

Policy and Procedure for Preventing & Dealing with Bullying & Harassment

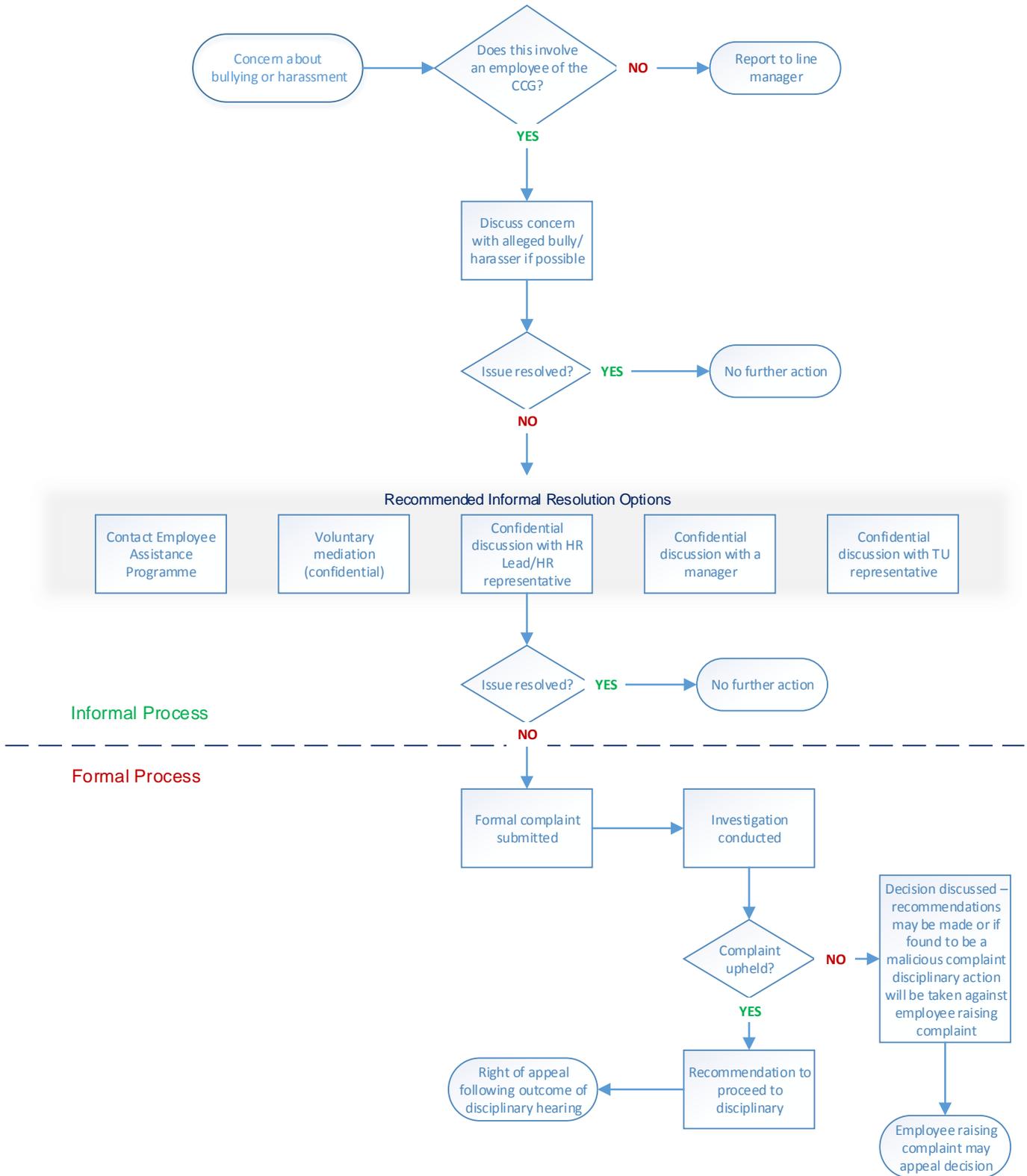
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Diagram 1: Bullying & Harassment Flowchart



1.0 Policy Statement

- 1.1 NHS Lewisham CCG is committed to providing a healthy working environment where all staff are treated with the dignity and respect they deserve.
- 1.2 NHS Lewisham CCG values the contribution that all its staff make to deliver efficient and high quality services. We recognise that to deliver these services to the best of our ability, staff need to be able to work in an environment that is free from harassment and bullying in all its forms.
- 1.3 Bullying and harassment is morally, legally, and professionally unacceptable. Team working can be undermined and staff morale can be reduced. This in turn can lower productivity and increase staff absence and turnover. It also costs time and money, affects the quality of service delivery, and can damage the reputation of NHS Lewisham CCG, making it more difficult to recruit staff.
- 1.4 For all these reasons, bullying and harassment will not be tolerated in this organisation.
- 1.5 It is very important to NHS Lewisham CCG that staff are protected from bullying and harassment from third parties, for example patients, and where we are aware that this has taken place, we will take reasonable steps to prevent this from occurring in the future. Line managers should note that they have a duty to take action if they should be made aware of any such third-party harassment. Third-party harassment will be dealt with via the separate complaints procedure, and so advice on dealing with this issue can be obtained from Human Resources (HR). NHS Lewisham CCG is committed to preventing harassment and bullying and it is the responsibility of all managers to make sure that their staff are aware of, and understand, the context of NHS Lewisham CCGs Harassment and Bullying policy.
- 1.6 This policy and its application does not restrict or prevent NHS Lewisham CCG s managers from the legitimate discharge of their responsibilities.
- 1.7 Finally, it should be noted that bullying and harassment are not determined by the intention of the person who has caused the offence, but by the effect it has on the recipient. It is up to that person to raise concerns if they find the behaviour unacceptable.
- 1.8 Examples of bullying and harassment in the workplace are in Appendix 1.

2.0 Equality Statement and Monitoring

2.1 Equality Statement

We are committed to a policy of equality in all our employment practices in accordance with the Equality Act and strive to eliminate unfair discrimination, harassment, bullying and victimisation. NHS Lewisham CCG will not unlawfully, unfairly or unreasonably discriminate or treat individuals less favourably on the grounds of gender or gender reassignment, marriage or civil partnership, pregnancy or maternity, sexual orientation, religion or belief, disability, age, race, nationality or ethnic origin.

2.2 Equality Monitoring

The outcomes of this procedure will be recorded by HR and monitored to ensure it is operated fairly and consistently. Monitoring data and analysis will be reported to the joint staff consultative committee and the board; confidentiality will be maintained and no individual cases will be examined.

3.0 Scope

This applies to all permanent and fixed term contract staff (whether full or part-time), Governing Body members, any apprentices or trainees, and agency staff and third party staff working under contract.

This policy covers bullying and harassment in the workplace and any other work related settings (e.g. business trips and work-related social events). This may also apply to comments made on social networking sites where work colleagues have access to individual profiles – this may be deemed to be an extension of the workplace.

4.0 Purpose

This policy aims to: -

- Minimise the risk of bullying and harassing behaviour
- Encourage a proactive approach to the early recognition and effective management of bullying and harassment
- Resolve such conflicts sensitively, effectively and speedily if they occur

5.0 Principles of the Policy

NHS Lewisham CCG welcomes diversity and believes that every member of staff has a right to work in an environment which encourages harmonious relationships.

The organisation recognises that it employs a diverse workforce where individual staff may have different expectations about what is acceptable workplace behaviour.

All staff have the right to be treated with dignity and respect and the organisation will consider all complaints of harassment or bullying in this context.

All staff are encouraged to raise valid complaints and can expect them to be taken seriously by the organisation, investigated promptly, sensitively, and fairly.

5.1 Organisational Culture

All staff must treat colleagues with respect and dignity.

5.2 Impartiality

Independent investigatory procedures are available to establish what has occurred in any alleged incident(s) as far as that is possible.

5.3 Fair Treatment

Both parties to a complaint will be treated fairly. They will both be offered support and guidance throughout the investigation and/or grievance/disciplinary procedures.

5.4 Non-victimisation

Staff will be protected from victimisation for making or being involved in a complaint.

5.5 Confidentiality

It is essential that, as far as possible, confidentiality is maintained, but this cannot be guaranteed if and when the investigation process is set in motion.

5.6 Representation

Staff have the right to seek advice or to be represented through all stages of this policy by a Trade Union representative or a workplace colleague.

5.7 False Claims

Staff should be aware that any complaint that is unfounded and not made in good faith, for example a malicious complaint, could be very damaging to the

reputation of the individual accused. Such behaviour, if established, may constitute gross misconduct.

6.0 Definitions

BULLYING may be defined as “behaviour which is offensive, intimidating, malicious, or insulting or an abuse of power through means intended to undermine, humiliate, denigrate or injure the recipient” (ACAS)

HARASSMENT may be defined as “unwanted conduct affecting the dignity of men and women in the workplace”. The conduct may be related to age, gender, sexual orientation, gender re-assignment, disability, race or ethnic origin, religion or belief, national or social origin, association with a minority or personal characteristics. (ACAS).

VICTIMISATION is defined as “being treated detrimentally because you have made a complaint or intend to make a complaint about discrimination or harassment or have given evidence or intend to give evidence relating to a complaint about discrimination or harassment.” (ACAS).

MEDIATION broadly refers to any instance in which a third party helps others reach agreement. Mediators use various techniques to open, or improve, dialogue between disputants, aiming to help the parties reach an agreement.

THE SPONSOR refers to the manager to whom the complaint has been sent who will work in partnership with the CCG HR Lead.

7.0 The Role and Responsibilities of Line Managers

Line managers will ensure that:

- Staff are made aware of their personal responsibilities under this policy
- Training to support this policy is provided to appropriate staff, in particular, to people who investigate formal complaints and those who support and advise individuals who complain or are complained about

- Staff are informed about the contents of this policy and the relevant procedures to follow
- Staff have access to confidential independent counselling if they wish
- Policy provisions comply with UK law
- Policy and procedures are monitored and reviewed formally on a regular basis with staff representatives

7.1 Management Responsibilities

Managers are essential in implementing this policy. They should do this by:

- Ensuring staff are aware of the policy and know how to raise complaints on bullying and harassment issues, and the importance of doing so at the earliest opportunity
- Ensuring good communication with staff and between staff by operating an open door policy, and discussing bullying and harassment issues at team meetings
- Setting examples and standards of behaviour in the workplace that include not bullying and harassing staff, and being aware of how their behaviour affects other people.
- Creating an environment and culture where destructive forms of behaviour are not tolerated and where everyone is treated with respect and dignity
- Recognising destructive behaviour and taking action where it occurs
- Working to find solutions to bullying and harassment cases
- Supporting staff who may feel they are being harassed and bullied
- Signposting staff to the confidential independent counselling service
- Dealing with any complaints fairly, thoroughly, quickly, confidentially and by respecting the feelings of all concerned

- Ensuring that there is no retaliation against the person who made the complaint
- Recognising that gossip about bullying and harassment can be destructive

7.2 Employee Responsibilities

All staff are responsible for adhering to this policy. They are required to:

- Treat all colleagues with dignity and respect and be aware of how their behaviour can affect other people. For example, by ensuring that normal workplace banter enhances, rather than undermines, teamwork
- Support colleagues who are being bullied or harassed and bring it to the attention of their line manager, or other appropriate senior manager
- Be aware of own behaviour and avoid behaviour that anyone feel uncomfortable, degraded, upset or victimised
- Be prepared to change behaviour if it is brought to the employee's attention that they are perceived in a negative way by others
- Report any untoward behaviour witnessed to a manager
- Employees who are subject to bullying or harassment should specifically;
 - If appropriate, try to resolve the issue first by using the informal procedure before commencing with any formal action
 - Make notes or keep diary note of the date, time and what actually happened
 - Note what was inappropriate in their opinion and how the incident made them feel
 - Note any action they took, including whether they reported it to a manager
 - Include the names of any witnesses or people present at the time of an incident
 - Keep documentary evidence such as e-mails, memos, and any correspondence relating to the incidents – these may be used as supporting evidence if a formal complaint become necessary;
- Seek medical advice if the issue has made them feel unwell

- Seek advice from HR, their manager (or another manager) and/or trade union representative
- The NHS independent staff counselling and support service
- Any of the organisations listed in Appendix xx which can provide help and support

8.0 Informal Process

8.1 Discuss the concern with alleged bully/harasser if possible

Genuine misunderstandings can be resolved quickly and amicably. Informal action is designed to help employees settle their differences as quickly as possible in order to maintain an effective working relationship. Talking directly with the person concerned may be sufficient to resolve the issue. To help the alleged bully/harasser to appreciate how the employee is feeling preparing for the meeting is recommended.

8.1.1 Individuals against whom complaints are made

The person against whom the complaint has been made is expected to:

- Try and resolve the issue informally and as quickly as possible
- Listen and take seriously any accusation of bullying or harassment even if they feel shocked, upset or angry by the accusation that their behaviour is upsetting to another colleague
- Seek advice from the CCG HR Lead/HR Representative, and/or their trade union representative
- Contact the CCG HR Lead if they wish to discuss using the mediation service

8.2 Recommended Informal Resolution Solutions

8.2.1 Voluntary Mediation

Voluntary Mediation may be considered to address concerns if appropriate following discussion with the CCG HR Lead, the manager, and employee. All parties must agree to voluntarily participate in mediation; the accredited mediator will ensure that this is the case prior to any meetings taking place.

The usual approach is that a trained mediator, meets both parties individually before advising on the next steps of the mediation process, which might include a further meeting between both parties, facilitated by the mediator.

At this meeting, the complainant will be given the opportunity to explain to the alleged bully or harasser why the identified behaviour is detrimental to their dignity at work. Where possible, the matter will be resolved through informal discussion and agreement about future behaviour.

Mediation will not be appropriate to all circumstances and works most effectively when both parties are open to an effective and workable resolution to a dispute.

8.2.2 Confidential discussion with HR

The employee may wish to discuss concerns with a HR representative. A meeting may be arranged for a confidential meeting to discuss the issue/concern. The CCG has a duty of care to all employees, therefore issues/concerns that are raised will be dealt with in order to meet ethical and legal obligations. It is in the interests of all concerned that the issues/concerns are dealt with fairly and quickly. Following the informal conversation the CCG representative will arrange a follow up meeting to ensure that the issues/concerns have been resolved.

8.2.3 Confidential discussion with Manager

The employee may wish to discuss concerns with their own line manager, or an alternative manager. The choice of manager may depend on whether the concern relates to the employee's line manager. A local, informal discussion may help to identify and clear up any misunderstandings which may have occurred. There may be some underlying reasons behind certain behaviours which help the manager to explain the bigger picture and suggest resolutions which may overcome the concerns. Depending on the circumstances the manager may advise the employee to make a formal complaint. Having the discussion may help to put the issue into a context which assists in deciding what to do next.

9.0 Formal Process

If the informal approach proves ineffective or the alleged harassment is serious enough to constitute a disciplinary offence, a formal investigation should be initiated.

The employee making the complaint should complete a Bullying and Harassment Complaint Form, see Appendix 3, and forward it to their line manager. The CCG HR Leader will be contacted by the line manager. If the alleged harasser is the employee's manager, the employee should forward the form to the next level of management.

The CCG HR Lead will meet with the Sponsor i.e. the manager to whom the complaint has been sent and they will appoint an Investigating Officer who is independent, supported by an HR representative (the Investigation Team), to undertake a thorough investigation to establish the facts and to determine whether or not there is a case to answer.

The CCG HR Lead will draft terms of reference for the investigation – see template in Appendix 4. Managers in liaison with HR must consider carefully how they manage the work situation during and following an investigation. It may be appropriate to move either party to an alternative work situation.

The investigation should commence within 14 days after the complaint has been received and be completed expeditiously. The Investigation Team will endeavour to commit to reach an outcome within 4 weeks of commencing the investigation. This may be difficult if an investigation becomes complex or other unforeseen circumstances e.g. sickness or leave. However, if the investigation is expected to go beyond 4 weeks contact will be made with the parties concerned.

The person against whom the complaint has been made should not approach the employee who raised the complaint other than direct work related issues during a formal investigation as discussion about the complaint could be deemed as either harassment or victimisation.

The Investigating Officer will inform the alleged harasser in writing of the nature of the allegation and their right to be represented by a trade union representative or work colleague.

The Investigating Officer will conduct the investigation and will normally interview the employee, alleged harasser and relevant witnesses as part of this process. The employee and witnesses are entitled support / representation as detailed above.

All relevant facts should be gathered promptly before memories of events fade. Statements should be taken from the employee and witnesses at the earliest opportunity, using Appendices 5 and 6. All statements should be signed and dated. Where an employee does not provide a statement for an investigation but is subsequently interviewed, the notes from the meeting will be used instead of the statement.

Information provided by witnesses will be given in confidence and should be in good faith. As a result, the employee under investigation must not discuss the content of witness statements with the individuals concerned, to avoid a breach of confidentiality.

At the end of the investigation, the Investigating Officer will produce an investigation report for the CCG HR Lead, outlining the facts of the case and recommendations. (Appendix 7)

When allegations of a criminal act is made e.g. indecent exposure, physical attack or sexual assault, the person alleging the complaint will be encouraged to report the matter to the police. The CCG may also decide to involve the police.

9.1 Investigation outcomes

On completion of the investigation the Investigation Team will meet with CCG HR Lead to decide what action should be taken. The outcomes are as follows:

- No action, as the allegation has not been substantiated or there is insufficient evidence
- Proceeding to a disciplinary hearing, as the investigation has found that
- period there may be a case to answer
- Taking alternative management action. This may be appropriate if the evidence and/or nature of the complaint does not justify formal disciplinary action. This may include;
- recommendation for facilitated discussion/counselling for both parties, where both parties agree to this
- recommendation for redeployment of one or both parties, either on a temporary basis or permanent basis
- setting up arrangements to monitor the situation
- required attendance on a training course (such as equality and diversity awareness training)
- making arrangements for the employee making the complaint and alleged bully/harasser to work as separately as possible within the same workplace with regular monitoring from the line manager
- a period of special leave to enable working arrangements to be put in place

The CCG HR Lead will present the report, outcomes and any proposed recommendations to the employee who raised the complaint and the alleged bully/harasser at separate meetings. A clear explanation of the findings will be presented to the parties involved. Both parties have the right to representation at the meeting.

If there is no case to answer, all records of the matter will be disregarded for disciplinary purposes. Furthermore, should there be any further allegations against this individual by the same complainant then issues that have already been investigated and not found may not be raised again in a further complaint.

If the CCG HR Lead decides that a formal disciplinary hearing should be convened, this will be done in accordance with the CCG's Disciplinary Policy and Procedure. The report completed for the harassment investigation will be used in place of the disciplinary investigation report.

The hearing will normally be conducted by a disciplinary panel chaired by an appropriate senior manager accompanied by one or more members of management, one of whom will always be an HR Representative. The panel will consider whether the complaint constitutes potential gross misconduct which could lead to dismissal.

10.0 Possible Redeployment or Suspension during Investigation

It may be necessary to consider the appropriateness of redeployment or suspension for the duration of the investigation to relieve the stress and pressure on one or both parties and/or to prevent the risk of further incidents or victimisation occurring.

Suspension of the alleged harasser may be considered where a manager feels it is in the interest of the individual, the organisation or both. It may be appropriate in some cases to suspend both parties. It will be made clear at all times that suspension under this procedure does not imply that there has been any misconduct or that there is any suggestion of guilt.

Temporary redeployment of one or both parties can also be considered. In normal circumstances it is appropriate for the alleged bully/harasser to be redeployed rather than the complainant. Consideration however will also need to be given to practicality when considering which party to redeploy.

11.0 False Accusations

If an investigation establishes that a complaint has been made falsely and maliciously, or has not been made in good faith, then disciplinary action may be appropriate. It is a very serious matter to make a false allegation that puts a fellow employee's career at risk. The Sponsor in discussion with the CCG HR Lead should decide whether to invoke the Disciplinary Procedure against the complainant.

12.0 Confidentiality

The details of discussions held in relation to the investigation should remain confidential for everyone involved. Anyone found to be openly communicating about the case may be liable to action under the Disciplinary Policy.

The rights of the complainant and the alleged offender to privacy will be respected.

However, by initiating a formal process, potential witnesses will be interviewed and relevant information will need to be passed to the relevant parties to enable them to respond to the allegations.

Those investigating the complaints should make arrangements to ensure the safe storage of papers, statements and other documentation relating to the case. At the end of the investigating process all documents must be passed to the HR Department for appropriate storage. These records should be treated confidentially and kept in accordance with the Data Protection Act 1998, which gives individuals the right to request and have access to certain data.

13.0 Appeal

An employee who is unhappy with the outcome of the investigation has one level of appeal against the findings of the Investigation Team. The complainant should appeal in writing to the CCG HR Lead (*check this) within three weeks of receipt of the letter outlining their reasons for appeal which should be based on one of the following reasons:

- Insufficient investigation;
- Unreasonable conclusions drawn on the basis of the evidence;
- Further evidence that had not been previously considered by the Investigating Team which was previously unavailable.

The appeal will be held under the CCG's Appeal Procedure. The decision will be final – there will be no other right of appeal.

APPENDIX 1: EXAMPLES OF INAPPROPRIATE BEHAVIOUR

Harassment

The following lists, although not exhaustive, provides examples of behaviours that may constitute harassment.

Sex:

- unwelcome fondling, patting or touching
- threatened or actual sexual assault
- persistent sexual advances or pestering for sexual favours
- threatening someone that unless they give sexual favours, they will be disadvantaged in some way
- language of a sexual nature, whether oral or in writing, for example derogatory remarks made in an e-mail based on the persons gender
- office gossip or detrimental speculation about an employee's private sexual activities
- sexist remarks to or about an employee
- jokes or banter based on sex
- coarse or vulgar humour
- calling someone a name with a gender-bias, for example „blondie“ which might be regarded as demeaning or insulting (based on the „dumb blonde“ stereotype)
- sexually suggestive gestures
- leering at someone in a manner that is overtly sexual
- the display of pin-up calendars of naked women or men
- sexually explicit material displayed on computer screens

Sexual Orientation:

- homophobic remarks or banter made to or about an employee with regard to their sexual orientation
- jokes about gay, lesbian or bi-sexual people generally
- using words like “poof”, “dyke”, “fag”, “gay” as an insult
- assuming everyone you meet is heterosexual
- offensive remarks (whether spoken or written) directed at an employee who is, or who is thought to be, gay, lesbian or bi-sexual about their sexual orientation
- deliberate isolation of someone at work or non-cooperation on the grounds of the person's sexual orientation
- teasing directed at an employee on account of the fact that they have a same-sex partner or a son or daughter who is gay, lesbian or bi-sexual
- gestures that are derogatory or demeaning towards gay, lesbian or bi-sexual people
- assuming bisexual people are confused or want to “play the field”
- not confronting a homophobic remark for fear of being labelled as gay

Race:

- threatened or actual physical assault motivated by race, colour, ethnic or national origins
- language that is racially offensive or derogatory, whether oral/in writing
- racist remarks made to or about an employee
- calling someone by a name based on race, colour, ethnic or national origin or nationality, which may be regarded as demeaning or insulting
- offensive terminology
- deliberate isolation of someone at work or non-cooperation on the grounds of race
- racist materials displayed or on computer screens
- the conspicuous display of a tattoo or the wearing of a shirt or badge that displays a racist or racially offensive slogan

Religion:

- threatened or actual physical assault motivated by religious differences,
- derogatory remarks made about a particular religion, or about a person on the grounds that he or she observes a particular religion,
- jokes or banter based on religion,
- office gossip or detrimental speculation about an employee's religion or religious practices,
- deliberate isolation of someone at work or non-cooperation on the grounds of their religion or religious practices,
- teasing someone on the subject of religious convictions or religious practices,
- the conspicuous display of a tattoo or wearing of a shirt or badge that displays a slogan that is offensive to people of a particular religion,
- the blatant and conspicuous wearing of jewellery with an obvious religious message,
- the wearing of clothing displaying football slogans that have a sectarian significance.

Disability:

- pranks played against a disabled employee,
- jokes or banter based on disability generally, about a particular type of disability, or about a particular person with a disability,
- offensive terminology, when describing a disabled person,
- mimicking someone with a disability, for example someone with a speech impairment,
- deliberate isolation of someone at work or non-cooperation on the grounds of their disability.

Age:

- Derogatory remarks about a person's age, or the effect of age on that person
- Jokes about that persons age including „humorous“ cards and gifts
- Nicknames relating the age of the individual such as „Grandma“ or „Kid“
- Teasing and phrases such as “wet behind the ears”, “over the hill”
- Comments, teasing or remarks about an individual or an associate of the individual about their age.

Workplace Bullying

Workplace bullying can typically be defined as:

It usually, but not exclusively, entails an abuse of power or position; it may take the form of an isolated incident or repeated action but can be more insidious with the purpose of gradually wearing someone down. It often takes place where there are no witnesses.

It can also have two phases, firstly to control/subjugate, then if this is not successful, to move towards elimination/removal.

It is important to consider the dividing line between bullying and “management”. A strong management style becomes bullying if it is destructive in its intent and/or effects.

The effects of bullying can be anxiety, loss of self-confidence, stress related illness, physical ill health, mental distress and in extreme cases suicide.

Bullying can be experienced verbally in a group or a face to face setting. It can also be experiences via telephone calls, emails, text or voice messages, via the internet or social media sites such as ‘Facebook’ or ‘Twitter’.

Workplace bullying usually falls into three main categories:

A. Undermining an Individual's Professional Ability

- Persistent negative attacks on colleague's personal or professional performance
- Undervaluing a colleague's contribution, such as ignoring a colleague's opinion
- Criticising a colleague in their presence in front of others
- Removing and/or replacing areas of responsibilities with more menial tasks
- Inaccurate accusations about quality of work

- Malicious rumours to undermine reputation; this may include unwarranted allegations of harassment made with malicious intent
- Setting up to fail and then reminding of blunders
- Public humiliation, including being shouted at
- Hurtful verbal comments and name calling
- Direct verbal or physical threat
- Stealing credit for work

B. Creating Extra Work or Disrupting an Employee's Ability to Work

- Persistently setting unachievable objectives and tasks
- Setting unreasonable or unachievable deadlines
- Withholding information with the intent of deliberately affecting performance
- Over monitoring a colleagues performance
- Asking colleagues to duplicate work and making comparisons

C. Isolating Staff

- Being treated as non-existent
- Preventing access to opportunities
- Physically isolated from other staff
- "Excluded" from meetings and other forums
- Excluded by talking solely to third parties to isolate another

APPENDIX 2: PREPARING FOR THE INFORMAL MEETING

| | |
|----|---|
| 1 | What is the issue? |
| 2 | How did the behaviour make me feel? |
| 3 | What affect has this had on me personally? |
| 4 | What impact has this had on my work? |
| 5 | Has anyone else been affected? |
| 6 | What do you think may have caused the issue? |
| 7 | Should you be owning/taking responsibility for your contribution to the conflict? |
| 8 | How could your actions have been perceived? |
| 9 | How do you think the other person is going to react? |
| 10 | How can you help to reach an amicable solution? |
| 11 | What does a successful outcome look like for you? |
| 12 | Will you need to meet again to review the outcome? |

Getting started:

“Thank you for agreeing to meet me, I would like to talk through the incident ‘x’ yesterday and how you made me feel.”

“I need to understand what happened yesterday, I went home feeling very upset after the way you spoke to me.”

“I really would appreciate having a chat with you about ‘x’, I would like to put my side across as I felt you were quite unfair in what you said to me.”

“You shouted at me in front of my colleagues yesterday. I went home feeling quite bullied.”

APPENDIX 3: BULLYING & HARASSMENT COMPLAINT FORM
STRICTLY PRIVATE AND CONFIDENTIAL

Please complete this form if you wish to submit a complaint of bullying or harassment. You should ensure that you have tried to resolve the matter informally before entering the formal stages of the process.

| | |
|--------------------------|--|
| Name | |
| Job Title | |
| Department | |
| Workplace Address | |
| | |
| Telephone No. | |
| Email address | |

| | |
|--------------------------|--|
| Line Manager | |
| Job Title | |
| Department | |
| Workplace Address | |
| | |
| Telephone No. | |
| Email Address | |

| | |
|---|--|
| Details of Whom Complaint Made About: | |
| Name | |
| Department | |
| Workplace Address | |
| | |
| Telephone No. | |
| Email Address | |
| Details of Complaint: | |
| <i>Include all relevant details, including dates, details of witnesses or documentary evidence. Please continue on separate sheet if necessary)</i> | |
| | |

| |
|--|
| |
|--|

Please provide details of any action you have already taken in relation to the complaint.

| |
|--|
| |
|--|

Please state below the desired outcome/resolution you would like to achieve.

| |
|--|
| |
|--|

| | |
|----------------------|--|
| Signed (Employee) | |
|----------------------|--|

| | |
|------|--|
| Date | |
|------|--|

PLEASE SEND FORM TO YOUR LINE MANAGER OR LINE MANAGER'S MANAGER*

| | |
|-----------------------------------|--|
| Office use Received by/Date | |
|-----------------------------------|--|

*If the complaint is about your line manager the form should be forward to your manager's manager.

APPENDIX 4: INVESTIGATION PLAN – TERMS OF REFERENCE

| | |
|------------------------------------|--|
| STRICTLY CONFIDENTIAL | |
| Name of Employee raising complaint | |
| Contact details | |
| Name of alleged bully/harasser | |
| Contact details | |

| | |
|---------------------------|--|
| Investigation Team | |
| Investigating Officer | |
| Workforce representative | |

| | |
|--------------------------------|--|
| Has an employee Been suspended | |
| If yes provide rationale | |
| | |

| |
|----------------------------------|
| ISSUES TO BE INVESTIGATED |
| 1. |
| 2. |
| 3. |
| 4. |

| |
|--|
| <p>PROCESS To interview/obtain statements from key individuals. To review relevant documents and policies.</p> <p>OUTCOME To produce a report for consideration by the CCG HR Lead and appropriate manager. Report content to include findings, conclusions and recommendations.</p> |
|--|

| | |
|--|--|
| Deadline for investigation completion | |
| Terms of reference | |
| Completed by | |
| Date | |
| Manager/HR Business Partner | |

APPENDIX 5: HELPLINES AND SUPPORT GROUPS

Helpline

Confidential Emotional Support and Guidance
 Telephone/Freephone: 0800 107 0160
 E-mail: timeonline@mentalhealthmatters.co.uk

ACAS

Acas can answer questions, give facts and talk through options so that you can then make informed decisions in relation to employee relations issues. Their contact details are as follows:

Helpline: 08457 47 47 47
 Website: www.acas.org.uk

APPENDIX 6: GUIDANCE NOTES ON CONCILIATION OR MEDIATION

1. Introduction

Conciliation and mediation are time served methods of resolving differences between parties in the workplace. XXXXXXXX believes that these processes may have a valuable role to play in helping to satisfactorily resolve issues arising from allegations of bullying and harassment. This guidance note sets out the circumstances under which conciliation and/or mediation might be appropriate and the format that could be employed.

2. What do conciliation and mediation involve?

2.1 Conciliation

This is a voluntary process that is used where the parties involved request or agree to explore ways of resolving their differences. A conciliator will be appointed whose task is to help the two parties overcome their differences and reach an agreed outcome. A conciliator will not make recommendations or proposals, but will facilitate discussion between the two parties. The process is confidential and the conciliator will organise informal meetings between the parties, sometimes separately, sometimes jointly, depending on the circumstances. The conciliator will also work with some broad assumptions. This will include:

- that the parties wish to have their differences reconciled and reach an agreement
- that they wish to end the conflict and upset that may have been created as a consequence of the situation
- that they will be generally co-operative in the conciliation process

2.2 Mediation

Voluntary mediation is a more advanced version of conciliation. A Mediator is appointed and he/she will proceed in the same manner as for conciliation, but it is accepted by both parties that the Mediator may also make their own proposals or recommendations. These may be accepted as they stand or provide the basis for further discussions leading to reconciliation and agreement.

3. Conciliation and mediation in bullying and/or harassment cases

3.1 The Conciliator/Mediator

The Conciliator/Mediator will normally be a senior member of the Human Resources team. They must not have been previously involved in trying to resolve the issues and their involvement in the conciliation/mediation process will preclude them from any further involvement if the issues are not resolved or if further issues come to light resulting in a disciplinary hearing. Both parties must agree to the Conciliator/Mediator. Exceptionally, a senior external practitioner may be used. The practitioner must be acceptable to both parties.

3.2 When is conciliation or mediation appropriate?

XXXXXX's Bullying and Harassment policy allows for two situations when conciliation or mediation might be appropriate:

- Informal action
- Formal action following an initial investigation into the circumstances

3.3 Conciliation/Mediation Procedure

3.3.1 Initial agreement by both parties to the process.

3.3.2 Dates for conciliation/mediation agreed. (Note: this process should be enacted within three working days of the agreement by the parties to use this process if the Conciliator/Mediator is from West Kent CCG's HR Advisor or seven working days if the Conciliator/Mediator is external).

3.3.3 Conciliator/Mediator named and agreed by the parties.

3.3.4 Conciliation Process

Preliminary Briefing Meetings

This will allow the Conciliator to obtain a clear understanding of the issues and the attitudes of the parties. At this stage the Conciliator will decide whether it is appropriate to proceed with conciliation or not.

'Side' Meetings

Each party will be placed in separate rooms. This enables each set of participants to speak freely, to reduce tensions, and to adopt a problem solving approach. Proposals and positions are examined with a view to inducing movement towards a position where a reconciliation and

agreement is likely. The Conciliator moves between the parties to facilitate this.

Joint Meeting

If and when agreement on the way forward has been reached or appears to be close in “side” meetings, the Conciliator will bring the parties together to finalise the reconciliation.

3.3.4 Mediation Process

Each party is required to prepare a written statement, to exchange this with the other party, and send a copy to the Mediator.

The process will then continue as for Conciliation, but with the Mediator having a more active role as outlined in paragraph 2.2 above.

4. Outcomes

If there is no agreement, the matter will be handed back to the relevant senior manager to decide what further action, if any, is necessary. If there is agreement, this will be confirmed in writing by the Conciliator/Mediator to the parties and any agreed outcomes (e.g. letter of apology) actioned.

5. Confidentiality

The conciliation/mediation process is confidential and the content or outcome of the process will not be disclosed to any third party without the consent of the parties to conciliation/mediation. Similarly, the content of outcomes of the process may not be held against a participant in any subsequent disciplinary actions.

APPENDIX 7: EQUALITY IMPACT ASSESSMENT

This is a checklist to ensure relevant equality and equity aspects of proposals have been addressed either in the main body of the document or in a separate equality & equity impact assessment (EEIA)/ equality analysis.

The word proposal is a generic term for any policy, procedure or strategy that requires assessment.

| # | Challenge questions | Yes/No | What positive or negative impact do you assess there may be? |
|----|---|--------|--|
| 1. | Does the proposal affect one group more or less favourably than another on the basis of: | No | |
| | • Race | No | |
| | • Pregnancy and Maternity | No | |
| | • Sex | No | |
| | • Gender and Gender Re-Assignment | No | |
| | • Marriage or Civil Partnership | No | |
| | • Religion or belief | No | |
| | • Sexual orientation (including lesbian, gay bisexual and transgender people) | No | |
| | • Age | No | |
| | • Disability (including learning disabilities, physical disability, sensory impairment and mental health problems) | No | |
| 2. | Will the proposal have an impact on lifestyle? (e.g. diet and nutrition, exercise, physical activity, substance use, risk taking behaviour, education and learning) | No | |
| 3. | Will the proposal have an impact on social environment? (e.g. social status, employment (whether paid or not), social/family support, stress, income) | No | |
| 4. | Will the proposal have an impact on physical environment? (e.g. living conditions, working conditions, pollution or climate change, accidental injury, public safety, transmission of infectious disease) | No | |
| 5. | Will the proposal affect access to or experience of services? (e.g. Health Care, Transport, Social Services, Housing Services, Education) | No | |