

## SALISBURY NHS FOUNDATION TRUST

### Dignity At Work Policy and Procedure

#### 1. Quick Reference Guide

- This policy applies to all employees and workers including agency, contractor and volunteer colleagues with the Trust. The Dignity at Work Procedure applies only to employees.
- Definition and examples of Kindness and Civility - behaviour the Trust expects and promotes.
- Definition and examples of victimisation, bullying and harassment - behaviour the Trust will not tolerate.
- How to manage informal complaints directly with colleagues.
- How to manage formal complaints through the procedure.
- Support available within the Trust for all employees who experience or are involved with inappropriate behaviour
- Guidance for People Managers in how to effectively manage a Dignity at work issue and formal complaint.

#### 2. Policy Introduction and Purpose

- Our ability to deliver an outstanding patient experience every time is reliant on creating an environment that enables you to work to the best of your ability.
- We believe that it is critical that all our people are treated with dignity and respect and bullying and harassment has no place in our organisation and will not be tolerated. We expect you to promote kindness and civility towards one another enabling us to deliver a consistently high standard of care to our patients. We will take all necessary steps to eliminate bullying and harassment and victimisation from our workplace.
- Complaints regarding, victimisation, discrimination and bullying and harassment will be managed confidentially, with fairness, discretion and sensitivity according to our policy and procedure enabling you to put our patients at the centre of what we do.
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Version Information			
Version no.	Updated by	Updated on	Description of changes
1.0	Jenny Hair	19/10/06	New document
1.1	Jenny Hair	30/05/07	Amendment to section 4.2
1.2	Jenny Hair	08/01/09	Amendment to Harassment Adviser in section 4.5
1.3	Nick Child	09/07/10	- headings re-numbered - new definitions included in s3.1 with examples and application to the workplace - new Appendix A 'Guidelines on Working Well Together'
1.4	Nick Child	24/03/2011	Diagram added to section 4 Process and updates to section 5 Monitoring
1.5	Vicki Horrill	19/09/2012	Removal of old appendix A, Moved process flow chart into an appendix, added/renamed sections throughout, removal of 'in the workplace' section, amendment of appendices, update of legal position, completion of new Equality Analysis form, add in mediation explained leaflet at appendix C, para 2 section 2.4 rewritten

1.6	Lucy Coombes	24/05/16	Change of title to better reflect the ethos of Trust. Cut down the length, removed legal references; reference to Trust Values; clarification of formal procedure with reference to grievance and appeals process; addition of DAWAs and Freedom to Speak up Guardian. Added chaplaincy and equality champions references. Removed appendices to include a link to a toolkit.
1.7	People Business Partner	28/09/18	Section 4 - Process for raising a complaint revised. Alleged bullying and harassment cases are now dealt with through this policy rather than the grievance policy. General grammatical update to reflect directorate name change also undertaken.
2.2		September 2022	OD&P Policy and Procedure review in new Template including <ul style="list-style-type: none"> <li>• New introduction and Purpose with the inclusion of Civility and Respect</li> <li>• What Civility and Kindness look like with a table of examples.</li> <li>• Table of Definitions and Examples of Bullying and Harassment</li> <li>• Inclusion of unlawful discrimination as a result of harassment</li> <li>• Table summarising the Procedure – parties may be invited to attend panel meetings separately for the panel to obtain further information</li> <li>• Guidance for People Managers – Managing a Dignity at Work.</li> <li>• Counter grievances in response to a complaint will not be considered in themselves but raised as part of the investigation</li> </ul>

### 3. Eligibility

This policy and procedure apply to all employees engaged on a contract of employment including fixed-term contracts and NHS employees seconded into the Trust. The policy applies to other workers including agency, contractor and volunteer colleagues and complaints under this policy will be managed according to procedures that are specific to their engagement with the Trust.

### 4. Scope

This policy applies to all workplace activities including work-related social events.

### 5. What is Kindness and Civility

We have the ambition to make our organisation a truly outstanding place to work. For this to happen we know that all our people need to feel valued and respected.

**In their simplest form kindness, civility and respect are about how we treat each other.**

*“You could use ‘kindness’ or ‘respect’, but in the end, kindness is a virtue whereas civility is a behaviour. And that means there is scope to change how civil people are to each other if you can persuade them to make a conscious decision about how they behave”* Dr Chris Turner - ED consultant behind Civility Saves Lives

**Incivility is low-intensity poor behaviour, characterised by rudeness and discourtesy where the intent to cause harm isn’t always clear.**

"Moments of disrespect which, on their own, do not amount to behaviour that could be described as bullying" .... but over time have a corrosive, contagious effect." "In simple terms, it makes the workplace an unhappy place to be" Wendy Irwin, Royal College of Nursing's equality and inclusion lead.

<b>Kindness and Civility</b>	
<b>What does Civility look like</b>	<b>What does incivility look like</b>
<i>Being Inclusive</i>	<i>Ridiculing</i>
<i>Saying good morning</i>	<i>Belittling</i>
<i>Being helpful</i>	<i>Failing to acknowledge someone</i>
<i>Taking time to understand and check understanding</i>	<i>Talking over someone</i>
<i>Noticing when things don't seem right</i>	<i>Being put down in front of others</i>
<i>Offering support</i>	<i>Standing over someone</i>
<i>Disagreeing without disrespect</i>	<i>Rolling eyes</i>
<i>Being approachable</i>	<i>Not letting others speak</i>
<i>Showing fairness</i>	<i>Abrupt emails</i>
<i>Smiling</i>	<i>Using overcomplicated words</i>
<i>Recognising and admitting mistakes</i>	<i>Non-cooperation</i>
<i>Listening</i>	<i>Gossiping</i>
<i>Including everyone in conversations</i>	<i>Showing disinterest</i>
<i>Explaining</i>	<i>Failing to return emails/phone calls</i>
<i>Saying thank you</i>	<i>Excluding others</i>

## 6. What is Bullying, Harassment and Victimisation

You are responsible for treating others with kindness and civility and in doing so respecting their dignity. Whilst isolated incidents of incivility may not amount to victimisation and bullying harassment, repeated incidents may have an impact on your colleagues.

Bullying, harassment and victimisation on the grounds of a **Protected Characteristic** is unlawful and it may also be direct discrimination under the Equality Act 2010. This means that you could be held personally liable as well as the Trust for this behaviour.

The relevant **protected characteristics** are age, disability, pregnancy and maternity, marriage or civil partnership, gender reassignment, race, religion or belief, sex and sexual orientation. The Equality Act 2010 makes harassment for a protected characteristic unlawful and it may also be considered to be direct discrimination.

<b>Definitions and Examples of Harassment, Bullying and Victimisation</b> <i>(this is not exhaustive)</i>	
<b>Definition</b>	<b>Examples</b>
<p><b>Harassment</b> is any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. It may be repeated behaviour, or in serious cases, may involve only a single incident. It also includes treating someone less favourably because they have submitted or refused to submit to such behaviour in the past.</p> <p>Where there is no intention to violate the other's dignity or create such an environment, the behaviour is to be regarded as having the effect of doing so only if, having regard to all the circumstances, including in particular the perception of the other person, it should reasonably be considered as having that effect.</p> <p>The key element is that the actions or comments are viewed as demeaning and unacceptable to the recipient.</p>	<ul style="list-style-type: none"> <li>• Unwanted physical conduct or "horseplay", including touching, pinching, pushing, grabbing, brushing past someone, invading their personal space, and more serious forms of physical or sexual assault;</li> <li>• Unwelcome sexual advances or suggestive behaviour (which the harasser may perceive as harmless), and suggestions that sexual favours may further a career or that a refusal may hinder it;</li> <li>• Lewd or suggestive comments about appearances, personal life or sexual activities;</li> <li>• Continued suggestions for social activity after it has been made clear that such suggestions are unwelcome;</li> <li>• Sending or displaying material that is pornographic or racist or that some people may find offensive (including e-mails, text messages, video clips and images sent by mobile phone or posted on the internet);</li> <li>• Offensive or intimidating comments or gestures, or insensitive jokes or pranks;</li> <li>• Mocking, mimicking or belittling a person's disability;</li> <li>• Racist, sexist, homophobic or ageist jokes, or derogatory or stereotypical remarks about a particular ethnic or religious group or gender;</li> <li>• Outing or threatening to out someone as gay or lesbian;</li> <li>• Ignoring or shunning someone, for example, by deliberately excluding them from a conversation or a workplace social activity;</li> <li>• The issuing of menial or demeaning tasks simply on the grounds of someone's age or disability or other protected characteristics.</li> </ul>

<p><b>Bullying</b>          Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take the form of physical, verbal and non-verbal conduct.</p> <p>Where there is no intention to violate the other's dignity or create such an environment, the behaviour is to be regarded as having the effect of doing so only if, having regard to all the circumstances, including in particular the perception of the other person, it should reasonably be considered as having that effect</p> <p>The key element is that the actions or comments are viewed as demeaning and unacceptable to the recipient.</p>	<ul style="list-style-type: none"> <li>• Shouting at, being sarcastic towards, ridiculing or demeaning others;</li> <li>• Physical or psychological threats;</li> <li>• Overbearing and intimidating levels of supervision;</li> <li>• Inappropriate and/or derogatory remarks about someone's performance;</li> <li>• Abuse of authority or power by those in positions of seniority;</li> <li>• Continual and undeserved criticism;</li> <li>• Imposing unreasonable deadlines; or</li> <li>• Deliberately excluding someone from meetings or communications without good reason.</li> </ul> <p>Legitimate, reasonable and constructive criticism of a worker's performance or behaviour, or reasonable instructions given to workers in the course of their employment, will not amount to bullying on their own.</p>
<p><b>Victimisation</b>          "Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint." (The Equality Act 2010)</p>	

## 7. Procedure

You are encouraged to bring to the attention of managers any examples of any unfair treatment you have witnessed or strongly suspect is taking place. We assure you that there will be no victimisation against any of our people for speaking up and raising issues or complaints or supporting colleagues in raising a complaint made in good faith.

We recognise that dealing with situations involving, victimisation, discrimination and bullying and harassment can be distressing and stressful for all those involved. We provide a range of support options available to both the person raising the complaint and the person against whom the behaviour is alleged as well as witnesses. This support is available at any stage of the Dignity at Work procedure and is detailed below.

## 7.1 Confidential Advice and Support

The following confidential support is available to all employees at any stage of the Dignity at Work Procedure and includes the person making the complaint, the person against whom the complaint is made together with any witnesses.

### **Counselling**

This service is provided by a part time counsellor based in the Occupational Health department. The counsellor may be contacted directly through Occupational Health reception 5639 or by mobile on 07548 537996. There is a voicemail service available 24 hours a day, seven days a week. Please be aware this service is not a 24/7 service and your call will be responded to as soon as possible.

### **Occupational Health Service**

All employees have a right to self-refer to occupational health in confidence if their health is affected. Call on extension 2235 or email [occupationalHealth@salisbury.nhs.uk](mailto:occupationalHealth@salisbury.nhs.uk).

### **Freedom to Speak Up Guardian**

If you have an issue around quality and patient safety, your work or the wider hospital that you prefer not to raise directly through the line management route you can now speak to our Freedom to Speak up Guardians or Ambassadors who can be contacted on email [sft.ftsug@nhs.net](mailto:sft.ftsug@nhs.net)

### **Chaplaincy**

Our Chaplaincy team is available to support employees, as well as patients and visitors. The chaplains provide religious, spiritual and pastoral care to anyone and everyone in the hospital who might need it. Whatever your faith, or if you have none, chaplains can be approached to listen and to offer support in any situation, whether personal or work related. Find them in the Chapel, (on Level 3, next to the Pharmacy); or call and leave a message on ext. 4271; or call Switchboard and ask them to bleep the duty chaplain.

### **Trade Unions**

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

### **Equality, Diversity and Inclusion Manager or your People Partner**

Our Equality, Diversity & Inclusion Manager or your People Partner can signpost you to the most appropriate source of advice.

## 7.2 Dignity at Work Procedure

The table below summarises the Dignity at Work Procedure which you should follow where you believe you are experiencing victimisation, discrimination and bullying and harassment.



<b>Dignity at Work Procedure</b>	
<p><b>Informal</b></p> <p><b>Speak directly to the person</b> Used where you feel able to address the concerns yourself.</p>	<p>You can speak to the person regarding the effect their behaviour is having on you and that you want it to stop and that if it continues you will make a formal complaint. If the behaviour of the person is hostile when you speak to them it may be necessary to walk away making it clear you do not wish to be dealt with/spoken to in that way.</p>
<p><b>Formal</b></p> <p><b>Raise a Complaint</b> Used where informal attempts to resolve the situation have not been successful, or if you feel that it is unlikely for the complaint to be resolved informally, or the complaint is more serious</p>	<p>You should submit the formal complaint in writing to your manager including:</p> <ul style="list-style-type: none"> <li>• the name of the person whose behaviour you find unacceptable,</li> <li>• the nature of the alleged incident(s) and dates,</li> <li>• the names of any witnesses who may be able to provide an independent account of the events.</li> </ul> <p>If your complaint relates to your manager's behaviour then the complaint should be addressed to your manager's manager.</p>
<p><b>Investigation</b> An independent investigator will be appointed to investigate the complaint.</p>	<p>The investigation will be conducted in accordance with the Trust's Investigation Procedure. This will include taking a statement from you, the person whose behaviour you find unacceptable, and witnesses. Investigation timescales vary depending on each case however you should expect this to take 4 weeks and if longer is required you will be notified.</p> <p>The completed report will be sent to you and the person whose behaviour you find unacceptable, for comment and returned to the investigator before it is submitted to the panel.</p>
<b>Dignity at Work Procedure</b>	
<p><b>Panel</b> An independent panel will be appointed to consider the investigation report and any comments. The panel may include the following positions: a senior manager, People Partner, Directorate Senior Nurse, and a trade union representative.</p>	<p>All complaints, associated correspondence and interviews will be treated in confidence and any breaches in confidentiality will be subject to disciplinary action. You must however expect that in the interests of natural justice, the person whose behaviour you find unacceptable, will be given sufficient information or associated documentation to be able to respond to the allegations made against them.</p> <p>The role of the panel is to consider the investigation and to decide:</p> <ul style="list-style-type: none"> <li>• If the complaint is upheld a recommendation may be made regarding disciplinary action to be considered separately under the Trusts Disciplinary Procedure</li> <li>• If the complaint is not upheld the panel may also consider if the complaint was made vexatiously or maliciously or was made in bad faith and may make a recommendation regarding disciplinary action to be considered separately under the Trusts Disciplinary Procedure.</li> <li>• If there are lessons learned that need to be communicated and to whom e.g., a general briefing to teams.</li> <li>• If training or other action is required.</li> </ul>

	In certain situations where the pane requires further information you and other relevant parties may be invited to attend the panel meeting separately
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### 7.3 Informal Procedure

Many incidents of harassment or bullying can be dealt with effectively in an informal way. On occasion, individual perceptions of behaviour may differ, perhaps due to differences in attitude, values, experience or culture, and what one person would consider acceptable behaviour may be unacceptable to another. Often a person is unaware of the effect of their behaviour on others, and once made aware of the distress caused by their actions, the offensive behaviour ceases.

You should use the informal procedure to resolve issues as soon as possible after they arise. You are encouraged to discuss this with your manager who will support you in achieving a constructive approach. Confidential advice and guidance is available to assist you in speaking directly to the person regarding their behaviour.

### 7.4 Mediation

Mediation is a constructive way to resolve the conflict between colleagues before issues escalate. It is entirely confidential and voluntary requiring agreement from all parties to participate in the process. Mediation can be a constructive way to resolve issues and rebuild relationships that relate to the following:

- bullying and harassment (depending on the nature of the grievance issue)
- communication problems
- personality clashes
- relationship breakdowns

Mediation may be used at any stage of the informal and formal process and can be stopped at any stage, either during or at the end of mediation. Where there is no satisfactory resolution to your concerns may be raised through the formal process. This service can be accessed by calling People Services on x4345 and asking for the Mediation Co-ordinator or by speaking to your People Advisor.

Should the unwanted behaviour persist, or the informal approach is not considered appropriate for any reason, the formal procedure should be followed.

### 7.5 Formal Procedure

- Where informal attempts to resolve the situation have not been successful, or if you feel that it is unlikely for the complaint to be resolved informally, or the complaint is more serious then you may raise a formal complaint. Your complaint should be in writing to your manager detailing the specifics of the behaviour.
- Formal complaints are managed in accordance with the formal Dignity at Work Procedure (see section 5 Dignity at work Procedure) and your manager will notify your People Advisor who will provide advice and case manage your complaint.
- Allegations of harassment, bullying or victimisation will be treated seriously and fully investigated in accordance with the Trust's Workplace Investigations Procedure. Both parties will have the opportunity to review and comment on the investigation report before it is submitted to an independent panel to decide on whether the complaint is upheld. In some situations, the Panel may require further information from the parties involved before reaching a decision.



Should this be required advance notice of attending the Panel will be given. This will be at least 5 days' notice.

- It may be necessary to remove one or more of the parties from the working environment during the investigation or whilst a decision is being made. Your manager may consider options such as:
  - a) Removing individuals from the department, moving one or both to a different end of the department or from one area to another.
  - b) Paid leave - in line with the Managing Conduct Policy. (It should be made clear that suspension is not a disciplinary measure and does not imply guilt or misconduct.) There should be no automatic assumption about who should be moved or placed on paid leave. In making this decision, the operational needs of the Trust and practical arrangements will be considered. Where the person making a legitimate complaint is the one to be removed and should this become permanent, the individual would become entitled to the appropriate provisions of the Trust's Managing Organisational Change Policy.
- Once the Panel is concluded, separate meetings will be arranged with both parties within 14 days, to report on the findings and whether the complaint has been upheld in full or in part and what action or next steps have been recommended. These may include a requirement for individuals or groups to engage in facilitated conflict resolution activities such as mediation and/or conciliation. The Panel Chair will confirm in writing the key findings and decision.
- You may if you wish be accompanied by a workplace colleague or trade union representative at both investigation and panel meetings. If you choose to be accompanied you should provide the manager chairing the meeting with the name of the person and name of the trade union where relevant, at least 24 hours before the meeting. The manager chairing the panel will seek to accommodate suitable times for all parties to attend the meeting.

## **7.6 Action Following a Panel Decision**

Should an investigation conclude that harassment or bullying has taken place; the matter will be managed under the Trust's Disciplinary Policy and Procedure and the outcome report from the Dignity at Work investigation will be considered.

Disciplinary action will not normally be taken against someone where the behaviour has clearly been unintentional AND would not in itself constitute serious or gross misconduct AND/OR has not previously been brought to their attention in line with the informal stage of the procedure. In making a recommendation about formal disciplinary action the investigator should take into account the following:

- Whether there was an intention to violate the dignity of the employee or create such an environment.
- Whether the environment in which the individuals were working contributed to the behaviours.
- The perception of the behaviour of the person raising the complaint.
- The circumstances in which the incident(s) or behaviour happened.
- A willingness to reflect and learn on the behalf of the individual against whom the complaint has been made.

## **7.7 Appeal**

At the end of the investigation if you have made the complaint, you may appeal the decision of the outcome of the investigation on the following grounds:

- That the decision was incorrect and that further actions are not justified or warranted
- That the policy and procedure was not followed

Appeals will be managed under Stage 2 of the Trust's Grievance Procedure.

If you are the subject of the complaint, you may appeal the decision of a disciplinary panel under the disciplinary appeals procedure.

## **7.8 Counter Grievances**

Formal complaints can be stressful for all parties concerned and can sometimes result in counter grievances. Counter grievances against the person raising a complaint will not be considered in themselves, however, this may be raised as mitigation or evidence during an investigation.

## **8. Guidance for People Managers - Managing Dignity at Work.**

### **8.1 Benefits**

Your role is integral in helping us achieve our ambition to make our organisation a truly outstanding place to work. For this to happen we know that all our people need to feel valued and respected the benefits of this are:

- promoting the Trust as an outstanding organisation and place to work significantly improves our ability to retain people in a competitive employment market including those with particular skills and valued experience
- a more inclusive and understanding workforce who will deliver high-quality work
- a reduction in costs associated with victimisation, bullying and harassment complaints which can result in high levels of absence, lost productivity, increased turnover, and recruitment
- increased workforce efficiency and effectiveness reducing cost and increasing service for the Trust
- compliance with discrimination under the Equality Act 2010.

For our people:

- improve their health and wellbeing through fair and effective resolution
- increase productivity
- improve employee engagement making the Trust an attractive career choice.

### **8.2 Your Responsibilities as a Manager**

As a manager, you are responsible for creating an environment where all your people can work to the best of their ability and promoting Kindness and Civility and a workplace that does not tolerate victimisation, bullying and harassment contributes to achieving this objective.

You should encourage colleagues to speak up about behaviour they consider to be inappropriate. Open dialogue with an employee who requires support in dealing with issues of incivility or bullying and harassment informally is essential before they escalate.

Support for all employees whether they are experiencing the inappropriate behaviour or are alleged to have behaved inappropriately or are witnesses to the inappropriate behaviour is also essential. Specific support is identified in *Section 7.1 Confidential Advice and Support*.

Guidance is also available from your People Advisor in resolving issues informally and must be sought where a formal complaint is made.

Complaints should be managed according to Section 6 Dignity at work Procedure. You should manage a complaint swiftly and confidentially ensuring you appoint an investigator where appropriate and identify the correct panel members to hear the complaint.

Following advice from your People Advisor, it is recommended that managers of all parties involved in a complaint are confidentially informed only that a complaint has been raised and is being investigated so they may support their team members through the process.

Formal complaints can also lead to sickness absence and you should manage this under the Attendance Management Policy and where required seek an Occupational health Assessment to confirm an employee’s fitness to participate in the process.

## 8 Monitoring Compliance and Effectiveness of this Policy

This will be monitored by the OD& People Directorate. Our people managers and our people are responsible for the implementation of this policy and procedure.

The OD and People Division will provide six monthly reporting to the Board which will include:

- Feedback from the following groups:
  - a) Members of Dignity at Work Panels and Disciplinary Panels
  - b) Our Dignity at Work Ambassadors
  - c) Trade Unions
  - d) The parties involved
- Analysis of the annual Employee Survey with actions to address areas of concern.

## 9 Equality Impact Assessment

This document has been assessed against the Trust’s Equality Impact Assessment Tool which was presented to the ratifying committee.

<b>Post Holder /Author Responsible for Policy:</b>	Head of Employee Relations and Policy
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