

DIGNITY AT WORK POLICY

(Incorporating Bullying & Harassment at Work Policy)

January 2022

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Name of Policy:	Bullying and Harassment Policy
Date Issued:	January 2022
Date to be reviewed:	4 years or if statutory changes are required

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1. INTRODUCTION

1.1 The ICB has zero tolerance to any form of bullying and harassment.

The ICB expects all employees to be treated with consideration, dignity and respect and we all have a responsibility to set a positive example by treating others with respect and to act in a way which is in line with the ICB values.

The ICB is committed to working towards a more inclusive and supportive working environment for all our staff. This policy promotes the respectful treatment of staff within the ICB and the protection of employees from bullying, harassment or discrimination at work. Bullying, harassment or discrimination will not be tolerated by the ICB in any form.

1.2 This policy recognises the need for consistency, equity and fairness to be maintained at both local and national levels.

1.3 The ICB is committed to ensuring that all personal information is managed in accordance with current data protection legislation, professional codes of practice and records management and confidentiality guidance. More detailed information can be found in the ICB's Data Protection and Confidentiality and related policies and procedures.

2. SCOPE

This policy will apply to all employees and visitors to the ICB.

3. POLICY PURPOSE AND AIMS

The policy has been developed to ensure that everyone knows:

- The sort of behaviour we expect to see to ensure dignity at work for all
- The sort of behaviour which is not acceptable and won't be tolerated
- What support is available to staff who feel bullied, harassed or discriminated against
- What process to follow if you feel you are being bullied or harassed or not being treated with dignity and respect, including how to make an informal or formal complaint.

The aim of the policy is to promote the respectful treatment of staff within the ICB and to ensure employees are aware of the support available and the process to

follow should they experience or witness unacceptable behaviour.

4. IMPACT ANALYSIS

4.1 Equality

In applying this policy, the ICB will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and foster good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation.

4.2 In developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 6. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

4.3 The policy will be monitored alongside workforce reporting data to ensure fair application.

4.4 Further details around equality can be found on the [ICB website](#).

4.5 Bribery Act 2010

The Bribery Act is particularly relevant to this policy. The ICB has a responsibility to ensure that all staff are made aware of their duties and responsibilities arising from the Bribery Act 2010. Under the Bribery Act 2010 there are four criminal offences:

- Bribing or offering to bribe another person (Section 1)
- Requesting, agreeing to receive or accepting a bribe (Section 2);
- Bribing, or offering to bribe, a foreign public official (Section 6);
- Failing to prevent bribery (Section 7).

These offences can be committed directly or by and through a third person and, in many cases, it does not matter whether the person knows or believes that the performance of the function or activity is improper.

It should be noted that there need not be any actual giving and receiving for financial or other advantage to be gained, to commit an offence.

All individuals should be aware that in committing an act of bribery they may be subject to a penalty of up to 10 years imprisonment, an unlimited fine, or both. They may also expose the organisation to a conviction punishable with an unlimited fine because the organisation may be liable where a person associated with it commits an act of bribery.

Individuals should also be aware that a breach of this Act renders them liable to disciplinary action by the ICB, whether or not the breach leads to prosecution. Where a material breach is found to have occurred, the likely sanction will be loss of employment and pension rights.

It is the duty of every member of staff to speak up about any genuine concerns in relation to criminal activity, breach of a legal obligation, miscarriage of justice, danger to health and safety or the environment and the suspected cover up of any of these in the workplace. To raise any suspicions of bribery and/or corruption please contact the Chief Finance Officer. Staff may also contact the Local Counter Fraud Specialist (LCFS) at – Audit Yorkshire, 01482 866800 email: nikki.cooper1@nhs.net or mobile 07872 988939.

The LCFS or Chief Finance Officer should be the contact for any suspicions of fraud. The LCFS will inform the Chief Finance Officer if the suspicion seems well founded and will conduct a thorough investigation. Concerns may also be discussed with the Chief Finance Officer or the Audit & Integrated Governance Committee Chair.

If staff prefer, they may call the NHS Fraud & Corruption Reporting Line on 0800 028 40 60 between 8am-6pm Monday-Friday or report online at www.reportnhsfraud.nhs.uk. This would be the suggested contact if there is a concern that the LCFS or the Chief Finance Officer themselves may be implicated in suspected fraud, bribery or corruption.

5. NHS CONSTITUTION

- 5.1 The ICB is committed to: Designing and implementing services, policies and measures that meet the diverse needs of its population and workforce, ensuring that no individual or group is disadvantaged. Further details of the NHS constitution can be found on the [ICB website](#).

6. ROLES / RESPONSIBILITIES / DUTIES

6.1 HR Humber

The HR Humber Team are responsible for supporting employees and advising on the application and interpretation of the policy to ensure that it is followed, fairly and consistently.

They will:

- Advise and support managers on the application of the policy
- Advise and provide support for managers and staff who are involved in incidents of harassment or bullying in the course of their employment
- Provide advice and support to staff that have witnessed possible incidents of inappropriate behaviour or bullying and harassment.
- Advise on the effective implementation of the policy

- Monitor incidence of bullying and harassment and initiate appropriate action
- Review and amend the policy as necessary in partnership with trade union representatives and employees.

6.2 **Employees**

All staff have a personal responsibility for their own behaviour and for ensuring that their conduct is in line with the standards set out in this policy, and with the ICB values. There are a number of things that staff can do to help prevent harassment, such as:

- Set a positive example by treating others with respect
- Be aware of the ICB's policy and comply with it
- Do not accept behaviour that is offensive or unwanted when directed against you or others, and take positive action to ensure that it is challenged and/or reported
- Be supportive of colleagues who may be subject to bullying and/or harassment

All members of staff are encouraged to report incidents of unacceptable behaviour and bullying and harassment to a manager, even if they are not the victim.

If you are subject to bullying and/or harassment but do not feel able to talk about it yet, you should keep a record of the incidents including dates and times. You can also contact a HR representative, a manager from another directorate or Trade Union representative for advice and support.

The ICB also has mental health first aiders if you require further support.

6.3 **Senior Leaders and Line Managers**

All managers have a responsibility to implement this policy and to bring it to the attention of staff in their work area, in order to establish and maintain a work environment which protects and promotes dignity at work and is free from bullying or harassment. They must:

- Promote a working environment where bullying and harassment is unacceptable and not tolerated
- Tackle, and where possible, resolve incidents of inappropriate behaviour and bullying and harassment
- Treat each complaint seriously, sympathetically and with an open mind. Dealing with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process

- Set a positive example by treating others with respect and setting standards of acceptable behaviour
- Protect the dignity of all our employees and other individuals
- Provide advice, information and support that protects the dignity of our workers
- Consult with a HR representative at any time for advice and support

6.4 **Trade Union representatives**

Trade Union representatives provide advice and support for individuals who feel that they are being harassed or bullied or subject to unacceptable behaviour in the course of their employment, or are the subject of a complaint against them. Trade Union representatives may bring the complaint to the attention of the ICB on behalf of the employee if the employee feels unable to.

The ICB also have a Social Partnership Forum which is a safeguard between managers and trade union representatives, concerns can also be raised via this forum.

7. **IMPLEMENTATION**

This policy will be communicated to staff via team meetings/team brief and will be available for staff on the [ICB website](#).

Support will be provided to all Line Managers in the implementation and application of this policy.

Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the ICBs disciplinary procedure.

8. **TRAINING AND AWARENESS**

A copy of the policy will be available on the ICB website and guidance and support will be provided to all Line Managers, by the HR Team, in the implementation and application of this policy upon request.

9. **MONITORING AND EFFECTIVENESS**

The implementation of this policy will be monitored on an annual basis by the ICB and reported to the Senior Leadership Team. Data will be analysed and, together with review of feedback from the Annual Staff Survey and Workforce Race Equality Standard (WRES) and Workforce Disability Standard (WRES) used to identify trends and interventions needed to address any issues.

The policy and procedure will be reviewed and audited periodically by the HR Team

in conjunction with the Senior Leadership Team and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

10. POLICY REVIEW

This Policy will be reviewed within 4 years from the date of implementation.

11. REFERENCES

This policy should be read in conjunction with the relevant recruitment policies and the NHS terms and conditions of service [handbook](#).

12. ASSOCIATED DOCUMENTATION

- Equality Act 2010
- Health and Safety at Work Act 1974
- Employment Rights Act 1996
- Protection from Harassment Act 1997
- Crime and Disorder Act 1998
- Employment Act 2002
- Whistleblowing

13. DEFINITIONS

13.1 Unacceptable behaviour

The ICB defines unacceptable behaviour as any form of conduct or behaviour of a physical, verbal or non-verbal nature which is unwelcome and causes detriment and has some or all of the following elements:

- Is unwanted, unsolicited, unreasonable and personally offensive to the recipient(s) (irrespective of the intentions)
- Creates an intimidating, hostile or humiliating work environment for the recipient(s) affecting their dignity whilst at work
- Fails to both respect the rights and recognise the impact that such behaviour may have on others
- Threatens job security or disadvantages the recipient(s) in some way

13.2 Harassment

In general terms is unwanted conduct affecting the dignity of employees in the workplace. It may be related to age, sex, race, disability, religion, sexual orientation, nationality or any personal characteristic of the individual, and may be persistent or an isolated incident. The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient.

All employees are responsible for their own behaviour and should act at all times in a professional manner in line with the ICB values. Please note that people's behaviour in the workplace can sometimes vary on a daily basis. This policy is not intended to deal with occasional lapses of good manners unless a pattern of behaviour emerges which is perceived to be offensive or intimidating.

13.3 **Bullying**

Is characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Making the individual feel upset, threatened, humiliated or vulnerable and behaviour which undermines self-confidence and may cause suffering and stress. For practical purposes those making a complaint usually define what they mean by bullying or harassment as something that has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain they are being bullied or harassed, then they have a grievance which must be dealt with regardless of whether or not their complaint accords with a standard definition.

Bullying and harassment can often be hard to recognise, symptoms may not be obvious to others, and may be insidious. Those on the receiving end may think 'perhaps this is normal behaviour in this organisation'. They may be anxious that others will consider them weak, or not up to the job, if they find the actions of others intimidating.

They may be accused of 'overreacting', and worry that they won't be believed if they do report incidents. People being bullied or harassed may sometimes appear to overreact to something that seems relatively trivial, but which may be the 'last straw' following a series of incidents. There is often fear of retribution if they do make a complaint. Colleagues may be reluctant to come forward as witnesses, as they too may fear the consequences for themselves.

Bullying and Harassment may be an isolated occurrence or repetitive, it may occur against one or more individuals. It may be but is not limited to:-

Physical contact – ranging from touching to serious assault, gestures, intimidation and aggressive behaviour.

Verbal – unwelcome remarks, suggestions and propositions, malicious gossip, jokes and banter, offensive language.

Non-verbal – offensive literature or pictures, graffiti and computer imagery, isolation or non-cooperation and exclusions or isolation from workplace social activities, copying memos that are critical about someone to others who do not need to know.

Bullying may also be a combination of all three such as ridiculing or demeaning someone, picking on them or setting them up to fail, overbearing supervision or other misuse of power or position,

Further examples of unacceptable behaviours that can be considered to constitute bullying and harassment are found in Appendix 1.

Bullying and harassment is not necessarily face to face, it may occur through written communications, visual images (for example pictures of a sexual nature or embarrassing photographs of colleagues), email or phone.

For the purposes of this policy 'alleged perpetrator' refers to any person who is alleged to have bullied or harassed another.

13.5 **Discrimination**

There are several types of discrimination defined under the Equality Act 2010. The most straightforward is Direct Discrimination. This means treating someone less favourably than someone else because of age, disability, gender reassignment, marital status, race, religion or belief, sex, sexual orientation or pregnancy and maternity. Indirect discrimination is when you treat someone the same as everyone else, but your treatment of the person has a negative effect on them because of their protected characteristic.

Further information about different types of discrimination is included in the ACAS booklet Equality-and- discrimination-understand-the-basics.

13.6 **Cyber-bullying**

Cyber-bullying can be defined as: "Bullying, harassment and victimisation conducted through social media such as blogs or social networking."

Examples of cyber-bullying include:

- Posting offensive or threatening comments directed at a member of staff, patient, relative, carer or visitor
- Posting inappropriate photographs, or the posting of sensitive personal information of or about a member of staff, patient, relative, carer or visitor
- Pressuring staff, patients, relatives, carers or visitors to join online groups

Cyber bullying in the workplace can extend to your personal social media accounts when information is shared publicly. Please also see the ICB's Acceptable Computer Use Policy.

14. **PRINCIPLES**

- 14.1 All staff are entitled to work in an environment where they are treated with dignity and respect. Pressures at work or outside of work are not an acceptable reason for treating others without respect.

The ICB is committed to:

- Ensuring the dignity at work of all employees
- Respecting and valuing differences
- Showing our commitment to equal opportunities for all
- Preventing acts of discrimination, exclusion, unfair treatment and other unacceptable behaviours
- Being open and constructive in our communications
- Being fair and just in our dealings
- Promoting positive behaviours throughout the ICB

14.2 Unacceptable Behaviour

The ICB will not tolerate the unacceptable behaviours described in the Definitions in section 5 of the policy. Although sometimes it is very clear when someone's words or actions are not acceptable, it is important to remember that if an individual feels that behaviour is offensive to them it could be deemed as bullying or harassment – even if it was not intended to cause offense.

14.3 Bullying and Harassment

Bullying or harassment can have a devastating effect on people at work, often causing anxiety and loss of confidence which can result in ill health and absence from work. It can also have a damaging effect on the working environment, creating tensions in the workplace which can lead to poor quality work, low morale and high turnover.

14.4 Good working relationships

Good working relationships are important to creating a culture of dignity and respect. The ICB is committed to encouraging good, honest, open communication at all levels in work teams and recognises the need to provide support for staff who work in isolation. Poor working relationships can contribute to workplace stress.

14.5 Speak up and speak out

It is up to all of us to speak up and speak out against bullying, harassment, discrimination and any unacceptable behaviour. If we all speak up when we see this sort of behaviour, we can make it clear that it is not acceptable and will not be tolerated.

Everyone must take their responsibility to speak up seriously

PROCEDURE

- 15.1 The ICB is committed to achieving informal resolution of complaints relating to bullying and harassment wherever possible.

In line with this approach, a series of options have been put into place to enable staff to be supported. This support will be provided to complainants, alleged perpetrators and any witnesses.

Occupational health service

Any member of staff who is involved in an allegation of bullying and harassment may find it helpful to talk to the occupational health service. All employees have a right to self-refer to occupational health.

Counselling

Counselling services are confidential and can be accessed through the Occupational Health Service. All employees can access the counselling service.

Occupational Health details:

Humber Teaching NHS Foundation Trust

Occupational Health Department, Skidby House, Willerby Hill Business Park, Beverley Road, Willerby, East Riding of Yorkshire, HU10 6ED.

Telephone Tel: (01482) 389333

Trade unions

The ICB recognises the important role trade unions and staff organisations play in addressing bullying and harassment and members are encouraged to seek advice from these representatives regarding their concerns. The ICB will work in conjunction with the trade unions and staff organisations in addressing unacceptable and inappropriate behaviours.

Mental Health First Aiders (MHFA)

The ICB has mental health first aiders in place who are trained to listen non-judgementally and hold supportive conversations using the MHFA action plan. MHFA's signpost people to professional help, recognising that their role as MHFA does not replace the need for ongoing support.

This section sets out the procedures for raising concerns.

15.2 Informal Resolution

Every consideration should be given to achieving an informal resolution. Informal methods are often the quickest and most effective in dealing with unacceptable behaviour. Very often people are not aware that their behaviour is unwelcome or

misunderstood and an informal discussion can lead to a greater understanding that the behaviour will cease.

If you feel able you should try to resolve the problem informally by making it clear to the alleged harasser that their actions are unwanted and should not be repeated.

Where possible it is always encouraged that you speak to the alleged harasser directly as this is the most effective way of resolving issues informally. It may be helpful for you to write your concerns down as a personal note to aid you in delivering the message and ensuring you cover all of the relevant point. If you do not feel able to raise your concerns with the person directly, you could write to them stating how you feel, state where and when the incident(s) occurred and how you wish to be treated. Following this, if you feel able to, it is again encouraged that an informal conversation is had between yourself and the alleged harasser. You are encouraged to seek advice from your line manager or senior colleague from another directorate, or from your trade union representative, or from a HR representative when raising your concerns in writing. A note of the action taken should be kept.

If you feel unable to approach the alleged harasser, you could speak to your line manager (if appropriate), a senior colleague, a HR representative, a trade union representative or occupational health. It is important to remember that the ICB has a responsibility to deal with any concerns raised, bullying and harassment are not only unacceptable on moral grounds but may, if unchecked or badly handled, create serious problems for the organisation.

Informal resolutions may include facilitated conversations with an internal objective facilitator or mediation from an external provider.

An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised
- Respect the other person's point of view
- Agree the aspects of their behaviour that they will change
- Review their general conduct/behaviour at work and with colleagues

15.3 Formal Resolution

If the alleged bullying or harassment continues after attempts at the informal resolution stage, and the complainant feels unable to deal with the matter informally, or the allegation is so serious as to prevent use of the informal procedure, a complaint should then be raised formally.

This should initially be raised with your line manager, or if you feel unable to do so

then you should discuss the complaint with a more senior manager or a HR representative.

Ask for advice from your line manager, a senior colleague, trade union representative or HR representative about raising a formal complaint.

If possible, employees should keep notes of the incident(s)/harassment so that the written complaint can include:

- The date and times of the incident(s)
- The nature of the alleged harassment or bullying
- The names of any witnesses
- Any action already taken to stop the alleged harassment or bullying
- And any other relevant information

A decision to conduct a formal investigation should be made by the line manager/senior manager after consultation with the HR representative.

Employees may be accompanied by a work colleague not otherwise involved in the case, or a trade union or staff organisation representative at all formal stages of the procedure.

Where an investigation is deemed appropriate, a suitable investigating officer and a HR representative will be appointed. They will be expected to:

- Take full details of the incidents in writing from the complainant and their representative (if appropriate)
- Take full details from any witnesses/other complainants who come forward and may have witnessed the alleged behaviour
- Make the alleged harasser aware of the formal complaint, they should be notified by their own Line Manager where possible
- Advise the alleged harasser to seek representation (trade union or colleague) and invite them to a meeting in order that they can comment on the allegations against them
- Keep all parties informed of expected timescales
- Inform all parties in writing of the outcome and any action that may be required
- Encourage the appropriate involvement of representation for the individuals involved.

Please refer to the Code of Good Practice for Investigations (Appendix 5) for further information. This investigation and any action arising from it will be carried out in line with the ICB disciplinary procedure.

If, following investigation, it appears that bullying/harassment/misconduct has occurred; the investigating HR representative and investigating officer will recommend the appropriate course of action in line with the ICB's disciplinary procedure. A detailed response will be given to both parties, where possible face to face, if time allows, outlining the details of the investigation and what action, if any, is being taken in respect of the complaint. This may result in a meeting being convened under the ICB's disciplinary policy and the behaviour being viewed as serious misconduct.

If the allegations and the working situation warrant it, the alleged harasser may be suspended during the investigation or transferred temporarily pending the outcome of the inquiry to another business area. The decision to suspend the alleged perpetrator can be made at any point throughout the process and the decision will be made by the investigating officer and HR representative.

The investigating officer and HR representative will propose a time frame within which the investigation could reasonably be expected to be completed. However, given the complexities of some issues, this may not always be achievable. Timescales will be discussed in more detail with the individual concerned.

If the complaint is upheld at the disciplinary stage, there are a number of possible outcomes for the harasser, depending on the evidence presented and the circumstances. These could include, but are not limited to:

- Dismissal
- A formal warning
- A recommendation of redeployment of the harasser either on a temporary or permanent basis. This will not be on any less favourable terms and conditions of employment
- Making arrangements for both parties to work as separately as possible
- Training for the harasser as deemed necessary

The claimant may wish to move departments/sections depending upon the nature of the complaint and the people involved. Appropriate consideration should be given to this request and the outcome with reasons provided to the complainant.

With any allegation, the need for a thorough and objective investigation is paramount. Consequently, if through the course of the investigation evidence supports that the allegation has been made maliciously then the individual making the complaint may be subject to disciplinary proceedings.

Although detail of any disciplinary proceedings or outcomes cannot be shared, once the disciplinary process has completed the complainant will be informed in writing that the process has concluded.

15.4 **Record Keeping**

Following resolution of both formal and informal bullying and harassment complaints, a record should be kept of the incident. Where bullying or harassment did occur, it is important to check that this has stopped and that there has been no subsequent victimisation. Monitoring will be carried out on a regular basis with both parties.

15.5 **Confidentiality**

All employees involved with the investigation and any subsequent process are required to respect the need for confidentiality.

All complaints, associated correspondence and interviews will be treated in strict confidence. Breaches in confidentiality will be subject to disciplinary action. However, it must be remembered that legislation requires the accused to be made aware of the allegations against them and the names of those making the allegations and the name of any witnesses.

15.6 **Appeal**

If the matter is not resolved to the employee's satisfaction, they may appeal the decision to the Chief Officer.

The appeal must be addressed to the Chief Officer with a copy to the HR Team. The appeal must be lodged within 10 working days of the date of receipt of the letter giving the decision.

An appeal can be made on any of the following points:

- The person investigating the case at any stage misinterpreted some material fact
- The correct procedure was not followed
- New information has come to light that has a material effect on the case.
- The decision was biased or unfair

Should the reason be because new information has come to light, the investigating officer will first be asked to consider if this would have altered the decision made. If so, then a revised letter will be sent to the employee, and they will be asked if they wish to continue with their appeal.

The Chief Officer or nominated representative shall arrange to deal with the appeal within 15 working days.

The Chief Officer or nominated representative will consider the grounds for the appeal and review the evidence undertaking any further investigation deemed necessary.

A panel comprising of a Lay/GP Member of the Governing Body, a member of the Senior Management Team and HR Representative will hear the appeal. No member of the panel shall have been previously involved in the case.

At the Appeal Hearing the Chair will explore what steps have been taken to resolve the bullying and harassment allegation. The Chief Officer or nominated representative will recall the employee involved to a meeting to provide a response to the employee and their representative (if applicable) within 10 working days. If there is any delay the employee and their representative (where applicable) will be advised of the reasons for this. The findings of the Chief Officer or nominated representative will be confirmed in writing within 5 working days of the meeting taking place.

The conclusion of the Chair of the Appeal Hearing will be final and will represent the decision of the ICB.

APPENDICES

Appendix 1	Examples of Unacceptable Behaviours which may constitute bullying and harassment
Appendix 2	What is/is not bullying
Appendix 3	Informal Resolution
Appendix 4	Formal Resolution
Appendix 5	Code for conducting investigations
Appendix 6	Equality Impact Assessment

Appendix 1 - Examples of Unacceptable Behaviours which may constitute bullying and harassment

Examples of unacceptable behaviour that can be considered to constitute bullying and harassment:

- Unwelcome sexual advances
- Bullying by exclusion - this may take the form of social isolation and/or exclusion from meetings
- The deliberate withholding of information with the intention of affecting a colleague's performance
- Unfair treatment
- Unfair and destructive criticism
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation
- Intimidating behaviour
- Verbal abuse and spreading of unfounded rumours
- Humiliation or ridicule, picking on someone or setting them up to fail
- Setting of unrealistic targets which are unreasonable and/or changed with limited notice or consultation
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by intentionally blocking promotion or training opportunities.
- Copying information that is critical about someone to others who do not need to know
- Victimising someone who has made, or supported a colleague to make, a complaint of bullying and harassment

Please note this list is not exhaustive.

Appendix 2: What is/is not Bullying?

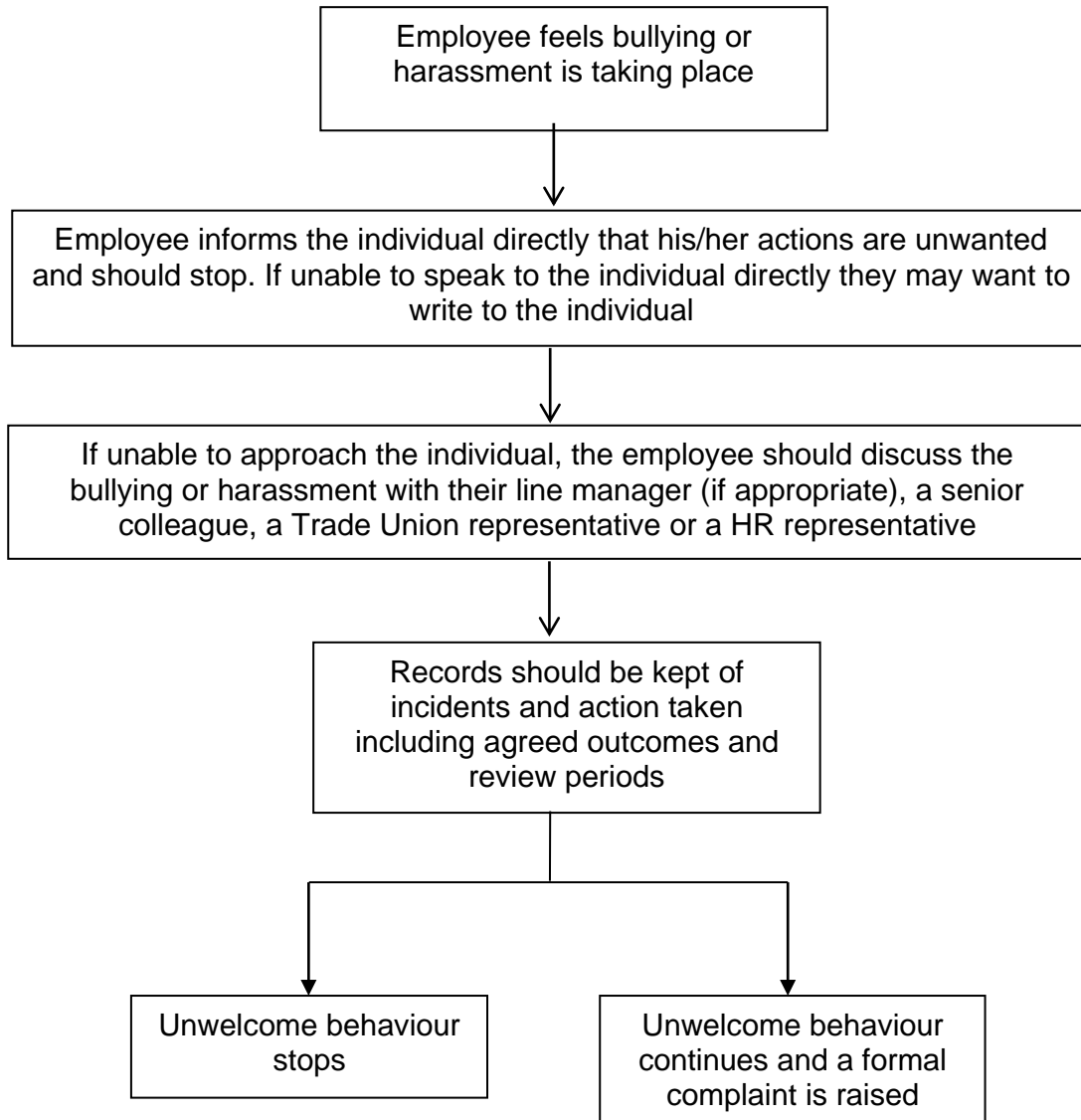
Sometimes behaviours and actions which cause us to feel distressed are not examples of bullying, even though they are unpleasant and often require action by an employer or manager. There are some common situations that can be confused with bullying:

The difference between fair, firm management and bullying

The differences between a manager who is firm and fair and a manager who is bullying and harassing staff can sometimes seem ambiguous. The table below offers examples of the types of behaviour which distinguish both styles:

Firm and fair management	Bullying or harassment of staff
Consistent and fair	Aggressive, inconsistent and unfair
Determined to achieve the best results but is reasonable and flexible	Determined to achieve the best results but unreasonable and inflexible
Knows their own mind and is clear about their own ideas, but is willing to consult with colleagues and staff before drawing up proposals	Believes that they are always right, has fixed opinions, believes they know best and not prepared to value other people's opinions
Insists on high standards of service in quality of work and behaviour in the team	Insists on high standards of service and behaviour, but blames others if things go wrong
Will discuss in private any perceived deterioration before forming views or taking action and does not apportion blame to others when things go wrong	Loses temper, 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, does not listen
Shares credit appropriately.	Plagiarises, takes credit for other people's work/ideas.
Respectful and considerate	Disrespectful and inconsiderate
Demonstrably values others and their contributions	Devalues or ignores the contribution of others.

Appendix 3 - INFORMAL RESOLUTION



Appendix 4 - FORMAL RESOLUTION

Employee feels bullying or harassment is taking place or the informal resolution has not worked



Employee raises a complaint to either their Line Manager (if appropriate), senior colleague or a HR representative. This should be followed up in writing with details of the relevant incidents



An investigation begins in accordance with ICB's disciplinary policy



If following investigation, it appears bullying/harassment has occurred the appropriate course of action will be taken in line with the ICB's disciplinary procedure



Procedures concluded:

- Line Manager meets regularly with both employees to ensure no further issues needed to be addressed.
- Regardless of the outcome support will continue to be given to employees involved



Appeal

Employee appeals decision if feels unresolved. Made in writing to Chief Officer within 10 working days of the date of receipt of the letter giving the decision



Chief Officer / nominated representative deals with the appeal within 15 working days, considering the grounds for the appeal and review the evidence undertaking any further investigation deemed necessary.



A panel comprising of a Lay/GP Member of the Governing Body, a member of the Senior Management Team and Workforce Representative will hear the appeal. The employee will be recalled to a meeting to provide a response within 10 working days



The findings will be confirmed in writing within 5 working days of the meeting and will be final and will represent the decision of the ICB.

Appendix 5: Code of Good Practice for Investigations

Before holding a disciplinary hearing, it is crucial an employer has sound evidence on which to base their decisions. Failing to conduct a full investigation, in all but the most exceptional of circumstances, may render a dismissal unfair and result in costly consequences in terms of tribunal awards, and staff morale.

Investigations will be required within the ICB in response to a wide range of situations, including but not limited to:

- Disciplinary allegations
- Grievances
- Complaints about discrimination, harassment or bullying
- Complaints from patients and relatives
- Personal injury claims
- Issues of capability
- Allegations of fraud

The ICB also has a Whistleblowing Policy and harassing or victimising a whistle-blower (including informal pressures) will be considered a serious disciplinary offence and will be dealt with under this procedure.

It is essential to ensure that investigations are conducted promptly, thoroughly and fairly. The following guidelines should therefore be applied in all cases:

1. The purpose of any investigation is not to build a case or a defence, but to establish the facts
2. The line manager of the person facing an allegation or complaint should often take responsibility for the investigation
3. The investigating officer should, without delay, obtain statements from any witnesses, together with other relevant documentary information
4. Adequate time and notice of meetings should be given to employees who need to be interviewed or produce statements. Where the employee to be interviewed is the subject of a complaint or allegation, he or she must be provided with details of such complaint or allegation in advance of the interview
5. All staff being interviewed should be given a reasonable opportunity to obtain support and/or guidance from a trade union or staff organisation, or from a work colleague
6. The initial evidence gathered should be used to prepare an estimate of the time and resources needed to complete the investigation
7. The evidence collected should be tested for accuracy against other witness accounts and/or documentary evidence

8. Witnesses should be aware that statements prepared during the investigations will be used as evidence for any subsequent disciplinary hearing
9. Little reliance should be placed on 'hearsay' evidence unless this points to, or can be tested against, more reliable evidence
10. Every reasonable effort should be made to respect the confidence of all staff involved in the investigation. However staff should be advised that unless there are exceptional circumstances, the respondent will be entitled to see all statements and interview records in the event of formal proceedings.
11. The investigating officer should determine what evidence is relevant to the issue at hand, i.e. what helps to prove the facts rather than what strengthens or weakens the case
12. The evidence collected should be used as the basis for a decision as to any further action that may be required
13. Once the investigation has sufficient evidence on which to base a decision, finish the investigation. The standard of proof for most internal investigations and any subsequent disciplinary hearing will need to be "on the balance of probabilities". The case does not have to be proved "beyond reasonable doubt" for it to stand up in a tribunal.

Further advice and guidance on conducting investigations is available from the Human Resources Department.

Appendix 6

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Dignity and Respect Policy
Date of Analysis:	September 2020
Completed by: (Name and Department)	Stacey Oglesby, HR Manager
What are the aims and intended effects of this policy, project or function?	To promote dignity and respect at work thereby improving the work environment, and to provide support and guidance to who may experience unacceptable behaviour, giving staff confidence in the process for dealing with this behaviour.
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	Full review to move towards dignity and respect in the workplace. Change to timescales.
Please list any other policies that are related to or referred to as part of this analysis	Disciplinary Policy
Who will the policy, project or function affect?	Employees
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	Consultation has taken place both locally and nationally with Trade Unions and staff <ul style="list-style-type: none"> • SLT • CCG Employees • JTUPF Sub group • JTUPF • Governing Body (approval)
Promoting Inclusivity and the CCG's Equality Objectives. How does the project, service or function contribute towards our aims of eliminating discrimination and promoting equality and	The Policy promotes a safe and inclusive environment, and supports the CCG in meeting objectives 3 & 4 by supporting staff in a safe environment, free from bullying, harassment and discrimination.

<p>diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 	
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Equality Data	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Recruitment data, e.g. applications compared to the population profile, application success rates 2: Complaints by groups who share / represent protected characteristics 4: Grievances or decisions upheld and dismissed by protected characteristic group 5: Insight gained through engagement 	<p>Yes - employee data has been used to support the monitoring of the impact of this policy in the future <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>

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Employee Equality Data	
General	Total number of employees in the CCG is 115
Age	9.6% of staff are under 30 67% of staff aged 30 - 55 22.6 of staff are over 55 0.8% of staff are unspecified
Gender	67% of staff employed are female 33% of staff employed are male
Race / Nationality	73.6% of staff employed in the CCG declared themselves as White British 16.5% of staff have not stated/undefined. Fewer than 5% of staff declared themselves as any other group
Disability	57.3% of staff employed declared themselves as having no disability 36.6% of staff did not declare /undefined 6.1% of staff declared a disability
Sexual Orientation	59.3% of staff described themselves as heterosexual Fewer than 5% described themselves as gay/lesbian/bisexual 39% did not wish to respond /undefined
Gender Reassignment	No information available
Religion / Belief	39.8% of staff declared themselves as Christian. 45.7% were undefined or did not wish to declare 12.7% of staff declared themselves as Atheist Fewer than 5% of staff declared themselves as Islamic
Pregnancy and Maternity	No information available

Marriage and civil partnership

58.3% of employees are married.
 20% of employees are single
 6.09% of employees are divorced or legally separated
 12.2% of employees were undefined or did not wish to declare
 Fewer than 5% of employees are widowed.
 Fewer than 5% of employees are in a civil partnership

Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
 (Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	Neutral Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
It is anticipated that these guidelines will have a positive impact as they support policy writers to complete meaningful EIAs, by providing this template and a range of potential issues to consider across the protected characteristics below. There may of course be other issues relevant to your policy, not listed below, and some of the issues listed below may not be relevant to your policy.				
Gender	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Age	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Race / ethnicity / nationality	✓			All staff will have met minimum criteria relating to English language qualifications
Disability	✓			Should provide additional support and guidance to promote

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)


				dignity and respect at work for staff from all protected groups. The policy can be provided in alternative formats where staff have communication needs associated with disability.
Religion or Belief	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Sexual Orientation	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Pregnancy and Maternity	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Transgender / Gender reassignment	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups
Marriage or civil partnership	✓			Should provide additional support and guidance to promote dignity and respect at work for staff from all protected groups

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?

Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
Equal application of the policy is	Monitoring the use of the policy	HR Humber	To form part of workforce	1 year from implementation

essential; this should be monitored on a regular basis to provide this assurance.			monitoring reports	
As the policy is written in English there is a potential impact on employees who may have communication barriers.	The policy document includes an accessibility statement offering alternative formats on request. The CCGs internal 'portal' and external website signpost individuals to alternative formats such as large print, braille or another language	CCG Communications Team	Ongoing	2 years from publish date
That the effectiveness of this policy is not monitored using all the available evidence	Monitor Annual Staff Survey and Workforce Race Equality Standard (WRES) and Workforce Disability Standard (WRES) used to identify trends and interventions needed to address any issues.	HR Humber	Ongoing	Annually as reporting is required.

Sign-off
All policy EIAs must be signed off by
I agree with this assessment / action plan
If <i>disagree</i>, state action/s required, reasons and details of who is to carry them out with timescales:
 Signed:
Date: 10.03.21

