



# DIGNITY AT WORK POLICY

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**Executive Lead:** Director of Workforce Transformation

**Status:** Approval date: September 2021

Ratified by: Trust Executive Committee

Review date: September 2024

**Patients first • Personal responsibility • Passion for excellence • Pride in our team**

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## History

Issue	Date Issued	Brief Summary of Change	Approved by
1	Mar 2001	New policy	Trust Board
2	Apr 2002	Review of statement – no changes. Version 2 issued, Review date updated.	Management Board
3	Oct 2007	Statement amended, Impact Assessment commenced and review date updated	Trust Executive Committee
4	Nov 2014	General review of policy. DAW investigations are no longer automatically in the remit of the Disciplinary Policy. Cross referenced to Conduct Policy for Practitioners (doctors & dentists).	TEC (Chair's action)
5	Nov 2020	Review to ensure compliance with 'Policy for Policies'	A Liles, Chief Exec. (Chair's action)
6	Sept 2021	General review and update	Trust Executive Committee

For more information on the status of this document, please contact:	HR Advisors, Employee Relations Manager, HR Business Partners
Date of issue	September 2021
Review due	September 2024
Ratified by	TEC
Audience	Trust employees

# ASHFORD & ST PETER'S HOSPITALS NHS FOUNDATION TRUST

<b>Dignity at Work Policy</b>
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**See also:** Disciplinary Policy  
 Single Equality Scheme  
 Grievance Policy  
 Freedom to Speak Up: Raising Concerns (Whistle Blowing) Policy  
 Appeals Policy  
 Learning, Education and Development Policy

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## 1.0 INTRODUCTION & BACKGROUND

This policy forms a part of Ashford and St Peter's Hospitals NHS Foundation Trust (ASPH) people strategy to being a great place to work and be a patient, where we listen, empower and value everyone. This policy forms part of Ashford and St. Peter's Hospitals NHS Foundation Trust's (ASPH's) commitment to create a positive culture of respect for all individuals including staff, patients, their families, and carers as well as community partners. The Trust's values (the '4P's') and Staff Pledge are integral to all aspects of day-to-day life in the organisation and underpin the application of all our employment policies and procedures.

The Trust has a duty to promote equality of opportunity and the removal of discrimination where it is found to exist and will apply this policy fairly and consistently irrespective of race, disability, gender, sexual orientation, religion or belief, age, transgender status, caring responsibilities, flexible working status, pregnancy, relationship status, staff association or trade union activity,

Ashford & St. Peter's wishes to ensure that all staff are treated with dignity and respect, and there is a working environment free from harassment and bullying. Harassment and bullying will not be tolerated at any level.

## 2.0 SCOPE OF POLICY

The statement applies to all staff, contractors and employees of other organisations who are on site, volunteers, visitors and patients at the point of service delivery.

## 3.0 PURPOSE & PRINCIPLES

This statement of policy sets out means by which individuals can seek redress if they believe that they are the subject of harassment, bullying or victimisation in the workplace. In addition, it ensures that the Trust meets its legal and ethical obligations.

The Trust recognises the adverse effects that harassment and bullying can have on individuals. It also recognises that poor working relationships are potentially harmful to the recipients of our service.

The objectives of this policy are as follows:

- To raise awareness of how to tackle bullying, harassment and victimisation in the workplace
- To outline the processes to be followed to raise and respond to concerns raised by staff
- To identify sources of support available to staff when handling cases of bullying and harassment
- To support managers and staff to identify and resolve issues in the workplace which are causing conflict between individuals and / or teams.

All concerns will be dealt with sensitively and confidentially. Victimisation as a result of making a complaint or giving evidence will not be tolerated.

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Not all acts of harassment or bullying are intentional. What is important is how the action is perceived.

Those making a complaint and those who are the subject of a complaint are entitled to be accompanied by a union representative or work colleague at any stage of the process.

Staff who become aware of other staff being subjected to harassment or bullying should bring the matter to the attention of their line manager or Human Resources professional.

The Trust wholeheartedly supports and will co-operate fully with Health Education England, London and South East statements on Bullying and Intimidation in Post Graduate Medical Education, which applies to doctors in training and the University of Surrey Harassment policy, as it applies to nursing and midwifery students.

‘At work’ includes off-site locations where work is carried out or any place where NHS care is delivered. It also includes any special events linked to employment, for example, conferences and work related social events.

With cases of potential bullying and/or harassment, the conduct may be persistent or may be an isolated incident. In all cases it is for the recipient to define what constitutes inappropriate behaviour.

## 4.0 RESPONSIBILITIES

### 4.1 Corporate / Trust-wide responsibilities:

- Corporate responsibility for this policy lies with the Director of Workforce Transformation
- This policy supports compliance with legislation, notably the Health & Safety at Work Act (1974); The Equality Act (2010) and the Protection from Harassment Act 1997
- To create an environment in which staff can grow, develop, and maximise their potential
- To ensure that the processes, attitudes and behaviour displayed within the Trust do not deliberately or inadvertently lead to groups or individuals being treated less favourably than others
- To ensure that all concerned are aware of this policy and of sources of available support; that managers and staff are aware of the expectations which follow from this policy; and what to do if these expectations are not met.

### 4.2 Managers:

- To promote and embody the Trust Values (4P's) and Pledge
- To highlight and endorse this policy and ensure that their staff are aware of its provisions
- To work pro-actively to prevent harassment and bullying taking place. Managers are responsible for setting and maintaining the standards of acceptable behaviour expected of staff

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- To ensure own behaviour is not construed as harassment by striving to act with fairness and equity at all times. This includes using considered judgment to correct standards of conduct or behaviour which could be seen as bullying and/or harassment, and to remind staff of these standards. Each member of staff carries responsibility for their own behaviour
- To ensure that any allegations or evidence of bullying and/or harassment are taken seriously and dealt with confidentially, sensitively and in a timely manner in accordance with this policy
- To ensure that, where staff require additional support (such as with reading, or if English is not the first language), appropriate help is provided. Examples could include interpretation or providing access to a hearing loop system.
- Failure to take action will be seen as a failure to carry out the full responsibilities of the role. This might result in disciplinary proceedings and may also render the Trust liable in any ensuing proceedings.
- Inform a HR Advisor or Business Partner if a complaint of harassment and/or bullying is raised.

#### 4.3 Individual members of staff:

- To have personal responsibility for the nature and impact of their own behaviour and to embody the Trust's values (4P's) and Pledge
- Staff members should be aware of their own behaviours and actions and how they might be perceived by others
- To address any incidents of unacceptable behaviour either directly with the individual concerned, or if more appropriate with their manager or the manager of the individual concerned.
- To seek help, advice and support if they believe that they may be the subject of bullying and/or harassment and, where possible, to work to resolve issues informally with support.

#### 4.4 Workforce & Organisational Development Department:

- To ensure that all staff are made aware of this policy at corporate induction
- To ensure that this Policy is applied fairly and consistently.
- To advise managers on the interpretation and application of this policy and support where appropriate
- To advise members of staff of their options when concerns are raised regarding potential bullying and/or harassment
- To monitor the incidence and trends of harassment and bullying, initiate action where it is identified as being required, and review this policy

#### 4.5 Trade Union Representatives

- Support employees to effectively raise their concerns
- Represent employees throughout the procedure where the member is a fully paid
- up member of the relevant Trade Union or professional body.
- Make every reasonable effort to attend meetings at the scheduled time to support employees.

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## 5.0 DEFINITIONS

**Bullying** may be defined as “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.” ACAS (Bullying and Harassment at Work)

**Harassment** is defined as “any conduct based on age, gender, pregnancy or maternity, marriage or civil partnership, sexual orientation, gender reassignment, disability, HIV status, race, religion, or belief political, trades union or other opinion, national or social origin, association with a minority, domestic, circumstances, property, birth or other status, which is unreciprocated or unwanted and which affects the dignity of men and women at work” (Agenda for Change Terms and Conditions Handbook 2012).

**Victimisation** is defined as “Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.” - ACAS (The Equality Act – What’s new for employers)

Further definitions and examples of behaviour that may be considered unacceptable can be found in Appendix 1

## 6.0 SUPPORT

It is recognised that being the subject of, being accused of, or witnessing harassment or bullying can be a distressing experience. The individuals concerned may feel uncomfortable in these circumstances and therefore the following options of support are available. Please see Appendix 2 for details of the internal and external support available to individuals.

## 7.0 PROCESS FOR RAISING CONCERNS ABOUT BULLYING AND HARASSMENT

It is advised that the listed stages below should be followed sequentially wherever possible.

### 7.1 Stage 1 – Informal

In many cases it is sufficient for the recipient of harassment or bullying to raise the problem with the person they think is harassing or bullying. It is advised that the individual points out to the person the perceived unacceptable behaviour, the effect it is having on them and ask them to stop as the person may be unaware of, or insensitive to, the impact of their actions.

This can be done either verbally or in writing. Where the harassed or bullied individual feels unable to approach the person responsible directly, they should seek advice from a manager, HR representative, trade union/staff association representative or Freedom to Speak Up Guardians. It may be appropriate for the manager to offer to facilitate a structured conversation between both parties to assist at this stage. Where this approach is used, the manager is responsible for taking notes of the process.

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If the direct approach does not resolve the issue further advice should be sought from a manager, HR representative or trade union/staff association representative.

## 7.2 **Stage 2 - Formal**

The formal procedure will be used at the request of the complainant, where they can show that informal resolution has not worked or would be unlikely to work, or the issue is so serious that the informal procedure is not appropriate. They should put their complaint in writing to their line manager who will contact their HR Advisor/Business Partner for advice. Where the complaint is about their line manager, they should make the complaint to HR or to the 'grandparent' (e.g. the managers' manager). The manager should explore if any further informal action may be appropriate before instigating formal action and if so discuss any options with the complainant.

When formal action is to proceed, a commissioning manager (for doctors this will be normally be the Medical Director, Deputy Medical Director or a Clinical Director) will be identified by HR and an investigation team will be nominated to conduct the investigations. Consideration will be given to those carrying out the investigation to ensure they are impartial (they do not have close working links with the complainant or employee subject of the complaint) and are at an appropriate level within the Trust.

The commissioning manager will agree terms of reference for the investigation with the complainant so as to ensure that the complainant is clear what issues will be investigated). This can be done in person but where this is not possible or would cause an undue delay then the terms of reference may be agreed by e-mail/correspondence.

When the Terms of reference have been finalised a letter will be given or sent to the individual(s) under investigation, which will include:

- What allegations are being investigated
- The terms of reference
- Possible outcomes including formal action
- Support available to the individual

Where possible the Commissioning manager (or another manager deputising for them) will meet with the individual under investigation to inform them in person of the allegations and give them the letter at this meeting but the process should not be unduly delayed pending a meeting.

For staff under Agenda for Change (AfC) terms and conditions, all individuals involved with a dignity at work investigation will have the ability to contact another divisional HR Advisor who is not already involved with the matter, for support and advice. This may be in relation to the process, the progress of the investigation or the impact of the investigation on working relationships. Any independent advisor contacted will have no formal role in the investigation or subsequent formal action. For medical and dental staff a non-executive member of the Board will be appointed to oversee the progress of the case (as per the MHPS framework).

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Consideration may need to be given to making reasonable workplace adjustments or to the appropriateness of removing one or both parties from the immediate department to minimise any adverse impact on the individuals involved and to prevent the risk of further complaints arising. Suspension/exclusion from work duties will only be considered as an absolute last resort with the agreement of the Director of Workforce Transformation or Assistant Director of HR - Business Partnering.

The investigation should be conducted in a timely manner and where possible within **four weeks** of the Terms of Reference being agreed, in order to minimise the potential adverse effects on both parties. The complainant and individual under investigation will be kept informed by the commissioning manager if additional time is required to complete the investigation.

The purpose of the investigation is to establish the facts and determine whether harassment or bullying have taken place. At the investigation meetings both the complainant and the employee subject of the complaint will be entitled to be accompanied by a trade union, staff representative or work colleague. Each party will have the opportunity to state the facts as they see them and to identify others who can act as witnesses.

Once the investigation has been completed, recommendations will be made on what further actions should be taken, which will include:

- Taking no formal action
- Taking formal action such as a disciplinary hearing or a conduct hearing for doctors/dentists (in accordance with MHPS and the Trust Policy for Conduct, Capability..... for Practitioners)
- Taking informal action such as mediation
- Other appropriate recommendations

On receipt of the investigatory report it is the responsibility of the commissioning manager to confirm what further action is appropriate.

Where possible, the commissioning manager will meet with both parties separately to convey the outcome of the report and the decision on whether further action will be taken. This will be followed up in writing within **10 working days** which will confirm the conclusions of the investigation. Where it is not possible to meet with both parties, the commissioning manager will inform both individuals of the outcome in writing.

Where the decision is to refer the matter to a formal disciplinary/conduct hearing both parties will be informed of this by the commissioning manager and a hearing arranged as quickly as possible. The hearing will be held in accordance with the Trust's Disciplinary Policy or for doctors and dentists the Trust Conduct, Capability, Ill Health and Appeals Policies and Procedures for Practitioners. For staff other than doctors/dentists, the commissioning manager will hear the case and the investigating manager will present the management statement of case.

Witnesses will be informed in writing if they are required to participate in any further formal processes. The complainant may be called as a witness, if required. The investigation report will not be released unless a decision is taken to proceed to a formal hearing. If the case proceeds to a formal hearing, the report will only be released with the employee who is subject to the complaint

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Following a hearing, the complainant will be informed in writing by the Chair of the Hearing if their complaint has been upheld in the hearing and/or other recommendations and outcomes only if they are directly affected, but will not be informed of any disciplinary sanctions given.

If the investigation concludes that the complaint has not been made in good faith (i.e. made maliciously or vexatiously), the commissioning manager should decide whether disciplinary/conduct procedures are invoked for the complainant.

Please see Appendix 3 for a summary of the steps to be followed in Stage 2

### 7.3 Appeals

In the case of a formal disciplinary/conduct hearing taking place the employee who is the subject of the complaint will have the right of appeal as per the Trust's Appeal Policy. They may appeal if it is felt that that the process of investigation and subsequent application of the disciplinary procedure has been unfairly or poorly carried out or agreed.

#### 7.3.1 Appeals from Complainant

The complainant may appeal if it is felt that the process of investigation and any outcomes have been unfairly or poorly applied. The complainant may not appeal against the severity or leniency of any disciplinary action taken.

In cases where the matter will not be proceeding to a disciplinary / conduct hearing, the complainant must submit their complaint within 10 working days of receipt of the outcome letter.

In cases where the matter has case has been reviewed at a formal disciplinary / conduct hearing, the complainant must submit their appeal within 10 working days of the receipt of the letter from the Chair of the Hearing.

Appeals from the complainant must be sent to the Director of Workforce Transformation, who will appoint the appropriate senior manager, to consider the appeal. The manager must be senior to the commissioning manager / Chair of the Hearing and must have had no previous involvement with the issues being considered. A Workforce and OD professional will act as advisor to the appeal panel. The appointed manager must arrange for an appeal hearing to take place as soon as possible following receipt of the letter of appeal.

The outcome of the appeal hearing must be shared in writing within five working days (unless the hearing is adjourned to allow longer deliberation).

### 7.4 Mediation

Mediation is where an impartial third party, the mediator, helps two or more people in conflict to attempt to reach an agreement. Any agreement comes

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from those in conflict, not from the mediator. The mediator is not there to judge, to say one person is right and the other wrong, or to tell those involved in the mediation what they should do. The mediator is in charge of the process of seeking to resolve the problem but not the outcome.

Mediation offers a safe and confidential space for participants to find their own answers. It does this by:

- exploring the issues, feelings and concerns of all participants and rebuilding relationships using joint problem-solving
- allowing those involved to understand and empathise with the feelings of those they are in conflict with
- giving participants insights into their own behaviour and that of others and opening up opportunities for change
- helping participants develop the skills to resolve workplace difficulties for themselves in future

Mediation is appropriate where the situation is not so serious as to warrant the formal procedure and where both parties are happy for a mediator to help resolve issues.

Either party can request mediation at any stage of the process, but both parties must agree to take part.

It can also be used as a way of restoring working relations after formal procedures have taken place. The role of the mediator will not be to solve the problem but to provide a process to arrive at a solution with an impartial person.

The Trust will maintain a small group of trained mediators who can be contacted through the Workforce and Organisational Development Department. Please contact a HR Business Partner/ HR Advisor for further advice.

## 8.0 DISSEMINATION AND IMPLEMENTATION

Once ratified, this policy will be forwarded to the Quality Department who will ensure that the policy is published on the Trust Intranet and that all staff are aware of its existence. Line managers also have responsibility of ensuring that all staff reporting to them are aware of this policy.

### **Training:**

All new staff will be made aware of this process at the corporate induction programme (included within the equality & diversity component).

Training on equality and diversity will be provided for existing staff in line with mandatory training requirements.

The policy will be available on Trustnet and advice on the application of this policy is available from the HR Business Partners/ HR Advisors.

Training will be provided for a proportion of staff to undertake mediation.

## 9.0 MONITORING OF COMPLIANCE

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The Workforce and Organisational Development Department will record all formal complaints of harassment and bullying in order to monitor the incidence and trends, as well as taking appropriate action. This includes issues which are raised directly, an analysis of contacts made with the employee assistance scheme, the annual staff survey, exit interview data and incidents reported under the Reporting and Management of Incidents Policy. Full regard will be given to confidentiality at all times.

## 10.0 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment Summary has been undertaken and is attached at Appendix 4.

## 11.0 ARCHIVING ARRANGEMENTS

This is a Trust wide document and archiving arrangements are managed by the Quality Department who can be contacted to request master/archived copies.

## 12.0 REFERENCES & BIBLIOGRAPHY

Agenda for Change Terms and Conditions of Service 2004 (and amendments)

South Thames Postgraduate Deanery (2000) Bullying and Intimidation in Post Graduate Medical Education

ACAS; A Guide for Manager and Employers: Bullying and Harassment at Work

NHS Employers; The Equality Act 2010: employment implications for the NHS - October 2010

ACAS CIPD (2008) Mediation, An Employer's Guide

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## APPENDIX 1 – DEFINITIONS & GUIDANCE

### **Bullying**

Bullying may be defined as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

### **Stereotyping**

A fixed, commonly held notion or image of a person or group, based on an oversimplification of some observed or imagined trait of behaviour or appearance. Stereotypical views can be positive or negative.

### **Prejudices**

An antipathy directed towards a group or an individual which is based on faulty and inflexible generalisations about supposed characteristics.

### **Discrimination**

Direct discrimination is where a person is treated less favourably because of their race, gender, disability, sexual orientation, religion and belief or age. Indirect discrimination is where a practice, requirement or condition which although applied equally to all individuals has an adverse disproportionate impact on a group of people because of their race, gender, disability, sexual orientation, religion and belief or age.

Not all acts of harassment or bullying are intentional however what is important is how the action is perceived by the individual. It does not have to be direct to have an impact on the individual. It is possible for bullying to take the form of indirect bullying such as creating a hostile environment around the individual. The effect can also be felt by observers of the bullying.

Bullying and harassment can take various forms, including:

- **Physical**  
e.g. kicking, hitting pushing, intimidating behaviour or interference with personal property
- **Verbal/Psychological**  
E.g. threats, taunts, name calling, spreading of rumours
- **Racial or faith based**  
E.g. targeted unacceptable behaviour motivated by racial intolerance. This can be based on difference of race, colour, ethnicity, nationality, culture or language
- **Sexual Harassment**  
E.g. sexual harassment may include unreciprocated and unwelcome contact, looks, physical contact or suggestions such as 'requests for sexual favours'
- **Homophobic bullying**  
E.g. name calling, innuendo or negative stereotyping based on sexual orientation or use of homophobic language. This could be less favourable treatment compared to those who are heterosexual
- **Bullying or harassment of people with disabilities**  
E.g. name calling, innuendo, negative stereotyping or excluding from activities based on disabilities or learning difficulties
- **Cyber bullying**  
E.g. online abuse via social media, text message, setting up inappropriate websites or sharing of inappropriate images of others

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**Examples of Bullying and Harassment in practice may include the following:**

*Please note that this is not an exhaustive list*

Bullying	Harassment
<ul style="list-style-type: none"> <li>• Shouting, swearing, rage or anger</li> <li>• Public humiliation or criticism</li> <li>• Constantly undervaluing effort</li> <li>• Never listening to others point of view</li> <li>• Physical violence or threats</li> <li>• Impatience or irritation</li> <li>• Spreading malicious rumours</li> <li>• Personal insults or name calling</li> <li>• Ganging up on or whispering/giggling about someone</li> <li>• Ignoring or excluding someone either socially or at meetings</li> <li>• Removing areas of responsibility</li> <li>• Imposing more menial asks</li> <li>• Setting people up to fail</li> <li>• Constantly changing targets</li> <li>• Withholding information</li> <li>• Obsessive control/management</li> <li>• Blocking applications for leave, training or promotion</li> <li>• Inventing complaints from third parties</li> <li>• Lack of public support</li> </ul>	<ul style="list-style-type: none"> <li>• Excluding or ignoring</li> <li>• Turning away or avoiding</li> <li>• Standing too close</li> <li>• Unwanted teasing or flirting</li> <li>• Facial expressions</li> <li>• Shortening or changing names without permission</li> <li>• Calling people dear, love or honey</li> <li>• Malicious gossiping</li> <li>• Personal comments</li> <li>• Making assumptions, for example, based on a person’s gender or ethnicity</li> <li>• Patting, pinching or grabbing</li> <li>• Sexual or physical assault</li> <li>• Pressure for sexual favours</li> <li>• Looking person up and down</li> <li>• Cornering or preventing a person from passing</li> <li>• Wolf whistles or cat calls</li> <li>• Sexual or mocking gestures</li> <li>• Damage to property</li> <li>• Racist remarks, jokes or names</li> <li>• Displaying pin ups or racist cartoons</li> <li>• Lewd suggestions or sexual innuendos</li> <li>• Putting a person down because of, for example, age, religion or disability</li> </ul>

**What Bullying is Not**

There may be times when individual or groups may feel they are being bullied or harassed because of a managerial style. It’s important to understand the impact of our communication and management style on others. However, what bullying is not, is the following:

- Legitimate and fair criticism of an employee’s work
- Legitimate and fair criticism of an employee’s behaviour at work
- Direct communication during line management
- Proper and correct monitoring of an employee under the relevant policy i.e. Capability Policy or Absence Policy
- Changing targets to suit business needs

## APPENDIX 2 – INTERNAL AND EXTERNAL SOURCES OF SUPPORT

### Internal

- Line Managers
- Staff in the Workforce & Organisational Development department  
Please see Trust intranet pages for contact details
- Occupational Health Department  
Telephone: 01932 722404 (Internal - 2404)
- Trade Union/Staff Association representative or other recognised Networks, for example the Black Asian Minority and Ethnic (BAME) Network, LGBTQ+ Network  
Please see Trust intranet pages for contact details
- Multi-faith support network
- Freedom to Speak Up Guardians  
Please see Trust intranet pages for contact details

### External

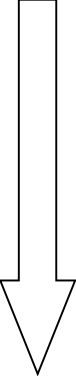
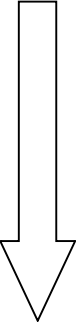

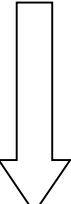
- Employee Assistance Programme (EAP)

This is a free, independent and confidential advice and counselling for employees, provided by Care first. This service can be accessed 24 hours a day on free-phone number 0800 174319. This can also be accessed online via [www.carefirst-lifestyle.co.uk](http://www.carefirst-lifestyle.co.uk) using the username: asp001 and password: employee.

- ACAS [www.acas.org.uk](http://www.acas.org.uk)  
0300 123 1100
- Commission for Equality and Human Rights 0808 800 0082  
<https://www.equalityhumanrights.com/en>  
[www.equalityadvisoryservice.com](http://www.equalityadvisoryservice.com)
- Samaritans 116 123  
01932 844444 (local)  
<http://www.samaritans.org/>
- Citizens Advice Bureau 01932 842666 (local)  
<https://www.citizensadvice.org.uk/>

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**APPENDIX 3 – SUMMARY OF STEPS TO BE FOLLOWED AT STAGE 2 (FORMAL)**

<b>Timeline</b>	<b>Complainant</b>	<b>Human Resources</b>	<b>Commissioning Manager</b>	<b>Investigating Officer</b>
<b>Pre - Investigation</b>  	Concern raised at Stage 2			
		Appoint Commissioning Manager and Investigating Officer		
			Agree Terms of Reference (ToR) with complainant and confirm in writing to the complainant	
			Meet with the individual under investigation to inform them of the allegations and investigation	
			Consider whether individuals need to be temporarily moved or suspended for the duration of the investigation	
<b>Investigation</b>  		Provide HR Support throughout the investigation		Undertake the investigation in a timely manner, once issued with ToR
				Complete an investigation report for the commissioning manager upon conclusion of investigation
<b>Next Steps</b>  			Upon receipt of investigation report, decide whether formal action is required	
			Meet with the complainant and the individual under investigation to advise of the outcome of the report and if further action is required. Follow this up in writing within <b>10 days</b>	
<b>Disciplinary Hearing and Subsequent actions</b>  			Set up a hearing and advise witnesses if they are required to attend.	
			If the matter proceeds to a disciplinary hearing and the Commissioning Manager is also the Panel Chair, to advise the complainant if their complaint has been upheld and/or other outcomes, as well as the right of appeal.	



## APPENDIX 4 – EQUALITY IMPACT RISK ASSESSMENT SUMMARY

**Name of Author: Employee Relations Manager**

**Policy/Service: Dignity at Work**

### Background

- Description of the aims of the policy
- Context in which the policy operates
- Who was involved in the Equality Impact Assessment

This policy forms part of Ashford & St. Peter's Hospitals NHS Foundation Trust's (ASPH's) commitment to create a positive culture of respect for all individuals including staff, patients, their families and carers as well as community partners. The Trust's values (the '4P's') and Staff Pledge are integral to all aspects of day-to-day life in the organisation and underpin the application of all our employment policies and procedures.

Ashford & St. Peter's wishes to ensure that all staff are treated with dignity and respect, and there is a working environment free from harassment and bullying. Harassment and bullying will not be tolerated at any level.

The statement applies to all staff, contractors and employees of other organisation's who are on site, volunteers, visitors and patients at the point of service delivery.

This statement of policy sets out means by which individuals can seek redress if they believe that they are the subject of harassment, bullying or victimisation in the workplace. In addition, it ensures that the Trust meets its legal and ethical obligations.

The Trust recognises the adverse effects that harassment and bullying can have on individuals. It also recognises that poor working relationships are potentially harmful to the recipients of our service.

The objectives of this policy are as follows:

- To raise awareness of how to tackle bullying, harassment and victimisation in the workplace
- To outline the processes to be followed to raise and respond to concerns raised by staff
- To identify sources of support available to staff when handling cases of bullying and harassment
- To support managers and staff to identify and resolve issues in the workplace which are causing conflict between individuals and / or teams.

All concerns will be dealt with sensitively and confidentially. Victimisation as a result of making a complaint or giving evidence will not be tolerated.

Not all acts of harassment or bullying are intentional. What is important is how the action is perceived.

Those making a complaint and those who are the subject of a complaint are entitled to be accompanied by a union representative or work colleague at any stage of the process.

Staff who become aware of other staff being subjected to harassment or bullying should bring the matter to the attention of their line manager or Human Resources professional.

The Trust wholeheartedly supports and will co-operate fully with Health Education England,

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London and South East, statements on Bullying and Intimidation in Post Graduate Medical Education, which applies to doctors in training and the University of Surrey Harassment policy, as it applies to nursing and midwifery students.

'At work' includes off-site locations where work is carried out or any place where NHS care is delivered. It also includes any special events linked to employment, for example, conferences and work related social events.

With cases of potential bullying and/or harassment, the conduct may be persistent or may be an isolated incident. In all cases it is for the recipient to define what constitutes inappropriate behaviour.

This Equality Impact Assessment was completed by the Employee Relation Manager and was reviewed by the wider HR Team (HR Business Partners and Advisors), as well as members of the following committees : Policy Sub Group, Employee Partnership Forum, Trust Executive Committee during July – September 2017.

### **Methodology**

- A brief account of how the likely effects of the policy was assessed (to include race and ethnic origin, disability, gender, culture, religion or belief, sexual orientation, age)
- The data sources and any other information used
- The consultation that was carried out (who, why and how?)

The likely effects of the policy were assessed by conducting a review of the formal Dignity at Work Cases that have been investigated over the last two years (September 2015 – September 2017), which are recorded in a central HR database. Staff survey results (2016) and the annual Workforce Race Equality Standard (WRES) reporting for 2016/17 were also reviewed.

### **Key Findings**

- Describe the results of the assessment
- Identify if there is adverse or a potentially adverse impacts for any equalities groups

The assessment showed that during the last two years there were more formal cases of dignity at work claims against female colleagues than male colleagues. The staff survey results showed a negative trend which was below the national average for staff reporting to have experienced harassment / abuse / bullying by their manager / colleague.

### **Conclusion**

- Provide a summary of the overall conclusions

The impact assessment showed ASPH employees are reporting that they do feel that they experience harassment and bullying from other employees. An analysis of the formal cases recorded indicates that more female colleagues have been subject to allegations of bullying and harassment than male colleagues.

### **Recommendations**

- State recommended changes to the proposed policy as a result of the impact assessment
- Where it has not been possible to amend the policy, provide the detail of any actions that have been identified
- Describe the plans for reviewing the assessment

No significant changes are being recommended to the policy as a result of this impact

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assessment. Further information has been included in the informal stage of the policy to allow managers to be able to address any concerns raised at the informal stage.

In order to respond to the data reported, the Trust will establish a Bullying and Harassment working group, comprising of staff side, management and employees. The purpose of this group is to ensure ongoing focus on bullying and harassment, including raised awareness of what bullying and harassment are and the support available to employees.

Staff survey findings have already been disseminated within each division. Further analysis may be required. Further ongoing work may be required to support employees to understand what constitutes bullying and harassment and how concerns may be raised.

### Guidance on Equalities Groups

<b>Race and Ethnic origin</b> (includes gypsies and travellers) (consider communication, access to information on services and employment, and ease of access to services and employment)	<b>Religion or belief</b> (include dress, individual care needs, family relationships, dietary requirements and spiritual needs for consideration)
<b>Disability</b> (consider communication issues, access to employment and services, whether individual care needs are being met and whether the policy promotes the involvement of disabled people)	<b>Sexual orientation including lesbian, gay and bisexual people</b> (consider whether the policy/service promotes a culture of openness and takes account of individual needs)
<b>Gender</b> (consider care needs and employment issues, identify and remove or justify terms which are gender specific)	<b>Age</b> (consider any barriers to accessing services or employment, identify and remove or justify terms which could be ageist, for example, using titles of senior or junior)
<b>Culture</b> (consider dietary requirements, family relationships and individual care needs)	<b>Social class</b> (consider ability to access services and information, for example, is information provided in plain English?)