

South London and Maudsley

NHS Foundation Trust



Harassment and Bullying at Work Policy *Promoting Dignity at Work for Staff*

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Associated Documents

Equal Opportunities Policy	Disciplinary Policy and Procedure
Preventing and Managing Violence Policy	Joint Protocol for Prosecution
Incident Policy	Dignity at SLaM – Our rights and responsibilities
Staff Charter	

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1. Introduction

- 1.1 This policy sets out the individual roles and responsibilities to contribute to the prevention and reduction of harassment and bullying at work. It provides guidance on what constitutes 'harassment and bullying' and the steps that can be taken both informally and formally to address any concerns that may arise.
- 1.2 Both harassment and bullying can have a detrimental impact on working lives by adversely affecting the confidence, health, self esteem and job performance of those affected by it, including those that witness it. It can result in creating an intimidating working environment which can lead to demotivated and demoralised staff who feel undermined, demeaned and are fearful of making decisions or using their initiative.
- 1.3 Ultimately harassment and bullying can lead to high levels of absenteeism, reduced productivity, high staff turnover, low morale and costly legal proceedings in either the civil or criminal courts. The Equality Act 2010 extends legal protection against harassment on the grounds of age, disability, gender reassignment, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.
- 1.4 The Trust recognises that it has a legal responsibility to ensure that its employees are not subjected to such treatment at work. However, the intention of this policy is to prevent and reduce all forms of offensive and unfair behaviour, whether or not such behaviour is unlawful.
- 1.5 The Trust will monitor the implementation of this policy to ensure eventual reductions in incidences and improvements in the effective handling of incidences as they arise.

2. Policy Statement

- 2.1 South London and Maudsley NHS Foundation Trust is firmly committed to promoting an organisational culture which values diversity and equality of opportunity and to preventing discrimination in all aspects of its employment practices and services. The Trust regards harassment and bullying as totally unacceptable forms of behaviour that will not be tolerated or condoned. If they do occur, it is hoped that it will be through lack of thought, rather than deliberate action and it is also hoped that in most cases issues can be resolved speedily and informally once it has been made clear that the behaviour is unwanted and regarded as offensive.

- 2.2 Any repeated or serious cases of harassment or bullying will be treated by the Trust as misconduct that may result in disciplinary action up to and including dismissal. Any disciplinary action taken in relation to a complaint of harassment or bullying will be undertaken in accordance with the Trust's Disciplinary Policy and Procedure.
- 2.3 Whilst recognition must be given to the context of working within a mental health setting, harassment or bullying of Trust staff by service users relatives/ friends or visitors is equally unacceptable behaviour and staff will be supported appropriately by management in the event that this occurs.
- 2.4 The Trust will widely publicise expectations of how staff should be treated whilst at work and the possible consequences of unacceptable behaviour towards Trust staff. Accordingly in respect of private contractors, service level agreements with other employers and successful tenderers for Trust business, their employees will be expected to comply with the principles of this policy while working on Trust business or on Trust sites.
- 2.5 The aim of this policy and procedure is to prevent and reduce the incidences of harassment and bullying within the Trust. Where incidences occur, to ensure that they are promptly and effectively dealt with and recurrence prevented.
- 2.6 The following key principles underpin this policy:
- All Trust staff have 'a right' to be treated with consideration, dignity and respect at work at all times.
 - Harassment or bullying will not be tolerated at any level within the Trust and senior managers are expected to lead by example. Line managers are expected to do all they can to protect staff from harassment and bullying in all circumstances.
 - Complaints of harassment and bullying should be handled sensitively and dealt with speedily with recourse to formal procedures only where this is necessary.
 - Alleged perpetrators of harassment or bullying should be made aware of the impact of their behaviour on others, whether intentional or not, and given an opportunity to correct their behaviour accordingly. In the most serious cases, however, the behaviour may be such that action up to and including dismissal may be a necessary consequence.
 - Intimidation, retaliation or victimization of anyone making a complaint or of anyone providing evidence for investigation into harassment is totally unacceptable and will be regarded as a disciplinary offence. Victimization is also unlawful under the provisions of the Equality Act 2010.

3. Scope

3.1 The Policy and Procedure will apply to all Trust staff.

If the complainant is a Trust employee and the alleged harasser is employed by another organisation, the complainant will be advised to make a formal complaint to the alleged harasser's employing organisation. However, it is essential that the Human Resources Department (HR) are informed of the complaint in order to monitor the outcome and to ensure that the complaint has been dealt with satisfactorily. If this is not the case a formal complaint will be lodged by the Trust to the alleged harasser's employing organisation.

3.2 Service users also have the right to be treated with dignity and respect at all times. Complaints of harassment and/or bullying to service users will be addressed via a separate process in line with the Trust's Complaint's procedure.

4. What is harassment?

4.1 Harassment may be described as...

Any unwanted conduct that affects the dignity of men and woman at work. This includes unwelcome physical, verbal or non verbal contact which causes the individual to feel threatened, humiliated, patronised, offended, embarrassed, unwelcome or frightened.

4.2 Harassment can be carried out by individuals or groups and can equally be directed at individuals or groups, whether colleagues or subordinates, managers or supervisors. It can refer to an isolated incident or repeated actions.

4.3 The unwanted conduct towards an individual or group is based on distinguishable 'grounds' such as their colour, race, gender, sexual orientation, age, nationality, ethnic origin, disability, religion, social background, physical appearance, trade union membership etc.

4.4 Harassment may be deliberate and conscious, but it can also be unintentional. It is possible that someone may not be aware that their behaviour is offensive to others. The essential characteristic of harassment is that it is unwanted, unreasonable and offensive to the recipient and not reciprocated. Broadly speaking it is the recipient's perception that determines what 'harassing behaviour is' to them. It is the effect of the behaviour and not the motives of the perpetrator that is the determining factor. It therefore follows that behaviour, which is acceptable in one context, could be perceived as harassment in another.

Some examples are provided below but it must be recognised that many forms of behaviour can constitute harassment.

Harassment can take the form of:

- Physical contact ranging from touching to serious assault
- Verbal and written harassment through jokes, offensive language, gossip and slander, songs, letters, based on an assumption or knowledge of a person's sexuality or race, religious, political conviction etc
- Visual display of posters, graffiti, inappropriate text or email communications
- Obscene gestures
- Coercion ranging from pressure for sexual favours to pressure to participate in political/religious and social groups
- Criticising or behaving in a way which undermines a person's work
- Exclusion or isolation (e.g. from normal workplace conversation)

Specific examples of sexual harassment include:

- Insensitive jokes and pranks
- Unwelcome comments about dress or appearance
- Unwanted body contact or closeness e.g. touching, kissing, hugging etc
- Display of sexually offensive material, e.g. pin-ups
- Requests for sexual favours
- Speculation about an individual's private life and sexual activities
- Threatened or actual sexual violence
- Threat of dismissal, loss of promotion etc for refusal of sexual favours

Specific examples of racial harassment include:

- Insensitive jokes or pranks related to race
- Use of threats, abuse, insults, taunts and gibes relating to race
- Shunning people because of their race, colour, nationality or ethnic background
- Deliberate exclusion from conversations
- Making racist insinuations
- Being condescending or deprecating about the way ethnic minorities dress or speak

NB This list is not exhaustive

Specific examples of harassment based on sexual orientation:

- Homophobic comments or jokes
- The asking of intimate questions about someone's personal or sexual life
- Assumptions that everyone is heterosexual
- Assumptions that gay men are HIV positive
- Excluding people because of sexual orientation or perceived sexual orientation
- Gossip and speculation about someone's perceived sexual orientation
- Homophobic graffiti or the displaying or circulating of anti-gay or anti-lesbian material
- Offensive actions and physical attack
- Making assumptions that any illness experienced by gay men is HIV related

NB This list is not exhaustive

Specific examples of harassment of Disabled People

- Staring and/or uninvited touching
- Exclusion from social events
- Speaking to others rather than to the disabled person directly
- Asking intimate questions about a person's impairment
- Making assumptions about disabled people e.g. that they don't have a social, sexual or private life
- Physical abuse or intimidation
- Questioning a disabled person's work capacity and/or ability by making inappropriate demands or requirements e.g. over zealous scrutiny of sickness records
- Making assumptions or speculating about someone's impairment
- Treating a colleague with a previous history of mental health difficulties as a 'patient'

NB This list is not exhaustive

5. What is bullying?

5.1 Bullying can be described as:

Persistent offensive, abusive, intimidating, malicious or insulting behaviour, which makes the recipient feel upset, threatened, humiliated, angry, vulnerable or powerless, which undermines their self confidence.

5.2 Bullying results from the misuse of power or position and is therefore most often perpetrated by a person in authority abusing their subordinate(s). However individuals may also bully peers or even possibly more senior staff and groups of staff can also be collectively responsible for bullying. The Trust expects all staff, particularly managers, to comply with the principles of treating employees fairly and respectfully.

5.3 Unlike harassment, bullying behaviour need not necessarily be based on specific grounds (e.g. sex, race, disability age etc) but refers to repeated, persistent unwelcome behaviour over a period of time. One incident alone may be deemed as unacceptable; however a single isolated incident would not **normally** constitute bullying.

Bullying can take the form of:

- Verbal and/or physical intimidation e.g. threats, shouting or derisory remarks
- Persistent aggressive behaviour
- Social exclusion e.g. isolation, scapegoating or victimisation
- Excessive supervision
- Any conduct that denigrates, ridicules or humiliates an individual, especially in front of their colleagues
- Undermining an individual's status, credibility and their ability to do their job
- Changing work objectives or replacing areas of responsibility unreasonably without justification or consultation.
- Withholding information to deliberately affect an individual's performance
- Use of offensive nicknames
- Refusing to communicate with an individual other than in writing
- Encouraging others to treat an individual unfairly
- Treating colleagues as children, not as adults

NB: This list is not exhaustive

5.4 As with harassment it is not the intention of the perpetrator that is key to deciding whether bullying has taken place. The defining principle is whether the behaviour is unacceptable by reasonable normal standards of behaviour, is persistent and is disadvantageous or unwelcome to the recipient.

6. **Victimisation**

6.1 Victimisation refers to unfair or less favourable treatment of an employee because he/she made a complaint in good faith, about harassment or bullying (whether or not the complaint is upheld) or where the person gives evidence in such a case.

7. **Responsibilities**

7.1 **The Trust Board**

The Board will have overall responsibility for monitoring the outcomes of this policy and ensuring that the Trust effectively works towards reductions in incidences of harassment and bullying. Executive lead responsibility will rest with the Director of Human Resources.

7.2 Board Executive and Non Executive Directors will ensure that they demonstrate leadership in tackling harassment at work through their own personal example.

8. **Human Resources staff and Trade Union Representatives**

8.1 Both HR staff and union representatives have key roles in supporting and advising all parties on how to effectively implement the policy and how to effectively address any concerns using the Trust's procedures. This includes attempting to resolve any concerns as informally as is possible, at as local a level as possible, and as timely as possible, and with due consideration of the interests of the people involved and the Trust. The HR department will also be responsible for collating information on the incidences of harassment and providing regular updates to the Trust Board via the established Equality and Diversity reports.

9. **Harassment Advisors**

9.1 The Trust has recognised the need to provide more sources of confidential support and advice on how to address harassment problems at work and therefore a number of Trust staff will be appointed and trained and their names and numbers widely publicised to undertake the following role:

- Provide sympathetic assistance for staff with complaints of harassment and create the opportunity for staff to talk about what is happening to them without judgement
- Explain to staff how to access sources of further help and support e.g. Trade Union Representatives or the Trust Counselling service.
- Explain the procedures and options to staff, helping them understand their rights within the Trust's policy.
- Helping staff determine for themselves what actions they would like to see to resolve the problem.

10. **Line Managers**

10.1 All line managers have a key role in implementing this policy by:

10.2 Actively and regularly bringing this policy to the attention of all staff in order to promote the aims of this policy. Ensuring that staff are aware of their responsibilities and expectations of behaviour.

10.3 Ensuring their own behaviour is beyond reproach and act in ways to maintain the dignity of all their staff particularly when managing issues of poor performance or conduct.

10.4 Being responsive and supportive to any member of staff who raises concerns regarding harassment or bullying. Ensuring that all complaints are taken seriously and dealt with promptly, sensitively and confidentially.

10.5 Ensuring no further harassment problems or victimisation occurs after a complaint has been raised.

11. All Employees

11.1 Every member of Trust staff is responsible for contributing to a working environment in which the dignity of others is respected. In particular it is expected that all employees:

- Treat each other with dignity and respect regardless of any differences
- Comply with this policy and participate in the processes outlined. Also to co- operate with any measures aimed at reducing incidences of harassment at work.
- Be prepared to adjust behaviour should it be brought to their attention that it is unwanted or offensive.
- Support colleagues who are victims of harassment and report incidences witnessed.
- Conduct themselves in a manner that does not demonstrate harassing or bullying type behaviour.

12. Users of Trust Services or Visitors

12.1 Any users of Trust services or visitors are expected to treat Trust employees with dignity and respect at all times.

13. PROCEDURES

For the purposes of these procedures, references to harassment incorporate both harassment and bullying as defined in the previous section.

13.1 Any member of staff who believes that he/she has suffered any form of harassment should address the matter using the following procedures. Confidential advice on how to proceed can be obtained from Managers, a member of the Human Resources Department, Trade Union Representatives or an appointed Trust Harassment Advisor.

13.2 In addressing any issues of harassment and bullying it is for the Trust ultimately to determine whether the behaviour's complained about are outside of Trust expectations of reasonable standards of behaviour and conduct.

14. Complaints of Harassment by Colleagues

14.1 There are two routes available for staff who feel that they are being harassed in order to get the issues resolved, an informal or formal route. In either case staff should attempt to deal with the matter as soon as possible but should not leave it longer than three months from the date of the alleged incident. In the majority of cases harassment issues can be resolved through informal methods and these should, where at all possible, be exhausted first. The appropriateness of instigating a formal process in line with section 17 will be determined by the HR department.

14.2 At times individuals are not aware of the impact of their behaviour on others. Harassment, however, is defined by the impact on the victim and not the intention. In most cases complainants simply wish the behaviour to stop and the alleged harasser(s) should be given the opportunity to change their behaviour. This is more easily achieved if matters are raised early on in an informal non-threatening manner.

15. Informal Procedure

15.1 What informal action can you take?

15.2 You can ask the harasser to stop, and make it clear that the behaviour is unwelcome. This can be done either verbally or by writing a note to this effect. If this is too difficult, the initial approach can be made by, or with the support of a colleague or Trade Union representative. It is advisable to keep a note of the details of this approach.

15.3 If you find making an initial approach too difficult or inappropriate or if the initial approach does not result in the harassment ceasing you should report the matter to your line manager outlining what, if any, steps have already been taken to try to cease the unwanted behaviour. Again you may be accompanied when raising matters with your manager if this is felt more comfortable. If the alleged harasser is the line manager, you should report the issue to the manager's manager or a member of the HR department.

15.4 Line managers are advised to seek advice from a member of the HR Department about any complaints made of harassment. Once an issue has been brought to their attention it is the responsibility of the manager to take any allegation seriously, not to ignore the matter, and to address it promptly.

15.5 Once you have raised the matter with a manager, he/she should firstly gather further information about the complaint. This is **not** a formal investigation as outlined in the Trust's Disciplinary Procedure, but a quick fact gathering exercise to establish the nature of the complaint, times, dates and any witnesses or any other relevant factors/circumstances. This will be largely achieved by detailed discussion with you the complainant. This 'may' if appropriate also involve an initial discussion with the alleged perpetrator to hear their version of events. The aim is not to seek to prove or disprove the issues but to explore whether early resolution is achievable i.e. an end to the 'unwanted behaviour' whether this was intentional or not.

15.6 After a brief exploration of the matter the manager will discuss the issue with you and agree the next steps to address the matter i.e. informal or where appropriate formal steps.

- 15.7 Although it is important to consult you on the approach, there may be situations where the nature or seriousness of the complaint warrants formal action even if you would prefer an informal approach. This may occur for example if there have been previous complaints of a similar nature against the alleged perpetrator or where it is felt that the alleged misconduct can not reasonably be addressed without recourse to formal disciplinary processes (e.g. physical assault). This is the exception rather than the norm and advice should be sought from the HR Department.
- 15.8 Should you feel the matter should be addressed formally but your line manager feels that an informal approach is more appropriate, advice should be sought from a member of the HR department.
- 15.9 The manager should inform you that a formal investigation and possible disciplinary action can only take place if the complaint is investigated under the formal procedure. Also that they will keep a record of any informal action taken in case the unwanted behaviour does not stop and formal proceedings may be necessary.

16. Informal action by the manager

16.1 In some cases, by pointing out clearly and explicitly what is and is not appropriate and acceptable behaviour at work, the manager may prevent reoccurrence of the problem without the need for further action. The following are examples of informal action that a manager may take:

- Supporting you to approach the alleged harasser asking for the behaviour to stop
- Approaching the alleged harasser on your behalf
- Writing to alleged harasser on your behalf outlining the expected standards of behaviour and the consequences of failing to correct the unwanted behaviour. Such action should only be taken following HR Advice.
- Where the facts of the case are not in dispute the manager can arrange a mediated meeting where both parties will have the right to be accompanied by a trade union representative or colleague employed by the Trust if they so wish. This does not however, constitute a formal part of the procedure. The aim of these meetings will be for both parties to reach a mutually acceptable outcome and feel able to maintain their working relationship. Managers must ensure that working relationships are maintained following these meetings. Advice and support on mediation can be sought from the HR department.
- Consider other interventions for conflict resolution within the place of work e.g. through team building.

16.2 There are also a range of possible actions that the manager can take to help support you, the complainant and the alleged harasser after a complaint has been made e.g.

- Supporting you to access additional support e.g. through the Trust's occupational health services and the counselling service.
- With HR advice, explore any other possible avenues of peer support.
- Consider any relevant forms or sources of training and development that may be beneficial for all parties.
- The alleged harasser should also be supported to access additional support and to consider any relevant training and development interventions that may assist in reducing the likelihood of recurrence of any similar concerns in the future.

16.3 It is possible that the line manager of the alleged harasser is different to the line manager of the complainant. Once it is agreed that informal resolution is to be sought the manager of the alleged harasser should be informed. This information will be confidential and will not be released to other parties. With advice from Human Resources both managers will agree a course of action and who will be taking such action e.g. it may be more appropriate for the line manager of the alleged harasser to speak with them informally about expectations of behaviour etc. However it is important that the complainant is satisfied with the informal outcome and is informed at an early stage about what this will mean in practical terms.

17. **Formal Procedure**

17.1 The formal procedure should be instigated where the informal processes have failed or where the complaint from the victim is sufficiently serious to warrant formal action being considered. This will be determined following discussion with HR.

17.2 In these cases the managers should take steps to minimise contact between the two parties until the matter is concluded. Consideration should be given to separating the alleged perpetrator from the victim. This may involve the temporary transfer of one party to another site or the suspension of the alleged perpetrator with pay until the complaint has been resolved.

17.3 Where possible it is the alleged perpetrator that ordinarily should be temporarily transferred if separation is deemed necessary, however, it must be recognised that this may not be feasible or practical particularly when considering the prevailing needs of the service. This will be determined by the relevant senior manager in conjunction with HR.

17.4 Suspension should only be used as a final option and advice should be sought from the HR Department before any action to suspend is taken.

- 17.5 Support and guidance should be offered to both the victim and the alleged perpetrator. This can be arranged through the HR Department, Occupational Health, trade union representatives, the staff counsellor or another appropriate member of Trust staff.
- 17.6 A manager with no previous involvement in the case will be appointed to investigate the matter. The investigating manager supported by a member of HR will investigate the complaint in a timely and confidential manner. Given the sensitive and complex nature of harassment investigations only suitably skilled and trained investigators should be used in these matters.
- 17.7 Recognition should be given to the appropriateness of the Investigating Manager appointed e.g. whether it is appropriate for peers to investigate peers or for a junior manager to investigate allegations about a more senior manager. As general rule preference will be given for the investigating manager to be either at the same level of seniority or above (i.e. this includes advisory roles as well as operational roles), and from a different work area or management team.
- 17.8 Once a complaint has been made, counter allegations or complaints may arise and should be dealt with strictly in the order in which they are made. Counter allegations should be dealt with separately unless directly and demonstrably relevant to the case.
- 17.9 It is important to point out to the victim that details of the complaint will be given to the person who is the cause of the complaint and their representative if applicable. Initially this will be a summary of the nature of the complaint. If, however, following investigation, the matter proceeds to a formal disciplinary hearing (see below) all relevant written documentation will be provided including the original written complaint. This will be contained in the management case prepared for the hearing.
- 17.10 If, after investigation, it is decided that there is no case to answer, both parties will receive verbal feedback and this will be later confirmed in writing. The focus will then be on ensuring effective future working arrangements and relations (e.g. through mediation, provision of appropriate training etc). In some circumstances it may be necessary to consider separating both parties even where the complaint is not upheld. The relevant senior manager in conjunction with HR will make any such decision with full consideration of all factors including the needs of the service.
- 17.11 If, after investigation, there is a case to answer, it will be dealt with under the Trust's Disciplinary Procedure. An appropriate senior manager will hear any disciplinary case relating to the alleged harassment and bullying and will decide on the appropriate course of action, in accordance with the procedure.
- 17.12 In line with the Trust Disciplinary Procedure copies of statements made by witnesses will be made available to the alleged perpetrator and the victim. Witnesses should be reassured that the matter will remain entirely confidential and no record of their involvement will be placed on their personal file. They should also be reassured that the Trust views any victimisation of witnesses as a serious disciplinary offence. In **exceptional** cases, however, it is possible for witnesses to request and be granted anonymity where possible.

- 17.13 Witnesses will be encouraged and will be expected to appear at the disciplinary hearing if requested by either party. Some witnesses may be reluctant to do so. Again in exceptional circumstances, the manager can, if necessary, adjourn the hearing to ask supplementary questions of witnesses in private.
- 17.14 Although the victim will be expected to give evidence at a disciplinary hearing, it can be arranged for him/her not to have to give evidence in front of the perpetrator.
- 17.15 The perpetrator against whom the complaint was made will have the usual recourse to the appeals mechanism as set out in the Disciplinary Policy.
- 17.16 Physical assault, serious verbal abuse or persistent bullying or harassment will constitute gross misconduct and may result in dismissal. In other cases of harassment or bullying, verbal or written warnings will be given as appropriate. Compulsory transfer of the perpetrator, with no pay protection, may also be considered.
- 17.17 After disciplinary action has been taken, which falls short of dismissal, and where the perpetrator is not moved, the manager must ensure that the harassment has ceased.
- 17.18 All managers should ensure that an employee who in good faith has complained of harassment or bullying is not subjected to less favourable treatment than other employees, i.e. by moving them against their wishes to another department or preventing promotion or any other action which may constitute victimisation. This is a form of unlawful discrimination and can be grounds for a further complaint or action through the Employment Tribunals.
- 17.19 If an allegation of harassment cannot be substantiated following a formal investigation and there is a reasonable belief that the complainant acted maliciously, disciplinary action may be taken against him/her. The complainant should be reminded from the start, and at each stage, that making an allegation of harassment or bullying in a malicious manner constitutes a disciplinary offence.

- 17.20 The HR Department will support managers in dealing with cases of harassment and bullying. It has the responsibility for advising managers on all aspects of the operation of this policy and for helping to maintain consistency in its application. Every effort will be given to assisting in the resolution of problems. However, where there is clear evidence that a manager has not taken appropriate action to deal with a legitimate complaint or has not treated the initial complaint seriously, this in itself may be grounds for disciplinary action.

Where a member of the medical staff, qualified nursing staff or other professional staff is found to have been involved in a case of harassment or bullying, they may be reported to the General Medical Council or Nursing and Midwifery Council, or other relevant professional organisation.

18. **Complaints of harassment by service users or visitors**

- 18.1 Harassment of staff by service users, relatives or other members of the public/visitors is unacceptable. In addressing harassment in these circumstances the same principles of this policy apply in that attempts should be made to informally bring to the attention of the alleged harasser the fact that the behaviour is unwelcome and you wish it to stop.
- 18.2 A verbal approach to the alleged harasser can be equally be made by any other colleague on duty, who may also simply provide you with support. The Trust should make available adequate posters and documents displayed to clearly indicate the expectations regarding behaviour towards Trust staff and these should be used as a reference/ reminder.
- 18.3 If an initial informal verbal approach does not work or it is simply too difficult, the matter should be reported to the line manager or senior member of staff on duty. It is the responsibility of the manager to discuss with you what actions can be taken to address the unwanted behaviour in question. This may require the involvement of the wider team to determine an appropriate action plan to address the concerns raised. Appropriate actions from the manager may include speaking with the alleged harasser again on your behalf expressing the Trust position clearly and precisely or writing a letter to this effect.
- 18.4 The most important response by the manager is to ensure that the impact of the harassment is acknowledged and to ensure that you are adequately supported after any incident has occurred. This may include ensuring a suitable de-briefing takes place; giving you time out (i.e. a temporary relief from duty); ensuring that you have contact details of appropriate staff support services (e.g. Trust counsellor), and ensuring colleagues are on hand to provide sensitive and sympathetic support to address any immediate distress following the incident.

- 18.5 Where the alleged harasser is not a service user in the care of the Trust, but a visitor, relative or friend a clear 'zero tolerance' approach can be adopted. Visitors, after being warned about their behaviour, may ultimately be requested to leave Trust premises. Should they fail to do so, if the circumstances warrant this (.e.g. threat of violence), the police can be contacted. All actions must be taken with due regard for the current and future safety of Trust staff and by the senior member of staff on duty. If the visitor is engaged in business at the Trust, a formal complaint may be made to their employer.
- 18.6 Harassment by service users requires particularly sensitive handling. Recognition must be given to the fact that behaviour may at times be affected by the very nature of the illness and therefore any actions taken (as outlined above) must be within the context of the overall plan of care for the individual in question. However, harassment or other forms of unacceptable behaviour should not be perceived as an 'occupational hazard' about which 'nothing can be done'. It is essential that any member of staff experiencing such behaviour feels adequately and comprehensively supported by their colleagues and management.
- 18.7 In circumstances where the alleged harassment appears to be of a more serious nature guidance on how matters should be addressed is contained within other Trust policies e.g. specifically the **Incident Reporting Policy, Preventing and Managing Violence Policy** and where relevant, **the Joint Protocol for Prosecution**. Managers should ensure staff are aware of these policies and their responsibilities within.
- 18.8 The Trust promotes the 'Safer and Therapeutic Services initiative' as part of an overall zero tolerance approach aimed at cultivating a culture where 'prevention and reduction' of violence is the aim. The **Preventing and Managing Violence Policy** provides guidance to staff on preventing aggression and violence and also how to safely manage incidents that cannot be prevented. Although the focus is specifically on the management of aggression and violence, a 'violent incident' can incorporate some of the behaviours identified as harassment and bullying i.e. verbal abuse, threat/fear of assault. It follows therefore that the key 'principles' of managing this are consistent with the management of harassment and bullying at work in particular emphasis should be placed on:
- The creation of an appropriate environment where risks are identified and actions are taken to minimise the potential risks to the health and safety of staff. The recording of incidents by completion of a Trust incident reporting form. The responsibility placed on the most senior person on duty for ensuring that appropriate action has been taken to manage the incident and to initiate additional action as necessary.
 - In the event of a violent incident, the management responsibility to ensure staff are aware of their legal rights including the pursuit of prosecution and to support staff throughout the process. Reference must be made to the **Joint Protocol for Prosecution**
 - **Prosecution** for guidance in these circumstances.

19. Counselling and Training

- 19.1 The Trust recognises that it employs a diverse workforce with many staff likely to have very different expectations of the kinds of behaviours that are acceptable at work. The Trust will ensure suitable training is available for those staff in a supervisory or managerial position in how to recognise, prevent and deal with harassment and bullying.
- 19.2 Support in the form of counselling is available for both complainants and those accused of bullying or harassment. Counselling can help individuals to become aware of how they have been affected by their experience and to find the inner resources to deal with problematic emotions.
- 19.4 The Trust counselling service is also happy to offer consultations to managers wanting to think about their emotional dilemmas and difficulties with regards to harassment and bullying.

20. Monitoring Compliance

What will be monitored i.e. measurable policy objective	Method of Monitoring	Monitoring frequency	Position responsible for performing the monitoring/ performing co-ordinating	Group(s)/committee(s) monitoring is reported to, inc responsibility for action plans and changes in practice as a result
Process for raising concerns about harassment and/or bullying	Audit	Annual	Internal Auditor	Service Quality Executive
Process to be followed once a concern has been raised	Audit	Annual	Internal Auditor	Service Quality Executive

Harassment and Bullying at Work Policy

What will be monitored i.e. measurable policy objective	Method of Monitoring	Monitoring frequency	Position responsible for performing the monitoring/ performing co-ordinating	Group(s)/committee(s) monitoring is reported to, inc responsibility for action plans and changes in practice as a result
The organisation expectations in relation to staff training, as identified in the training needs analysis	Audit	Annual	Deputy Director of Education and Training	Education and Training Committee.

Appendix A

Checklist for Managers

Ensure you familiarise yourself with the full content of the policy and procedure. Remember advice and guidance can be sought from the HR Department at any stage.

Ensure all staff are aware of the various sources of additional support advice and counselling and the ability to access these in total confidence.

Take any allegation of harassment or bullying seriously and acknowledge any complaint as soon as practically possible. Once it has been brought to your attention it is your responsibility to address the issue in a timely and effective manner. In the majority of cases issues can and should be addressed and resolved using informal methods.

Once a complaint has been brought to your attention you should undertake a 'quick fact gathering exercise' to establish the nature of the complaint. This will include discussion with the complainant and may also if appropriate involve initial discussions with the alleged harasser to hear their version of events. It is quite possible that the issues could be due to a simple misunderstanding that could be easily and quickly resolved.

Discuss and agree with the complainant, the next steps to be taken to resolve the issue concerned and keep a note of any action taken and progress made.

Always bear in mind the adverse impact that unresolved conflict may have on services, therefore potential solutions should focus on development and maintenance of healthy working relationships underpinned by dignity and respect.

Where it is necessary to formally address an issue, confidentiality is of the utmost importance throughout any formal investigation, during and after any disciplinary hearing. Those conducting the investigation must be unconnected with the allegation. Advice can be sought from Human Resources with regard to deciding who should investigate and hear the case. Any investigation should be carried out in the shortest possible time period but ensuring that it is both fair and thorough to both parties.

If an allegation of harassment or bullying has been made against a recognised trade union representative of the Trust, the Trade Union's Regional Officer must be informed. The trade union representative is entitled to be represented throughout the process by the Regional Officer.

Appendix B

Checklist for victims of harassment

Remember you are the judge of what behaviour you find acceptable or not and you have every right to ask someone to cease any unwanted behaviour or conduct towards you.

You have a range of choices set out in the procedure on how to do this and should decide on what you feel most comfortable with.

Once you make your manager aware of behaviour which you consider to be harassment or bullying, whether a formal complaint is made or not, he/she has a responsibility to take the matter forward.

Think about exactly what and how you want things to be said to the harasser and what a successful outcome would be.

Record keeping

It is important that you keep a record of incidents of bullying or harassment. Record details of what happened, how you felt, names of any witnesses, dates where the alleged harassment/bullying took place, what was said. This information will be important in any investigation.

Write down how you feel the harassment or bullying has affected you, e.g. your work performance, your health, your personal life

You should record how you have tried to resolve the problem yourself, and whether or not there was any change in behaviour, temporary or permanent. You should also record the responses to any informal routes of resolution, should these have been recommended.

Who to talk to

There are several people that you can talk to about what you have experienced, e.g. your line manager, someone from Human Resources, the staff counsellor or a trade union representative.

Remember you have the additional option of speaking with a trained nominated Harassment Adviser who will be an employee of the Trust. You do not have to go through the Harassment Advisor, you can make a complaint direct to your manager, a member of HR, or you can confront the perpetrator yourself. However the Harassment Adviser is someone who you can talk to in confidence and can help bring about an understanding of the problem and help plan how to tackle the problem.

Complaints about line managers can be raised with the Human Resources Department or a trade union representative in the first instance if appropriate.

Remember most importantly don't suffer in silence. Problems are easier to resolve the earlier they are tackled. The unwanted behaviour is unlikely to cease unless it is challenged.

Appendix C

What you should do if you have been accused of harassment or bullying

If an individual accuses you of harassment or bullying either directly or via their manager, trade union representative or colleague, you must remain calm and controlled.

If you are approached informally this simply means that someone is unhappy with an aspect of your behaviour towards them and wish to ask you to stop. You may have had no idea that your behaviour had such an impact on them. It is also possible that other colleagues may be happy with the same behaviour. It is important to note that it is for the individual to decide what behaviour they regard as acceptable to them and what they consider to be offensive or inappropriate.

It is quite possible that the issue could be due to a misunderstanding that can be easily and quickly resolved.

If you are asked to attend an informal meeting the aim of the meeting will be find out what has happened and try and resolve the situation. Remember that as with any other alleged incident or complaint you will be given the opportunity to state your case and afforded the normal rights to representation.

You should take time to carefully consider your actions in relation to the allegations made against you. If you can appreciate that your conduct could have been regarded as harassment or bullying, however unintentional it may have been, you should agree to alter your behaviour.

If you believe you are wrongly accused and therefore not prepared to change your behaviour, you may find that the individual complaining may want to take the matter further. Even if you feel the allegations are unfounded, you are advised not to confront the person/people making the allegation as this could be construed as a further example of harassment or bullying. It may be deemed as victimization, and of impeding a fair investigation.

In the above circumstances you may wish to seek support and advice from either a senior member of HR, your line manager, your trade union or professional association representative, the Trust staff counsellor or the Occupational Health Department.

If you are approached by a manager investigating a formal complaint against you, you may seek the support of a recognised trade union representative or a colleague employed by the Trust and bring them with you to any formal meeting concerning the allegation.

A formal complaint against you can be very serious. The manager investigating the complaint has to interview everyone concerned and collect evidence of the alleged harassment. If the investigating officer reaches the conclusion that the facts warrant it, a disciplinary hearing under the Trust's agreed Disciplinary Policy will be held.

If you believe that the complaint against you is frivolous or malicious the investigating officer will investigate the matter and any necessary action may be taken under the Disciplinary Policy.

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Appendix D

Version Control Sheet

Version	Date	Author	Status	Comment
3	January 2011	Errol Green	H.R. Business Partner	Removed reference to mandatory training and training for all staff (section 19.1) Added an additional section 13.2 to stress that the Trust decides on whether behaviours complained about are reasonable or not in terms of Trust standards of behaviour and conduct.
3.1	October 2011	Louise Norris	Director of HR and Organisational Development	To align to NHSLA level 3 requirements
3.2	November 2011	Louise Norris	Director of HR and Organisational Development	Minor changes to monitoring section.

Appendix E

Plan for Dissemination of Procedural Documents Policy

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

Acknowledgement: University Hospitals of Leicester NHS Trust.

Title of document:	Harassment and Bullying at Work		
Date finalised:	January 2011	Dissemination lead: Print name and contact details	Pearl Pienaar
Previous document already being used?			X 82442
If yes, in what format and where?	Available on-line on Trust intranet		
Proposed action to retrieve out-of-date copies of the document:	To archive intranet version and inform all managers		
To be disseminated to:	How will it be disseminated, who will do it and when?	Paper or Electronic	Comments
All Senior Managers and Core Standard Leads			

Dissemination Record - to be used once document is approved.

Date put on register / library of procedural documents		Date due to be reviewed	
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Disseminated to: (either directly or via meetings, etc)	Format (i.e. paper or electronic)	Date Disseminated	No. of Copies Sent	Contact Details / Comments

Appendix F

Equality Impact Assessment Summary [Example]

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

		Yes/No	Comments
1.	Does the policy/guidance affect one group less or more favourably than another on the basis of:		
	• Race	No	
	• Ethnic origins (including gypsies and travellers)	No	
	• Nationality	No	
	• Gender	No	
	• Culture	No	
	• Religion or belief	No	
	• Sexual orientation including lesbian, gay and bisexual people	No	
	• Age	No	
	• Disability - learning disabilities, physical disability, sensory impairment and mental health problems	No	
2.	Is there any evidence that some groups are affected differently?	No	
3.	If you have identified potential discrimination, are any exceptions valid, legal and/or justifiable?	No	
4.	Is the impact of the policy/guidance likely to be negative?	No	
5.	If so can the impact be avoided?	No	
6.	What alternatives are there to achieving the policy/guidance without the impact?	No	
7.	Can we reduce the impact by taking different action?	No	

If you have identified a potential discriminatory impact of this procedural document, please also include the full Equality Impact Assessment that was carried out at the beginning of policy development and any associated documentation. For advice in respect of answering the above questions, please contact Kay Harwood on kay.harwood@slam.nhs.uk.