

Prevention of Bullying & Harassment Policy

Policy Control

Board Library Reference:	P118
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Date of Authorisation:	Sep 2018
Review Period:	3 Yearly
Review Date:	2021
Committee Approval:	September 2018

Version Control

Version No	Date	Editor Initials	Consultation Route	Revision Description
1.0	23 Dec 2005	LN	Board	New Policy
1.1	04 Sept 2007	AM	Integrated Governance Committee	roll forward the review date to July 2008
2.0	24 Sept 2008	AM	Board	Historical amendments not recorded
2.1	01 Sept 2009	AM	Historical records not recorded	Amendment to passages concerning representation and support following adoption of Policy Concerning Staff Accompaniment.
2.2	03 Dec 2009	AM	MWG	Administrative development to section 7.
2.3	04 May 2010	CS	Q&HGC	Historical amendments not recorded
2.4	18 Jan 2011	TW	Quality & Healthcare Governance	CNST administrative amendments
2.5	01 Mar 2011	TW	Quality & Healthcare Governance	Further CNST administrative amendments
3.0	04 Oct 2011	TW	Quality and Healthcare Governance	Historical amendments not recorded
4.0	10 May 2012	TW	Quality and Healthcare Governance	Historical amendments not recorded
4.1	1 June 2014	SJ	Historical records not recorded	Administrative updates made to reflect Trust structures
4.2	05 Nov 2014		SMT	Revision and updates.
4.3	03 Feb 2015	JB	Historical records not recorded	Addition of details re informal grievance procedure
4.4	20 Feb 2015	RC	Historical records not recorded	Addition of references to Freedom to Speak Up report and amendments about records of concerns not being held in complainant personnel records.
4.5	04 Dec 2017	ES	GNG	Policy expiry date extended
5.0	19 Sep 2018	ES	Policy Review Group, GNG, HRD sign off	Policy refresh and redraft in line with Listening into action and feedback

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Prevention of Bullying & Harassment Policy

1. What this policy Covers

The Trust is fully committed to promoting a positive working environment with a culture of support where no one feels bullied or harassed. We view such behaviour as unacceptable and therefore it will not be permitted or condoned.

The aim of the Trust is to foster a culture where issues raised are tackled decisively and create a bully-intolerant workplace.

Further information can be found at the following websites:

- [Ourspace Link](#)
- [Dignity at Work Policy](#)
- www.acas.org.uk
- www.bullyonline.org

This policy will:

- Clearly set the Trust's expectation for acceptable behaviour.
- Help you understand what "bullying & harassment" means and describe what behaviours may be considered as bullying or harassment.
- Detail the responsibilities of managers and others in maintaining an environment where all employees treat each other fairly and with mutual respect.
- Explain how you can get help or make a complaint if you feel you or another person is being bullied and/or harassed.

2. Principles

All allegations will be taken seriously; prompt action taken and protection provided where necessary. If an employee behaves in such a way that is disrespectful, bullying or harassing in nature, then they can expect at the very least to have a conversation with a manager to address the issue.

No individual should be victimised as a result of raising a complaint or supporting any individual to raise a complaint. Such behaviour may be dealt with under the disciplinary policy.

- Contrary to popular belief, an individual does not need to put issues in writing to raise an issue informally – the expectation is that management will discuss issues directly and act as and when they are communicated to them.
- Managers will treat allegations in good faith. Similarly there is an obligation upon employees that issues must also be raised in good faith - If it is established that this is not the case, disciplinary action may be considered.
- If formal processes are deemed necessary then management will refer the case to the separate Trust [Disciplinary](#) or [Grievance](#) process.
- Lack of action by management is not acceptable and should be challenged.

3. Responsibilities

- Executives/Senior Management** have overall responsibility for developing and maintaining a reasonable, open, fair and consistent culture and ensuring that cases are dealt with fairly.
- Targets of Bullying & Harassment** are encouraged to try to make a record of incidents, gather any evidence, consider using the support mechanisms available and raise issues or concerns they have with an appropriate individual.
- Individuals accused of Bullying & Harassment** should [reflect on how their behaviour may have impacted on](#) others and cooperate fully with the process and seek support if required.
- Managers** have additional responsibility and will act to protect targets, investigate



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situations thoroughly and be wise of common manipulation behaviours.

Individuals who raise issues are champions of the Trust's Values and will not be seen as 'trouble-makers'. They have the courage to speak up and seek change.

- We encourage **Witnesses** to act as a supportive bystander, challenge behaviour when and if safe to do so and report as appropriate. In return a supportive mechanism should be initiated by line managers/supervisors.
- [Unions, Freedom to Speak up Guardian & Prevention of Bullying & Harassment Champions](#) should provide independent support and assistance and guide targets or those accused to seek a solution.
- **All trust employees** are responsible for ensuring compliance with conduct requirements and engaging in all trust processes fully.
- **Employee Relations (ER) Team** are responsible for providing professional HR advice, support and should be consulted on all cases of this nature.
- **All** involved should maintain confidentiality where possible.

4. Definitions

4.1 What is Bullying & Harassment?

Unwanted unreasonable behaviour that makes someone feel intimidated degraded, humiliated, undermined and/or offended. Harassment is unlawful; it can be obvious to



others or insidious, involve individuals or groups and can take place within written communication, online as well as face-to-face.

4.2 What is not Bullying & Harassment?

It is not:

- A personality clash.
- A personality conflict for which both parties are responsible for.
- A reasonable instruction.
- Feedback on performance.
- Justifiable management intervention.
- Individuals raising concerns/welfare issues about you to your line manager.

4.3 Formal Mediation consideration

- Mediation it is not always suitable but can facilitate healthy communication and may aid in resolving many situations.
- Mediation should always be carefully considered and we recommend you speak to the [mediation coordinators](#).

4.4 In Summary

Standards of behaviour that violates the [Trust's values and expected conduct](#) is unacceptable whether it is intentional or not. Ideally such behaviour should be nipped in the bud at an early informal stage without the need for formal intervention; likewise it may need be treated as a disciplinary matter.

"When issues are reported, management are advised to prioritise and address the issue informally."

5. Policy in Practice

The Trust recognises that such situation may be distressing and as such will treat seriously all issues raised in respect of bullying & harassment.



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5.1 What records should I keep if I think I am being bullied/harassed?

Keeping records is not essential and if you haven't kept any this does not stop you being able to raise an issue. However, records and evidence can aid us in looking into your complaint and can be used if formal action is taken. Any records should be factual and as objective as possible. Try to include:

- Time/date/location.
- Circumstances/background/response.
- Nature of incident.
- The effect of that behaviour.
- Names/details of witnesses.

A lot of people assume that you can't use historical information, this is incorrect. If the behaviour continues, all incidents remain relevant as they establish a pattern of behaviour. However prompt reporting does aid the fact-finding process.

5.2 How do I raise a complaint or concern?

Initially issues will be dealt with informally. Should you feel that you are able to try to address the situation yourself, then we have provided a [letter template](#) to facilitate this approach.

Should you prefer that management address the situation, then we ask that you discuss this with your line manager verbally or in writing. Should the concern relate to your line manager, then please discuss this with the [Employee Relation team](#) who will facilitate finding a suitable independent manager.

“Should you be unsure, need advice and/or support, the Trust has [various resources available to you](#)”.

5.3 I am not sure I feel able to report?

Should you feel unable or unsure or just wish to talk through the situation first, there are a number of individuals in and outside the Trust who we would strongly recommend you [talk with](#).

5.4 What will my manager do to support me?

In addition to trying to address your concerns management may also consider if any of the following may protect all individuals involved.

- Amend line management, relocation, duties of either or both parties.
- Place parties on alternate shift patterns.
- Referral to wellbeing resources for example to discuss and try and address their behaviour and prevent further instances.
- In line with the Disciplinary policy suspension of the alleged perpetrator.
- Arrange support for either parties such as:
 - ☑ key contact appointed
 - ☑ Union/Champion Representative
 - ☑ Occupational Health referral
 - ☑ Wellbeing referral
 - ☑ Additional supervision

Any temporary adjustment is a neutral act of protection for all those involved and is not a disciplinary sanction.

Should the above not be discussed, please do feel free to discuss this with your manager so that options can be reviewed to ensure a reasonable approach is taken. A discussion may also be held and a plan developed for return.

5.5 What can I do if it is from a service user, family and/or carers?

You should any issues as soon as possible with your manager. They will then consider the



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situation, in discussion with the multi-disciplinary team, taking account of the service user's needs and intention.

Support should be offered to you, and measures to resolve the issue discussed. If it is not possible to re-locate the service user, and other solutions are not possible, it may be necessary to re-allocate the case or temporarily move you to another location.

You should not suffer a detriment as a result and the team should maintain contact and offer supervision until such time as you can return to your permanent base.

If the behaviour of the service user or their carer amounts to harassment, (or other possible criminal offences) advice from the Trust's Local Security Management Specialist should be sought. (See also the Trust's [Violence Reduction and Management Policy](#), [Incident Policy](#) and [Security Policy](#).)

5.6 What Management Process will be followed?

Each case may be dealt with differently as management will need to adapt processes to the individual circumstances. Initially however we would encourage informal resolution if possible. The individual who has made you feel like this may be unaware of the effects or the implications that their behaviour has had and once informed, may adjust their conduct accordingly.

Formal processes will therefore be considered when these attempts have failed, or if the nature of the complaint is deemed to warrant formal action under another Trust process.

What is the Informal Stage?

On notification the independent manager will promptly conduct a fact-finding exercise to determine what action can be taken and if it

can appropriately be resolved informally, they may:

- Gather evidence making a fair assessment about the impact of the behaviour.
- Speak to individuals identified.
- Liaise with specialist if support required e.g. HR, Equality Lead, Occupational Health, Security Mgt Specialists etc.
- Examine the causes and any mitigation.
- Keep in regular contact with parties involved and recommend a way forward or formal action required under the Trust's [Disciplinary](#) or [Grievance and Disputes](#) policies.

The manager will maintain a local record of the fact finding exercise and any actions they recommended, e.g within supervision or [file notes](#). If formal action is recommended now or in the future, these records may form part of that process.

What possible solutions/outcomes may be suggested?

Each case will be dealt with based on its individual situation. Therefore, the below suggestions may not always be appropriate or alternatives may be put forward by any party:

- Facilitated discussion.
- Individual discussion.
- Mediation (please note point 4.3 above).
- Coaching/mentoring.
- Formal Processes initiated under the grievance / disciplinary process.
- Management under an alternative process stress/health management, performance management etc.

What if it continues or is deemed too serious to deal with informally?

Should you wish to make a formal complaint or if initial intervention has not stopped the behaviour then the process will continue



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under either the formal stage of the [Grievance and Disputes](#) policy or the [Disciplinary](#) policy. The manager should still however hold an initial conversation with the employee to determine that this is the most appropriate route or if alternative action may better suit the situation.

6. Monitoring

The Trust will monitor the policy through data gathering and analysis and will use frameworks such as Workforce Race Equality Standard to identify and where appropriate address disparities between different groups.

