

# Dignity & Respect at Work Policy and Procedure

<b>Policy Number</b>	<b>HR/PoI/006</b>
<b>Target Audience</b>	<b>All Bridgewater Staff, including Agency Workers, Contractors, Students, Work Experience Placements and Volunteers</b>
<b>Approving Committee</b>	<b>Corporate Partnership Forum</b>
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<b>Policy Author</b>	<b>Equality &amp; Inclusion Manager</b>
<b>Version Number</b>	<b>3</b>

<b>Applicable Statutory, Legal or National Best Practice Requirements</b>	Equality Act 2010 Human Rights Act 1998 NHS Constitution Public Interest Disclosure Act 1998 (Section 2 47B)
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The Trust is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

This document can only be considered valid when viewed via the Trust's intranet. If this document is printed into hard copy or saved to another location, you must check that the version number on your copy matches that of the one online.

## Version Control Sheet

Version	Date	Reviewed By	Comment
1.0	May 2012	Policy Assurance Sub Group	Minor amendments to wording. Approved by Policy Assurance Sub Group.
2	March 2017  Mar 2017 April 2017	Policy Approval Group  Ruth Besford Sharan Arkwright	Approved subject to amendments  Changes made. Approved by chair action
2.1	September 2019	Ruth Besford	Changes made following consultation, see Consultation section 9
2.2	January 2020	Corporate Partnership Forum	Approved.
3	January 2020	Workforce & Organisational Development Committee	Approved, following Chair's approval from Operational People's Sub-Committee

<b>Does this policy impact/potentially impact on:</b> <ul style="list-style-type: none"> <li>• Staff</li> <li>• Patients</li> <li>• Family Members</li> <li>• Carers</li> <li>• Communities</li> </ul>	<b>Yes</b>	<b>Please contact the Trust's Equality &amp; Inclusion Manager at:</b>  <b>Email: <a href="mailto:ruth.besford@nhs.net">ruth.besford@nhs.net</a></b>
	<b>No</b>	<b>Please sign and date below:</b>  <b>Name:</b> <b>Email Address:</b> <b>Date:</b>

### Education & Professional Development Question

In order to ensure that any training requirements are discussed and resources planned and allocated to meet the needs of the service, you must consider whether this document has additional training requirements.

Please answer the following question by entering a cross in the box below:

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	Yes	No
Does this document have any additional training requirements or implications?		✓

If you have answered **YES** you must forward a copy of this document to Education & Professional Development **before** submitting to the Policy Officer.

Date submitted to Educations & Professional Development: .....

No further action is required if you have answered NO.

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# 1 Introduction

Bridgewater Community Healthcare NHS Foundation Trust (hereafter referred to as the Trust) is committed to providing a positive environment in which staff, patients and visitors are treated with dignity, respect and courtesy.

It is important to us to ensure that every individual is treated with dignity and respect, and that the different experiences, abilities and skills of each person are valued by others. The Trust regards any form of bullying, harassment, discrimination or victimisation as unacceptable and will not tolerate this behaviour.

It is important that all staff are able to recognise, challenge, and where appropriate complain about unacceptable behaviour, with confidence that their concerns will be treated in good faith, and investigated fairly and appropriately. This policy provides information that should allow staff to identify inappropriate behaviour, and outlines the procedure to be followed in instances where inappropriate behaviour is identified or reported.

## 1.1 Objective

The objective of this policy is to:

- Foster a positive working environment and culture for staff, within a framework of respect for the rights of others
- Promote an enabling and inclusive environment where all members of staff are treated with dignity and respect, where individual difference is recognised and celebrated, within an environment that is free from bullying, harassment, discrimination and victimisation
- Ensure that instances of bullying, harassment, discrimination and victimisation are taken seriously, and dealt with promptly and with sensitivity
- Set out the procedure for raising, addressing and resolving concerns and complaints in relation to bullying, harassment, discrimination and victimisation.

## 1.2 Scope

This policy applies to all staff employed the Trust, and also includes, for example, volunteers, those on work placements, students and those who hold an honorary appointment.

The policy relates to issues at work which includes social events linked to the same employment. It also includes any setting where Trust staff deliver care.

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## 2 Definitions

The definitions applicable to this policy are as follows:

### **Equality, Diversity and Inclusion**

Equality is about ensuring a fairer society where individuals or groups of people are not treated less favourably because of a protected characteristic, and where everyone can participate and have the same opportunity to fulfil their potential.

Diversity is when we recognise and value the full range of differences between people in the workplace and in our communities. It is about creating a culture and practices that recognise, respect, value, and embrace difference to the benefit of all.

Inclusion refers to an individual's experience within the workplace and in wider society, and the extent to which they feel valued and included.

### **Human Rights**

Human Rights are the basic rights and freedoms that belong to each of us; they protect all of us in many areas of day-to-day life.

They are based on the principles of FREDA – fairness, respect, equality, dignity and autonomy.

A few Human Rights are absolute, that is that they cannot be breached, one of these is the right not to be tortured, or treated in an inhuman or degrading way. Others are qualified or limited in that they can be breached in certain circumstances; an example of a limited right is the right to freedom of expression - this is limited in that it is only protected when it is not breaching the rights of other people.

### **Discrimination**

Discrimination means treating an individual unfairly because the individual has, or is perceived to have a protected characteristic, or because of their association with someone who has a protected characteristic. The protected characteristics are defined by The Equality Act 2010 as:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race

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- Religion or Belief
- Sex
- Sexual Orientation

Discrimination can be direct or indirect, and also arising as a consequence of disability.

## Harassment

The legal definition of harassment is defined by The Equality Act 2010 as:

‘Unwanted conduct relating to a relevant protected characteristic, which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual’.

The Act also protects individuals from harassment because of perception and association in relation to the protected characteristics, even when the individual does not possess the protected characteristic themselves. For example:

- Harassment on the grounds of a perceived protected characteristic could include making offensive remarks about someone’s sexual orientation even if that doesn’t accurately reflect how they identify.
- Harassment on the grounds of association could, for example, be when someone is harassed because they are friends with, or have a family member with, a disability.

In addition staff also have the right to complain about behaviour that they find offensive even if it is not directed at them, for example jokes about trans people or wheelchair users.

The defining element of harassment is that it is related to one of the nine protected characteristics. Behaviour that someone finds, for example, intimidating or offensive that doesn’t relate to a protected characteristic is defined as bullying; please see definition on page 11.

Harassment is defined by the impact on the recipient not the intention. In some cases harassment can include unintentional behaviour, but this does not alter its effect on the recipient.

Harassment may involve action, behaviour, comment or physical contact which is found objectionable or which causes offence; it can result in the recipient feeling threatened, humiliated, undermined, demotivated or patronised, and it can create an intimidating, unwelcoming and stressful work environment. It can also seriously undermine self- confidence.

Harassment can be harmful; it causes distress and can lead to poor performance, sickness, and accidents. All of these factors can have a direct impact on organisational effectiveness.

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The Trust recognises that individuals, or groups, can be subject to harassment on a wide variety of grounds. Some examples include:

- Race, ethnic origin, nationality or skin colour
- Religion or belief
- Gender
- Gender reassignment (including trans status)
- Disabilities, sensory impairment or learning disabilities
- Age
- Real or suspected infection with HIV/AIDs
- Mental health status.

Harassment does not always involve only one person as the perpetrator. For example, an individual may be made to feel isolated within a large group, and in these circumstances there may be no particular perpetrator.

### **Sexual Harassment**

Sexual harassment can be defined as any unwanted, uninvited, unreciprocated or unwelcome behaviour, or other conduct based on sex affecting the dignity of another person in the workplace. The essential characteristic is that it is unwanted and it is for each individual to determine what is acceptable and what is offensive to them. The onus is on the recipient, in the first instance, to make known to the harasser that their behaviour is unwanted. Harassment can include unwelcome physical, verbal or non-verbal conduct.

The following are given as examples of what may be considered to constitute sexual harassment:

- Unnecessary and unwanted physical contact ranging from touching or patting to serious assault (threatened or actual)
- Suggestive and unwelcome remarks, jokes, offensive language, gossip, comments about appearance and private life and deliberate verbal abuse
- Requests or demands for sexual favours, including implied or overt promises of preferential treatment or threats about employment prospects
- Intrusion by pestering, spying, stalking, etc.
- The display of sexually offensive visual material in a workplace, such as pin-ups, calendars, books, videos etc.

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- Remarks which reflect sexist attitudes and use of affectionate, intimate or suggestive names
- Substituting responsible tasks with menial or trivial ones.

It is important to distinguish unwanted, unreciprocated behaviour from a “relationship” freely entered into and acceptable to those involved.

### **Racial Harassment**

Racial harassment can be defined as behaviour based on race or ethnic origin which is unwelcome to the recipient. It includes but is not limited to the following types of behaviour:

- Physical violence on the basis of race
- Racially explicit derogatory statements which are found objectionable
- Racist jokes, name calling and general cultural teasing
- Racist graffiti (including pictures, flags, emblems, etc.)
- Verbal/non-verbal and written harassment through jokes, letters, e-mails, offensive language, gossip and slander, suggestive comments, persistent name calling and sectarian songs
- Ignoring or excluding the individual(s)
- Substituting responsible tasks with menial or trivial ones.

### **Harassment of persons on grounds of religion or belief**

Such behaviour is based on known or presumed religious beliefs or practices. This may take many forms including ridiculing items worn for religious reasons, denigrating cultural customs or making derisory comments against an individual’s beliefs.

It includes persistent pressure being placed on an individual through use of religious propaganda or by a person trying to spread their beliefs and religious views, or to recruit to their particular group.

Regardless of an individual's cultural or religious beliefs about how others conduct their own lives, for example, pertaining to gender or sexual orientation, such beliefs must not manifest themselves in breach of legislation.

Staff are expected to treat with dignity and respect all individuals no matter what their own personal beliefs may be.

The following are given as examples of what may be considered to constitute harassment based on religion and belief:

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- Threatened or actual physical abuse
- Verbal or written expressions of prejudice which are offensive to others
- Ridiculing religious customs and observance
- Pressurising or influencing individuals to conform with the customs and practices of a particular religion or belief
- Unreasonable denial of promotion, training or other job related opportunities.

### **Harassment of persons on grounds of sexual orientation**

Such behaviour may be based on a known or presumed sexual orientation or because of an individual's association with others with a particular known or presumed sexual orientation. Sexual orientation refers to an attraction (physical, emotional, sexual etc.) towards persons of the same gender or a different gender.

The following are given as examples of what may be considered to constitute harassment based on an individual's sexual orientation:

- Threatened or actual physical abuse
- Verbal or written expressions of prejudice which are offensive to others
- Making offensive gestures
- Actual or threatened disclosure of sexual orientation against the wishes of an individual
- Intrusive questions about an individual's domestic circumstances
- Unreasonable denial of promotion, training or other job related opportunities.

### **Harassment of persons with disabilities**

Such behaviour may be grounded in ignorance, but can be offensive and intimidatory to the recipient. The term disability can relate to physical or mental disability, sensory loss, emotional, behavioural or learning difficulties.

The following are given as examples of what may be considered to constitute harassment based on disability:

- Threatened or actual physical abuse
- Mimicking a disability or making offensive references related to an individual's appearance
- Making offensive remarks or jokes

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- Unreasonable denial of promotion, training or other job related opportunities.

### **Harassment of persons on grounds of age**

Age discrimination can be explained as occurring when someone treats a person less favourably because of that person's age, and uses this as a basis for prejudice against and unfair treatment of that person.

It is important to note that the legislation covers individuals of all ages and applies equally to younger and older employees.

Age discrimination in employment can:

- Constitute harassment, even if it is unintended
- Take on many forms in areas such as recruitment, employment terms and conditions, promotions and transfers, training, dismissals
- Affect anybody regardless of how old they are
- Be overt for example somebody not being offered a job because they are believed too young to have the experience
- Be indirect such as making ageist comments
- Prevent the full consideration of abilities, potential and experience of employees.

Age discrimination protection helps ensure that individuals are not denied a job, an equal chance of training or a promotion because of their age. It also protects from harassment or victimisation because of age.

### **Harassment of persons on grounds of gender reassignment (including Trans status)**

Discrimination on the grounds of gender reassignment includes any behaviour that humiliates, degrades or places an individual at a disadvantage because they identify with a gender different from the one they were assigned at birth. This includes discrimination because of someone's trans status (a personal decision not solely dependent on medical and/or surgical intervention). The Equality Act emphasises that protection under this characteristic also covers individuals who do not identify as trans but whose perceived gender is different from what they are assigned at birth or they associate with people who identify as trans or a gender different to the gender assigned at birth.

Some examples of discriminatory behaviour include:

- Threatened or actual physical abuse
- Refusal to relate to the individual by the gender the person lives their life

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- Verbal or written expressions of prejudice which are offensive to others
- Suggestive and unwelcome remarks, jokes, offensive language, gossip, comments about appearance and private life and deliberate verbal abuse
- Making offensive gestures
- Intrusive questions about an individual's domestic/personal circumstances
- Unreasonable denial of promotion, training or other job related opportunities.

### **Third Party Harassment**

The Trust is committed to dealing with harassment by third Parties (defined as individuals who are not Trust employees and may include for example contractors or suppliers), and will take all reasonable steps to prevent or stop this from occurring where the Trust is aware that it is an issue. It is therefore important that an employee raises issues of this nature in a timely and appropriate manner to their line manager.

### **Harassment by Service Users**

The Trust has a zero tolerance approach to harassment, bullying, abuse, violence and other prohibited conduct towards our staff from patients and their family members, friends or carers.

Equally we expect our staff to treat everyone accessing our services with dignity and respect and in line with this policy.

Where conduct towards our staff is in breach of our zero tolerance approach referral should be made to the Trust's Violence and Aggression Policy and Procedure.

### **Hate Crime**

Certain forms of harassment and other behaviours specifically those related to disability, gender reassignment, race, religion or belief and sexual orientation are offences under criminal law – hate crimes and hate incidents. In addition some Police forces in England also recognise alternative sub-cultures as a group protected under hate crime legislation. Hate crimes and hate incidents should always be reported, either through the Trust's incident reporting procedures or to external bodies, more information can be found on the Hub at:

<http://nww.bridgewater.nhs.uk/staff-zone/anti-bullying-and-harassment/Pages/Crime-hate.aspx>

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## **Bullying**

Bullying is not defined by law but for the purposes of this policy is defined as:

‘Offensive, intimidating, malicious or insulting behaviour which intentionally or unintentionally undermines, humiliates, denigrates or injures the recipient’.

Bullying is normally characterised by a pattern of behaviour, but a single incident could be considered as bullying behaviour.

Bullying is to be distinguished from the legitimate exercise of managerial responsibilities where these responsibilities are carried out in a respectful, reasonable and appropriate manner.

Bullying can take many forms. It includes but is not limited to the following types of behaviour:

- Derogatory and/or threatening remarks
- Insulting or aggressive behaviour
- Jokes or pranks
- Ignoring, marginalising or excluding the individual(s)
- Setting unrealistic deadlines or objectives
- Public criticism
- Substituting responsible tasks with menial or trivial ones
- Withholding necessary information
- Constantly undervaluing effort
- Belittling efforts; often in front of others
- Failing to make eye contact
- Withholding praise while giving this to all others present at that time
- Unfair and unjustified comparisons with other colleagues or employees.

It is the perceptions of the recipient that determine whether behaviour can be viewed as bullying. It must also be recognised that employees who are bullied often feel vulnerable and isolated and are reluctant to complain because they may fear their complaints will not be taken seriously or because they may fear reprisal.

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Please note, the term ‘harassment’ is also intended to cover all forms of bullying for the purposes of this policy. Harassment can take many forms; it can range from extreme forms such as violence or bullying, to more subtle and less obvious actions like alienation and non-communication. Bullying can in certain instances be related to abuse of organisational power (at any level of management or supervision). It may be related to the protected characteristics described above or any personal characteristic of the individual. Whatever the form of harassment, it will be unwanted behaviour which is unwelcome and unpleasant.

### **Abuse of Organisational Power**

The abuse of organisational power (at all levels of management and supervision) is not only a practical source of bullying or harassment but can be perceived by staff as a real threat. All staff who carry responsibility for the management or supervision of other staff will be made aware through the operation of this policy that abuse of organisational power resulting in any form of bullying or harassment is unacceptable and will not be tolerated.

The Trust recognises that the reverse situation can also occur where a manager or supervisor experiences bullying from their staff.

### **Victimisation**

Victimisation is a type of harassment, it occurs when an employee is treated less favourably because they have made or supported (in good faith) an allegation of harassment, or a complaint, or raised a grievance under the Equality Act 2010; or because they are suspected of doing so. This also protects from victimisation those who participated in an investigation or disciplinary hearing in relation to one of these acts.

An employee is not protected from victimisation if they have maliciously made or knowingly supported an untrue complaint.

### **Whistleblowing**

Whistleblowing is the disclosure by a member of staff to their employer or a relevant organisation of a wrongdoing or potential wrongdoing within the Trust.

The Public Interest Disclosure Act 1998 protects whistleblowers from detrimental treatment or victimisation from their employer if, in the public interest, they blow the whistle on wrongdoing within the organisation. The Trust’s Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy provides more information on the Act, disclosures, and the Trust approach to whistle blowing.

### **Dignity**

Dignity is concerned with how people feel, think and behave in relation to worth or value of themselves or others. To treat someone with dignity is to treat them as being of worth, in a way that is respectful of them as valued individuals.

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## **Respect**

Respect is defined as ‘to feel or show honour or esteem for, hold in high regard, to consider or treat with deference or dutiful regard’.

### **3 Abbreviations**

The abbreviations applicable to this policy are as follows:

FREDA Fairness, Respect, Equality, Dignity, Autonomy

HR Human Resources

EDS2 NHS Equality Delivery System 2

WRES NHS Workforce Race Equality Standard

WDES NHS Workforce Disability Equality Standard

BME Black and Minority Ethnic

### **4 Other Relevant Procedural Documents**

This policy should be read in conjunction with the following documents:

- Disciplinary Policy & Procedure
- Grievance Policy
- Violence and Aggression Policy & Procedure
- Incident Reporting Policy
- Risk Management Framework
- Freedom to Speak Up: Raising Concerns (Whistleblowing) Policy
- Professional Registration Policy
- Employee Code of Conduct Policy
- [Bridgewater Anti-Bullying And Harassment Toolkit](#)

## 5 Roles and Responsibilities

### 5.1 Duties of the Trust Board

The responsibility for the provision of this policy will initially rest with the Trust Board. The Board and senior leaders should conduct and plan their business so that respect, dignity and equality are advanced, discrimination and other prohibited behaviour are eliminated, and good relations fostered, within the Trust and beyond.

It is the responsibility of the Trust Board to:

- Foster a positive work culture that treats all members of staff with openness, respect and dignity at all times
- Ensure processes are in place to handle complaints of harassment, bullying, victimisation or discrimination, and that these processes ensure staff feel safe, supported and listened to when raising concerns
- Ensure processes are in place to deal with vexatious or malicious allegations in line with the Trust disciplinary policy.

### 5.2 Director of Workforce and Organisational Development

As the executive director for workforce the responsibility for this policy and matters related to staff are delegated by the Board to this individual. They will ensure through provision of appropriate staff and resources that the principles set down in this document are promoted and upheld by all employees and workers in the Trust.

### 5.3 Duties of Managers

In addition to their duties as employees, managers will:

- Support and motivate staff to work in culturally competent ways within an environment free from harassment, bullying and discrimination
- Ensure all staff are aware of their personal and professional responsibilities, and expected standards of behaviour
- Take appropriate and timely action when aware of inappropriate behaviour in the workplace or deficiencies in patient care including where appropriate, instigating an investigation when breaches of the policy are identified, even if the individual is not willing to complain
- Continuously work towards ensuring the working environment, services and facilities provide for dignity and respect in all aspects of patient care and employment
- Ensure staff have access to appropriate training and education relevant to the promotion of dignity and respect

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- Ensure that recruitment and selection processes are fair, inclusive and transparent so that the workforce becomes as diverse as it can be within all occupations and grades.

#### **5.4 Duties of Employees**

All employees, including Board and those with management responsibilities, must:

- Maintain cordial, respectful, flexible and professional relationships with everyone encountered in the course of the working day
- Raise problems such as complaints, criticisms and misunderstandings openly with their manager in a timely way
- Challenge inappropriate behaviour or care in a positive manner and be prepared to formally report issues when necessary, speaking with an appropriate manager about instigating an investigation when breaches of the policy are identified, even if the individual is not willing to complain
- Promote positive behaviour by acting as role model for others
- Respect confidentiality and ensure sensitive information is protected appropriately
- Observe professional codes of conduct (where applicable) and the principles of Dignity in Care at all times
- Respect the diversity encountered in working life
- Engage positively in the planning and development of services
- Treat those they work with and those they care for with the same dignity and respect they would want for themselves or a member of their family
- Apply these principles of behaviour in any work-related social settings.

#### **5.5 Duties of Human Resources Department**

The HR department will:

- Ensure this policy is available to all staff
- Support managers' and employees' understanding of the policy by providing training and advice when required
- Monitor the application and effectiveness of the policy.

## **6 Equipment List**

None applicable to this policy and procedure.

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## 7 Our Commitment to Dignity and Respect

In delivering our Dignity and Respect commitment we expect:

### 7.1 Courtesy, Honesty and Respect

- Principles of common courtesy to be upheld by all staff at all times, including stressful situations, when faced with challenging questions or working under difficult circumstances
- Staff to demonstrate good manners in all their dealings with colleagues, patients and their families or carers
- An environment which is welcoming and supports appropriate standards of privacy, confidentiality and dignity
- Patient and employee confidentiality to be respected at all times
- Staff to treat everyone with dignity and respect.

### 7.2 Effective Communication and Consultation

- Communication will be in a manner which is tailored and appropriate to the patient, relative, carer, employee or colleague.
- Messages to be delivered in an appropriate environment.
- Careful listening and opportunity for feedback and expression of personal choice/preference.
- The understanding of messages given to patients or colleagues to be tested (for example, by checking the individual has understood what you have told them).
- Care taken to avoid making personal comments, remarks or assumptions that may cause offence.
- Staff, patients, carers and members of the public to be consulted with and involved in the planning of and delivery of services.
- Both patients and their carers to be provided with appropriate support when a need has been identified.

### 7.3 Diversity to be Encouraged and Celebrated

Everyone is treated with respect and fairly on the basis of need and not discriminated against on the basis of their age, disability, race, sex, gender reassignment (including trans status), marital or civil partnership status, sexual orientation, pregnancy and maternity status, religion or belief.

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- Awareness of cultural and religious differences, accommodating individual's or group needs wherever possible.
- Asking preferences in a respectful manner and not making assumptions about an individual.

#### **7.4 Zero Tolerance of Inappropriate Behaviour**

- Harassment, bullying or inappropriate behaviour in the workplace will not be tolerated. This includes the bullying or discrimination of whistleblowers under the Public Interest Disclosure Act 1998.
- Staff may challenge on behalf of others less able or willing to make that challenge.
- All inappropriate behaviour to be reported.
- Any inappropriate behaviour is to be dealt with in a timely manner in accordance with the policy.

### **8 Procedure for Dealing with Inappropriate Behaviour**

#### **8.1 Initial Advice**

The aim of the procedure is to deal with a complaint in a non-confrontational manner and resolve it as quickly as possible using an informal approach. In cases where this is not possible, provision has been made for a formal process to be followed.

An employee, who believes that they are being bullied or harassed, may initially wish to seek advice and support before taking the matter further. Such advice and support will be provided in confidence without any obligation to take a complaint further and is available at any time from:

- Line Management
- Human Resources
- Occupational Health
- Trade Union Representatives.

Those approached must recognise the sensitive nature of bullying or harassment complaints. For this reason, if requested they must make every effort to provide the complainant with a suitable person with whom they can discuss the matter for example a person of the same gender, etc.

Where the Trust believes there has been a breach of the Dignity & Respect at Work Policy, an investigation can be instigated even if the victim is not willing to bring a complaint.

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## 8.2 First Stage – Informal Procedure

There is a mutual obligation on both the complainant and the recipient to make every effort to resolve matters informally.

An employee who feels they are the subject of minor incidents of bullying or harassment, e.g. where no physical threat is posed, is encouraged to keep a note of the details of the incident and the names of any witnesses. Where possible they must raise the matter with the person concerned, making it clear that their behaviour is unacceptable and that they want it to stop.

If the employee does not feel able to do this verbally then a confidential written request given to the bully/harasser may be effective which makes it clear that their behaviour is unacceptable and requests the behaviour to stop.

In circumstances where the employee feels it is too difficult or embarrassing to raise the matter themselves, they may arrange for the initial approach to be made by a third party, e.g. a work colleague, a senior member of the Human Resources Department or a Trade Union representative.

Active Listening and Mediation may be used to resolve the matter at the informal stage. However this process does require the agreement of both parties. The HR team should be contacted for more information and advice in relation to these processes.

## 8.3 Second Stage – Formal Procedure

Where informal methods fail or where they are inappropriate, the employee must register a formal complaint against the alleged bully/harasser. The complaint must be in writing and, where possible, must state:

- The name(s) of the bully(ies) / harasser(s)
- The nature of the bullying / harassment
- Dates and times of incidents (where known)
- Names of any witnesses to any incidents of bullying / harassment
- Any action already taken by the complainant to stop the bullying / harassment.

The complaint must be sent in confidence to the employee's Line Manager. In cases where the harasser/bully is the complainant's manager then the complaint must be forwarded to the next appropriate Senior Line Manager.

If an individual feels it is not appropriate to escalate through the service line management route they may forward the complaint directly to such complaints will be sent directly to the Deputy Director Workforce.

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A thorough, impartial and objective investigation will be carried out as quickly as possible by an investigator, operating outside their normal area of responsibility with support from a member of the HR Department. It will be carried out with sensitivity and with due regard for the rights of both the complainant and the alleged bully/harasser.

Both the complainant and the employee accused of harassment have the right of Trade Union Representation or to be accompanied by a colleague of the Trust throughout the procedure.

Where it is considered necessary and is practicable, action will be taken to separate the two parties during the investigation, which may include a temporary relocation (normally of the alleged bully/harasser), or in serious cases paid suspension of the alleged bully/harasser, pending the outcome of the investigation.

If the investigation indicates that the allegation is substantiated or is found to be unfounded and malicious (a wrongful act performed wilfully or intentionally without justification, intending to cause deliberate harm, hurt and/or upset) the matter will be referred for possible action in accordance with Bridgewater's Disciplinary Policy and Procedure.

The severity of the penalty imposed upon an employee guilty of harassment or bullying will be consistent with those detailed in Bridgewater's Disciplinary Policy and Procedure i.e: harassment which falls into the category of gross misconduct may result in dismissal.

Where a complaint is upheld, it may be necessary to consider the transfer of one party (temporarily or permanently). Wherever practical, the complainant should be given the first choice whether they wish to be transferred, subject to practical limitations.

On completion of the investigation outcomes must be delivered by meeting both parties separately and this information followed up in writing both parties are required to comply with any recommended actions from the investigation.

As in section 8.4 to follow complainants who feel dissatisfied with the process of the investigation have the right to a single appeal. This must be forwarded in writing to the Deputy Director Workforce within three weeks of the date of the letter confirming the outcome, who will arrange for the appeal to be heard by the appropriate level of management.

#### **8.4 Appeals Procedure**

The procedure should allow for either party to appeal.

The complainant may appeal if it is felt that the process of investigation and subsequent application, or not, of the disciplinary procedure has been unfairly or poorly carried out or agreed.

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There should be no appeal allowed to the complainant against the perceived severity or leniency of the disciplinary action taken. The only witness that should be invited to appeal hearings is the Investigating Officer in relation to appeals against the process of investigation.

The alleged harasser may appeal if it is felt that the process of investigation or subsequent application of the disciplinary procedure has been unfairly or poorly carried out or agreed. The alleged harasser should also be allowed to appeal against the perceived severity of the disciplinary action taken. All appeal hearings will be serviced by the Deputy Director Workforce.

## 9 Consultation

Key individuals/groups involved in the development of the document to ensure it is fit for purpose once approved.

Name	Designation
Lesley Whitfield	HR Manager
Amanda Gregory	HR Business Partner
Kathryn Smith & Claire Marshall	Dental Service
Stephen Edwards	e-Resources Librarian
	LGBT Foundation (Pride in Practice)
	Corporate Partnership Forum
	Workforce & Organisational Development Committee

## 10 Dissemination and Implementation

### 10.1 Dissemination

The author of this policy will publish in the senior managers briefing for dissemination to all staff through regular team meetings and in addition will be made available and published on The Hub.

In addition information on the policy will be disseminated by HR and staffside colleagues as part of the ongoing Bridgewater Anti-Bullying and Harassment Campaign (BABAH).

## 10.2 Implementation

Whilst all staff are expected to abide by the principles set out in this policy, HR and line managers are responsible for implementation of the procedures set out in the policy.

HR Managers will continue to provide training and advice on bullying and harassment for staff and managers.

## 11 Process for Monitoring Compliance and Effectiveness

The effectiveness of this policy will be monitored as follows:

- Incidents of inappropriate behaviour by third parties will be reported through the Incident Reporting process and reported to the Quality & Safety Committee and Clinical Governance Committee by the Trust Head of Risk & Patient Safety
- Analysis of formal complaints will be made in relation to protected characteristics, and the information used to assist action planning within the annual Equality Delivery System (EDS2) Framework by the Trust Equality Lead
- Analysis of dignity at work cases will be used in assessment of progress and action planning for the annual NHS Workforce Race and Disability Equality Standards (WRES and WDES) by the Trust Equality Lead
- EDS2, WRES and WDES are all monitored and assured to Board via the Trust governance structure of Equality, Diversity & Inclusion Steering Group – Operational People Sub Committee – Workforce & Organisational Development Committee – Board.

## 12 Standards/Key Performance Indicators

The Equality Delivery System (EDS2) provides a framework against which the Trust can measure its performance in relation to dignity and respect as an employer and in service delivery.

EDS2 requires the Trust to measure against all the protected characteristics and requires action planning reviewed on a yearly basis to ensure continuous improvement is being made.

EDS2 is mapped against CQC outcomes, NHS Constitution pledges, and the Human Rights Act.

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The following highlight the most specific standards within EDS2:

<b>Equality Delivery System 2 – Goals and Outcomes</b>	
3. A representative and supported workforce	3.1 Fair NHS recruitment and selection processes lead to a more representative workforce at all levels.
	3.4 When at work, staff are free from abuse, harassment, bullying and violence from any source.
	3.6 Staff report positive experience of their membership of the workforce.
4. Inclusive leadership	4.1 Boards and senior leaders routinely demonstrate their commitment to promoting equality within and beyond their organisations.
	4.3 Middle managers and other line managers support their staff to work in culturally competent ways within a work environment free from discrimination.

The annual staff survey has several questions that demonstrate performance on dignity and respect at work. An annual Staff Survey Action Plan captures areas where the Trust needs to take action to improve in the coming 12 months, this is monitored by the Workforce & Organisational Development Committee.

The mandatory NHS Workforce Race Equality Standard (WRES) requires all NHS trusts to provide annual data on key areas of the employment experience, comparing these between White and Black and Minority (BME) staff. Two indicators are relevant to this Policy and data is provided by the annual NHS Staff Survey:

- Percentage of staff experiencing harassment, bullying or abuse from staff in the last 12 months
- In the last 12 months have you personally experienced discrimination at work from any of the following? B) manager/team leader or other colleagues.

The mandatory NHS Workforce Disability Equality Standard (WDES) requires all NHS trusts to provide annual data on key areas of the employment experience, comparing these between Disabled and non-disabled staff. Two indicators are relevant to this Policy and data is provided by the annual NHS Staff Survey:

- Percentage of staff experiencing harassment, bullying or abuse from staff, the public, patients and their families, or managers in the last 12 months
- Percentage of staff reporting these incidents.

## 13 References

Care Quality Commission (2016) The fundamental standards [online]. Available at: <http://www.cqc.org.uk/content/fundamental-standards>

Criminal Justice and Public Order Act 1994, c. 37 [online]. Available at: <http://www.legislation.gov.uk/ukpga/1994/33/contents>

Department of Health (2015) The NHS constitution for England [online]. Available at: <https://www.gov.uk/government/publications/the-nhs-constitution-for-england>

Equality Act 2010, c.15 [online]. Available at: <http://www.legislation.gov.uk/ukpga/2010/15/contents>

Human Rights Act 1998, c.42 [online]. Available at: <http://www.legislation.gov.uk/ukpga/1998/42/contents>

NHS England (2015) NHS Equality Delivery System (EDS2) [online]. Available at: <https://www.england.nhs.uk/about/equality/equality-hub/eds/>

NHS England (2016) NHS Workforce Race Equality Standard (WRES) [online]. Available at: <https://www.england.nhs.uk/about/equality/equality-hub/equality-standard/>

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## Appendix 1: Dignity & Respect at Work Policy and Procedure Flow Chart

### Initial Advice:

Employee feels bullied or harassed by other staff member/members.

Or

An employee witnesses an incident and the individual being bullied or harassed is not willing to make a complaint.

Seeks advice from:

- Line Manager, or
- Human Resources, or
- Occupational Health, or
- Staff-side Representative

Manager witnesses an incident and the individual concerned is not willing to make a complaint. Manager should instigate an investigation.

Employee feels bullied or harassed by 3<sup>rd</sup> party, for example service user or their families or carers.

Refer to Violence & Aggression Policy

No threat of physical violence posed.

Threat of physical violence posed.

### 1<sup>st</sup> Stage: (Informal)

- Where there is no threat of physical violence posed, the employee should be encouraged to note details of incidents and any witnesses.
- If they feel able they should raise the matter with the person(s) involved either verbally or in writing, making it clear that the behaviour is not acceptable and they want it to stop.
- If they feel unable to do this themselves they can arrange for an initial approach to be made by another party, for example a colleague, senior member of HR or a staff-side representative.
- In agreement by both parties active listening or mediation can be used.

### 2<sup>nd</sup> Stage: (Formal)

- Employee/Manager registers a formal complaint against the alleged bully/harasser with their own Line Manager, with the next appropriate senior Line manager if the allegation is against their Line Manager or in exceptional circumstances with the Assistant Director of Workforce.
- The two parties will be separated where it is considered necessary and practicable while an investigation is carried out with the support of HR.
- In the case of serious cases the alleged bully/harasser may be put on paid suspension pending the outcome of the investigation.

Where the allegation is upheld or found to be malicious the matter is referred for possible action under the Disciplinary Policy and Procedure.

Where the allegation is not upheld or the investigation determines actions short of those in the disciplinary policy are required, this will be discussed with the support of HR.

Both parties informed separately of the outcome and any action to be taken.

### Appeals:

- Complainants unhappy with the outcome have three weeks from the date of the outcome letter to appeal. They cannot appeal against the severity/leniency of actions taken.
- The alleged harasser may appeal within 14 days if they feel the process has been unfairly/poorly carried out, they can also appeal against the severity of the disciplinary action taken.