

Policy Document

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Dignity at Work

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6	May 2017	This policy deals with concerns that can be addressed through informal processes. If a concern is raised that is considered to constitute bullying or harassment this will be addressed formally through the Trust disciplinary processes as outlined in HR01 Disciplinary Policy and Procedure.
7	June 2021	Minor changes and reformatted to revised Trust Policy Template

Statement on Trust Policies

The latest version of 'Statement on Trust Policies' applies to this policy and can be accessed [here](#)

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1. INTRODUCTION

The University Hospitals of North Midlands is committed to creating an environment of positive working relationships. To preserve and protect such an environment, the organisation has policies and procedures that set out standards of conduct that must be observed and enable staff to raise concerns when problems arise. UHNM believes that every employee has the right to be treated with equality, dignity and respect in the workplace and is committed to providing a supportive working environment to foster such a culture. By addressing unacceptable behaviour and promoting positive behaviour this Policy fully underpins the Trusts vision and values.

The Trust will continuously work towards an environment where:

- All forms of harassment and/or bullying are known to be unacceptable
- All employees understand the behaviour that constitutes harassment or bullying is unacceptable and that appropriate measures, including disciplinary action may be taken
- Individuals feel confident to raise concerns without fear of reprisal or victimisation
- Employees feel empowered to deal with conflict and locally resolve issues
- Support and counselling is provided for all parties
- Employees are encouraged to access their trade union representative for advice, support and representation at all stages of the process or can access an Employee Support Advisor

The policy aims to:

- Promote the values of the Trust and expected standards of behaviour, which are defined in the Trusts Values, Behaviours and Standards
- Ensure all employees are aware of the types of behaviour which may constitute bullying or harassment and their responsibilities in preventing such behaviour
- Outline the options available for raising a concern about a dignity at work problem, or more serious concerns of harassment or bullying
- Provide guidance for Managers on the processes to be followed once a dignity at work complaint or allegation of bullying or harassment is raised
- Explain to members of staff how and where to obtain help and advice
- Ensure that serious incidents of alleged bullying and harassment are investigated promptly, sensitively and objectively

All staff should read this policy carefully to ensure that they are aware of expected standards of behaviour and understand the procedure to be adopted if problems arise. The policy should also be read in conjunction with the following documents as appropriate.

Our Values, Behaviours and Standards

HR01 - Disciplinary Policy

HR03 - Grievance and Disputes Policy

HR18 – Disciplinary and Management of Performance Issues for Medical and Dental Staff

HR29 – Capability Policy

2. POLICY STATEMENT

Employees have the right to enjoy a working environment in which the dignity of the individual is respected. Both harassment and bullying by any employee, or any other person, in any form are unacceptable behaviours that undermine that dignity.

This policy deals with dignity at work concerns that can be addressed through informal processes. If the concern raised is considered to constitute bullying or harassment this will be addressed formally through the Trust disciplinary processes as outlined in HR01 Disciplinary Policy & Procedure. The Trusts Grievance and Disputes Policy and Procedure (HR03) is available for any concerns that cannot be resolved informally using this Dignity at Work Policy.

3. SCOPE

This policy applies equally to all staff working within the Trust. The Trust also has a duty to protect employees from harassment from third parties, e.g. contractors, visitors, patients and staff from other organisations.

4. DEFINITIONS

Dignity at Work Problems:

Even in normally happy workplaces there can be tension from time to time. A dignity at work problem can be defined as a breakdown in the working relationships between people at work, perhaps due to a misunderstanding, a lack of courtesy or clash of personalities for example.

Resolving these problems at any early stage before they become something more serious is important.

Bullying and harassment can be classed as misconduct and is unwanted behaviour which is offensive and does not respect the dignity of the recipient or others and is not justified by the working relationship.

The Advisory, Conciliation and Arbitration Service (ACAS) provide definitions of bullying and harassment for guidance

Harassment:

Harassment, as defined in the Equality Act 2010 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.

Harassment may be directed towards people because of their gender, age, sexual orientation, race, colour, ethnic origin, religious beliefs, physical or mental disability or some other protected characteristic.

Bullying:

Behaviour that is considered bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that 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 disadvantageous or unwelcome to the person or people subjected to it or witnessing it.

Appendix 2 provides examples of unacceptable behaviours that can be considered to constitute bullying and harassment.

Victimisation:

Victimisation is where a person is treated less favourably than others because they have either given evidence or brought a complaint of bullying, harassment or discrimination. Victimisation is unlawful and will not be tolerated.

5. RESPONSIBILITIES

5.1 Responsibility of the Trust Board

The responsibility for the provision of the Dignity at Work Policy rests with the Trust Board, which places great importance on staff wellbeing and will not tolerate bullying and harassment behaviours at any level in the organisation. The Trust Board will ensure that:

- All staff are aware of the expected Trust values, behaviours and standards
- The Policy is implemented through the Trust's Line Management structure and that all staff are made aware of their personal responsibilities under this policy
- Formal training to support this policy is provided to appropriate staff, in particular people who investigate formal dignity at work complaints and those who have been identified as Employee Support Advisors and any others who support and advise individuals who complain or are complained about. This is essential to ensure that complaints are dealt with quickly and thoroughly
- All staff have access to an Employee Support Advisor
- All staff have access to confidential independent counselling through the Staff Counselling Service if they wish
- Policy provisions comply with UK law

5.2 Responsibility of the Human Resources Department

It is the responsibility of the HR Department to provide appropriate training and on-going support in the application of the Policy in individual cases, for all managers. It is the responsibility of the HR Department to ensure that the Policy is continually developed and updated.

5.3 Responsibility of Managers

All line managers are responsible for setting a good example by treating all employees with dignity and respect. They are responsible for ensuring that all their staff are aware of the behaviour expected of them and that unacceptable conduct is challenged and corrected. They can do this by:

- Creating an environment and culture where everyone is treated with dignity and respect and destructive forms of behaviour are not tolerated
- Setting examples and standards of behaviour in the workplace that include treating staff with dignity and respect, and being aware of how their behaviour affects other people
- Making colleagues aware that harassment and bullying is unacceptable and will not be tolerated in the workplace
- Promoting a good communication culture with staff and between staff
- Ensuring staff know about this Policy and know how to raise dignity at work and harassment or bullying issues, and the importance of doing so at the earliest opportunity
- Recognising disruptive behaviour and taking action where it occurs working to find solutions to support staff who may feel they are being bullied, harassed or treated in an inappropriate manner
- Dealing with any complaints fairly, thoroughly, quickly, and sensitively, respecting the feeling of all concerned
- Ensuring that there is no retaliation against the person who made the complaint - recognising that gossip about inappropriate behaviour, bullying or harassment can be disruptive
- Ensuring that all allegations are dealt with
- Maintain confidentiality relating to all aspects of dignity at work cases at all times

5.4 Responsibility of Employees

All staff are responsible for adhering to this Policy. They are required to:

- Take personal responsibility for their own behaviour and to set a positive example by treating others with respect and dignity at all times and complying with this Policy
- Speak to an individual who they have a dignity at work concern with or write to him/her expressing their concerns informally and asking that the behaviour stop. This should be done in a constructive manner. This can be with the help and support from one of the Employee Support Advisors. If this is not felt to be possible, alternative methods of addressing the behaviour are described in the Procedure in Appendix 1 of this Policy

- Be aware of how their behaviour can affect other people
- Refrain from participating in or encouraging any forms of inappropriate behaviour, harassment or bullying and be aware of the problems which this can cause
- Provide support to anyone being harassed or bullied, advise them to contact an Employee Support Advisor and to familiarise themselves with this Policy
- Report any incidents of harassment or bullying in the workplace at the earliest possible opportunity
- Listen constructively to feedback on own behaviour

5.5 Responsibilities of Employee Support Advisors

Employee Support Advisors have a responsibility to:

- Ensure they fully understand this policy and the options available to staff who feel they are being treated inappropriately at work
- Keep a record of the cases they deal with and store the details securely
- Provide appropriate support to staff who request it
- Report on cases by number and protected characteristics to HR when requested

5.6 Role of Staff Side

It is the role of staff side to raise concerns, or provide support on a member's behalf as necessary in relation to this policy. Trade Unions are encouraged to work collaboratively with the Trust in tackling bullying and harassment in the workplace.

6. PERFORMANCE MANAGEMENT

The Trust has a right to manage an employee's performance or behaviour at work and give feedback in a legitimate, constructive and fair way. This is performance management and not bullying or harassment, and should be handled under the Trust's normal capability processes.

Appendix 3 illustrates the distinctions between firm but fair management and bullying.

If a member of staff is having their performance or behaviour managed and during the process raises an allegation of bullying or harassment, their performance or behaviour will continue to be managed [if necessary by another manager].

Malicious complaints can have a serious and detrimental effect on a colleague. Any unwarranted allegation made in bad faith will be regarded as a disciplinary matter and may result in summary dismissal.

7. STAFF SUPPORT

7.1 Employee Support Advisors

Wherever possible, the Trust believes it is in the best interests of all parties to attempt to resolve conflicts and complaints informally and locally. This does not take away from the seriousness of issues but helps to maintain relationships both at individual and team level and aid a more speedy resolution and remove the stress that formal processes can induce.

It is recognised that in some cases, a member of staff may find it difficult to discuss their concerns with the individual directly, or with their manager or colleagues and may find it helpful to seek confidential and independent advice and support, without obligation to take the complaint further.

The Trust has appointed a number of Employee Support Advisors to provide impartial and confidential advice and guidance within the terms of this Policy.

Any member of staff who has a dignity at work concern or who considers that they are

experiencing bullying or harassment at work can approach one of the Employee Support Advisors [ESAs]. A list of ESAs is available on the intranet.

An ESA will:

- Make sure they find a quiet place to discuss the issue confidentially and without interruption Listen carefully to what they are being told, and make notes to ensure that they remember everything said to them. Such notes should be stored under confidential cover in a locked cabinet or if stored on a PC must be password protected
- When they are sure that they understand the facts, start to discuss the situation and explore the options open to the person
- Ascertain whether the person was having their performance managed and if so, it may be appropriate, with the persons' consent, to take advice from the relevant HR Manager. The complainant must be informed that if they wish to take the matter further, and the allegation is against the manager who was managing their performance, their performance will continue to be managed - if necessary by another manager
- The member of staff may ask to be accompanied by a Trade Union representative or work colleague when meeting with an ESA. If having been approached, an ESA wishes to seek advice on how to deal with an alleged case of harassment or bullying they should seek the agreement of the person who has confided in them. If the ESA does not feel that they can offer advice, they should explain why that is the case and if the individual requires further advice, refer them to the Human Resources department
- An individual being complained against may also approach an Employee Support Advisor for support

7.2 Staff Counselling Service

The Trust recognises that being involved in this process can be extremely stressful. The Staff Counselling Service can provide confidential counselling and support and is accessed by a self-referral. Contact the department on Ext. 79990 or via the Intranet.

7.3 Occupational Health Service

The Occupational Health Service will provide support to any member of staff involved in a dignity at work issue.

8. EDUCATION AND TRAINING

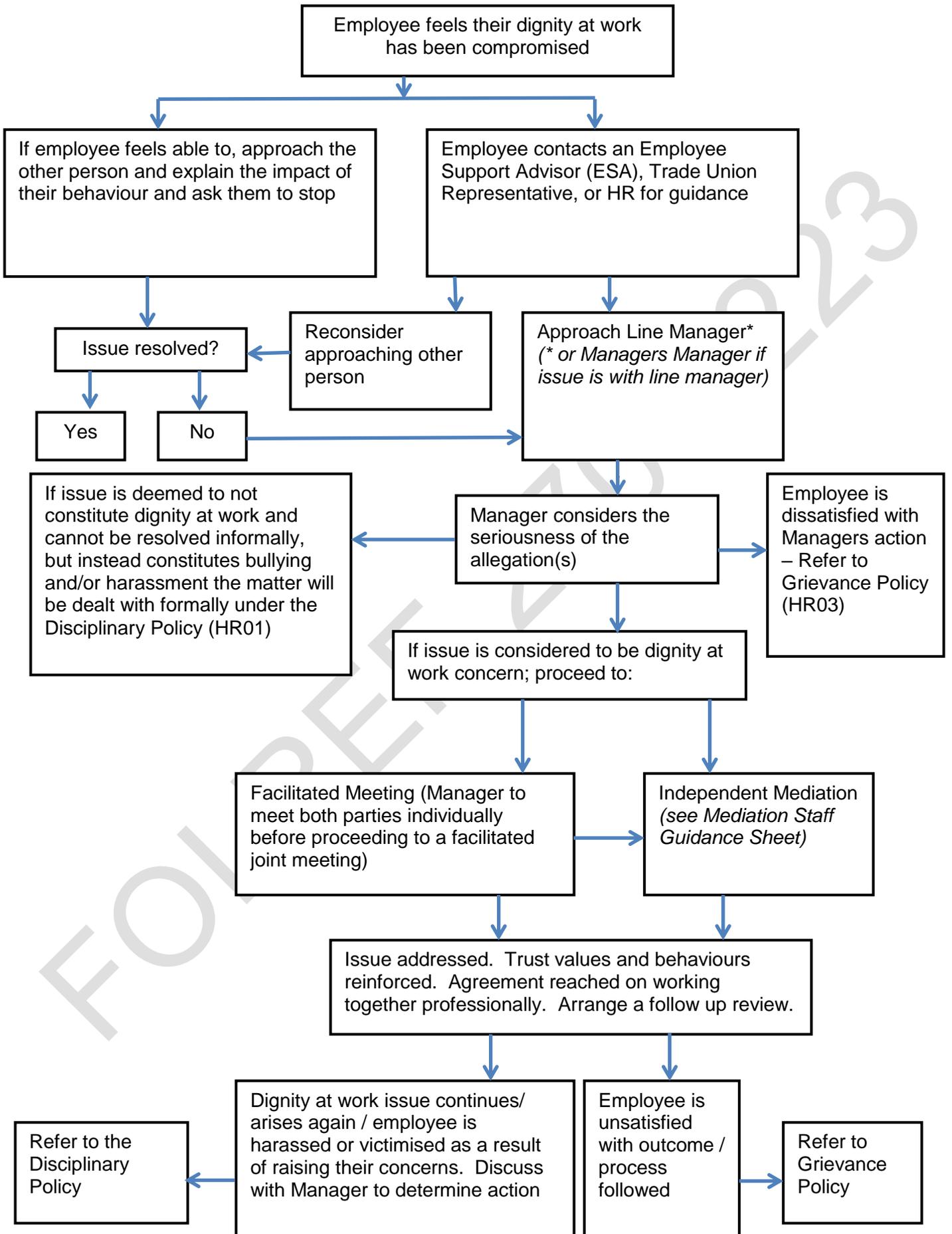
Education and training in the application of the Policy will be part of the Equality and Diversity training course held on a regular basis and available to all staff. All training received should be recorded in staff personal records ideally within ESR.

9. MONITORING AND REVIEW

This policy may be amended at any stage by joint agreement. In any event the policy will be reviewed and updated in line with any changes to legislation and a formal review will take place by May 2020.

Aspect of compliance or effectiveness being monitored	Monitoring Method	Individual or Department responsible for monitoring	Frequency of monitoring activity	Group/committee/ forum which will receive the finding/monitoring report	Cttee/Individual responsible for ensuring actions are completed
Duties		Managers/HR	As required	TJNCC, LNC, Hospital Management Forum	Hospital Management Forum
Statement by the organisation that harassment and/or bullying is not acceptable	Periodic review of the policy	HR	In line with policy review timetable	TJNCC, LNC, Hospital Management Forum	Hospital Management Forum
Process for raising concerns about harassment and/or bullying	Divisional Performance Reports if issues are raised to the formal stage	Employee Support Advisor Divisional HR Manager	As required	Divisional Performance Reports	Relevant Line Manager
Process to be followed once a concern has been raised	Formal cases being dealt with is reported in Divisional Performance Reports	Employee Support Advisor Divisional HR Manager	As required	Divisional Performance Reports	Investigating Officer/relevant Line Manager
Organisation's expectations in relation to staff training as identified in the training needs analysis	Training is reported in Divisional Performance Reports	HR	Monthly	Training is reported in Divisional Performance Reports	HR

Appendix 1: Dignity at Work Process Flow Chart And Procedure



DIGNITY AT WORK PROCEDURE

1. HOW WILL DIGNITY AT WORK CONCERNS BE DEALT WITH?

Every attempt should be made to resolve complaints at the lowest possible level and at the earliest possible stage, wherever possible.

2. INFORMAL ACTION

Informal action can be taken in the following ways:

2.1 Personal Action

An approach to the person considered to be using inappropriate language or behaving inappropriately, with an explanation of why their language or behaviour is unacceptable.

The person complaining should clearly:

- Object to the behaviour (either verbally or in writing) by stating directly to the person concerned that you find their behaviour to be unwelcome and upsetting and that it should stop
- Make reference to this policy
- Keep a note of when the approach was made and what happened
- Ask an Employee Support Advisor or colleague to accompany you to talk to the person concerned if they cannot face him/her on their own
- Consider making a self-referral to the Staff Counselling Service or Occupational Health Service

2.2 Involvement of a Manager / Facilitated Meeting

If a personal approach (as above) fails or is inappropriate, informal action by a line manager may be more effective. The advantages are:

- It provides an opportunity for the manager to be satisfied that the individual complained about fully understands the requirements of the policy
- It provides quick and effective solutions
- It keeps embarrassment and the risk of confidentiality breaches to a minimum it minimises disruption at work

After discussing the issue with the complainant, the manager should speak to the person being complained against to attempt to resolve the issue. This informal and confidential discussion should explore:

- How the complainant is feeling as the result of their behaviour the views of the person being complained about
- How the behaviour may be contrary to the Dignity at Work policy and the required standards of behaviour
- The likely consequences of continuing the behaviour
- How the on-going situation will be monitored and over what timescale

The manager must make a note of both discussions. These notes should be retained at departmental level. Copies of these notes will be available to the party involved in the discussions on request.

Following these discussions, the manager should provide feedback to the complainant. If appropriate, the manager can offer to facilitate a joint meeting with both sides to re-establish effective working relations.

Involvement of the line manager will not be appropriate if it is the line manager who has been complained

about. In that case the complainant should ideally, if they feel able to, escalate their concerns to their next level of manager. Alternatively, take advice from either an Employee Support Advisor or HR about who would be the most appropriate person to involve.

Personal action approach should not be taken if, in the opinion of the manager, the seriousness of the complaint makes it inappropriate and should be investigated formally using the Disciplinary Policy.

2.3 Mediation

Mediation can be considered at any stage in the process and is more effective the earlier it is used.

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals to reach a solution that is acceptable to everyone. Mediation assists individuals to:

- Explore the issues, feelings and concerns of all participants and rebuilding relationships
- Encourage those involved to understand and empathise with the feelings of those they are in conflict with
- Help participants develop the skills to resolve workplace difficulties for themselves in the future
- Encourage communication and develop realistic agreements about working together and future behaviour

2.4 Personal Development

Recognising that behaviours have not been acceptable is an important step in ensuring that similar concerns are not repeated. Managers should encourage the person complained about to access relevant personal development programmes provided by the People and Organisational Development Department, or initiate other support such as Coaching or Mentoring, as part of a supportive package.

3. Sickness Absence

If either or any of the parties involved in a dignity at work process goes off sick it is important that the issue can still be dealt with as soon as possible. Attempts should be made to still resolve the issue on an informal basis if possible.

If the member of staff goes off sick either prior to or subsequent to raising a complaint of harassment or bullying they should be advised by their manager to contact an Employee Support Advisor. They will be advised by the ESA to write to the person they are complaining about explaining why they feel the behaviour has been inappropriate. The ESA will help them with this letter if required. If possible a facilitated meeting or mediation will then be arranged.

If the member of staff against whom the allegation is made goes off sick, advice should be sought from the Occupational Health Department to ascertain whether they are fit to take part in the process. If they are not fit they should be managed under the Sickness Absence Management Policy and Procedures (HR14). If they are fit to take part they should be invited to either attend a meeting with the manager with the aim of arranging a facilitated meeting with the person who has made the allegation. If they do not feel able to attend a meeting with their manager they will be asked to write a response to the allegation.

4 FORMAL ACTION

Complaints that fall under the following categories will be dealt with in accordance with the Trust Disciplinary Policy HR01. Please refer to this policy, where:

- The seriousness of the allegation(s) is deemed to be inappropriate for informal resolution e.g. an allegation of physical or sexual assault or stalking
- The inappropriate conduct continues after an informal approach has been attempted
- Retaliatory behaviour is experienced

Appendix 2: Examples of Unacceptable Behaviour

Examples of unacceptable behaviour that can be considered to constitute bullying or harassment include, but not limited to:

- Bullying by exclusion – this may take the form of social isolation and or exclusion from meetings
- The deliberate withholding of information or resources with the intention of affecting a colleagues performance
- Unfair and/or destructive criticism
- Intimidating behaviour e.g. unwanted physical contact, physical threats or abusive gestures
- Verbal abuse e.g. propositions or remarks, innuendos, jokes, lewd comments or abusive language or spreading of unfounded rumours
- Humiliation or ridicule
- Setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
- Deliberately setting someone up to fail a task that is beyond their remit or capability
- Deliberately undermining a competent worker through work overload and constant criticism
- Overbearing supervision or other misuse of power or position
- Criticism in public with the intention to humiliate
- Copying of correspondence that are critical about someone to others that do not need to know
- Inappropriate comments on social networking sites
- Shouting and swearing, not necessarily directed at staff

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images, email, telephone, social media etc.

Appendix 3: Example of Firm But Fair Management Versus Bullying Or Harassment Behaviours

Firm but fair management	Bullying and harassment behaviour
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results, but is reasonable and flexible	Unreasonable and inflexible
Knows their own mind and is clear about their ideas but is willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believe they know best and is not prepared to value other people's opinions
Insists on high standards of service in the quality of and behaviour of the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived concerns before forming views or taking action and does not apportion blame on others with things go wrong	Loses their temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening and does not listen
Treats staff with dignity and respect at all times	

Appendix 4: Internal and External Support

Internal Support:

- Employee Support Advisors
Intranet – Business\Human Resources\Employee Support Advisors
- Occupational Health Department
Tel: 01782 554400
Intranet – Clinicians\Support Services\Occupational Health
- Staff Counselling Service
0300 124 0104
Intranet – Services\Counselling & Mediation
- Chaplains
Tel: 01782 676400 or extension 76400
Intranet: Services\Chaplaincy
- People and Organisational Development
Intranet: Education\People & Organisational Development
- [UHNM Staff Networks](#) for Ethnic Diversity, LGBT+ and Disability & Long Term Conditions

External Support

- The Samaritans
www.samaritans.org.uk
116 123
- Equality & Human Rights Commission
(Equality Advisory and Support Service)
www.equalityhumanrights.com
0808 8000082
- Citizens Advice Bureau
www.citizensadvice.org.uk
03444 111 444
- Advisory Conciliation & Arbitration Service (ACAS)
www.acas.org.uk
0300 123 1100
- Stonewall LGBT Charity
www.stonewall.org.uk
08000 502020