



**LINDSEY LODGE EMPLOYMENT POLICY
Dignity at Work (Bullying and Harassment)Policy**

Dignity at Work Policy

Dignity at Work Policy (Policy for the Management of Bullying and Harassment issues)

1. INTRODUCTION & PURPOSE

Policy Summary

- This policy outlines the Hospice commitment to providing a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive. Lindsey Lodge core values include respecting and valuing colleagues and it is therefore expected that individual behaviours within the workplace will reinforce these core requirements.

The policy includes the following:

- What the Hospice means by Harassment and Bullying in Section 3.
- The Informal and Formal procedure in use within the Hospice contained within Sections 4 and 5.
- Individual responsibilities of staff, line managers and others within the policy (section 6)

- 1.1. The Hospice is committed, and has a duty to provide a safe and healthy working environment that is free from bullying and/or harassment or any other behaviour that is personally offensive. All employees, patients and service users should be treated with dignity and respect in accordance with the Trust values.
- 1.2. The Hospice will not tolerate any form of bullying and/or harassment and will take all practicable steps to avoid and eliminate this. Serious bullying and/or harassment is potentially gross misconduct and will result in matters being progressed through the Hospice's Disciplinary Policy.

2. SCOPE

- 2.1 This document applies to all directly employed staff within Lindsey Lodge Hospice and volunteers.

3. DEFINITIONS

- 3.1 *Harassment* may be characterised as unwanted conduct affecting the dignity of a person. This can be in relation to age, race, sex, disability, religion or belief, nationality, sexuality, gender reassignment, marital status or any other personal characteristics. Harassment is defined under the Equality Act (2010) as 'violating dignity or, creating an intimidating, hostile, degrading, humiliating or offensive environment'.
- 3.2 ACAS gives the following definition for bullying which 'may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient'. The Health and Safety Executive sets out that bullying is a pattern of behaviour rather than isolated instances, happening '*repeatedly and persistently over time*'.

3.3 *Bullying and harassment* can range from physical violence to less obvious forms which could be as simple as ignoring somebody.

3.4 *Bullying and/or harassment* can arise in the following forms (the following is not exhaustive):

- Unwanted, unwelcome, inappropriate, intimidating physical contact,
- Unwanted, unwelcome, inappropriate intimidating verbal statements including offensive jokes, swear words, sexual innuendos or threatening words
- Unwanted, unwelcome, inappropriate, intimidating nonverbal actions (emails/texts/images/offensive/rude or threatening gestures).
- Persistent unwarranted criticism
- Unfair or unreasonable allocation of tasks.

4. INFORMAL PROCEDURE

4.1 An early resolution to an allegation of bullying and/or harassment is desirable for all concerned. In the first instance, an employee who feels that they have or are being bullied and/or harassed should ask the individual to stop and make it clear that their behaviour is unwanted and unwelcome. It is possible that the individual's behaviour is unintentional and they are unaware of the impact of their actions. Early interventions will allow for the working relationship between both parties to be rebuilt and continue.

4.2 Due to the sensitive nature of bullying and/or harassment the employee may wish to discuss it informally initially with their manager. If this is not possible then their concerns can be raised verbally or in writing to the next in-line manager or where this is not possible the Workforce Manager.

4.3 If considered appropriate by both parties a meeting could be arranged so the matter can be discussed openly in a confidential and constructive environment. Alternatively the manager of the individual accused of the alleged behaviour could meet with them and explain that the alleged behaviours are causing the recipient distress and to discuss and consider alternative approaches.

Workplace Mediation

4.4 The decision to progress a concern of bullying and/or harassment rests with the recipient except where the situation is so serious that by not taking any action the hospice would be failing its common law duty of care and responsibility under Health and Safety Legislation. The Hospice however wishes the prompt resolution of working relationship issues and where normal informal line management interventions have been unsuccessful, and it is appropriate, and both parties are in agreement the Hospice will encourage accessing formal workplace mediation by a trained mediator. Mediation can be accessed through the Workforce Department. Mediation should take place within 30 days of the date on which the parties gave confirmation of their desire to mediate. If mediation does not resolve the issues the employee concerned will retain their entitlement to pursue matters under the formal grievance process

- 4.6 An employee who raises a concern which is found after thorough investigation to be vexatious or malicious may find themselves subject to disciplinary action.

5. FORMAL PROCEDURE

- 5.1 If it is not possible to resolve the matter having gone through stages set out in section 4 the employee/volunteer should refer to the Hospice's Grievance Policy, which details the procedure to follow. (See sections 5/6/7 & 8 of the Hospice's Grievance Policy as applicable).
- 5.2 There will be no victimisation of any employee/volunteer who has raised a concern under the terms of this policy and the provisions set out in the Hospice's speaking out policy will apply. Any evidence of discrimination against an individual who has made a claim of bullying and/or harassment will be the subject of an investigation which may result in disciplinary action.

6. ROLES & RESPONSIBILITIES

6.1 Employees/Volunteers

All employees/volunteers are responsible for creating a safe working environment, where unacceptable behaviour is not tolerated. This may include challenging unacceptable behaviour but also ensuring their own behaviour does not contribute to or collude with others unacceptable behaviour.

Employees/volunteers are responsible for:

- Setting a positive example by being aligned with the Hospice's values treating others equally and with dignity and respect
- Maintaining professional conduct at work, with staff, patients and any other service users
- Ensuring they treat colleagues, patients and other service users fairly and equitably
- Ensuring they comply with all Hospice policies and procedure.
- Attending meeting as requested under this policy
- Maintaining confidentiality during and after the application of this policy.

6.2 Managers

Managers have an obligation to prevent bullying and/or harassment and to take immediate action once it has been identified. Managers should ensure all staff/volunteers are treated fairly and consistently with dignity and respect and in accordance with the Hospice values. They should respond to any concerns raised swiftly and sensitively. Managers should be aware of behaviours which could cause offence, and where necessary remind employees of expected behaviours and outline their behaviour will not be tolerated if it continues.

Managers are responsible for:

- Ensuring staff/volunteers are treated fairly and equitably.
- Ensuring that Hospice policies and procedures are complied with
- Informing the Workforce Manager when incidents arise
- Promoting a working culture where bullying and/or harassment is unacceptable and not tolerated

- Set a positive example by treating others with dignity and respect and setting standards of acceptable behaviour
- Tackle, and where possible, resolve incidents in line with the policy
- Arranging meetings in line with this policy
- Where necessary carry out a fair, timely and thorough investigation.
- Ensuring all timescales in the policy are adhered to
- Maintaining confidentiality during and after the application of this policy.

6.3 Workforce Manager

The Workforce Manager will provide guidance and coaching for line managers to enable and empower them to deal with incidents as and when necessary. They are responsible for ensuring the policy is followed fairly and consistently to include,

- Providing appropriate advice to ensure the policy is adhered to and timescales are met
- Reviewing and amending this policy as necessary.

6.4 Staff Representatives and companions:

- Employees are welcome to be accompanied by a staff-side representative or workplace friend or colleague at any formal meetings held under this Policy and associated grievance policy. It is the employee's responsibility to make arrangements to be accompanied
- The employee's choice of companion must be reasonable, depending on the circumstances of each individual case, however, it would not be reasonable for someone to attend whose presence could prejudice the meeting.
- Any companion must maintain confidentiality during and after the application of this policy.
- If the reason given for failing to attend a meeting is due to the non-availability of a trade union representative or workplace friend/colleague and there have been no earlier adjournments in the process for this reason, on only one occasion the meeting will be postponed and a new meeting will be arranged within reasonable time; normally 5 working days . Exceptional circumstances will always be considered.

7. TRAINING & MONITORING

- 7.1 The Hospice recognises the importance of appropriate training for all staff. Managers are responsible for ensuring awareness of this policy is raised through their local induction processes. If any clarification in relation to this policy is required please contact the Workforce Manager.
- 7.2 The Hospice is committed to monitoring incidents to provide identification of causes and subsequent rectifying actions. Following each investigation or incident a review is undertaken and any remedial action taken. This policy is reviewed following any incidents when issues are identified. An annual report is produced and presented to the Workforce Committee

8. REVIEW

This policy but will automatically be reviewed on a three yearly basis.

9. LINKS TO OTHER DOCUMENTS

This policy links to the following Policies

- Disciplinary Policy
- Grievance Policy
- Complaints Policy
- Freedom to Speak up (Whistle blowing) Policy
- Performance Management Policy
- Managing Attendance and Wellbeing Policy

10. In relation to this policy the following references have been used;

REFERENCES: CIPD, (2010). Bullying and Harassment Factsheet. http://www.cipd.co.uk/bullyingandharassment				
• ACAS. (2009) <i>Bullying and harassment at work: guidance for employees</i> . London: ACAS. Available at: http://www.acas.org.uk				
• The Equality Act (2010). Available at http://legislation.gov.uk				
• Health & Safety at Work Act (1974) & Preventing Workplace Harassment and Violence www.hse.gov.uk				
ISSUE DATE December 2018				
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Guidance/Sources of Support for Employees /Volunteers

What to do if you feel you are being bullied and/or harassed:

- If possible make it clear to the individual that their behaviour is unacceptable and causing you distress.
- Keep a note of incidents to include dates, times and witnesses so if you decide to raise a formal concern you have specific details to draw upon.

Further support can be provided by the following:

- Your line manager (or a more senior line manager if your manager is involved)
- Trade Union representative
- Professional body such as NMC
- Workforce Manager (Jane.Lacey-Hatton1@nhs.net)
- Volunteer Services Manager (Nerissa.Gallagher@nhs.net)
- Designated Whistleblowing officer (Mr Alan Bell (Trustee) alan.bell@nhs.net)

By confiding in someone as listed above, they can offer you further support and guide you through the options available to you.

In the first instance we would recommend, where possible and appropriate you raise your concerns to your manager to try and deal with the concerns as quickly as possible and to stop matters escalating.

Do not be afraid to raise your concerns, even if the individual is more senior to you. The Hospice is committed to making staff and volunteers feel safe and secure together with maintaining their dignity in the workplace.