



Civility, Respect & Resolution Policy (Anti-Bullying & Harassment)

This procedural document supersedes:
 CORP/EMP 4 – ‘Fair Treatment for All’ Policy



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Executive Sponsor(s):	Zoe Linton, Chief People Officer
Author/reviewer: (this version)	Jayne Lang, Senior People Business Partner & Sophie Strong, Trainee People Business Adviser
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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 1	May 2023	This is a new procedural document, please read in full	J Lang & S Strong

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1 INTRODUCTION

This policy has been written from the perspective of the employee, referred to as 'you' throughout, and the manager as 'your manager'.

The Trust have agreed our organisational values and behaviours, making it clear that each of us needs to play our part in developing a high quality and compassionate culture that is required for delivering excellent standards of care. We are committed to creating a harmonious working environment and maintaining good working relationships built on the values of civility and respect for each other and for our service users. This means a working environment in which you can work and prosper without fear of unwanted and/or unacceptable behaviour such as bullying, harassment and victimisation. This is an important part of ensuring that as an organisation we are living the DBTH values of:

- **We** always put the patient first.
- **Everyone counts** – we treat each other with courtesy, honest, respect and dignity.
- **Committed to quality** and continuously improving patient experience.
- **Always caring and compassionate.**
- **Responsible and accountable** for our actions – taking pride in our work.
- **Encouraging and valuing** our diverse staff and rewarding ability and innovation.

You are encouraged to report any incidents of unwanted and/or unacceptable behaviour that you are either the recipient of or witness to in the workplace.

2 PURPOSE

This policy aims to help you to:

- **Be aware** of what is unacceptable behaviour
- **Understand** that any form of harassment is unacceptable
- **Know** the process to follow to report matters for resolution
- **Apply** the process to enable proper investigation and resolve any matters raised

This policy is also influenced by the NHS toolkit "[Supporting our People: A toolkit to promote cultures of Civility and Respect](#)" and relies on the NHS People Plan and the DBTH People Strategy that staff must feel valued, supported and empowered to carry out their work in compassionate and inclusive cultures.

The focus is on the restorative approach and informal manner in the first instance where possible to support you and your managers experiencing uncivil and bullying behaviours and the health and wellbeing of all colleagues.

There is a 2-fold purpose to this policy:

- To support the development of a culture and environment in which any form of unwanted and/or unacceptable behaviour is identified and eliminated.

- To have a process in place for you to raise concerns and to have these concerns managed appropriately under this policy

It is recognised that your work performance and productivity, general health and well-being, attendance at work and job satisfaction are all influenced by the organisational culture and working relationships.

3 SCOPE

This policy applies to all employees of DBTH and does not apply to ex-employees, however if an ex-employee raises serious concerns, the Trust may choose to investigate these. We will not address complaints of harassment by service users or members of the public which are addressed through other policies and procedures.

We have a zero-tolerance approach to any form of unacceptable behaviour, and we ensure that action is taken to address any situations as deemed necessary to fully support our employees.

This policy applies to you and includes all permanent and fixed-term contract employees; voluntary workers; secondments; locums; holders of honorary, observer or research positions.

4 DEFINITIONS

To assist you in becoming aware of and understanding the nature of unwanted and/or unacceptable behaviour, the relevant terms and their definitions (within the context of this policy document) can be found in appendix 1. These should not be considered extensive explanations or exhaustive lists and should also be considered in line with the behavioural framework 'DBTH Way'

5 BULLYING BEHAVIOURS

When someone says or does something unintentionally hurtful and they do it once

That's RUDE

When someone says or does something intentionally hurtful and they do it once

That's MEAN & Unacceptable

When someone says or does something intentionally hurtful and they keep doing it even when you ask them to stop or show them that you're hurt

That's BULLYING & Should be reported

(Taken from A Kind Life - Respectful Resolution)

5.1 Examples of bullying or harassing behaviour include:

Bullying and harassment can range from physical violence to less obvious forms which could be as simple as ignoring somebody. (Chartered Institute of Personnel Development (CIPD) 2010). This can be delivered in a variety of ways with or without witnesses and could be a one off act or persistent behaviour and can include **(THIS LIST IS NOT EXHAUSTIVE)**:

- Unwanted, unwelcome, inappropriate or intimidating, physical contact
- Unwelcome, inappropriate or intimidating remarks about a person's age, sexuality, dress, appearance, race or marital status, eg sexual innuendos or threatening words.
- Unwanted, unwelcome, inappropriate, intimidating non-verbal actions e.g. emails, texts, images or gestures
- Jokes, offensive language, gossip, slander, sectarian songs and letters
- Posters, graffiti, obscene gestures, flags, bunting and emblems
- Isolation or non-cooperation and exclusion from social activities
- Coercion for sexual favours
- Pressure to participate in political/religious groups
- Intrusion by pestering, spying and stalking
- Failure to safeguard confidential information
- Shouting at people
- Setting impossible deadlines
- Persistent criticism
- Personal insults

Bullying can occur in a number of different ways. Some are obvious and easy to identify. Others are subtle and difficult to explain. The behaviours may be carried out as a deliberate act or unconsciously.

5.2 Bullying and harassment can happen:

- Face-to-face
- By email or letter
- By phone
- Online or via social media

6 ROLES AND RESPONSIBILITIES

6.1 All Colleagues

- Have the responsibility to maintain a working environment in which the dignity of all colleagues is respected. You must always behave with civility and respect towards all your colleagues. In doing this, you must always ensure that your behaviour does not cause offence to your colleagues or any other person with whom you come into contact during your employment with the Trust

- Must discourage and/or report any unacceptable behaviour
- Must be supportive to any colleague who is being subjected to unacceptable behaviour and intervene where appropriate
- Must inform your manager if you are concerned that you or any colleague has been subject to unacceptable behaviour

6.2 Directors

- Will need to ensure that this policy is widely known and implemented throughout their Directorate
- Are responsible for ensuring equal opportunities for all employees and for maintaining correct adherence to Trust policies and procedures.

6.3 Leaders & Line Managers

- Managers have a responsibility to model the standards of acceptable behaviour expected of colleagues. Line Managers should ensure their own behaviour could not be construed as personal harassment by acting with fairness and equity. This includes using their judgement to correct standards of conduct or behaviour which could be seen as harassment, and to remind colleagues of these standards. Each colleague carries responsibility for their own behaviours.

Line Managers are therefore responsible for the following:

- Promoting a team work ethic
- Ensuring team meetings happen regularly where everyone is encouraged to participate
- Setting team objectives
- Planning regular 'team away days/time out'
- Promoting an 'open door' environment where people are encouraged to raise concerns
- Listening to what employees say and act where appropriate
- Signposting employees to others if they feel unable to approach their line manager

6.4 People & OD team

- Will ensure that this policy is applied in a consistent manner across the Trust and will provide advice to you, your colleagues and managers on the application of this policy both informally and formally
- Will provide learning and development activities regarding matters relating to Civility and Respect in the Workplace
- If it is identified through persistent low-level complaints or exit interviews that a culture of unacceptable behaviours may exist, the People & OD team will review the data and investigate with a view to take any required action which ensures the development of a positive working environment

6.5 Trade Unions/Professional Organisations and Staff Representatives

- Support (you), their members in dealing with concerns in respect of working relationships (for and against) promptly and appropriately in accordance with the principles of the policy.
- Help inform you of the policy and encourage you if you have problems, to use the facilities and support mechanisms available within the policy.

- Support the Trust in its efforts to provide a positive working environment free of bullying, harassment and intimidation.

6.6 Freedom to Speak Up Guardian

- Will give you independent and impartial advice at any stage in which you raise a concern, if you wish to involve them.

7. MANAGEMENT STANDARDS

Management may sometimes be perceived as bullying and harassment; a manager who is consistent and fair is not necessarily guilty of bullying and/or harassment. The leadership behavioural style expected of managers in the Trust is characterised by the following:

- Mentor, guide, coach, lead by example, inspire their team, set out expectations clearly on an informal basis, through 121s and Appraisals
- Deals fairly and effectively with performance issues
- Communicates well, and a good listener
- Accepts feedback
- Creates an environment where people can make suggestions for improvement and implement ideas
- Providing guidance and support
- Value and recognise contribution of colleagues and provide praise where appropriate
- To give and receive balanced and constructive feedback to enable learning and development
- Loyal to organisation – prepared to defend interests of team
- Accepts responsibility for actions of team
- Good interpersonal skills and able to manage tensions between team members
- Technical competence with broader leadership skills
- Maintains positive communication style and motivates in challenging times
- Gains loyalty and cares about the health and wellbeing of the team
- Determined to achieve the best result, but is reasonable and flexible
- Insists on high standards of service in quality and behaviours

8 IMPLEMENTATION

8.1 General Principles

Positive working environments and positive working relationships have a positive impact on employee wellbeing and engagement. A positive working environment can also lead to better performance, improved retention and reduced stress related sickness absence. Focusing on resolution is beneficial for the Trust, employees, patients, and service users.

The Trust recognises that conflict in the workplace may occur. In the event that this does happen, we endeavour to support colleagues and managers to work together to resolve issues and conflicts informally, constructively and in a timely manner.

This policy provides a framework of the process the Trust will follow to resolve issues without resorting to a formal process wherever possible.

It is against the policy of the Trust for any employee to bully and/or harass another employee both directly and indirectly. Such conduct will not be accepted. Appropriate disciplinary action, up to and including dismissal for serious and recurrent offences, will be considered against any individual who is found to have violated this policy.

Similarly, an employee who raises a concern which is proved to be vexatious or malicious may find themselves subject to disciplinary action.

8.2 Maintaining a positive working environment

There are steps that everyone can take to maintain a positive work environment:

- Think about how you communicate, use transparent and open communication
- Respect each other and appreciate we are all different
- Listen to each other
- Provide positive reinforcement to your colleagues where it is needed
- Make a commitment to prioritise your health and wellbeing
- Take the time to celebrate team successes
- If you witness or hear any behaviour/language that isn't in accordance with the spirit of this policy or our Trusts' values, take responsibility and challenge this behaviour to prevent escalation. The challenge should be in a non-confrontational style and approach

9 RESOLUTION

There will be occasions where it is not possible to maintain a positive working environment, this could be a purposeful act or by accident whereby the person creating the negative behaviour may not be aware of it.

This behaviour breaches the behavioural standards expected at the Trust and should be addressed; however it is in the best interest of all parties concerned if this can be dealt with informally (see sub-section 10.1).

The Trust will only consider concerns under the formal procedure where informal action has been unsuccessful or where there has been a significant breach of this policy.

All allegations of bullying and/or harassment will be dealt with seriously, swiftly and sensitively, with due regard to the rights of all parties involved. It is important to note that it may not always be the case that working relationships will be resolved and colleagues may wish to have or remain with differing views in regard to a situation which has occurred. However, they must have had the opportunity to share their feelings/views either during the informal and/or formal procedure/s and the Trust must do all it can to support all parties, in order to move forward.

9.1 Keeping a Record

Where an employee believes they are the subject of harassment or bullying, they may wish to keep a diary of the details. This should include the details of the incident, date, time,

place, their feelings at the time, their reactions to the incident, the reactions of the person considered to be harassing them and details of any witnesses to the incident.

Where possible, we encourage records to be as factual and accurate as possible so that a timeline can be established in the event of a formal investigation taking place. Behaviour which could be deemed to be bullying or harassment should be described in detail wherever possible.

9.2 Giving Feedback in a Just Culture

It is important to take steps to address the behaviour where possible, and speak directly (or indirectly through another person) to the person displaying the behaviour.

An important question to consider:

- **Does this person realise that what they're doing is making me feel this way?**

If indeed, the behaviour is unintentional then this may be addressed informally in the first instance by 'Giving Feedback'. To address this, it is necessary to speak calmly with the person either in person with or without some support or in writing – you can also write down what you want to say beforehand if this is helpful to you – and describe what has been happening and why you object to it and/or how it is making you feel.

After this conversation, it is important to add it to your record so that if the behaviour continues, you can demonstrate that you have asked the person to stop.

If the individual has simply not realised the effect of their behaviour this could be the necessary step to resolve the situation before commencing with an informal or formal process.

However if, after you have given feedback the behaviour continues, then we would encourage you to speak to your line manager to commence the Informal Procedure.

9.3 Raising a concern and what to expect

It is important to be aware that whilst all bullying and harassment concerns will be taken seriously by management, a concern may not always result in a formal hearing depending on the information and evidence available. We would always advise you to keep a record as outlined in section 10.1 to support with any formal proceedings.

Once an investigation has taken place into the complaint (within a set time period agreed between the complainant and the investigating manager) the investigating manager will decide if the complaint can be upheld (there's a case to answer) or not.

If the complaint is upheld this means there is enough evidence for the Trust to consider to do one or both of the following:

- recommend actions that need to be taken to resolve the complaint
- follow up with a disciplinary procedure and consider disciplinary action if appropriate

You will be informed of recommended actions the Trust will take to resolve the issue, however due to confidentiality, you may not always be informed of any disciplinary action taken against the individual/s.

9.4 Informal procedure

The Trust will always advocate attempting to resolve issues on an informal basis wherever possible. There are a number of different options available to an employee who feels that they have/are being bullied by a colleague, subordinate, supervisor or manager. It is for the employee to decide the best course of action to take.

Wherever possible, an employee who considers that they are/have been subjected to bullying and/or harassment should inform the individual responsible that their behaviour is unwelcome, that it is causing them distress and ask them to stop. The individual may be unaware of the effect of their actions and an informal discussion can lead to a greater understanding and an agreement that the behaviour will cease.

The employee may wish to ask a colleague to be present when they speak with the person concerned using the 'Giving Feedback' process outlined in Section 10.2.

If the employee feels unable to approach the employee directly for whatever reason, then they should raise their concerns with their Line Manager.

If this is not appropriate, the employee may also raise their concern with the following:

- A different line manager
- Freedom to Speak Up Guardian
- Freedom to Speak Up Champion
- People Business Partner Team
- Staff Side / Trade Union Representative

Whilst the Trust acknowledges that it is often difficult for an employee to seek help in circumstances where they feel they are being bullied and/or harassed, it is important that the employees seeks help with the issue immediately in order for the Trust to facilitate an appropriate response and to identify the steps required to resolve the issue.

Where the bullying and/or harassment is by their Line Manager, a higher level manager should be approached who will agree the approach to be taken, identify appropriate support for the employee.

Once a concern has been raised, an informal meeting should take place with the Line Manager (where appropriate) to meet to discuss the issue in detail and identify the most suitable route for resolution.

Employees can be accompanied to the meeting by their chosen companion as defined above. The meeting should take place as soon as possible, but no later than 5 working days of the concern being raised in the first instance.

Where, in exceptional circumstances a meeting cannot be arranged within this timeframe e.g. due to absence, the Line Manager should communicate this with the employee and convene a meeting no later than 21 days from the date the employee initially raised their concern. If the Line Manager is unable to meet this timeframe then they should assign another manager who can conduct this meeting in their place.

The discussion should be documented in writing which should clearly outline the concern, the agreed resolution and should be signed by the employee and Line Manager. This may then be uploaded to ER tracker should it proceed to a formal process. It may also be appropriate to agree a date in which the employee and Line Manager may wish to meet again to review progress.

An acceptable resolution can differ depending on the situation, but examples may include the following:

- Line Manager agrees to observe the interactions between the parties involved and provide relevant feedback as appropriate to gain further understanding of the issues
- Line Manager or another appropriate person facilitates an informal meeting between the employees involved to agree a positive way of working professionally together moving forward
- Informal discussion with all colleagues in the department which should be done sensitively and without breaching confidentiality
- The Line Manager recommends that mediation with a trained mediator is explored between the parties involved
- Coaching, training and/or other development tools

This list is not intended to be exhaustive, nor should it prevent alternative resolutions being explored. The ultimate aim of the meeting is to support the employee to resolve the concerns without the need to invoke a formal process. Should the informal process be unsuccessful, this does not prevent the matter being taken through the formal process at a later stage.

There may be exceptional circumstances where the concerns raised are so significant that the formal process needs to be invoked immediately. This should only take place following discussion with the People Business Partner team.

9.5 Formal Procedure

The Trust encourages and promotes the early resolution of any issues which have occurred in respect of working relationships and working environments through informal resolution where appropriate. Seeking to address the situation informally can lead to a quicker resolution that causes minimal disruption to relationships. However, it is also recognised that there are times when a formal approach is necessary and as such, the formal procedure outlined below will be invoked.

The formal procedure should only take place where informal action has been explored and has been unsuccessful or where there has been a significant breach of this policy and it is felt appropriate to proceed on this basis as highlighted above.

Colleagues must notify an appropriate Senior Manager or their representative, in writing, that they wish to make a formal complaint, which must include what actions, if any, have taken place as part of the informal procedure to address the concerns that have been raised.

The Manager should discuss the concerns with a member of the People Business Partner Team. The Manager will write to the colleague within 7 working days to confirm the next steps which may include the following:

- A further discussion and/or actions to take place as part of the informal procedure
- A meeting with the individual employee to explore the concerns further
- Request for further information
- A decision to progress to the formal procedure and an Investigating Officer appointed to investigate the concerns

This is not an exhaustive list and other resolutions may be considered in conjunction with the colleagues concerned.

9.6 Formal Investigations

Should the decision be taken to formally investigate the concerns, the employee(s) who is/are the subject of the complaint will be informed by a senior manager in their area of work, that a formal complaint has been submitted and **will be able to view relevant information to the case so that they may respond appropriately to the complaint, however this must be in line with confidentiality and Data Protection requirements. Witnesses should also be made aware that their statements may be shared with the complainant.**

Consideration will need to be given in relation to appropriate action in order to relieve the stress and pressure on one or both parties and to prevent the risk of further incidents occurring whilst the investigation takes place.

This may include the following:

- Temporarily restricting or amending the duties of both parties
- Re-arranging duty rotas or arranging temporary workplace transfers in order to minimise contact between both parties for the duration of the investigation. Due consideration will be given to travel arrangements and working hours.
- Arrangements for all parties to ensure that they are fully supported throughout the investigation, this may include counselling, Occupational Health, Employee Assistance Programme, the support of a Mentor/coach. This is not an exhaustive list and the Line Manager, and the Investigating Officer must ensure that adequate support arrangements are implemented
- Suspension of the subject of the complaint would be an exceptional step only to be considered in serious cases. Such action will not be prejudicial, rather a measure to protect both parties and to establish the facts of the matter without delay. Further guidance is available in the Disciplinary Policy.

A full investigation will be initiated as timely as possible by a Commissioning Manager. An appropriate, independent Investigating Officer will be appointed, with consideration given as to whether they require knowledge of the area concerned.

As far as reasonably practicable, formal investigations should be completed within 6 weeks of commencement. However, it is recognised that in some cases the complexities involved may mean this is not achievable. In the event of a formal investigation taking longer than 2 months the Investigating Officer will be responsible for keeping all parties informed of the delay and anticipated time frame for completion. The complainant and the employee who is the subject of the complaint should be informed of progress at regular intervals. This timeframe should be individually agreed between the complainant and the investigating manager at the start of the process however we would recommend that contact be made every 7 days at a minimum unless exceptional circumstances arise.

The Investigating Officer will seek to establish the facts of the case promptly, before recollections fade, taking account of available evidence and written statements from the complainant and from witnesses. They may also explore the actions taken as part of the informal procedure (as appropriate). Once the investigation has been completed, the Investigating Officer will submit their findings and recommendations to the Commissioning Manager.

9.7 Possible Outcomes

If the complaint or allegations are found to be upheld but not deemed to be bullying or harassing, both the complainant and the subject of the complaint will be informed by the Investigating Officer in writing that the investigation has been concluded and provided a summary of the outcomes. **The complainant will be the first to be informed of the outcome of the investigation.**

The outcome and feedback should focus purely on the findings, conclusions, and recommendations in respect of the allegations made by the complainant. They will also be given the opportunity to attend a meeting if they wish to do so with the Investigating Officer to receive more detailed feedback where available.

Where a complaint is unsubstantiated and others have been involved in the investigation, all involved should be supported and receive a debrief (**which must not breach confidentiality**) and closure following the investigation process where appropriate.

If the complaint is found to be substantiated and disciplinary action is not being recommended, both the complainant and the subject of the complaint will be informed in writing by the Investigating Officer that the investigation has been concluded and a summary of the findings. **The complainant will be the first to be informed of the outcome of the investigation.**

If the complaint is found to be substantiated and the recommendation is to progress to a disciplinary process, the subject of the complaint will be informed in writing of this by the Commissioning Manager or their representative as well as the next steps, however, **if disciplinary action is taken, confidentiality and data protection laws may limit the amount of information the Trust can disclose.**

Following the conclusion of any action following the investigation, colleagues involved in the investigation, should be supported and receive a debrief after the outcome of the Hearing (which must not breach confidentiality) where appropriate.

If it is considered that the complaint has been made with malicious or frivolous intent, this will be investigated and, if necessary, addressed under the Trust's Disciplinary Policy.

Any employee who intimidates, victimises or retaliates against either anyone making a complaint or assisting in an investigation or against the subject of a complaint, whether the complaint is found to be substantiated or unsubstantiated, will be dealt with under the Trust's Disciplinary Policy, as such conduct will be regarded as a serious offence.

10 RIGHT OF REPRESENTATION

At all stages of the procedure, the employee is entitled to be accompanied by a colleague or trade union official and you should make arrangements for this directly.

Your representation is entitled to confer with you during meetings, put forward your case on your behalf and sum up your case. However, your representation is not permitted to answer questions on your behalf.

11 SUPPORT SERVICES

For additional support, colleagues can seek help and advice from ViVup & the Employee Assistance Line.

Our employee assistance service - called ViVup - 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.

You can access the HELP Employee Assistance services through the telephone helpline 0800 028 8761 or visit the website at:

[https:// dbth.nhs.uk/health-and-wellbeing/vivup/help-support-service/](https://dbth.nhs.uk/health-and-wellbeing/vivup/help-support-service/)

11.1 Support for colleagues accused of bullying

Being accused of bullying can be as stressful as being bullied. During the investigation process, support will be offered to you as well as to your accuser, and you can access the Vivup Wellbeing Support outlined above. Your manager may also assign you a colleague as a form of pastoral and wellbeing support during the process if appropriate.

If you are accused of bullying, the Trust will investigate the allegations promptly and carefully and give you a proper chance to respond. The more serious the allegations, the more thorough the investigation must be. You also have a right to be accompanied to investigation meetings by your trade union rep or, if you do not have a rep, a colleague.

If the allegations proceed to a formal hearing, you will be able to see copies of witness statements and any other evidence and discuss these with your Union Representative in good time before the hearing date.

You are also advised to keep a careful journal of events and keep copies of any letters or emails. Unless you are suspended or instructed otherwise, you should continue to attend work as normal.

12 TRAINING

The Standard Training Needs Analysis (TNA) – The training requirements will be identified through a training needs analysis. Role specific education will be delivered by the service lead.

Managers should speak to their People Business Partner Team if they require any further guidance or support.

13 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

What is being Monitored	Who will carry out the Monitoring	How often	How Reviewed/ Where Reported to
All Bullying & Harassment Cases	Responsible Line Manager	Commencement of the Informal Stage	People Business Partnering team
Application of policy	HR Business Partners / Senior Managers	Monthly	As part of Divisional/Directorate Leadership Team meetings
Content and relevance	People Business Partner Team	Ongoing	Monitor developments in good practice / legislation

Overview of cases	People Committee	Annually (or exceptionally)	Report considered and actions / changes commissioned.

14 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).

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 [insert])

15 ASSOCIATED TRUST PROCEDURAL DOCUMENTS

CORP/EMP 14 – Raising Concerns
 CORP/EMP 2 – Disciplinary Procedure
 CORP/EMP 1 – Sickness Absence Policy

16 DATA PROTECTION

Any personal data processing associated with this policy will be carried out under 'Current data protection legislation' as in the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) 2016).

For further information on data processing carried out by the trust, please refer to our Privacy Notices and other information which you can find on the trust website:
<https://www.dbth.nhs.uk/about-us/our-publications/uk-data-protection-legislation-eu-general-data-protection-regulation-gdpr/>

17 REFERENCES

CIPD, (2010). Bullying and Harassment Factsheet. <http://www.cipd.co.uk/bullyingandharassment>

APPENDIX 1 –DEFINITIONS

The definitions and explanations given in this appendix are not intended to be exhaustive lists and should be read alongside the behavioural charter 'The DBTH Way'

Respect

Due regard for the feelings, wishes, or rights of others

Civility

Formal politeness and courtesy in behaviour or speech including verbal and written communication

Resolution

The action of solving a problem or contentious matter.

Just Culture

The term 'Just Culture' derives from Professor Sir Norman Williams's Review into Gross Negligence Manslaughter in Healthcare report in 2018 where he stated 'A just culture considers wider systemic issues where things go wrong, enabling professionals and those operating the system to learn without fear of retribution'.

His report goes on to say "...generally in a just culture inadvertent human error, freely admitted, is not normally subject to sanction to encourage reporting of safety issues. In a just culture investigators principally attempt to understand why failings occurred and how the system led to sub-optimal behaviours.

However a just culture also holds people appropriately to account where there is evidence of negligence or deliberate acts'.

Positive Working Environment

A positive working environment is a workplace that promotes employee safety, growth and goal attainment. These environments are most conducive to a successful workforce as they encourage employees to perform to their highest ability.

A positive working environment has several important factors. These could include:

- The relationship with colleagues and managers
- Positive Organisational culture
- Room for personal development
- Physical environment such as how much light and fresh air and space there is in the workplace
- Recognition for good work
- Open and honest communication
- Cooperation, support, and empowerment
- Flexibility

- Good work / life balance
- Positive leadership

Positive Working Relationship

There are several characteristics that are necessary in creating good working relationships. This can include:

- Trust - Where you trust the people you work with, you can be open and honest in your thoughts and actions
- Respect - Where you respect the people who you work with, value their input and ideas, and they value yours. In working together, you can develop solutions based on your collective insight, wisdom and creativity.
- Mindfulness – Being aware of what we say. Where we take responsibility for our words and actions, and not let our own negative emotions impact the people around us.
- Inclusion - People with good relationships not only accept diverse people and opinions, but they welcome them.
- Open communication - We communicate all day, whether just sending emails, or meeting people face to face or on video calls. The better and more effectively we communicate with those around us, the richer our relationships will be. All good relationships rely upon honest communication.

Mediation

Mediation is a confidential, informal and voluntary process where an impartial third party, the mediator, communicates between two or more people in dispute to assist them in developing mutually acceptable agreements to improve their future working relationship. Any agreement comes from those in dispute, 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 seeks to provide an informal and speedy solution to workplace conflict, and it can be used at any point in the conflict cycle. What the process offers is a safe and confidential space for participants to find their own answers. It does this in a number of ways, 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

- Encouraging communication and helping the people involved to find a solution that both sides feel is fair and offers a solution that favours them
- Using energy generated by conflict in a positive way to move things on.

Freedom to speak up

This is the national integrated whistleblowing policy that standardised the way NHS organisations support staff who raise concerns.

It defines how NHS organisation should encourage staff to speak up and set out the steps they will take to get to the bottom of any concerns

Can include but is not limited to whistleblowing and duty of candour

At Work

Includes any situation that can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where NHS care is delivered.

Disrespectful behaviour

Rude or discourteous behaviour that causes you to feel belittled or insulted or to have your reputation damaged. If left unchecked it creates an uncomfortable or even hostile work environment and could develop into bullying and harassment. Examples include use of demeaning or offensive language, shouting, openly disregarding other's views, frequent interrupting, being deceptive or manipulative, gossiping behind another's back (including online), being disruptive or not making a full contribution in the workplace to the detriment of colleagues

Bullying (see section 5.1)

Bullying is persistent, offensive, abusive, intimidating, malicious or insulting behaviour, abuse of power or unfair penal sanctions which makes you feel upset, threatened, humiliated or vulnerable, which undermines your self-confidence, and which may cause you to suffer stress and may have a detrimental impact on patient care.

Cyber Bullying

Cyberbullying is bullying online and any form of anti-social behaviour over the internet or via a mobile device. It is an attack or abuse, using technology, which is intended to cause another person harm, distress or personal loss.

Forums and tools used often vary and include a range of electronic devices often linked to forums or chat rooms. The tool may be a computer or laptop, a mobile phone, a camera or recording device, a tablet or games-console or simply email or mobile text messaging.

Typically, the bullies use social networking sites such as Facebook, Twitter and other interactive forums to target an individual or group. Some examples of cyberbullying can include:

- Spreading malicious and abusive rumours and gossiping
- Emailing or texting you with threatening or intimidating remarks
- Mobbing (a group or gang that target you)
- Harassing you repeatedly
- Intimidation and blackmail
- Stalking you on-line and continually harassing you
- Posting embarrassing or humiliating images or video's without your consent
- Posting your private details on-line without consent
- General Bullying or Stalking
- Grooming (enticing or goading you on-line to self-harm or commit a crime)
- Setting up a false profile, Identity fraud or identity theft
- Using gaming sites to attack or bully you
- Theft, Fraud or deception over the internet
- Telephone calls
- Posting comments on websites e.g. Facebook or Twitter
- Hacking into other people's accounts and sending viruses.

Definition of harassment

Broadly, harassment in the workplace can be defined as:

Unsolicited or unwelcome remarks or actions by an individual or group, which causes a colleague to feel threatened, humiliated, patronised, harassed or otherwise distressed or which interferes with job performance, undermines job security or creates an intimidating or otherwise unpleasant working environment.

It is acknowledged that, on occasions, employees may be genuinely unaware that their behaviour causes offence. However, it is the duty of each individual to be sensitive to the impact they have on their colleagues and to recognise that some apparently trivial incidents, repeated over time, can create an unpleasant, intimidating or frightening atmosphere. Wherever possible, at any early-stage employees should highlight the behaviour/actions which they find unacceptable /offensive, in the aim of immediately addressing the situation.

Sexual Harassment

Sexual harassment is a form of sexual discrimination.

The Equality Act sets out two specific definitions of sexual harassment, which are:

- conduct of a sexual nature that has the purpose or effect of violating a person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment; and
- less favourable treatment related to sex or gender reassignment that occurs as a result of a rejection of or submission to sexual conduct.

In determining whether or not the unwanted conduct has the effect referred to, the factors that must be taken into account are:

- The perception of the complainant.
- The other circumstances of the case; and
- Whether or not it is reasonable for the conduct to have that effect.

Examples may include:

- Unwelcome sexual attention
- Suggestions that sexual favours may further your career, or refusal may hinder it
- Remarks, insults, derogatory comments, jokes, innuendoes or ridicule of a sexual nature
- Lewd, suggestive or over-familiar behaviour
- Leering, eyeing up a person's body
- Passing, display or circulation of sexually suggestive messages (including via email), or other literature or material e.g. pin-ups

Indeed, a key problem is that different people often have different ideas as to what behaviour may be regarded as sexual harassment. However, the fundamental concept is that sexual harassment refers to conduct which is unwanted and unwelcome to the recipient.

In general, unwanted sexual attention is harassment if it continues after it has been made clear that it is found unacceptable. However, one incident can be enough to constitute sexual harassment if it is sufficiently serious.

Both men and women have been known to be sexually harassed.

Racial Harassment

Racial harassment is a form of racial discrimination. It includes a wide range of abusive and/or threatening behaviour. It can be defined as any hostile act or expression on racial grounds by a person of one racial or ethnic origin against another, or incitement to commit such an act, where there is an indication that the motivation is racial dislike or hatred.

Such behaviour may be contrary to the Equality Act 2010.

Examples may include :

- Remarks, jokes, derogatory comments, abuse,
- Wearing of offensive badges or insignia,
- Display or circulation of offensive publications,
- Racist graffiti,
- Insulting behaviour or gestures,
- Ignoring or shunning a colleague on the grounds of race,
- Denying access to benefits such as training and overtime.
- Use of social media in respect of any of the above

In the Equality Act, race can mean your colour, or your nationality (including your citizenship). It can also mean your ethnic or national origins, which may not be the same as your current nationality. For example, you may have Chinese national origins and be living in Britain with a British passport.

Race also covers ethnic and racial groups. This means a group of people who all share the same protected characteristic of ethnicity or race.

A racial group can be made up of two or more distinct racial groups, for example black Britons, British Asians, British Sikhs, British Jews, Romany Gypsies and Irish Travellers.

You may be discriminated against because of one or more aspects of your race, for example people born in Britain to Jamaican parents could be discriminated against because they are British citizens, or because of their Jamaican national origins.

Other Forms of Harassment

Individuals can also experience harassment based on, for example:

- Age
- Marriage or Civil Partnership Status
- Gender Reassignment
- Disability
- Pregnancy or maternity
- Religion
- Sexual Orientation
- Social/Health Inequalities
- Physical attributes
- Personality clashes

Harassment also includes the following:

Harassment based on association

It is unlawful to discriminate against or harass any individual for association with another individual who has a protected characteristic (other than marriage and civil partnership, and (according to guidance from the Government and ACAS) pregnancy and maternity). For

example, if an employer denies an employee a promotion because she is taking care of a disabled relative and the employer thinks that the employee will not have any time for new duties, this would amount to associative discrimination as disability is one of the specified protected characteristics. Similarly, if an employer harasses an employee because his brother is gay, this would be unlawful as associative harassment as sexual orientation is another of the protected characteristics.

Harassment based on perceptions

It is unlawful to discriminate against or harass any individual based on a perception that he or she has a particular protected characteristic (other than marriage and civil partnership, and pregnancy and maternity) when he or she does not, in fact, have the protected characteristic.

For example, a male employee may look much older than his age. If the organisation does not allow him to make presentations to clients because his line manager thinks that he is too old, the employee has been discriminated against because of a perception of the protected characteristic of age, even though he may be relatively young.

Similarly, if an employee is called names and made fun of because his colleagues believe that he is a transsexual, he may have a claim for perceptive harassment related to the protected characteristic of gender reassignment, even though he is not a transsexual.

Discrimination

This can be described as the unjust or prejudicial treatment of different categories of people, on the grounds of one of the protected characteristics.

Direct Discrimination

Direct discrimination is the legal term that applies if you treat someone less favourably than someone else has been treated (or would be treated) because the person belongs to one of the protected groups.

Indirect Discrimination

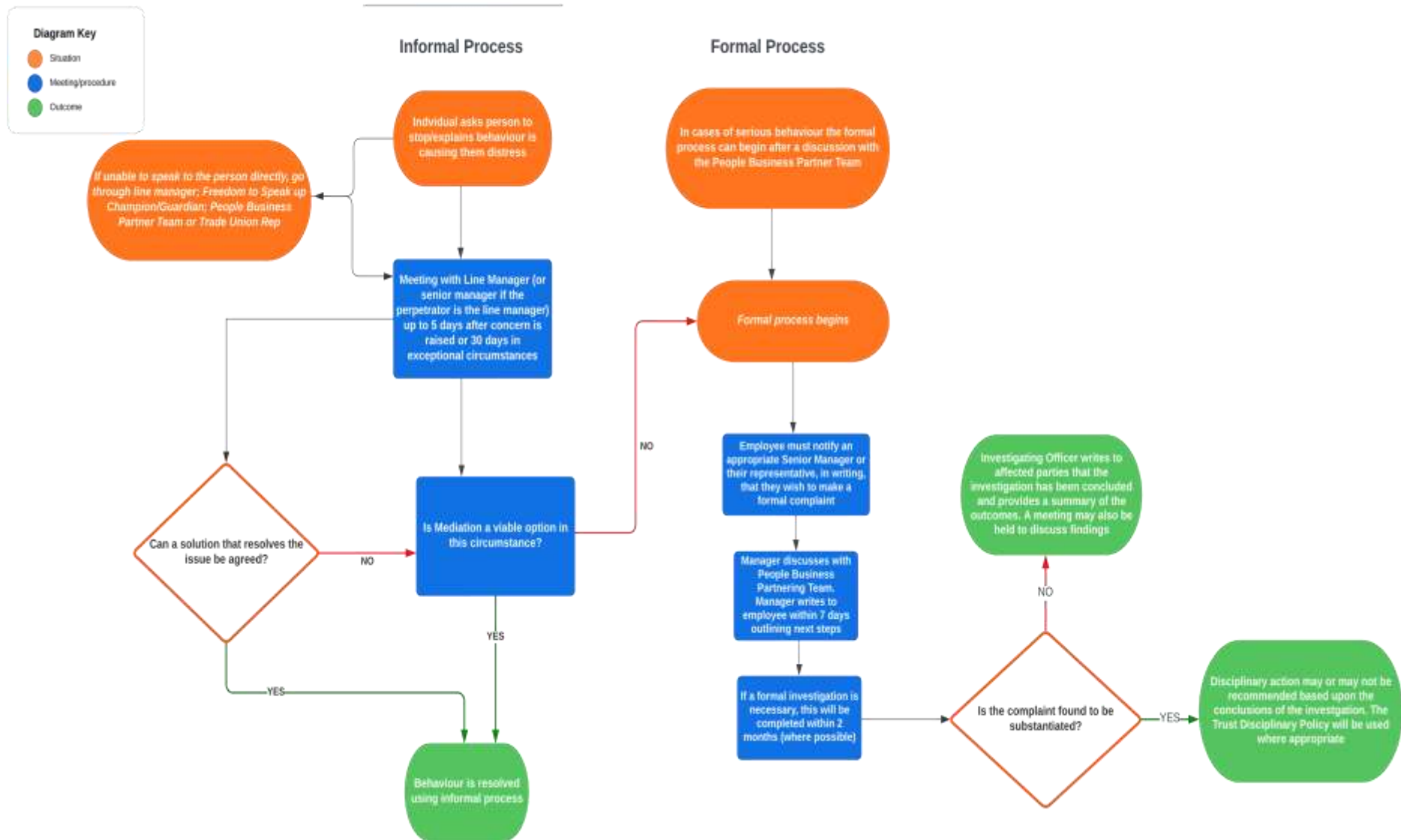
Indirect discrimination is when there is a practice, policy or rule which applies to everyone in the same way, however, it has a worse effect on some people than others. The Equality Act 2010 says it puts you at a particular disadvantage.

Victimisation

Victimisation' is being treated unfairly because you made or supported a complaint, someone thinks you did or you are supporting someone else taking action.

For example, a colleague makes a sexual harassment claim against your boss. After you give evidence as a witness to support their claim, your boss starts treating you unfairly.

Informal and Formal Process for dealing with Bullying and Harassment



APPENDIX 2 - EQUALITY IMPACT ASSESSMENT PART 1 INITIAL SCREENING

Service/Function/Policy/Project/ Strategy	Division	Assessor (s)	New or Existing Service or Policy?	Date of Assessment
Civility, Respect & Resolution Policy	P&OD	Jayne Lang	New	July 23
1) Who is responsible for this policy? Name of Division/Directorate: People and Organisational Development				
2) Describe the purpose of the service / function / policy / project/ strategy? Who is it intended to benefit? What are the intended outcomes? Policy to support staff around resolution of bullying and harassment and to understand the expected levels of behaviour and what to do if these levels are not maintained				
3) Are there any associated objectives? Legislation, targets national expectation, standards: Resolution of issues around bullying and harassment				
4) What factors contribute or detract from achieving intended outcomes? – Awareness of policy, self awareness.				
5) 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? Details: [see Equality Impact Assessment Guidance] – No, is open, applicable and available to all colleagues				
<ul style="list-style-type: none"> • If yes, please describe current or planned activities to address the impact [e.g. Monitoring, consultation] – 				
6) Is there any scope for new measures which would promote equality? [any actions to be taken]				
7) Are any of the following groups adversely affected by the policy?				
Protected Characteristics	Affected?	Impact		
a) Age	No			
b) Disability	No			
c) Gender	No			
d) Gender Reassignment	No			
e) Marriage/Civil Partnership	No			
f) Maternity/Pregnancy	No			
g) Race	No			
h) Religion/Belief	No			
i) Sexual Orientation	No			
8) Provide the Equality Rating of the service / function / policy / project / strategy – tick (✓) outcome box				
Outcome 1	Outcome 2	Outcome 3	Outcome 4	
<i>*If you have rated the policy as having an outcome of 2, 3 or 4, it is necessary to carry out a detailed assessment and complete a Detailed Equality Analysis form – see CORP/EMP 27.</i>				
Date for next review: August 2026				
Checked by: Ashish Kaushik			Date: 28 th July 2023	