

MUTUAL RESPECT/ DIGNITY AT WORK POLICY

A code of conduct for all Trust
 Employees

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Department	Human Resources
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Owner	Georgina Goodman
Owner Job Title	Head of Workforce

It is the responsibility of the employee accessing this document to ensure that they are always reading the most up to date version - this will always be the version on the intranet

Related Policies	Disciplinary policy Whistle-blowing policy Health & Safety policy Grievance policy Managing Attendance Stress Management Support Arrangement – potentially traumatic/stressful work related situations
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Stakeholders	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 Human Resources	New policy
V2	Nov 2007	Ian Vince	Deputy Director of Human Resources	Update
V3	Aug 2009	Ian Vince	Deputy Director of Human Resources	Update
V4	Feb 2011	Ian Vince	Deputy Director of Human Resources	Update
V5	Jul 2012	Ian Vince	Deputy Director of Human Resources	New format for NHSLA
V6	March 2014	Gemma Everitt	Senior HR Advisor	Inclusion of corporate values and behaviours, mediator information and language
V7	Feb 2017	Emma Burston	Assistant Human Resources Business Partner	Policy title extended, update of Trust values and behaviours, inclusion of social media guidance, updated CIPD guidance, internal organisational changes – titles and committees

Short Description

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

Key words

Values & Behaviours
Bullying & Harassment
Dignity & Respect
Principles
Support

MUTUAL RESPECT/DIGNITY AT WORK POLICY

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1. INTRODUCTION

- 1.1 Within the context of The Queen Elizabeth Hospital King's Lynn NHS Foundation Trust as a local 'Employer of Choice', the Trust is responsible for providing a workplace free from victimisation, intimidation, bullying or harassment. Management and Staff Side representatives work in partnership to ensure all staff are treated with dignity and respect by colleagues, patients and visitors at all times.
- 1.2 Victimisation, intimidation, bullying or harassment can be unlawful and can be both upsetting and humiliating. Such actions can affect physical and mental health and can lead to poor work performance or absenteeism. It is in the interest of the Trust, its workforce and patients to ensure that victimisation, humiliation, bullying or harassment is not tolerated in any area of the Trust.
- 1.3 In doing so, we all need to realise and accept the clear difference between bullying and intimidating behaviour and the Trust's requirement for its managers to address issues of poor performance, unacceptable conduct, poor attitude, etc. It is imperative that a distinction is drawn here and that positive efforts to address employee performance, as is required of Trust management from time to time, are not automatically perceived as intimidatory or bullying in nature. Thus this is an approach which advocates mutual respect across the whole organisation at all times, in all circumstances.
- 1.4 This policy seeks to incorporate the employment implications of the Equality Act 2010 which has replaced a number of separate pieces of legislation. As such, this document should be read in conjunction with the Trust's Disciplinary Policy.

2. PURPOSE & POLICY STATEMENTS

- 2.1 The Trust regards any form of victimisation, intimidation, bullying or harassment by a member of its staff as a serious disciplinary offence which could, in certain circumstances, be regarded as gross misconduct and may result in summary dismissal of the employee concerned.
- 2.2 Similarly the Trust considers any form of victimisation, intimidation, bullying or harassment of its staff by a patient or visitor etc, as a serious matter. In every circumstance where a complaint is registered, the Trust will investigate and will take appropriate action in accordance with the Trusts 'management of violence and aggression against staff' which can be located on the Trust's intranet.
- 2.3 All staff, with grounds to do so, have the right to complain about victimisation, intimidation, bullying or harassment and all complaints will be fully and fairly investigated and remedied in the most appropriate way. The procedure for these complaints is set out in this policy document.
- 2.4 Where a member of the public, patient or visitor has a complaint against a member of staff relating to victimisation, intimidation, bullying or harassment, it will be dealt with in accordance with the Trust's normal complaints procedure.
- 2.5 All complaints and actions under this policy will be treated confidentially and sensitively. Breaches of confidentiality will be dealt with in accordance with the Trust's Disciplinary

Policy.

3. DEFINITIONS

3.1 Values and Behaviours

Our core values and behaviours are;

- **Taking Responsibility**.... Ensuring excellent patient experience every time and adhering to our values
- **Taking Pride in doing a good job**.... We are all part of a team and delivering well gives us professional pride
- **Being Constantly Curious**.... Actively look for better ways to do things, innovating and improving
- **Having Courage to do the right thing**.... Being bold particularly when things go wrong
- **Providing Compassionate Care**.... dignity and respect at all times

3.2 **Chartered Institute of Personnel and Development (CIPD)** is a professional associated for human resources management professionals. It offers advice, guidance and best practice approaches on a range of business matters, predominately concerned with Human Resources Management.

3.3 **Advisory, Conciliation and Arbitration Service (ACAS)** is a Crown non-departmental public body of the Government of the United Kingdom. Its purpose is to improve organisations and working life through the promotion and facilitation of strong industrial relations practice.

3.4 **NHS Employers** provides guidance and advice to NHS bodies relating to a range of matters including human resources, employment, terms and conditions and best practice.

3.5 **NHS Litigation Authority (NHSLA)** provides the Trust with insurance cover and requires the Trust to set policies and procedures in place to support both individuals and the achievement of corporate goals.

3.6 **Harassment** - there is no simple, single definition of 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, humiliating or offensive environment for that individual'.

In practice, harassment can take many forms and may be directed at an individual or group. Generally, harassment is behaviour which is:

- unwanted by the recipient
- one sided
- unwelcome, offensive and/or threatening

All staff should be fully aware that it is not the intention of the 'harasser' but the deed

itself and its impact on the recipient which determines what constitutes harassment.

Employees can be subject to harassment on a wide variety of grounds including their

- race, ethnic origin, nationality or skin colour
- gender or sexual orientation
- disabilities, sensory impairments or learning difficulties
- age or youth
- religious or political convictions
- membership or non membership of a trade union
- real or suspected infection with HIV/AIDS
- willingness to challenge harassment
- status as ex offenders
- health, physical characteristics, personal beliefs

This list is neither exhaustive nor exclusive as numerous other factors can contribute to a feeling of harassment and indeed harassment can occur between people of the same nationality, age group, sexuality, religion, etc.

3.7 Examples of actions or behaviour which may constitute harassment include:

- derogatory comments, remarks, jokes
- insulting behaviour or gestures
- hostile body language
- 'Poison Pen' letters, unwelcome written communication including e-mail
- display of offensive or suggestive literature
- embarrassing, threatening, humiliating, patronising or intimidating remarks
- unwanted physical contact
- physical or verbal assault
- unwelcome sexual advances
- undermining of a persons self esteem
- isolation or non co-operation at work
- exclusion from social activities
- intrusion by pestering, spying, following, etc

Again, this list is neither exhaustive nor exclusive.

More specific examples of such behaviour include:

3.8 **Sexual Harassment** - unwanted conduct of a sexual nature or other contact based on sex, affecting the dignity of men and women at work. This can include unwelcome physical, verbal, non verbal and sex based conduct.

Physical contact of a sexual nature is commonly regarded as meaning unwanted physical contact. This can range from unnecessary touching, patting, pinching, kissing or brushing against another person's body, to assault and coercing sexual intercourse.

Verbal conduct of a sexual nature may include unwelcome sexual advances, propositions or pressure for sexual activity; continual suggestions for social activity outside the workplace after it has been made clear such suggestions are unwelcome; offensive flirtations; suggestive remarks; innuendo and lewd comments. Such behaviour defines the person subjected as a sexual object rather than a work colleague.

Non verbal conduct of a sexual nature refers to the display of pornographic or sexually suggestive pictures, objects or written materials, leering or making sexually suggestive gestures. This behaviour may make employees feel uncomfortable or threatened and undermine the position of an employee who seeks to deal with their colleagues with professional dignity.

Sex based conduct refers to conduct that denigrates, ridicules or is intimidatory or physically abusive of an employee because of his or her sex, such as derogatory or degrading abuse or insults which are gender related and offensive comments about appearance or dress. Such conduct can create an offensive working environment for the recipient. It is for the individual to determine what behaviour is unacceptable to them and what they regard as offensive. Sexual attention becomes sexual harassment if it persists once it has been made clear that it is regarded by the recipient as offensive, unwelcome and unreciprocated. However, one incident of harassment may constitute discrimination if sufficiently serious. It is the unwanted nature of the conduct that distinguishes sexual harassment from friendly behaviour which is welcome and mutually appreciative.

Racial Harassment covers race, colour, nationality - including citizenship - or ethnic or national origin. This harassment may be verbal or non verbal or take the form of intimidation.

verbal examples may include derogatory comments, racist jokes, persistent name calling and abusive language etc.

non verbal examples may include wearing of offensive badges or insignia, offensive publications, racist posters or graffiti, insulting behaviour or gestures etc.

intimidation & victimisation may include deliberate exclusion of a person(s) from conversations, rejection or isolation of a person(s) by refusing to talk or work with them; unfair allocation of work; unjustified supervision of an employee; frequently inviting comments on racial issues from a member of a racial group etc.

3.9 Harassment of people with disabilities means references to physical characteristics, comments about appearance which are derogatory and prejudicial in content. This harassment may be verbal or non verbal or take the form of intimidation.

verbal examples may include jokes about or at the expense of someone's disability, name calling, abusive language etc

non verbal examples may include wearing offensive badges, offensive publications or display of images or material which people with disabilities may find offensive.

intimidation & victimisation may include deliberate exclusion of a person(s) from conversations, rejection or isolation of a person(s) by refusing to talk or work with them; unfair allocation of work; unjustified supervision of an employee; frequently inviting comments on disability issues from people with disabilities etc.

3.10 Harassment because of religious belief covers all religions and religious groups.

This harassment may be verbal or non verbal and may involve intimidation.

verbal examples may include derogatory comments, religious jokes, persistent name calling and abusive language etc.

non verbal examples may include wearing of offensive badges or insignia, offensive publications, insulting behaviour or gestures etc

intimidation & victimisation may include deliberate exclusion of a person(s) from conversations, rejection or isolation of a person(s) by refusing to talk or work with them; unfair allocation of work; unjustified supervision of an employee; frequently inviting comments on religious issues from a member of a religious group etc.

3.11

Bullying

is the misuse of formal or informal power or position to persistently criticise and condemn; to openly humiliate and professionally undermine an individual's professional ability so that this person becomes fearful and their confidence suffers and they lose belief in themselves. These attacks on an individual are generally sudden, irrational, unpredictable and usually unfair.

Obvious bullying may include:

- shouting at colleagues in public and/or private
- instantaneous rages, often over 'trivial' matters
- personal insults and name calling
- persistent and sometimes violent criticism
- public humiliation – posting/blogging on social media sites including Facebook/Twitter

Less obvious bullying may include:

- setting objectives with impossible deadlines
- removing areas of responsibility
- setting menial tasks
- team members continually undermining the supervisor/manager
- constantly changing working guidelines
- ignoring or excluding an individual perhaps through the forming of 'cliques', etc
- talking only through a third party
- refusal of reasonable requests
- making insulting comments about colleagues, manager, supervisor, etc.
- blocking a person's promotion
- colleagues or managers taking credit for the work of the 'victim'
- manager/supervisor concentrating only on the negative characteristics of the victim, typically in the presence of colleagues
- the victim's work being the subject of excessive scrutiny or 'micro-management'

It is the pattern of such events that is crucial when determining if bullying is taking place. Any one of these examples may occur in isolation and can be 'out of character' for the person who perpetrates them. A bully, however, will often consistently use one or more of the above methods to harass and intimidate the victim.

Bullying, then, is best understood as a pattern of unjustifiable actions that results in the victim feeling persecuted. Bullying can occur in any situation in which one person is either financially, materially, emotionally or socially dependant on another. It is not limited to the traditional manager/team member relationship but can occur within a peer group of equal grade, across professional boundaries or even the manager/supervisor feeling intimidated by members of their team.

It is important to stress that the previous examples are intended to provide guidance on the type of issue/behaviour that may fall within the remit of this policy, As such, these examples are not exclusive and do not represent a complete list. Therefore, other behaviours and actions that serve to cause offence are likely to attract the same level of investigation and possible resultant sanctions as referred to throughout this document.

4. RESPONSIBILITIES

4.1 Employees

all employees of the Trust are expected to comply with this Policy and have a responsibility to ensure that their conduct and behaviour ensures that everyone who works in or visits the Trust is treated with dignity and respect. They have a responsibility to ensure that they treat colleagues and co-workers with respect, and in accordance with this policy and the Values and Behaviours of the Trust. Employees are required to ensure that any behaviour such as bullying or harassment (even if they are not directed at themselves) are reported so that they can be acted upon quickly.

4.2 Line 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. All managers, supervisors, team leaders, Staff Side Representatives, etc have a particular responsibility not to behave in a manner which could be offensive to others and to ensure colleagues act in an appropriate manner.

4.3 Human Resources

are required to provide generic support to line managers and individuals, such as help locating and interpreting policies and supporting line managers through the application of the policy. This ensures that a robust and consistent approach is taken by the Trust. Human Resources are also responsible for maintaining the library of HR related policies and procedures on the Trust's intranet pages. that the policy is followed fairly and consistently.

4.4 Occupational Health

responsible for supporting employees in any health related matters that arise through the application of this policy or the alleged bullying or harassment.

4.5 Executive Directors

the Trust is fully committed to ensuring that all employees are treated with dignity and respect by colleagues, patients and visitors of the Trust and will take all reasonable steps to ensure that this is adhered to through the implementation and monitoring of this policy.

4.6 Staff Side Representatives

Should provide employees with support, both those alleged to have carried out the bullying or harassment and those who have been subject to it and should follow the processes laid out in this policy

THE DIFFERENCE BETWEEN STRONG AND EFFECTIVE MANAGEMENT AND BULLYING & HARASSMENT

5.1 This is best illustrated by reference to the table below based on a model formulated by the Chartered Institute of Personnel and Development (CIPD 2007). Whilst not an exhaustive list of examples, it seeks to provide an indication into sound management practices employed to address marginal and poor performance amongst teams compared with actions that may be perceived as bullying or harassment. It is equally applicable in cases involving individual performance.

Addressing poor performance in teams	Strong/Effective Management	Potential Bullying/Harassment
Identifying the performance issue	Involves looking at all potential reasons for poor performance i.e. people, systems, training and equipment	No attempt to identify the nature or source of the poor performance
Seeking views of the team or individual to identify the cause of the unacceptable level of performance	The team takes part in looking for the source of the problems in the performance and helps the manager to identify solutions for the whole team	No discussion of the cause of the performance deficit or opportunities for the team members to discuss their difficulties
Agreeing new standards of performance with all team members	Standards of performance and behaviours are set and agreed for each team member and the manager	Imposing new standards without team discussion on appropriate standards of performance or behaviour
Agreeing the method and timing of monitoring/auditing team performance	Whenever possible, the team or team member takes part in the monitoring process. The outcome of the monitoring is openly discussed	Without agreed standards the monitoring can occur at any time and involve areas that are unexpected by team members
Failure to achieve the standards of performance are dealt with as performance improvement issues	Opportunities are taken to identify individuals who are struggling and support is provided. Where individuals are unwilling to comply with the agreed performance improvement process, disciplinary action may be taken	Individuals who fail to achieve the standards of performance are put under pressure to conform. This may include ridicule, criticism, shouting, withholding of benefits, demotion, teasing or sarcasm
Recognising positive	Recognises and rewards	With no monitoring

contributions	Improvements in performance, attitudes and behaviours	it is impossible to recognise where there have been positive contributions. Rewards and recognition and therefore arbitrary and open to acts of favouritism
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6. COMPLAINTS

- All formal complaints under this Policy will be fully and fairly investigated and will be treated sensitively and confidentially. However, the arrangements for addressing complaints by staff alleging victimisation, intimidation, bullying or harassment provide for informal and formal resolution in the following procedure. Any resulting actions may be considered in accordance with the Trust Disciplinary Policy.

6.1 Informal Procedure

- Any employee who feels that they or others have been victimised, intimidated, bullied or harassed in a way which breaches this Policy should, if they feel able to do so, straight away tell the perpetrator(s) that their behaviour is unacceptable and they want it to stop
- Alternatively they may prefer to put it in writing to the perpetrator(s), keeping a dated copy of the letter
- Ask a colleague, friend, trade union representative or line manager to speak to the person(s) on their behalf
- Whilst employees are always encouraged to approach their own Manager/Supervisor in the first instance, this may not always be appropriate. Informal support and advice is always available from the Human Resources Department, Staff Side Representatives and Occupational Health Services.
- As part of that informal support and advice an employee could consider in discussion with the HR Team or Staff Side Representative whether a mediated session might be a potential option to try and resolve the situation. The Trust has trained a pool of mediators to offer the option for potentially seeking to resolve situations without having to go straight to the formal procedure. Taking up an offer of a mediated session does not remove the option to move to the formal procedure at a later stage if it is not successful but is an option that might offer a way forward if it is acceptable to both parties.
- Any employee considering the informal route is encouraged to proceed promptly in order to resolve the situation as soon as possible.

6.2 Formal procedure

- Any employee who feels that they or others have been victimised, intimidated, bullied or harassed in a way which breaches this Policy may pursue a formal complaint with or without having exhausted the informal procedure stage.
- The complaint may be made verbally or in writing to:

(1) The complainant's manager (who will then liaise with the Head of Workforce)

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

(2) HR Business Partner:

- On receipt of a complaint, the Manager and/or Human Resources Business Partner, 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 alleged perpetrator, 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
 - 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 hearing for the person against whom the allegation has been made
 - If the investigating officer believes that the allegation has sufficient substance, the matter will then be considered in accordance with the Trust Disciplinary Policy.
 - If the investigating officer 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
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- 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.

6.3 In circumstances where either the complainant or the alleged perpetrator is dissatisfied with the recommendation of the investigating officer, they have the right to appeal to the Head of Workforce within 14 working days of that recommendation being notified.

6.4 In exceptional circumstances, Human Resources may initiate an investigation in the absence of a formal complaint. For example, this may occur as a result of Staff Opinion Survey findings, Exit Interviews, Whistleblowing Helpline or ongoing assessments such as NHSLA Standards for Better Health and Care Quality Commission reviews.

7. Language on Site

- 7.1 In accordance with best practice patient care and effective communication principles, Trust staff members whose first language is not English should ensure they speak in English when interacting with patients and relatives who first language is English. The same approach should be adopted with English speaking colleagues in a work or public setting on the hospital site.
- 7.2 It is understood that some staff may prefer to communicate with each other in a language other than English but this should be restricted to appropriate times and areas on site where patients, relatives and other colleagues may not feel adversely affected.

8. PREVENTION & SUPPORT SYSTEMS FOR STAFF INVOLVED IN SITUATIONS COVERED BY THIS POLICY

- 8.1 The various situations as described in this policy can be an extremely trying time for the complainant, alleged perpetrator, witnesses and colleagues alike. It is therefore important that all parties have access to clear and readily available support systems with access to key individuals when needed most.
- 8.2 Any staff member affected by such a situation is therefore directed to the Trust Guidelines - Support Arrangements for Staff involved in Potentially Traumatic/Stressful Work Related Situations which provides advice and guidance regarding the various 'Support Agents' that are available within the Trust.
- 8.3 The Trust is committed to preventing potential cases of bullying and harassment and this includes; awareness raising at induction, cascade meetings, promoting the 'Whistleblowing Helpline' and through the development of related local policies including; Stress Management and 'Support Agents...'. At present there is no legislation in place in the UK which specifically deals with the issue of workplace bullying however, the Equality Act 2010 came into effect from October 2010 and has served to bring together several pieces of anti-discrimination legislation.

9. MONITORING COMPLIANCE

- The Employee Relations Case Report obtainable from the Electronic Staff Record (ESR)*
- The Whistleblowing Helpline Register and monthly report to Trust Board
- Internal Audit review of the Mutual Respect Policy as may be commissioned by the Head of Workforce.
- Informal monitoring of complaint activity by the Head of Workforce
- Related discussion and review at Joint Staff Consultative Committee (JSCC) and Human Resources and Education Development Committee (HR&ED) as may be scheduled.

*The ESR Employee Relations Report provides an analysis of the reasons contributing to dispute resolution, grievance and disciplinary activity across the Trust.

10. EQUALITY IMPACT ASSESSMENT

This process has been assessed using an equality impact assessment initial template and is deemed to meet current equality requirements. See Appendix 1

APPENDIX 1

Equality Impact Assessment Tool

STAGE 1 - SCREENING

Name & Job Title of Assessor:	Date of Re-screening:
Policy or Function to be assessed: Mutual Respect/Dignity at Work Policy	

		Yes/No	Comments
1.	Does the policy, function, service or project affect one group more or less favourably than another on the basis of:		
	<ul style="list-style-type: none"> • Race & Ethnic background 	No	The principles of this policy apply to all Trust
	<ul style="list-style-type: none"> • Gender including transgender 	No	It is incumbent upon all staff to adhere to the
	<ul style="list-style-type: none"> • Disability 	No	The policy actively covers all the groups refe
	<ul style="list-style-type: none"> • Religion or belief 	No	
	<ul style="list-style-type: none"> • Sexual orientation 	No	
	<ul style="list-style-type: none"> • Age 	No	The above are general comments and do not refe
2.	Does the public have a perception/concern regarding the potential for discrimination?	No	There is no known reason for the public to h

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: