

**Directorate of Organisational Development &
Workforce**

**BULLYING AND HARASSMENT
POLICY & PROCEDURE**

Reference:	OWP015
Version:	2.2
This version issued:	19/04/13
Result of last review:	Minor changes
Date approved by owner (if applicable):	19/04/13
Date approved:	26/03/13
Approving body:	Trust Executive Team
Date for review:	March, 2016
Owner:	Director of Organisational Development & Workforce
Document type:	Policy
Number of pages:	10 (including front sheet)
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Northern Lincolnshire and Goole Hospitals NHS Foundation Trust actively seeks to promote equality of opportunity. The Trust seeks to ensure that no employee, service user, or member of the public is unlawfully discriminated against for any reason, including the "protected characteristics" as defined in the Equality Act 2010. These principles will be expected to be upheld by all who act on behalf of the Trust, with respect to all aspects of Equality.

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1.0 Purpose

As an equal opportunities employer, Northern Lincolnshire and Goole Hospitals NHS Foundation Trust supports a working environment for individuals in which dignity at work is paramount. The purpose of this policy is to support a working environment and culture in which bullying and harassment is unacceptable. Throughout this policy the use of the word "harassment" will be used as an abbreviation of "bullying and harassment".

2.0 Area

This policy applies to all staff working within the Trust, employees, visitors, patients, contractors and staff from other organisations working on Trust premises.

3.0 Duties

3.1 All employees have a personal responsibility for their own behaviour and for ensuring that they comply with Trust Policy.

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

4.0 Principles

4.1 The Trust promotes an ethos whereby bullying and harassment is not tolerated in any circumstance. As an equal opportunities employer; all employees have the right to carry out the duties identified within their role without the fear of harassment in any form.

4.2 Each member of staff carries personal responsibility for their own behaviour in relation to this policy and is responsible for ensuring that their conduct is not in breach of the standards set out in this policy or the employee handbook. Staff should report, as appropriate, any incidents of harassment which come to their attention.

4.3 Allegations raised regarding harassment will be taken seriously and treated confidentially. The Trust gives an assurance that there will be no victimisation against an employee making a complaint under this policy or against employees who assist or support a colleague in making a complaint.

4.4 Harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously.

5.0 What is Harassment?

5.1 Harassment in the workplace can take many forms, can occur on a variety of grounds and may be directed at one person or many people. In general terms it can be described as unwanted behaviour which a person finds intimidating, upsetting, embarrassing, humiliating or offensive. It is essential to remember that it is not the intention of the perpetrator that is key in deciding whether harassment has taken place, but whether the behaviour is unacceptable by normal standards and is disadvantageous.

5.2 Bullying in the workplace is described as persistent actions, criticism, or personal abuse either in public or private which humiliates, intimidates, undermines or demeans the individual involved to cause them to suffer stress. A definition of bullying describes it as “the use of strength or power to coerce others by fear.” Appendix A gives examples of behaviours that can be considered to constitute harassment.

6.0 Support and Advice

The Trust is committed to achieving informal resolution of complaints relating to harassment wherever possible.

6.1 Counselling in Companies

The Trust provides a confidential external service for its staff. This service offers 24-hour telephone support with confidential face to face counselling sessions as appropriate.

6.2 Trade Unions

The Trust recognises the important role Trade Unions play in addressing harassment and members are encouraged to approach these representatives regarding their concerns. The Trust will work in conjunction with the Trade Unions in addressing unacceptable and inappropriate behaviours.

6.3 Independent Mediators

Trust mediators are specially trained to facilitate informal outcomes where possible between those who have raised concerns and the people that they have concerns about. Mediators are drawn from Human Resources but operate independently of these roles for the purposes of mediation.

7.0 Confidentiality

7.1 All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

7.2 All complaints, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action.

8.0 Monitoring Compliance and Effectiveness

- 8.1** The Director of Organisational Development & Workforce will be responsible for reviewing the policy on a 3-yearly basis in conjunction with staff side colleagues and other key stakeholders to ensure the policy remains fit for purpose, identify where changes are required in order to comply with any relevant nationally agreed policies and/or legislation and monitor its overall efficacy.
- 8.2** Awareness of the policy will be tested via staff surveys/intranet polls, and appropriate action taken depending on the outcome of such surveys.
- 8.3** Key HR performance indicators will be monitored and reported to the Trust Board, Directorates/Divisions and Staff Side on an agreed basis.

9.0 Associated Documents

The Bullying and Harassment Policy and Procedure complies with the Protection from Harassment Act 1997, Health and Safety at Work Act 1974, the Equalities Act 2010, Communications Act 2003.

10.0 References

- 10.1** ACAS – Advice Leaflet – Bullying and Harassment at Work: A Guide for Managers and Employers.
- 10.2** ACAS – Advice Leaflet – Bullying and Harassment at Work: Guidance for Employees.
- 10.3** CIPD – Employers Fact Sheet – Bullying and Harassment.
- 10.4** NHS Employers Guidance – Bullying and Harassment.
- 10.5** NLAG – Employee Hand Book – Dignity at Work (P16, 6.2).
- 10.6** NLAG – Trust’s Disciplinary Policy & Procedure.

11.0 Definitions

Please see Appendix A.

12.0 Consultation

This policy has been developed following extensive consultation with key stakeholders including Staff Side and the Executive Team.

13.0 Dissemination

All Trust Employees.

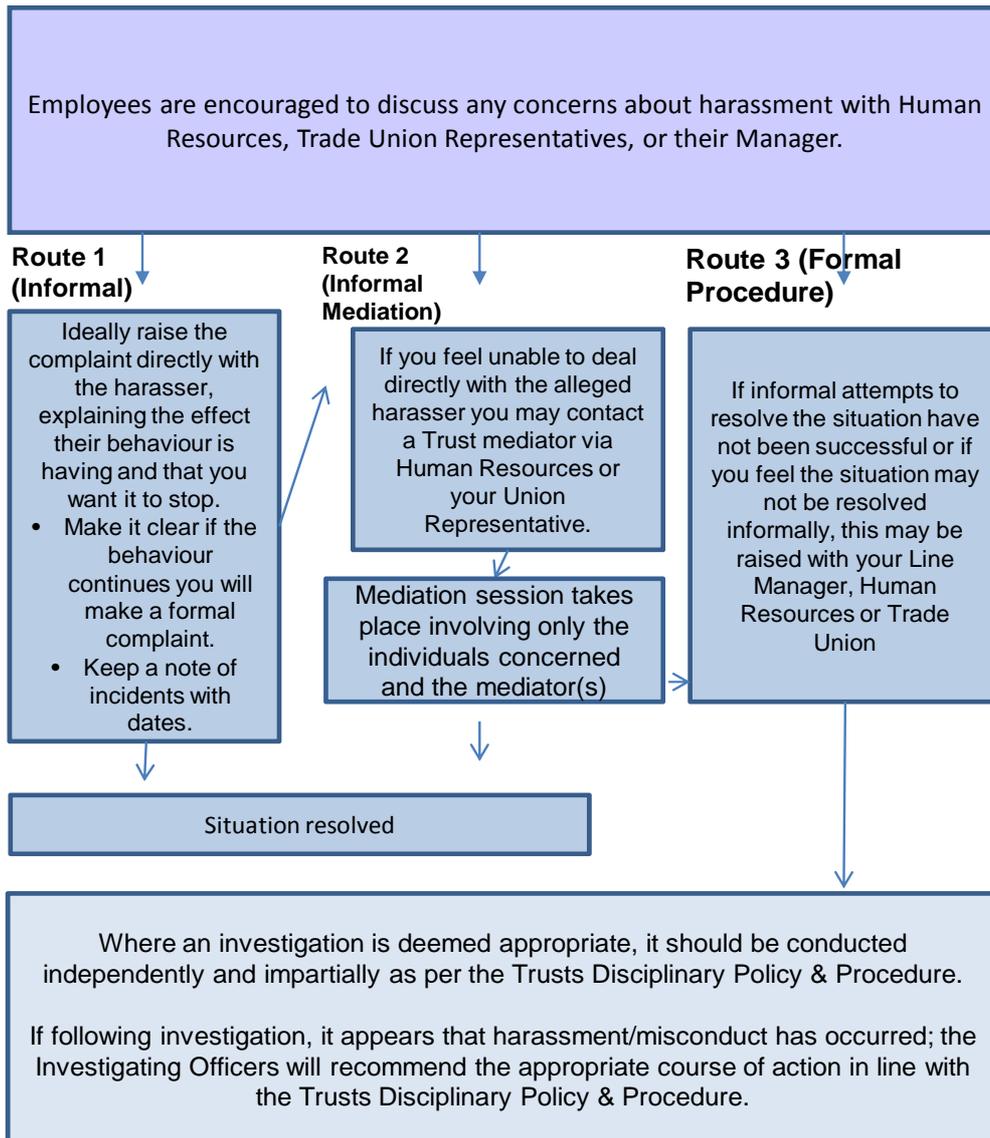
14.0 Implementation

From date of ratification by the Executive Team.

The electronic master copy of this document is held by Document Control, Directorate of Clinical and Quality Assurance & Trust Secretary, NL&G NHS Foundation Trust.

Appendix A

Bullying & Harassment Procedure



Appendix B

Bullying and Harassment

The Equality Act 2010 defines harassment 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'.

Bullying is not specifically defined in law, ACAS give the following definition: 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.

What does harassment and bullying include?

Harassment and bullying may be against one or more people and involves an inappropriate abuse of power. It may involve single or repeated incidents ranging from extremes forms of intimidating behaviour, such as physical violence, to more subtle forms such as ignoring someone. It can often occur without witnesses. Examples include:

- unwanted physical contact
- unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters
- isolation or non-cooperation and exclusion from social activities
- pressure to participate in political/religious groups
- personal intrusion from pestering, spying and stalking
- shouting and bawling
- setting impossible deadlines
- persistent unwarranted criticism
- Personal insults.

This list is not exhaustive and other behaviours may be interpreted as constituting bullying behaviour.

Bullying and harassment should not be confused with legitimate, constructive and fair criticism of an employee's performance or behaviour at work.

Appendix C

Mediation Guidance for Employees

An independent third party or mediator can sometimes help resolve difficult working relationships issues. Mediation is a voluntary process where the mediator helps two or more people in conflict to attempt to reach an agreement. Mediation is most likely to be successful if both parties understand what mediation involves, and are genuinely seeking to repair the working relationship. It is constructive communication in a safe and confidential environment identifying mutual solutions and restoring respectful, professional working relationships.

Mediation may be used as part of the informal process to resolve bullying and harassment issues or as an outcome following formal investigation. A Human Resources Manager should be contacted for further information on mediation.

The mediation session will only involve the individuals concerned and the mediator(s). Line Managers and Union Representatives are not part of this process so would not be present to participate in the arranged mediation session.

When is mediation an appropriate option?

- When both parties agree to it
- When parties are able to express the reasons for their distress
- When there is a commitment from both to resolving the matter informally
- When both parties are capable of living up to their promises
- When the incidence of harassment is of an appropriate level and intent
- When there is a mediator available

Role of the mediator(s)

- Mediators manage the process through which the parties resolve their own conflict
- Mediators are not judges, they must be impartial
- They do not decide how the conflict is to be resolved
- They facilitate communication and understanding of both parties experience and perceptions
- They work in an anti-discriminatory way
- They aim to build a positive atmosphere of trust
- They maintain the balance of power

Remember mediation is about mutual understanding, clarifying the issues involved and moving forwards. It is not about apportioning blame or being punitive and making someone wrong. Those in the mediation may never agree on what happened in the past, but the mediator can help them move forwards and agree on solutions or changes in behaviour in the future.

Giving and Receiving feedback

The process of review is important to us all. We can learn from both our mistakes and our success. Successful review requires an ability to give and receive feedback honestly, clearly and effectively.

Giving Feedback:

It is appropriate to give honest direct feedback to another person when you think their behaviour is inappropriate to the situation. Remember also to give positive feedback when praise is due.

- Feedback should be non-judgemental, clear information to the other person about how their behaviour affects you.
- Own your thoughts, feelings and opinions by making “I” statements (rather than “you” statements implicitly blaming the other person).
- Speak directly to the other person (rather than talking about them to others).
- Comment on their behaviours, not their personality.
- Be specific in your comments.
- Conclude by telling the other person how you would prefer them to behave.

Receiving Feedback:

When you are receiving feedback from others, whether criticism or praise, don't allow your feelings to get in the way of using information which is being offered, instead:

- Listen actively without comments until the person has finished speaking (avoid interrupting with an explanation or defence)
- Accept compliments assertively – own your strengths.
- If the feedback is loaded in some way do not immediately rise to the defence or crumple in dismay. Express your feelings about the statement: “I feel angry/upset/confused when you say...”
- Ask for comment on your behaviour rather than your personality.
- If the feedback is vague, ambiguous or generalised, ask the speaker to be more specific: “What exactly was it about my behaviour in that situation that you liked/disliked?”
- Ask how they would rather you behaved.
- Do not swallow criticism whole: look for consistent feedback from a number of people before you do. Take responsibility for which aspects of the feedback you will act on – it's your choice to change your behaviour.