Policy Against Bullying and Harassment

For use in: All areas of Trust clinical and non-clinical
For use by: All staff groups
For use for: Reporting concerns of Bullying & Harassment
Document owner: Executive Director of Workforce and Communication
Status: Approved

Purpose of this document

To ensure that all staff have the right to be treated with dignity and respect and work in a safe environment free from bullying and harassment. The policy provides guidance on reporting concerns of bullying and harassment and the support available. The policy also gives managers advice on how to deal with concerns when they are raised.

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1. INTRODUCTION
The West Suffolk NHS Foundation Trust believes that everyone has the right to be treated with dignity and respect and to work in an environment, which is free from bullying and harassment (this includes victimisation and discrimination). 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 and harassment is unacceptable.

Bullying and harassment affects the lives of staff and the service received by our patients and therefore the Trust will not tolerate such behaviour from its employees.

The purpose of this policy is to provide the mechanism, which allows an individual to report concerns of bullying and harassment by other employees and receive the necessary support to do so. It also gives information on support that should be given to any member of staff who has an allegation of bullying made against them. It also contains guidelines for managers to assist them to take appropriate action.

Staff experiencing bullying and harassment from patients or visitors can report the action through Policy PP ( ) 082, “Managing Potentially Violent and Violent Individuals”.

This policy follows the following principles;

<table>
<thead>
<tr>
<th>Organisational culture</th>
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<tr>
<td>All staff must treat colleagues with respect and dignity. Anyone who supports or encourages harassment or bullying by others may be liable to disciplinary action.</td>
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<tr>
<th>Self Definition</th>
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<tr>
<td>It is important to remember that bullying and harassment are not determined by the intention of the person who has caused the offence, but by the effect it has on the recipient. It is up to that person to decide if they are being bullied or harassed because they find the behaviour unacceptable.</td>
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<table>
<thead>
<tr>
<th>Impartiality</th>
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<tr>
<td>Independent procedures are available to establish what happened in any alleged incident(s) as far as that is possible.</td>
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<tr>
<th>Fair treatment</th>
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<tr>
<td>Both parties to a complaint will be treated fairly. They will both be offered support and guidance throughout the investigation and/or grievance/disciplinary procedures.</td>
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<tr>
<th>Non-victimisation</th>
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<tr>
<td>Employees will be protected from victimisation for making or being involved in a complaint.</td>
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<th>Confidentiality</th>
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<tr>
<td>As far as possible, confidentiality will be maintained, but cannot be guaranteed once the investigation process is set in motion.</td>
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2. DEFINITIONS

The information below gives advice on how to recognise and identify behaviour that constitutes bullying or harassment in the work place.

2.1 Bullying

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.
This takes many forms and is not just physical menace or violence. It is stress and/or anguish caused by: attitudes, innuendoes, derogatory comments, ridicule, undermining authority, repeated rudeness/pressurising behaviour and deliberate isolation of an individual. This can include demeaning communications using written, electronic or telephonic methods.

2.2 Harassment

This is any uninvited, unwelcome and unreciprocated comments, suggestions, jokes or attention which is offensive to the person concerned and causes them to feel humiliated, embarrassed, patronised or threatened.

Such behaviour does not have to be repeated to constitute harassment and a single incident of sufficient gravity can constitute harassment.

It is, however, acceptable for supervisors and managers to reasonably manage the performance of staff, by explaining unacceptable performance and behaviours and setting fair objectives for improvement.

Appendix A gives examples of unacceptable behaviours that can be considered to constitute bullying and harassment.

3. RIGHTS AND RESPONSIBILITIES

3.1 Rights

The West Suffolk NHS Foundation Trust believes that everyone has the right to be treated with dignity and respect and to work in an environment that is free from bullying and harassment (this includes victimisation and discrimination).

The Trust’s Staff Charter believes that staff should be able to:

- Contribute ideas and voice concerns without fear of victimisation
- Acknowledge stress without fear of stigmas and reprisals
- Work in an environment that is safe, free from violence, abuse and harassment and conducive to welfare

3.2 Responsibilities

3.2.1 Our responsibilities

Eradicating bullying and harassment from our organisation is everyone’s responsibility and we all have a role to play.

3.2.2 Manager’s responsibility

Managers have a clear responsibility to take appropriate action when concerns of bullying and harassment are raised with them. However, they also have an equally important responsibility to set an example to their department/team by adopting a management style that demonstrates respect and a fair approach to all their staff. A good role model is a powerful tool in changing attitudes and behaviours of those you manage. (See Appendix B).
3.2.3 HR & Communications Directorate

The HR & Communications Directorate have a responsibility to ensure that the policy is followed, fairly and consistently. Their duties will involve:

- Advising managers on the application of the policy
- Advising managers and staff where individuals feel that they are being harassed or bullied in the course of their employment
- All incidents of bullying or harassment reported to HR will be recorded and reviewed for appropriate action to be taken.
- Ensuring the effective implementation of the policy
- Monitoring incidence of bullying and harassment and initiating appropriate action
- Reviewing and amending the policy as necessary.

3.2.4 All employees

All staff have a responsibility to consider how their behaviour affects others. Behaviour that is handled easily by one colleague may be offensive or upsetting to another.

If you witness a colleague being bullied or harassed, you should alert your manager to enable them to support the victim and explore the possibilities of action.

4. IF YOU ARE A VICTIM OF OR WITNESS TO BULLYING AND HARASSMENT

This policy is designed to give you the confidence to report incidents where you have been the victim of bullying or harassment. Wherever possible, we would encourage you to report these incidents and allow us to take action to stop it.

Such action will not only improve your working environment, but also that of others, as you can be sure a bully rarely confines their behaviour to just one person.

A flowchart has been produced (Appendix C) to help you identify the process.

4.1 Trusted Partners (formally Independent Advisers)

If you are the victim of bullying or harassment it can undermine your confidence and self-esteem, leaving you nervous of reporting the problem for fear of even worse behaviour from the perpetrator. However, until you do something about it, it is not likely to stop.

In these situations, people often need an independent ear where they can just talk about their concerns and discuss the various options open to them – but without commitment to action at that stage.

Therefore, we have identified staff who are willing to provide that “independent ear”, help you explore the options and decide which route is best for you. They come from areas across the hospital and are unlikely to be part of any formal investigation process. The leaflet attached at Appendix C provides helpful advice and a list of the Trusted Partner’s names and contact numbers.
4.1.1 Personal Action

In some cases talking directly to the person who is causing the bullying or harassment problem may be enough. This approach may be appropriate if the person complaining believes that the destructive behaviour is unintentional, and the perpetrator is unaware of its impact. The person complaining can take this approach alone, or with help from a friend, Trusted Partner or trade union representative.

The person complaining should clearly:

- Explain how the behaviour makes them feel.
- Explain how it is interfering with their work
- Ask it to stop

The person complaining should keep a note of everything that is said, so that they can report this back to the person bullying/harassing.

4.2 Role of Trade Unions and Professional Organisations

Any staff belonging to a trade union or professional organisation will receive full support from their local representatives.

4.3 Reporting your concerns

4.3.1 If you wish to report your concerns to someone whether you are a victim or witness, you should do this in writing and, where possible, provide examples of the incidents of bullying and harassment that you have experienced (including details of witnesses, if possible). If you are concerned about preparing such a written report, support can be obtained from any of the Trusted Partners or your trade union representative. A report can be made to your manager, your trade union representative or HR and they will aim to respond to 75% of reports within 5 working days.

4.4 The Investigation

4.4.1 Once your report is received, the manager responsible for investigating your concerns will first meet with you to ensure they fully understand the extent of your complaint.

4.4.2 They will also advise you of the procedure they will follow to carry out their investigation and the timescale. Where appropriate, and if possible, they may also make arrangements for you to work elsewhere in the Trust (i.e. not in contact with the perpetrator) whilst the investigation is carried out.

4.4.3 Once the manager has completed his/her investigation, a decision will be taken regarding the most appropriate action in order to ensure that the inappropriate behaviour is not repeated.

4.4.4 The action may range from counselling to formal disciplinary action and would not preclude specialised support where the behaviour is found to be health-related.

4.4.5 The victim will be advised of any action taken, although certain courses of action will, by their nature, be kept confidential.
4.4.6 Where disciplinary action is considered appropriate, you may be asked to appear as a witness at the hearing. You will be supported to do this.

5. TRAINING AND EDUCATION

The trust will make the following training provisions:

- New staff will be made aware of the policy during departmental induction programmes.
- Management will be coached to handle complaints effectively through exposure to a complaint; they will be supported by HR in this.
- Training will be provided for mediators and Trusted Partners.

6. REVIEW & MONITORING

This policy and procedure will be reviewed and monitored every 2 years by the Executive Director of Workforce and Communication in consultation with Trust Council.

7. DOCUMENT CONFIGURATION

<table>
<thead>
<tr>
<th>Author(s):</th>
<th>Executive Director of Workforce and Communication Directorate</th>
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<tbody>
<tr>
<td>Other contributors:</td>
<td>HR &amp; Communications</td>
</tr>
<tr>
<td>Approvals and endorsements:</td>
<td>Corporate Risk Committee</td>
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<tr>
<td>Consultation:</td>
<td>HR &amp; Communications Senior Management Team, Trust Council</td>
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<td>Issue no:</td>
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<tr>
<td>File name:</td>
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<tr>
<td>Supercedes:</td>
<td>PP (13) 080</td>
</tr>
<tr>
<td>Equality Assessed:</td>
<td>Yes</td>
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<tr>
<td>Implementation</td>
<td>Policies will be checked by the Executive Director of Workforce and Communications. Policy number will not be issued and policy not approved unless standard contained in this policy are met.</td>
</tr>
<tr>
<td>Monitoring: (give brief details how this will be done)</td>
<td>Training will be given as part of workplace induction and management development. Statistics will be kept within the HR function as to frequency of reported cases.</td>
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<tr>
<td>Other relevant policies/documents &amp; references:</td>
<td>Equal Opportunities Policy PP021</td>
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<tr>
<td>Additional Information:</td>
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Appendix A

Examples of unacceptable behaviours that can be considered to constitute bullying and harassment:

- Bullying by exclusion - this may take the form of social isolation and/or exclusion from meetings
- The deliberate withholding of information with the intention of affecting a colleagues performance
- Unfair and destructive criticism to the person concerned or to others.
- Intimidating behaviour
- Verbal abuse and spreading of unfounded rumours
- Humiliation or ridicule
- Setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
- Copying memos that are critical about someone to others that do not need to know

This list is not exhaustive.
APPENDIX B

MANAGEMENT GUIDELINES FOR INVESTIGATING ALLEGATIONS OF BULLYING AND HARASSMENT

INTRODUCTION

The Trust does not underestimate the complexity of investigations into allegations of bullying and harassment. It recognises that you could identify more than one individual contributing to the unacceptable behaviour, or even a culture within a ward/department that needs addressing.

However, no matter how complex the issues, the Trust is committed to eradicating such behaviour from the organisation. Accordingly, it will provide, wherever possible, the necessary support and training to managers to enable them to carry out an effective investigation.

PROCEDURE

1. Initial exploration

The investigation should commence by meeting with the employee who is making the complaint to discuss the full extent of their allegations and obtain relevant facts. This will include details of witnesses to the alleged incidents.

You should advise the complainant of the procedure you will be following and identify if there is any support they will need to assist them whilst you carry out the investigation. You may need to consider moving either/both parties to another work area if necessary to protect them during your investigation.

In cases of particular sensitivity (e.g. allegations of sexual harassment) you will also need to consider support for the individual against whom the allegation is made.

2. Formal investigation

Managers should use the procedure and principles laid down in the Disciplinary Policy and Procedure to guide their investigations. Staff will be entitled to support from their trade union representative or a friend/colleague.

Managers should collect statements or signed minutes of meetings as supporting evidence to allow them to proceed. A member of HR will be available to support the manager at all meetings and provide advice where appropriate.
3. **Considering action**

Once your investigation is complete, you will be able to review all the evidence available and determine the appropriate action.

Your action, wherever possible, should be to ensure that the behaviour is not repeated by the perpetrator and the recipient is not put in a position where they could be exposed to it again. Using the principles of the Disciplinary Policy and Procedure, a wide range of action is available to you:

- Counselling
- Re-training package
- Using the capability procedure
- Formal disciplinary action
- Action on health grounds, i.e. behaviour is identified as a direct cause of poor health, e.g. stress

**NB** If formal disciplinary action is considered necessary, managers may need to provide additional support to the complainant to enable them to appear as a witness.

4. **Monitoring**

It is essential that managers put in place a process to monitor the employee(s) who have displayed the inappropriate behaviour. An individual who has developed a style of behaviour that uses bullying and harassment is likely to find it difficult to stop this instinctive reaction. Therefore, we may need to work with them to assist them in learning new patterns of behaviour.

5. **Legal position**

**Relevant law and codes of practice**

The Trust is bound by the provisions of the following the Equality Act 2010, which encompasses protected characteristic legislation to ensure that we do not discriminate against any employees, which includes acts of bullying and harassment:

**NB** Certain forms of harassment may constitute criminal offences and, as such, may be referred to the Police, e.g. physical assault, stalking or nuisance phone calls. Individuals may be held personally liable for acts of sexual or racial harassment.
Bullying flowchart

START
Employee distressed by bullying/harassment of others.
Is the harasser/bully a patient?

Yes → Report as per policy PP (17) 082
“Managing potentially violent individuals”

No ↓

Is bully/harasser an employee?

Yes ↓
Keep records of incidents, discuss with colleagues and friends.
Is employee still concerned?

Yes ↓
Get policy – employee decides if help required.

No ↑

Keep under review

Yes ↓

Help obtained from, union rep, independent advisor, HR.
If stressed – contact the Occupational Health dept

No ↑

Does the employee wish to deal with this themselves?

Yes ↓

Employee wishes to take formal action? Prepare complaint in writing and pass to HR

No ↑

Keep under review

Yes ↓
Investigation takes place

No ↑

No further action will be taken against alleged bully/harasser (Other action if appropriate – relationship/teambuilding/counselling)

Yes ↓

Does investigation show that there are grounds for complaint?

No ↑

No

Yes ↓
Will a disciplinary hearing take place?

No ↑

Matter may be dealt with by mediation/conciliation between parties

Yes ↓
Possible outcomes: -
As per disciplinary policy
APPENDIX D

TRUSTED PARTNERS

Please contact HR for an up to date list of Trusted Partners:

http://staff.wsha.local/Intranet/Documents/Q-Z/StaffSupporters/Staffsupporters.aspx

or any individual member of the HR team.

Links to the Suffolk Racial Harassment Initiative and Ipswich and Suffolk Council for Racial Equality website details:

www.suffolk.gov.uk/PolicingAndPublicSafety/CommunitySafety/RacialHarassmentInitiative/

www.onesuffolk.co.uk/ipswichandsuffolkcouncilforracialequality