

# Dignity & Respect at Work Policy

HWHR13

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## **1. Introduction**

- 1.1.** The Herefordshire and Worcestershire CCG believes that all employees have a right to be treated with dignity and respect at work and recognises that any form of bullying and/or harassment is an inappropriate and unacceptable form of behaviour that will not be tolerated under any circumstances. This policy demonstrates a commitment from the CCG that bullying and/or harassment of employees will be challenged.
- 1.2.** The CCG understands their responsibilities within the current legislative framework and strive to create an organisational culture where managers and staff take personal responsibility for treating all those they are in contact with at work with dignity and respect and for doing all they can to prevent any incidents of bullying and/ or harassment from occurring.
- 1.3.** Unacceptable behaviour at work will not be tolerated as it can have a detrimental effect on the workplace and a potentially devastating effect on the individual. It can lead to physical and mental illness, affect work performance, increase absence rates, and potentially lead to resignations.
- 1.4.** Unacceptable behaviour may be considered as gross misconduct which may lead to dismissal without notice if allegations are proven.
- 1.5.** Allegations of bullying, harassment, victimisation, and discrimination are serious and must not be made lightly. Malicious, false, or reckless allegations will themselves be disciplinary offences which could lead to disciplinary action being taken up to and including dismissal.

## **2. Equality Statement**

- 2.1.** Herefordshire and Worcestershire CCG aim to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2.** In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review, and implementation.

## **3. Scope**

- 3.1.** This document sets out the CCG's policy and procedure on acceptable standards of behaviour in the workplace, incorporating bullying, harassment and other behaviours which affect people's dignity and respect at work.

- 3.2. This policy applies to all employees of the Herefordshire and Worcestershire CCG. This policy also applies to contractors, bank/ locum workers, volunteers, and those who may hold an honorary contract with the CCG and staff from other organisations working within the premises.

## 4. Purpose and Principles

- 4.1. The aim of the policy is to promote and encourage positive and supportive behaviour at work with a view to reducing the potential for conflict and complaints in relation to working relationships within the CCG. The CCG accepts that personality differences arise at work and expects all managers and employees to maintain a mature and professional working relationship in these situations.
- 4.2. The aim of this policy is also to outline informal and formal approaches that allow employees and managers to deal sensitively with concerns relating to unacceptable behaviour, including allegations of bullying and/or harassment. It aims to ensure that employees feel empowered to take action in the knowledge that allegations will be dealt with fairly, confidentially and without undue delay.
- 4.3. It is expected that every effort will be made to achieve a mutually agreed informal resolution to any complaints or concerns relating to unacceptable behaviours and early and open intervention is actively encouraged. If an employee feels that they have not been able to resolve an issue informally, they can pursue the matter formally.
- 4.4. In some cases, the CCG may view an employee's conduct or behaviour to be of such concern that investigation and disciplinary action is appropriate.

## 5. Definitions

**Dignity** is the state or quality of being worthy of respect. To treat someone with dignity is to treat them as being of worth, in a way that is respectful of them as a valued individual.

**Respect** is treating someone with consideration, politeness, and courtesy. There can often be cultural differences in how respect is shown e.g. in body language, eye contact and ways of speaking, therefore staff should be sensitive to cultural differences.

**Bullying** can be defined as "offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient". It includes behaviour directed towards one person or a group of people and includes verbal and non-verbal conduct. Bullying is usually persistent (i.e. more than a "one-off" incident), although not always, and makes the recipient feel upset, threatened, humiliated or vulnerable. Legitimate, constructive, and fair criticism of an employee's performance or behaviour at work is not bullying. It is also recognised that an occasional raised voice or argument in itself may not constitute bullying.

**Serial Bullying** has a "dripping tap" effect and can comprise of any form of bullying and/or harassment that takes place on a regular basis over a longer period of time. Whilst individually the actions may not constitute offensive behaviour, when taken as a whole the pattern of behaviour may be deemed offensive by the recipient.

**Corporate Bullying** is built into the culture of an organisation, for example: exerting pressure to work excessively long hours on a regular basis even with the carrot approach of increased remuneration. Examples of less obvious corporate bullying may be: coercing employees into changes in contracts; or over enthusiasm for absence management which denies employees legitimate annual and sick leave.

**Harassment** is any unwanted conduct affecting the dignity of staff in the workplace that may be related to any personal characteristic of the individual e.g. age, gender, disability, religion/belief, sexual orientation, ethnicity, pregnancy and maternity, marriage and civil partnerships, gender reassignment, political opinion or trade union membership, and may be persistent or an isolated incident.

**Victimisation** occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act; or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

**Violence** is an incident in which a person or group is verbally and/or physically abused, threatened, or assaulted.

**Direct Discrimination** is when a person or group is treated less favourably than any other person or group because of their belonging to the said group.

**Indirect Discrimination** is when a requirement or condition (e.g. of employment, promotion, or aspects of service delivery) is applied equally and appears to be fair, but can be shown to have an adverse impact on an individual group by placing them at a disadvantage, and the reasons for this cannot be objectively justified.

**Discrimination by Association** is when a person or group is treated less favourably on the basis of another person's protected characteristic. Discrimination by association does not apply to all protected characteristics. Marriage and civil partnership, and pregnancy and maternity are not covered by the legislation: with these protected characteristics only, direct discrimination can apply.

**Discrimination by Perception** is when a person or group is treated less favourably because others believe they have a protected characteristic, even though in reality they do not have it, it is perceptive discrimination. Perceptive discrimination does not apply to marriage and civil partnership, nor pregnancy and maternity, and it must be direct discrimination.

**Protected Characteristics** fall under the Equality Act 2010 and are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. It is against the law to discriminate against someone because of these protected characteristics.

**Facilitated Discussion** is an informal meeting between two parties, assisted by a 'facilitator', someone who is impartial and assists both parties to communicate in order to resolve their dispute.

**"At Work"** includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment; this therefore includes any place where an employee delivers care as part of their employment.

## **6. Roles and Responsibilities**

### **6.1. Accountable Officer's Responsibilities**

- 6.1.1.** Ultimate responsibility for ensuring compliance with all legal, statutory, best practice, and quality requirements and for ensuring employees have good quality, ratified procedural documents in place for managing any allegations of unacceptable behaviour.

### **6.2. Executive Directors' Responsibilities**

- 6.2.1.** Responsible for setting the standards and role modelling the behaviours it expects of its employees and for promoting a culture in which employees treat others with dignity and respect and are protected from bullying, harassment, discrimination, or victimisation.

### **6.3. Line Manager Responsibilities**

- 6.3.1.** Create an environment and culture where everyone is treated with dignity and respect and where unacceptable behaviours are not tolerated.
- 6.3.2.** Ensure staff are treated with fairness and equity.
- 6.3.3.** Ensure staff understand what behaviour constitutes bullying and harassment and that such behaviour is unacceptable.
- 6.3.4.** To understand the effects that bullying and/or harassment can have on employees and the CCG. (Refer to **Appendix 2**).
- 6.3.5.** Take complaints and concerns regarding unacceptable behaviour seriously and ensure prompt and effective resolution. (Refer to **Appendix 3**).
- 6.3.6.** Promote good communication with and between staff by operating an open-door policy.
- 6.3.7.** Recognise inappropriate behaviour and take appropriate action when it occurs.
- 6.3.8.** Ensure staff know about this policy and how concerns relating to unacceptable behaviour can be addressed.
- 6.3.9.** Support staff who may feel they are being bullied or harassed.
- 6.3.10.** Always maintain confidentiality and do not mention or discuss the case with any person not involved in the resolution and/or investigation.
- 6.3.11.** Ensure there is no retaliation against a person who has raised a concern under this policy.
- 6.3.12.** Complete and return the Dignity & Respect at Work Monitoring Form (**Appendix 5**) to their Senior HR Advisor if any complaint is received or concerns raised.

### **6.4. Employee Responsibilities**

- 6.4.1.** Treat all colleagues with dignity and respect and be aware of how their behaviour can affect others and be receptive to issues which are raised informally by others in an attempt to resolve them.
- 6.4.2.** Adhere to this policy regarding being responsible for their own behaviour and how

they treat their colleagues.

- 6.4.3. Take responsibility for any challenging behaviour that are considered unacceptable and seek an informal resolution to issues wherever possible.
- 6.4.4. Report and record any incidences of bullying or harassment that come to their attention and participate fully in any formal investigations that may be undertaken.
- 6.4.5. Support colleagues who feel they are being bullied or harassed.

## **6.5. Human Resources Responsibilities**

- 6.5.1. Support and advise managers and employees on the application of this policy.
- 6.5.2. Provide procedural guidance on best practice and appropriate methods of dealing with unacceptable behaviours or bullying and/or harassment fairly and consistently.
- 6.5.3. Raise awareness of this policy through proven communication mechanisms.
- 6.5.4. Work in partnership with managers, employees, Trade Unions and Occupational Health to promote a workplace culture in which everyone is treated with dignity and respect.
- 6.5.5. Monitor this policy's effectiveness.
- 6.5.6. Ensure managers complete and return the Dignity & Respect at Work Monitoring Form (**Appendix 6**) and maintain records for monitoring purposes.

## **6.6. External Trade Union Support**

- 6.6.1. Support and advise their members on the application of this policy.
- 6.6.2. Seek further support and guidance for their members in resolving workplace issues relating to dignity and respect at work.

## **6.7. Independent Listener Support – see Section 15.2 for details**

- 6.7.1. Listen and support staff who feel they are being bullied or harassed.
- 6.7.2. Help staff understand their rights and responsibilities in line with this policy.
- 6.7.3. Help staff come to a decision on how best to resolve the matter, formulating an action plan and identifying the appropriate management intervention.
- 6.7.4. Anonymously report all incidences of harassment or bullying raised to the relevant Senior HR Advisor for monitoring purposes.

## **7. Addressing Concerns – Procedural Overview**

- 7.1. The procedure for this policy is designed to be incremental, and therefore it is expected that no formal action will not be initiated until the informal stages of the policy have been completed.
- 7.2. Employees are encouraged, if they feel able to do so, in the first instance to take personal action to address any concerns they have in respect of unacceptable behaviour, whether

the offending behaviour is directed at them or not.

- 7.3.** Employees who feel bullied, harassed or victimised are encouraged keep detailed diary notes of the dates, the behaviour and what was said by all involved, including any witnesses, as it may be needed for evidence should harassment, bullying or victimisation continue or subsequently recur.
- 7.4.** A flowchart of the process for addressing concerns about unacceptable behaviours or bullying/ harassment is given in **Appendix 1**.

## **8. Informal Processes - Personal and/or Supported Action (see Section 9 and 10 respectively)**

- 8.1.** The CCG emphasises the consideration of informal solutions in the first instance because:
- Individuals often may be unaware that their behaviour or attitude is perceived by others as offensive or might be construed as bullying and/or harassment.
  - Incidences of unacceptable behaviour or bullying and/or harassment may be accidental.
- 8.2.** Explaining what is offensive and how a complainant feels is sometimes enough to instigate a change in the behaviour or attitude that has caused concern. This can lead to improved working relationships and eliminates the need for either party to become involved in a potentially emotional formal procedure.
- 8.3.** Misunderstandings occur when individuals are unaware of their impact on others and this can then generate tension and conflict. By unlocking perceptions, emotions, and feelings in a controlled and facilitated way, individuals and teams can reach far greater understanding of each other and commit to adapting their behaviour.
- 8.4.** Trying to resolve concerns in an informal manner is not intended to devalue the feelings of the complainant. But an informal approach can provide:
- A non-inflammatory way to deal with the problem with the best chance of maintaining and improving working relationships between the parties involved.
  - A conducive way for opposing parties to interact to solve problems, often without involving lots of other people.
  - Encouragement for parties to find mutually agreeable and practical resolutions thus creating ownership.
  - Everyone with a chance to say, "I've made a mistake" before being faced with formal proceedings.
- 8.5.** All alternative options should be considered before the formal approach is activated except in exceptional circumstances.
- 8.6.** In the instance of complaints being raised against immediate managers, informal discussion can be a better way to deal with conflict and may assist managers in understanding improved ways of interacting with employees.

## **9. Personal Action (Informal)**



**This is an option where the individual feels able to address their concern independently:**

- 9.1.** If an employee feels that they are being subjected to bullying, harassment or other unacceptable behaviours identified in this policy, they should, in the first instance, try to resolve the matter through personal action, by making the alleged offender aware that they find their behaviour or action inappropriate and unacceptable and want it to stop. This can be done face to face or in writing, in which case a copy of the letter/email sent should be kept. This action should be taken as soon as the incident or episodes of incidents become apparent.
- 9.2.** The following options may be considered at this stage: -
- **Option 1**  
Employee approaches the individual displaying unacceptable behaviours face to face, explains aspects of their behaviour that they find offensive, how it makes them feel and requests that the offending behaviour stops. Employee should keep records of date(s) and response(s).
  - **Option 2**  
Employee writes to the individual displaying unacceptable behaviour, explaining the aspects of the behaviour that they find offensive, how it makes them feel and requests that the offending behaviour stops.
- 9.3.** The employee may approach a colleague, the Independent Listener, line manager, Senior HR Advisor or Trade Union representative for advice and assistance in compiling a letter and should keep a copy of the letter and any response(s).
- 9.4.** If neither of these options are successful, the employee may decide to enlist the help of their line manager to address their concerns through supported action to seek a resolution.

## **10. Supported Action (Informal)**

**This option involves the individual accessing support from the relevant manager:**

- 10.1.** An employee may seek support from their line manager or relevant manager in resolving the situation if personal action has not resolved matters, or if they are reluctant to take personal action.
- 10.2.** When taking supported action, an employee will approach his/her line manager (or the line manager's manager if there are concerns about the line manager) to discuss possible ways of resolving issues of unacceptable behaviour informally. Advice is available From HR colleagues.
- 10.3.** Together with the employee who has raised the concerns, the relevant manager will consider one or more of the following informal options:
- a) Face-to-face meetings with both parties separately initially**  
**The process is outlined as follows:**

The appropriate manager should speak to the complainant and the individual who is allegedly displaying unacceptable behaviours separately, within 5 working days of concerns being raised to them by the complainant. The manager should advise the individual that their behaviour is currently being perceived, by a colleague, as upsetting or offensive and should clearly discuss and explore the following:

- The behaviour is that is of concern.
- Whether the behaviour contravenes the Dignity and Respect at Work Policy.
- How the complainant is feeling as a result of the behaviour.
- The individual's perception of the situation.
- The required standards of behaviour.
- The likely consequences of continuing the behaviour.
- How the situation will be monitored.

Following the meetings either of the following may be appropriate:

- i. If it is agreed by the appropriate manager that there were **no implications of unacceptable** behaviour, arranging for the complainant to have the opportunity to reflect on why they felt it was unacceptable behaviour and what alternatives there might have been to address their issues.
- ii. If it is agreed by the appropriate manager the actions of the individual could have been construed as unacceptable behaviour, arranging for them to have an opportunity to reflect on why this was the case, and how such incidents can be avoided.

The manager should keep notes of correspondence, meetings/discussions, and resolution(s).

Please see **Section 10.4** below for further appropriate interventions which may follow these face-to-face meetings.

## **b) A facilitated discussion with complainant and individual who is allegedly displaying unacceptable behaviours**

It is the role of the line manager/more senior manager to facilitate a resolution to apparent concerns between staff. Therefore, with the consent of the complainant and the person accused of harassment or bullying, the facilitating manager will arrange a discussion with both parties as soon as it is reasonably practicable to do so. If the concern involves the immediate line manager another appropriate manager can facilitate the discussion.

The facilitating manager can be supported by a representative from the Human Resources department. The discussion is designed to:

- Give the complainant the opportunity to tell the person, who they believe to be displaying unacceptable behaviours, of their concerns
- Help all those involved gain a better understanding of the other person's perspective
- Explore the impacts on the individuals involved
- Try and reach a satisfactory and realistic resolution

All parties involved in a facilitated discussion are expected to be as flexible as possible in

order to allow this process to be completed without undue delay.

Within the facilitated discussion it may be necessary to explore why a particular behaviour or attitude is being demonstrated in the workplace. It may be that particular working patterns or work systems are contributing to communication or workload problems and the line manager should be prepared to consider any changes that might help alleviate such problems.

Please see **section 10.4** below for appropriate interventions which may follow the facilitated discussion.

#### **10.4. Following the face-to-face meetings and/or facilitated discussion there are several interventions that may be appropriate as follows:**

- i. Temporary redeployment to another location (**See section 10.5**).
- ii. Suspension from work (**See section 10.6**).
- iii. Coaching interviews with the individual to inform them of the effect of their behaviour and setting out expectations for the future. It may be appropriate to set targets with appropriate mechanisms to monitor progress and identify training needs.
- iv. Discussing behaviour and requirements in a team meeting (without breaching confidentiality).
- v. Interpersonal skills training (communication skills, assertiveness)
- vi. Mentoring for the complainant and/or the individual
- vii. Mediation can be arranged with specialist external providers of mediation services. Further advice on mediation can be obtained from the Human Resources Department.
- viii. Implementation of the Disciplinary process

#### **10.5. Temporary Redeployment to Another Location**

- 10.5.1.** In certain circumstances, it may be necessary to separate the complainant and the individual. This is a matter of judgement by the relevant manager dealing with the complaint. The relevant manager should take advice from the Human Resources Team before a decisions are made. The decision will be made taking into consideration both the needs of the complainant, individual and the needs of the service.

#### **10.6. Suspension from Work**

- 10.6.1.** In exceptional circumstances, it may be necessary to suspend the person displaying unacceptable behaviours. This is a matter of judgement by the relevant manager dealing with the complaint. The relevant manager should take advice from a Senior HR Advisor before making a decision. The decision will be made taking into consideration both the needs of the complainant, individual and the needs of the service. Suspension is not a disciplinary sanction and will be on full pay. Alternatives to suspension, such as a transfer to other duties may be considered.

- 10.6.2.** If an employee is suspended under another policy, it will be carried out in accordance with the relevant section of the CCGs Disciplinary policy.

### **11. Formal Process**

**11.1.** Prior to commencing the formal process, the above informal options should have been considered first. The employee making the allegations must set out in writing the following:

- Their personal details i.e. name, home address, base, line manager and contact numbers.
- The nature of the complaint – what was said or done (the facts).
- The name and job title of the individual.
- Dates and times of incidents.
- What it is about the alleged behaviour they feel is unacceptable.
- The names of any witnesses.
- What steps have been taken to resolve the issue informally.
- What is the preferred outcome?

**11.2.** An employee who is a trade union member is encouraged to seek advice from their Trade Union representative for the completion of the formal complaint and to arrange for representation at any meetings or hearings.

**11.3.** When a matter is referred to the formal stage, a case manager (Commissioning Manager) will be appointed to oversee the investigation, appoint the Investigation Officer, and receive the investigation report after the investigation is concluded. An independent manager will investigate the case (the Investigating Officer), supported by a Human Resources representative. This would normally be someone from outside the immediate service area.

#### **11.4. Investigation**

**11.4.1.** The manager initiating the investigation (the Commissioning Manager) will agree the Terms of Reference for the investigation with the employee who is bringing the complaint, and these will then be confirmed in writing.

**11.4.2.** The Commissioning Manager will write to both the employee making the complaint and the individual detailing the allegation(s) and the arrangements for the investigation.

**11.4.3.** Employees are required to fully cooperate in the investigation. A referral to Occupational Health will be made if considered appropriate.

**11.4.4.** The Commissioning Manager will appoint an Investigating Officer who should ensure that:

- The individual is provided with details of the allegations, including the complainant's name.
- The investigation is handled in a confidential manner.
- There is a commitment that the investigation will be carried out promptly and every effort will be made to ensure it is completed within 3 months.
- All parties are informed of any circumstances which may result in delay/extension of the timescales.
- An investigation is carried out which is fair and impartial to both the complainant and the individual.
- The investigation is based on objectivity with no preconceptions.
- Both the complainant and individual are made aware of their right to representation at any investigatory interviews in writing.

- All witness interviews are digitally recorded in line with the guidance set out in appendix 4 and witnesses must be advised that transcripts will be made available to the individual should the matter proceed to a hearing. Both sides will be made aware of each other's witnesses 7 calendar days prior to the hearing.
- All witnesses are advised that they have the right to be accompanied by a staff side representative or work colleague, who has no connection with the investigation, at any investigatory interviews.
- Once all of the evidence is gathered a report will be produced in conjunction with the Human Resources representative setting out the conclusions.
- The investigation will follow the principles of those set out in the Disciplinary policy and procedure.
- Encourage both parties to access Trade Union representation where applicable.

## **11.5. Communicating the Outcome of the Investigation**

- 11.5.1.** Based on the conclusions reached in the investigation report from the Investigating Officer, the Commissioning Manager will decide whether there is evidence of unacceptable behaviour. The defining principle is whether the behaviour is unacceptable by reasonable normal standards of behaviour and is disadvantageous or unwelcome to the person/people subjected to it. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.
- 11.5.2.** The perception of the complainant is an important factor which will be considered in making the decision but is not the deciding factor.
- 11.5.3.** Whether or not the complaint is upheld, the Commissioning Manager has a range of options including:
- If both parties are willing, arrange supervised reconciliation/mediation between the employee and the individual.
  - Arrange training for the individual displaying unacceptable behaviours.
  - Refer the matter to a disciplinary hearing under the Disciplinary Policy and Procedure.
- 11.5.4.** The Commissioning Manager and/or the Investigating Officer will meet with the complainant and the individual displaying unacceptable behaviours separately and explain the rationale for the decisions.
- 11.5.5.** The Commissioning Manager will confirm the decision in writing to both parties. The letter will set out the decision and reasons for it and notify the employee who made the complaint of the right of appeal. The complainant cannot appeal the outcome.

## **12. Appeal Process**

- 12.1.** If there is a case to answer, the case will be considered under the CCG's Disciplinary Policy and the appeals process as outlined in that policy. However, the employee who raised the complaint also has the right of appeal against the Commissioning Manager's decision as to whether this is unacceptable behaviour and should proceed to a hearing. If the employee disagrees with that outcome decision, a letter should be written to the Head of Human Resources and OD within fourteen calendar days of the date of the outcome letter.

- 12.2.** The letter of appeal must set out the grounds of appeal, saying why the original decision was wrong and specifying the outcome desired. The Human Resources team will be responsible for making the necessary arrangements for the hearing.
- 12.3.** The appeal will be heard by a 3-member panel who have not been previously involved in the case. The panel must include 2 Senior Managers, one of which should be from the appellants own profession where practicable, and the Head of Human Resources (or nominated deputy).
- 12.4.** The investigating team will prepare the management case for the hearing. The management case will typically include the outcome report, any agreed actions, the rationale for the decisions and copies of any relevant documents and other information.
- 12.5.** The employee may also produce a statement of case including any relevant material to support their case. The employee will have the right to be represented by a Trade Union representative or accompanied by a work colleague.
- 12.6.** This information should be provided to the human resources representative five working days prior to the hearing so that an exchange of information between the parties is made. The information will be presented to the panel five working days prior to the hearing.
- 12.7.** A failure by either party to disclose written material in accordance with the above guidelines may result in a refusal to admit such information at the appeal meeting. The appeal panel hearing the case will decide whether to allow this information following discussion with the individuals present as to the reason(s) for the late disclosure and the possible significance of the information.
- 12.8.** The usual procedure of the appeal is:
- The employee/employee's representative sets out the reason for the appeal.
  - Management side and the appeal panel members may ask questions of the appellant.
  - Management side shall then respond to the basis of the appeal outlining the reasons for the decision.
  - The appellant and the appeal panel may ask questions of management side.
  - The employee/employee's representative shall then be asked to sum up followed by management side.
  - The appeal panel shall then adjourn to make a decision.
  - The panel informs the parties of the decision on the day (under exceptional circumstances and by agreement the outcome may be given at a later date).
  - The panel will confirm the decision in writing to the employee and their representative within 5 calendar days of the panel reaching a decision.
  - The Appeal Panel will decide if the Appeal succeeds based on:
    - Whether there has been a reasonable investigation.
    - What they believed happened (more likely than not).
    - Whether they believe that the employee is guilty of the unacceptable behaviour alleged or not.
    - Whether the recommendation/actions are appropriate.
    - There is no further right of appeal for the employee(s) who raised the complaint

### **13. Transfer to the Disciplinary Policy**

- 13.1.** If the outcome of the investigation is that a formal disciplinary hearing should be held the process will transfer to the relevant section of the Disciplinary policy and procedure including the use of witnesses, disciplinary sanctions available and the right of appeal for the individual.
- 13.2.** Following the hearing limited feedback will be given the employee(s) who raised the complaint whilst maintaining the confidentiality of all employees involved.

### **14. Complaints Involving Individuals External to the CCG**

- 14.1.** There may be occasions when individuals from other agencies and independent contractors display unacceptable behaviours to employees. In the first instance, it may be possible and sufficient for the employee to explain to that person that their behaviour is unwelcome and offensive. Alternatively, a formal complaint may be made.
- 14.2.** The incident and the way it was managed must be reported to the line manager and formally documented.
- 14.3.** The line manager will liaise with the person responsible for contractor and agency staff to identify the appropriate way to address the issue with the contractor or agency as appropriate.

### **15. Support for Staff**

- 15.1.** Personal support should be offered throughout all stages of this policy and employees should be aware that they can access help and support through their line manager, the Independent Listener, Occupational Health, the Employee Assistance Programme, HR, and Trade Union representatives if a member.
- 15.2. Independent Listener** – Professor Tamar Thompson has been appointed as an 'Independent Listener' for the CCGs and will provide impartial and confidential advice and guidance to staff. An Independent Listener does not represent staff or take action on behalf of staff or provide counselling. The contact number for the Independent Listening Service is 07768 753223.
- 15.3. Employee Assistance Programme (EAP)** – The CCGs have an agreement with Care first for assistance for employees with any personal problems/work-related problems that may impact their job performance, health, mental and emotional wellbeing. This service is free and is open to any CCG employee who may wish to discuss confidential concerns they have about bullying and/or harassment, whether as an offended party or as someone accused of bullying and/or harassment. The service can be accessed confidentially by calling 0800 174319 at any time of day (24/7 service). Web address :<https://www.care-first.co.uk/employee-assistance-programmes/>
- 15.4. National Help Lines** – the following organisations are available for support.

**The Samaritans:** Call 116 123 or email [jo@samaritans.org](mailto:jo@samaritans.org) ([www.samaritans.org.uk](http://www.samaritans.org.uk))

**Equality & Human Rights Commission:** Call 0808 800 0082

([www.equalityhumanrights.com](http://www.equalityhumanrights.com))

**Citizens Advice Bureau:** ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk))

- Bromsgrove/Redditch: Call 03444 111 303 or email enquiries@bromsgrovecab.cabnet.org.uk
- Hereford: Call 0344 826 9685 or email advice@citizensadviceherefordshire.org.uk
- Worcester: Call 0344 4111 303 or email enquiries@cabwhabac.org.uk
- Wyre Forest: Call 03444 111 444 or email info@wyreforestcab.cabnet.org.uk

**Advisory Conciliation & Arbitration Service:** Call 0300 123 1100 ([www.acas.org.uk](http://www.acas.org.uk))

## **16. Right to be Accompanied**

- 16.1.** An employee, whether making a complaint or the recipient of a complaint, has the right to be accompanied at all formal meetings by a staff side representative or work colleague.
- 16.2.** In the event of the need to reschedule the meeting, every effort should be taken by all parties to ensure this is rearranged within a reasonable timeframe and no longer than 14 calendar days from the original date of the meeting.

## **17. Vexatious Claims**

- 17.1.** A vexatious complaint is one which is raised maliciously, irrespectively of whether this is in the context of another procedure, such as the disciplinary procedure. For example, a complaint may be considered vexatious where it is based on deliberate misrepresentations or untruths, with the malicious intent of causing harm to the person against whom the complaint is made.
- 17.2.** Similarly, the raising of a series of unjustified or frivolous complaints, or a number of complaints simultaneously against many different people, may be considered vexatious.
- 17.3.** The CCG takes all complaints seriously but will not tolerate the behaviour of anyone who maliciously raises a complaint they know to be false. Vexatious complaints may result in the implementation of the Disciplinary Procedure. The advice of the HR Team should always be sought in these circumstances.
- 17.4.** However, employees should not be deterred from raising a genuine complaint in good faith, and all complaints will be fully investigated.

## **18. Criminal Offences**

- 18.1.** Unacceptable behaviours of the types covered by this policy may be criminal offences for which an individual could be prosecuted.
- 18.2.** The complainant may, under relevant legislation, choose to make a formal complaint to the Police. If this route is chosen, the complainant is expected to inform the Head of Human Resources.



In such situations:

- Any Police investigation will take priority over internal investigations.
- Trust investigation officers must not hamper the Police investigation.
- Internal investigations may continue if appropriate during Police investigations. (Police advice must be taken as to whether it is appropriate to continue an investigation).

## **19. Confidentiality**

- 19.1.** An employee approaching a manager or chosen confidant with an allegation is trusting that the disclosure will be treated in complete confidence and with sensitivity.
- 19.2.** At all stages, whether formal or informal, managers should remind all parties involved of their obligation of confidentiality. Breaches in confidentiality will be subject to disciplinary action.

## **20. Due Regard**

- 20.1.** This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

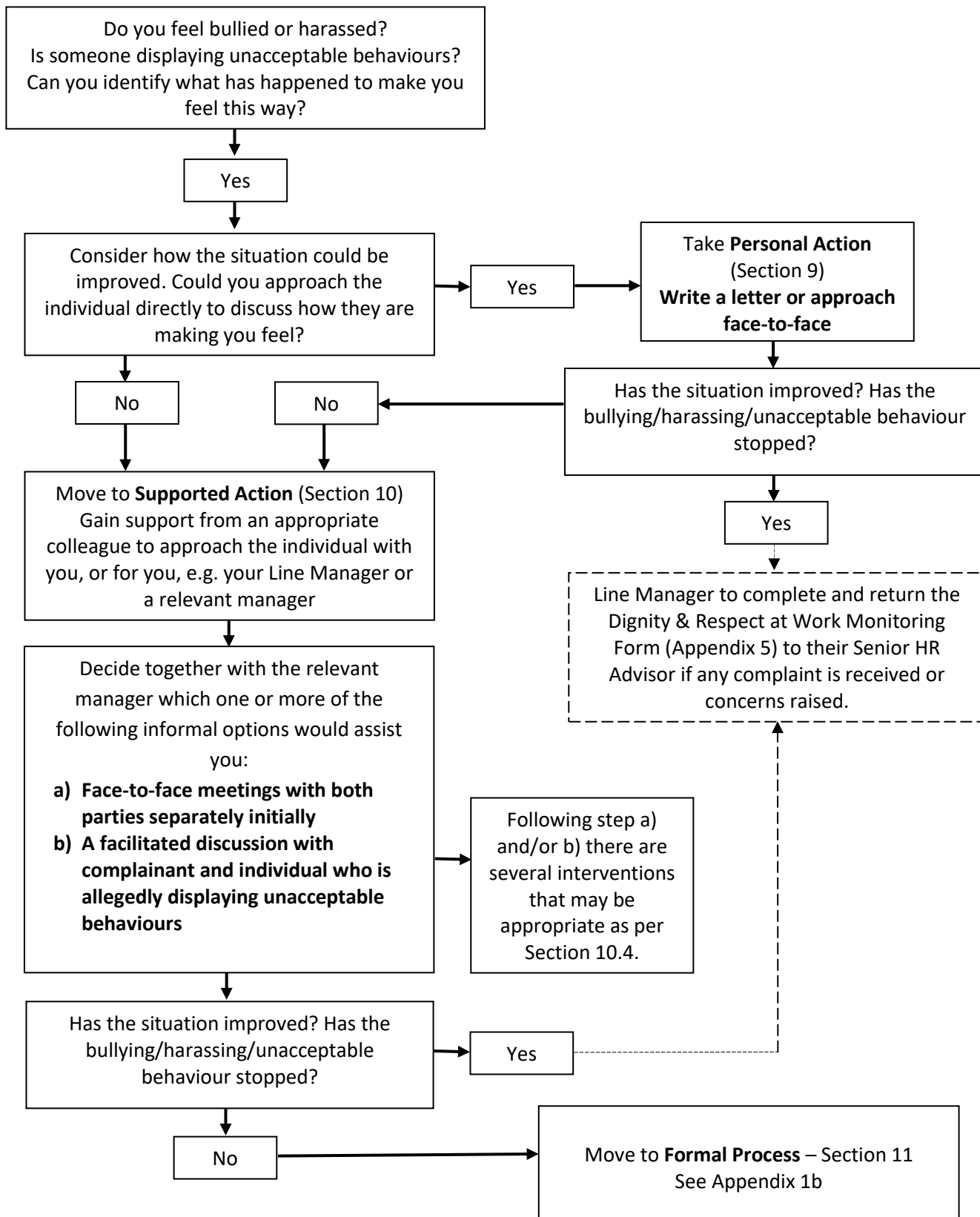
## **21. Implementation and Dissemination of the Document**

- 21.1.** This document has been fully ratified by the Joint Commissioning Committee and will be published and made available to all employees via the CCG's intranet/ internet in Herefordshire and Worcestershire.

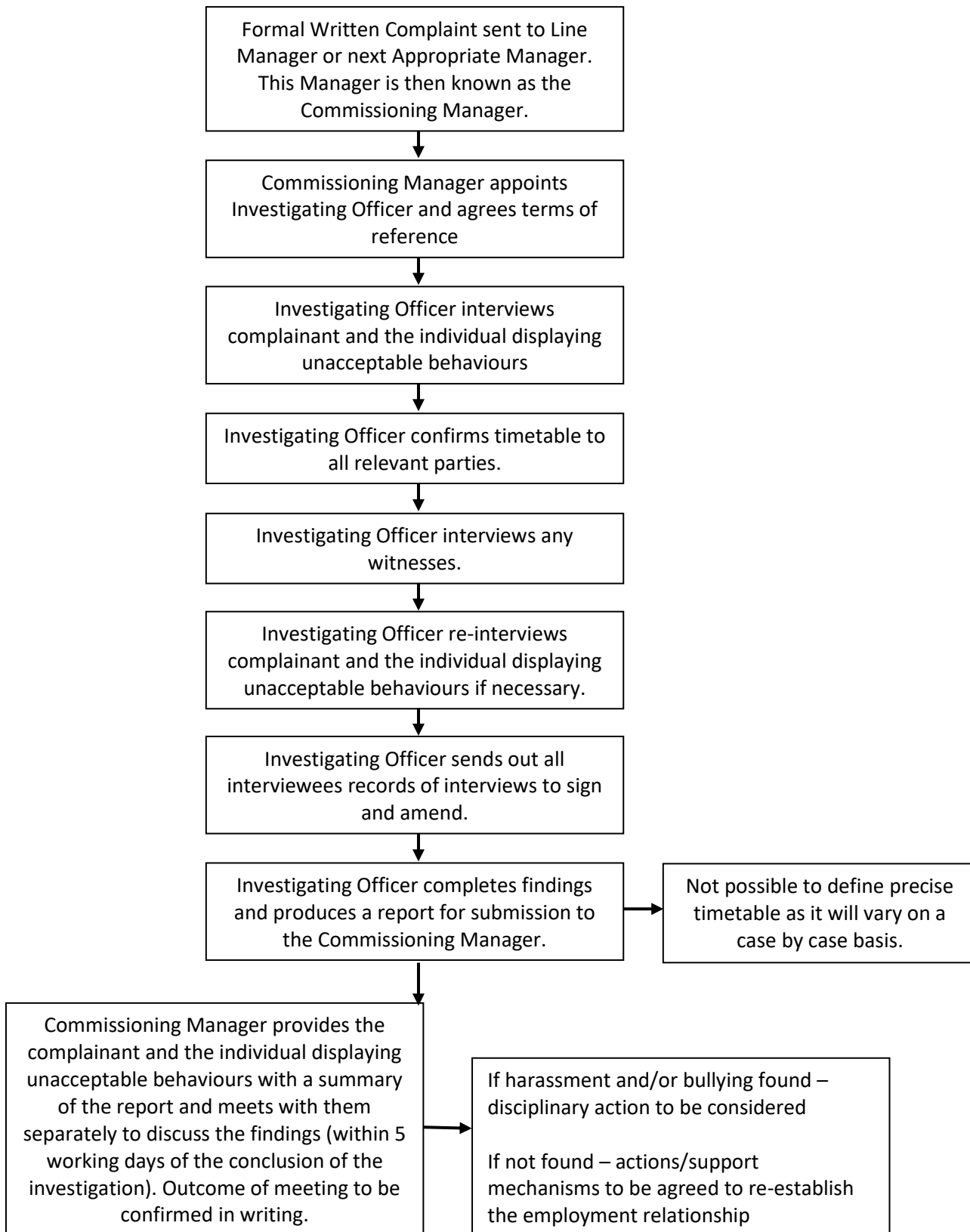
## **22. Monitoring and Review**

- 22.1.** The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance and the Head of Human Resources.

**PROCEDURAL FLOWCHART  
INFORMAL RESOLUTION**



**PROCEDURAL FLOWCHART  
FORMAL RESOLUTION / INVESTIGATION**



## **APPENDIX 2**

### **EXAMPLES OF UNACCEPTABLE BEHAVIOUR**

Examples of Unacceptable Standards of Behaviour (not an exhaustive list):

#### **Examples of Bullying**

- Persistent unjustified criticism
- Isolation or exclusion
- Shouting
- Intrusive or personal comments
- Spreading malicious rumours
- Making false allegations
- Blocking promotion or opportunities
- Invading personal space
- Derogatory nicknames
- Being frozen out of a conversation
- Cyber bullying through text messages and social media comments

#### **Examples of Harassment (verbal or written)**

- Insults, ridicule, innuendo, teasing
- Offensive, threatening or abusive language
- Intrusive personal questions/comments
- Some jokes/banter, gossip
- Offensive e-mails, text messages and social media comments
- Pestering,
- Stalking (e.g. sending excessive emails, visiting home and place of work)

#### **Physical**

- Violence or aggression
- Unwanted touching or contact
- Invading personal space
- Assault or any other non-accidental physical contact

#### **Use of Offensive Material**

- Issuing or displaying offensive posters, magazines, graffiti, screen displays, badges, calendars

#### **Sexual**

- Lewd comments
- Leering
- Whistling
- Sexually suggestive comments or gestures
- Suggestions that sexual favours may further a colleague's career, or that refusal may hinder it
- The display of pornographic or sexually suggestive pictures, objects, or written material
- Unwanted, non-accidental physical contact
- Unwelcome sexual advances
- Undermining an individual on the grounds of their sex
- Ignoring or dismissal of a colleague's work specifically because of their gender

## **Racial**

- Racial name calling
- Display or sending of racially offensive letters or publications
- Racist graffiti
- Threatening behaviour on the grounds of race
- Open hostility to employees from a particular ethnic or racial group
- Undermining, ignoring, or dismissing the quality of a colleague's work specifically because of their race

**Joining in, supporting, or condoning any of the above examples of behaviour will be classed as an unacceptable standard of behaviour, whether in person or through the use of social media such as Facebook or Twitter even when this takes place out of work. Posting inappropriate comments using social media may result in disciplinary action.**

## APPENDIX 3

### EFFECTS OF UNACCEPTABLE BEHAVIOUR

#### On Individuals:

The effects of unacceptable behaviour on employees can be devastating and result in some of the following emotional stress symptoms:

Instances of unacceptable behaviour may also result in stress which may manifest itself as any of

- Tearfulness
- Low self-esteem
- Increased apologising
- Reluctance to participate
- Nervousness
- Short term sickness
- Mood swings
- Paranoia
- Over-eagerness to please

the following physical symptoms:

- Regular headaches and migraines
- Allergic reactions
- Palpitations, breathlessness, and sweating
- Loss of appetite
- Inability to concentrate, leading to work errors
- Mental exhaustion/illness
- Disturbed sleep patterns, leading to constant tiredness
- Chest pains
- Breakdowns

Not all employees experiencing bullying and/or harassment exhibit physical symptoms. Good communication and regular one-to-one updates between manager and subordinates should cultivate a relationship which will encourage employees to discuss worries they may have.

Occupational Health and CCG Employee Assistance Programme – Care First can offer more advice if a manager or employee has substantial reason to believe a health issue has an underlying bullying and /or harassment factor.

#### On the CCG:

The consequences of bullying and/or harassment on the CCG may be increased costs due to:

- poor morale and poor employee relations
- loss of respect for managers and supervisors
- poor performance
- lost productivity
- absence
- resignations and high staff turnover
- difficulty in recruiting staff
- compromises to health and safety procedures
- damage to the CCG's reputation
- tribunal and other court cases and payment of unlimited compensation

## APPENDIX 4

### FIRM BUT FAIR MANAGEMENT VERSUS BULLYING/HARASSING BEHAVIOURS

Strong management styles can come across as bullying. Managers may not realise their behaviour is considered as bullish or offensive and therefore offend unknowingly.

Below are some examples of firm but fair management and the differences between bullying/harassing behaviour.

<b>FIRM BUT FAIR MANAGEMENT</b>	<b>BULLYING/HARASSING BEHAVIOUR</b>
Consistent and fair	Aggressive, inconsistent, and unfair
Determined to achieve the best results, but reasonable and flexible	Unreasonable and inflexible
Knows their what is expected and is clear about their ideas but is willing to consult with colleagues and staff before drawing up proposals	Believes they are always right, has fixed opinions, believe they know best and is not prepared to value other people's opinions
Insists on high quality standards of service and behaviour in the team	Insists upon high standards of service and behaviour but blames others if things go wrong
Will discuss in private any perceived concerns before forming views or taking action and does not apportion blame on others when things go wrong	Loses temper regularly and degrades people in front of others, threatens official warnings without listening to any explanation
Asks for people's views, listens, and assimilates feedback	Tells people what is happening and does not listen
Treats staff with dignity and respect at all times	

## **APPENDIX 5**

# **GUIDANCE ON DIGITAL RECORDING OF INVESTIGATORY INTERVIEWS AND HEARINGS**

### **Introduction**

The recording of interviews and hearings will facilitate full and more accurate records for the investigating officer as well as for the interviewee(s) and, in the case of hearings, the panel members.

It is intended to use the facility of recording only for interviews being conducted as part of a formal investigation and, where appropriate, subsequent hearings. This is in order to speed up the process and aid in the production of accurate transcriptions.

### **Procedure**

1. Once the equipment is set up for use, a check must be made to test that it is fully functional. At the start of any interview or hearing the date, time and location should be recorded.
2. All parties present should introduce themselves to enable later voice identification.
3. If an adjournment is required and agreed the recording will stop and then recommence.
4. Once the recording has been transcribed, the transcript should be forwarded to the employee.
5. Recordings of interviews will be held securely within the HR Department until the process has reached a conclusion as an accurate reflection of the recording.
6. On request, an individual may receive a copy of the recording relevant to their interview. However, because it will contain identifiable information, this will have to be collected in person from the HR Department.
7. The recording produced as part of an investigation will not go forward to a hearing, the transcript will be used.



**APPENDIX 6**

**DIGNITY & RESPECT AT WORK MONITORING FORM**

To be completed by the Line Manager and returned to the Human Resources Team in respect of any concerns raised regarding harassment, bullying and/or victimisation for monitoring purposes ONLY.

<b>Gender of complainant:</b>	
<b>Professional Group/ Occupation:</b>	
<b>Name of CCG:</b>	
<b>Department:</b>	
<b>Stage of Procedure:</b>	<p><b>Informal Action</b></p> <p><u>Personal Action</u>                      Approach face-to-face Write a letter</p> <p><u>Supported Action</u>                      Face-to-face meetings Facilitated Discussion Mediation</p> <p><b>Formal Action</b>                              Investigation</p>
<b>Date complaint received:</b>	
<b>Name of Lead Manager:</b>	
<b>When did the perceived harassment and/or bullying start?</b>	
<b>Where did the incident(s) take place?</b>	
<b>Type of Harassment:</b>	Sex/Race/Disability/Religion or Belief/Age/ Sexual
<b>Type of bullying:</b> (circle all that apply)	Orientation/transgender/ Bullying (peer)/Harassment-Bullying (manager to staff)/Harassment-Bullying (staff to manager)  Other (please state):
<b>Type of Harassment:</b> (circle all that apply)	Verbal/Written/Exclusion/Victimisation/Physical/ malicious complaint  Other (please state):

