**Dignity at Work Policy**

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<thead>
<tr>
<th>eLibrary ID Reference No:</th>
<th>HR-POL-002-06</th>
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*Newly developed Trust-wide CBRs will be allocated an eLibrary reference number following CBRC approval.
Reviewed Trust-wide CBRs must retain the original eLibrary reference id number.*

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<th>Version:</th>
<th>5.0</th>
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<tr>
<td>Date Approved by Executive Leadership Team (ELT):</td>
<td>6th March 2015</td>
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<tr>
<td>Date Approved by Trust Board (if Applicable):</td>
<td>N/A</td>
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<tr>
<td>Review Date:</td>
<td>6th March 2017</td>
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<tr>
<td>Title of originator/author:</td>
<td>Associate Director of HR</td>
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<tr>
<td>Title of Relevant Chief Officer:</td>
<td>Chief Human Resources Officer</td>
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<td>Target audience:</td>
<td>All Staff</td>
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This Trust-wide CBR has been developed / reviewed in accordance with the Trust approved ‘Development & Management of Trust-wide Corporate Business Records Procedure (Clinical and Non-clinical strategies, policies and procedures)’

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**Summary of Trust-wide CBR:**
(Brief summary of the Trust-wide Corporate Business Record)

Harassment and bullying at work, in any form, is wholly unacceptable and the Trust will take all reasonable measures to ensure that all employees enjoy a working environment in which the dignity of individuals is respected.

**Purpose of Trust-wide CBR:**
(Purpose of the Corporate Business Record)

The Trust is committed to providing equal access in the recruitment, selection, promotion and training of staff. This will promote a work environment where individuals are treated fairly and unfair discrimination is eliminated. The purpose of this document is to outline the framework in which this might be achieved and how harassment and bullying at work will be dealt within the Trust.

**Trust-wide CBR to be read in conjunction with:**
(State overarching/underpinning Trust approved CBRs)

- Equality, Diversity & Human Rights Policy
- Disciplinary Procedure
- Grievance and Disputes Procedure
- Management of Organisational Change
- Training and Development Strategy and associated training policies
- Security/Violence and Aggression Policy

**Relevance:**
(State one of the following: Governance, Human Resource, Finance, Clinical, ICT, Health & Safety, Operational)

- Human Resources

**Superseded CBRs (if applicable):**
(Should this CBR completely override a previously approved Trust-wide CBR, please state full title and eLibrary reference number and the Trust-wide CBR will be removed from eLibrary)

- Dignity at Work Policy V 4.0 (November 2011)

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**Responsible Director’s Name & Title:**
Ken Hutchinson, Interim Chief Human Resources Officer

**Department/Specialty:**
Human Resources

<table>
<thead>
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<td>6th March 2015</td>
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1.0 SCOPE

1.1 This policy applies to all employees of the Trust, contractors and employees of other organisations who are on site, volunteers, visitors and patients at the point of service delivery. In respect of employees, any breach of the policy may lead to disciplinary action, and in respect of other individuals action might be taken under the provisions of the Violence and Aggression Policy.

2.0 INTRODUCTION

2.1 University Hospitals Coventry and Warwickshire NHS Trust is committed to creating and maintaining a culture whereby all staff have the right to be treated with dignity, respect and have equality of opportunity. The Trust recognises that the existence of bullying or harassment at work, in any form, can create an environment which can adversely affect not only the job performance and well-being of employees but also employee attendance at work, and may prevent the achievement of (her/his) full potential.

2.2 The Trust is committed to providing equal access in the recruitment, selection, promotion and training of staff. This will promote a work environment where individuals are treated fairly and unfair discrimination is eliminated.

2.3 The purpose of this document is to outline the framework in which this might be achieved and how harassment and bullying at work will be dealt with within the Trust.

2.4 Where behaviour is deemed to be in conflict with the Trust’s reasonable expectations, this policy aims to seek amicable resolution, where appropriate, as the primary outcome is to prevent further occurrences in the workplace.
3.0 STATEMENT OF INTENT

Harassment and bullying at work, in any form, is wholly unacceptable and the Trust will take all reasonable and practicable measures to ensure that all employees enjoy a working environment in which the dignity of individuals is respected.

4.0 DEFINITIONS

4.1 Harassment: any conduct which is unreasonable, or unwanted, and which affects negatively the dignity of individuals, and/or which creates an intimidating, hostile, degrading, humiliating or offensive environment. This might include conduct which is based on age; sex; sexual orientation; gender reassignment; disability; marital status; race; colour; language; religion; political views; trade union membership, or other opinion or belief; national or social origin; association with minority groups; domestic circumstances; property; birth or other status. This is not meant to be an exhaustive list and harassment might be on the basis of other factor(s) entirely. Such behaviours are likely to occur over a period of time, and serve to create a hostile or degrading environment.

Examples of actions which might be described as harassment shall include, but not be restricted to:

- any physical contact which is unwanted;
- cohesion, isolation or “freezing out”; 
- display of offensive material, e.g. “pin ups”; 
- offensive jokes;
- unwelcome remarks about, for instance, a person’s dress, appearance, race or marital status;
- shouting at staff;
- personal insults;
- persistent unwarranted criticism;
- setting unreasonable or impossible goals or deadlines.

4.2 Bullying: Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. In all cases it will be for the recipient to define the behaviour that is unacceptable to them.
Bullying may take a variety of forms, not exclusively being the actions (or exclusions) of a senior staff member to a junior. For instance a manager or supervisor might feel that s/he is being bullied by a team member, or a number of team members.

Examples of actions which might be described as bullying shall include, but not be restricted to:-
- physical abuse and aggressive behaviour;
- deliberately and inappropriately excluding individuals from group activities or conversations;
- insensitive jokes or pranks;
- criticising an individual in front of others;
- obstructing an individual’s ability to carry out their work;
- abuse of power including misuse of formal procedures,

4.3 At work: includes any place where the occasion can be identified with either the requirements of the employer, or with events associated with work. It includes any place where NHS care is delivered by employees of the University Hospitals Coventry and Warwickshire NHS Trust, but also any occasion/place which is effectively an extension of the workplace. This is likely to be a gathering primarily of Trust employees, rather than for instance a private party.

4.4 Investigating Officer: Someone, independent of the situation, with the status and knowledge to make authoritative recommendations. This person might be supported by other specialist colleagues, e.g. a member of the Human Resources team.

5.0 DUTIES / RESPONSIBILITIES

5.1 The Trust Board has the following responsibilities:

- to create an environment and culture in which neither harassment nor bullying are tolerated and in which the dignity of individual employees at work is safeguarded and respected;
- to ensure that all staff, directly or indirectly employed are aware of, and have access to this policy and to sources of available support; that managers and employees are aware of the expectations which flow from the policy, and what to do
if these are not met; and

- to oversee the policy and ensure that managers take immediate and appropriate action to prevent and/or deal with allegations of harassment, or bullying.

5.2 Managers are responsible for ensuring that:

- this policy is implemented and operates effectively within their area of responsibility;
- all employees are aware of the requirements and purpose of this policy and their own individual responsibilities in this respect;
- all employment matters are dealt with in a fair and consistent manner, and are appropriately documented, without unreasonable delay;
- Any concerns raised under the scope of this policy are treated seriously, sensitively and confidentially; and all complaints will be investigated objectively.
- All managers are trained and competent to carry out this policy and that managerial action is monitored effectively.
- The Policy is readily accessible to all of their staff.

5.3 Employee has a responsibility:

- to adhere to the requirements and purpose of this policy;
- to draw to the attention of their line managers and/or Human Resources or a trade Union officer, suspected discriminatory acts or practices (if the concern relates to the individual’s line manager then it should be referred to a more senior manager/HR/trade union);
- to co-operate with measures introduced to ensure equality of opportunity and non-discrimination;
- to refrain from any actions which might be interpreted as bullying or harassment; otherwise be subject potentially to disciplinary action;
- to refrain from victimising employees who have made allegations or complaints of discrimination or who have provided information about such complaints or allegations, or again otherwise be subject potentially to disciplinary action;

5.4 Human Resources has the following responsibilities:

- to ensure the Policy is implemented and interpreted consistently by all managers, and to support staff who need advice and/or guidance about use of the Policy and its associated informal and formal procedures;
to review not only this Policy but others also, to ensure that the basic principles of Dignity at Work are reflected throughout the Trust and its various policies;

- to respond to complaints promptly and sensitively, in order to reduce the need for formal procedures where a less formal approach is appropriate.

5.6 Partnership Approach

The Trust expects that all employees and their representatives shall work individually and also in partnership to ensure a safe, positive working environment for all staff, in which harassment and bullying are not tolerated in any form. They shall:

- co-operate and promote awareness initiatives which will facilitate a working environment free of harassment and bullying; and
- Promote a positive working environment for all colleagues and contribute to the elimination of discrimination in the workplace.

6.0 DETAILS OF THE POLICY

6.1 Legal framework

The legal framework that supports this policy includes the following, although other statutes/regulations may also be relevant:

6.1.1 Legislation

- Equality Act 2010
- Employment Rights Act 1996
- Criminal Justice Act 2003
- Employment Relations Act 1999
- Human Rights Act 1998
- Health and Safety at Work Act 1974
- Protection from Harassment Act 1997
- Rehabilitation of Offenders Act 1974
- Employment Act 2002 (Dispute Resolution)

6.1.2 Codes of Practice

- European Code of Practice on Harassment
- Equal opportunities Commission
- European Code of Practice on Harassment
6.2 Dealing with complaints of harassment and bullying

6.2.1 An individual might consider they have experienced bullying or harassment, either by a colleague or by someone not employed by the Trust, e.g. patient, member of the public, contractor etc. S/he might initially register a concern verbally, or in writing, or via for instance e-mail etc. Depending on the nature of the behaviour which gives rise to the concern it might be appropriate to try to resolve matters informally, without recourse to formal process or procedure, irrespective of the relationship between victim and alleged perpetrator.

6.2.2 The Trust would encourage this informal approach where it is appropriate. However, whilst the Trust will generally wish to be able to act in accordance with the wishes of the complainant, in exceptional circumstances and depending on the nature of the complaint, it might feel obliged to initiate formal proceedings in light of unacceptable conduct, even when an individual might prefer not to do so. The complainant will be kept informed of any such decision.

6.2.3 Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against an employee for complaining about bullying or harassment is a disciplinary offence under the terms of this policy.

6.3 Informal Procedure

6.3.1 It may be sufficient to raise the problem with the person directly involved and this course of action should usually be recommended unless such an approach would be too difficult for the complainant, or if the nature of the complaint is such that the Trust feels obliged to refer for disciplinary investigation without attempting to resolve informally. The complainant should keep a record of the incident(s) and describe the behaviour which is found offensive and use this to support his/her case. The person making the complaint should do so at the earliest opportunity to affect a prompt response from the person who is committing the offending act.

6.3.2 Where the employee finds it difficult for whatever reason to deal with the situation
alone, s/he may seek support from a work colleague who may accompany the employee to the meeting. The person offering support shall treat the matter sensitively and in confidence, and act in accordance with the wishes of the employee. Notes should be kept of any discussions and of any further incident(s) with full details of when, where, what occurred and any witnesses.

Examples of the support provided may include:

- giving support whilst the complainant deals with the problem,
- accompanying the complainant in meeting with the other party(ies), to bring the behaviour to his/her/their attention and to request that it should stop,
- assisting the complainant to make a written request to the other party(ies) that the unacceptable behaviour must stop,
- assisting the complainant to draw up a record of events, meetings and attempts to prevent the alleged harassment or bullying.

6.3.3 It is important that the alleged perpetrator is made aware of the behaviour which has caused offence, and therefore it might be appropriate to confirm the conversation between the parties in writing after the event. Equally, it is important that the alleged perpetrator provides a commitment not to repeat that, or similar behaviour, and is aware that failure to do so is likely to lead to the initiation of a formal investigation.

6.3.4 If the complainant does not receive the appropriate assurance from the alleged perpetrator, or if informal resolution is inappropriate in the circumstances, then a formal investigation shall be considered with advice from an appropriate manager and Human Resources, either in accordance with the Disciplinary Procedure in relation to other staff, or the Violence and Aggression Policy in relation to non Trust employees.

6.3.5 Where a complaint by an employee, after investigation, has been found to be frivolous, malicious, vindictive or not made in good faith then they themselves might be subject to investigation in accordance with the Disciplinary Procedure. This ensures that all staff are safeguarded, and that the procedure is not used inappropriately, thereby reducing its effectiveness and/or status.

6.3.6 Whether or not a complaint is upheld, it may be appropriate to provide support to either or both parties. Each case shall be considered on its own merits in determining
whether this is appropriate, and in what form.

6.3.7 Where the alleged harasser is a patient, visitor, contractor or employee from another organisation, then the employee should report the matter to his/her manager immediately. The manager should inform the harasser that their remarks, actions or behaviour are unacceptable, will not be tolerated, and should not be repeated. Ground rules should be established as to what behaviour is expected.

6.4 Formal Procedure
6.4.1 If it is not possible to resolve satisfactorily the concerns expressed, and if the manager who received the complaint considers it appropriate, then the matter shall be referred for formal investigation, either in accordance with the Disciplinary Procedure in relation to other staff, or the Violence and Aggression Policy in relation to non Trust employees.

6.4.2 Appropriate steps should be taken to ensure the complainant is not victimised in any way while the matter is being investigated. Changes in working arrangements might in appropriate circumstances be considered by the Group Manager or equivalent senior manager, the manager of the alleged harasser and the complainant, once a complaint of harassment has been received. In situations where the alleged behaviour could be deemed to be “gross misconduct” or subject to criminal law, the decision will be made by the Chief Human Resources Officer or designated deputy as to whether the alleged harasser and not the complainant should be suspended from duty pending investigation in line with the Trust’s Disciplinary Procedure. Such action will be taken only in extreme cases generally, and does not represent any form of sanction or judgement.

6.5 Follow-Up Action
6.5.1 Where the complaint is upheld, and if it is deemed necessary by the Disciplinary Panel or the Investigating Manager, consideration shall be given to redeployment of the staff member who has behaved inappropriately to another part of the Trust. In such circumstances the complainant would not be redeployed, unless s/he and the Disciplinary Panel consider this to be the most appropriate resolution.

6.5.2 Employees shall be protected from intimidation, victimisation or discrimination for filing a complaint or assisting in an investigation. Retaliation against an employee for complaining about bullying or harassment is a disciplinary offence under the terms of this
6.6 Monitoring of individual cases

6.6.1 The Associate Director HR-Operations will monitor all formal complaints under this policy, in line with the Trust's Equal Opportunities Policy, and will recommend appropriate actions to eliminate causes of harassment or bullying from the organisation.

6.6.2 The operation of this Policy should be monitored to ensure its effectiveness. The Associate Director HR-Operations will be responsible for monitoring complaints of harassment from employees, and must ensure that each complaint is effectively dealt with, and resolved. The Chief Marketing Officer will be responsible for monitoring incidents involving ‘customers’ (i.e. patients, relatives, visitors, contractors) of the Trust and such incidents must also be monitored in line with the Trust’s Equal opportunities Policy.

7.0 DISSEMINATION AND IMPLEMENTATION

The Information Governance & Business Records Manager will communicate the approval of all Trust-wide Corporate Business Records via:

- the monthly Chief Executive’s Team Brief
- monthly 'all user' messages
- Trust's monthly ‘In Touch' Magazine

8.0 TRAINING

Arrangements for training are outlined in the Trust’s Training Needs Analysis, which is managed and monitored in line with the Mandatory Training Policy.

Specific additional training will be provided for those managers who will be required to undertake formal investigations according to their own training needs.

9.0 MONITORING COMPLIANCE WITH THE PROCEDURAL DOCUMENT

The table below outlines the Trusts’ monitoring arrangements for this policy. The Trust reserves the right to commission additional work or change the monitoring arrangements to meet organisational needs.
9.1 Monitoring Table

<table>
<thead>
<tr>
<th>Aspect of compliance or effectiveness being monitored</th>
<th>Monitoring method</th>
<th>Individual department responsible for the monitoring</th>
<th>Frequency of the monitoring activity</th>
<th>Group / committee which will receive the findings / monitoring report</th>
<th>Group / committee / individual responsible for ensuring that the actions are completed</th>
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<tbody>
<tr>
<td>The policy will be monitored for compliance that will include the following:</td>
<td>ESR</td>
<td>HR Operations</td>
<td>Annually</td>
<td>HR Operations Case Management Group</td>
<td>HR Committee</td>
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<tr>
<td>• Process for raising concerns about harassment</td>
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<td>• Process to be followed once a concern has been raised</td>
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<td>• Trends highlighting departments, staff groups regarding harassment cases.</td>
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<td>Training related to harassment/bullying</td>
<td>Training will be monitored in accordance with the Trust’s Mandatory Training Policy.</td>
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A copy of the Trust’s Disciplinary Procedure is available from eLibrary.

11.0 EQUALITY & DIVERSITY STATEMENT
Throughout its activities, the Trust will seek to treat all people equally and fairly. This includes those seeking and using the services, employees and potential employees. No-one will receive less favourable treatment on the grounds of sex/gender (including Trans People), disability, marital status, race/colour/ethnicity/nationality, sexual orientation, age, social status, their trade union activities, religion/beliefs or caring responsibilities. Nor will they be disadvantaged by conditions or requirements which cannot be shown to be justifiable. All staff, whether part time, full-time, temporary, job share or volunteer; service users and partners will be treated fairly and with dignity and respect.

12.0 REFERENCES AND BIBLIOGRAPHY
NONE

13.0 UHCW ASSOCIATED RECORDS
This Policy should be read in conjunction with:

- Trust Equality, Diversity & Human Rights Policy
- Trust Disciplinary Procedure
- Trust Grievance and Disputes Procedure
- Trust Training and Development Strategy and associated training policies
- Trust Security/Violence and Aggression Policy