**DIGNITY AT WORK (HARASSMENT AND BULLYING) POLICY**

<table>
<thead>
<tr>
<th>Version:</th>
<th>6.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ratified by:</td>
<td>Policy Committee</td>
</tr>
<tr>
<td>Date ratified:</td>
<td>7 February 2012</td>
</tr>
<tr>
<td>Approving Committee/Group (Date)</td>
<td>People and Organisational Development Committee</td>
</tr>
<tr>
<td>Date Approved by Medicines Management Committee:</td>
<td>N/A</td>
</tr>
<tr>
<td><em>(NB: All Procedural Documents which include details of drugs or their management must be approved by the Medicines Management Committee)</em></td>
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</tr>
<tr>
<td>Name and Title of originator/author:</td>
<td>Debbie Eyitayo – Human Resources Deputy Director Reviewed by: Filiz Oltan – HR Business Partner Martin Knights – HR Business Partner</td>
</tr>
<tr>
<td>Date issued:</td>
<td>February 2012</td>
</tr>
<tr>
<td>Review due date:</td>
<td>February 2015</td>
</tr>
<tr>
<td>Target audience:</td>
<td>All Staff, contractors and other organisations who are on site, volunteers, visitors and patients at the point of service delivery.</td>
</tr>
<tr>
<td>Superseded documents</td>
<td>Dignity at Work (Harassment and Bullying) Policy, Version 5.0 February 2011</td>
</tr>
<tr>
<td>Relevant Standards(e.g. NHSLA, CQC, HSE)</td>
<td>NHSLA Standard 3.8</td>
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<td>Acknowledgements</td>
<td>None</td>
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<tr>
<td>Key Words</td>
<td>Dignity, work, bullying, harassment</td>
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</table>
1. INTRODUCTION

Croydon Health Services NHS Trust is committed to the belief that all staff have the right to be treated with dignity and respect at work and not to be subject to any form of unacceptable behaviour from colleagues, including harassment and bullying. Such behaviour will not be tolerated by the Trust in any form, whether this is at the workplace or at work related events. The Trust will view such behaviour as a serious disciplinary offence that may lead to dismissal.

The Trust will continue to work towards promoting an environment where:
- All forms of harassment and/or bullying are known to be unacceptable
- Individuals feel confident enough to raise complaints without fear or reprisal or victimisation
- A system of support and counselling is provided for all parties involved as part of the resolution of a complaint

Employees are encouraged to access their Trade Union representative for advice, support and representation at all stages of the process.

Principles and Values
The Trust expects all staff to adopt the Trust's Here for you Standards and Patient Promises, whether you are in hospital, in the community or at a patient's home that we will do our best to ensure:
- You feel cared for by helpful and welcoming staff, who respect you as an individual
- You feel in safe hands with highly professional staff who work well together in clean clinics and hospitals
- You feel confident in your treatment from skilled teams of compassionate clinicians who listen to you and keep you informed
- You feel we value your time with convenient appointments, minimal waiting and care closer to home
- You feel it's getting better all the time as we continue to improve our services

These promises, developed with our patients, carers and staff help us deliver the pledges in the NHS Constitution and our own corporate objectives.

2. PURPOSE

The aim of this policy is to promote mutual respect at work without discrimination and draw attention to and make clear all forms of unacceptable behaviour. However, where a breach of the policy does occur the policy will also provide practical guidance and support for those who make a complaint, those whom the complaint is against and those involved in dealing with such complaints.

This policy should be read in conjunction with:
- Attitude, Behaviour and Communications Policy
- Standard of Conduct and Disciplinary Rules (Disciplinary Policy)
- Here for you Standards (and Team Charter)
- Respect at work project
- Equality and Diversity Policy
- Stress Management Policy
- Policy on Support for Staff involved in traumatic/stressful incidents, complaints or claims
2.1 Scope

Exclusions
Line managers are responsible for ensuring that staff who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring and management of an employee’s behaviour or job performance within good management practice does not constitute bullying or harassment.

It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although it is acknowledged some staff may feel anxious while the procedures are ongoing.

3. Definitions

Harassment is defined as unwanted conduct related to a relevant protected characteristic, which has the purpose of effecting an individual’s dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual. The protected characteristics are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

It could also include any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying is not specifically defined in law, but in their advice leaflet for employees, Acas give the following definition: '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. Accountabilities and Responsibilities

The Chief Executive and Executive Directors have overall responsibility for the provisions of the Dignity at Work Policy. The Director of Human Resources and Organisational Development has responsibility for the implementation of the Dignity at Work Policy and the monitoring of reported cases of harassment and bullying.

It is the responsibility of the HR Directorate to provide initial training and ongoing advice and support to managers in the application of this policy.

Responsibility of Managers:
- To be fully conversant with the Dignity at Work Policy and how it operates.
- To ensure that staff for whom they are responsible know and understand the standards of behaviour expected of them.
- To set a good example to staff ensuring that they treat staff with dignity and respect, and being aware of how their behaviour can affect other people.
- To ensure any allegation of harassment is investigated promptly, seriously, sensitively and confidentially. If the investigation concludes that harassment has taken place, ensure appropriate action is taken to stop the harassment and prevent its re-occurrence.
- To provide support to any member of staff who experiences harassment and/or bullying.
- Not to dissuade employees from making a complaint or assume that complainant are ‘over-sensitive’ or trouble makers.
- Be aware of situations where there is potential for harassment and guard against it.
Once this policy has been invoked to ensure that harassment has stopped and that there has been no victimisation. Careful monitoring maybe necessary to ensure victimisation does not occur.

**Employee Responsibilities:**
- Ensure that their behaviour is not offensive or upsetting to others.
- Ensure they are supportive to individuals who state they have been bullied or harassed and take full account of their feelings and perceptions of the situation.
- Encourage those individuals to seek help from an appropriate source.
- Refrain from participating in, encouraging or condoning vexatious gossip including that related to cases of alleged or actual bullying or harassment.
- Attend training sessions arranged to increase their awareness of the issues involved in bullying or harassment.
- Listen constructively to feedback on own behaviour.
- Co-operate with investigations into allegations of harassment and bullying and act in a way which preserves the confidentiality of an investigation.
- Not make false or malicious allegations.

**Occupational Health and Staff Counselling:**
The Trust’s Occupational Health and Staff counselling services are available to provide independent and confidential advice and support to Trust employees on issues of harassment and bullying. All employees are reminded that anything causing stress in the workplace is a health and safety matter and as such individuals are required to help themselves and others manage those stressors. Attending counselling is recommended as an informal route for support and help in managing workplace stressors and relationship difficulties. There may be instances where counselling support will allow the concerns about bullying to be resolved without the need to take formal action.

Individuals will be expected to immediately notify their line manager if they perceive they have occupational health issues. All Trust employees have a right to self refer into Occupational Health and Staff Counselling. Failure to seek help could have an adverse impact on an individual’s work performance and could lead to ill health.

**Trade Union Representatives:**
The Trust recognises that Trade Union representative will have a vital role in terms of representing and supporting staff throughout this process.

Trade Union representatives will also:
- Provide advice and guidance on the process.
- Set a good example by challenging harassment.
- Participate in joint training and Trust wide events to ban bullying at work.
- Participate in monitoring the effectiveness of the policy.

**The Legal position**
In addition to the commitment to Equality and Diversity the Trust has a legal obligation to ensure that harassment on the grounds of someone’s race, sex, disability, sexual orientation, gender identity (including reassignment), marriage and civil partnership, pregnancy and maternity, religion or belief, age or harassment on any other grounds does not take place at work, as this is discrimination in line with the Equality Act 2010.

The Trust has a duty of care towards its staff under the Health and Safety at Work Act 1974. Every member of staff is also personally liable under the legislation.
Employers are potentially liable for harassment of their employees by people (third parties) who are not employees of their organisation, such as patients. This is known as Third party harassment. You will only be liable when;

- Harassment has occurred on at least two previous occasions
- You are aware that it has taken place, and have not taken reasonable steps to prevent it from happening again.

5 DEALING WITH HARASSMENT AND BULLYING

5.1 What is Harassment and Bullying?

The Equality Act 2010 defines harassment as "unwanted conduct related to a relevant protected characteristic, which has the purpose of effect of violating an individuals' dignity or creating and intimidating, hostile, degrading, humiliating or offensive environment for that individual". The protected characteristics are; age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

It could also include any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

Bullying is not defined by law, but ACAS give the following definition which 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.

It is not the intention of the perpetrator that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome to the person or people subjected to it or witnessing it.

Examples of behaviour that may constitute harassment and bullying:

- Unwanted physical contact ranging from touching to serious assault
- Verbal or written (including email) harassment, including jokes, cyber bullying, offensive language, insulting or abusive behaviour, ridiculing or demeaning, gossip, slander, sectarian songs and letters.
- Isolation and exclusion from social or workplace activities
- Visual display of posters, graffiti, obscene gestures, flags and emblems, calendars and slogans on clothing.
- Coercion ranging from pressure for sexual favours, including implied or overt promises of preferential treatment or threats concerning present or future employment status, to pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking
- Persistent criticism, criticising in a public and humiliating way, exerting excessive and unnecessary pressure, and an unwarranted use of authority or power.

It should be noted that this is not an exhaustive list but one which aims to indicate areas of potential harassment, bullying, discrimination or victimisation.

5.2 Informal Procedure

In many cases it may be possible to resolve matters informally. Sometimes people are not aware that their behaviour is unwelcome and an informal discussion with them can lead to greater understanding and an agreement that the behaviour will stop.
Complainants are advised to keep a diary of all incidents – records of dates, times, any witnesses, your feelings etc. Keep copies of any correspondence that may be relevant.

To address matters informally, the complainant will:
- Explain how the unwanted behaviour is making them feel.
- Explain how it is interfering with their work or their life outside work
- Ask for it to stop.

This could be done in writing if that is felt to be easier. The complainant should keep a record of the discussion or a copy of the letter sent to the alleged harasser.

It is recognised that this approach may not always be felt to be appropriate, particularly if the individual feels scared or threatened by the behaviour of the alleged bully/harasser. If this is the case, the initial approach may be made with the support of a manager, staff counsellor, trained mediator, Trade Union representative or member of Human Resources.

Line Managers need to make a file note of any cases they have resolved on an informal basis. The Associate Director of Operations for each Directorate is responsible for this information to be collated by as a whole and presented at Directorate Board Meetings on a half yearly basis.

5.3 Mediation

Independent Trust Mediators are specially trained to facilitate informal outcomes where possible between those who have raised concerns and the people that they have concerns about.

If a complainant feels unable to deal directly with an alleged harasser, then as part of the informal procedure, he/she may contact a Trust Mediator. The Mediator will discuss and agree the steps to be taken to assist in resolving the difficulties.

The Mediator will normally meet with both parties individually before advising on next steps of the mediation process. Possible options would 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 individual the reason why they consider their behaviour to constitute harassment. Both parties will discuss how matters can be resolved and come to an agreement about future behaviour.

Individuals involved in mediation can be accompanied by their Trade Union representative or work colleague as long as their presence and role in the mediation process has been agreed by all parties involved.

Trust Mediators can be contacted via the Staff Counselling Department or via Human Resources.

Individuals will be expected to seek and attend mediation, where it has been deemed essential for the resolution of difficulties in working relations. More formal action may be taken in line with the Trust’s Attitude, Behaviour and Communications (ABC) Policy where appropriate.

5.4 Formal Procedure

Where informal procedures have failed to resolve matters or if the allegations of harassment and bullying are so serious that it is inappropriate for it to be addressed informally, (for example an allegation of sexual assault), formal procedures will apply.
The complaint of harassment or bullying should be made in writing to the appropriate line manager (or the next level manager, if the immediate line manager is the alleged harasser), and should also be copied to the appropriate HR Business Partner.

The written complaint should contain the identity of the harasser(s), full details of the nature of the harassment or bullying including dates, names of any witnesses and any other relevant details. The written complaint should also outline what informal attempts have been made to deal with the situation, including evidence of communication, including any attempts to invoke mediation.

The process for investigating allegations is set out in the Trust’s Disciplinary Policy. The manager in discussion with HR will appoint an Investigating Officer. The Investigating Officer and HR representative will meet with the complainant, in line with the investigation process of the Trust’s Disciplinary policy, in order to ascertain what informal action has been taken, whether mediation is an option in order to ascertain as to whether formal action is necessary. Where formal investigation is deemed appropriate the individual whom the complaint is against will be informed of details of the allegation by the Investigating Officer.

Where the complaint is against a doctor or dentist, issues will be investigated in line with the policy for Handling of Concerns and Disciplinary Procedures Relating to the Conduct and Performance of Doctors and Dentists.

**Separation**
If the complainant and the alleged harasser work together, consideration will be given as to whether the allegations warrant action to be taken to separate both parties whilst the allegations are being investigated. The manager in conjunction with HR will decide whether this is appropriate. It is acknowledged that this may not always be reasonably practicable and may also be subject to service needs.

It may be appropriate in some instances to suspend the alleged harasser from duty whilst the investigation is being carried out. Suspension must only be considered as a last resort after due consideration has been given to the effect of the action may have on the working relationships concerned or if it is not possible to move one of the parties to another work area.

**Communication**
The complainant and the alleged harasser will be kept informed on a regular basis of the status of the investigation and the length of time it is likely to take. The investigatory manager will aim to ensure for matters to be dealt with as quickly as possible.

**Conclusion of Investigation**
Once the investigation is concluded, the Investigating Officer will prepare a detailed report which will be submitted to the manager who initiated the investigation. The Investigating Officer will meet with the complainant to inform him/her of the outcome of the investigation. This will also be confirmed in writing, providing detailed reasons of how the decision had been reached.

Whether or not the complaint is upheld, the line manager (or his/her immediate superior) will meet also with the complainant to draw a line under the incident and to ensure that there are no further issues that need to be addressed.

5.5 **If allegation of harassment and bullying is not upheld**

- Line management/ Investigatory manager will meet with the alleged harasser and confirm the conclusion of the investigation.
- If either party was moved or suspended, they will return to the work place as soon as possible.
• It may be that counselling or mediation is required to support the working relationship between both parties to ensure they work together in a professional manner. This will be organised as soon as practicable.
• Any request to transfer to another work area will be considered, taking account of whether suitable vacant posts(s) are available, as well as the operational needs of the organisation. Applications to transfer to an alternative post will be subject to standard recruitment processes which includes open competition.
• If the complainant is not satisfied in the way in which the investigation has been conducted, he/she has a right to appeal in line with Stage 3 of the Trust Grievance Policy.

5.6 If allegation of harassment and bullying is upheld

• The alleged harasser will be informed of the outcome of the investigation and will be advised that further action will be taken in line with the Trust's Disciplinary Policy, which may include issuing an oral warning. However, serious allegation deemed as gross misconduct will normally lead to summary dismissal. The Investigating Officer along with support from HR will prepare and present to a panel in line with the Trust Disciplinary Policy.

5.7 Right of Representation

Throughout the process the complainant and the employee accused of harassment may be represented at meetings by a Trade Union representative or work colleague.

5.8 Victimisation

Victimisation occurs when a person is treated less favourably because that person has made a complaint of discrimination or harassment, has acted as a witness in connection with such a complaint, or has been involved or intends to be involved in any way in such a complaint. Anyone found to have victimised a person involved in a complaint as outline above, may be subject to disciplinary action, up to and including summary dismissal.

5.9 Malicious Claims

All complaints of harassment will be treated within the context of the right of each individual to be treated with dignity and fairness. Staff that have bona fide complaints are encouraged to raise them without fear of recrimination, in the knowledge that the Trust takes the issue of harassment and bullying very seriously.

If a complaint turns out not to be made in good faith and/or made with malicious intent, or it has been identified through the investigation / from the evidence that the complaint’s behaviour or actions has contributed towards the incident, this will be treated as a disciplinary offence which may result in disciplinary action up to and including dismissal.

5.10 Responding to Counter Allegations

When a complaint of harassment or bullying is made, sometimes a counter complaint is made. In these circumstances both complaints will be investigated simultaneously by the same Investigating Officer, if practicable.

5.11 Timescales

Any allegation should be made in writing within 4 months from the date of action that has caused the allegation. Consideration will be given to whether complaints made after this time will be investigated bearing in mind the practicability of investigating taking into account time
elapsed and the effect on memories of individuals who would be required to participate in the investigation. This will be dependent on the nature and circumstances of the allegation.

5.12 Advice and Counselling

If a member of staff believes they have been harassed or have been accused of harassing and/or bullying behaviour, they may find it helpful to speak to someone else and this may be a manager, Trade Union representative, staff counsellor or trained mediator. The role of the person approached is to offer support, discuss the options open to the employee and help the employee determine if and how they wish to progress matters. This will take place in total confidence and without pressure as to the course of action to be taken. Where counselling is required, it will be provided through the staff Counselling Service.

The Respect at Work advisor role has been developed as a result of feedback from staff and to aid delivery of our five promises. In being “here” for our patients and the people we support, we are also “here for our staff”, supporting them to achieve our promise to show respect for individuals different cultures and patients privacy and dignity. The Trust values the importance of offering support to staff that are experiencing or may have witnessed harassment and bullying. In their role, the Respect at Work advisors;

- Act as a first point of contact for those who feel they have been subject to bullying or harassment
- Help colleagues talk through problems
- Provide peer support and guidance on options available in line with Trust policies and procedures
- Treat enquiries as confidential

Respect at Work advisors have undergone extensive training and have volunteered to take on this role alongside their normal day to day duties. They can be contacted via the confidential helpline 020 8401 3000 extension 4205 or 4201 or email mhn-tr.respectatwork@nhs.net

5.13 Confidentiality

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

All complaints raised in line with this policy, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action.

6 TRAINING

The policy will be implemented through dissemination to managers. Communication to all staff on the new policy will be through Staff Trust Briefing, departmental team brief and any other departmental communication channels. The policy will be published on the Trust’s intranet site.

Training requirements for hand hygiene are outlined in the Training Needs Analysis in the Mandatory and Statutory Training Policy. Bullying and Harassment training is delivered to all staff – Band 5 and above once and whenever there is an update to legislation.

Persistent Non-Attendance

Persistent failure to attend the Hand Hygiene Training as outlined in the Training Needs Analysis would be dealt with in accordance with the Trust’s Mandatory and Statutory Training Policy.
The Trust will make the following Training provisions:
- Management will be trained to effectively manage Harassment and Bullying complaints
- New staff will be made aware of the policy through the staff handbook issued as part of induction. Appropriate front line staff will receive conflict resolution training.
- Existing staff will receive bullying and harassment awareness training, as identified in their training needs analysis
- Training for Investigating Officers on dealing with the investigation process
- Human Resources will provide bespoke coaching to managers and teams as deemed appropriate.

6.1 Equality Impact Assessment

The Equality Impact Assessment for this policy is attached in Appendix A.

As part of the development and review of this policy, its impact on equality have been reviewed in consultation with trade union in line with the Trust’s Equality and Diversity Policy and Single Equality Scheme. The purpose of the assessment is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified.

7 MONITORING COMPLIANCE

<table>
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<th>Element to be monitored</th>
<th>Lead</th>
<th>Tool</th>
<th>Frequency</th>
<th>Reporting arrangements</th>
<th>Acting on recommendations and Lead(s)</th>
<th>Change in practice and lessons to be shared</th>
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<tbody>
<tr>
<td>b) statement by the organisation that harassment and bullying are not acceptable</td>
<td>Deputy Director of HR</td>
<td>HR Annual Report demonstrating existence of statement and Trust’s responses via the number of bullying and harassments reported incidents</td>
<td>Annual</td>
<td>People and Organisational Development Committee (POD)</td>
<td>Senior managers , Heads of Department</td>
<td>Recommendation and actions to be implemented will be discussed at the POD committee and appropriate leads identified to implement changes</td>
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<td>c) how concerns about harassment or bullying can be raised</td>
<td>Deputy Director of HR</td>
<td>Review of cases both informal and formal against the requirements of the policy.</td>
<td>Annual</td>
<td>People and Organisational Development Committee (POD)</td>
<td>Senior managers , Heads of Department Senior managers</td>
<td>Recommendation and actions to be implemented will be discussed at the POD committee and appropriate leads identified to implement changes</td>
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<td>d) what should be done once a concern has been raised</td>
<td>Deputy Director of HR</td>
<td>Review of cases both informal and formal against the requirements of the policy. Respect @ work advisor reports</td>
<td>Quarterly</td>
<td>People and Organisational and Developmental Committee (POD)</td>
<td>Senior managers , Heads of Department</td>
<td>Recommendation and actions to be implemented will be discussed at the POD committee and appropriate leads identified to implement changes</td>
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<tr>
<td>e) how the organisation trains staff, in line with the training needs analysis</td>
<td>Attendance at training will be monitored in accordance with the Mandatory and Statutory Training Policy.</td>
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Attendance at training will be monitored in accordance with the Mandatory and Statutory Training Policy.
8 REFERENCES

- ACAS - Bullying and Harassment at work April 2009
- Equality Act 2010
- Various guidance on good practice and legislation

9 ASSOCIATED DOCUMENTATION

This policy should be cross referenced with the following Trust policies:
- Equality and Diversity
- Discipline Policy and Procedure
- Attitude, Behaviour and Communication Policy (ABC)
- Capability Policy and Procedure
- Handling of Concerns and Disciplinary Procedures Relating to the Conduct and Performance of Doctors and Dentists
- Speak Up Policy (formerly Raising Concerns at Work Policy and Procedure)
- Grievance Policy and Procedure
- Stress Management Policy
- Support for staff involved in Traumatic/ Stressful incidents, complaints or claims.

10 VERSION HISTORY TABLE

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<tr>
<th>Version</th>
<th>Date</th>
<th>Author</th>
<th>Ratified by</th>
<th>Comment/Reason for change</th>
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<tr>
<td>4.1</td>
<td>November 2010</td>
<td>D Eyitayo</td>
<td>PODC</td>
<td>Addition of Monitoring Compliance section. Minor changes made throughout to ensure ongoing compliance to NHSLA requirements.</td>
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<tr>
<td>5.0</td>
<td>February 2011</td>
<td>F Oltan</td>
<td>PODC</td>
<td>Policy reviewed and updated to reflect integration to CHS NHS Trust. Minor changes made to ensure compliance with Trust Here for You standards, Respect at Work and in line with Equality Act 2010. Inclusion of a template for investigation report.</td>
</tr>
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</table>
| 6.0     | February 2012 | M.Knights   | Policy Committee | Policy amended to meet NHSLA compliance standards  
5.2 Informal Procedure – added Line managers need to keep a record of informal cases in relation to harassment and bullying cases.  
6 – Training – section reviewed and amended  
7 – Monitoring Compliance – table updated. |
**APPENDIX A – EQUALITY IMPACT ASSESSMENT**

To be completed and attached to any procedural document when submitted to the appropriate committee for consideration and approval.

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<tr>
<th></th>
<th>Yes/No</th>
<th>Comments</th>
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<tr>
<td>1. Does the policy/guidance affect one group less or more favourably than another on the basis of:</td>
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<td></td>
<td>Race</td>
<td>No</td>
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<td></td>
<td>Ethnic origins (including gypsies and travellers)</td>
<td>No</td>
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<td></td>
<td>Nationality</td>
<td>No</td>
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<td></td>
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<td></td>
<td>Culture</td>
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<td></td>
<td>Religion or belief</td>
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<tr>
<td></td>
<td>Sexual orientation including lesbian, gay and bisexual people</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Age</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Disability - learning disabilities, physical disability, sensory impairment and mental health problems</td>
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</tr>
<tr>
<td>2. Is there any evidence that some groups are affected differently?</td>
<td>No</td>
<td></td>
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<tr>
<td>3. If you have identified potential discrimination, are there any exceptions valid, legal and/or justifiable?</td>
<td>No</td>
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<td>4. Is the impact of the policy/guidance likely to be negative?</td>
<td>N/A</td>
<td></td>
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<tr>
<td>5. If so can the impact be avoided?</td>
<td>N/A</td>
<td></td>
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<tr>
<td>6. What alternative are there to achieving the policy/guidance without the impact?</td>
<td>N/A</td>
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<tr>
<td>7. Can we reduce the impact by taking different action?</td>
<td>N/A</td>
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</tbody>
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### APPENDIX B – CONSULTATION TEMPLATE

1. **Procedural Document’s Name:** Dignity at Work (Harassment and Bullying) Policy  
2. **Procedural Document Author:** Debbie Eyitayo, Filiz Oltan  
3. **Group/Committee Consulted:** Trust Policy Group; HR & Line Managers; POD  
4. **Date of Consultation:** January / February 2011  
5. **Comments Received from management within the Trust:**  
   a) Can we include something to the effect that where a manager is addressing poor performance / conduct, and an allegation of bullying and / or harassment is made, this will not prevent the continuation of that particular formal process and the two will run in tandem.  
   b) It may be worth highlighting within the policy the significance of training in educating staff and managers in dignity at work issues and including information about the specific training courses available.  
   c) It all makes sense but having been the reporting officer for a case and the confusion about who presents what when it goes to a disciplinary I wonder if it would be good to include that.  
   d) It is much clearer and very explicit in its expectations of staff and managers.  

Comments Received from staff side within the Trust, included grammar, spelling and layout of the policy. All of which were acknowledged and act upon.

6. **Highlight where policy changed following consultation or state reasoning why comments not incorporated:**  
   a) Section 1.1 Scope addresses this issue.  
   b) Section on Training is included in the policy, therefore no further additions made.  
   c) Under section 1.7 the following as has been added “The investigating officer along with support from HR will prepare and present to a panel in line with the Trust Disciplinary Policy”.  
   d) Comment noted.
**APPENDIX C – HARASSEMENT AND BULLYING PROCEDURE FLOWCHART**

1. Employee feels he/she is being harassed or bullied

2. Employee attempts to resolve matters directly with alleged harasser
   Or
   with support from manager, staff counsellor, trained mediator, Respect at Work Advisor, Trade Union or HR Representative

3. Employee keeps a written record of the issues and attempts to resolve informally

4. Issue resolved?
   - Yes: No further action required
   - No: Employee submits written complaint to line manager

   **INFORMAL (file note retained locally by Line Manager)**

5. Investigating Officer appointed, meeting scheduled with complainant, to identify informal attempts to resolve issue

6. Mediation
   - Upheld
   - Not upheld
   - Formal Disciplinary Hearing

7. **FORMAL (documentation of case retained by HR)**

   - Employee submits written complaint to line manager

   - Investigating Officer appointed, meeting scheduled with complainant, to identify informal attempts to resolve issue

   - Mediation
   - Formal Investigation

   - Upheld
   - Not upheld
   - Return to normal work (mediation maybe recommended)
APPENDIX D – TEMPLATE FOR REPORT

Employment Details

Name:                      Band:

Job title:                 Department/Directorate:

Date and length of employment:

Details of investigation

Findings and conclusion

Recommendation
(Include summary of recommendation)

My assessment of the evidence is that

a) There is no allegation of harassment and bullying

b) There is a case of harassment and bullying to answer which should be considered at a disciplinary hearing
APPENDIX E – PRINCIPLES OF MEDIATION

- Mediation is where an independent, impartial third party, helps two or more people in dispute to attempt to reach an agreement.
- Any agreement comes from those in dispute, not from the mediator. The mediator is not there to judge or tell those involved what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.
- Mediators may be employees trained and accredited by an external mediation service, who act as internal mediators in addition to their day job or they may be from an external mediation provider. They can work individually or in pairs as co-mediators.
- There are various stages of mediation, which may involve separate meetings as well as joint meetings between the alleged harasser and harasssee.
- Anything said during mediation is confidential to the parties concerned. The only exception to this is where for example, a potential unlawful act has been committed or there is a serious risk to health and safety.
APPENDIX F – USEFUL CONTACTS

Internal Contacts

Confidential Staff Counselling Service: 020 8401 5663

Mediation support can be obtained through the Staff Counselling Service

Occupational Health Department: 020 8401 3000 extension 4351

Human Resources Department

External Contacts

Andrea Adams Trust - Committed to preventing workplace bullying. For free advice and support please contact the ACAS Helpline on 08457 474747.