



London Ambulance Service **NHS**
NHS Trust

Dignity at Work Policy and Procedure

DOCUMENT PROFILE and CONTROL.

Purpose of the document: To set out the expectations of all employees in regards to how they are expected to interact with one another and to provide guidance to help manage circumstances when bullying and/or harassment is reported.

Sponsor Department: Human Resources

Author/Reviewer: Senior HR Manager. To be reviewed by March 2019

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09/03/16	5.1	Senior HR Manager	Minor amendments post SMT.
29/02/16	4.5	Senior HR Manager	Amendments of behalf of Strategy Director plus HR comments
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07/08/15	3.3	Senior HR Manager	Amendment to 1.2 and implementation plan.
23/07/15	3.2	Senior HR Manager	Additional paragraphs at 4.3 re Training responsibilities. Cosmetic changes at 8.9, 8.10
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30/08/12	2.3	IG Manager	Document Profile & Control update & formatting changes.
09/08/12	2.2	Staff Support, Counselling and Occupational Health Services Manager	Reviewed in line with Equality Act 2010 and best practice and attached guidance in Appendix
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09/05/10	1.2	Senior HR Manager (South)	Minor amendments to monitoring section of implementation plan.
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09/06	0.1	Senior HR Manager	First Draft

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Links to Related documents or references providing additional information		
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HR021	Disciplinary Policy	
HR014	Grievance Policy	
	NHS terms and conditions handbook – section 32 Dignity at Work http://www.nhsemployers.org/SiteCollectionDocuments/AfC_tc_of_service_handbook_fb.pdf	
	Equality Act (2010)	
TP056	Core Training Policy (incl. TNA)	
	Bullying and harassment resolution guide	June '15

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1. Introduction

- 1.1 The London Ambulance Service has a duty of care to all staff. We are committed to providing a safe working environment that is free from all forms of bullying and harassment in which everyone is treated with dignity and respect.
- 1.2 The Dignity at Work Policy sets out the standards of behaviour expected of everyone in the workplace and the process to be followed when bullying and/or harassment is reported. A key theme throughout the Policy and Procedure is to attempt to resolve any issues promptly; informally where it is appropriate to do so, and without unreasonably escalating the matter.
- 1.3 It should be noted that 'workplace' extends to any environment where work-related activities take place and would for example include work-related social functions and matters such as 'cyber bullying' - detrimental texts or images by work colleagues – either within or outside of an employee's working hours. This would include bullying and/or harassment via social media sites such as Facebook.
- 1.4 All employees are subject to the Trust's Purpose and Values with the expectation that everyone's behaviour reflects these Values.

'The purpose of the London Ambulance Service is to care for people in London: saving lives; providing care; and making sure they get the help they need.

Our Values:

In everything we do, we will provide:

- Clinical excellence: Giving our patients the best possible care; leading and sharing best clinical practice; using staff and patient feedback and experience to improve our care.
- Care: Helping people when they need us; treating people with compassion, dignity and respect; having pride in our work and our organisation.
- Commitment: Setting high standards and delivering against them; supporting our staff to grow, develop and thrive; Learning and growing to deliver continual improvement.'

- 1.5 Those who are members of professional organisations e.g. the Health and Care Professions Council will be aware of the specific expectations set out by those organisations.

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- 1.6 This Policy is aimed at supporting a working environment where all employees are treated fairly and with dignity and respect.
- 1.7 The Dignity at Work Policy and Procedure should be considered alongside both the Trust's Grievance and Disciplinary policies both of which may be implemented in conjunction with this Policy. Additionally the Disciplinary Policy provides advice on conducting investigations etc.
- 1.8 Behaviour that constitutes bullying or harassment will be taken seriously and may result in disciplinary action up-to-and-including dismissal.

2. Scope

2.1 This Policy is applicable to all Trust employees. (see Appendix 1 for flow chart of process and procedure)

3. Objectives

- To set out expected standards of employee behaviour in regards to dignity and respect for others;
- To provide guidance in circumstances that bullying and/or harassment is reported.

4. Responsibilities

4.1 All employees

- All employees have a responsibility to treat each other with dignity and respect. We also, when it is reasonable to do so, have a responsibility to raise personal concerns about someone's behaviour directly with the individual involved. All employees, whether or not they are directly affected, have a responsibility to challenge inappropriate behaviour and to report instances of bullying and harassment - this may include circumstances of a deliberate act(s) against an individual as well as situations when someone may be being deliberately excluded (see definitions of bullying and harassment - Section 5).

4.2 Employees who perceive that they have been bullied or harassed

- Staff are encouraged, in the first instance, to approach the individual with whom they have an issue to try to resolve this on an informal basis (further guidance is set out below). Where informal approaches have failed or are inappropriate because of the seriousness of the issue they must be reported to a manager. Should staff choose to make a formal complaint the recommended Bullying and Harassment Complaint Form (Appendix 3) should be used.

4.3 Managers and those involved in training and mentoring

Managers and those involved in the training and mentoring of students and trainees both within the education centre and on placement are responsible for:

- Taking all reasonable steps to ensure that the working environment is free from bullying and harassment and that all employees are treated fairly and with dignity and respect. They should examine their own and others' behaviour to ensure that bullying and harassment is not taking place and to intervene promptly if there are concerns. Managers and those involved in training and mentoring should be aware that circumstances can arise where staff may feel bullied or harassed even if no such abuse is intended;
- Being aware of work situations where there is a potential for bullying and harassment to take place and to guard against it. This may be particularly relevant where someone is in a minority in a workgroup or is working in an isolated place where there is little support on site;
- Promptly addressing and as necessary investigating anyone exhibiting inappropriate behaviour. Managers and those involved in the training and mentoring of staff should not wait for complaints of bullying or harassment before acting.
- Those involved in the training and mentoring of students, trainees etc. have a particular responsibility to ensure that students/trainees are not subject to harassment in the form of inappropriate and/or unwelcome behaviour. Matters such as the attempted procurement of 'sexual favours', if proven, will be considered gross misconduct and lead to dismissal from the Service.
- Managers' responsibilities on receiving a complaint are outlined in section 9 of this policy; see also Appendix 2 on Guidance for Managers in dealing with allegations of Bullying and Harassment.

4.4 Human Resources

The Human Resources Department (HR) is responsible for:

- Advising managers on the application of the Dignity at Work policy;
- Providing advice to managers and staff when individuals feel that they are being harassed or bullied in the course of their employment - this will include providing information on available support to those alleging bullying and harassment and also those against whom allegations have been made. This may involve arranging peer support or providing direct support to individuals involved.

- Support the effective implementation of the bullying and harassment policy;
- HR may provide support to individuals involved in any allegations; in such circumstances others in HR would assist in any investigation;
- Monitoring incidences of bullying and harassment;
- Reviewing and amending the bullying and harassment policy as necessary.

4.5 Staff Support/ Occupational Health Service

- Support and guidance to members of staff involved in a claim for bullying and harassment is available from Linc (peer support) workers, the Staff Support team, and Occupational Health and counselling services.
- This support is available to all involved including those alleging bullying and harassment; those against whom allegations may have been made and those managing the process i.e. investigating managers and their HR support.

4.6 Confidential staff advisory service

- Advice is available on a confidential basis to all staff who believe that they may have been subject to bullying or harassment provided by the Trust's Employee Assistance Programme - telephone 0800 282 193. Callers will be redirected by the handler to someone who will be able to offer advice on this matter.

5. Definitions

5.1 The terms bullying and harassment are often used interchangeably and many definitions include bullying as a form of harassment, harassment as defined in the Equality Act (2010) is defined as; 'Unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.'

The Protected characteristics are:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

5.2 The complainant does not need to possess the relevant characteristic themselves and it can be because of their association with a protected characteristic, or because they are wrongly perceived to have one, or are treated as if they do.

5.3 The Advice and Conciliation Service (ACAS) characterises bullying as: 'Offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.'

5.4 In practical terms whether employees use the term bullying and/or harassment or a similar description they are alleging that something has happened to them that is unwelcome, unwarranted and causes a detrimental effect. If employees complain that they are being bullied or harassed then they have an issue that must be dealt with regardless of whether or not their complaint accords with a standard definition.

6. Acceptable and unacceptable behaviour

6.1 The Trust is committed to providing a positive environment in which employees are treated with dignity and respect, and that the different experiences, abilities and skills of each individual are valued by others. This should be demonstrated through open and constructive communication with each other, creatively handling any conflict that arises and the avoidance of the types of behaviour set out in the paragraph below.

6.2 Bullying and harassment may be a single act or an on-going pattern of behaviour and the Trust considers the following types of behaviour to be unacceptable:

- spreading malicious rumours, or insulting someone by word or behaviour, including on the basis of a protected characteristic;
- forwarding emails/texts etc. that are critical about someone to others who do not need to know;
- ridiculing or demeaning someone – picking on them or setting them up to fail;
- exclusion or victimisation;
- unfair treatment;
- Constant jokes and innuendo about sexual orientation, even at a low level;
- overbearing supervision or other misuse of power or position;
- unwelcome sexual advances – touching, standing too close, the display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected;
- making threats or comments about job security without foundation;

- deliberately undermining a competent worker by overloading and constant criticism;
- preventing individuals progressing by intentionally blocking promotion or training opportunities.

The above list should not be regarded as being exhaustive.

7. Legitimate Management Action

- 7.1 Managers have a responsibility to oversee, guide, and if necessary intervene regarding the conduct and performance of their staff. This may involve formal measures such as the application of the Disciplinary Policy, Managing Attendance Policy and the performance management of teams or individuals.
- 7.2 Managers will also from time-to-time be responsible for change management within the workplace e.g. the restructure of a service or department, which may impact upon the jobs of those involved. Any such change will be carried out in line with the Trust's Management of Change Policy.

8. Procedure - Dealing with Issues of Bullying and Harassment

- 8.1 The following outlines the Trust's approach for dealing with concerns of bullying and harassment, including how such concerns can be raised and what should be done in response.
- 8.2 The key to dealing with bullying and harassment complaints is early identification and early intervention - when it is reasonable to do so employees should raise concerns regarding another's behaviour directly with the individual concerned.
- 8.3 It is recommended that if employees believe that they are being bullied or harassed they should keep a note of the following:
- The time, date and place of any incidents;
 - Who was involved, what happened and the nature of the incident;
 - Their feelings and reactions at the time;
 - The response of the bully/ harasser;
 - Any witnesses.
- 8.4 The aim of recording this information is not to 'formalise' the issue but simply to ensure that the person alleging the bullying or harassment is able to maintain a clear recollection of any incidents.

8.5 Informal approach

8.5.1 In the first instance and if it is reasonable to do so, employees are encouraged to address any concerns informally with the person concerned on a one-to-one basis. It is possible that the person against whom the allegations have been made simply does not recognise the effect of the behaviour and will agree to change or alternatively there has simply been a misunderstanding between the parties (see flowchart at appendix 1). It may be that the parties involved either individually or jointly record the outcome of the meeting.

8.6 Counsel approach

8.6.1 It may be that the employee is unsure about the nature of comments that have been made and their appropriateness. If this is the case then they are encouraged to discuss the incident confidentially with someone else e.g. trade union representative, LINC worker, colleague or manager (see flowchart at appendix 1).

8.6.2 Depending upon the outcome of any such discussion the complainant is again encouraged to meet with the individual concerned. Whilst it is preferable for this meeting to be done on a one-to-one basis, an independent person may be invited for support.

8.7 Raising a formal complaint

8.7.1 If the complainant feels unable to meet with the person against whom the allegations have been made because they perceive the matter to be too serious or alternatively a meeting has taken place and he/she is dissatisfied with the result, then they should formally raise the complaint with their manager (or if a student with the Clinical Education and Training Manager).

8.7.2 If the manager is the person against whom the allegations have been made they should speak to the next-in-line manager, an alternative manager or HR Manager. This may be done verbally or they may use the form at Appendix 3 to record and then submit their concerns (see flowchart at appendix 1).

9. Managers' responsibilities on receiving a complaint

9.1 Initial consideration of complaint

9.1.1 Complaints regarding bullying and harassment may be of different kinds and managers should exercise sensitivity and judgement in terms of how they address the issue.

9.1.2 In the first instance and if it is reasonable to do so, the employee should have attempted to address any concerns with the individual concerned and the manager should check with the complainant as to whether any efforts have been made, on a one-to-one basis to resolve the situation.

- 9.1.3 If no such meeting has taken place then the manager should carefully consider the factors below in deciding whether to recommend to the complainant whether he or she should meet with the individual concerned:
- the nature of the alleged bullying and harassment;
 - how long it is said to have been taking place; and,
 - whether the person against whom the allegations have been made has had previous warnings regarding behaviour; before suggesting that the employee meet with him or her.
- 9.1.4 Coming forward with an allegation of bullying and harassment is a significant step, and one which the vast majority of employees will not make lightly. It is essential that the manager deals with the matter seriously and with due sensitivity. If the employee has tried to address the issue and has failed or if the issue is of such a serious nature that any such discussion is inappropriate at this stage then the manager's course of action should be to promptly investigate and address any issues that may be identified.
- 9.1.5 Guidance for managers on dealing with allegations of bullying and harassment are included at Appendix 2.
- 9.1.6 Managers are urged to seek early advice from HR regarding any matter of this kind. In cases of what may appear to be a biased incident (i.e. one which would appear to relate to a protected characteristic - see section 5.1) then the manager should inform HR immediately.
- 9.1.7 It may be that the complainant may wish to simply report the matter – 'I just want to tell you but I don't want anything done'. This could be the first such incident and the complainant, at this stage, may just wish to log the information. Every reasonable effort should be made to respect the individual's wishes. In such circumstances the manager may choose to monitor the situation.
- 9.1.8 The complaint may form a pattern with other, previously raised concerns. In these circumstances the manager should consider whether to investigate further.
- 9.1.9 If the allegations are sufficiently serious or there is evidence of a possible pattern of behaviour then the manager has a responsibility to ensure that the allegations are investigated appropriately and acted upon as necessary whilst taking all reasonable steps to consider the complainant's wishes.
- 9.1.10 Some employees may wish to raise a complaint but not face the person against whom the allegations have been made. It may be possible to manage the process, up-to-and-including any disciplinary hearing, whilst respecting this wish. The complainant should be informed, however, that it may be more difficult to take any formal

action against the person complained against, if, for example, all parties in a disciplinary hearing are not given the opportunity to question every witness.

9.2.1 Mediation/facilitated conversation approach

9.2.2 If the nature of the issues are such that there is a problem with working relationships then it may be that a facilitated conversation or mediation is required between the parties to try to resolve any issues and to therefore promote effective working relationships. If the parties agree that such a meeting should take place, then this should be moderated by a third party (see flowchart at appendix 1).

9.2.3 Any such conversation may be facilitated by the line manager (or alternatively HR may be approached to help identify a trained mediator). Any such decision concerning the facilitation of the meeting may depend upon matters such as the complexity of the issues to be addressed and the previous involvement of the line manager in the issue.

9.2.4 Examples of alleged issues which may be appropriate for facilitated conversation or mediation are set out below:

Situation	Suggested approach
Breakdown in working relationships between members of staff or between a member of staff and their line manager (e.g. caused by personality clashes).	Facilitated conversation or mediation dependent on specific circumstances.
Disagreement about workloads or perceived unfairness at work.	Facilitated conversation.
Support for teams following formal HR investigations such as whistleblowing, bullying and harassment, grievance and disciplinary processes.	Facilitated conversation or mediation dependent on specific circumstances.
Change management	Facilitated conversation
Disagreements or frustration around perceived blockages to delivery within teams or between teams or members of staff.	Facilitated conversation
When individuals recognise there is a problem and are willing to seek solutions informally rather than through formal processes.	Facilitated conversation or mediation dependent on specific circumstances.
When no significant breaches of workplace policy and procedure have occurred but there are issues of concern.	Facilitated conversation or mediation dependent on specific circumstances.

9.3 Grievance Policy

- 9.3.1 It may be identified through discussion with the complainant that they may be dissatisfied with a manager's decision(s) but are not actually alleging bullying or harassment. Consideration may be given to using the Grievance Policy in such circumstances.
- 9.3.2 Conversely, it may be that an allegation of bullying or harassment is raised as part of a grievance. In such circumstances care should be taken to clarify and as necessary investigate such claims - this may be carried out within the provisions of the Grievance Policy. If bullying and/or harassment is identified then this should be dealt with as a matter of misconduct and the Disciplinary Policy may be applied as appropriate. The issue should be recorded as an alleged issue of bullying and harassment by the HR Manager on the appropriate database/ESR (see paragraph 12.5).

10. Managing the Situation between the Parties

- 10.1 Care should be taken to manage the situation between the parties. It may be appropriate to consider altering working arrangements, such as re-organising shifts, as appropriate. Do not transfer the person making the complaint unless he or she has asked for such a move.
- 10.2 In certain circumstances, for example in cases of alleged or suspected gross misconduct, a brief period of suspension with pay may be considered. Guidance regarding the circumstances when suspension may be considered, and the rules regarding who has the right to suspend, is included in the Disciplinary Policy.

11. Support to the Parties

- 11.1 The manager should highlight other available support (See section 19). This should be offered to all parties at the earliest possible opportunity.

12. Formal approach - investigation

- 12.1 Managers should avoid making judgements concerning the complaint until it has been fully investigated.
- 12.2 Managers should seek the advice of HR, who may be able to provide direct practical support to the manager in any investigation. (see Appendix 1 and 2).
- 12.3 The aim is for the investigation and report to be completed within 28 days. Whilst this time span is suggested, the overriding aim should be

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to ensure that the matter is thoroughly investigated and that all relevant information and related documentation is included as part of the final report. If this timescale cannot be met then all parties must be informed and every effort made to complete the investigation as soon as possible.

- 12.4 The investigation will be carried out in line with The Disciplinary Policy and Procedure and if there is a case to answer will be addressed under the Disciplinary Policy.
- 12.5 Cases of alleged bullying and harassment will be entered onto appropriate database/ESR by the HR manager.

13. Notification and timescales

- 13.1 If an allegation of bullying and harassment is raised in writing with a manager then the manager should immediately acknowledge the letter in email/writing and arrange to see the member of staff in order to better understand his or her concerns and to offer support.
- 13.2 In circumstances that a complaint of bullying or harassment is raised and it is deemed appropriate for the manager to intervene – broadly when undertaking the mediation/facilitated conversation approach or in undertaking an investigation under the formal approach - then the individual against whom any allegation is made should be informed in person by his or her manager of these allegations. This must subsequently be confirmed in a letter. The individual should also be offered formal support.
- 13.3 The timescales for addressing issues concerning bullying and harassment are set out below:

1	Meeting with complainant in person to discuss the issue.	Within 7 days of receipt of email/letter.
2	Letter to confirm with the complainant of outcome of the above discussion	Within 7 days of above meeting (1).
3	Meeting with person against whom the complaint has been made	Within 7 days of above meeting (1).
4	Letter to confirm discussion with person against whom the complaint has been raised.	Within 7 days of above meeting (3)
5	Investigation and report	28 days from start of investigation.

14. Investigation outcome

14.1 Following the investigation the manager should decide whether, on the balance of probability that:

- Bullying or harassment has taken place and a disciplinary hearing should be arranged. The next-in-line-manager or other identified manager depending on the circumstances should arrange and chair, the hearing in line with the Trust's Disciplinary Policy. If dismissal is a possible outcome then the hearing should be chaired by a manager of the appropriate level. The manager who carried out the investigation should present the case; or
- The matter does not constitute bullying or harassment but that there may be some issues between the individuals. Where it is clear that there is a significant issue concerning the working relationship between individuals the other means may be used to resolve disputes. Advice should be sought from the HR Department in such cases and options such as counselling, formal advice or mediation may be considered; or
- There is no case to answer. The investigating manager should take care to explain the reasons fully to the complainant. The decision should also be clearly communicated to the person against whom the allegation was made.

14.2 Whatever the outcome of the investigation the manager should explain the decision to the employee who made the complaint and confirm this in writing. In doing this, the manager should be sensitive to the serious nature of such a complaint and the perceptions of the complainant in regards to the matter.

14.3 The person against whom the allegation was made should also be told of the outcome of the investigation and this should be confirmed in writing. The detail and nature of such feedback will depend on what decision has been made as regards the matter.

15. Appeal

15.1 Any complainant who considers the investigation inadequate, whether due to it not taking account of all relevant factors or the matter being pre-judged, may appeal to the next-in-line manager. There is no appeal allowed against the severity of any disciplinary action that is taken. Any appeal should be made within 14 days of the complainant being informed of the investigating manager's decision.

16. Victimisation

- 16.1 The Trust will view any victimisation very seriously. Any employee who believes that he/she has been victimised as a result of raising a complaint relating to bullying or harassment or for providing evidence relating to such a case should contact HR. Depending on the circumstances, an investigation may be arranged and disciplinary action against the perpetrators may follow.

17. Malicious Complaints

- 17.1 When a complaint turns out not to have been made in good faith then the investigating manager may recommend whether the Disciplinary Policy be invoked against the complainant.

18. Confidentiality

- 18.1 All those involved in procedures relating to bullying and harassment should maintain confidentiality at all stages, including any investigation, hearing and once any decision has been made. Clearly there may be circumstances where colleagues need to be briefed of a final decision, e.g. in dismissal cases, but this should be done formally to ensure that employees do not hear through rumour.
- 18.2 Anyone breaching confidences may be subject to disciplinary action themselves.

19. Social media and cyber-bullying

- 19.1 Cyber bullying is any form of bullying which takes place online including via social networking sites such as, but not limited to Facebook and Instagram.
- 19.2 Staff should be conscious of matters such as the privacy settings on their social media and consider their job role when posting in a private capacity (further guidance is included in the Trust's Policy for use of social media -TP080). Specific expectations concerning Paramedics and their use of social media is set out in the HCPC's Standards of conduct, performance and ethics.
- 19.3 Any alleged bullying or harassment by employees online will be addressed in a manner that is consistent with non-online allegations.

20. Inappropriate conversations

- 20.1 It is recognised that working for an ambulance service in any capacity can be pressurised and that many staff are exposed to potentially upsetting situations during the course of their day-to-day activities both face-to-face and over the phone with patients. Colleagues may have

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differing conversations with each other in order to manage their emotions. Nevertheless, we all have a responsibility to conduct ourselves in an appropriate manner for the workplace.

- 20.2 Everyone should be conscious of the use of teasing remarks to colleagues and what may be termed as ‘banter’ and be aware of reasonable boundaries regarding what may be acceptable or not. If individuals are in doubt about saying something ‘in jest’ to a colleague it is recommended that it is best not to do so. Any derogatory remarks relating to the protected characteristics set out in Section 5 are not acceptable and will be addressed via the Trust’s Disciplinary Policy.

21. Sources of Support and Guidance

- 21.1 The Trust has a number of staff support services which may be of assistance in circumstances of alleged bullying and harassment.

21.2 Confidential staff advisory service

- 21.2.1 Advice is available on a confidential basis to all staff who believe that they may have been subject to bullying or harassment provided by the Trust’s Employee Assistance Programme - telephone 0800 282 193 and you will be redirected by the call handler to someone who will be able to offer advice on this matter. <https://thepulseweb.lond-amb.nhs.uk/about-me/staff-support-services/bullying-and-harassment/>

21.3 LINC Network

- 21.3.1 The LINC (Listening, Informal, Non-judgemental, Confidential) Peer Support Network is available across the service. LINC workers are trained to help others with personal or job related difficulties.

- 21.3.2 LINC workers are work colleagues who have volunteered to do this work as part of their everyday duties. They are not professional counsellors but can provide direct support as well as direction towards the best specialist help and advice. Individuals can access the current list of LINC workers via The Pulse: <https://thepulseweb.lond-amb.nhs.uk/about-me/staff-support-services/linc/>

21.4 Occupational Health

- 21.4.1 All staff have access to the Trust’s Occupational Health service. OH may be able to offer health and related lifestyle advice. Further information is at <https://thepulseweb.lond-amb.nhs.uk/about-me/staff-support-services/occupational-health/>

21.5 Staff Counselling

21.5.1 Experience has shown that complaints and investigations of bullying and harassment may induce stress and anxiety for all those involved. As well as the complainant and the person against whom the allegations have been made, this may include witnesses, investigators, staff representatives and supporters. All individuals involved can access the confidential Staff Counselling service at: <https://thepulseweb.lond-amb.nhs.uk/about-me/staff-support-services/counselling/>

21.6 Human Resources and Staff Side representatives

21.6.1 Human Resources Managers are available to provide advice and guidance at any stage and may be available to provide direct support to anyone involved in allegations or alternatively to assist in arranging other suitable peer support for individuals. Staff side representatives are also available to assist members of individual trade unions.

22. Training

22.1 Training in the causes and effects of Bullying and Harassment and how to use this Policy effectively (including how to undertake investigations and hold sensitive interviews) is provided for staff and managers by the People and Organisational Development Department. Managers may also be guided on the implementation of the policy and supported in any investigations by their HR Manager

23. Monitoring and taking remedial action

23.1 HR Managers will log reported complaints of bullying and harassment on the Electronic Staff Record (ESR). Data will be analysed by the Assistant Director of Human Resources to identify themes and learning opportunities and report quarterly to the Workforce Committee.

IMPLEMENTATION PLAN				
Intended Audience	For all LAS staff			
Dissemination	Available to all staff on the PULSE			
Communications	Policy/procedure to be announced in the RIB and link provided to the document			
Training	Roll out of training to managers during August/September 2015.			
Monitoring:				
Aspect to be monitored	Frequency of monitoring AND Tool used	Individual/ team responsible for carrying out monitoring AND Committee/ group where results are reported	Committee/ group responsible for monitoring outcomes/ recommendations	How learning will take place
Numbers of cases and action taken.	As requested by Workforce Committee.	Human Resources	Workforce committee	Feedback from Committee.

Dignity at Work - Pathway

I feel someone is behaving towards me in a way which is offensive, intimidating, malicious, or insulting

I feel I am receiving unwanted conduct affecting my dignity

Clarify what you want to do about this. Consider who you might look to for help.

I want to take the next step

Consider if there is anything you can do for yourself

Route A: Informal approach
Talk to them about it

Speaking to a person directly is best when:

- The working relationship is still reasonably positive;
- The unwanted behaviour is recent;
- There is mutual willingness to discuss the issues and work for a win-win outcome.

I feel able to speak to the person myself

NO → Request an investigation via HR

YES → Prepare for conversation

Conversation (s) complete matter closed

YES → Follow up or review if necessary in 4-8 weeks' time. Make a note of the situation, what you did, what the outcome was and what the plan is for the future.

Route B: Counsel approach
Talk to someone else about it

Speaking to someone else, this could be:

- A colleague;
- A LINC worker;
- Any manager;
- Trade Union Representative;
- Confidential Staff Advisory Service.

This is best when you want some further advice or to clarify your feelings before discussing the situation with the individual involved.

Request to see one of the above people

NO → Request an investigation via HR

YES → Prepare for conversation

Conversation (s) complete – matter closed

YES → Follow up or review if necessary in 4 – 8 weeks' time. Make a note of the situation, what you did, what the outcome was and what the plan is for the future.

Route C: Mediation approach
Talk to them about it with someone else present

Mediation is best when:

- Relationships have broken down;
- Parties may even be fearful of being in the same room;
- A focus on conflict resolution is required.

Request a mediated conversation via HR

NO → Request an investigation via HR

YES → Prepare for conversation

Conversation (s) complete – matter closed

YES → Follow up or review if necessary in 4-8 weeks' time. Make a note of the situation, what you did, what the outcome was and what the plan is for the future.

Route D: Formal approach
Formally report it

Formal investigations are best when:

- There have been allegations of very serious behaviours as described by Trust policy;
- Routes A, B and C have proved to be unsuccessful;
- The route is available to any employee having explored Routes A,B,C prior to getting to Route D.

Request an investigation via HR

Prepare for conversation

Investigation completed. Case to answer found?

NO → Talk to your manager or HR for strategies on moving on

YES → Disciplinary hearing conducted

For further advice or support:
LINC
Confidential Staff Advisory Service

0207 922 7539
0800 282 193

(available 24/7)
(available 24/7)

GUIDANCE FOR MANAGERS IN DEALING WITH ALLEGATIONS OF BULLYING AND HARASSMENT

This guidance should be read in conjunction with the Trust's agreed Bullying and Harassment Policy and Procedure and also the Disciplinary and Grievance Policies and Procedures, if relevant and appropriate.

Guidance for supporting employees

Employees who complain of bullying and harassment, or who have had complaints made against them are likely to be suffering symptoms of stress; support from Managers, Staff Support Services Team and Staff Side will be essential to them.

Contact Human Resources in the first instance for advice and guidance.

The following pointers can help you decide on the appropriate level of support. The process can be considered in three stages.

Stage 1: Exploring

Spend time obtaining a clear picture of what has led the employee to seek help. Time spent here will pay dividends later.

Try to listen without making judgments and assumptions, or jumping into solutions before obtaining the full picture.

Find out what the employee has done or is doing to manage the problem. How far is this working? Is it addressing the underlying situation or simply about coping with it?

Ask why they have chosen now to seek help?

Be prepared to hear their distress but resist the temptation to take responsibility for 'making it better'

Stage 2: Understanding

Try to build a picture of what has contributed to the situation

To what extent are personal dynamics involved? Is this part of a pattern for the employee, or could it have happened to anyone?

How much of the situation could be in the employee's control either now, or with the development of other skills such as assertiveness?

Summarise your understanding of the situation and aim to come to a shared agreement towards resolution using the Trust's Bullying and Harassment Policy. Involve Human Resources throughout the process, and access the Staff Support Services Team, if appropriate.

Feeling properly listened to and understood may be of enormous help – it gives someone who is stressed the time to reflect, and the ability to see the problem more clearly and it will often provide the much needed perspective.

Stage 3: Action

Ref. HR026	Title: Dignity at Work Policy and Procedure	Page 2 of 26
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Once you have spent time exploring the situation you can go onto consider what needs to happen and what does the employee want? What is their preferred outcome? Is it realistic?

Can this be brought about informally, or will it need more formal action?

Does it require behaviour change by the employee, and could training, mentoring or counselling be appropriate. Refer to the Bullying and Harassment Policy and involve Human Resources throughout the process.

What does the employee feel capable of doing?

If appropriate explore options the employee may not have thought of. Assess the level of real and perceived threat to the employee of the options.

Agree a contract for who is to do what, involving Human Resources, clarifying issues such as confidentiality, contracts, availability and so on.

As part of the resolution process it is sometimes necessary to separate the people involved in the complaint during the investigation, or following completion. However, there are other options such as team building work and conciliation. If they are unsuccessful, the criteria used to decide who should move should not include the seniority of the people involved.

If the person who made the complaint is moved instead of the (alleged) bully/harasser this may constitute race or sex discrimination and you must seek advice from Human Resources throughout this process.

Dignity at Work – raising concerns of bullying and/or harassment- reporting form

Strictly Private and Confidential

Please complete this form if you wish to submit a complaint of bullying or harassment.

Your name:

Job Title:

Dept / Site:.....

Contact Details:

Details of the person who you are raising concerns about:

Name:.....

Job Title:.....

Dept / Site:

Details of concerns:

Include all relevant details, including dates, details of witnesses or documentary evidence and the outcome of any informal meetings (please continue on a separate sheet if necessary)

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

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Have you contacted your Trade Union Representative? Y / N

If Yes, who is your TU representative?.....

Have you contacted a LINC Worker? Y / N

Would you consider mediation to resolve the issue? Y / N

Signed Date: Date:
(Employee)

Received by: Date: Date:

Please pass this form to your line manager or alternative senior manager and forward a copy to your HR Manager.

Please note that a Word version which can be typed on prior to being submitted is available on the Pulse at: [Forms](#)