, the policy aims to ensure that appropriate and effective action is taken to prevent any recurrence.

2. INTRODUCTION

The Trust will not tolerate any forms of unfair treatment or unwanted and unacceptable behaviour and recognises its legal and moral responsibilities. To ensure the Trust fulfils its duties the organisation will:

- (a) Promote good people management practice;
- (b) Provide a framework within which to resolve issues of harassment; bullying or victimisation;
- (c) Take all incidents of harassment, bullying, victimisation, discrimination and hate crime very seriously and will deal with them thoroughly, expeditiously, confidentially and fairly;

- (d) Train and provide guidance to its managers in dealing with issues of harassment, victimisation and bullying;
- (e) Educate its staff on protecting the dignity of all people at work;
- (f) Make available to staff appropriately trained and skilled individuals to support them to make an informed decision;
- (g) Ensure systems are in place to audit progress to avoid harassment and bullying in the workplace and monitor actions when it does occur. Where appropriate lessons learnt will be shared.

3. SCOPE

This policy applies to **all** grades of staff regardless of their employment status e.g. permanent, fixed term, temporary, bank or voluntary. Individuals engaged under agency contracts and private contractors will be expected to comply with this policy whilst working on The Trust premises and when communicating with staff, patients and other members of the public.

All staff should be aware that failure to comply with this policy and procedure, whether intentionally or unintentionally, will be dealt with in accordance with the Trusts Disciplinary Policy & Procedure, or in the case of medical and dental staff, the Conduct, Capability, Ill Health and Appeals Policy, and Procedure for Medical and Dental Practitioners. In addition, victimisation of any employee who has raised a complaint will also be treated as a disciplinary matter.

4. PURPOSE

The purpose of the dignity at work policy is to ensure a culture of working relationships in which everyone is treated with dignity and respect, where harassment is known to be unacceptable and individuals have the confidence to deal with and challenge harassment or bullying without fear of ridicule or reprisals.

All employers have a duty to prevent unwanted behaviour taking place.

Appropriate action will be taken (which may include disciplinary action) against anyone whose actions are proven to be malicious or who has deliberately made false accusations. No action will be taken against any member of staff who raises an issue in good faith.

5. DIVERSITY AND INCLUSION STATEMENT

It is the commitment of the Isle of Wight NHS Trust to provide a safe working environment that encourages tolerance and respectful treatment of colleagues, service users and members of the public. In doing so, this document takes into account current legislation including that outlined below and must be implemented in conjunction with the Trust's Diversity and Inclusion policy.

Harassment has been held to constitute discrimination under the following:

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Part-time Workers Regulations 1999
- Health and Safety at Work Act 1974

- Protection from Harassment act 1997
- Public Disclosures Act 1998
- The Workplace Health, Safety and Welfare Regulations 1992
- Fair Employment (Northern Ireland) Act 1989
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Rights Act 1996.
- European Commission's Code of Practice on the Protection of Women and Men at Work.
- Protection from Harassment Act 1997
- Human Rights Act 1998

6. RECOGNISING BULLYING AND HARASSMENT AT WORK

6.1 Bullying in the Workplace

Bullying is not always immediately obvious and can take many forms that vary over time to avoid detection. For this reason, there is not one single definition or type of behaviour that can be classed as bullying, and therefore employees need to be vigilant to the occurrence of employees experiencing less favourable treatment from others.

Bullying can range from a misuse of power to any other type of situation including inappropriate behaviour between colleagues, to service users, between different groups of employees, and from an employee towards their supervisor or line manager.

Bullying is distinct from a right to manage and to supervise staff in carrying out their duties. It is expected that managers will manage appropriately and challenge poor behaviour and / or underperformance, but this in itself will not constitute bullying providing such actions are applied fairly, consistently, and in a manner that supports the employee to improve.

Table 1 Difference between Firm/Fair Management and Bullying

| Firm and Fair Management | Bullying and Harassment |
|--|---|
| Flexible, reasonable and considerate of individual needs and styles within the team | Aggressive, inconsistent, dogmatic and unfair |
| Determined to achieve the best results, reasonable and fair | Determined to achieve results, but is unreasonable and inflexible |
| Willing to consult with colleagues and staff before drawing up new proposals | Believes they are always right, has fixed opinions, believes they know best and not prepared to value others opinions if things go wrong. |
| Insists on high standards and behaviours within the team | Insists on high standards but blames others when they go wrong |
| Will seek to understand any perceived deterioration in performance before forming views or taking action; does not apportion blame on others | Loses temper, regularly degrades people in front of others, threatens official warnings without listening to any explanation. |

The key identifying features of bullying is that is usually ongoing and for this reason one-off or arguments / incidents are not necessarily thought to constitute bullying; although such behaviour may represent misconduct and should be appropriately managed.

6.2 Forms of Harassment and Bullying

Harassment and bullying can take many forms. Extreme forms of harassment, such as sexual or racial assault, which constitute offences under criminal law, are often clearly recognisable. Less obvious actions might include ignoring someone at work, or exclusion from workplace social events.

Whatever the form of harassment or bullying, it will be considered to be offensive to the individual receiving or witnessing it. Forms of harassment or bullying may include:

- **physical contact** - ranging from touching to serious assault;
- **verbal harassment** - distasteful jokes, abusive comments, offensive language, gossip, speculation, banter, insults, taunts, suggestive comments, insinuations, leering and innuendo.;
- putting an **inappropriate comment** on personal or public chat room, when using social media sites such as Facebook;
- Cyberbullying is **bullying** that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites;

Examples of cyberbullying include mean text messages or emails, rumors sent by email or posted on social networking sites, and embarrassing pictures, videos, websites, or fake profiles;

- **written harassment** - graffiti, letters, e-mail;
- visual display of posters, obscene gestures, flags, bunting and emblems;
- **isolation or non-co-operation** at work, exclusion from work related social activities;
- Withholding information which can affect a worker's performance
- **coercion** - ranging from pressure for sexual favours to pressure to participate in political and religious groups;
- Intentionally blocking promotion or training opportunities
- intrusion by pestering, spying;
- assumptions based on **stereotyping** (e.g. Asian women are submissive);
- comments about modes of dress or to present or past sexual behaviour;
- unfair **allocation** of work;
- **bullying** - shouting, humiliating, undermining, public verbal abuse, intimidation

- Undermining an individual's work by changing work objectives or guidelines without consultation; or taking credit for another person's work; or reporting an individual to a supervisor without justification.

Anyone can be harassed by another person; irrespective of the working relationship. Customers, clients and contractors may be involved, either as perpetrators or recipients, and witnesses can sometimes be affected as adversely as those directly involved

6.3 Forms of Hate crime and incidents

- **Physical abuse** - spitting, punching, kicking, slapping, pushing or behaviour which leads to physical injury;
- **Threats** - threatening words or behaviour e.g. "I'm going to beat you up" or "I'm going to get you and your family";
- **Verbal abuse** - name calling, swearing, using derogatory, insulting terms about an individual;
- **Sexual abuse** - this can be abuse including degradation, rape, assault;
- **Written/printed abuse** - letters by post, leaflets or posters using prejudiced language, abusive text messages, graffiti, social media or using insulting language or images written/drawn onto property;
- **Indirect attacks** - on property and/or a home, e.g. eggs/stones thrown at property, tyres slashed, windows broken, property stolen;
- **Harassment** - persistent intimidating or threatening behaviour which is spread over a period of time;
- **Exclusion or isolation** - being refused services or entry to a business or public space;

6.4 Harassment in the Workplace

People can be subject to harassment at work on a variety of grounds including:

- Because they have challenged someone who they consider to be harassing another person, leading to victimisation
- their status as ex-offenders
- their real or suspected infection with AIDS/HIV
- their membership, or non-membership, of a trade union or other association

A person belongs to or is associated with someone who has a characteristic protected by equality legislation:

- race, ethnic origin, nationality or skin colour
- sex or sexual orientation
- a person has a disability, sensory impairments or learning difficulties
- their age (or youth)
- their gender

- they are married or in a civil partnership
- they have or may in the future have children
- their religion or belief

This list is not exhaustive. Anyone who is perceived as different, or who is in a minority, or lacks organisational power, runs the risk of being harassed or bullied. Therefore health, physical characteristics, personal beliefs and numerous other factors may lead to harassment, and this can occur between people of the same or opposite sex.

6.5 The Effects of Harassment and Bullying

Harassment and bullying can have far-reaching consequences for individuals, both in and out of work. Everything we say and do has an impact on someone. Bullying can have as negative an impact on observers as on those being bullied.

6.5.1 Individual employees

Harassment and bullying can, and often does, undermine an individual's confidence and self-esteem. This can in turn lead to long term problems with work and personal relationships. In particular, the recipient's health is likely to suffer as a consequence.

Common symptoms of someone who is being bullied or harassed are stomach complaints and ulcers; inability to concentrate; exacerbation of asthma and/or other health related conditions; depression; low resistance to infection; headaches; tearfulness; insomnia; palpitations and panic attacks. These can continue long after the harassment/bullying has stopped.

People subjected to harassment and bullying are very vulnerable and are often reluctant to complain. They may be too embarrassed or unsure as to how to make a complaint or concerned that it will be trivialised. They may fear reprisals. Because of the loss of self-esteem, in some cases, individuals blame themselves, convincing themselves that they must have caused the situation to arise. Employees may not want attention focused on the situation; they just want the unwanted behaviour or conduct to stop, so they suffer in silence.

6.5.2 Trust Board

The Trust does not underestimate the damage, tension and conflict within the workplace which harassment and bullying creates. The result is not just poor morale but higher labour turnover, reduced productivity, lower efficiency and divided teams. This could also lead to reputational damage to the Trust and people not wanting to work for the Trust.

6.6 Harassment and the Law

Failure to deal with allegations or incidents of harassment at work may expose the Trust to a number of legal consequences.

6.7 Health and Safety Law

The Health and Safety at Work Act 1974 imposes a duty of care on employers to protect the health and safety of their staff. Employers must also ensure that their workplaces are safe and healthy. Management of Health and Safety Regulations 1992 places a duty on the Trust to assess the risks to health, including the risk of harassment and bring in control measures based on their risk assessments.

6.8 Hate Crime and the Law

The police and Crown Prosecution Service have agreed a common definition of hate incidents.

They say something is a hate incident if the victim or anyone else thinks it was motivated by hostility or prejudice based on one of the following things:

- disability
- colour of skin, race, ethnicity, nationality and/or national origin
- religion, belief or faith
- gender or gender identity
- sexual orientation
- age

Anyone can be the victim of a hate incident. For example, you may have been targeted because someone thought you were gay even though you're not, or because you have a disabled child.

6.9 The Effects of the Law

The Trust is liable for what its employees do in the course of their employment, whether or not the Trust knows of those actions. This also extends to work related social activities. The Trust can avoid liability for harassment amounting to discrimination only if it can prove that it took appropriate measures to ensure that the offending acts were not done. The Trust's liability is in addition to the employee's personal liability for his/her own actions.

In addition to discrimination claims, harassment may lead to criminal claims for assault or civil claims for negligence or breach of contract.

Legal cases are invariably time-consuming, expensive in terms of time and employment tribunal awards and as well potentially damaging to the Trusts' reputation.

7. ROLES AND RESPONSIBILITIES

It will be the responsibility of The Trust Board for setting and role modelling the behaviours it expects of its employees. Through their managers, The Board will ensure that employees are protected from intimidation, victimisation, and discrimination and hate crime. Retaliation against an employee for complaining about harassment or bullying is a disciplinary offence.

7.1 Line Managers Responsibility

All managers and supervisors have a duty to ensure that bullying, harassment, discrimination, hate crime or victimisation does not occur in work areas for which they are responsible.

In particular they must:

- Have undertaken their Equality and Diversity and Bullying and Harassment mandatory training;
- Be aware of the problems that harassment can cause and, as part of their normal responsibilities, be alert to the possibility that it may happen;
- Take steps to create a working environment that is free from harassment, bullying and victimisation;
- Use their judgement in correcting standards of conduct or behaviour which could be seen as offensive;
- Use their judgement in correcting conduct or behaviour which is not consistent with the Trust's Vision, Values and Behaviours;
- Take prompt action to stop harassment as soon as it is identified;

- Be responsive and supportive to any member of staff who complains about harassment and ensure that complete confidentiality is maintained;
- Ensure that there is no further problem of harassment or any victimisation after a complaint has been resolved;
- Not behave in a way that could be construed as abusing their authority in the way that they supervise their subordinates and certainly not adversely treat any individual or group differently to others.

Managers should recognise the problems faced by employees who feel they are being harassed and be sensitive to the fact that making a complaint is likely to be a distressing experience. It is essential that in allegations of harassment and bullying, all situations are dealt with thoroughly, expeditiously, confidentially and fairly.

Allegations of harassment and bullying will be dealt with under the Trusts' Grievance and Disciplinary Policies and Procedures.

It is essential that appropriate confidentiality is maintained throughout this procedure. Failure to do so will result in disciplinary action being taken.

7.2 Employee's Responsibility

Employees have a duty to comply with this policy and procedure and to ensure they treat colleagues, patients and other members of the public with dignity and respect. In particular, employees can contribute by:

- Being responsible for reading this policy and being aware of the problems which harassment and bullying can cause by ensuring that their conduct or behaviour does not contribute to incidents;
- bringing to the attention of their colleague(s) that certain conduct or behaviour is causing concern or offence to either themselves or a fellow colleague;
- Providing support to the colleague who is being harassed;
- maintaining confidentiality at all times and not sharing rumour or gossip;
- respecting that individuals determine for themselves what is acceptable behaviour and conduct;
- recognising the impact of your own behaviour on others; everything we and do has an impact on someone;
- co-operating fully with any internal investigation regarding harassment and bullying in the workplace

8. HELP AND SUPPORT

Bullying and harassment are rarely one-off events, unless this is a serious assault; is often repeated behavior. Employees are therefore encouraged to take personal action to try to resolve concerns about someone's behavior before such behavior escalates into bullying.

The Trust has a number of sources of support available so employees can discuss and raise concerns. Sometimes a trusted colleague or line manager can be approached, but in the case an employee does not feel comfortable speaking with their line manager then there are other avenues of support available.

The following support mechanisms have been put in place to support this procedure and may be accessed by any member of staff. Employees are encouraged to seek help where they are unsure if bullying or harassment has occurred to prevent it becoming prolonged.

It is acceptable for employees to seek help if they witness behaviour that upsets them and they are not sure what to do.

These services may also be valuable to individuals whose behaviour has been found to be unacceptable. They may be unaware or insensitive to the impact of their actions and this support may help them to change their behaviour and prevent the occurrence of further incidents.

Confidentiality will be maintained and where this is not possible (e.g. risk to health, young person, serious allegations etc.), the employee will be advised appropriately.

8.1.1 Anti-bullying Advisor

The role of the Anti-bullying Advisor is to listen to the person, provide advice and information, act as a sounding board, explore the problem, help clarify thinking and outline options available to the employee.

8.1.2 Resources (HR) Department

Individuals should contact their HR Department Helpline for advice and support. This also applies to any other member of the department with whom they feel comfortable talking to.

8.1.3 Occupational Health Department

Occupational Health team are available for support.

8.1.4 Chaplaincy Service

The Hospital Chaplain is available to staff.

8.1.5 Employee Assistance Programme

Workplace Options is available 24 hours a day, 7 days a week to all staff offering face to face counselling.

They can be contacted by www.workplaceoptions.com

8.1.6 Trade Union Representatives

Union Representatives can be contacted by email via CUPAC@iow.nhs.uk A full list of Union representatives and their contact details can be found <http://intranet/index.asp?record=1679> (Non-clinical Zone/Human Resources/Partnership Working).

8.1.7 ACAS

Any individual who is used in a supporting capacity to a member of staff in relation to the subject of harassment and bullying will have no role in formal investigations of complaint, nor will they be a source of evidence in any proceedings.

8.1.8 Hate Crime

If you don't feel you to report your concerns through your line manager, the Trust encourages you to tell someone you feel comfortable in talking to.

Employees may wish to download this free app to their mobile phone <http://www.hampshire.police.uk/internet/advice-and-information/abuse-against-the-person/helping-victims-of-hate-crime-app-for-smartphones>

9 RAISING AND DEALING WITH CONCERNS

9.1 Raising a Concern about an employee

Where an employee feels bullied or harassed or if an employee witness's behavior of an employee, either towards a patient, career, relative or another employee, you must take action. It is not acceptable to do nothing.

However, the Trust recognises that taking action is not always easy, and in many situations employees will require support to raise their concerns.

If an employee does not feel they are able to talk to the harasser/bully they must seek help and support from any of the following – see section 8:

- Your line manager
- Anti-bullying Advisor
- Human Resources (HR) Department
- Occupational Health Department
- Chaplaincy Service
- Through the Trusts' Employee Assistance Programme
- Trade Union Representatives
- ACAS

9.2 Informal Resolution

Wherever possible, an employee who feels that they have been subject to harassment and bullying should ask (or put in writing to) the person responsible to stop, making it clear that the behaviour is unwelcome. Talking to them directly with the person may be sufficient to resolve the issue. The employee should make it clear to the person:

- How their behavior has made them feel and how it is interfering with their work and personal life
- Discuss how their behavior is affecting working relationships
- Explain that if their inappropriate behavior continues then a formal complaint could be made.

At all times it is advisable for employees:

- Make and retain file notes of all incidents that that happen and keep them together with associated evidence such as emails, and letters.
- Keep details of any potential witnesses in case as they may need to be approached as part of formal investigations.

Suggestions about how to request a situation or behaviour to change for those who wish to approach the alleged harasser/bully can be found in appendix C and D.

Informal discussion/facilitated meeting between all parties should take place. It should be recognised that the alleged offender may also require advice and support. Agreed outcome must be recorded along with agreed monitoring actions. All parties must acknowledge that it may take time to affect behavioural change.

Any concern should be raised under the Trust's Grievance Policy and Procedure <http://nww.iow.nhs.uk/guidelines/GRIEVANCE%20POLICY%202009.pdf>

If further incidents of harassment and bullying occur, or where the employee does not feel able to approach the person responsible, advice and support from another source should be sought (e.g. colleagues, line manager, HR Advisor or trade union representative).

9.3 Dealing with a concern formally

The Trust will not tolerate any form of harassing or bullying behavior. Therefore, if the behavior persists employees should seek help and support to tell someone that the behavior has not stopped.

In these circumstances a formal investigation under the Trust Grievance Policy and Procedure may be commissioned.

In some situations the allegations may be so severe that a line manager may decide it is appropriate to commission an investigation immediately in line with the Trusts Conduct and Capability Policy or in the case of doctors and dentists the Conduct, Capability, Ill Health Procedure and Appeals Policy for Medical and Dental Practitioners

9.4 Raising a concern about a member of the public

Should be raised with your immediate line manager or immediate senior person on duty at the time the incident occurs. A Datix form must be raised which will alert the Corporate Governance Office to write to the member of the public concerned.

10. CONSULTATION

The following groups have been sent a copy of the draft policy and given an opportunity to provide feedback on this policy during consultation period.

| | |
|----------------------------------|----------------------------|
| Behaviours Focus Group | from April 2017 |
| Local Negotiating Committee | 18 th May 2017 |
| Partnership Forum | July 2017 |
| Human Resources Team | 26 th June 2017 |
| Staff Experience Group | April 2017 onwards |
| E-bulletin, 10 Minute Team Brief | |

The Policy has also been made available via the Trust's Draft Policy intranet zone.

11. TRAINING

Training has an important role to play in creating a working environment where harassment is not accepted or condoned. Managers and supervisors with designated responsibility within this procedure will be given specific training.

Equality and Diversity and Bullying and Harassment e-learning modules are mandatory training requirement of this policy. In addition the following non-mandatory training is recommended:-

| What do people need to know? | Who need to know this? | Who is responsible for | How will we know this has been achieved |
|------------------------------|------------------------|------------------------|---|
|------------------------------|------------------------|------------------------|---|

| | | ensuring this happens? | |
|--|--|---|--|
| Definitions of bullying and harassment, how to raise a concern and how to get support. | All employees | Line Managers and Supervisors | Training and Development Department will provide reports of employees who have completed Equality and Diversity and Bullying and Harassment e-learning module. |
| Awareness of the role of a line manager in maintaining Dignity at Work | All employees who have line management or supervisory responsibility | Clinical Directors, Heads of Operations, Heads of Nursing and Quality | High Performing Managers and Leaders Programme attendance records and evidence that e-learning has been undertaken. |
| Knowledge and practical application of equality, diversity and dignity at work legislation. To be able to assess the implications and impact of discriminatory actions and behaviours | Roles with Line Management and service re-design responsibilities Band 7 and above, senior clinicians and Executive Directors | Clinical Directors, Heads of Operations, Heads of Nursing and Quality | Training and Development Department will provide reports of employees who have completed Equality and Diversity and Bullying and Harassment e-learning module. |

12. MONITORING COMPLIANCE AND EFFECTIVENESS

12.1 The Human Resources will co-ordinate the production of a quarterly report (June, September, December and March). The report will form part of the Human Resources Report presented to the Trust Board. It will also be shared to staff through JLNC and Partnership Forum, Intranet/E-Bulletin and 10 Minute Team Brief.

12.2 All support agencies will be required to maintain records of the contacts made to them under this policy i.e. employees alleging they have been bullied or harassed.

Information requirements will be:

- Allegation – bullying or harassment
- Name of victim – not to be shared for reporting purposes
- Name of alleged harasser/ bully – not to be share for reporting purposes
- Date
- Clinical Business Unit
- Department of alleged victim
- Department of alleged harasser/bully
- Number of meetings between support role and alleged victim
- Outcome – resolved informally or formal action being taken, closed

12.3 In addition to the support agencies a report from the Datix Accident/Incident Reporting system will be used to monitor incidents of bullying, harassment or victimisation will be required quarterly.

12.4 The HR Department Monitoring of all instances of formal grievances and disciplinary issues is maintained by HR on both a case by case and an aggregated basis. The aggregated numbers that directly relate to Dignity at Work are identifiable and will be reported to the Board annually.

- 12.5** The NHS Equality Delivery System (EDS 2) will also monitor Trusts' performance against outcome 3.4 "When at work, staff are free from abuse, harassment, bullying, violence from any source". The Trust's Equality and Diversity Lead will be responsible for reporting NHS EDS progress to The Board.
- 12.6** The Trust appreciates that appraisal is an opportunity for a staff member to raise a concern under this Policy. Records of such incidences will be kept at a departmental level and dealt with on a case by case basis and will not be reported corporately.
- 12.7** The Staff Experience Group will review the results of the annual staff survey and the annual Workplace Race Equality Standard report, and in particular the responses to questions about bullying and harassment to inform the Trust's approach to tackling bullying and development of this policy

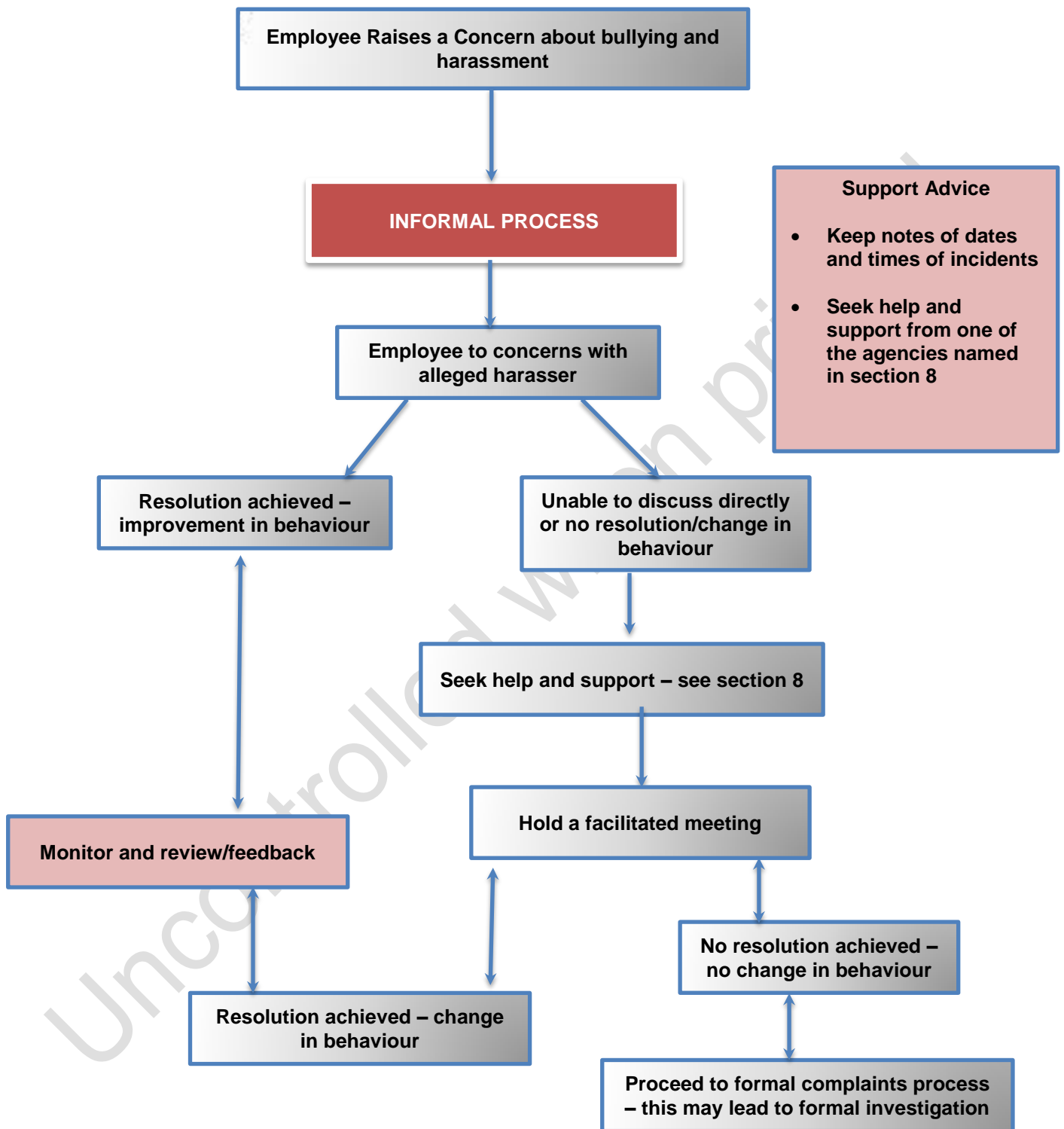
13. LINKS TO OTHER TRUST POLICIES/DOCUMENTS

- Trade Union and Labour Relations (Consolidation) Act 1992
- European Commission's Code of Practice on the Protection of Women and Men at Work.
- Human Rights Act 1998
- Equality Act 2010
- Protection from Harassment Act 1997
- NHS Constitution
- Capability Policy and Procedure
- Grievance Policy and Procedure
- Disciplinary and Procedure Policy
- Social Media Policy
- Health & Safety Policy
- Conduct, Capability, Ill Health Procedure and Appeals Policy for Medical and Dental Practitioners
- Security Policy
- Management of Violence and Aggression Guidelines
- Diversity and Inclusion Policy
- Raising Concerns Policy
- Mandatory Training Policy
- Care Quality Commission Standards of Care
- Appraisal Policy
- Doctors Appraisal Policy – supporting medical revalidation
- NHS Knowledge and Skill Framework
- NHS Equality Delivery System (EDS) <http://www.eastmidlands.nhs.uk/about-us/inclusion/eds>
- Trust's Vision and Values <http://intranet.iow.nhs.uk/Home/Corporate/Communications/Our-Trust-Vision-Values-Goals-and-Priorities>

14. APPENDICES

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BULLYING AND HARASSMENT PROCESS FLOW CHART



Anti-bullying Advisor Role Description

Rationale

In recent years our staff survey indicated that whilst the incident rate of bullying and harassment in the Trust remains relatively low, some staff stated that they had been bullied/harassed by fellow colleagues and managers and that they had not reported these incidences.

It is recognised that in many cases it will be sufficient for the recipient to raise the problem informally with the person(s) who is/are creating the problem, pointing out that their conduct is unwelcome, offensive or interfering with work. In order to further support staff to tackle bullying and harassment The Organisation is currently amending the Dignity at Work policy and is introducing Anti-Bullying Advisors who will further support the informal process to tackle bullying and harassment.

The role of the Anti-Bullying Advisor

The role of the Anti-Bullying Advisor is “to give initial support to employees, listen to the concern, without judgment, and to help them explore further options available for their next steps and actions they can take.”

The Advisor will be:

- An active listener
- Non-judgmental
- Able to maintain confidentiality
- Able to provide support without taking sides
- An effective communicator

They will be required to:

- Meet with employees who believe they are experiencing or have been accused of harassment and or bullying
- Listen to her/his concerns
- Explain the Dignity at Work Policy
- Help explore options open to the employee
- Discuss a situation objectively, helping the employee to reach his or her own conclusion

This role will be widely advertised on e-bulletin and through team brief. 360 feedbacks will be carried out for all those who complete an expression of interest and interviews will take place after this.

Once the Anti-Bullying Advisors have been appointed they will be expected to attend any relevant training courses which will ensure they are fully skilled to begin supporting individuals by August 2017. This training will be individual to each buddy depending on their current skills.

There may also be the opportunity of longer term qualifications that can be gained to develop you in this role.

Anti-Bullying Advisors will be expected to offer a minimum of 2 hours of their month to supporting individuals. They will be expected to attend monthly Behaviour Focus Group meetings and be able to commit to continued professional development. They will be offered supervision and support which they will also need to attend.

Job Description and Person Specification

Main Duties and Tasks

The Anti-Bullying Advisor will:

- a) Be a point of contact for employees who feel they are experiencing harassment and bullying, have been accused of bullying/harassment or are a witness to an alleged incident(s).
- b) Provide an impartial, detached and confidential source of support to those employees who believe they may have been subjected to bullying/harassment. Therefore providing a “listening space” for employees to express what is happening without making judgments and discuss a situation objectively, helping the employee to reach their own conclusions.
- c) Assist employees to decide what action they want to take by exploring with staff all the options available to them on how to deal with a concern or complaint made against them.
- d) Explain the Dignity at Work policy and clarify the options open to employees.
- e) Maintain confidentiality and impartiality in their support to staff who may be a witness, a victim of harassment and bullying or a perpetrator.
- f) Maintain a record of the number of complaints received and the theme of these complaints to ensure that these are monitored and recorded appropriately.
- g) To attend updating and training activities organized by the organisation.

Person Specification

If you have the following skills/attributes/behaviours you may be a suitable candidate for the role of Anti-Bullying Advisor.

- Excellent listening skills - being patient, attentive and understanding of what other people say
- Ability to be non-judgmental - not getting drawn in to the situation, offer opinion or be a critical voice even when you might have thought or behaved very differently from the people you are working with.
- Be able to empathise with individuals when discussing sensitive issues.
- Open minded – able to respond constructively, presenting ideas and different ways of thinking.
- Good at getting the best out of others, through good communication skills, encouragement/empowerment, and being prompt and persistent when necessary.
- Must have a good understanding and commitment to equal opportunities - showing an understanding of prejudice and discrimination, harassment and bullying.
- Able to maintain confidentiality - often working without disclosing details of cases, issues or behaviour before, during or after contact with clients and able to resist pressure for inappropriate disclosure from individuals or groups within the Organisation.
- Professional - able to work in an organized way, managing the small amount of administration and good time management skills.

Managers are asked to support their members of staff who wish to take this opportunity to ensure that they are able to commit to the necessary time needed by the role.

KEY DEFINITIONS FOR DOCUMENTATION

What is unacceptable behaviour?

Harassment, bullying, victimisation and other behaviour affecting the dignity of an individual whilst at work is unacceptable. It is important to remember that some behaviour or actions may be acceptable to one individual but unacceptable to another.

A definition of harassment is: “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

A definition of bullying is: “Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient”

A Definition of Victimisation is: “Treating a person less favourably because they were (or may have been) a party to a particular action”

Harassment is not.

Those in managerial roles are required to manage staff performance consistently and fairly. It is vital to distinguish between firm but fair and behaviours that would be considered to be bullying or harassment of staff.

A manager who is firm but fair:

- Is a consistent and fair, and not aggressive
- Insists on high standards of service and behaviour, and does not blame others if things go wrong
- Asks for people’s views, listens and assimilates feedback, is clear about their own ideas, and does not assume that they are always right
- Discusses performance in private before taking action, but does not lose their temper, degrade people publicly
- Sets clear and realistic goals, objectives and targets
- Provides regular informal feedback
- Formally evaluating performance
- Develops action plans to improve performance of individuals and teams
- Fairly instigates capability or disciplinary procedures

Guidance on raising a bullying and harassment complaint

1. Create a document, either type or in legible handwriting, your concerns.
2. Make it clear whether or not you are making a formal complaint.
3. Discuss your document with a friend or colleague or a representative of a trade union or professional association if you are a member. This person needs to be someone you trust.
4. Keep your comments focused on the specific issue you wish to raise – if you raise to many issues, you may hid the crucial ones
5. Do not use your submission as an opportunity to complain about other issues, which are less important than the complaint itself.
6. If there is one key issue, identify it as such.
7. Try and keep the document to one or two sides of A4.
8. Do not exaggerate the issues – it makes for a much more effective investigation, if there is one, if the issues are outlined in a clear and straightforward manner.
9. Describe what happened and provide specific details of dates, names, time and circumstances.
10. Explain any steps you have taken to address the issues informally.
11. Outline what outcomes you wish to see – but remember to be reasonable and realistic in your expectations, even if you don't think that the other parties have been.
12. Remember to sign and date your document.

Tips about how to request a situation or behaviour to change for those who wish to approach the alleged harasser

| |
|--|
| <p>DESCRIBE the other person's behaviour, or the situation being reacted to, specifically and objectively:</p> |
| <p>When you..... When..... When I</p> |
| <p>When you raise your voice and criticise my work in front of colleagues</p> |
| <p>EXPRESS your feeling or reaction to the other person's behaviour or the situation in an objective and unemotional way:</p> |
| <p>I feel belittled, embarrassed, upset and de-motivated.</p> |
| <p>SPECIFY one or two behaviour changes you would like the person to make (ask for agreement)</p> |
| <p>I would prefer I want I would like</p> |
| <p>I would prefer that we discuss work problems in a calm and rational manner in your office. I would like you to listen to my point of view and not raise your voice.</p> |
| <p>CHOOSE the consequences you are prepared to carry through. Tell the person what you can do for him or her if the agreement to change is kept (positive consequences)</p> |
| <p>If you do</p> |
| <p>If you do this I am sure we will get along much better which will motivate me to achieve what you are asking of me.</p> |
| <p>If necessary, tell the person what you will do if the agreement is not kept (negative consequences)</p> |
| <p>If you don't</p> |
| <p>If your behaviour continues as it is, I feel I must take the matter further with your Line manager.</p> |

Financial and Resourcing Impact Assessment on Policy Implementation

NB this form must be completed where the introduction of this policy will have either a positive or negative impact on resources. Therefore this form should not be completed where the resources are already deployed and the introduction of this policy will have no further resourcing impact.

| | |
|-----------------------|---------------------------------------|
| Document title | Bullying and Harassment Policy |
|-----------------------|---------------------------------------|

| Totals | WTE | Recurring £ | Non-Recurring £ |
|------------------------------------|------------|--------------------|------------------------|
| Manpower Costs | 0 | 0 | 0 |
| Training Staff | 0 | 0 | 0 |
| Equipment & Provision of resources | 0 | £500 | 0 |

Summary of Impact:

Risk Management Issues: through this policy and the Trust's Grievance Policy and Procedure situations of bullying and harassment are managed appropriately. The resources identified will be used to promote the work of the Dignity at Work Advocates and to run an awareness programme during Bullying at Work week in November 2017. Funding will be sought from Charitable Funds.

Benefits / Savings to the Trust: this policy will help to create the culture of openness, honesty, dignity and respect

Equality Impact Assessment

- Has this been appropriately carried out? YES
- Are there any reported equality issues? NO

Please include all associated costs where an impact on implementing this policy has been considered. A checklist is included for guidance but is not comprehensive so please ensure you have thought through the impact on staffing, training and equipment carefully and that ALL aspects are covered.

| Manpower | WTE | Recurring £ | Non-Recurring £ |
|----------------------------------|------------|--------------------|------------------------|
| <i>Operational running costs</i> | | 0 | 0 |
| Totals: | | 0 | 0 |

| Staff Training Impact | Recurring £ | Non-Recurring £ |
|------------------------------|--------------------|------------------------|
| Affected areas / departments | 0 | 0 |

| | | |
|----------------|---|---|
| Totals: | 0 | 0 |
|----------------|---|---|

| Equipment and Resources | Recurring £ * | Non-Recurring £ * |
|---|----------------------|--------------------------|
| Accommodation / facilities needed | | |
| Building alterations (extensions/new) | 0 | 0 |
| IT Hardware / software / licences | 0 | 0 |
| Medical equipment | 0 | 0 |
| Stationery / publicity | 0 | 0 |
| Travel costs | 0 | 0 |
| Utilities e.g. telephones | 0 | 0 |
| Process change | 0 | 0 |
| Rolling replacement of equipment | 0 | 0 |
| Equipment maintenance | 0 | 0 |
| Marketing – booklets/posters/handouts, etc. | £500 | 0 |
| | | |
| Totals: | £500 | 0 |

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Equality Impact Assessment (EIA) Screening Tool

| | |
|---|---|
| Document Title: | Bullying and Harassment Policy |
| Purpose of document | |
| Target Audience | All staff employed by the Isle of Wight NHS Trust |
| Person or Committee undertaken the Equality Impact Assessment | Elizabeth Nials, Senior HR Manager |

- To be completed and attached to all procedural/policy documents created within individual services.
- Does the document have, or have the potential to deliver differential outcomes or affect in an adverse way any of the groups listed below?
If no confirm underneath in relevant section the data and/or research which provides evidence e.g. JSNA, Workforce Profile, Quality Improvement Framework, Commissioning Intentions, etc.

If yes please detail underneath in relevant section and provide priority rating and determine if full EIA is required.

| | | Positive Impact | Negative Impact | Reasons |
|---------------|---|-----------------|-----------------|--|
| Gender | Men | ✓ | | <p><i>This policy sets describes how the Trust expects its employees to behave toward each other. And where behaviour fall short of what is expected, it provides guidance and procedure of employees to follow when reporting such incidents.</i></p> <p><i>It signposts staff to organisations and functions who can provide help and support to victims.</i></p> <p><i>It illustrates how the trust will deal with unacceptable behaviour</i></p> |
| | Women | ✓ | | |
| Race | Asian or Asian British People | ✓ | | |
| | Black or Black British People | ✓ | | |
| | Chinese people | ✓ | | |
| | People of Mixed Race | ✓ | | |
| | White people (including Irish people) | ✓ | | |
| | People with Physical Disabilities, Learning Disabilities or Mental Health | ✓ | | |

| | | | | |
|--|--------------------------------|---|--|--|
| | Issues | | | |
| Sexual Orientation | Transgender | ✓ | | |
| | Lesbian, Gay men and bisexual | ✓ | | |
| Age | Children | ✓ | | |
| | Older People (60+) | ✓ | | |
| | Younger People (17 to 25 yrs.) | ✓ | | |
| Faith Group | | ✓ | | |
| Pregnancy & Maternity | | ✓ | | |
| Equal Opportunities and/or improved relations | | ✓ | | |

Notes:

Faith groups cover a wide range of groupings, the most common of which are Buddhist, Christian, Hindus, Jews, Muslims and Sikhs. Consider faith categories individually and collectively when considering positive and negative impacts.

The categories used in the race section refer to those used in the 2001 Census. Consideration should be given to the specific communities within the broad categories such as Bangladeshi people and the needs of other communities that do not appear as separate categories in the Census, for example, Polish.

3. Level of Impact

| | | |
|--|--|--|
| If you have indicated that there is a negative impact, is that impact: | | |
| There will be no negative impact | | |
| Legal (it is not discriminatory under anti-discriminatory law) | | |
| Intended | | |

If the negative impact is possibly discriminatory and not intended and/or of high impact then please complete a thorough assessment after completing the rest of this form.

| |
|--|
| 3.1 Could you minimise or remove any negative impact that is of low significance? Explain how below: |
| |
| 3.2 Could you improve the strategy, function or policy positive impact? Explain how below: |

| | |
|--|-------------------------------|
| | |
| 3.3 If there is no evidence that this strategy, function or policy promotes equality of opportunity or improves relations – could it be adapted so it does? How? If not why not? | |
| | |
| Scheduled for Full Impact Assessment | Date: |
| Name of persons/group completing the full assessment. | |
| Date Initial Screening completed | 25 th October 2016 |

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