

Bullying and Harassment Policy

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Responsible Director:	Human Resources
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Related Policies and Guidelines	<ul style="list-style-type: none"> • Code of Expectations of Employees • Raising Concerns • Grievance • Appeals • Managing Conduct • Managing Organisational Change • Managing Stress & Well-being at Work • Managing Performance
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Amendment History

Issue	Status	Date	Reason for Change	Authorised
5.0	Approved	February 2012	Planned Review	Management Board
6.0	Approved	16 April 2013	Planned Review	Lynn Vaughan, Director of Human Resources
7.0	Approved	July 2016	Planned Review	Strategic Workforce Committee

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1. Policy Summary

As an equal opportunities employer, the Trust supports a working environment for individuals in which dignity at work is paramount. The purpose of this policy is to support a working environment and culture in which bullying, harassment, victimisation and illegal discrimination are unacceptable and to provide a proper framework in which complaints about these matters can be dealt with.

All employees have the right to be treated with consideration, dignity and respect. Bullying and harassment will not be tolerated by the Trust in any form.

The Trust's Code of Expectations of Employees sets out the values and expected behaviours of conduct from all Trust employees. Each and every employee is required to adopt and follow these at all times.

The Trust values and behaviours are:

Everyone Matters

We will	We will not
<ul style="list-style-type: none">• Treat everyone as an individual – see the person, understand their needs, respect their views, choices and dignity• Take time to care – be attentive and considerate, notice the little things• Value and respect others – make everyone feel important, recognise people's contributions, say thank you• Be friendly and polite – smile, introduce yourself, welcome everyone and build relationships• Be kind and caring – put yourself in other's shoes, show empathy and compassion• Be calm and reassuring – put people at ease, create cheerful and welcoming environments	<ul style="list-style-type: none">• Make assumptions – discard people's views and choices or compromise people's dignity, treat people unfairly or discriminate• Be dismissive – avoid taking the time to understand people, rush instead of doing things properly• Undermine others – gossip, backstab, make people feel stupid, belittled or that their contributions don't matter• Be rude – avoid eye contact or introductions, make people feel unwelcome or like a nuisance• Be unsympathetic – make judgments, label or patronise people• Leave people isolated or anxious – be unsupportive, leave people feeling worried, alone, in pain or in distress

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Working Together

We will	We will not
<ul style="list-style-type: none"> • Communicate – clearly, openly, honestly, sensitively and in a timely manner • Actively listen – make time to listen, hear people and respond • Share information – be transparent, keep people informed, explain clearly, invite people to ask questions, check people understand • Involve and empower others – share learning, welcome people’s ideas and give choices • Be helpful – be aware of others, ask people if they need help, follow things through • Support each other – cooperate to provide the best possible service 	<ul style="list-style-type: none"> • Overcomplicate information – communicate in jargon or insensitive language instead of plain language • Ignore people – refuse to hear people’s comments or views, fail to respond or provide feedback • Leave people not knowing – or finding out by chance, give vague or incomplete explanations, be too busy for people to ask questions • Dictate to others – ignore people’s ideas and suggestions • Avoid others in need – leave things unresolved, be inconsiderate of others’ feelings • Be un-cooperative – create obstacles or resist sharing information and resources with other people and departments

Making a Difference

We will	We will not
<ul style="list-style-type: none"> • Be proactive – prepare, take responsibility, influence whenever you can, focus on solutions, be open to change • Speak up – encourage everyone to have a voice and help people to be heard • Take pride – in ourselves, what we do and where we work, celebrate achievements and choose a positive attitude • Contribute – share ideas, be curious, challenge yourself and others to continuously improve the way we work • Be willing to learn – develop yourself and other’s skills, knowledge, confidence and ability, be prepared to learn from others, give and receive feedback • Be responsive and efficient – take the time to do things effectively and be respectful of other people’s time 	<ul style="list-style-type: none"> • Pass the buck – avoid taking responsibility or blame others • Ignore poor standards - bottle up concerns or worries, or turn a blind eye, avoid issues or problems • Criticise others – moan, complain, focus on problems, be negative or pass negativity on • Be inflexible– stick to our old ways, be reluctant to change or consider improved ways of working • Be defensive – refuse to give or receive constructive feedback or learn from others, avoid asking for help • Wait to be chased – be avoidably late or keep people waiting, not reply

The Trust’s Managing Conduct Policy includes serious bullying, discrimination and harassment as examples of gross misconduct, which can result in dismissal without notice.

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Many incidents and patterns of behaviour can be dealt with effectively in an informal way and every effort should be made to resolve matters informally before a formal approach is adopted, although this may not always be possible or appropriate.

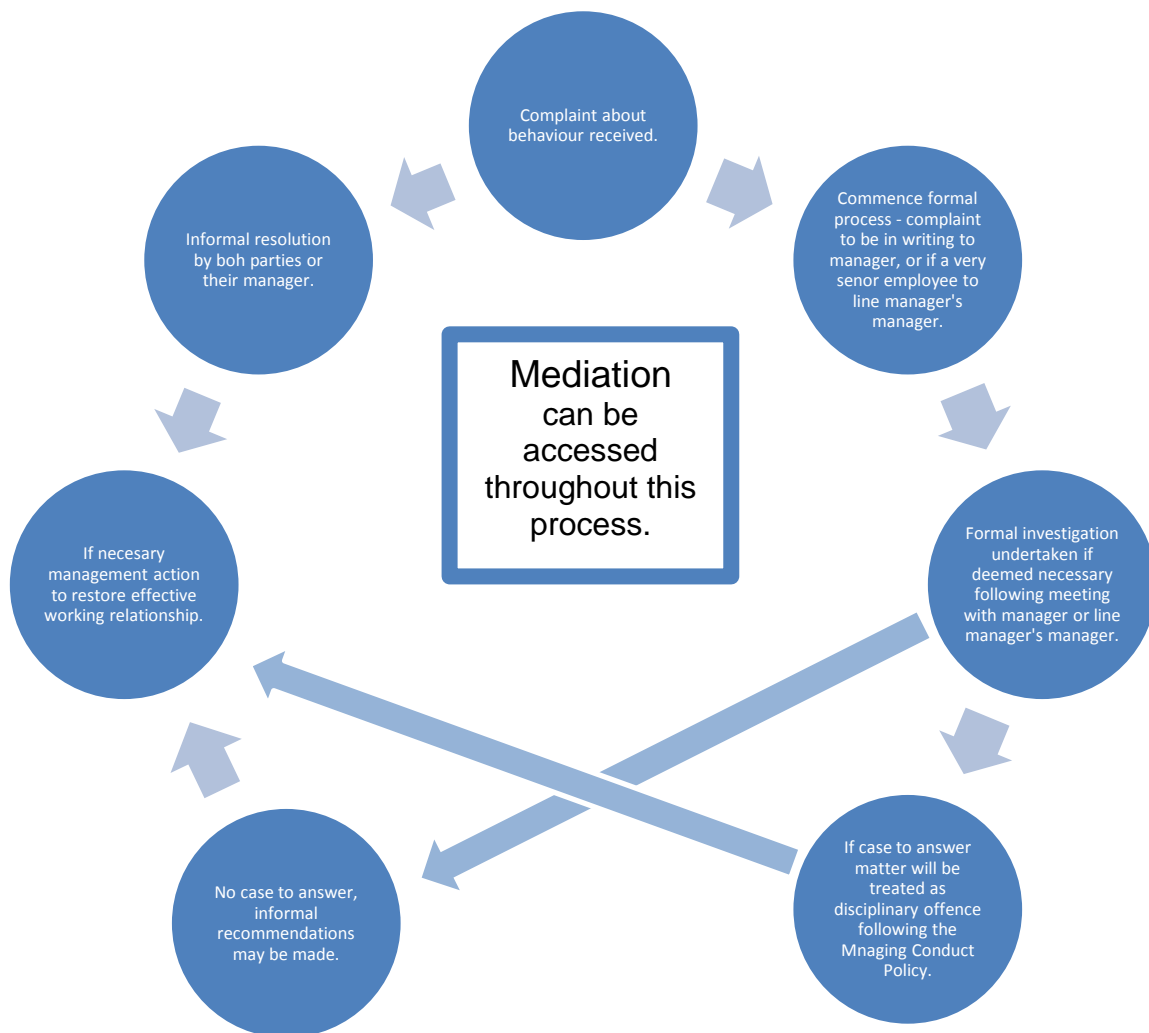
Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The Trust gives an assurance that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint. However, disciplinary action may also be taken if a complaint is found to have been made maliciously or in bad faith.

The chart in section 1.1 shows the sequence of events once a complaint has been received. The Trust's Bullying and Harassment Advisors can be accessed at any stage of the process, alongside support from Human Resources (HR), Trade Unions and the Employee Assistance Programme (EAP). Contact numbers and further information is detailed in Appendix 1.

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1.1. Bullying and Harassment Process

The chart below shows the sequence of events once a complaint has been received. HR, Trade Union representatives and Employee Assistance Programme (EAP) and Occupational Health can be accessed at any stage of this process, contact numbers are detailed in **Appendix 1**. In addition, if staff wish to raise a concern internally regarding bullying and harassment and do not feel happy using any of the stages in process detailed below, they may approach Moira Brennan or Nigel Sullivan, Non-Executive Directors of the Trust who will act in the capacity of '*Bullying and Harassment Advisors*', via the Chairman's office on Ext: - 4032.



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2. Scope

This policy applies to all employees and other workers in the course of their duties for the Trust, which includes work-related social events and visitors to Trust premises.

The purpose of this policy is to set out the steps to be followed in making a formal or an informal complaint against another member of staff.

3. Purpose

Harassment, in general terms, 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, race, religion or belief, sex and sexual orientation. Harassment may be persistent or an isolated incident. The key element is that the actions or comments are viewed as demeaning and unacceptable to the recipient. The recipient's view will not, however, constitute the only interpretation as to what is reasonable behaviour and what is not.

The complainant does not need to possess the relevant characteristic themselves and can be because of their association with a person who has a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do. Harassment applies to all protected characteristics except for pregnancy and maternity where any unfavourable treatment may be considered discrimination and marriage and civil partnership where there is no significant evidence that it is needed.

Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour or an abuse of authority through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying and/or harassment may be by an individual against an individual, perhaps by someone in a position of authority such as a manager or supervisor, or involve groups of people. A manager may be bullied by a direct report. Bullying and/or harassment may be obvious or it may be insidious. Whatever form bullying and/or harassment takes, it is unwarranted and unwelcome to the individual.

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Examples of unacceptable behaviour that can be considered to constitute bullying and/or harassment are as follows; please note this list is neither exhaustive nor exclusive.

- Bullying by exclusion - this may take the form of social isolation and/or exclusion from meetings
- The deliberate withholding of information with the intention of affecting a colleague's performance
- Unfair and destructive criticism
- Undermining an individual's self-esteem by condescending, patronising or threatening behaviour
- Intimidating behaviour, including physical abuse or the threat of physical abuse
- Verbal abuse, abuse in correspondence and e-mails and the spreading of unfounded rumours
- Humiliation or ridicule
- Coercion for sexual favours
- Setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
- Sharing information that is critical about someone to others that do not need to know
- Turning down reasonable requests without a good reason
- Misrepresentation of the views of others

This list is neither exhaustive nor exclusive.

The use of the Trust's policies and procedures to manage the behaviour, sickness absence and performance of employees will not normally constitute bullying, harassment, victimisation or discrimination, unless the policies are determined to have been applied in an inappropriate or inconsistent manner by an individual manager.

4. Legislation

There is a range of legislation relating to harassment and bullying:

- Equality Act 2010
- Health and Safety at Work Act 1974
- Criminal Justice and Public Disorder Act 1995
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Employment Act 2002
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion or Belief) Regulations 2003

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The Equality Act 2010, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003 and the Employment Equality (Age) Regulations 2006 all contain an express definition of unlawful harassment as a distinct form of unlawful discrimination. This is where, on grounds of race, ethnic or national origins, religion or belief, sexual orientation, or age, person A engages in unwanted conduct that that has the purpose or effect of violating person B's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for person B. Conduct shall be regarded as having this effect only if, having regard to all the circumstances, including in particular the perception of B, it should reasonably be considered as having that effect. The Equality Act 2010 sets out two definitions of sexual harassment: one for sexual harassment and one for sex-based harassment. Sex-based harassment happens where unwanted conduct related to the sex of a person occurs with the purpose or effect of violating the dignity of that person, or of creating an intimidating, hostile, degrading, humiliating, or offensive environment.

Sexual harassment happens where any form of unwanted verbal, non-verbal or physical conduct of a sexual nature occurs, with the purpose or effect of violating the dignity of a person, or of creating an intimidating, hostile, degrading, humiliating, or offensive environment. Harassment on grounds of gender reassignment is also prohibited by the Equality Act 2010. Where there is no intention to violate the other's dignity or create such an environment, the behaviour is to be regarded as having the effect of doing so only if, having regard to all the circumstances, including in particular the perception of the other person, it should reasonably be considered as having that effect.

5. Definition of Terms Used

Bullying: characterised as offensive, intimidating, malicious or insulting behaviour or an abuse of authority through means intended to undermine, humiliate, denigrate or injure the recipient.

Bullying and/or harassment may be by an individual against an individual, perhaps by someone in a position of authority such as a manager or supervisor, or involve groups of people. A manager may be bullied by a direct report. Bullying and/or harassment may be obvious or it may be insidious. Whatever form bullying and/or harassment takes, it is unwarranted and unwelcome to the individual.

Harassment: 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, race, religion or belief, sex and sexual orientation. Harassment may be persistent or an isolated incident. The key element is that the actions or comments are viewed as demeaning and unacceptable to the recipient. The recipient's view will not, however, constitute the only interpretation as to what is reasonable behaviour and what is not.

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Mediation: Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person helping two or more individuals or groups reach a solution that's acceptable to everyone. The mediator can talk to both sides separately or together. Mediators do not make judgments or determine outcomes - they ask questions that help to uncover underlying problems, assist the parties to understand the issues and help them to clarify the options for resolving their difference or dispute.

The overriding aim of workplace mediation is to restore and maintain the employment relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

Many kinds of dispute can be mediated if those involved want to find a way forward. It can be used at any stage in a dispute but is most effective before positions become entrenched.

Employment Assistance Programme (EAP): A free and confidential support service available to RUH staff and their immediate family members. EAP is a member of the British Association for Counselling and Psychotherapy and abides by its Ethical Framework for Good Practice in Counselling and Psychotherapy.

6. Duties and Responsibilities

6.1 Employees

Each employee has a responsibility for their own behaviour and is responsible for ensuring that their conduct is in line with the standards set out in this policy. Employees are encouraged to report incidents of bullying and harassment to a senior manager, even if they are not the victim.

There are several things individual employees can do:

- Set a positive example by treating others with respect
- Be aware of the policy and comply with it
- Do not make personal comments
- Do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- Be supportive of colleagues who may be subject to bullying and/or harassment

Employees with line management responsibilities have a particular responsibility to challenge and prevent bullying and harassment and to deal with issues and complaints as they arise.

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6.2 Managers

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment free of harassment. They must:

- treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process.
- set a positive example by treating others with respect and setting standards of acceptable behaviour.
- promote a working environment where harassment is unacceptable and not tolerated.
- tackle, and where possible, resolve incidents of harassment.
- consult with their HR Manager at any time for advice and support.
- have awareness that the Bullying and Harassment process can be a stressful period for all involved whether this be the complainant, alleged perpetrator, witnesses and teams. Reference should be made to the Trust's Managing Stress & Wellbeing at Work Policy and followed when appropriate.

6.3 Human Resources

The HR Department has a responsibility to ensure that the policy is followed fairly and consistently. Their duties will involve:

- Advising managers on the application of the policy.
- Advising managers and staff where individuals feel that they are being harassed or bullied in the course of their employment.
- Ensuring the effective implementation of the policy.
- Monitoring incidences of bullying and harassment and initiating appropriate action.
- Reviewing and amending the policy as necessary.

6.4 Representation/Companion

In all meetings at which a formal complaint is being considered, the employee has the right to be accompanied by a representative from a trade union or professional association or by a work colleague/friend not acting in a legal capacity. It is the responsibility of the employee to arrange to be accompanied and to pay any fees levied by any companion.

A representative may address a formal meeting to present and sum up the employee's case, ask questions and respond on the employee's behalf to a view presented. However, they may not answer questions asked directly to the employee. The representative will also be allowed time to confer with the employee during the meeting.

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6.5 Trade Unions

- To represent employees through the bullying and harassment procedure where they are fully paid up members of that trade union or professional body.
- To ensure that all representatives have attended mandatory bullying and harassment training with their relevant trade union or professional body.
- To make every reasonable attempt to attend meetings at the scheduled time to support employees.
- To adhere to their respective trade union code of conduct when dealing with issues of bullying and/or harassment.

7. Procedure

Setting out a complaint in writing can be difficult especially for employees whose first language is not English or for those who may have difficulty expressing themselves in writing. In these circumstances, the employee is advised to seek assistance from a trade union representative or a colleague, friend or relative. Employees unable to formulate a written complaint because of a disability will be given assistance by the Trust and should approach the HR Department if this assistance is required. Guidance on writing a complaint is given in Appendix 3 of this policy.

7.1 Informal Procedure

Many incidents of harassment or bullying can be dealt with effectively in an informal way. Often a person is unaware of the effect of their behaviour on others, and once made aware of the distress caused by their actions, the offensive behaviour ceases. Therefore, before the formal procedure is invoked, every effort should be made to use the informal procedure and to resolve issues as soon as possible after they arise.

Actions you can take yourself:

- Keep a diary of all incidents - records of dates, times, any witnesses, your feelings etc. Keep copies of any correspondence that may be relevant, for example reports, letters, memos, notes of any meetings that relate to you.
- In many instances it is possible for the matter to be resolved quickly by explaining directly to the harasser the effect their behaviour is having and that you want it to stop.
- You should always make it clear that if the behaviour continues you will make a formal complaint.

If the behaviour of a person is hostile when you speak to them it may be necessary to walk away making it clear you do not wish to be dealt with/spoken to in that way.

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If you do not feel able to raise your concerns with the person directly, you could write to them stating that you feel harassed and/or bullied, state where and when this occurred and how you wish to be treated. Always keep a copy of the letter sent.

In circumstances where an employee finds it difficult to raise their concerns with the person on their own, they can normally seek support from their line manager, a colleague, union representative and/or the Employee Assistance Programme (EAP). Further information and details of support available by EAP can be found in section 7.1.2.

In some circumstances mediation may be appropriate in an attempt to resolve the situation. Further information and details on the process of mediation can be found in section 7.1.1.

Should the unwanted conduct persist or the informal approach is not considered appropriate for any reason, the formal procedure should be followed.

7.1.1 Mediation

Mediation may be used to address concerns if considered appropriate by a manager and it is agreed by all parties to the complaint. The usual approach is that a trained external mediator meets both parties individually before advising on next steps of the mediation process, which might include a further meeting between both parties, facilitated by the mediator. At this meeting the complainant will be given the opportunity to explain to the alleged bully or harasser why the identified behaviour is detrimental to their dignity at work. Where possible the matter will be resolved through informal discussion and agreement about future behaviour.

Mediation is not appropriate to all circumstances and works most effectively when both parties are open to an effective and workable resolution to a dispute.

7.1.2 EAP Counselling and Occupational Health Support

The Trust provides a confidential information and counselling service for its employees who are experiencing bullying and/or harassment. The Employee Assistance Programme (EAP) is a free and strictly confidential support service for use by members of staff and their immediate families. EAP can be accessed through Occupational Health or directly. Contact numbers are detailed in Appendix 1.

An employee may also be referred to the Occupational Health Department, either as a self-referral or by their manager, for an assessment of their ability to participate in any aspect of the bullying and/or harassment process and also to identify any underlying health problems. Contact numbers are detailed in Appendix 1.

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7.1.3 Harassment Advisors

If staff wish to raise a concern internally regarding bullying and harassment, but do not feel happy following the informal procedure, section 7.1 and/or formal procedure, section 7.2, they may approach Moira Brennan or Nigel Sullivan, Non-Executive Directors of the Trust who will act in the capacity of '*Bullying and Harassment Advisors*', via the Chairman's office on Ext:- 4032.

7.2 Formal Procedure

If all reasonable efforts to resolve the incidents of bullying and/or harassment have been exhausted and prior to the formal bullying and harassment procedure being invoked the employee should discuss with their line manager, or that manager's manager. The Operational HR Team are available to advise at any stage and if the employee is a trade union member they can seek advice from their Staff Side representative

If the employee who feels they are being subjected to harassment, bullying or victimisation wishes to raise a formal complaint they should do so in writing using the Notification of Bullying and/or Harassment form, Appendix 3. Guidance on raising a bullying and/or harassment complaint can be found in Appendix 2. This should be submitted to their manager in the first instance, outlining the nature of the offensive behaviour. In cases where the alleged perpetrator is the line manager or is a very senior employee, the complaint should be made in writing to that manager's manager.

The manager receiving the complaint will arrange a meeting as soon as possible in consultation with the employee. The written confirmation of the meeting will remind the employee of the right to be accompanied at the meeting. The employee should take all reasonable steps to attend the meeting.

If the employee's representative/companion cannot attend on the date and/or time proposed, the employee may suggest an alternative date and/or time, as long as it is reasonable and not more than five working days after the date proposed by the manager. This five day time limit may be extended by mutual agreement.

The meeting will normally be chaired by the manager listening to the complaint. The employee can be accompanied by his or her representative/companion. A member of the HR operational team and/or a note taker may also be present.

At the meeting, the employee will be asked to explain the complaint and say how they think it should be resolved. This will normally require a formal investigation, unless an alternative resolution, such as mediation, is agreed and attempted.

Following this meeting, if a formal investigation is to be undertaken, the alleged perpetrator will be contacted and a copy of the complaint and allegations made given to them. The alleged perpetrator will also have the right to be accompanied by a Trade Union representative or companion and have access to Occupational Health and EAP services throughout the investigation.

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It is also acknowledged for the alleged perpetrator that these matters in some circumstances can be very stressful. The support they can access should therefore be pointed out i.e. Trade Union Representative, Occupational Health and EAP. Appendix 1 details support available within the Trust including contact details.

The manager will keep both employees informed of progress during the investigation. Once this is completed, separate meetings will be arranged as set out above, to report on the findings and whether the complaint has been upheld in full or in part and what action or next steps are being recommended.

The manager will confirm the outcome in writing in an outcome report within fourteen days of the meeting. The outcome report will include a summary of findings to both the employee who raised the complaint and the employee whom they made the complaint against. If this is not possible, the employee will be kept informed in writing about the reason for the delay and when a response can be expected.

Access to EAP Counselling, Occupational Health Support and Mediation is available throughout the Bullying and Harassment Process. For further details please refer to section 7.1.1, 7.1.2 and 7.1.3.

7.3 Timescales

Whilst there is no formal internal period during which a complaint should be submitted, it is expected that complaints would normally be submitted within six weeks of an incident or the manifestation of what the employee considers to be an inappropriate pattern of behaviour. This is to ensure that issues are addressed as soon as possible in the interests of all concerned and to allow for a proper and fair investigation whilst the events are still fresh in people's minds.

Investigations of complaints can be lengthy and involved, especially when there are several people to be interviewed and complicated allegations. However, it is in everyone's interests that investigations are concluded as soon as possible and so the Trust will take all reasonable steps to ensure that they are concluded within two months of their being commissioned if at all possible. This will require employees to make themselves available for meetings and may mean that an alternative companion has to be identified to allow meetings to proceed without unnecessary delays.

7.4 Separation of Employees

In certain circumstances, it may be necessary to remove one or more of the parties from the working environment during the investigation or whilst a decision is being made. Managers may consider options such as:

- Removing individuals from the department, moving one or both to a different end of the department or from one area to another.

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- Paid leave - in line with the Managing Conduct Policy.
(It should be made clear that suspension is not a disciplinary measure and does not imply guilt or misconduct.)

There should be no automatic assumption about who should be moved or placed on paid leave. In making this decision, the operational needs of the organisation and practical arrangements will be considered. Should a legitimate complainant have to be the one to be removed and should this become permanent, the individual would become entitled to the appropriate provisions of the Trust's Managing Organisational Change Policy.

7.5 Action following an upheld complaint

Should an investigation conclude that harassment or bullying has taken place; the matter will be treated as a disciplinary offence under the Trust's Managing Conduct policy A Disciplinary Hearing will be held with the outcome report from the Bullying and Harassment investigation forming the management statement of case. A disciplinary sanction may be applied if appropriate, which may include summary dismissal.

Please refer to the Trust's Conduct Policy for details of the disciplinary hearing and the level of possible disciplinary action following a disciplinary hearing.

Disciplinary action will not normally be taken against someone where the behaviour has clearly been unintentional AND would not in itself constitute serious or gross misconduct AND/OR has not previously been brought to their attention in line with the informal stage of the procedure. In making a decision about whether formal disciplinary action should or should not take place, the manager investigating should take into account the following:

- Whether there was an intention to violate the dignity of the employee or create such an environment.
- Whether the environment in which the individuals were working in contributed to the behaviours.
- The perception of the behaviour of the person raising the complaint.
- The circumstances in which the incident(s) or behaviour happened.

It may be appropriate to require the perpetrator to undergo training or counselling, which may, in some cases, be compulsory. This may be at the informal stage, as part of a disciplinary outcome or, where appropriate, in place of formal disciplinary action.

Disciplinary decision-makers may also require individuals or groups to engage in facilitated conflict resolution activities which may include mediation and/or conciliation.

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Vindictive, malicious allegations of harassment or bullying will be treated as a disciplinary offence and disciplinary action may be taken if deemed appropriate and may include summary dismissal. Investigations will routinely consider whether complaints have been made in good faith.

7.6 Right of Appeal

An employee can appeal the outcome of a formal investigation on the basis that they do not agree that the allegation has or has not been found. They can also appeal on a point of process (i.e. the procedure has not been followed). An employee cannot appeal the recommendations of an investigation. For example a complaint may be upheld and a period of retraining, coaching and mediation may be recommended as a resolution to the complaint in place of formal disciplinary action under the conduct policy.

Any appeal process will be managed in line with the Trust's Appeal Policy.

7.7 Harassment and Bullying involving external parties

Where the alleged harassment and/or bullying involves an external party, managers will take all reasonable steps to address the complaint in line with the principles of this policy, in consultation with the employee making the complaint. These steps may include reporting the incident to the individual's manager, reviewing or terminating a contract with the external organisation, or assigning the work to another member of the team.

8. Training

Managers are responsible for ensuring all their staff receive the type of initial and refresher training that is commensurate with their role(s).

Staff must refer to the Mandatory Training Profiles, available on the intranet to identify what training in relation to Bullying and Harassment is relevant for their role. The Mandatory Training Profile identifies when training needs to be undertaken, the method of delivery and frequency of the training.

The Mandatory Training Policy identifies how training non-attendance will be followed up and managed and is available on the intranet.

Training statistics for mandatory training subjects are collated by the Learning & Development team and are reported to the Strategic Workforce Committee.

Staff must keep a record of all training in their portfolio.

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9. Equality Analysis

An Equality Analysis has been carried out on the content of this policy.

10. Monitoring Compliance

The HR department is responsible for monitoring harassment and bullying cases on an on-going basis, to ensure that the practice within the Trust is in compliance with the policy. As part of this monitoring, the HR Department will run and review reports showing the activity within the Trust in this area.

Anonymised and aggregated information on cases and outcomes will be reviewed by the HR Department and reported on a bi monthly basis to the Strategic Workforce Committee, in order to identify trends and key risks to the organisation.

The HR Department will report on an annual basis to the Trust Equality and Diversity Committee (E&DC) on the outcomes of all formal processes in relation to this policy, against ethnicity, age, gender and other protected characteristics. The E&DC will review the report, assess compliance and identify any required further actions.

All formal allegations of bullying and harassment received by the HR department will be reported on an anonymised basis to the Trust Board annually as part of the Equality & Diversity Monitoring Report.

11. Review

This policy will be subject to a planned review every three years as part of the Trust's Policy Review Process. It is recognised however that there may be updates required in the interim arising from amendments or release of new regulations, Codes of Practice or statutory provisions or guidance from the Department of Health or professional bodies. These updates will be made as soon as practicable to reflect and inform the Trust's revised policy and practise.

12. References

The Equality Act 2010

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Appendix 1: Support Available within the Trust

Human Resources Department

HR Executive Assistants: 01225 82/4022

Trade Union Representatives

Chair of Staff Side: 01225 82/4993

UNISON: 01225 82/4993

Royal College of Nursing: 01225 82/4906

Occupational Health Service

01225 82/4064

Occupational Health offers support and advice to maintain your health and wellbeing.

Employee Assistance Programme (EAP)

01225 82/5960 or 82/4484

EAP offers a completely confidential counselling, support and mediation service for staff and their immediate families, which can help develop communication and assertiveness skills and offer emotional support to employees involved in harassment and bullying cases either as the claimant or the alleged perpetrator.

Further information about the services offered by EAP can be found on the Trust's Intranet site.

You can also contact EAP by email: ruh-tr.EAP@nhs.net

Bullying and Harassment Advisors

01225 82/4032

Employees wishing to raise a concern internally regarding bullying and harassment, but do not feel happy following the informal procedure, section 7.1 and/or formal procedure, section 7.2, may approach Moira Brennan or Nigel Sullivan, Non-Executive Directors of the Trust who will act in the capacity of '*Bullying and Harassment Advisors*'.

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Appendix 2: Guidance on raising a Bullying and/or Harassment Complaint

1. Use the notification of Bullying and/or Harassment Notification form detailed in Appendix 3.
2. Type or write clearly in black ink - your document will need to be copied and read by several people.
3. Use bullet points to clarify specific points of your complaint if more than one.
4. Discuss your document with a friend, colleague or a representative of a trade union or professional association if you are a member.
5. Keep your comments focussed on the specific issues you wish to raise - if you raise too many issues, you may hide the crucial ones.
6. Don't use your submission as a chance to complain about other issues, which are less important than the complaint itself.
7. If there is one key issue, identify it as such.
8. Try and keep the document to one or two sides of A4.
9. Don't exaggerate the issues - it makes for a much more effective investigation if the issues are outlined in a clear and straightforward manner.
10. Describe what happened and provide specific details of dates, names and circumstances.
11. Explain any steps, if any, you have taken to address the issues informally.
12. Outline what outcome you would like to see - but remember to be reasonable and realistic in your expectations, even if you don't think that the other parties have been.
13. Remember to sign and date your statement.

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Appendix 3: Notification of Bullying and/or Harassment Complaint Form

Name of Employee:	
Job Title:	
Department and Location:	
Managers Name:	
Name of Trade Union Representative or Colleague: (if appropriate)	
<i>Do you wish this person to be included in all correspondence relating to this grievance?</i>	YES/NO
<p>Please state the nature of your complaint including dates, times and names of witnesses to incidents of bullying and/or harassment referring to the guidance on raising a bullying and/or harassment complaint in Appendix 2. If necessary please continue on a blank sheet of A4 paper and attach with any evidence eg emails, documents, notes of meetings.</p>	
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What resolution are you seeking?

Please provide details of informal actions you have taken to resolve your complaint.

Employee's Signature: **Date:**
(Person raising the complaint)

Manager's Signature: **Date:**

A copy of the completed form and attachments should also be sent to HR Department, 1st Floor Bath & Wessex's House, RUH.

If an appeal is lodged a copy of this form must be made available to the appeal panel.

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Document Control Information

Ratification Assurance Statement

Dear Claire

Please review the following information to support the ratification of the below named document.

Name of document: Bullying and Harassment Policy

Name of author: Caroline Holcombe

Job Title: Deputy HR Business Partner

I, the above named author confirm that:

- The Policy presented for ratification meets all legislative, best practice and other guidance issued and known to me at the time of development of the Policy;
- I am not aware of any omissions to the Policy, and I will bring to the attention of the Executive Director any information which may affect the validity of the Policy presented as soon as this becomes known;
- The Policy meets the requirements as outlined in the document entitled Trust-wide Policy for the Development and Management of Policies (v4.0);
- The Policy meets the requirements of the NHSLA Risk Management Standards to achieve as a minimum level 2 compliance, where applicable;
- I have undertaken appropriate and thorough consultation on this Policy and I have documented the names of those individuals who responded as part of the consultation within the document. I have also fed back to responders to the consultation on the changes made to the Policy following consultation;
- I will send the Policy and signed ratification checklist to the Policy Coordinator for publication at my earliest opportunity following ratification;
- I will keep this Policy under review and ensure that it is reviewed prior to the review date.

Signature of Author: Caroline Holcombe

Date: 07/07/15

Name of Person

Ratifying this policy: Claire Buchanan

Job Title: Director of Human Resources

Signature: _____

Date: 07/07/2016

To the person approving this policy:

Please ensure this page has been completed correctly, then print, sign and **post this page only** to: The Policy Coordinator, Apley House, (E5), Royal United Hospital
The **whole policy** must be sent electronically to: ruh-tr.policies@nhs.net

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Consultation Schedule

Name and Title of Individual	Date Consulted
Management, Staff Side and HR representatives	26.04.2016 and 10.06.2016

The following people have submitted responses to the consultation process:

Name and Title of Individual	Date Responded
Maggie Bruniges, Chair of Staff Side	12.05.2016
Deborah Bond, RCN Steward	13.05.2016
David Ahmed, Society of Radiographers Steward	14.06.2016
Sue Davis, Head of HR	17.06.2016
David Mawdesley, HR Business Partner	17.06.2016

Name of Committee/s (if applicable)	Date of Committee
TCNC Policy Sub-Group	June 2016
Strategic Workforce Committee	July 2016

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Equality Impact: (A) Assessment Screening

1. Title of document/service for assessment	Bullying and Harassment Policy
2. Date of assessment	30 June 2016
3. Date for review	07 July 2019
4. Directorate/Service	Human Resources
5. Approval Committee	Strategic Workforce Committee

6. Does the document/service affect one group less or more favourably than another on the basis of:

Protected characteristic:	Yes/No	Rationale
• Age	No	
• Disability	No	
• Gender reassignment	No	
• Pregnancy and maternity	No	
• Race	No	
• Religion and belief	No	
• Sex	No	
• Sexual orientation	No	
• Marriage and civil partnership	No	

7. If you have identified potential discrimination, are the exceptions valid, legal and/or justified?

8. If the answers to the above question is 'no' then adjust the element of the document / service to remove the disadvantage identified.

9. If neither of the above is possible, take no further action until you have contacted your EIA Divisional / Directorate link for review and support

Signature of person completing the Equality Impact Assessment

Name	Caroline Holcombe
Time	10:00
Date	30 June 2016

Chair of decision making Board / Group / Committee approval and sign off

Name	Claire Buchanan
Time	
Date	07 July 2016

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