



Stafford & Surrounds Clinical Commissioning Group

STAFFORD & SURROUNDS DIGNITY AND RESPECT AT WORK

Agreed at Governing Body

Date: 16 September 2013

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Designation: Chair Stafford & Surrounds CCG

Review Date: 31 March 2016

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1.0 PURPOSE

- 1.1 The CCG is committed to treating all staff fairly, equitably and with respect. This policy aims to ensure that all staff are to be treated with dignity.
- 1.2 When employees perceive they are bullied and/or harassed (in the work place) this will affect their dignity.
- 1.3 ***All forms of bullying and harassment are unacceptable and will not be tolerated by the CCG.***
- 1.4 This policy aims to ensure that all staff are treated with dignity and applies to staff at all levels, regardless of their status.

2.0 SCOPE

- 2.1 This policy applies to all individual employees irrespective of age, sex, gender reassignment, sexual orientation, race, religion or belief, disability, marriage and civil partnership or pregnancy and maternity, provided that the matter at issue is within the control of the organisation. This will include those employed on temporary, bank, honorary and fixed term contracts.
- 2.2 Individuals employed by agencies and other contractors will be expected to adhere to the standards required in this policy.
- 2.3 Managers and employees should note that the organisation's liability may extend to both 'official' and 'unofficial' social activities. These may be deemed to be an extension of the workplace. The organisation may have a duty of care in respect of such matters and will investigate all complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside the workplace.

3.0 GENERAL PRINCIPLES

- 3.1 All managers and staff will be made aware of the Dignity at Work Policy, through induction and relevant on-going training.
- 3.2 The organisation believes that harassment and bullying at work in any form is completely unacceptable and will not be tolerated. All allegations of bully and harassment will be investigated and if appropriate disciplinary action will be taken.
- 3.3 Advice and support is available from the HR Department and from Staff-side representatives to both managers and staff, whenever required.
- 3.4 Managers and staff will be expected to make full use of the informal processes available within this policy before moving on to the formal provisions of the procedure.

4.0 RESPONSIBILITIES

- 4.1** The Board has a responsibility to oversee the implementation of this policy and to ensure that managers take action to meet the organisation's obligations to ensure equity and consistency.
- 4.2** Managers have a responsibility to follow this policy and to act on concerns or issues raised in a sympathetic, sensitive and supportive manner.
- 4.3** The HR Department are responsible for the provision of advice and/or support to managers and employees in relation to the application of this policy.
- 4.4** Employees have a responsibility to familiarise themselves and act in accordance with this policy.

5.0 BULLYING AND HARASSMENT

5.1 Harassment is defined as any conduct which is:

- unwanted by the recipient
- is considered objectionable by the recipient
- causes humiliation, offence and distress (or other detrimental effect)
- Any of the above witnessed by a third party

The key to distinguishing between what does and does not constitute harassment is that harassment is behaviour that is unwanted by the person to whom it is directed. It is the impact of the conduct and not the intent of the perpetrator that is the determinant.

Harassment may be an isolated occurrence or repetitive: it may occur against one or more individuals. Harassment may be, but is not limited to:

- Physical contact – ranging from touching to serious assault, gestures, intimidation, aggressive behaviour
- Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language
- Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-co-operation and exclusion or isolation from social activities
- Unwanted conduct related to a 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 protected characteristics covered by this policy are:

- Age
- Disability
- Gender reassignment
- Race
- Religion or belief

- Sex; and
- Sexual orientation

5.2 Bullying can be defined as:

Unacceptable behaviour as perceived by the employee, which subjects the individual or group to unwelcome attention, intimidation, humiliation or ridicule or violation of an individual's dignity. Furthermore, offensive, abusive, or insulting behaviour, abuse of power or unfair sanctions which makes the recipient feel upset, threatened or vulnerable. Deliberately undermining a competent employee by imposing unreasonable workloads or frequent unjustified criticism.

Examples of unacceptable behaviour that are covered by this policy are: but are not limited to:

- Intrusion by pestering, spying, stalking
- Unnecessary or unwanted physical contact or invasion of personal space.
- Sexually suggestive behaviour, or compromising sexual invitation or demands
- Racial harassment- including racist jokes or graffiti
- Displaying offensive material
- Unwarranted or suggestive remarks
- Verbal or written abuse including non-communication and deliberate and/or inappropriate exclusion from social events
- Derogatory name-calling and insults
- Threats of a physical or psychological nature
- Victimisation because of someone's gender, race, disability, sexual orientation, age, religion or other beliefs
- Overbearing behaviour or language that causes fear or distress to others
- Abuse of power by someone in authority, or intimidation by junior staff towards a member of senior staff
- Incitement of others to commit harassment
- Abuse of power of Trust staff over agency/ temporary staff
- Electronic messages or electronic displays of sexually suggestive pictures or literature (including email and text message)
- Inappropriate or derogatory remarks in connection with performance or appraisal
- Inappropriate literature, pictures, books, tapes etc

5.3 Victimisation can be defined as:

Where an employee is subjected to a detriment because they have, in good faith, raised a concern or complained, be it formally or informally, that they have been bullied or harassed, or supported someone to raise a concern or complaint or given evidence in relation to a complaint.

5.4 Each employee of the organisation carries a responsibility for their own behaviour. However, the behaviour of people in the workplace can vary on a daily basis. Employees who normally appear civil can occasionally appear impatient or pre-occupied. This policy and procedure is not intended to deal with occasional lapses of good manners unless a pattern of behaviour emerges that is perceived to be offensive or intimidatory.

6.0 PROCEDURE

6.1 Informal Resolution

- 6.1.1 Very often people are not aware that their behaviour is unwelcome or misunderstood and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 6.1.2 Complainants are therefore encouraged to try, if they feel able to do so, to resolve the problem informally by making it clear to the alleged harasser that his/her actions are unwanted and should not be repeated. This may be done verbally or in writing in which case the complainant should keep a copy of the documentation and, where possible, the times and dates of incidents should be recorded.
- 6.1.3 If the complainant feels unable to approach the alleged harasser, a work colleague, or Trade Union representative could be asked to speak to the alleged harasser on the complainant's behalf. A note should be made of the action taken.
- 6.1.4 An individual who is made aware that their behaviour is unacceptable should:-
- Listen carefully to the complaints and the particular concerns raised;
 - Respect the other person's point of view: they have a right to work in an environment free from harassment/intimidation;
 - Remember that it is the other person's reaction/perception to your behaviour that is important;
 - Agree the aspects of your behaviour that you will change;
 - Review your general conduct/behaviour at work and with workplace colleagues
- 6.1.5 Mediation is a voluntary process and may be considered as an informal approach in resolving the issues between individuals. It may be used in situations such as:
- Dealing with conflict between colleagues or between a line manager and staff;
 - Rebuilding relationships after a formal dispute has been resolved;
 - Addressing a range of issues including relationship breakdown, personality clashes, communication problems etc.
- 6.1.6 It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to go ahead.
- 6.1.7 Should mediation be considered an option, please discuss with the HR team who may suggest an independent mediator to take the matter forward.
- 6.1.8 The mediator is in charge of the process of seeking to resolve the issue but not the outcome, which will be agreed by the individuals.

6.2 Formal Resolution

- 6.2.1 If the alleged harassment continues, the complainant feels unable or unwilling to deal with the matter informally, or the allegation is so serious as to prevent

use of the informal procedure, a complaint should then be raised formally with the employer.

- 6.2.2 Normally, the employer's representative will be the employee's line manager. However, if the employee feels unable to do this they should submit the complaint in writing to a more senior manager within their Division or Directorate. In exceptional circumstances, allegations may be raised directly with the HR team, who will with other appropriate senior officers, arrange for the matter to be progressed in accordance with this policy and procedure.
- 6.2.3 When dealing with a complaint of harassment under the Formal Resolution Procedure, the manager in consultation with an HR Adviser should:
- i. Take full details of the incidents in writing from the complainant and their representative (if appropriate);
 - ii. Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour.
 - iii. Inform the alleged harasser of the complaints against him/her, advise the alleged harasser to seek representation and invite him/her to a meeting in order that they can comment on the allegations against them.
 - iv. Keep all parties informed of expected timescales.
 - v. Inform all parties in writing of the outcome and any action that may be required.
- 6.2.4 If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation (in accordance with established disciplinary procedure) or transferred temporarily pending the outcome of the inquiry to another Department/Directorate.
- 6.2.5 Should there be a case to answer against the alleged harasser; the manager who has dealt with the complaint will communicate this to an impartial manager who will conduct a separate disciplinary investigation. This should be undertaken in conjunction with Human Resources. The normal disciplinary procedure for misconduct/gross misconduct should then be followed.
- 6.2.6 A prompt, thorough and impartial investigation will take place into the complaint with due regard to both parties. The organisation will treat any claims with sensitivity and handle the matter as confidential as possible. In accordance with CCG Disciplinary Policy, the investigation should take no longer than 4 weeks.
- 6.2.7 The starting point of the investigation will be for the investigation officer to explore with the complainant what they are hoping to achieve in making the complaint. The purpose of the investigation will be to establish the facts and include statements followed by interviews with the complainant and the alleged harasser, along with any relevant witnesses.
- 6.2.8 At this stage, the individual/alleged harasser will be informed that they will be required to attend Disciplinary Meeting, in accordance with the Disciplinary Policy. They will be called to this meeting within 5 working days. The

complainant will be provided with an update, However, the following points should be taken into account:-

- The complainant will normally be required to attend the disciplinary hearing as a witness, unless there are exceptional circumstances which prevent them from doing so;
- If the complainant is required to attend, they are entitled to be accompanied by either a Trade Union representative or work colleague and have any questions directed through that person.

6.2.9 If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:-

- Dismissal
- A formal warning
- A recommendation of redeployment of the harasser, either on a temporary or a permanent basis. This will not be on any less favourable terms and conditions of employment.
- Implementation of other sanctions as detailed in the CCG's Disciplinary Policy, e.g. demotion.
- Making arrangements for both parties to work as separately as possible within the same workplace.

In addition to the above, the harasser may be required to attend any training courses as deemed necessary by the Organisation.

It should also be noted that the complainant may wish to move Department/section depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence supports that the allegation has been made frivolously, maliciously, or for personal gain, then the individual making the complaint may be subject to Disciplinary proceedings as outlined in the CCG's Disciplinary Policy.

7.0 APPEALS

Appeals against decisions taken under the Dignity and Respect at Work Policy and Procedure shall be dealt with as follows:-

- Appeals against a disciplinary sanction will be dealt with in accordance with the appeals process in the CCG Disciplinary Procedure.
- Appeals by a complainant about the outcome of any inquiry will be dealt with in accordance with the appeal process in the CCG Grievance Policy and Procedure.

8.0 SCHEME OF DELEGATION

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Formal procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated

9.0 RECORDS

- 9.1** Where the complaint is informal and resolved at this stage, no record will be kept on personal files.
- 9.2** Following formal investigation, where the complaint is not substantiated, no records will be retained.
- 9.3** Where a complaint is substantiated or partially substantiated but does not proceed to disciplinary, a letter confirming the outcome will be retained on the personal file and supporting documentation retained in a separate file for a period of 12 months.
- 9.4** Where the matter proceeds to a disciplinary hearing then the storage of records should be in accordance with the disciplinary procedure.
- 9.5** In all cases, a summary of the complaint and the outcome will be logged on the Grievance Register.

10.0 REVIEW AND REVISION

- 10.1** This policy will remain in force until superseded by a replacement agreement or until either side seeks the opportunity to jointly amend or renegotiate the agreement.
- 10.2** This policy will be jointly reviewed with trade unions and/or staff representatives on a regular basis and any issues raised by the review will be discussed.
- 10.3** Minor amendments to the policy to take account of changes in organisational arrangements or legislation/codes of practice can be made where required.
- 10.4** In any event a joint review of this policy will take place annually.