

Respect: Countering Bullying in the Workplace Policy

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| Author: | Head of Employee Relations |
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| 10 | Minor updates |

Consultation

Joint Staff Council

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To be read in conjunction with any policies listed in Trust Associated Documents.

1 Introduction

- 1.1 We believe that high standards of behaviour consistent with the concept of respect make working life better for everyone. On the other hand, unacceptable behaviour even by a very few can have negative repercussions on the morale and commitment of many others and impacts negatively on the care we provide. We have developed a set of core values for all staff in the Trust and these can be found on the intranet at <https://intranet.medway.nhs.uk/working-here/best-of-care-best-of-people/>.
- 1.2 The Trust is therefore committed to developing and maintaining a working environment and culture in which all employees are treated, and treat each other, with dignity and respect, and are able to work free from intimidation, bullying or any other form of unacceptable behaviour. We believe the basis of such a culture lies in establishing an expectation on all our employees that they have and display a mutual respect for the qualities and abilities that each individual brings to their role in the Trust and that they recognise that every individual deserves to be treated with dignity. We will seek to identify those values in all those we recruit.
- 1.3 Bullying in the workplace is never acceptable. The Trust Board and Staffside representatives are committed to creating and supporting a culture in which all staff at all levels of the organisation are treated, and treat each other, with dignity and respect and that there should be early resolution in cases of workplace bullying.
- 1.4 If you feel that you have been bullied, you should discuss it with someone. This Policy expresses the Trust's commitment that, if you raise a sincere concern or complaint about being bullied, you will not suffer repercussions as a result either from the person you have complained about or from anyone else. Bullying does not stop unless those who suffer it feel they will be protected if they speak out and that speaking out will make things better for them.
- 1.5 It is also important that those who witness the bullying of others speak out. They will be protected from any repercussions if they do so.
- 1.6 The Trust also recognises its obligations to protect its employees from bullying from third parties such as patients and visitors and this should be reported by staff using the same procedure set out in [SOP0168 - Respect Countering Bullying in the Workplace Procedure](#).

2 Purpose / Aim and Objective

- 2.1 To clarify that acts of bullying are not acceptable and will not be tolerated.
- 2.2 To set out the process for raising concerns about acts of bullying.

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- 2.3 To set out the process to be followed once a concern has been raised.
- 2.4 To ensure that concerns are resolved as quickly as possible.
- 2.5 To set out the process for supporting those involved in, or affected by, cases of bullying.
- 2.6 To set out the rights and responsibilities of those involved in a complaint process.
- 2.7 To set out the process for monitoring the operation of this policy and procedure.

3 Definitions

- 3.1 There is a risk in being too prescriptive in defining bullying. We do not want to be in a position where terms are so narrowly defined that conduct that strictly falls outside of a definition is not addressed, even though it is clearly offensive. On the other hand, we also want to avoid the situation where almost any unwelcome behaviour triggers a formal intervention, causing stress and worry to those implicated and creating a stifling working atmosphere in which staff live in fear of causing offence.
- 3.2 Put simply, bullying in a work setting is when you are treated badly and with a lack of respect. There is often an intention to hurt you or upset you and, where is no such intention, this is often the effect anyway. Bullying often involves using anger, sarcasm or insults to intimidate or humiliate. Bullies will use blame, pressure or threats to get you to do something you may not want to do or may not be able to do. Bullies may behave like this only occasionally or have an intimidating style all or most of the time. Generally, they lack any appreciation of the other person's feelings, current situation or needs.
- 3.3 Bullying often occurs in a context of authority, i.e. it is carried out by a manager or supervisor in the context of trying to achieve a work target or goal. Sometimes they simply pass on the pressure they have been subjected to from above. As well as being totally unacceptable behaviour because of the damage it does to the recipient, it is a very ineffective way of managing because it engenders demotivation and a lowering of commitment in the person bullied. It should be noted, however, that effective management sometimes involves some element of criticism or giving firm instructions. Although that may be unwelcome to the individual, it is not in itself bullying.
- 3.4 Bullying can also be inflicted by one colleague on another and often occurs between colleagues in different disciplines or roles, where one person needs something from the other in order for some work to be done. Again, the bullying person may simply be transmitting pressure onto the other person that they are under. As well as being totally unacceptable for one colleague to treat another in this way, it is an ineffective way to get things done because the effect is often for the bullied person to withdraw cooperation and goodwill.

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- 3.5 It has to be recognised that occasionally complaints will not be made in good faith, but with the intention of damaging or undermining a person's position or authority. Where it is established that a malicious complaint has been made, it will be dealt with as a disciplinary matter.
- 3.6 An act of bullying can comprise a persistent course of conduct or an isolated incident, whether at work, in or out of hours, or in a public place where work colleagues are present.
- 3.7 **Work colleague:** - a work colleague in the context of the right to be accompanied is defined as someone whose predominant relationship with the employee is as a work colleague only i.e. there is no familial or romantic relationship.

4 (Duties) Roles & Responsibilities

4.1 Staff

- 4.1.1 All members of staff have a right to work in an environment free from bullying and fear.
- 4.1.2 All staff have a personal responsibility to comply with this policy, cooperate with actions to address bullying in the workplace and to treat colleagues with respect and regard for their dignity.
- 4.1.3 All employees are encouraged to report incidents of bullying in the knowledge that complaints will be dealt with in a sensitive manner under the procedures set out in this policy. Staff have the right to effective and timely redress of valid complaints made under this procedure.
- 4.1.4 All complainants have the right to be accompanied by a work colleague or Trade Union representative when being formally interviewed under this policy.
- 4.1.5 All respondents (i.e. those complained against) have the right to be accompanied by a work colleague or Trade Union representative when being formally interviewed under this procedure.
- 4.1.6 Prior to any interview, all respondents have the right to be given reasonable advance notice in writing of the allegations being made against them.
- 4.1.7 All complainants and respondents have the right to the maintenance of strict confidentiality concerning the conduct and content of any investigation or other process held under this procedure.

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- 4.1.8 All complainants and respondents have the right to be informed of the outcome of any investigation or other process under this investigation.
- 4.1.9 A complainant who has made a genuine complaint, regardless of whether it is upheld, has the right to protection from victimisation for making the complaint.
- 4.1.10 The Trust has the right to take disciplinary action against any complainant found to have made a vexatious or malicious complaint and to require anyone who makes allegations without substantiating them to cease or desist with the complaint.
- 4.1.11 All employees are required as part of their contractual duty to their employer to attend, and co-operate with, any interview or meeting held under this procedure, whether as a complainant, respondent or witness. This includes an obligation on the part of all employees not to delay the progress of an investigation by unreasonably seeking the postponement or re-scheduling of an interview or meeting that they have been required to attend.
- 4.1.12 All employees involved in, or having knowledge of, any complaint, investigation or other process held under this procedure must abide by any instructions given regarding confidentiality and, anyway, must assume strict confidentiality applies. The Trust has the right to take disciplinary action against anyone who breaches confidentiality.

4.2 Managers

- 4.2.1 Managers and supervisors have a duty to establish and maintain a working environment free from bullying by undertaking the following:
- 4.2.2 Ensuring staff are made aware that this policy exists and that bullying is unacceptable and, where appropriate, will be treated as a disciplinary matter.
- 4.2.3 Taking prompt action to stop bullying as soon as it is identified. In some cases by pointing out that the behaviour is unacceptable, managers will be able to put a stop to the problem without the need for further action.
- 4.2.4 Ensuring that offensive or potentially offensive material is not displayed in the workplace.
- 4.2.5 Ensuring that every complaint of bullying is taken seriously, recorded and dealt with promptly and thoroughly; ensuring also that the complainant is informed of the action which has been taken; ensuring that there is learning from incidences of bullying so as to avoid or minimise future occurrences.

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4.2.6 Using the Trust's Disciplinary Procedure where this is appropriate to the seriousness of the case.

4.2.7 Ensuring that in their dealings with staff, supervisors and managers do not undermine the dignity of individuals nor behave in a way which could be construed as bullying as described in the "Definitions" Section of this policy.

4.3 Human Resources

4.3.1 Will seek to ensure that the formal procedure is followed fairly and consistently.

4.3.2 Will provide relevant guidance and training, e.g. through interventions with teams and individuals and promotion through induction and other opportunities.

4.3.3 Will monitor the effectiveness of the bullying and harassment policy. (see section entitled Monitoring)

4.3.4 Will seek to ensure resources are allocated for both the informal and formal procedures within the policy and ensure that timescales are adhered to.

4.4 Trade Union Representatives

4.4.1 Staff representatives are available to offer advice to individuals and help them to access appropriate support as necessary.

4.5 Occupational Health

4.5.1 The Occupational Health service will provide specialist advice and support to employees involved in bullying and will refer to their counselling service or other identified support mechanisms as necessary.

5 Monitoring and Review

| What will be monitored | How/Method/Frequency | Lead | Reporting to | Deficiencies/ gaps Recommendations and actions |
|------------------------|---|----------------------------|----------------------------|---|
| Policy review | First review in one year and then every three years | Head of Employee Relations | Deputy Director of HR & OD | Where gaps are recognised action plans will be put into place |

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| What will be monitored | How/Method/Frequency | Lead | Reporting to | Deficiencies/ gaps Recommendation s and actions |
|--|---|-----------------------------|----------------------------|---|
| Recording of data on all cases to include: Band, Post, Division of the complainant & the respondent & the outcome of each case, including time scales & the outcome of any appeal process. | Using tracking system (ER case sheet) to provide reports on weekly and monthly basis. | Employee Relations Team | Head of Employee Relations | Required changes will be actioned by named person within specific timeframes. |
| Occupational Health will record the number of cases seen directly attributable to issues of bullying. | Via the Occupational Health database, on a monthly basis. | Head of Occupational Health | Deputy Director of HR & OD | Required changes will be actioned by named person within specific timeframes. |
| Monitoring of progress of live cases & adherence to timescales/key performance indicators | Using tracking system (ER case sheet) to provide reports on weekly and monthly basis. | Employee Relations Team | Head of Employee Relations | Required changes will be actioned by named person within specific timeframes. |

6 Training and Implementation

- 6.1 New staff will be made aware of the policy during their induction programme as part of their local induction.
- 6.2 Line managers identifying training needs will source and provide appropriate training solutions. The Organisational and Professional Development Team can be contacted for support and guidance.

7 Equality Impact Assessment Statement & Tool

All public bodies have a statutory duty under The Equality Act 2010 (Statutory Duties) Regulations 2011 to provide “evidence of analysis it undertook to establish whether its policies and practices would further, or had furthered, the aims set out in section 149(1) of the [Equality Act 2010]”; in effect to undertake equality impact assessments on all

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procedural documents and practices. Authors should use the Equality Impact Toolkit to assess the impact of the document.

In the first instance this will mean screening the document and, where the screening indicates, completing a full assessment. The Toolkit can be found on the Trust website <http://www.medway.nhs.uk/our-foundation-trust/publications/equality-and-diversity/equality-impact-assessments/>

A document will not be considered approved until the author has confirmed that the screening process has been carried out and where required a full impact assessment has been completed. Where a full assessment is completed this should be submitted along with the document for approval.

8 References

| Document | Ref No |
|---|-----------|
| Trust Associated Documents: | |
| Disciplinary Rules, Policy and Procedure | PROCHR002 |
| Freedom To Speak Up: Raising Concerns at Work (Whistleblowing) Policy | POLCHR014 |
| Information Governance - Use of cameras video and audio recorders on Trust premises | GUCGR023 |

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