25 GB
Dignity in the Workplace Policy

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<th>Policy number</th>
<th>25 GB</th>
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<tr>
<td>Version</td>
<td>3.0</td>
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<tr>
<td>Approved by</td>
<td>Governing Body</td>
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<tr>
<td>Name of author/originator</td>
<td>Toni-Dee Downer, Senior HR Manager</td>
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<tr>
<td>Owner (director)</td>
<td>Elaine Newton, Director of Governance and Compliance</td>
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<tr>
<td>Date of approval</td>
<td>April 2017</td>
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Equality statement

NHS Guildford and Waverley aims to design and implement services, policies and measures that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. We take into account the Human Rights Act 1998 and promote equal opportunities for all. This document has been assessed to ensure that no employee receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Members of staff, volunteers or members of the public may request assistance with this policy if they have particular needs. If the member of staff has language difficulties and difficulty in understanding this policy, the use of an interpreter will be considered.

We embrace the four staff pledges in the NHS Constitution. This policy is consistent with these pledges.

See next page for an Equality Analysis of this policy.
Equality Analysis

Equality analysis is a way of considering the effect on different groups protected from discrimination by the Equality Act, such as people of different ages. There are two reasons for this:

- to consider if there are any unintended consequences for some groups
- to consider if the policy will be fully effective for all target groups

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<th>Name of Policy:</th>
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<th>Policy Ref:</th>
<th>25GB</th>
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<tr>
<td>Toni-Dee Downer, Senior Human Resources Manager</td>
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<td>Directorate:</td>
<td>Governance &amp; Compliance</td>
<td>Director’s signature:</td>
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Who is intended to follow this policy? Explain the aim of the policy as applied to this group.

All CCG employees and non-employed (interim) resources. This policy will support a process that addresses all forms of unacceptable behaviour to all employed and non-employed resources and apply, where action needs to be addressed formally; the CCG’s Conduct and Capability Policy will be invoked.

Who is intended to benefit from this policy? Explain the aim of the policy as applied to this group.

The CCG is committed to equality of opportunity in employment and to protecting its staff from circumstances that compromise their dignity and respect whether it originates in the workplace or from the CCG’s clients or customers or where an individuals’ actions detrimentally affects the CCG or another CCG employee. Central to the CCG’s policy is the prevention of discrimination, victimisation and harassment against service users and employees on any grounds, but particularly in relation to: sex, gender identity, race, disability, religion or belief, marital status, civil partnership status, age, language, social origin, employment status, sexual orientation, political belief, trade union membership or activity, responsibility for dependents.

1. Evidence considered. What data or other information have you used to evaluate if this policy is likely to have a positive or an adverse impact upon protected groups when implemented?

Demographic data
The results of consultations or recent surveys
Comparison between your policies and functions and similar policies and functions in other public bodies
Analysis of complaints of discrimination (none received)
Recommendations of inspection and audit reports
2. Consultation. Have you consulted people from protected groups? What were their views?
The review of this policy has been consulted with Staff Partnership Forum and is in accordance with NHS terms and conditions of employment which is a nationally agreed terms of appointment for NHS staff; therefore this is compliant to all equality requirements.

3. Promoting equality. Does this policy have a positive impact on equality? What evidence is there to support this? Could it do more?
Positive effect. As detailed in the Equality Statement, policies can be made available in different formats for CCG staff with different communication needs, on a case by case basis.

4. Identifying the adverse impact of policies
Identify any issues in the policy where equality characteristics require consideration for either those abiding by the policy or those the policy is aimed to benefit, based upon your research.

a) People from different age groups:
No adverse impact predicted from this policy.

b) Disabled people:
No adverse impact predicted from this policy.

c) Women and men:
No adverse impact predicted from this policy.

d) Religious people or those with strongly held philosophical beliefs:
No adverse impact predicted from this policy.

e) Black and minority ethnic (BME) people:
No adverse impact predicted from this policy.

f) Transgender people:
No adverse impact predicted from this policy.

g) Lesbians, gay men and bisexual people:
No adverse impact predicted from this policy.

h) Women who are pregnant or on maternity leave:
No adverse impact predicted from this policy.

i) People who are married or in a civil partnership:
No adverse impact predicted from this policy.
5. Monitoring  How will you monitor the impact of the policy on protected groups?

Complaints made to line managers that are brought to the attention of the Human Resources team and reported to the Governing Body
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1. Introduction and Policy Objective

1.1. The CCG is committed to the belief that all staff have the right to be treated with dignity and respect in the workplace. The CCG regards any form of harassment (including bullying) as unacceptable behaviour, which may result in disciplinary action and would be addressed through the CCG’s Conduct and Capability Policy. This policy applies to all staff employed or contracted by the CCG that are subject to bullying or harassment within their working environment.

1.2. The CCG is committed to equality of opportunity in employment and to protecting its staff from circumstances that compromise their dignity and respect whether it originates in the workplace or from the CCG’s clients or customers or where an individuals’ actions detrimentally affects the CCG or another CCG employee. Central to the CCG’s policy is the prevention of discrimination, victimisation and harassment against service users and employees on any grounds, but particularly in relation to: sex, gender identity, race, disability, religion or belief, marital status, civil partnership status, age, language, social origin, employment status, sexual orientation, political belief, trade union membership or activity, responsibility for dependents.

1.3. The CCG recognises that all employees have the right to:

- Be treated with respect and dignity whilst at work.
- Fair, reasonable and equitable treatment at work.
- A working environment which is supportive and discrimination free and which sets out clear standards of expected performance and behaviour.
- Complain about behaviour where they believe they are being treated unfairly/inequitably/unethically and have the right not to be victimised as a result of making such a complaint.

2. Core Standards

2.1. The aims of the policy are to promote mutual respect at work, draw attention to examples of unacceptable behaviour, which exist, and to provide practical guidance and support for those who make a complaint and those involved in dealing with such complaints.

2.2. The CCG will work towards developing an environment where:

- All forms of harassment are known to be unacceptable.
- Establish, communicate and promote acceptable standards of behaviour at work.
- Ensure that equal opportunities and fair treatment are afforded to all employees.
- Ensure that all employees are treated with dignity and respect at work.
- Provide information, training and support for managers and all employees to enable them to fulfil the aims of this policy and other related employment policies.
- Identify procedures for dealing with issues arising from the failure to meet the objectives of the policy.
- Individuals feel confident enough to raise complaints without fear of reprisal or victimisation.
- A system of guidance, support and counselling is provided for all parties involved as part of the resolution of a complaint.
- Employees are encouraged to access their Trade Union, management or SPF representatives for advice, support and representation at all stages of the process of complaint.

2.3. The CCG will:

- Value all of its employees.
- Create an environment and culture of dignity, respect and value for each other.
- Foresee the potential for bullying and harassment.
- Take reasonable steps to reduce the risk, including conducting awareness training.
- Take action where incidents are raised.

2.4. All employees have a right to work in an environment that:

- Is safe.
- Promotes dignity and respect at work.
- Encourages individuals to treat each other with respect.
- Promotes speaking politely, openly and honestly with others.
- Is open, transparent and fair.
- Encourages all employees to take responsibility for each other.

3. Scope

3.1. This policy will support a process that addresses all forms of unacceptable behaviour to all employed and non-employed resources and apply, where action needs to be addressed formally; the CCG’s Conduct and Capability Policy will be invoked.

3.2. Bullying is a form of harassment. Bullying is normally associated with a series of incidents, including cyber-bullying. However, a single instance can be severe enough to be categorised as bullying.

3.3. Whilst this policy is principally related to bullying and harassment by the CCG staff, if staff experience bullying and harassment from other non-CCG staff in
the course of their duties, managers should use this policy as a general guide to address such issues.

4. Definitions

4.1. Bullying 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.

4.2. 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 important factor in defining whether harassment has occurred is the action(s) itself and the impact the behaviour has on the recipient, not the intention of the perpetrator. Harassment takes many forms and may be based on any of the following protected characteristics: race, colour, age, nationality, ethnic (or national) origin, sex, sexual orientation, marital status, religious belief or disability.

4.3. Victimisation is a term used in discrimination law to describe action by an employer, against an employee, in retaliation for involvement in bringing, or supporting, a complaint of discrimination.

4.4. Online behaviour is considered equivalent to face-to-face behaviour. Staff must not engage in any conduct online that would not be acceptable in the workplace or that is unlawful. For example, making derogatory remarks, bullying, intimidating or harassing other users, using insults or posting content that is hateful, slanderous, threatening, discriminatory or pornographic. This includes conduct that impacts on work using social media (e.g. Twitter, Facebook or personal blogs, etc.), which may have been written out of working hours or using personal equipment.

4.5. Acceptable Behaviour

4.5.1. Employees have a clear role to play in helping to create a climate at work in which unfair treatment is unacceptable. They can contribute to preventing unfair treatment through an awareness and sensitivity towards the issue and by ensuring that the standards of conduct for themselves and for colleagues do not cause offence.

4.5.2. Employees themselves can discourage harassment and discriminatory behaviour by making it clear that they find such behaviour unacceptable and by supporting colleagues who suffer such unfair treatment and are considering making a complaint.
4.5.3. Similarly, the CCG recognises its responsibility to demonstrate a duty of care to all employees and to provide a safe and suitable working environment. To this end, the CCG accepts that the prevention of harassment, bullying and intimidation is essential through effective training and education of managers and other employees to ensure that the health of employees is not put at risk.

4.5.4. Acceptable behaviour, in terms of this policy, is to ensure the no less favourable treatment of any staff and with reference to the relevant legislation in force at any time. Acceptable behaviour is also defined, in terms of this policy, with reference to other CCG employment policies, procedures and codes of practice as well as criminal and common law.

4.6. Unacceptable Behaviour

4.6.1. In general terms, unacceptable behaviour is defined, for the purposes of this policy, as any act or omission by an employee which is in itself illegal by virtue of anti-discrimination legislation, criminal or common law or which causes unnecessary offence or distress to an employee. Unacceptable behaviour falls into the following categories which are explanatory but not conclusive:

- Harassment
- Bullying
- Other forms of intimidatory or threatening behaviour
- Behaviour that contravenes the CCG’s policy on equal opportunities in employment, and/or cause offence

4.6.2. The CCG regards harassment of any kind as unacceptable. Harassment is defined as: “Harassment, in general terms, is unwanted conduct affecting the dignity of men and women in the workplace. The primary action in any situation will be to assess whether the actions or comments are viewed as demeaning and unacceptable to the recipient.

4.6.3. Employees who have suffered harassment at work may be able to seek remedies through the civil or criminal law. The CCG’s policies should not be regarded as attempting in any way to restrict an employee’s legal rights. The policy aims are to address all forms of harassment including bullying and intimidatory/unacceptable behaviour in the workplace and to promote fair and equal treatment for all employees. Any employee who complains about unfair treatment in terms of this policy will be protected against victimisation or retaliation for bringing such a complaint. Any such victimisation or retaliation will itself be considered unacceptable behaviour.
5. Roles and Responsibilities

5.1. The Governing Body and Committees

5.1.1. The Guildford and Waverley CCG Governing Body is responsible for ensuring that sufficient resources are provided to support the requirements and application of the people management policies across the CCG and that compliance with the necessary legislation and professional conduct is maintained; monitoring the application of policies and outcomes, for equality.

5.1.2. GWCCG Governing Body is responsible for approving the policy and procedure and leading the development of a culture that embraces dignity and respect for all.

5.2. The Chief Officer

5.2.1. The Chief Executive Officer has overall responsibility for promoting this tolerance culture and ensuring the organisation remains a fair and safe environment to work in. The Chief Executive Officer will work closely with the Governing Body to scrutinise reports and challenge areas of concern.

5.3. Directors and Managers

5.3.1. It is the responsibility of Directors to lead by example and provide support to their managers in dealing quickly and effectively with concerns around dignity and respect at work as well as ensuring that concerns raised are taken seriously and managed appropriately, in line with 6.2 – 6.4 of this policy. Directors are responsible for responding to Harassment and Bullying related actions in the Staff Survey action plans. Directors should also ensure that individual team managers’ receive the appropriate training to ensure that they are appropriately skilled to reduce the likelihood of incidents as well as effectively deal with any issues that do arise.

5.3.2. Line Managers have a responsibility for dealing with concerns and allegations raised within their teams, in conjunction with support from Human Resources. Line Managers are responsible in particular to ensure that sufficient support is offered in accordance with this policy.

5.3.3. Line Managers are responsible for ensuring that staff that they manage; perform to an acceptable standard within a performance management framework. Legitimate, justifiable, appropriately conducted monitoring of an employee’s behaviour or job performance within good management practice does not constitute bullying or harassment.

5.3.4. It is reasonable to expect a manager to carry out these functions in a fair, firm and consistent manner. Carrying out these functions does not constitute an act of bullying or harassment, although some staff may feel stressed and
anxious while the procedures are on-going. However inappropriately applying this policy may constitute bullying or harassing behaviour in itself and if so, will be addressed under the CCGs Disciplinary Policy.

5.3.5. It is important to differentiate between firm, fair management and bullying or harassing behaviour. It is in the interests of the organisation that managers should be able to carry out their duties without threat of ill-intentioned, malicious or vexatious complaints.

5.3.6. Because of the differences in perception, it is not always easy to differentiate between firm, fair management and bullying and harassment. Some useful comparisons are listed below:

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<thead>
<tr>
<th>Firm/Fair Management</th>
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<tbody>
<tr>
<td>Consistent and fair</td>
<td>Aggressive, inconsistent and unfair.</td>
</tr>
<tr>
<td>Determined to achieve the best results, but reasonable and flexible.</td>
<td>Unreasonable and inflexible</td>
</tr>
<tr>
<td>Knows their own mind and is clear about their own ideas, but willing to consult with</td>
<td>Believes they are always right, has fixed opinions, believes they know best and is not</td>
</tr>
<tr>
<td>colleagues and staff before drawing up proposals.</td>
<td>prepared to value other people's opinions.</td>
</tr>
<tr>
<td>Insists upon high standards of service in quality or and behaviour within the team.</td>
<td>Insists on high standards of service and behaviour but blames others if things go wrong.</td>
</tr>
<tr>
<td>Will discuss, in private, any perceived deterioration before forming any views or</td>
<td>Loses temper regularly, degrades people in front of others, and threatens official warnings</td>
</tr>
<tr>
<td>taking action and does not apportion blame on others when things go wrong.</td>
<td>without listening to any explanation.</td>
</tr>
<tr>
<td>Asks for people’s views, listens and assimilates feedback.</td>
<td>Tells people what will be happening, does not listen.</td>
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5.4. The HR Department

5.4.1. The HR service provider will ensure the provision of timely and effective advice and support to line managers and employees in all aspects covered by this policy as well as related legislation. HR will support this policy in being applied consistently and fairly across the entire organisation. The HR lead practitioner will report to the Governing Body on a regular basis to ensure that accurate statistics are monitored, collated and incidents are investigated appropriately and in accordance with Policy.

5.5. All Staff

5.5.1. All employees have a responsibility to:
- Ensure they are supportive to individuals who state they have been bullied or harassed and take full account of their feelings and perceptions of the situation.
- Encourage those individuals to seek help from an appropriate source.
- Refrain from participating in, encouraging or condoning vexatious gossip including that related to cases of alleged or actual bullying or harassment.
- Attend training sessions as arranged to increase their awareness of the issues involved in bullying and harassment.
- Taking appropriate action if they witness bullying and harassment, including checking with the individual how they wish to take it forward and/or reporting it to the line manager.

6. Procedure

6.1. Indication for Use

The CCG prohibits the display of inappropriate material, which may cause offence and will, if necessary, ensure that the offending material is removed. Examples of this material may include pin-ups, calendars, postcards, inappropriate email and internet communications. Not only is discriminatory behaviour prohibited by this policy, but it is also against the law to discriminate against any person or people on the grounds of what are described as “Protected Characteristics”. These are:

- Age
- Disability including physical and mental impairment
- Gender re-assignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race including nationality and ethnicity
- Religion or belief
- Sex
- Sexual orientation

6.2. Options for resolving complaints

6.2.1. Anyone who believes their dignity/respect has been compromised or they are suffering bullying and/or harassment is encouraged to record all incidents in a diary, including the names of any witnesses.

6.2.2. Many instances of harassment and bullying can be dealt with effectively in an informal way. People are often unaware of the effect their behaviour is having on others. In the first instance, it may be possible and sufficient to explain to the person engaging in the unwanted behaviour that the conduct is not welcome. The matter can often be resolved if it is realised that the behaviour
in question offends or makes uncomfortable and that it is adversely affecting the victims work.

6.2.3. It should also be considered that whether a case is formally or informally managed, there is always a place for mediation between the respective parties and scope for facilitated reconciliation of difficulties between individuals. This is of course not intended to replace any suitably robust action in contravening legislative requirements.

6.3. Informal Process

6.3.1. If it is too difficult or embarrassing for the person experiencing a situation where they believe it contravenes the principles of this policy and they feel they cannot approach the harasser directly, the following sources of support and advice are available to them and to any third party who witnesses incidents of bullying or harassment.

- A trade union or professional association representative recognised by the CCG
- A colleague
- Line Manager
- HR

6.3.2. The person experiencing the situation can elect to discuss the matter informally at this stage on an individual basis, or to be accompanied by a representative. The employee has the right to be represented by a trade union recognised by The CCG or accompanied by a work colleague who is employed by The CCG and not acting in a legal capacity, at all stages of the procedure. The purpose of representation is to assist or represent the person experiencing the situation in stating their case and to provide support and guidance. Where an individual elects to be represented, the representative will be included in all subsequent meetings.

6.3.3. The person experiencing the situation should raise the matter with their line manager in the first instance who will attempt to resolve the matter informally notifying the alleged of the complaint raised. Details of the dates and content of all meetings during this informal stage will be recorded. These notes may be necessary should the matter proceed to a formal complaint and should be retained by managers.

6.3.4. During this stage of the process, control of any subsequent action to be taken lies mainly with the person experiencing the situation. However, it must be recognised that management has an overarching responsibility to ensure that inappropriate behaviour is dealt with and does not go addressed. However, management will as far as possible be sensitive to the wishes of the person experiencing the harassment in each individual case.
6.3.5. Experience shows that where possible, informal interactions to attempt to resolve a situation are the most effective way to help maintain positive working relationships if dealt promptly. However, where the informal approach has proved unsuccessful the following procedure will apply:

6.4. The Formal Process

6.4.1. The person experiencing the situation should make a formal complaint in writing to:
- The designated line manager.
- The next level above if the allegations concern their line manager.
- HR if the person experiencing the situation is a trade union official.

6.4.2. The written complaint should provide as much detail as possible including:
- The name of the alleged.
- The nature of the situation.
- The dates and times when the situation took place.
- The names of any witnesses to the situation.
- Details of any action taken by the person experiencing the situation to stop the situation.
- The name of the person experiencing the harassments chosen representative.

6.4.3. Action will be taken, normally within one working day, unless otherwise agreed, of the complaint being received. Action will be taken to ensure the safety of the person experiencing situation.

6.4.4. Management will swiftly undertake a preliminary investigation of the situation to determine any immediate action to be taken which may include if necessary and in agreement with the person experiencing situation, separation of the alleged harasser from the person experiencing the situation will be arranged. Suspending all interaction/communication between the parties may prove to be the most viable and least disruptive option. It may be possible to arrange temporary transfer of both parties or either party to other locations and transfer in replacement staff to cover their posts. At this stage the alleged will be notified of the complaint against them.

6.4.5. In the case of suspension this should be considered in line with the provisions laid out in the Disciplinary Policy. Relocation of the alleged harasser or the person experiencing the harassment, or both may be considered in discussion with the person experiencing the harassment. Suspension may also be considered as a last resort. Management should take into account all the circumstances of the case before a decision to suspend is taken, including the following:
• The seriousness of the situation.
• The nature and severity of the allegation.
• Impact on other team members.
• Service requirements.

6.4.6. All staff will be treated with fairness and equity irrespective of their position in the organisation.

6.5. Investigation

6.5.1. The manager with whom the complaint was raised will commence investigatory action immediately. HR will be involved and both the alleged and the person experiencing the situation will be interviewed. Impartial support to the investigation in the form of an alternative manager to investigate may be sought.

6.5.2. Investigations will be carried out within 7 working days. In exceptional circumstances, where this timescale cannot be adhered to, the parties will be informed of the reasons for the delay and be given a revised timescale.

6.5.3. Those involved in carrying out the investigation must recognise the difficulty which some individuals will have in talking about the incidents involved to a third party and that they may become stressed during the process. They may harbour feelings of embarrassment, a fear of being disbelieved or not being taken seriously, a fear of further damaging the working environment or a fear of management being biased against them. Talking and being questioned about the incident(s) often adds considerably to the stress already caused by the alleged bullying or harassment itself.

6.5.4. It is important that individuals are questioned openly, factually and in an unbiased fashion.

6.5.5. Full written and signed statements should be taken from all concerned at an early stage. A written and dated record of all investigatory interviews should be made. The manager, with whom the complaint was made, will confirm the outcome of the investigation in writing to both parties.

6.6. Procedure Following Investigation

6.6.1. Where the complaint is not founded

6.6.1.1. In order to ensure transparency in the decision-making process, where it is held that there is no case to answer, a discussion will take place with the person experiencing the situation to explain the basis on which the decision was reached and seek to agree, and at a minimum determine a constructive way forward. The person experiencing the situation may
appeal this decision by raising a formal grievance through the CCG’s Grievance Policy.

6.6.1.2. Where there is insufficient evidence a discussion will take place with both parties, the manager and the relevant Trade Unions to seek to agree a constructive way forward and ensure an effective working relationship and prevention from any further incidents.

6.7. Where there is a Prima Facia Case

6.7.1. The manager will take action in line with the CCG’s Disciplinary and Capability Policy referring to the examples of misconduct and gross misconduct. Following formal disciplinary action short of dismissal, the line manager will arrange for the transfer of the harasser unless the stated wish of the individual is that they would prefer to be relocated or change working practices in order to minimise contact between the two employees.

6.8. Appeals Process

6.8.1. The employee has the right to appeal against an investigation outcome. An appeal must be made in writing and addressed in accordance with the appeals process outlined within the CCG’s Grievance Policy and Conduct and Capability Policy.

6.9. Confidentiality and Discretion

6.9.1. Confidentiality needs to be respected in order to protect any staff that feel vulnerable and to support the ending of situation, but not to cover up a problem where one exists. The duty of confidentiality shall not act as an impediment to the thorough investigation of all allegations arising under the policy nor impede employees’ rights. All grades of staff are encouraged to seek advice or to discuss issues of concern which arise from this policy in relation to their own employment, or that of a colleague or colleagues.

6.9.2. The CCG recognises a compromise of dignity and respect can have negative effects on individuals and understands that these types of behaviour can cause severe distress and possibly even ill-health consequences. Sharing a problem with peers and personal social support networks can have the effect of protecting an individual from some of the effects of stress. For this reason, The CCG believes that “discretion” i.e., cautious sound judgement in discussing matters that are a cause of concern, is a better description than “confidentiality” of what is required from all parties connected with cases of alleged unacceptable behaviour.

6.9.3. It must be understood that as soon as an issue is reported within the structures of the CCG, the employer immediately assumes a legal “duty of care” towards all parties. This is applicable to the way in which the alleged person experiencing the situation and possibly other staff are dealt with from
that time forward, whatever the nature of the unacceptable behaviour.

6.9.4. All staff may receive confidential advice prior to deciding whether they wish to raise an issue under this policy. It is vital at this stage that discretion exists in order to facilitate people coming forward to talk over their situation and obtain objective assistance in clarifying their thinking. If the person to whom concern is expressed in relation to unacceptable behaviour feels they require advice, help or assistance to enable them to help/protect/make progress on behalf of the investigator, they should discuss the issues in an anonymised manner. This should be on a need to know basis with the designated HR Adviser, appropriate accredited Trade Union representative, Health & Safety representative, Occupational Health specialist, or other appropriately trained person.

6.9.5. Seeking support in this way, in order to support those who feel they have a problem does not constitute breach of confidentiality. This does not remove the responsibility to maintain a level of discretion appropriate to the circumstances.

6.9.6. The person within the management/human resources structure to whom the alleged harassment or bullying is notified under either the formal or informal stages of the procedure assumes the “duty of care”. The duty will remain with that person until such time as the issue is resolved or they pass the duty on or up.

6.9.7. If, following investigation, it is found that claims are malicious or vexatious; the claimant may become the subject of disciplinary action. Malicious breaches of confidentiality, deliberate misrepresentation, circulation of rumours, slander or gossip likely to prejudice the process or the parties, could be construed as unacceptable behaviour and may also result in action under The CCG's Conduct and Capability Policy. Further, there may be a requirement for the perpetrator(s) to publish statements of retraction to correct misinformation, gossip or slander.

6.10. Guidance, Support and Counselling

6.10.1. The CCG will support and guide all employees who may be involved in alleged cases whether or not a case is proven. The CCG will work with individuals to overcome unacceptable behaviour.

6.10.2. Given the potential sensitivity of the issues involved and the stress present when involved in situations and particularly where a member of staff is finding it difficult to accept a decision or outcome. The CCG will provide confidential counselling for the individual and alleged harasser at any stage of the procedure and always offer counselling or support at the conclusion of an allegation.
6.10.3. For staff that have been, or consider that their dignity and respect has been compromised can find it difficult to move on from a stressful experience. Guidance, support and/or counselling will be made available to assist the member of staff to cope with moving on from their experience whether or not they have been satisfied with the outcome. The same facility will be made available to others involved indirectly who may be finding it difficult to recover or build relationships at work.

7. References

7.1. In the production of this policy, the following references have been used to ensure statutory and regulatory compliance

- Equality Act 2010
- Previous Fair treatment at work statement (April 2013 to June 2015)
- ACAS
- NHS Employers
- Skills for Health (e-learning training provider)
- Sex Discrimination Act 1975
- Race Relations Act 1976
- Protection from Harassment Act 1997
- Disability Discrimination Act 1995
- Public Interest Disclosure Act 1988
- Trade Union and Labour Relations Act 1992
- Rehabilitation of Offenders Act 1986
- Employments Rights Act 1996
- Health and Safety at Work Act 1974
- Employment Equality (Sexual Orientation) Regulations 2003
- Employment Equality (Religion and Belief) Regulations 2003
- Employment Equality (Age) Regulations 2006
- Communications Act 2008
- Human Rights Act 1998
- Public Order Act 1986
- Criminal Justice and Public Order Act 1994
- Protection from Harassment Act 1997

8. Approval, ratification and review process

8.1 This policy will be subject to review every 2 years and at any stage at the request of either management or the consultative committee.

8.2 Human Resources will review this policy, with any recommendations or required changes being presented to the Staff Partnership Forum for consultation, the Remuneration Committee for approval and the Governing Body for ratification.
9. Dissemination and implementation of the Policy

9.1. This document will be disseminated as follows:
- Copies will be made available on the CCG’s Intranet
- The policy will be brought to the attention of all staff periodically through team brief and ebrief and monitored in line with normal assurance processes.
- Awareness and understanding required on an annual basis for all staff through Appraisal and PDP discussions.

9.2. The CCG’s employment contract requires all employees to abide by their professional Code of Conduct where appropriate and highlights the Disciplinary, Grievance and Whistle blowing policies for all staff. The Disciplinary policy confirms the repercussions for founded allegations of bullying and harassment. The contract of employment for Managers also requires adherence to the Code of Conduct for NHS Managers.

9.3. The policy activity will be monitored and regularly reviewed for effectiveness including:
- Records of complaints demonstrating the cause of the complaint, individuals involved and circumstances.
- Individual complaints to ensure resolution and no victimisation.

9.4. Managers should ensure they and their staff are familiar with this policy and attend the relevant training courses such as the following:
- CCG Induction
- Conflict Resolution and Conflict Resolution Refresher mandatory training
- Equal Opportunities Mandatory Training
- Managing Workplace Conflict
10. Appendix 1 - Trade Union Representation

Individuals subject to harassment or bullying may be very vulnerable and are often reluctant to complain. They may be intimidated and embarrassed or they may fear reprisals.

The joint trade unions believe that harassment and bullying at work is unacceptable behaviour and an infringement of people’s rights.

Victims of harassment and bullying often feel powerless and isolated. Trade Union members are part of a collective organisation that can offer support and advice. Representatives are trained and committed to fairness and will treat all matters associated with the policy sensitively. They will act as representatives and/or advisers to members throughout all stages of the procedure.

The role of the trade union representative is to:

- Provide assistance and information to union members who feel they are being harassed or bullied.
- Discuss the problem and offer support or advice.
- Help the member to establish details of the complaint.
- Discuss with the member which course of action is most appropriate for them to take.
- Offer support, advice and representation through all stages of the harassment and bullying procedure.
- Provide assistance and information to union members accused or harassed or bullying.
11. Appendix 2 - The Legal Position

There is no specific legislation, which deals with bullying or harassment at work. However, there are number of statutes or regulations, which could be relevant. These include:

- The Equalities Act 2010.

- Sex Discrimination Act 1975 and Race Relations Act 1976 – This legislation may be used by the employee where the harassment or bullying has a sexual or racial basis. The employer can be held vicariously liable, even when it is unaware that such incidents have taken place.

- Protection from Harassment Act 1997 – This legislation which was developed to cover “stalking” cases, enables employees to take a civil case where they believe colleague’s conduct amounts to harassment.

- Disability Discrimination Act 1995 – This legislation makes it unlawful to discriminate against a disabled person at work on account of their disability.

- Public Interest Disclosure Act 1988 – This legislation has developed to protect “whistleblowers”. Where any employee is dismissed because he/she made a “protected disclosure” the dismissal will be automatically deemed unfair.

- Trade Union and Labour Relations (Consolidation) Act 1992 – This legislation protects employees from dismissal on the basis of trade union activities or membership, or of non-trade union membership.

- Rehabilitation of Offenders Act 1974 – This legislation essentially considers detrimental treatment of employees with spent convictions as similar to a “discrimination” provision.

- Employment Rights Act 1986 – This legislation gives employees the right to access an employment tribunal where they believe they have been constructively dismissed. This may apply where an organisation has failed to take appropriate action to deal with a complaint of bullying or harassment.

- Health and Safety at Work Act 1974 (Section 2 and 3) and the Management of Health and Safety at Work Regulations 1992 and similar legislation – This legislation places a duty of care on employers to ensure the health and safety of their employees and to conduct assessments of potential risks to employees and to take appropriate remedial action. This may extend to people over who the employer has no direct control but whom the employer might have reasonably foreseen the potential for bullying or harassment.

- Employment Equality (Sexual Orientation) Regulations 2003 – This legislation gives protection against discrimination and harassment on the
grounds of sexual orientation, which is defined in the act as being orientation to the opposite sex, same sex or both sexes.

- Employment Equality (Religion or Belief) Regulations 2003 – which gives protection from discrimination and harassment on the grounds of religion or belief.

- Employment Equality (Age) Regulations 2006 – which gives protection from discrimination and harassment on the grounds of age.

- The CCG has a legal and ethical responsibility as a reasonable employer to ensure that staff are not subjected to inappropriate behaviour, irrespective of whether this is related to legislation or not.
## Appendix 3 Procedural Document Checklist for Approval

**Procedural document checklist for approval**

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

<table>
<thead>
<tr>
<th>Title of document being reviewed:</th>
<th>Yes/No/Unsure</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. <strong>Is there a sponsoring director?</strong></td>
<td>Yes</td>
<td>Director of Governance and Compliance</td>
</tr>
<tr>
<td>1. <strong>Title</strong></td>
<td></td>
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<tr>
<td>Is the title clear and unambiguous?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Is it clear whether the document is a guideline, policy, protocol or standard?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>2. <strong>Rationale</strong></td>
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<tr>
<td>Are reasons for development of the document stated?</td>
<td>Yes</td>
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<tr>
<td>3. <strong>Development Process</strong></td>
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<tr>
<td>Is the method described in brief?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are individuals involved in the development identified?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Do you feel a reasonable attempt has been made to ensure relevant expertise has been used?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Is there evidence of consultation with stakeholders and users?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>4. <strong>Content</strong></td>
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<tr>
<td>Is the objective of the document clear?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Is the target population clear and unambiguous?</td>
<td>Yes</td>
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<tr>
<td>Are the intended outcomes described?</td>
<td>Yes</td>
<td></td>
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<tr>
<td>Are the statements clear and unambiguous?</td>
<td>Yes</td>
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<tr>
<td>5. <strong>Evidence Base</strong></td>
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<tr>
<td>Is the type of evidence to support the document identified explicitly?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are key references cited?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are the references cited in full?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Are local/organisational supporting documents referenced?</td>
<td>Yes</td>
<td></td>
</tr>
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6. **Approval**

| Does the document identify which committee/group will approve it? | Yes |
| If appropriate, has assurance been sought? | Yes |

7. **Dissemination and Implementation**

| Is there an outline/plan to identify how this will be done? | Yes |
| Does the plan include the necessary training/support to ensure compliance? | Yes |

8. **Document Control**

| Does the document identify where it will be held? | Yes |
| Have archiving arrangements for superseded documents been addressed? | Unknown |

9. **Process for Monitoring Compliance**

| Are there measurable standards or KPIs to support monitoring compliance of the document? | Yes |
| Is there a plan to review or audit compliance with the document? | Yes |

10. **Review Date**

| Is the review date identified? | Yes |
| Is the frequency of review identified? If so, is it acceptable? | Yes |

11. **Overall Responsibility for the Document**

<p>| Is it clear who will be responsible for coordinating the dissemination, implementation and review of the documentation? | Yes |</p>
<table>
<thead>
<tr>
<th><strong>Director Approval</strong></th>
</tr>
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<tbody>
<tr>
<td>On approval, please sign and date it and forward to the chair of the committee/group where it will receive final approval.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Name</th>
<th>Elaine Newton</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
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<tr>
<th><strong>Committee Approval</strong></th>
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<tbody>
<tr>
<td>On approval, Chair to sign and date so it can then be forwarded to the person with responsibility for disseminating and implementing the document and the person who is responsible for maintaining the organisation’s database of approved documents.</td>
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<table>
<thead>
<tr>
<th>Name</th>
<th>Phelim Brady</th>
<th>Date</th>
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<tr>
<td>Signature</td>
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13. **Appendix 4 Compliance & Audit Table**

*Explain how the procedures will be audited i.e. how you will provide assurance that the policy is being adhered to*

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Measurable</th>
<th>Frequency</th>
<th>Reporting to</th>
<th>Action Plan/Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Systems in place to ensure that Policy Owners/Authors follow the process outlined in this Guidance document</strong></td>
<td>Policy review schedule proposed. Once approved, to be added to the Governing Board agenda as required</td>
<td>Biennial</td>
<td>Remuneration Committee</td>
<td>Monitoring</td>
</tr>
<tr>
<td><strong>Systems in place for:</strong></td>
<td>• Distribution (including version control)</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body</td>
<td>HR Report</td>
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<td></td>
<td>• Monitoring of Implementation Plan</td>
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<td>• Implementation</td>
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<td>• Timely review of all policies and procedures including equality analysis</td>
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<td>• Archiving/ Retention /Destruction of policies</td>
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<td>Database showing status of HR current policies</td>
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<td>On internet/intranet site and referenced in Appraisals/PDP</td>
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</tr>
<tr>
<td><strong>Iterative development of Policy responding to comments received regarding the viability of policy implementation</strong></td>
<td>Number of comments received</td>
<td>Biannually</td>
<td>Remuneration Committee/Governing Body following review with DGC</td>
<td>Action Plan to address comments</td>
</tr>
<tr>
<td></td>
<td>Implementa tion review with staff</td>
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</tbody>
</table>