

Dignity at Work Policy (incorporating Bullying & Harassment at Work)

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What is in this policy?	
<p>This policy is designed to give guidance to all staff on the behaviour expected to ensure a working environment where everyone is treated with dignity and respect in line with the Trust Values. It also provides information about the support available to staff and the processes to be followed for dealing with unacceptable behaviour.</p> <p>The Trust’s Workforce Diversity & Inclusion Strategy sets out the ambition to be ‘committed to inclusion in everything we do’. Ensuring dignity and respect for patients and staff is a core principle within this strategy, and promoting equality, diversity and human rights while challenging any form of inequality, discrimination and harassment is central to the Trust’s Values.</p> <p>UHBW will not tolerate discrimination, harassment or bullying under any circumstances and particularly because of a protected characteristic. This is supported by the Trust’s commitment to the Equality Act 2010 and its Public Sector Equality Duties as defined by the Act.</p> <p>Our Human Resources policies are written with this commitment as a guiding principle, to ensure that the policies and their application are inclusive and supportive to all of our staff.</p>	

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[Procedural Document Reference]

Document Change Control				
Date of Version	Version Number	Lead for Revisions	Type of Revision	Description of Revision
August 2009	1	Director of Workforce and OD	Scheduled Review	Review and NHSLA standards
March 2011	2	Director of Workforce and OD	Major review	Revision to incorporate new legislation (Equality Act 2010)
November 2011	2.1	Assistant Director of Human Resources	Interim review	To incorporate additional information
January 2013	3	Assistant Director of Human Resources	Scheduled review	To incorporate additional information arising from response to monitoring information
February 2016	4	Assistant Director of Human Resources	Major review	Major revision of content
September 2017	5	Equality & Diversity Officer	Major review	Major revision of content, including change of title and emphasis to positive, Values-based behaviours. Process reviewed and clarified to be more supportive and transparent.
May 2020	6	Head of Employee Relations	Interim review	<p>Incorporation of Weston site values pending the TeamUHBW values project.</p> <p>Incorporation of links to relevant Weston associated policies and locations on the intranet.</p> <p>Addition of CareFirst EAP details in section 6.6 – Support for Staff.</p> <p>Addition of Supporting Positive Behaviours framework signposting in section 7.</p>
Dec 2021	6.1	HR Specialist	Minor	Minor amendments to include new Trust values and to reflect resolution framework.
July 2022	6.2	HR Specialist	minor	Clarification of scope for students and trainees

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1. Introduction

All employees have the right to be treated with consideration, dignity and respect, and we all have a responsibility to set a positive example by treating others with respect and to act in a way which is in line with the Trust's Values.

University Hospitals Bristol & Weston NHS Foundation Trust (UHBW) is committed to work towards a more inclusive and supportive working environment for all of our staff. This includes providing an environment free from harassment, bullying, discrimination or abuse from colleagues or service users.

The Trust will not tolerate bullying, harassment or discrimination in any form. It recognises that it has legal responsibilities to prevent harassment related to age, disability, caring responsibilities, pregnancy, marital status, race, colour, ethnic or national origin, sex, sexual orientation and gender identity.

2. Purpose

This policy has been developed to ensure that everyone knows:

- the sort of behaviour we expect to see to ensure dignity at work for all
- the sort of behaviour which is not acceptable
- what support is available to staff who feel bullied, harassed or discriminated against
- what steps you can take if you feel you are not being treated with dignity and respect, including how to make an informal or formal complaint
- what will happen during these processes

3. Scope

This policy applies to all employees of UHBW. It also applies to agency workers, students, trainees, holders of honorary contracts, volunteers and contractors who may not be directly employed by the Trust but are carrying out work on behalf of the Trust. Employees, contractors and agency workers will be referred to as "staff" for ease throughout the policy.

Where a student or trainee wishes to raise a concern about unacceptable behaviour of a UHBW employee they should use this policy. Their university or educational body will be kept informed. If their concern relates to a fellow student or trainee then they should follow the policy of their university or educational body.

4. Definitions

4.1 *Positive Behaviours – Trust Values*

UHBW expects all staff to work in ways which reflect our values at all times.

We are Supportive - We're always there for each other. We try and do the right thing for patients and colleagues everyday

We are Respectful - We always look for the best in people. We are inclusive, welcoming and treat everybody fairly

We are Innovative - We're full of bright ideas. We're open to using research, learning and finding new ways of working

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We are Collaborative - We do things together. We share our experience and expertise for the benefit of the Trust and our communities

4.2 Unacceptable behaviour

The Trust defines unacceptable behaviour as any form of conduct or behaviour of a physical, verbal or non-verbal kind which has some or all of the following elements:

- is unwanted, unsolicited, unreasonable and personally offensive to the recipient(s) (irrespective of the intentions):
- creates an intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work:
- fails to both respect the rights and recognise the impact that such behaviour may have on others:
- threatens job security or disadvantages the recipient(s) in some way.

4.3 Harassment

Harassment is defined in the **Equality Act 2010** as unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

It is regarded as any conduct related to sex, race, colour, ethnic or national origin, disability, age, sexual orientation, gender reassignment, religion or belief or any other personal characteristic that is unwanted by the recipient.

4.4 Bullying

ACAS defines bullying as offensive, intimidating, malicious or insulting behaviour which make the recipient feel upset, threatened, humiliated or vulnerable and which undermines self-confidence and may cause suffering and stress.

More information about what is bullying and harassment is in Appendix B.

4.5 Discrimination

There are several types of discrimination defined under the Equality Act 2010. The most straightforward is Direct Discrimination. This means treating someone less favourably than someone else because of age, disability, gender reassignment, marital status, race, religion or belief, sex, sexual orientation or pregnancy and maternity.

Further information about different types of discrimination is included in the ACAS booklet [Equality-and-discrimination-understand-the-basics](#)

4.6 Cyber-bullying

Cyber-bullying can be defined as: "Bullying, harassment and victimisation conducted through social media such as blogs or social networking."

Examples of cyber-bullying include:

- posting offensive or threatening comments directed at a member of staff, patient, relative, carer or visitor
- posting inappropriate photographs, or the posting of sensitive personal information of or about a member of staff, patient, relative, carer or visitor
- pressuring staff, patients, relatives, carers or visitors to join online groups

More information about cyber-bullying is included in the [Social Media \(for Personal Use\) Policy](#) (for Bristol-based staff) and the [Social Networking policy](#) (for Weston-based staff).

4.7 Freedom to Speak Up and Raising Concerns

Speaking Up is about raising concerns where you think something at work is wrong, negligent, improper, or illegal. Some examples of types of concerns include: the behaviours of colleagues or managers, concerns about how care is delivered, about your working environment, or about the application of policy and whether this is fair.

If you have a concern you should speak to your line manager, or another senior manager, in the first instance to give them an opportunity to take action. For more information see the Freedom to Speak Up Policy and pages on Connect.

5. Duties, Roles and Responsibilities

5.1 All Staff

Each member of staff is responsible for their own behaviour and for ensuring their conduct is in line with the standards set out in this policy, and with the Trust Values. We are expected to:

- a) Set a positive example by treating others with respect
- b) Not accept behaviour that may be offensive to us or to others, and take positive action to make sure that we speak up about unacceptable behaviour or report it
- c) Be supportive of colleagues who may be subject to bullying, harassment or abuse
- d) Be aware of this policy and comply with it

All members of staff are encouraged to report incidents of bullying, harassment or abuse to a senior manager, even if they are not the victim.

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

5.2 Trust Board, Senior Leaders and all Line Managers

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment which protects and promotes dignity at work and is free from harassment, bullying, discrimination or abuse. They are expected to:

- a) Set a positive example by treating others with respect and setting standards of acceptable behaviour
- b) Protect the dignity of all our employees and other individuals
- c) Provide advice, information and support that protects the dignity of our workers

- d) Promote a working environment where harassment, bullying and abuse is unacceptable and not tolerated
- e) Tackle and, where possible, resolve incidents of harassment, bullying or abuse
- f) Treat each complaint seriously and sympathetically and with an open mind, and deal with it promptly and confidentially, giving the individual and the alleged perpetrator full support during the whole process
- g) Consult with HR Services or Divisional HR Business Partner at any time for advice and support, and follow the processes set down in this policy
- h) Where included in their job roles, review all policies and procedures so that they are consistent with the principles of justice, fairness and respect for employees and the organisation

5.3 Human Resources

HR Services and Divisional HR Business Partners have a responsibility to ensure that the policy is followed fairly and consistently. Their duties include:

- a) Advising and providing support for staff and managers who are involved in incidents of harassment, bullying or abuse in the course of their employment
- b) Advising and supporting managers in the application of the policy
- c) Ensuring the effective implementation of the policy
- d) Monitoring incidences of bullying and harassment and initiating appropriate action
- e) Reviewing and amending this policy as necessary, in partnership with Staff Side

5.4 Staff side

Staff Side (union) colleagues provide advice and support for individuals who feel that they are being harassed or bullied or subject to unacceptable behaviour in the course of their employment, or are the subject of a complaint against them. Please contact the Joint Union office (0117 34 20826) or email Unions@uhbw.nhs.uk for more details.

6. Policy Statement and Provisions

6.1 Dignity and Respect

All staff are entitled to work in an environment where they are treated with dignity and respect. Pressures at work or outside of work are not an acceptable reason for treating others without respect.

The Trust's commitment is to:

- ensure the dignity at work of all employees
- respect and value differences
- make full use of the talents of our workforce
- show our commitment to equal opportunities for all
- prevent acts of discrimination, exclusion, unfair treatment and other unacceptable behaviours
- be open and constructive in our communications
- be fair and just in our dealings
- promote positive behaviours throughout the Trust

6.2 Unacceptable Behaviour

The Trust will not tolerate the unacceptable behaviours described in the [definitions](#). Although sometimes it is very clear when someone's words or actions are not acceptable, it is important to remember that if an individual feels that behaviour is offensive to them it could be bullying or harassment – even if it was not intended to cause offense.

6.3 Bullying and Harassment

Bullying or harassment can have a devastating effect on people at work, often causing anxiety and loss of confidence which can result in ill health and absence from work. It can also have a damaging effect on the working environment, creating tensions in the workplace which can lead to poor quality work, low morale and high turnover.

6.4 Good working relationships

Good working relationships are important to creating a culture of dignity and respect. The Trust is committed to encouraging good, honest, open communication at all levels in work teams and recognises the need to provide support for staff who work in isolation. Poor working relationships can contribute to workplace stress. You can find more information about the support available to staff suffering from workplace stress on the [Work Related Stress](#) page on Connect if you are based in Bristol or on the [Workplace Wellbeing](#) pages of the Weston intranet.

6.5 Speak up and speak out

It is up to all of us to speak up and speak out against bullying, harassment, discrimination and any unacceptable behaviour. If we all speak up when we see this sort of behaviour we can make it clear that it is not acceptable and will not be tolerated.

Everybody who works for the NHS has a duty to raise genuine concerns if they think that something is happening at work which is wrong or illegal and affects other people including patients, members of the public, or staff.

The Freedom to Speak Up Guardian and Advocates will give independent and impartial advice and support on how to raise a concern. Phone (0117 34) 21577 or email raisingconcerns@uhbw.nhs.uk.

6.6 Support for Staff

Anyone who is concerned about harassment or bullying can ask for support from their line manager or a senior colleague. If you would prefer to talk to someone outside your team, you can get help and advice from:

- The Joint Union Office – (0117 34) 20826 or Unions@uhbw.nhs.uk
- The HR Services team – (0117 34) 25000, option 3 or HRServices@uhbw.nhs.uk
- The Staff Counselling Team – (0117 34) 20611 or 20612
- The Occupational Health Department (0117 34) 23400

- The Trust's 24/7, free and confidential Employee Assistance Programme, CareFirst. Call 0800 174 319 or visit www.carefirst-lifestyle.co.uk and use username: uhbw, password: stol1234.

This support is available to all, whether you are experiencing harassment or bullying at work or believe you have seen this happen to someone else, and if you have been accused of bullying or harassment.

7. Seeking resolution

7.1 *Informal approach*

Informal methods of dealing with unacceptable behaviour are often the quickest and most effective. If you think that someone is bullying you or behaving in another way which is not acceptable and you feel that you can talk to them about it, explain to them how they are making you feel and ask them to stop. (Sometimes individuals don't realise the effect their behaviour is having on other people, so this direct approach might make them stop and think).

The 'Supporting Positive Behaviours' framework has been developed specifically to guide employees experiencing negative behaviours at work and also managers in supporting their teams. Please read this guide for additional advice and support in how to tackle these situations - you will find it [here](#) for Weston-based staff and [here](#) for Bristol-based staff.

You can also ask your line manager, their manager, or another senior colleague for help or use the other support options available, listed in [section 6](#) of this policy.

7.2 *Discussion with a manager*

Tell your line manager what has been happening, and ask to have a meeting with them and the individual whose behaviour is causing the problem. This meeting should be arranged at the earliest opportunity.

If your concern relates to your line manager, tell another appropriate manager or senior colleague and ask for support in arranging a resolution meeting.

At this meeting the issues should be discussed and, if possible, resolution reached.

7.3 *Facilitated meeting*

This is a meeting between the person who feels they have been the subject of unacceptable behaviour and the person they are complaining about, with an appropriate person there to facilitate (make it easier). The appropriate person might be an independent manager or a member of HR or HR Services Team.

They will make sure that the issues are discussed in a safe, confidential, and supported way with the aim of reaching a resolution.

If a facilitated meeting is appropriate, a member of HR Services will contact an appropriate person to request the meeting and let you know that they have done so. If the meeting is not set up within a reasonable time, let HR Services know and they will follow this up with the person who was contacted. At this meeting the issues should be discussed and, if possible, resolution reached. If necessary, more than one facilitated meeting can take place to resolve the issue. (This might be with a different appropriate person facilitating the meeting).

Where at all possible this would be the preferred way of resolving the matter in the most timely way and with the least distress and disruption to those involved.

7.4 Mediation

If it has not been possible to reach a resolution through a facilitated meeting (or meetings), then the more structured Mediation process might be appropriate. Please note that this is an optional stage in the process.

Mediation is a completely voluntary and confidential form of alternative dispute resolution. It involves an independent, impartial person. Mediation can be used at any stage in a dispute but is most effective before positions become entrenched. The overriding aim of workplace mediation is to restore and maintain the working relationship wherever possible. This means the focus is on working together to go forward, not determining who was right or wrong in the past.

If it is decided that mediation is appropriate and should be arranged, the mediator will contact the individuals involved to explain the process.

Where agreement is reached and the mediator and all parties have a reasonable belief that the matter has been satisfactorily resolved, no further formal action will be taken.

7.5 Formal process

If a resolution cannot be reached through the informal steps or if the allegations are more serious than can be addressed by the informal process, or if an informal approach is inappropriate, these are the steps of the formal process.

7.6 Raising a formal complaint

Ask for advice from HR Services, your Divisional HR Business Partner or union representative about raising a formal complaint of harassment, bullying or unacceptable behaviour.

You will need to make it clear that you are raising the complaint formally, and explain any informal steps which have already been tried. You should include the name of the person or people the complaint is about, the nature of the behaviour and any other information you have (for example, dates/times and details of any witnesses). There is a form in [Appendix D](#) which may help you.

If you belong to a trade union or professional body, you may wish to ask their advice.

The written complaint should be sent to an appropriate manager, who should acknowledge receipt in writing within 5 working days.

The line manager or other appropriate senior manager or HR Services will arrange for the complaint to be formally investigated by an appropriate manager in a timely manner and, wherever possible, make these arrangements within 15 working days of receipt of your written complaint.

7.7 Investigation

The appropriate manager, with advice from HR Services or the HR Business Partner will also consider whether any other steps should be taken to support everyone involved. (For example, while the

investigation is being carried out and depending on the circumstances, member(s) of staff may be temporarily moved as a supportive measure.)

All parties will be advised that this is a formal investigation into a complaint of harassment, bullying or unacceptable behaviour. If you do not receive details of the next steps, please contact HR Services.

The manager (case investigator) will carry out an investigation with support from HR Services. The case investigator will meet separately with all parties and any witnesses involved.

The case investigator will provide a written report to an appropriate Senior Manager. This should be done within a maximum of two months of receipt of the complaint and within 28 days where possible.

The report will make recommendations about how to resolve the situation and whether there is evidence to warrant proceeding to formal resolution.

7.8 Outcomes

The decision about the next steps will be made by the appropriate Senior Manager to whom the report has been given. This Senior Manager will consider the report and reach a decision that either:

- the investigation has established that there is sufficient evidence for the matter to be considered at a formal resolution hearing

The complainant should be written to by the Senior Manager within 5 working days to confirm this outcome. (Please note that the outcome of the formal hearing may not be shared with the complainant for reasons of confidentiality.)

Or

- the investigation has established that there is not enough evidence to be considered at a formal hearing, but there are concerns which need to be addressed and the recommendations made in the report to resolve the situation should be followed.

Or

- the investigation has established that there is not enough evidence to be considered at a formal hearing, nor has it established any concerns to be addressed. In these cases, there may still be recommendations to resolve the situation that led to the initial concerns being raised and encourage positive working relationships moving forwards.

If it is decided that the matter will not go to a formal hearing, separate meetings should be arranged with the person who has made the complaint and the person about whom the complaint has been made. (The case investigator, with advice from HR Services, will make the arrangements for these meetings, which should happen as soon as possible after a decision has been reached.)

These meetings are to explain the findings of the report and the recommendations which have been made, and must be confirmed in writing. The follow-up letter should include agreed actions, who is responsible for them, and when they should be completed.

Staff who take part in investigations/hearings in good faith must not suffer any retaliation or victimisation as a result. Anybody who is found to have victimised another member of staff in this way will be subject to formal resolution.

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Anybody suspected or found to be making vexatious or malicious complaints will be investigated formally.

7.9 Appeals and satisfaction with outcomes

It's important to acknowledge that, at times, the outcome of any of the above processes can be disappointing for one or more parties involved and may not entirely resolve issues between colleagues. For example, someone raising a complaint of bullying & harassment may feel strongly that the person they are raising the complaint against should be subject to formal resolution and then find it disheartening when this is not the case due to factual findings of an investigation, or still feel strongly when no evidence is found against an allegation that the behaviour they have experienced is bullying or harassment rather than firm and fair management. Equally, it can be challenging to move on from challenges with colleagues whether your desired outcome is reached or not. The end of any of the processes outlined in this policy are not the end of support available to staff; all of the support options outlined in section 6 will still be available after the closure of the complaint, as well as a wide range of wellbeing support accessible via HR Web / Weston's intranet. If you are struggling to move on after raising a complaint, please speak to your line manager in the first instance (or another appropriate manager), or contact HR Services.

Additionally, if you raise a complaint of harassment, bullying or unacceptable behaviour which is investigated, and you are dissatisfied or disagree with the outcome of the investigation, you can request a further management review of the case by an independent and more senior manager. Your request should be submitted in writing, within 10 working days of the written outcome being received, stating why you disagree with the decision. The independent manager will review the case, seeking clarification from the case investigator where necessary, and will confirm the final decision within 15 days of receiving the written request for a review (where possible). Once the review has been carried out there will be no further right to a review or to an appeal.

Please note that there is a key difference between the right of appeal under the Dignity at Work Policy and an appeal through the Appeals Policy following formal resolution. This is summarised below:

- If you raise a complaint of harassment, bullying or unacceptable behaviour which is investigated, and you disagree with the outcome, you have a right to ask for an independent management review of the case. This review will be considered outside of the Appeals Policy.
- If the outcome of the investigation is that the matter goes to a formal hearing, and you disagree with the decision of this hearing, you do not have a right of appeal against it.

The person against whom the complaint is made does not usually have a right of appeal against the outcome of an investigation, but does have a right to appeal against the decision of a formal resolution hearing. Once an appeal has been heard, under the terms of the Trust's Appeals policy, there will be no further right of appeal.

7.10 Representation

At all formal stages of the process, the person making the complaint and the person the complaint is about has a right to be accompanied by a colleague, trade union or professional association representative, or a friend not acting in a legal capacity. Employees do not have the right to be accompanied at informal meetings, but requests to do so will be considered.

8. Standards and Key Performance Indicators

8.1 *Applicable Standards*

Incidents of harassment, bullying or unacceptable behaviour brought to the attention of HR Services will be recorded on the Trust's Case Management System. Data relating to cases that have been reported will be shared on an anonymised basis quarterly with the Staff Partnership Forum. Data will also be published in line with statutory requirements.

Data will be analysed and, together with review of feedback from the Annual Staff Survey and Workforce Race Equality Standard, used to identify trends and interventions needed to address any problem areas.

The effectiveness of this policy and procedures will be monitored by the Trust's Equality & Diversity Group quarterly, and included in a six-monthly Report to the Trust's Workforce & OD Group.

8.2 *Measurement and Key Performance Indicators*

As per section 8.1 above.

9. References

Equality Act 2010

[ACAS](#) (Advisory, Conciliation & Arbitration Service - help and advice for employers and employees)

[CIPD](#) (Chartered Institute of Personnel and Development)

10. Associated Internal Documentation

This policy should be read in conjunction with other Trust policies and procedures including:-

Staff Conduct Policy

Social Media for Personal Use Policy / Social Networking Policy

Freedom to Speak Up Policy

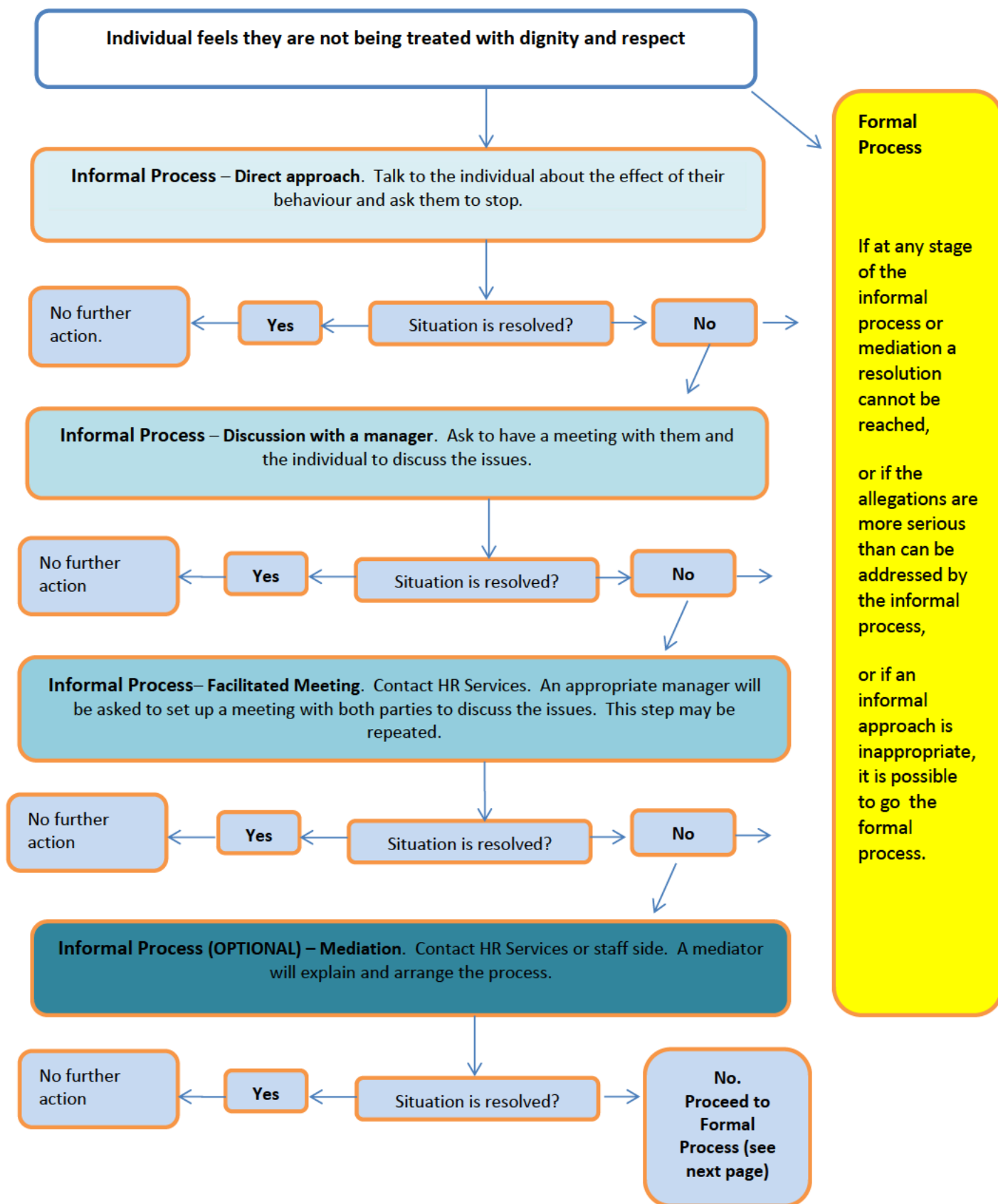
Raising Conduct Concerns/Disciplinary Policy & Procedure

Appeals Policy & Procedure

Equality, Diversity & Human Rights Policy

All policies can be accessed on [DMS](#) or on the [intranet](#) for Weston-based staff, or through HR Services HRServices@uhbw.nhs.uk or on 0117 342 5000.

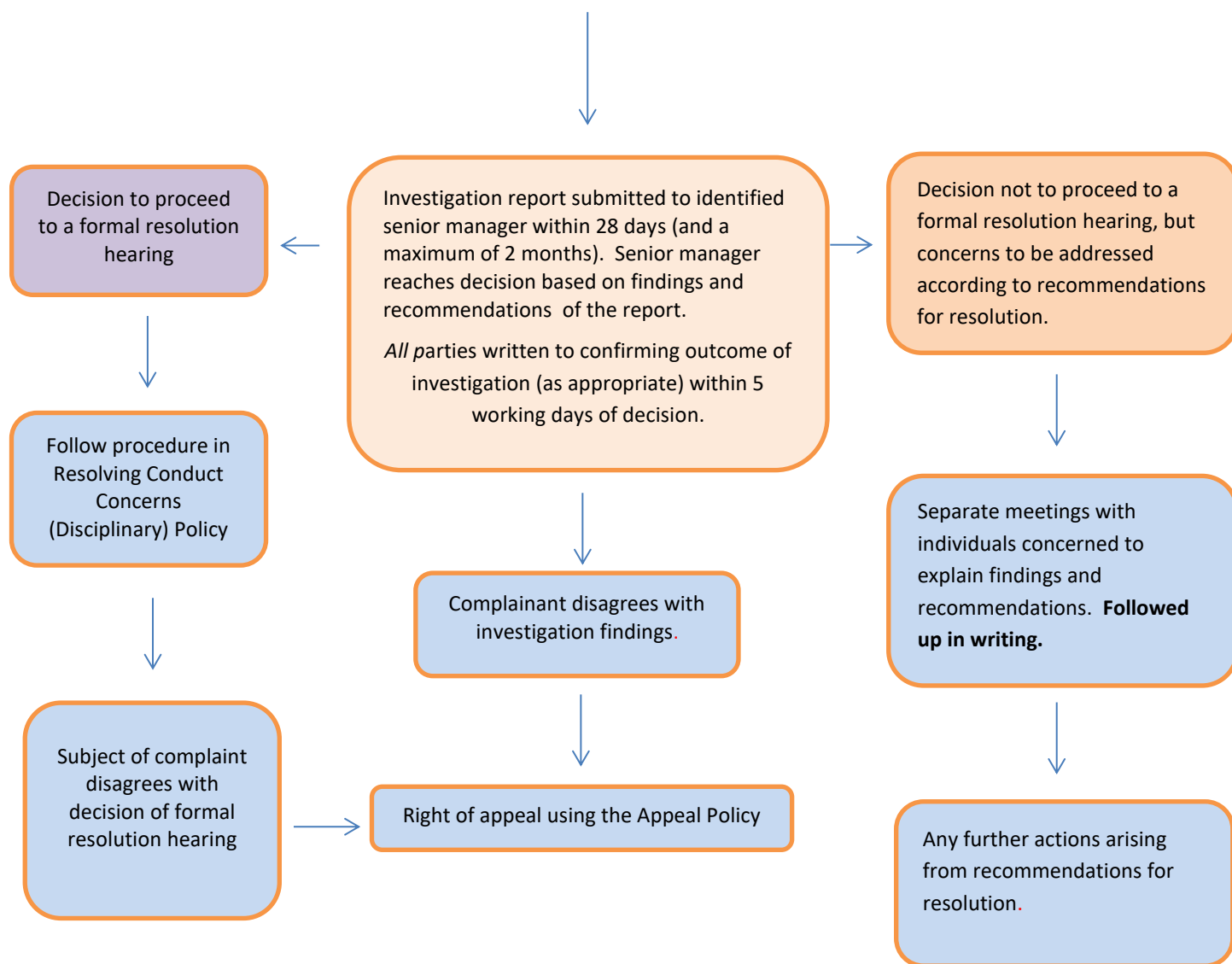
11. Appendix A – Seeking Resolution Process Flowchart



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Formal Process - Formal written complaint is raised in accordance with advice received from HR Services, HR Business Partner, or Staff Side. Arrangements made within 15 working days where possible to investigate the complaint formally



12. Examples of Unacceptable Behaviour

(This information is taken from the ACAS booklet: Bullying and Harassment at Work).

There are many definitions of bullying and harassment.

Acas characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

The impact on the individual can be the same as harassment and the words bullying and harassment are often used interchangeably in the workplace.

Behaviour that is considered bullying by one person may be considered firm management by another. Most people will agree on extreme cases of bullying and harassment but it is sometimes the 'grey' areas that cause most problems. Examples of what is unacceptable behaviour in organisations may include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email, phone, and automatic supervision methods – such as computer recording of downtime from work, or recording of telephone conversations – if these are not universally applied to all workers.

Harassment

The Equality Act 2010 uses a single definition of harassment to cover the relevant protected characteristics. Employees can complain of behaviour that they find offensive even if it is not directed at them. Harassment is “unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual”.

The relevant protected characteristics are age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation.

Example: ■■■ is disabled and is claiming harassment against his line manager after she frequently teased and humiliated him about his disability. ■■■ shares an office with ■■■ and she too is claiming harassment, even though she is not disabled, as the manager’s behaviour has also created an offensive environment for her.

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

Example:

████ is continually being called gay and other related names by a group of employees at his work. Derogatory homophobic comments have been posted on the staff noticeboard about him by people from this group. █████ was recently physically pushed to the floor by one member of the group but is too scared to take action. █████ is not gay but heterosexual; furthermore the group know he isn't gay. This is harassment related to sexual orientation.

Harassment at work by others

An employee can make a complaint against their employer where they are harassed by someone who doesn't work for that employer such as a customer, client or passenger. As an employer, once you are aware of this unwanted behaviour you should take reasonable and proportionate action to address the issues.

Example:

████ manages a Council Benefits Office. One of her staff, █████ is a Sikh. █████ mentions to █████ that he is feeling unhappy after a claimant made derogatory remarks regarding his faith in his hearing. █████ is concerned and monitors the situation. Within a few days the claimant makes further offensive remarks. █████ reacts by having a word with the claimant, pointing out that this behaviour is unacceptable. She considers following it up with a letter to him pointing out that she will ban him if this happens again. █████ keeps █████ in the picture with the actions she is taking and believes she is taking reasonable steps to protect █████ from harassment.

13. What is / is not Bullying?

Sometimes behaviours and actions which cause us to feel distressed are not examples of bullying, even though they are unpleasant and often require action by an employer or manager. There are some common situations that can be confused with bullying:

The difference between fair, firm management and bullying

The differences between a manager who is firm and fair and a manager who is bullying and harassing staff can sometimes seem ambiguous. The table below offers examples of the types of behaviour which distinguish both styles:

Firm and fair management	Bullying or harassment of staff
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results but is reasonable and flexible	Determined to achieve the best results but unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but is willing to consult with colleagues and staff before drawing up proposals	Believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists on high standards of service in quality of work and behaviour in the team	Insists on high standards of service and behaviour, but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame to others when things go wrong	Loses temper, degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens and assimilates feedback	Tells people what is happening, does not listen
Shares credit appropriately.	Plagiarises, takes credit for other people's work/ideas.
Respectful and considerate	Disrespectful and inconsiderate
Demonstrably values others and their contributions.	Devalues or ignores the contribution of others.

Reasonable management action

It is important to differentiate between bullying and an employer's legitimate authority to direct and control the way work is done. It is reasonable for employers to allocate work, and for managers and supervisors to give fair and reasonable feedback on a worker's performance.

Conflict with colleagues at work

People are bound to have occasional differences of opinion and these are a normal part of working life. Disagreements can leave people feeling upset but they should not be confused with bullying behaviour. However, these should not be ignored - if left unresolved, conflict may develop into a bullying situation.

14. Appendix D – Formal notification of complaint

Name of employee	
Job Title	
Department & Location	
Name of manager	
Name of Trade Union or professional body representative	
Email address of representative if you wish them to be included in correspondence relating to this complaint	
Please say what your complaint is about. (If you need more space, please continue on another page and make sure you send any relevant information with this form.)	

What action(s) do you think would resolve your complaint?
If the complaint has been considered formally before, please provide details:
Please tell us about the informal steps that have been taken to seek resolution, who has been involved in this process, and the dates of any meetings you have had.

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Employee's signature: _____

Date: _____

If you are unsure which manager to send this complaint to, please contact HR Services at



15. Appendix E - Monitoring Table for this Policy

The following table sets out the monitoring provisions associated with this policy. Please ensure any possible means of monitoring this policy to ensure all parts are fulfilled are included in this table. **The first line is an example for you and should be removed prior to submission.**

Objective	Evidence	Method	Frequency	Responsible	Committee
Identify any trends and interventions necessary	Reports showing breakdown of Bullying & Harassment cases logged on the Case Management system by Division; Staff Group; Age Group; Ethnic Group; Disability	Extraction of data from the CMS system	Quarterly	Equality & Diversity Officer	Equality & Diversity Group Trust Partnership Forum
Identify any measurable changes in staff experience	National NHS Staff Survey Results. Workforce Race Equality Standard report			OD Facilitator – Staff Engagement & Experience Equality & Diversity Officer	Improving Staff Experience Group Workforce & Organisational Group Senior Leadership Team

16. Appendix F – Dissemination, Implementation and Training Plan

The following table sets out the dissemination, implementation and training provisions associated with this Policy.

Plan Elements	Plan Details
The Dissemination Lead is:	Equality & Diversity Officer & HR Services
Is this document: A – replacing the same titled, expired policy, B – replacing an alternative policy, C – a new policy:	A
If answer above is B: Alternative documentation this policy will replace (if applicable):	Bullying & Harassment Policy in the Workplace Policy, applicable only to Weston-based staff pre-merger

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Plan Elements	Plan Details
This document is to be disseminated to:	HR Web & Weston site Intranet
Method of dissemination:	HR Web & Weston site Intranet
Is Training required:	Yes
The Training Lead is:	Equality & Diversity Officer & HR Services

Additional Comments
This policy was due for review in September 2019 but due to the need to focus on COVID-19 response and post-merger alignment of services it has been extended to April 2021. The content remains relevant and applicable in support of all staff and managers.

17. Appendix C – Equality Impact Assessment (EIA) Screening Tool

Further information and guidance about Equality Impact Assessments is available here:

Query	Response
What is the main purpose of the document?	To promote dignity and respect at work thereby improving the working environment, and to provide support and guidance to staff who may experience unacceptable behaviour, giving staff confidence in the process for dealing with this behaviour..
Who is the target audience of the document? Who is it likely to impact on? (Please tick all that apply.)	Add <input checked="" type="checkbox"/> or <input checked="" type="checkbox"/> Staff <input checked="" type="checkbox"/> Patients <input checked="" type="checkbox"/> Visitors <input checked="" type="checkbox"/> Carers <input checked="" type="checkbox"/> Others <input checked="" type="checkbox"/>

Could the document have a significant negative impact on equality in relation to each of these characteristics?	YES	NO	Please explain why, and what evidence supports this assessment in relation to your response.
Age (including younger and older people)		X	Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups.
Disability (including physical and sensory impairments, learning disabilities, mental health)		X	As above.
Gender reassignment		X	As above.
Pregnancy and maternity		X	As above.

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Dignity at Work Policy (incorporating Bullying & Harassment at Work) - Reference Number
[Procedural Document Reference]

Race (includes ethnicity as well as gypsy travelers)		X	As above.
Religion and belief (includes non-belief)		X	As above.
Sex (male and female)		X	As above.
Sexual Orientation (lesbian, gay, bisexual, other)		X	As above.
Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)		X	As above.
Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)		X	As above.

Will the document create any problems or barriers to any community or group? NO

Will any group be excluded because of this document? NO

Will the document result in discrimination against any group? NO

If the answer to any of these questions is YES, you must complete a full Equality Impact Assessment.

Could the document have a significant positive impact on inclusion by reducing inequalities?	YES	NO	If yes, please explain why, and what evidence supports this assessment.
Will it promote equal opportunities for people from all groups?	X		Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups.
Will it help to get rid of discrimination?	X		As above.
Will it help to get rid of harassment?	X		As above.
Will it promote good relations between people from all groups?	X		As above.
Will it promote and protect human rights?	X		As above.

On the basis of the information/evidence so far, do you believe that the document will have a positive or negative impact on equality? (Please rate by circling the level of impact, below.)

Positive impact				Negative Impact		
Significant	Some	Very Little	NONE	Very Little	Some	Significant

Is a full equality impact assessment required? NO

Date assessment completed: 16/10/2020

Person completing the assessment: [REDACTED] Weston Division

Status: Approved

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