



Fair Treatment for All

This procedural document supersedes: CORP/EMP 4 v.6 - Fair Treatment for All



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Amendment Form

Please record brief details of the changes made alongside the next version number. If the procedural document has been reviewed **without change**, this information will still need to be recorded although the version number will remain the same.

| Version | Date Issued | Brief Summary of Changes | Author |
|----------------|--------------------|---|-----------------|
| Version 7 | 31 May 2018 | <ul style="list-style-type: none"> • Revised format • Reference to Diversity & Inclusion Forum • | John Scott |
| Version 6 | 27 March 2015 | <ul style="list-style-type: none"> • Complete format update and change to content, but principle of policy remains the same • Incorporates CORP/EMP 7: Personal Harassment Policy and Procedure | Ruth Cooper |
| Version 5 | March 2011 | <ul style="list-style-type: none"> • Equality Impact Assessment included • Monitoring and Compliance included • Equality Act added to legislative framework | Keeley Cromwell |
| Version 4 | May 2009 | <p>Updated to include:</p> <p>Appendix A – Legislative Framework</p> <p>Introduction amended</p> <p>Statement amended</p> <p>Section 6 - Responsibilities has been amended</p> <p>Section 7 - Programme of action has been amended</p> <p>Human Rights statement included</p> | Michelle Victor |
| Version 3 | May 2006 | <p>This policy has been up-dated in line with the new Employment Equality (Age) Regulations 2006.</p> <p>2. Reference to the Equality and Diversity Strategy</p> <p>7.3.3 Reference to the Disability Discrimination Act 2005</p> <p>7.5 Reference to Diversity Training</p> | Janette Bailey |

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1 INTRODUCTION

Our Trust values are set out in the [Strategic Direction](#), which embeds our desire to eliminate all forms of discrimination, promote equality of opportunity, value diversity and foster good relations. We are firmly committed to fair and equitable treatment for all and by truly valuing the diversity everyone brings, create the best possible services for our patients and working environment for our staff.

We will not tolerate any form of discrimination, victimisation, harassment, bullying or unfair treatment on the grounds of a person's age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race including nationality and ethnic origin, religion or belief, sex or sexual orientation.

We are committed to meeting our Public Sector Equality Duty obligations (<https://www.gov.uk/equality-act-2010-guidance>) and those of the Equality Act 2010 (<http://www.legislation.gov.uk/ukpga/2010/15/contents>), by publishing our annual equality data, highlighting areas of good practice and sharing information on our achievements/future plans. You can access this information on the [Equality Diversity and Inclusion](#) page of the Trust Internet.

2 PURPOSE

The aim of this policy is to set out our expectations of all staff to support delivery of these aims, guide staff on their individual responsibilities and provide details of appropriate training and other relevant information sources to help you enact this. The policy applies to current and prospective staff, including those undertaking voluntary or student placements.

Although the content of this policy covers your responsibility as an employee of the Trust, the detailed guidance applies to any employment matter; your dealings with patients, contractors, or other visitors; and configuration/access to the services you provide.

3 DUTIES AND RESPONSIBILITIES

Creating an inclusive culture where everyone can thrive, whatever their background is the responsibility of everyone in the Trust and while not intended as an exhaustive list, duties and responsibilities to achieve this will include:

Executive Directors; Corporate Managers; and Line Managers/Supervisors

- Exemplar in your behaviour and actively demonstrate that you value what each individual member of staff brings to the team.
- Ensure you have an inclusive approach in your leadership style and your staff are confident to raise issues with you, knowing you will act urgently to resolve them.
- Actively challenge behaviour that fails to meet the standards set in this policy and address inappropriate behaviour promptly.
- Apply a zero tolerance approach to any form of discrimination, harassment, victimisation, or bullying.
- Your decisions are consistent and in line with the spirit and intention of this policy and you challenge any pressures to act to the contrary.

- You assess the impact of your policies and services on a diverse group (including the protected characteristics listed in the Equality Act)
- Ensure that all your staff have completed their [SET training](#) and understand how to apply that learning in their role.
- To ensure that all reports of discrimination, harassment, bullying or victimisation, whether informal or formal, are appropriately recorded with the Case Management Team (People and Organisational Development).

Employees

- Exemplar in your behaviour towards work colleagues and service users, living the values of DBTH.
- Actively challenge behaviour that fails to meet the standards set in this policy and reporting to your Line Manager/Supervisor where necessary.
- You assess the impact of your policies and services on a diverse group (including the protected characteristics listed in the Equality Act)
- You have completed your SET training on Equality & Diversity and understand how to apply that in your behaviour towards colleagues/service users and design and deliver of the services you provide.

Diversity and Inclusion Forum

- A staff network that promotes Diversity and Inclusion and also monitors progress against the Trust's Action Plans, and reports into the Workforce and Education Committee. Information about the Forum can be found [here](#).

4 PROCEDURE

4.1 Inclusive Leadership

The Trust is committed to creating an inclusive culture where everyone can thrive, whatever their background. The difference team members bring creates greater diversity of perspectives and offers a broader range of views and knowledge, ultimately leading to better decision making, a positive environment in which to work and better services for our patients or service users.

Your leadership style, the way you role model Trust values and the way you challenge inappropriate behaviour, will all be key in demonstrating that you value your people and appreciate the difference they bring. That helps build a conducive climate where staff feel confident to raise issues with you and provides some of the information you need to make continual improvement to the way we work, and in turn deliver better patient care. While the Staff Survey is one good indicator of how staff might be feeling, you will need to explore that further, in order to take the right action. This deeper insight helps you get the best out of your people and the benefit that different perspectives bring.

4.2 Recruitment and Appointment

The Trust has a fair and objective system for recruiting, which places the emphasis on the assessment of individual skill, abilities and experience, against criteria in a job description and person specification. Staff involved in interviews must complete recruitment training before participating in sifting or sitting on interview panels.

4.3 Decision Making - Impact on Diversity and Inclusion

When making decisions that can impact on any Trust policy, strategy, function, project or service, you must first understand the affect that decision will have on people with different protected characteristics and the local population. [CORP/EMP 27](#) provides guidance on how to do an impact assessment. That will inform the measures you need to put in place to eliminate or minimise that impact.

Further information on what we are doing at Trust level - including how we are responding to the objectives in the national Equality Delivery System – can be found on the Trust Internet.

4.4 Harassment, discrimination, bullying and victimisation

Everyone has a responsibility to ensure that the environment in which we work is free from discrimination, harassment, bullying and victimisation. The appendices to this document gives some examples of what might constitute personal harassment and what to do if you feel you are being harassed.

Where complaints are raised we must deal with them quickly, effectively and consistently through the [grievance and dispute procedure](#). If formal investigation confirms a malicious or frivolous complaint, this will be dealt with under the Disciplinary Procedure - CORP/EMP 2.

All reports of discrimination, harassment, bullying or victimisation, whether formal or informal, must be recorded and monitored appropriately via the Case Management Team, People and Organisational Development. Informal concerns should be reported using Appendix 6. Formal cases should be reported via the Trust's Grievance and Dispute Procedure.

4.5 Support for Staff and Managers

Our employee assistance service - called HELP - offers immediate online and telephone support 24/7 to all staff. This is a totally confidential service, where a team of trained wellbeing and counselling practitioners offer independent and unbiased information and guidance to support people to address their concerns.

HELP Employee Assistance – you can access services through the telephone helpline 0800 0288761, or visit the website at <https://dbh.helppeap.com/>.

Additional guidance is contained in the appendices to this document: Appendix 2 helps you think through what you need to do if you think you are being harassed; Appendix 3 is for staff accused of harassment; and Appendix 4 gives line managers further detail on their responsibilities.

5 TRAINING/SUPPORT

Diversity and Inclusion is included in the Statutory and Essential Training package for all staff. As well as listing your personal and legal responsibilities, it will also help you explore how your background, personal experiences, societal stereotypes and cultural context can have an impact on your decisions and actions without you realising – your unconscious bias. Having this level of self-awareness is key to delivering the commitments of this policy.

[SET Training](#)

6 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

| What is being Monitored | Who will carry out the Monitoring | How often | How Reviewed/ Where Reported to |
|--|--|--------------------------------------|---|
| Staff perception of discrimination and bullying | HR and Senior Management Teams within Care Groups/Directorates | Annually | Staff Survey results reported to BoD and Management Board |
| Issues raised through Employee Relations formal Casework | HR and Senior Management Teams within Care Groups/Directorates | On-going and quarterly in BoD report | Through formal cases raised with Employee Relations Casework Team and reported to BoD |
| Progress against action plan | Diversity and Inclusion Forum | Quarterly | Workforce and Education Committee |

7 DEFINITIONS

Equality is about creating a fairer society where everyone has the opportunity to fulfil their potential.

Diversity is about recognising and valuing difference in its broadest sense.

Inclusion is about an individual's experience within the workplace and in wider society and the extent to which they feel valued and included.

8 EQUALITY IMPACT ASSESSMENT

The Trust aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are disadvantaged over others. Our objectives and responsibilities relating to equality and diversity are outlined within our equality schemes. When considering the needs and assessing the impact of a procedural document any discriminatory factors must be identified.

An Equality Impact Assessment (EIA) has been conducted on this procedural document in line with the principles of the Equality Analysis Policy ([CORP/EMP 27](#)) and the Fair Treatment For All Policy (CORP/EMP 4).

The purpose of the EIA is to minimise and if possible remove any disproportionate impact on employees on the grounds of race, sex, disability, age, sexual orientation or religious belief. No detriment was identified. (See Appendix 5.)

9 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

[Disciplinary Procedure](#) (CORP/EMP 2)
[Equality Analysis Policy](#) (Corp/EMP 27)
[Statutory and Essential Training](#) (CORP/EMP 29)
[Grievance & Dispute Procedure](#) (CORP/EMP 3)
[Raising Concerns](#) (CORP/EMP 14)

10 REFERENCES

Help Employee Assistance www.dbh.helpeap.com
 Public Sector Equality Duty obligations <https://www.gov.uk/equality-act-2010-guidance>
 Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/contents>
[Strategic Direction 2017-2022](#)
[DBTH Equality & Diversity internet page](#)
 NHS Employers [Diversity and Inclusion](#)

APPENDIX 1 – PERSONAL HARASSMENT - WHAT IS IT?

Personal harassment covers many activities, events and situations which may occur in the workplace. Often the person accused of harassing behaviour may be unaware of the affect that their behaviour is having on particular persons. This may be because the behaviour is common and generally thought to be acceptable in a particular office, department or ward.

However, no behaviour which causes distress to another employee is acceptable at work.

All employees need to think about their own behaviour and that of their colleagues and reflect whether it might be acceptable or be offensive. It is the manager's responsibility to ensure that any form of harassment does not take place in the workplace and this includes ensuring that a culture of unacceptable behaviour is not allowed to develop. Here are some examples of unacceptable culture:

- Pin-ups, "Girlie" calendars on notice boards or desks
- General bantering across work areas
- Making one particular employee the target of jokes
- Loud personal comments about or to colleagues
- Common use of offensive language or suggestive comments
- Aggressive style of management

Employees should be given clear guidance about what is acceptable and what is not acceptable. The sort of behaviour which might cause distress or offence ranges from the very obvious such as physical assault, to the very subtle such as continually undermining a colleague. The following examples of harassment are indications of types of behaviour and not an exhaustive list:

- Remarks, derogatory comments, jokes
- Offensive or suggestive literature, e.g. pin-ups, racist jokes
- Unwanted physical contact
- Physical or verbal assault, unwelcome sexual advances, coercing sexual intercourse, embarrassing, threatening, humiliating, patronising or intimidating remarks
- Unwanted threats of disciplinary action
- Undermining persons esteem
- Unacceptable aggressive style from supervisor/manager
- Suggestive remarks
- Insulting behaviour or gestures

These case studies are more detailed but again are intended to only be a glimpse of how some behaviours affect other people. These are not real situations but are fairly common forms of personal harassment to be found in many organisations

1. Tom brushes against Marie, his subordinate and makes suggestive comments. Marie feels if she ignores him, he will stop. He doesn't stop and waits until they are alone and then touches her. She tells him to stop but Tom says, "You didn't stop me before. If you tell anyone, I'll say you encouraged me. Anyway, it's only a bit of fun".
2. Jim's supervisor draws his attention to a mistake he has made in front of other staff and speaks rudely to him. Following this, the supervisor appears to pick on every small thing until Jim is so frightened of making a mistake that he becomes very inefficient. The supervisor then threatens disciplinary action and Jim takes sick leave for reasons of "stress".
3. A group of workers make jokes about black people in front of Sarita. At first, she pretends she doesn't hear but as the jokes continue, she tells them that they are offensive. They retaliate by saying, "That's the trouble with you Pakis - no sense of humour", and increase the frequency of jokes and comments. Eventually, one member of the group pushes Sarita roughly when she comments about their racism. She tells the supervisor who says, "They are only having a joke. Don't be so sensitive".
4. Sarah works in a male environment where swearing is common place. This she accepts until she is verbally abused by one of the men. Initially, Sarah takes no further action, the verbal abuse continues until she dreads going into work. The final straw comes when the man threatens physical violence. This affects Sarah's health and she is absent on sick leave for a month.
5. A young employee is told she is "wet behind the ears" or "just out of school". She finds this humiliating. Likewise, an older worker who is told they are "a bit past it" or is subject to jokes about old people may find this offensive. This is harassment.
6. Gina is registered with a social networking forum. On her home computer, she logs on to this forum and posts a comment that her colleague, Meg, is not pulling her weight at work and everybody in the A&E Department is fed up with having to carry her. One of Meg's colleagues teases her about this at work. Meg is very upset and embarrassed about this and reports it to her manager before going home in tears. Meg fails to report for work the following day.

APPENDIX 2 – GUIDANCE FOR STAFF

ARE YOU BEING HARASSED?

If you feel you are being harassed at work, there are a number of things you can do to stop the harasser. It is up to you which you do. You can:

Talk to, or write, the harasser yourself

- You can explain that their behaviour is unacceptable to you.
- You can ask them to stop.
- *You can quote the Fair Treatment for All Policy which states that, "Everyone has a responsibility to ensure that the environment in which we work is free from discrimination, harassment, bullying and victimisation".* It is advisable to keep a record of the harassment, perhaps in the form of a diary. This can then be used by you if you feel you need to take the matter further.

Talk to HELP

- You can talk to our employee assistance service – HELP - informally and in confidence about what is happening to you. They will listen to you and help you think through the options you can take.
- You can contact HELP Employee Assistance through the telephone helpline 0800 0288761, or visit the website at <https://dbh.helppeap.com/>

Make an informal complaint to your manager or their manager if they are connected to your complaint

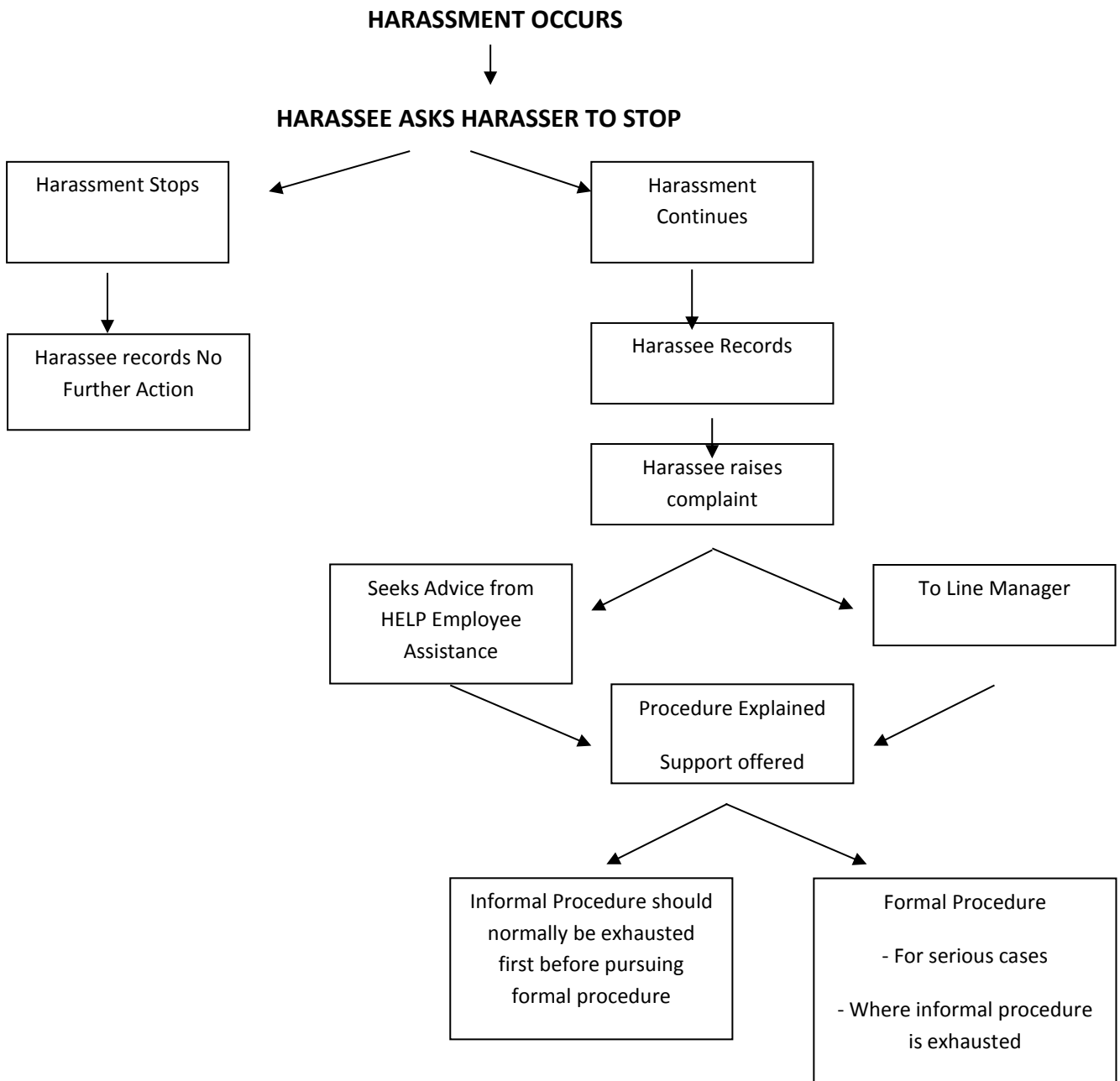
- The manager, or more senior manager will listen to you, discuss the options available and possible outcomes.
- If you feel you are unable to raise the issue with more senior members of your management team, you should contact your HR Business Partner for advice.
- Everyone will help you to try and resolve the situation without taking formal action, but if you are not satisfied with the outcome of this action you can take the matter further.

Make a formal complaint to the Responsible Manager

- The formal procedure, through the Grievance and Dispute Procedure - [CORP/EMP 3](#), should only be initiated if the informal procedure has been exhausted or in cases of a serious harassment complaint.
- Arrange a meeting with you manager to discuss your complaint.
- You must be prepared to provide a written statement which you must sign.
- On receipt of this statement, you manager will begin formal investigations within 5 days. This will entail gathering evidence, interviewing the alleged harasser and other employees.
- If your complaint is substantiated, the harasser will be subject to the disciplinary procedure.
- If your complaint is not upheld, you have the right to appeal this decision, following the

- procedure set out in the Grievance and Dispute Procedure - [CORP/EMP 3](#).
If the complaint is felt to be frivolous or malicious, the manager is responsible for investigating and taking any necessary action under the disciplinary procedures.

This flowchart sets out the complaints procedures:



APPENDIX 3 – STAFF ACCUSED OF HARASSMENT

The Fair Treatment for All Policy makes it clear that any form of personal harassment is unacceptable. Behaviour that might constitute personal harassment is set out in Appendix 1 of this document.

ACCEPTABLE BEHAVIOUR

Many cases of alleged personal harassment are seen as "just a bit of fun" or "not meant to be taken seriously" by the harasser. However, the Trust believes that someone experiencing such incidents is often far more adversely affected by them than the alleged harasser thinks. Their work and their health may both be suffering. The Fair Treatment for All Policy is intended to stop any form of behaviour which is felt by the individual involved to be unacceptable. What is acceptable to one person might not be acceptable to another.

If someone believes you are harassing them, they may take informal action, or formal action against you. This will follow the procedure outlined in the Grievance and Dispute Procedure - CORP/EMP 3

INFORMAL ACTION

If you are approached informally, the aim of the meeting is to resolve the situation and to avoid formal procedures which might result in disciplinary action for yourself.

If you are approached informally, look at the behaviour under question and see if you can modify it. If you believe you are being wrongly accused and, therefore, are not prepared to change your behaviour, you may find that the individual complaining may want to take the matter further.

FORMAL COMPLAINTS

If you are approached as part of a formal complaint against you, you are entitled to have a representative with you at any formal meeting concerning harassment investigation. A formal complaint against you is a serious matter. The Manager as part of the investigation of the complaint has to ensure everyone concerned is interviewed and the necessary evidence is collected, e.g. leaflets, pin-ups, statements, of the harassment. If the harassment complaint is upheld, the [disciplinary procedure](#) will be invoked.

If you believe that the complaint against you is frivolous or malicious, your manager will investigate the matter and take any necessary action under the [disciplinary procedure](#).

APPENDIX 4 – GUIDANCE FOR MANAGERS

These guidelines for managers must be read in conjunction with the Fair Treatment for All Policy. They are intended to equip managers to deal sensitively, efficiently, and effectively with any personal harassment issue which occurs in their area of responsibility.

AIM OF THE FAIR TREATMENT FOR ALL POLICY

To ensure that the environment in which we work is free from discrimination, harassment, bullying and victimisation and where complaints are raised, that they are dealt with quickly, effectively and consistently through the grievance and dispute procedure - [CORP/EMP 3](#).

MANAGERS' RESPONSIBILITIES

- Managers have a responsibility
- To ensure that the workplace is free from harassment.
- To inform all their staff clearly of what is and what is not acceptable behaviour at work.
- To inform all their staff of options they can take if they feel they are being harassed.
- To inform their staff that harassment is a disciplinary offence, that if claims are substantiated, the disciplinary procedure will be invoked.
- Whilst protecting confidentiality, to ensure that all staff are sufficiently informed prior to an investigation in the workplace.
- To inform all staff about HELP Employee Assistance who can be contacted through the telephone helpline 0800 0288761, or by visiting the website at <https://dbh.helpeap.com/>.
- To ensure that all staff are aware that any victimisation of an employee complaining of harassment will be treated as misconduct and may result in disciplinary proceedings.
- To provide a room where confidential discussions can take place.
- To ensure that the workplace is supportive to all employee on the completion of any investigation.
- To ensure that all reports of discrimination, harassment, bullying or victimisation, whether informal or formal, are appropriately recorded with the Case Management Team (People and Organisational Development).

All members of staff should be aware that it is not possible to withdraw a formal complaint, unless the disciplinary process has not started. All managers should explain to staff the consequences of making a formal complaint. The harasser may want an opportunity to defend his/her reputation if a complaint is made formally. The formal procedure should only be initiated if the informal procedure has been exhausted or in serious cases of harassment.

INFORMAL AND FORMAL COMPLAINTS

It is important that any concerns raised about discrimination, harassment, bullying or victimisation are recorded so that it is possible to monitor issues, patterns of behaviour and outcomes. When a member of staff raises an issue with a manager, stating that they do not want to take formal action but wish the matter to be dealt with informally, the manager should:

1. Discuss the matter with your HR Business Partner and/ or the Casework Team Manager.
2. Report the issue to the Casework Management Team by using the form in Appendix 6.

All concerns will be logged centrally to ensure that if subsequent or follow up issues arise, it is possible to review the original issue and identify any emerging patterns of behaviour. It may be that, where the Trust views a matter is serious enough, or has identified a pattern of behaviour, formal action may be instigated independently of the person who has reported the latest issue.

The formal procedure should only be initiated when the informal procedure has been exhausted, or in cases of serious harassment. You should follow the process in the [Grievance and Dispute Procedure](#). Formal complaints should be logged with the Case Management Team using the appropriate documentation in accordance with the Grievance and Dispute Procedure.

If you feel that the complaint is malicious or frivolous, it is your responsibility to investigate this and if necessary, deal with the matter under the disciplinary procedure.

Where no disciplinary action is being taken against either the alleged harasser or complainant, no details of the complaint should be kept on the individual personal files, nor should it be referred to in any subsequent dealings with either employee.

APPENDIX 5 – EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

| Service/Function/Policy/Project/ Strategy | Care Group/Executive Directorate and Department | Assessor (s) | New or Existing Service or Policy? | Date of Assessment |
|---|--|---------------|---------------------------------------|-----------------------|
| CORP/EMP 4 v.7 – Fair Treatment for All (incorporates CORP/EMP 07 v 6 - Personal Harassment Policy) | People and Organisation Development Human Resources | John Scott | Existing policy | 14/12/2017 |
| Who is responsible for this policy? People & OD | | | | |
| Describe the purpose of the service / function / policy / project/ strategy? Intended to benefit the Trust as a whole, managers and employees. To provide managers with a reference point to the behaviour we expect; when to challenge and creating the right culture where everyone can flourish, irrespective of their difference. | | | | |
| Are there any associated objectives? Public Sector Equality Duty | | | | |
| What factors contribute or detract from achieving intended outcomes? – None | | | | |
| Does the policy have an impact in terms of age, race, disability, gender, gender reassignment, sexual orientation, marriage/civil partnership, maternity/pregnancy and religion/belief? No | | | | |
| If yes, please describe current or planned activities to address the impact N/A | | | | |
| Is there any scope for new measures which would promote equality? N/A | | | | |
| Are any of the following groups adversely affected by the policy? | | | | |
| Protected Characteristics | Affected? | Impact | | |
| Age | No | | | |
| Disability | No | | | |
| Gender | No | | | |
| Gender Reassignment | No | | | |
| Marriage/Civil Partnership | No | | | |
| Maternity/Pregnancy | No | | | |
| Race | No | | | |
| Religion/Belief | No | | | |
| Sexual Orientation | No | | | |
| Provide the Equality Rating of the service/ function/policy /project / strategy | | | | |
| Outcome 1 ✓ | Outcome 2 | Outcome 3 | Outcome 4 | |
| Date for next review: December 2020 | | | | |
| Checked by: Anthony Jones | | | Date: 22 December 2017 | |