

# DIGNITY AT WORK (RESPECTFUL RESOLUTION PATHWAY) POLICY

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Human Resources	V8	2024	March

Current Author	Kyri Kyriacou
Author's Job Title	Interim Head of Culture
Department	Staff Engagement & Culture
Approved by	Policy Review Group
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Ratifying / Monitoring Committee	JSCC
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Owner	Laura Skaife-Knight
Owner's Job Title	Deputy CEO

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<b>Related Policies and Procedures</b>	Managing Attendance Policy Working Time Directive Policy Disciplinary policy Health & Safety policy Grievance policy Stress Management Support Arrangement – potentially traumatic/stressful work-related situations
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<b>Stakeholders</b>	All employees Human Resources & Education Committee Staff Side Representatives/Recognised Trade Unions Occupational Health
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Version	Date	Author	Author's Job Title	Changes
V1	Nov 2004	Ian Vince	Deputy Director of HR	New Policy
V2	Nov 2007	Ian Vince	Deputy Director of HR	Update
V3	Aug 2009	Ian Vince	Deputy Director of HR	Update
V4	Feb 2011	Ian Vince	Deputy Director of HR	Update
V5	Jul 2012	Ian Vince	Deputy Director of HR	New Format for NHSLA
V6	Mar 2014	Gemma Everitt	Senior HR Advisor	Inclusion of corporate values and behaviours, mediator information and language
V7	Feb 2017	Emma Burston	Assistant HRBP	Policy title extended, update of Trust values and behaviours, inclusion of social media guidance, updated CIPD guidance, internal organisational changes – titles and committees
V8	Mar 2021	Kyri Kyriacou	Interim Head of Culture	To include the Respectful Resolution Pathway (moving beyond bullying) as the informal process to be followed in the new policy

### **Summary of the guidance**

The Trust will not tolerate any victimisation, intimidation, bullying or harassment of its employees by colleagues.

Rather than following the formal process in most cases under this policy, the respectful resolution is a five step guide to assist in co-creating a different response to bullying by developing the Respectful Resolution pathway, which reduces poor behaviours through awareness, reflection, discussion and de-escalation. Policy driven approaches to resolving this issue don't seem to be working. We need to culturally move away from a mind-set of process 'comfort blanket' to using more 'reasonableness and common sense' approached in our day to day people management. This will require a transformational shift in how we work and will see changes to at least three contractual policies, namely disciplinary, grievance and mutual respect policies.

### **Key words to assist search engine**

Values & Behaviours  
Bullying & Harassment  
Dignity & Respect  
Principles  
Support

### **Statement of Intent**

We all deserve a workplace where we are respected and supported; where positive behaviours are encouraged, modelled and appreciated; where poor behaviours including bullying are addressed, not tolerated; and where staff are supported to safely challenge negative behaviour.

# CONTENTS

	<b>PAGE</b>
<b>1 INTRODUCTION</b>	<b>5</b>
<b>2 PURPOSE AND SCOPE</b>	<b>5</b>
<b>3 DEFINITIONS AND RESPONSIBILITIES</b>	<b>6</b>
<b>4. RESPECTFUL RESOLUTION "OUR VALUES INTO ACTION"</b>	<b>6</b>
<b>5 FORMAL PROCEDURE</b>	<b>7</b>
<b>APPENDIX 1 RESPECTFUL RESOLUTION GUIDES</b>	<b>9</b>
<b>APPENDIX 2 EQUALITY IMPACT ASSESSMENT</b>	<b>10</b>

## **1. Introduction**

1.1 The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust (QEHL) is committed to ensuring that all employees are able to seek, obtain and hold employment without bullying or harassment.

1.2 This framework sets out the arrangements for dealing with concerns and complaints in respect of poor behaviour, including bullying and harassment, whether informally or, as a last resort where informal action is not appropriate, via a formal process (the Misconduct Policy).

1.3 All employees have the right to be treated with consideration, dignity and respect irrespective of their personal or protected characteristics, including but not restricted to: gender or gender re-assignment, race, age, disability, sexual orientation, marital status, religion or belief, ethnicity or national origin, HIV status, political affiliation, trade union membership. All employees have a responsibility to help to create a safe and supportive working environment.

1.4 The QEHL will not tolerate any form of bullying and harassment and will ensure that all concerns will be treated sensitively, confidentially, thoroughly and in a timely manner.

1.5 Whilst there are various definitions for bullying and harassment the Respectful Resolution Guides include definitions of values-led behaviour, acceptable behaviour, inappropriate behaviour and bullying or harassment. Acas defines bullying as 'offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.' Acas' definition of harassment is 'unwanted conduct affecting the dignity of men and women in the workplace.'

1.6 It is unlawful to harass others. Any serious or persistent forms of bullying and/or harassment will be viewed as gross misconduct and as such may result in dismissal in accordance with the Disciplinary Policy

## **2. Purpose and Scope**

2.1 This framework applies to all staff employed within the QEHL, individuals registered with the Bank, locums, individuals' on honorary contracts, work experience and Hospital Volunteers. Each individual carries personal responsibility for their own behaviour in relation to this policy.

2.2 This framework also applies if a complaint is made against an employee from another organisation. This will include STP partners working together. In such circumstances this will be passed to the employing organisation and the

employing organisation will investigate under their appropriate policies. Partners will try to work together to ensure outcomes are fair and appropriate.

2.3 The QEHKL recognises that bullying and harassment has a wider application than the employees of the QEHKL. Service users, members of the public, voluntary organisations, public sector organisations, employees from other employing organisations, individuals on work experience placements, contractors and suppliers are expected to conform to the standards set by the QEHKL.

2.4 The Trust has a Zero Tolerance approach towards patients and visitors who are violent or abusive in any way towards our staff. We have the right to refuse treatment, remove them from the premises and report them to the police.

### **3. Definitions and Responsibilities**

3.1 The definitions for bullying and harassment are as defined by both the Equality Act 2010 and by ACAS and these are contained in the respectful resolution links in the appendix. These also include the variety of grounds as identified as protected characteristics under the Equality Act 2010.

3.2 Responsibilities for employees, line managers, HR, Occupational Health and staff side representatives are contained in the Overview Guide of the Respectful Resolution Pathway (first link in the appendix).

3.3 For the purposes of this policy, the term Staff Side Representatives will mean individuals representing a trade union or their professional body e.g. UNISON, UNITE, the Royal College of Nursing (RCN), Royal College of Midwifery (RCM), CSP or Society of Radiographers (SOR).

3.4 Any incidents of bullying or harassment identified as a result of an exit questionnaire or interview process will be followed up as appropriate.

### **4. Respectful Resolution “Our Values into Action”**

The Respectful Resolution Framework is the umbrella term for a suite of resources titled: ‘Our Values into Action’. These guides offer a suite of resources, a pathway, for staff to help create a safe culture and address issues of behaviours that are inappropriate. Whether as an individual experiencing inappropriate behaviour, a witness, the manager, or as a person accused of inappropriate behaviour. These guides contain practical tools to help staff decide the best route forward and start to take appropriate action. We want all staff to find the information or help they need, so together we can build a great culture and resolve issues quickly and respectfully.

The full suite of resources listed here are available on the intranet. If you can’t find what you need, talk with HR, your manager or union representative.

<b>Resource</b>	<b>Summary of content</b>
Overview of the Respectful Resolution approach	Clear and straightforward processes, developed by colleagues
Quick guides to resolving issues of behaviour	Explore your options if you are experiencing poor behaviour, a witness, manager, or an allegation has been made against you.
Step 1. Creating a safe culture in your team	Practical discussions and tools to build your values-led team culture
Step 2. Reflect	Guides to help you think about what happened, and what to do
Step 3. Direct feedback	Safely giving and receiving feedback as respectful colleagues
Step 4. Supported resolution	Facilitated approach to reviewing, resolving and moving forward
Step 5. Formal process	Formal approach to resolving complaints about behaviour

The Respectful Resolution Framework places the emphasis on informal resolution. However, it is recognised that a more formal process may be required in certain circumstances.

## **5. Formal procedure**

5.1 Any employee who feels that they or others have been victimised, intimidated, bullied or harassed may pursue a formal complaint with or without having exhausted the processes outlined in Stage 1 – 4 of the Respectful Resolution Guides.

The complaint may be made verbally or in writing to:

(1) The complainant's manager (who will then liaise with the appropriate Senior HRBP)

Or, if more appropriate, for example where the complaint is about the complainant's line manager:

(2) HR Business Partner:

An example of a complaint form is in the RRP Overview Guide.

This should confirm the dates and details of the incidents and any approaches asking the person(s) against whom the allegations have been made to stop

5.2 On receipt of a complaint, the Manager and/or Human Resources Business Partner (who will act as the Case Manager commissioning the investigation) will identify an investigating officer. The investigating officer will interview the complainant.

The person(s) against whom the allegation has been made will be interviewed in addition to any relevant witnesses

The person(s) against whom the allegations have been made, complainant and any witnesses have the right to be accompanied at all stages of the investigation by a friend, colleague, trade union representative or some other person of their choice not acting in a legal capacity

5.3 The investigating officer will take all reasonable steps to ensure that information is not provided with malicious or improper intention.

The investigating officer will give due regard to the balance between protecting the informant(s) and victim(s) and providing a fair investigation for the person against whom the allegation has been made

5.4 If the Case Manager believes that the allegation has sufficient substance, the matter will then be considered in accordance with the Trust Disciplinary Policy. To ensure impartiality, any disciplinary process will be managed by a senior member of staff who has not had any direct involvement in the management of the case to date. This may include further investigation or the convening of a Disciplinary Hearing as per the policy.

If the Case Manager believes the allegation made is of a malicious nature and essentially without substance then s/he may make recommendation that disciplinary action be taken against the complainant

If the Case Manager believes there is insufficient evidence to uphold the complaint or that the complaint is not upheld then they may make recommendations as to how to proceed. This is likely to include reverting to Step 4 of the RR Guides to identify appropriate facilitated resolution if both parties agree to further mediation to agree a way forward to rebuild working relationships. Otherwise, there is no further action.

5.5 The usual timescale for completion of the investigation should not exceed one calendar month however given the complexities of some issues this may not always be achievable.

5.7 In circumstances where either the complainant or the person(s) against whom the allegations have been made is dissatisfied with the recommendation of the Case Manager they have the right to appeal to the Senior HRBP within 14

working days of that recommendation being notified the date of the letter detailing the outcome.

## **6. Language with patients**

Employees are to be mindful of speaking in their first language if this is not English whilst in the presence of patients who do not speak that particular language. Employees are to ensure they remain inclusive to all within the vicinity of the conversation including patients and other staff members.

<p>Appendix 1</p> <p><a href="#">Overview of the Respectful Resolution approach</a></p>	<p>Appendix 6</p> <p><a href="#">Step 5: Formal process</a></p>
<p>Appendix 2</p> <p><a href="#">Step 1: Creating a safe culture</a></p>	<p>Appendix 7</p> <p><a href="#">Help, I'm experiencing inappropriate behaviour</a></p>
<p>Appendix 3</p> <p><a href="#">Step 2: Reflect</a></p>	<p>Appendix 8</p> <p><a href="#">Allegations: I've been accused of inappropriate behaviour, what do I do?</a></p>
<p>Appendix 4</p> <p><a href="#">Step 3: Direct feedback</a></p>	<p>Appendix 9</p> <p><a href="#">I've witnessed inappropriate behaviour</a></p>
<p>Appendix 5</p> <p><a href="#">Step 4: Supported resolution</a></p>	<p>Appendix 10</p> <p><a href="#">Manager's guide: Addressing inappropriate behaviour</a></p>

## Appendix 11

### EQUALITY IMPACT ASSESSMENT

#### STAGE 1 - SCREENING

<b>Name &amp; Job Title of Assessor:</b>		<b>Date of Initial Screening:</b>	
		<b>Date of Review:</b>	
<b>Policy or Function to be assessed:</b>			
		<b>Yes/No</b>	<b>Comments</b>
<b>1.</b>	<b>Does the policy, function, service or project affect one group more or less favourably than another on the basis of:</b>		
	Race & Ethnic background		
	Gender including transgender		
	Disability:- This will include consideration in terms of impact to persons with learning disabilities, autism or on individuals who may have a cognitive impairment or lack capacity to make decisions about their care		
	Religion or belief		
	Sexual orientation		
	Age		
<b>2.</b>	<b>Does the public have a perception/concern regarding the potential for discrimination?</b>		

**If the answer to any of the questions above is yes, please complete a full Stage 2 Equality Impact Assessment.**

Signature of Assessor: \_\_\_\_\_

Date:

Signature of Line Manager: \_\_\_\_\_

Date: