

**Joint Policy for Cumbria Partnership NHS Foundation Trust &
North Cumbria University Hospitals NHS Trust**

Dignity at Work Policy & Procedure

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Any printed copies or copies held on any other web page should therefore be viewed as “uncontrolled” and as such, may not necessarily contain the latest updates and amendments.

Data Protection Legislation

The Trust(s) are committed fully to compliance with the requirements of the General Data Protection Regulations (GDPR) 2016 and the Data Protection Act (DPA) 2018. The GDPR and DPA legislation aims to balance the requirements of organisations to collect, store and manage various types of personal data in order to provide their services, with the privacy rights of the individual about whom the data is held.

The GDPR and DPA legislation covers both manual and computerised records in any format, where the record contains details that can identify, directly or indirectly data on a natural person or persons. The DPA sets out principles which must be followed by those who process data; it gives rights to those whose data is being processed.

Policy On A Page

SUMMARY & AIM

- The aim of this policy is to ensure dignity and respect at work for all employees by promoting a supportive working environment whereby employees can bring forward concerns for resolution in an effective and timely manner.
- To provide a process to deal with employee’s concerns relating to claims of alleged bullying &/or harassment, fairly, consistently and speedily.
- Ensure that all employees are aware of their personal responsibility for their own behaviour and the unacceptability of any form of behaviour that breaches dignity at work.
- In order to support early resolution of concerns raised, facilitated discussion or mediation can be used at any stage of the procedure with the agreement of both parties

TARGET AUDIENCE:

- All Trust employees, as well as locums, agency staff and volunteers.

TRAINING:

- A Toolkit for Managers (including standard letters and ‘How to Guides’) is available on the HR section of the Trusts intranets. Support will be provided by HR to managers implementing this policy and procedure where required.
- People Management Training (PMP) is available to Line Managers.

KEY REQUIREMENTS

INFORMAL RESOLUTION OF CONCERNS

- It is preferable for all concerned that concerns/complaints are dealt with informally whenever possible.
- Where appropriate, a manager can use facilitated discussion and/or mediation to try and resolve an employee issue informally.

FORMAL PROCESS

- If it is not possible to resolve the concerns informally the matter may be dealt with formally and the employee should complete the ‘Notification of Concern Form relating to Dignity at Work’.
- In these circumstances the manager will appoint an investigating officer to undertake a formal investigation

RIGHT OF APPEAL

- If the employee remains dissatisfied with the outcome of the formal process, they are entitled to appeal.

OTHER KEY REQUIREMENTS

- Employees have the right to be accompanied to a formal meeting by a trade union representative or work colleague.
- Support available to all parties includes: occupational health, the Trusts employee assistance programme, trade union representative, HR representative, line manager.
- During and following any informal or formal processes every effort must be made by all parties to maintain confidentiality.

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SUMMARY FLOWCHART:**Informal Stage**

- An informal discussion between the employee and the individual who is the subject of the complaint should be the first step of the resolution process (where possible)
- It may be useful to consider writing down specific examples such as dates, what was said/done, how it made you feel, what you found unacceptable
- Where an employee feels unable to raise the matter with the individual concerned directly they should raise their concern(s) with their immediate line manager (or next level manager if concern about immediate manager)
- Manager arranges to meet with employee to discuss concern(s) and desired outcome
- Manager informs the individual against whom concerns raised
- Manager to consider use of facilitated discussion and/or mediation to resolve issue as required where there is agreement by both parties
- Outcome confirmed in writing to employee

Concerns not resolved to
employee's satisfaction

**Formal Stage**

- Employee completes Notification of Concern Form relating to Dignity at Work (appendix 3)
- An appropriate manager who is not the subject of the concerns appoints an investigating officer who will meet with the employee to allow concern(s) to be explained and desired outcome discussed
- Manager informs the individual against whom concerns raised
- Investigation undertaken. Investigation Report submitted to manager with whom the concerns were formally raised for decision
- Outcome verbally and in writing to employee raising concern(s)
- Outcome verbally and in writing to employee against whom concerns raised

NB if following an investigation it was concluded that there was a case of alleged bullying and/or harassment to answer a disciplinary hearing would be arranged in line with Trust

Concerns not resolved to
employee's satisfaction

**Appeal**

- Employee has right of appeal (in writing) within 14 calendar days of date of outcome letter
- Appeal hearing arranged
- Employee against whom concerns raised to be advised of appeal
- Outcome confirmed in writing to employee

1. INTRODUCTION

Cumbria Partnership NHS Foundation Trust and North Cumbria University Hospitals NHS Trust (the Trusts) are committed to promoting a supportive working environment whereby employees can bring forward concerns for resolution in an effective and timely manner. The Trusts will not tolerate bullying, harassment or unfair treatment in any form and it is the responsibility of all employees to ensure their behaviour does not breach others dignity at work.

The policy covers behaviour at work (for example face to face interactions, written communications including email, telephone communication, use of social networking sites and use of visual images) and employees must be aware that 'at work' includes any place where the occasion can be identified with either the requirements of the employer or with social events linked to that employment.

All people who work in the Trust have a responsibility to challenge bullying, harassment or unfair treatment of any kind and ensure that individuals are aware that it will not be tolerated. The policy provides a framework to deal with cases of conflict, bullying, harassment and unfair treatment including informal and formal mechanisms for employees to raise concerns and individuals will not be victimised for making a complaint or supporting a colleague in making a complaint.

The details contained within this policy are compliant with employment law, best practice and the Trusts values.

This Policy takes into account the ACAS Statutory Code of Practice on Disciplinary and Grievance and ACAS Bullying and Harassment at Work: A Guide for managers and employers.

A Managers Toolkit (including 'How to Guides' and template letters) is available to assist managers in using this policy and procedure and can be found on the HR section of the Trusts Intranets.

2. PURPOSE

This Policy sets out a process to deal with employee's concerns relating to alleged bullying and/or harassment, fairly, consistently and speedily and details the support available.

Furthermore the policy aims to:

- ensure dignity and respect at work for all employees
- promote a supportive working environment and prevent acts of discrimination, exclusion, unfair treatment and other negative or demeaning behaviours
- demonstrate commitment to equal opportunities
- ensure that all employees are aware of their personal responsibility for their own behaviour and the unacceptability of any form of behaviour that breaches dignity at work

See Appendix 1 for definitions and further detail on what may constitute bullying and/or harassment.

3. POLICY DETAILS

This policy applies to all Trust employees, as well as locums, agency staff and volunteers.

This policy sets out the appropriate mechanisms for dealing with cases of conflict, bullying, harassment and unfair treatment.

This Policy will not apply to disputes which relate to matters which have been addressed through another Trust Policy/Procedure. The Trust's Grievance Procedure provides a mechanism for dealing with issues relating to employment.

All concerns must be raised within 3 months of the incident/concern unless there are exceptional circumstances preventing this (e.g. an ongoing issue relating to alleged bullying and/or harassment).

3.1 Right to be Accompanied

The employee will be given at least 7 calendar days' notice in writing that they are required to attend a formal meeting and may choose to be accompanied by a Trade Union representative or work colleague.

The individual against whom the concerns have been raised may also choose to be accompanied by a Trade Union representative or work colleague.

It is the employee's responsibility to arrange Trade Union representative or work colleague support.

The employee should inform the Trust as soon as possible if their Trade Union representative cannot attend the meeting on the scheduled date. The employee may offer an alternative date within 7 calendar days when both they and their representative can attend.

3.2 Support and Confidentiality

Support available to all parties includes: Occupational Health, the Trusts Employee Assistance Programme which is a confidential telephone helpline providing counselling, information, signposting and support 24 hours a day (further details can be found in the Toolkit), Trade Union representatives, HR representatives and line managers.

During and following any informal or formal processes every effort must be made by all parties to maintain confidentiality. All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality. In the context of such cases confidentiality means information only being divulged to other parties on a strict 'need to know' basis.

In certain circumstances where the allegation may place the complainant, another person, or the Trusts at risk, it may not be possible to maintain confidentiality. In such circumstances the person dealing with the details of the complaint will have a duty to advise the complainant of this and take further appropriate action.

A Human Resources representative must be consulted in advance of any such actions being taken.

3.3 Collective Concern(s)

Where a group of employees have common concerns regarding dignity at work / bullying and/or harassment, the concern(s) will be presented by no more than two employees at the formal meeting. It must be clarified at the time of lodging the collective concern(s) on whose behalf it is being raised (individual employees must be named and must sign to show their agreement). The final outcome will be binding on all employees raising the collective concern(s). The manager dealing with the concern(s) will therefore not hear each employee's case separately.

3.4 Informal Resolution

It is preferable for all concerned that concerns/complaints are dealt with informally whenever possible.

An informal discussion between the employee and the individual who is the subject of the complaint should be the first step of the resolution process where possible, regarding alleged bullying and/or harassment. An employee may wish to raise the matter directly with the individual who is the subject of the complaint on a face-to-face basis (advice and support in arranging an appropriate time and surroundings in which to meet can be provided).

Where an employee feels unable to raise the matter with the individual concerned directly they, or their representative, should raise their concerns promptly with their immediate line manager either verbally or in writing and aim to reach a solution that is acceptable to all parties. If the concerns are about their immediate line manager then the employee should approach the next level of management.

In this situation the manager with whom the concerns are raised will arrange to meet with the employee as soon as reasonably practicable following receipt of the request.

The manager will also inform the person against whom the allegations have been made of the nature of the complaint that has been made, the desired outcome and the intention to deal with the matter informally. Sometimes individuals are not aware that their behaviour is unwelcome and an informal discussion can lead to greater understanding and an agreement that the behaviour will cease.

See Template 'How to Guide' in the toolkit for guidance on conducting an informal meeting relating to alleged bullying and/or harassment.

Where appropriate, a manager can use facilitated discussion and/or mediation to try and resolve an employee issue informally where all parties are in agreement (see section 3.5 for further details).

The manager will keep a record of the meeting and will confirm the outcome in writing to the employee (see Template letter in the Toolkit) as soon as reasonable practical. If the concerns are resolved informally the matter is concluded.

Only in cases where informal local resolution cannot be found and facilitated discussion/mediation is not seen as viable should the formal process commence. Only in exceptional circumstances, may it be appropriate to commence the formal procedure from the outset.

3.5 Facilitated Discussion and Mediation

Where appropriate, in order to support early resolution of an employee issue a manager can use facilitated discussion and/or mediation. These can be used at any stage of the procedure with the agreement of both parties.

Facilitated Discussion

Facilitated discussion is a powerful tool that can be used to resolve issues. During a discussion a facilitator will guide those involved through a meeting whilst keeping in mind the reason for the meeting and what the individuals within the attending group are hoping to achieve. A facilitator provides processes for thinking about an issue, creating effective participation and identifying strategies for building solutions. An effective facilitator will:

- Ensure all participants have their say
- Prevent someone from dominating the discussion
- Aim to ensure all topics are discussed
- Emphasise group ownership of the issue
- Affirm that there are no wrong answers

A facilitated meeting is a private and confidential meeting which can be arranged to help the parties explore the concerns and seek a resolution. Managers who wish to take advantage of using facilitated discussion can approach another manager within the Trusts who has the skills required to hold a facilitated meeting.

If a manager wishes to seek advice on which people within the Trusts have the necessary skills to hold a facilitated discussion, they may contact Human Resources.

Mediation

In some cases it can be helpful to involve an independent third party to help resolve the problem by way of mediation. Mediation is a voluntary structured process where an impartial third party helps two or more people in a dispute in an attempt to reach an agreement. Mediation is a reasonable management request but cannot be imposed on anyone and if used at the informal stage it does not

prevent an employee from pursuing the formal route. The Trust encourages all parties to participate in some form of mediation where it is felt appropriate. The mediator facilitates the process of seeking to resolve the problem but not the outcome of the concerns raised. Where it is felt necessary to follow the mediation process, this must be implemented as soon as possible to hasten resolution; further detail regarding mediation can be found in Appendix 2.

3.6 Formal Process

If it is not possible to resolve the concern(s) informally the matter may be dealt with formally and the employee should complete the Notification of Concern Form relating to Dignity at Work (see Appendix 3). This should be raised within 14 calendar days of the date of the informal stage outcome. The Notification of Concern Form relating to Dignity at Work is also contained as a template within the toolkit.

The employee's concerns will be acknowledged in writing as soon as reasonably practical (see Template letter in the Toolkit) and an appropriate manager who is not the subject of the concerns raised will appoint an investigating officer so that a formal investigation can take place. At the commencement of this investigation process the investigating officer will arrange to meet with the employee who will be given opportunity to explain their concerns and how they think it should be resolved. See Template 'How to Guide' in the Toolkit for guidance on conducting a formal meeting. An HR representative will support this process.

Furthermore when concern(s) relate to alleged bullying and/or harassment:

- The individual(s) against whom concerns have been raised should be advised verbally and in writing of the nature of these concerns without undue delay (see Template letter in the Toolkit). Further clarity should be provided in writing (if required) following the meeting with the individual raising the concerns as part of the investigation process (see Template letter in the Toolkit).
- The individual(s) against whom concerns have been raised will be interviewed
- The HR representative supporting the process will provide HR guidance and support to both parties throughout the process ensuring there is regular communication regarding progress and timeframes
- Consideration should be given to temporary transfer/alternative management of one/or both of the employees concerned (taking into account the nature of the allegations, size and resources of the team, rota's, impact on services)
- Where the circumstance of the cases are sufficiently serious, consideration may be given to suspension of the individual against whom concerns have been raised under the Trust's Disciplinary Policy. Advice must be taken from HR and in line with the Trust's Disciplinary Policy before any such action is taken.

In certain circumstances it may be necessary to interview other relevant parties and/or gather additional information. The nature of the complaint will be shared with relevant parties involved. All involved parties should be reminded of the need for confidentiality. The manager will arrange for notes to be taken at all meetings, a copy of which will be shared with the individual(s) for their comments.

The investigating officer will collate all information collected during the investigation and prepare a report detailing the findings. This will be submitted to the manager with whom the concerns were formally raised for a decision on any action the Trust should take in order to resolve the concern(s). The investigation will be completed as soon as reasonably practical.

In all cases the individual raising the concern(s) will be invited to a meeting to receive feedback on the outcome of the complaint raised. The outcome will also be confirmed in writing (see Template letter in the Toolkit). Feedback will also be provided (verbally and in writing) to the individual against whom the allegations have been made (see Template letter in the Toolkit).

If the employee remains dissatisfied, they are entitled to appeal. Details of the appeal procedure are contained in section 3.8.

3.7 Subsequent Action (in relation to concerns of alleged bullying and/or harassment)

Where an investigation concludes there is a case of alleged bullying and/or harassment to answer, a disciplinary hearing, conducted in line with the Trusts Disciplinary Policy, will determine any subsequent action to be taken against the individual against whom concerns have been raised.

If a complaint is not upheld, consideration may still be given, where practicable (taking into account the needs of the service and patient safety) , to the voluntary transfer of one of the employees concerned, rather than requiring them to continue to work together against the wishes of either party.

Where an investigation concludes that an allegation made was frivolous or malicious it may require necessary action to be taken under the Trusts Disciplinary Policy.

3.8 Appeals Procedure

If the employee remains dissatisfied, they are entitled to appeal. The appeal must be submitted in writing to the Director of Workforce and OD within 14 calendar days of the date of the letter confirming the outcome, clearly stating the grounds for their appeal. Receipt of the appeal will be acknowledged in writing as soon as reasonably practical (see Template letter in Toolkit).

An Appeal Hearing will be arranged as soon as reasonably practicable. Arrangements for the Appeal Hearing will be confirmed in writing to the employee (see Template letter in the Toolkit). The appeal will be heard by an appropriate level of Manager, who has not previously been involved in the process, and a Human Resources representative. See Template 'How to Guide' in the Toolkit for guidance on conducting an Appeal Hearing.

The individual against whom concerns have been raised should be advised that an appeal has been made.

The appeal process is not an opportunity for a re-hearing of the original submission but to consider the grounds of the employee's appeal e.g. this could be to determine if the previous decision was fair, to consider any new facts and decide on the reasonableness of the procedure to date.

The Chair of the Appeal Panel will confirm the decision in writing to the employee within 7 calendar days of the Hearing or as soon as reasonably practicable (see Template letter in Toolkit). The decision of the Appeal Panel is final.

The Appeal Hearing is the final stage of the Formal Procedure.

3.9 Record Keeping

The responsible manager must ensure that all copies of written proceedings, statements and records are forwarded to the HR department for retention.

3.10 Police Involvement

In cases of alleged assault or behaviour that is considered to be a criminal offence, the employee may wish to report the matter to the police. The Trust may also, where appropriate, contact the police. How the Trust will proceed with any investigation must be discussed with Human Resources.

3.11 Alleged bullying and/or Harassment by Service Users/Patients, Carers, Relatives or Visitors

Staff have the same rights as service users/patients to be treated with dignity and respect at all times and have the right to complain if they have been bullied or harassed by a service user/patient, carer, relative or visitor in the course of carrying out their duties.

It is a priority of the Trusts to ensure that no employee is put in a situation of potential risk and that procedures are put in place to protect employees whilst carrying out their duties.

Medical Practitioners understand that patients may request to see a particular doctor based on a number of different grounds. However, refusals or requests for treatment on grounds that would constitute discrimination under Equalities legislation are unacceptable.

Guidance on how to deal with incidents of alleged bullying and/or harassment by service users/patients, carers, relatives or visitors is contained in the Dignity at Work toolkit for employees of Cumbria Partnership Foundation Trust. Employees of North Cumbria University Hospitals NHS Trust should refer to the Security Policy of the Trust.

4. TRAINING AND SUPPORT

For training on management of the Dignity at Work Policy and Procedure please refer to the People Management Training Programme.

A Toolkit for Managers (including standard letters and 'How to Guides') is available on the HR section of the Trusts intranets. Support will be provided by HR to managers implementing this policy and procedure where required.

5. PROCESS FOR MONITORING COMPLIANCE

The process for monitoring compliance with the effectiveness of this policy is as follows:

Aspect being monitored	Monitoring Methodology	Reporting		
		Presented by	Committee	Frequency
The policy is being utilised to support staff with concerns relating to Dignity at Work Compliance with timescales for each stage of the procedure	HR ER Tracker KPI reports on number of complaints raised Progress against timescales for each complaint raised	HRBP	Workforce and OD SMT	Annually
Effectiveness of this policy in eliminating/keeping risks to a minimum	Anonymised reports on complaints raised including reasons, timescales and outcomes	HRBP	Workforce and OD SMT	Annually

Wherever the above monitoring has identified deficiencies, the following must be in place:

- Action plan
- Progress of action plan monitored by the Workforce and OD SMT minutes
- Risks will be considered for inclusion in the appropriate risk registers

6. REFERENCES:

ACAS Code of Practice on Disciplinary and Grievance Procedures, March 2015
www.acas.org.uk

The Health and Safety at Work etc, Act. 1974. London: The Stationery Office.
 Available at: www.opsi.gov.uk

Information on the *Equality Act 2010* is available from the Equality and Human Rights Commission at www.equalityhumanrights.com

Employment Rights Act 1996, London: The Stationery Office. Available at:
www.opsi.gov.uk

The Protection from Harassment Act 1997, London: The Stationery Office.
 Available at: www.opsi.gov.uk

ACAS Alleged bullying and Harassment at Work: a guide for managers and employers June 2014 www.acas.org.uk

ACAS Alleged bullying and Harassment at Work: a guide for employees March 2014 www.acas.org.uk

Data Protection Act 2018
<https://www.gov.uk/government/collections/data-protection-act-2018>

Employment Relations Act 1999, London: The Stationery Office. Available at:
www.opsi.gov.uk

7. CURRENT ASSOCIATED DOCUMENTATION**NCUHT**

Probationary Period Policy &
 Procedure (Non-Medical)
 Raising Concerns (Whistleblowing)
 Policy
 Equal Opportunities in
 Employment Policy
 Conduct, Capability, Ill Health and
 Appeals Policies and Procedures
 For Practitioners

CPFT

Whistleblowing Policy
 Equality and Diversity Policy
 Disciplinary and Capability Policy
 for Medical and Dental Staff

JOINT

Joint Disciplinary Policy
 Joint Capability Policy and Procedure
 Joint Grievance Policy and Procedure

8. DUTIES (ROLES & RESPONSIBILITIES):**8.1 Chief Executive / Trust Board Responsibilities:**

The Chief Executive and Trust Board jointly have overall responsibility for the strategic and operational management of the Trust, including ensuring that Trust policies comply with all legal, statutory and good practice requirements.

8.2 Executive Director Responsibilities:

All policies have a designated Executive Director (for this policy it is the Director of Workforce & Organisational Development) and it is their responsibility to be involved in the development and sign off of the policies, this should ensure that Trust policies meet statutory legislation and guidance where appropriate. They must ensure the policies are kept up to date by the relevant author and approved at the appropriate committee.

8.3 Managers Responsibilities:

Line managers are responsible for ensuring effective and consistent application of this policy and in supporting employees in its use. Line managers must attempt to deal with issues sensitively and without undue delay.

8.4 Staff Responsibilities:

All staff are responsible for ensuring that they comply fully with this policy.

8.5 Human Resources Team :

HR will provide advice and support on the application of this policy.

8.6 Trade Union Representatives:

Trade Union Representatives will advise and support employees in the use of this policy and will work in partnership with managers.

8.7 Joint Partnership Forum Responsibilities:

The Chair of the Joint Partnership Forum will ensure the policy approval is documented in the final section of the Checklist for Policy Changes. The committee will agree the approval of the final draft of the policy.

9. ABBREVIATIONS / DEFINITION OF TERMS USED

ABBREVIATION	DEFINITION
ACAS	Advisory, Conciliation and Arbitration Service
HR	Human Resources
OD	Organisational Development

APPENDIX 1 – ALLEGED BULLYING AND/OR HARASSMENT AT WORK

Bullying and harassment is identified by both what has been done and /or by the effect that it has on the recipient and/or others.

Bullying and/or harassment 'at work' includes any place where the occasion can be identified within the requirements of employment, including social events linked/associated with the Trusts.

Examples of what may constitute bullying

Bullying can be defined as repeated aggression - verbal, psychological or physical – conducted by an individual or group in relation to another individual or group. In general terms it can be described as the intimidation or undermining of someone, or the misuse of power or position which leaves the individual or group feeling upset, hurt, vulnerable or helpless.

Positional power usually means managers and supervisors. Personal power is when an employee's influence or physical presence allows them to manipulate or coerce others who are junior, equal or senior to them.

The following list is not exhaustive but provides examples which may be construed as alleged bullying (it covers not only face to face interactions but also written communications including email, telephone communication. use of social networking sites for example) :

- Persistently negative attacks on a colleague's personal or professional performance.
- Criticising a colleague in front of others.
- Spreading malicious rumours/making malicious allegations.
- Persistently setting tasks with impossible deadlines or which are unachievable.
- Removing and replacing areas of responsibility with menial or trivial tasks.
- Undervaluing a colleague's contribution, placing unreasonable demands on and/or over-monitoring a colleague's performance.
- Withholding information with the intent of deliberately affecting a colleague's performance.
- Excluding colleagues e.g. talking solely to third parties to isolate another

Examples of what may constitute Harassment

The Equality Act 2010 uses a single definition of harassment to cover the relevant protected characteristics. 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".

The relevant protected characteristics are age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation

Examples of conduct which could be considered unacceptable include:

-
- Physical contact ranging from touching to serious assault.
 - Verbal and written harassment through jokes, offensive language, gossip and slander, letters etc (including conduct through email and social networking).
 - Visual display of posters, graffiti, obscene gestures which an individual may consider obscene.
 - Isolation or non co-operation at work.
 - Coercion ranging from pressure for sexual favours to pressure to participate in political/religious groups.
 - Intrusion by pestering, spying, following etc.

This is not an exhaustive list.

A key factor for consideration is that the actions or comments are viewed as unwelcome or uninvited by the recipient, not the intention of the person carrying out the behaviour.

Equality legislation also states that harassment may cover situations where

- the person on the receiving end of the unwanted behaviour does not have the protected characteristic but can be harassed because of being perceived to have it or by association with someone who does (such as a family member)
e.g. a worker is subjected to homophobic banter, including by email, and name calling, even though colleagues know they are not gay; this could amount to harassment related to sexual orientation.
- a person may feel that they find behaviour which is not directed at them to be offensive
e.g. an employee teases and humiliates a black worker and a white colleague who shares the office feels that the behaviour has created an offensive environment for them.

The difference between Fair Management and Alleged Bullying

Line managers are responsible for ensuring that employees who report to them perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of a member of staff's behaviour, or job performance does not constitute alleged bullying. It is reasonable to expect a manager to carry out his/her responsibilities in a fair, firm and consistent manner.

It is recommended that performance and /or conduct issues are discussed and recorded as soon as they are identified together with the supporting remedial action and training. Managers must take action to address performance or/and conduct issues by the legitimate exercise of managerial responsibility and other appropriate policies.

Where a manager treats staff inconsistently without justification by treating individuals less favourably or taking action against someone because of personal characteristics this could be considered as alleged bullying or harassment. However there may be occasions when a manager may need to discuss with an employee the standards of work or behaviour expected; this could involve raising concerns about sickness absence, conduct or capability under the agreed Trust procedures and doing so appropriately would not constitute alleged bullying and harassment.

APPENDIX 2 - MEDIATION

Mediation is a confidential and voluntary process which brings together employees who are experiencing problems in a work related relationship.

Mediation is a structured process using an impartial mediator to facilitate communication between two or more parties to help them understand one another and to begin to think about a mutually acceptable resolution to their differences. It is an alternative method of improving workplace relationships by encouraging both parties to actively seek a solution to their differences and agree effective ways of working together for the future.

Mediation is likely to be effective when:

- both parties are willing to work together to resolve their differences
- there is potential for an improvement in working relationship
- no serious breach of workplace policies or procedures have occurred

Mediation distinguishes itself from other approaches to conflict resolution as it is less formal, flexible, voluntary, voluntary binding, with generally no legal status, and owned by the parties involved. Mediation is regarded as a reasonable management request to resolve differences but cannot be imposed on anyone.

Who may mediate?

Individuals who have undergone formal training in mediation. Mediators offer a service and structured process that can help resolve conflict at an early stage. Mediators do not advise or impose their own views, they help people to communicate with each other.

Confidentiality:

Mediation is a confidential process, carried out in a confidential setting, as such it is inappropriate for additional parties to accompany the staff members. A mediator will seek to gain agreement from all parties on this issue before proceeding with mediation. However, in exceptional circumstances it may be necessary to allow a third party to the first meeting only in order to alleviate any concerns about the mediation process.

The Five Stages of Workplace Mediation:

1. Referral to manager
2. Making contact and gathering information
3. Pre-mediation meetings with each party
4. Direct mediation (joint meeting)
5. Agreement – closing the case

APPENDIX 3 – NOTIFICATION OF CONCERN FORM RELATING TO DIGNITY AT WORK

NOTIFICATION OF CONCERN FORM RELATING TO DIGNITY AT WORK	
<p>This form is intended for use by any employee who wants to make a <i>formal</i> complaint about alleged bullying and/or harassment in the workplace. If the matter relates to another workplace issue then the please refer to the Grievance Policy and Procedure.</p>	
Employee's name:	
Employee's job title:	
Employee's department:	
Location:	
Name of Individual against whom concerns are being raised:	
Informal stage dealt with by (manager's name):	
Date informal stage completed:	
PLEASE ATTACH OUTCOME LETTER FROM INFORMAL STAGE (WHERE APPROPRIATE)	
Summary of complaint:	
<p>I have discussed my concerns at the Informal Stage of the Procedure (where this has been appropriate). My concerns remain unresolved and in accordance with the Dignity at Work Policy, I now wish to raise this matter at the formal stage of the procedure, and outline the situation as follows:</p>	
<p>Please provide as much information as you can about the problem to enable your complaint to be settled as quickly as possible (if you have any additional documentation please provide this). (Please use additional sheets of paper if necessary and attach them securely to this form).</p>	
<p>Include:</p> <ul style="list-style-type: none"> • Factual descriptions of events of unacceptable behaviour (Where possible dates, times and witnesses to incidents) • An indication of how the incident(s) made you feel • Details of informal approach already taken • Any relevant documentary evidence supporting the complaint 	

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Outcome Desired:

Please describe how you would like your concern(s) to be resolved (what is your desired outcome from the process):

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Declaration:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust.

Employee signature:		Date:	
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Please send this completed form to the next level manager, copying in your trade union if desired. If you are unsure who to send it to your Trade Union Representative or the Human Resources Department will be able to advise you.

A copy should also be sent to the HR department.

For completion by the HR department:	
Date form received by HR:	
Name of recipient:	
Entered onto Tracker:	

DOCUMENT CONTROL

Equality Impact Assessment Date	19 December 2018
Sub-Committee & Approval Date	Joint Partnership Forum 6/2/19

History of previous published versions of this document:

Trust	Version	Ratified Date	Review Date	Date Published	Disposal Date
CPFT POL/004/00 2	Oct 2017	Oct 2017	Oct 2019	Oct 2017	N/A
NCUH REF:HR01	8.0	19/5/16	31/5/19	30/11/16	N/A

Statement of changes made from previous version - NCUH HR01 v8 and CPFT POL/004/002

Version	Date	Section & Description of change
1.0	27/02/2019	PMG amendments completed prior to publication <ul style="list-style-type: none"> Section 8, approving committee to be specified Section 9, sort in alphabetical order
CPFT POL/004/002	Oct 2017	<ul style="list-style-type: none"> Dignity at Work was previously incorporated into the Grievance Policy – this is now a policy and procedure on its own separate to the grievance policy. The process for raising concerns relating to bullying and harassment is now included in this separate Dignity at Work Policy Format changed in line with Joint Policy Template Front Page GDPR guidance (new) included Section 1 Dignity at Work Policy Toolkit - new term used for standard letters and How to Guides already in use and available Section 2 Purpose - further detail on what may constitute bullying and/or harassment is provided at Appendix 1 NEW Section 3 policy now applies only to Trust employees, locums, agency staff and volunteers REMOVED students, contractors and employees of other organisations that provide services to the Trust Section 3.2 Support and Confidentiality - Further detail added around confidentiality and inclusion of reference to Trusts EAP Section 3.3 Collective Concern(s) - no more than two employees at the formal meeting, was previously 3. Addition of 'it must be clarified at the time of lodging the collective concern on whose behalf it is being raised (individual employees must be named and must sign to show their agreement)'

		<ul style="list-style-type: none"> Section 3.4 Informal Resolution - Inclusion of encouragement where individual feels able to raise the matter directly with the individual who is the subject of the complaint on a face-to-face basis
		<ul style="list-style-type: none"> Section 3.5 Facilitated discussion and mediation – New section. Previously had short section on mediation only – this has been expanded Further detail on mediation is provided at Appendix 2 – NEW
		<ul style="list-style-type: none"> Section 3.6 Formal grievance – Addition of timescale for raising formal grievance of 14 calendar days of the date of the informal stage outcome Where the circumstances of the case are sufficiently serious, consideration maybe given to suspension of the individual against whom concerns have been raised under the Trusts Disciplinary Policy - NEW
		<ul style="list-style-type: none"> Section 3.8 Appeals Procedure – Appeal to be lodged within 14 calendar days of the date of the letter confirming the outcome – was previously 14 calendar days from receipt of letter
		<ul style="list-style-type: none"> Section 3.10 Police Involvement – New Section

Version	Date	Section & Description of change
NCUH REF:HR01	30/11/16	<ul style="list-style-type: none"> Format changed in line with Joint Policy Template
		<ul style="list-style-type: none"> Front Page GDPR guidance (new) included
		<ul style="list-style-type: none"> Policy on a page – additional explanation of policy aims, target audience, training provision and key requirements. Policy now applies only to Trust employees, locums, agency staff and volunteers REMOVED students, contractors and employees of other organisations that provide services to the Trust
		<ul style="list-style-type: none"> Summary Flowchart added, setting out each stage, use of Notification of Concern Form, possible outcome if bullying identified, appeal process
		<ul style="list-style-type: none"> Section 1 - Introduction – Reference to complaints of violence, aggression and harassment from members of the public moved to s3.11
		<ul style="list-style-type: none"> Section 2 – Purpose of the Policy removes the mechanisms of the policy as a purpose
		<ul style="list-style-type: none"> Section 3 – Policy Details – Employment issues to be raised under the Grievance Policy; 3 month time limit on raising concerns except in exceptional circumstances
		<ul style="list-style-type: none"> Section 3.1 – Explanation of re-arranged meetings due to representative availability to take place within 7 days
		<ul style="list-style-type: none"> Section 3.3 – Collective Concerns – added for clarity
		<ul style="list-style-type: none"> Section 3.4 onwards is re-wording of previous policy with additions of potential for disciplinary hearing if appropriate and a right of appeal

		<ul style="list-style-type: none"> Section 5 – process for monitoring Compliance amended
		<ul style="list-style-type: none"> Section 6 – References – updated to reflect current legislation / guidance
		<ul style="list-style-type: none"> Section 8 – Duties and Responsibilities amended; removal of case manager and investigator responsibilities
		<ul style="list-style-type: none"> Appendices to previous policies removed: legal background, mediation flow chart, appeals process, definitions, Dignity at work form

List of Stakeholders who have reviewed the document

Name	Job Title	Date
CPFT Children and Families Care Group	Governance and Network Management Teams	Via email during August/September 2018
CPFT Mental Health Care Group	Senior Management Team	Via email during August/September 2018
CPFT Corporate Care Group	To all Heads of Services	Via email during August/September 2018
CPFT Community North Care Group	Senior Management Team	Via email during August/September 2018
CPFT Specialist Care Group	Senior Management Team	Via email during August/September 2018
NCUH	Senior Management Teams across Care Groups and Corporate functions	Via email during August/September 2018
Joint HR Policy Sub Group	Trade Union representatives	20 September 2018 & 13 December 2018
Joint Partnership Forum		9 January 2019