


**TRUST CORPORATE POLICY :  
DIGNITY AT WORK: TACKLING BULLYING AND HARASSMENT IN THE WORKPLACE**

<b>APPROVING COMMITTEE(S)</b>	Trust Policies Committee – Chair’s Action	Date approved:	16/07/13
<b>EFFECTIVE FROM</b>	Date of approval		
<b>DISTRIBUTION</b>	All Managers in CAGs via Trust Bulletin, Corporate Services and Non-Clinical Services via Trust Bulletin and all staff via Trust intranet		
<b>RELATED DOCUMENTS</b>	ACAS Bullying and Harassment at Work guide 2009 NHS Constitution Grievance Policy Disciplinary Policy Whistleblowing Policy (COR/POL/005/2012-001)		
<b>OWNER</b>	Director of HR		
<b>AUTHOR/FURTHER INFORMATION</b>	Author: HR Policy Development Workforce Specialist		
<b>EXTERNAL REFERENCES</b>	NHSLA Risk Management Standard		
<b>SUPERCEDED DOCUMENTS</b>	Harassment and Bullying Amongst Staff (Barts and The London NHS Trust); Dignity at Work: Standards of Behaviour Policy and Procedure (Newham University Hospital NHS Trust); Dignity at Work and Bullying and Harassment at Work Policy and Procedure (both Whipps Cross University Hospital NHS Trust); Anti-Harassment and Bullying Policy and Procedure (BLT Community Health Services).		
<b>REVIEW DUE</b>	3 years from the date of approval shown or earlier subject to legislative or national policy changes or organisational need.		
<b>KEYWORDS</b>	Policy, bullying, harassment, complaint, dignity		
<b>INTRANET LOCATION(S)</b>	<a href="http://bartshealthintranet/Policies">http://bartshealthintranet/Policies</a>		
<b>CONSULTATION</b>	<i>Barts Health Working Groups</i>	Policy Development Working Group Merger Governance Lead	
	<i>External Partners</i>	-	
<b>SCOPE</b>	<i>For the groups listed below, failure to comply with this policy may result in investigation and management action which may include formal action in line with the Trust’s disciplinary or capability procedures for Trust employees, and other action in relation to organisations contracted to the Trust, which may result in the termination of a contract, assignment, placement, secondment or honorary arrangement.</i>		
	Application: All Trust staff employed on a contract of employment or undertaking work in/on behalf of the Trust		
	Exclusions: None		

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Please note that where words/phrases are inside square brackets [ ], this indicates that you can click on the word/phrase when and it will send you to the relevant area of the policy or (if you are using a Trust PC) the relevant supporting document/template.

This Policy is available in Braille, large print, Easy-Read and alternative languages by request. It is a manager's responsibility to ensure employees are aware of these options.

**DIGNITY AT WORK: TACKLING BULLYING AND HARASSMENT IN THE WORKPLACE****1 INTRODUCTION AND AIMS OF POLICY**

- 1.1 Barts Health (“The Trust”) is committed to creating a culture free from bullying, harassment and unacceptable behaviour (including violence and aggression). It therefore takes a zero tolerance stance to bullying and harassment, which supports the dignity of its employees.
- 1.2 Everyone is responsible for what they do and how they behave each day, which determines the culture of the organisation that they work within. The culture of the Trust is not something imposed from the outside but something that is made within the organisation. Treating colleagues with dignity, respect and consideration can go a long way to ensure that the Trust is a positive place to work for everyone.
- 1.3 The Trust encourages employees to address instances of bullying or harassment in a constructive way that ensures their early resolution and supports the individual employees involved in the complaint.
- 1.4 The Trust encourages open and honest conversations between employees so that they can work effectively together. Managers should ensure the right support is in place to meet the aims of this policy (see 1.6) and where possible remedy any causes of conflict. The Trust also recognises that the best outcomes often come when concerns or conflict are dealt with at the earliest opportunity, in a timely manner and informally.
- 1.5 Loss of dignity, bullying and harassment at work has a disruptive effect on all employees involved and on employees’ ability to deliver a consistently high standard of service and care for patients. Therefore this policy sets out a consistent and proactive approach to the management of these situations.
- 1.6 The aim of this policy is to ensure that the management of employee complaints of bullying and harassment:
- Is fair, consistent and proactive and without discrimination in relation to any of the [\[protected characteristics\]](#) or any other variables
  - Takes the individual’s circumstances and needs into consideration
  - Ensures that expectations about employee behaviour are clear to all, irrespective of their seniority, and in accordance with the Trust agreed [\[values and behaviours\]](#)
  - Ensures that employees understand how to seek redress where they have a complaint and whom to contact for support
  - Is carried out in a timely manner without unnecessary delay
  - Is carried out in line with the [\[Equality Act 2010\]](#)
  - Ensures efficient and high quality care for our patients
  - Is monitored to identify effectiveness of implementation
- 1.7 This policy contains the process and principles for managing bullying and harassment complaints only. For further details please read the supporting Management Guide.

## 2 VISION, VALUES AND BEHAVIOURS

- 2.1 In order to establish a sense of organisational community during the development of Barts Health, the 'Creating our Future together Campaign' was established. The Campaign engaged patients, carers, staff and partners to identify a set of values and behaviours we can all share to make Barts Health a great organisation. Our vision is to change lives.
- 2.2 Our values define what is important in the way we deliver this vision. Our core behaviours set out how all of us will work regardless of the role we hold in the organisation. These behaviours consistently carried out will help embed the values in our everyday working lives and ultimately consistently 'doing the right thing' will affect our organisation's culture. Every time individually we do the right thing it makes it easier for others to follow our example.
- 2.3 At Barts Health we champion dignity, compassion and respect, putting the individual at the heart of all decisions, striving to get it right for every person, every time.
- 2.4 As Managers and staff we must ensure we implement the principals held by the values & behaviours so we can support the achievement of our vision to 'Change Lives'.
- 2.5 Our Values:
- Caring and compassionate with patients, each other and our partners
  - Actively listening, understanding and responding to patients, staff and our partners
  - Relentlessly improving and innovating for patient safety
  - Achieving ambitious results by working together
  - Valuing every member of staff and their contribution to the care of our patients.
- 2.6 All of us, managers and staff are responsible for ensuring the values and behaviours are integral to how we implement this policy. Through this implementation together we can affect the organisational culture and change lives.

## 3 DEFINITIONS

- 3.1 The following definitions are used in this policy:

<b>Dignity at Work</b>	Dignity is about how we treat others. It is being deemed worthy of esteem and treated with respect and courtesy. In the workplace this often means an individual being valued for their skills and abilities.  Dignity at work is about our behaviour as an organisation and as individuals towards our colleagues. It is therefore important to value and respect people as individuals, their qualities and their differences. Employees therefore need to model good behaviours and inclusiveness throughout the Trust and have the confidence to address unacceptable behaviour as soon as possible.
<b>Dignity Advocates</b>	A trained fellow employee who is impartial to the situation causing conflict and can provide confidential support and information informally. They layout the range of options open to individuals to resolve issues of conflict for themselves.  They would not represent individuals at meetings or intervene in any other way.  Dignity advocates are only available on some Trust sites. Employees should contact the OD team for further information.
<b>Bullying</b>	Is offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.  It can also be described as the unwanted behaviour, one to another, which is based

	<p>upon the unwarranted use of authority or power.</p> <p>This may be one incident or more. See <a href="#">[appendix 1]</a> for examples of bullying behaviour.</p>
<b>Harassment</b>	<p>Unwanted conduct related to any of the 9 <a href="#">[protected characteristics]</a> or other characteristic such as political belief, trade union membership or other belief, social origin, association with a minority, domestic circumstances, property, birth or other status, which has the purpose or effect of violating an individual's <a href="#">[dignity]</a> or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.</p> <p>The key is that the actions or comments are <b>reasonably viewed as demeaning, hostile and unacceptable to the recipient</b>. The conduct is unreciprocated or unwanted and affects the dignity of employees at work.</p> <p>Note that an employee can claim harassment even if the harassment was not actually directed at them, e.g. where an employee overhears a colleague being verbally harassed by another colleague and they feel that it violates their own dignity.</p>
<b>Third Party Harassment</b>	<p>It is unlawful for an employer to allow an employee to be persistently harassed by a third party e.g. someone not employed by the Trust.</p> <p>The Trust may be liable for such harassment if:</p> <ul style="list-style-type: none"> <li>• An employee informs the Trust that they have been harassed in the course of their employment on at least two occasions by a third party, and</li> <li>• The Trust has not taken reasonable steps to stop the harassment happening to that person again</li> </ul> <p>Note that it does not matter whether the third party is the same or a different person on each occasion.</p>
<b>Investigation</b>	<p>An impartial fact finding process. The investigation report will collate evidence collected including documentary evidence, witness statements and interviews and recommend whether or not, based on the evidence collected, the case is substantiated and should proceed to a hearing.</p> <p>This would normally be carried out by an <a href="#">[Investigating Officer]</a> who is external to the immediate environment e.g. does not work on the ward or unit.</p> <p>Bullying and harassment complaints are a matter of perception and experience rather than intent. The purpose of any investigation is therefore to find out whether the individual raising the complaint reasonably perceived the unwanted behaviour to be bullying and/or harassment, rather than whether the person the complaint is against intended their behaviour to be interpreted that way.</p>
<b>Investigating Officer</b>	<p>An impartial person who has had no previous knowledge of or involvement with the complaint or concern and is preferably external to the environment in which it occurred unless it is mutually agreed otherwise. It is essential that they have undertaken investigation training. The employee may object to the choice of Investigating Officer where there may be a conflict of interest and request an alternative. The final decision of who the Investigating Officer will be will rest with the <a href="#">[Commissioning Manager]</a>.</p>
<b>Commissioning Manager</b>	<p>Normally the Manager receiving the complaint except where they have witnessed or been involved in the events. Where this is the case, it will be a more senior manager, typically the manager's manager.</p>
<b>Mediation</b>	<p>A voluntary process where an independent third party helps people in dispute to try to reach an agreement. This should be considered at all stages of the process. If an agreement is not reached normal bullying/harassment processes may continue. It may be appropriate to use an external agency to deliver the mediation. Mediation may take place after the process has been exhausted.</p>
<b>Malicious complaints</b>	<p>Complaints that are made and found to be without foundation (following an investigation), with the intention to cause harm or upset other people. The Trust considers this misconduct and it may be gross misconduct. Such complaints will be managed using the Trust Disciplinary Policy.</p>
<b>Vexatious</b>	<p>Complaints that are made and found to be without foundation (following an</p>

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<b>complaints</b>	investigation), with the intention of causing aggravation or in order to delay another process and for which there are no grounds. The Trust considers this misconduct and it may be gross misconduct. Such complaints will be managed using the Trust Disciplinary Policy.
<b>Sensitive Information</b>	The commissioning manager will need to exercise discretion to remove information that will not help to resolve the complaint. Generally this will be personal comments or details that do not answer the allegations.
<b>Exclusions from the policy</b>	The Trust has made a distinction between complaints that are about processes or policies and complaints that are about another employee's behaviour or relationships. Where the complaint is about the way that another policy has been applied or other processes, employees should normally refer to the process in the [ <a href="#">Grievance policy</a> ] (see table in <a href="#">appendix 2</a> ).  Whistleblowing – a protected right to raise concerns or complaints about malpractice or wrongdoing. This is covered in the [ <a href="#">Whistleblowing Policy</a> ] (see table in <a href="#">appendix 2</a> ).

3.2 For a full list of terms, please see the [[Glossary](#)] in [[Appendix 1](#)]

#### 4 DUTIES AND RESPONSIBILITIES

<b>Employee</b>	<ul style="list-style-type: none"> <li>• Read and understand the policy and behave in a way that reflects its principles and values. Where they do not understand, ask for help to understand</li> <li>• Behave in a way which reflects the Trust's agreed [<a href="#">values and behaviours</a>]</li> <li>• Have a duty of care for their colleagues, working to create an environment that rewards positive behaviour and addresses negative ones</li> <li>• Treat colleagues with dignity, courtesy and respect and take responsibility for their own actions and behaviour</li> <li>• Make every attempt to resolve complaints early and at an informal stage and address them directly with the individual involved at an early stage before going to a formal stage</li> <li>• Seek support and advice where needed e.g. from a Trade Union representative or support detailed in [<a href="#">appendix 3</a>]</li> <li>• Attend internal or (where appropriate) external training to develop the skills to have difficult conversations and address unacceptable behaviour</li> <li>• Understand that the person about whom the complaint is against will need to be made aware of the complaint (e.g. providing them with a copy of a written complaint) in order to resolve the issue</li> <li>• Attend any subsequent disciplinary hearing as a witness where required</li> <li>• Talk to their line manager, or where the complaint is about the line manager talk to the manager's manager, about any concerns or complaints they have and support they may need in order to address these concerns</li> <li>• Understand that if a bullying or harassment complaint is submitted anonymously, it will make it difficult for the Trust to investigate and/or resolve the issue and it may not be taken any further</li> <li>• Ensure that when the complaint is made or discussed they have an idea of the outcome that would resolve the complaint and discuss this</li> <li>• Not to discuss the investigation with other colleagues (including those involved in the case) whilst the investigation is being carried out as it is a confidential matter. Breaching of confidentiality or prejudicing the investigation may result in disciplinary action itself</li> <li>• Where a representative is unavailable on a proposed meeting date, the employee will provide their manager with an alternative within 7 calendar days of the original date or</li> </ul>
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	<p>an extension to this by mutual agreement to take place within a reasonable timeframe</p>
<p><b>Witness</b></p>	<ul style="list-style-type: none"> <li>• Facilitate an investigation by providing statements and attending investigation interviews</li> <li>• Not to discuss the investigation with other colleagues (including those involved in the case) whilst the investigation is being carried out as it is a confidential matter. Breaching of confidentiality or prejudicing the investigation may result in disciplinary action itself</li> <li>• Check, sign and return records of interviews with any additions within 7 calendar days</li> <li>• Attend disciplinary hearings where required</li> <li>• Exercise right to <a href="#">representation</a> at investigation meetings and hearings if they wish</li> <li>• Where a representative is unavailable on a proposed meeting date, the employee will provide their manager with an alternative within 7 calendar days of the original date or an extension to this by mutual agreement to take place within a reasonable timeframe</li> <li>• Give an honest account of what they have witnessed in relation to the allegations</li> <li>• Understand that if the investigation leads to a formal hearing, the employee who is suspected of misconduct they will receive a copy of the notes from the witness' investigation interview and statement as part of the investigation report. Where it does not progress to a hearing, only a summary report will be shared (i.e. the investigation report minus any <a href="#">sensitive information</a>)</li> </ul>
<p><b>Manager</b></p>	<ul style="list-style-type: none"> <li>• Have a duty of care for their employees, creating an environment that rewards positive behaviour and addresses negative ones</li> <li>• Treat colleagues and employees with dignity and respect and ensure that employees maintain acceptable standards of conduct as well as performance and attendance</li> <li>• Ensure employees are aware of and understand the policy, their responsibilities and how to make a bullying or harassment complaint if they have one (this may include supporting employees by providing <a href="#">reasonable adjustment</a> e.g. providing the Policy, in Braille/large print/Easy-Read or in a language other than English, or reading it to them)</li> <li>• Carry out 1:1s and informal 'catch-ups' to support and create an environment where employees feel they can raise a concern with their manager as soon as it arises so that it can be proactively addressed</li> <li>• Be sensitive to individual employee needs and be discreet and consistent in their approach towards all employees who are involved in a bullying or harassment complaint</li> <li>• Do not discuss the investigation with other employees unless it is for the purpose of the investigation</li> <li>• Where an employee notifies their manager of a problem, the manager proceeds with a plan of action that is mutually agreed with the employee where possible. This may include no action</li> <li>• Remain impartial to all involved in the complaint</li> <li>• Commission investigations where needed as part of the formal process</li> <li>• Facilitate mediation where suitable and mutually agreed</li> <li>• Seek Occupational Health advice about support or <a href="#">reasonable adjustments</a> where needed or make a referral where employee stress or health is a concern</li> <li>• Carry out necessary risk assessments and consider application of <a href="#">other Trust policies</a></li> <li>• Monitor levels of bullying and harassment in their own teams</li> <li>• Take a proactive and supportive approach to managing bullying and harassment complaints including exploring causes for the complaint at an early, informal stage</li> </ul>

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	<p>and addressing these where possible</p> <ul style="list-style-type: none"> <li>• Where a bullying or harassment complaint appears resolved, follow up with the employee who raised it at a later date to ensure that it has actually been resolved</li> <li>• Notify HR when a formal bullying or harassment complaint is raised and the subsequent outcome</li> <li>• Consult with HR to review future action in order to reduce instances of bullying or harassment</li> <li>• Inform employees of their right to representation (Trade Union/Staffside representatives or an employee of the Trust) at all formal meetings, investigation meetings and any suspension review meetings</li> </ul>
<b>Mediator</b>	<ul style="list-style-type: none"> <li>• An external Mediator should be trained with an accredited mediation qualification.</li> <li>• An internal Mediator must be trained in the Trust's Mediation process.</li> <li>• Remain impartial from the situation where mediation is required</li> <li>• Disclose any prior relationships with those involved before starting the mediation</li> <li>• Work with participants to negotiate agreement of a dispute or disagreement – participants should remain in ultimate control of the outcome e.g. whether or not an agreement is reached.</li> </ul>
<b>Dignity Advocates</b>	<ul style="list-style-type: none"> <li>• Provide information and guidance to individuals on the courses of action available to the employee if they believe themselves to be the subject of bullying and/or harassment</li> <li>• Promote, where appropriate, informal resolution of issues that arise</li> <li>• Provide a friendly supportive environment to individuals who are distressed by concerns about harassment and bullying, recognising the point at which it is appropriate to refer to other services</li> <li>• Provide information, guidance and support to individuals whose behaviour has been challenged as bullying or harassing (one Dignity Advocate will not be expected to advise both parties to a dispute)</li> <li>• Refer individuals to other support systems where appropriate</li> <li>• Maintain confidentiality at all times except where there is an unacceptable risk to the member of staff, patients, members of the public or the Trust</li> <li>• Maintain summary records notes of any guidance or support given in relation to cases in line with the Data Protection Act and provide confidential feedback to the Dignity Advocates' network as required</li> </ul>
<b>Commissioning Manager</b>	<ul style="list-style-type: none"> <li>• Commission an investigation within a maximum of 2 weeks of a formal complaint being made</li> <li>• Identify an appropriate Investigating Officer to carry out the investigation, who has no prior knowledge or involvement in the complaint or concern</li> <li>• Notify the Investigating Officer of the allegation(s) and Terms of Reference in writing and supply them with any documentary evidence that is available</li> <li>• Notify HR of the investigation</li> <li>• Remain impartial throughout the investigation</li> <li>• Monitor investigation to ensure it is concluded in a timely manner and a maximum of 3 months unless mutually agreed</li> <li>• Notify the employee of who the investigating officer is and who they can seek <a href="#">[support]</a> from (may include those listed in <a href="#">[Appendix 3]</a>)</li> <li>• Notify employees involved in the investigation of any delays in writing</li> <li>• Make arrangements for any subsequent disciplinary hearing and manage the hearing with sensitivity to all parties</li> </ul>



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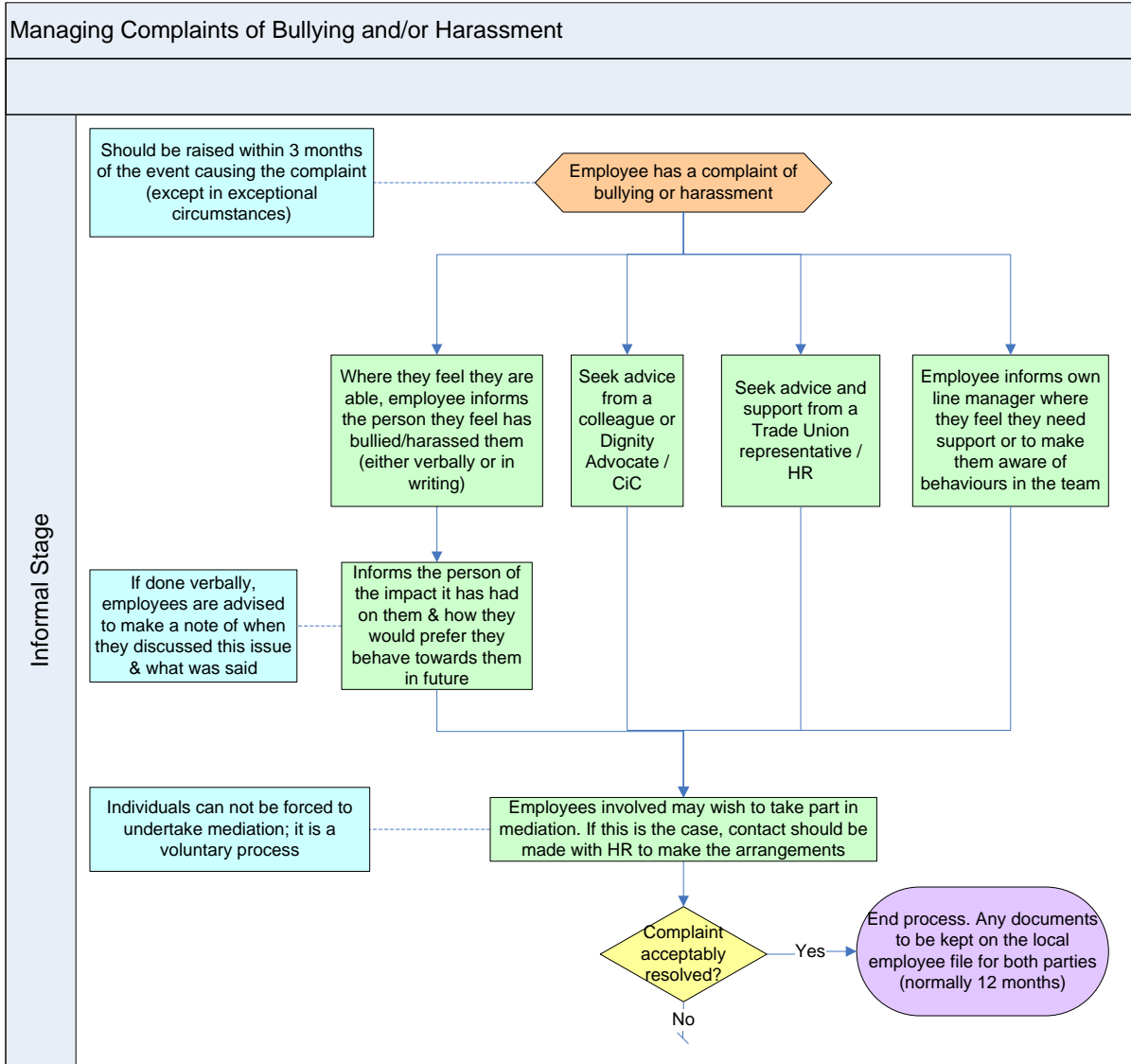
	<ul style="list-style-type: none"> <li>• Where a complaint is not upheld, provide the employee raising the complaint with a full rationale in order to help them to understand the decision</li> </ul>
<b>Investigating Officer</b>	<ul style="list-style-type: none"> <li>• Remain impartial throughout the investigation process</li> <li>• Collect information relating to the incident e.g. documentary evidence, CCTV (contact Trust Security Advisor), interviews and witness statements</li> <li>• Do not provide opinion in the report except in conclusions and recommendations, which must be evidence based</li> <li>• Present the Commissioning Manager with an investigation report which summarises the facts of the investigation and directs them to which appendices will provide further detail</li> <li>• Disclose any prior relationships with those involved before starting the investigation</li> </ul>
<b>Occupational Health (OH)</b>	<ul style="list-style-type: none"> <li>• Provide advice to managers about how to support employees who are under stress as a result of going through the bullying and harassment complaint process</li> </ul>
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• Provide Management training and facilitate accredited mediation training where necessary</li> <li>• Advise, and support where necessary, managers about how to use this policy</li> <li>• Advise employees on the application of this policy</li> <li>• Facilitate mediation where suitable and mutually agreed</li> <li>• Meet with Staffside representatives where concerns arise about the management or timescales of a bullying or harassment case</li> <li>• Meet with Staffside as requested where patterns or high levels of bullying and harassment complaints have been received. Liaise with senior management team to agree action plan</li> <li>• Assist investigation into services as appropriate where patterns or high levels of bullying and harassment complaints occur and work with the assigned manager to provide a report to the relevant Director of Operations (see <a href="#">section 4.3</a> below)</li> <li>• Attend final stage meetings as a panel member</li> <li>• Maintain records of casework for monitoring purposes</li> </ul>
<b>Organisational Development</b>	<ul style="list-style-type: none"> <li>• Recruit, train and manage Dignity Advocates</li> </ul>
<b>Staffside/ Trade Union representative</b>	<ul style="list-style-type: none"> <li>• Staffside/Trade Union representatives may facilitate their member to present their case</li> <li>• Advise employees on the application of this policy</li> <li>• Meet with HR lead supporting the case where concerns arise about the management or timescales of a bullying or harassment case</li> <li>• Liaise with relevant HR Manager where they notice a pattern or receive a high number of bullying or harassment complaints for a specific area in order to agree an action plan for improvement</li> </ul>

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## 5 RAISING AND MANAGING A BULLYING AND HARASSMENT COMPLAINT

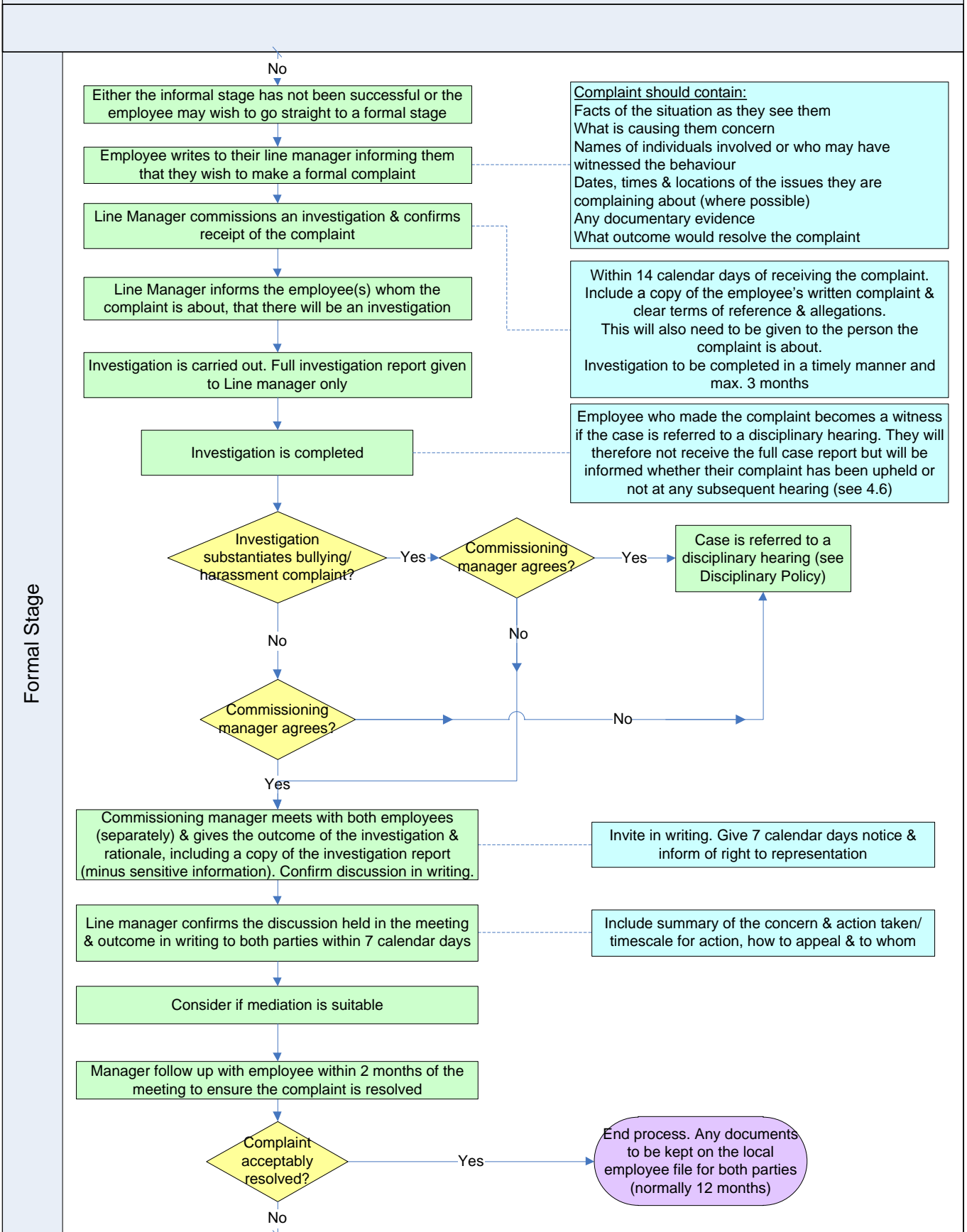
### 5.1 Informal Stage

5.1.1 The process of managing a bullying or harassment complaint is set out in the flowchart below:

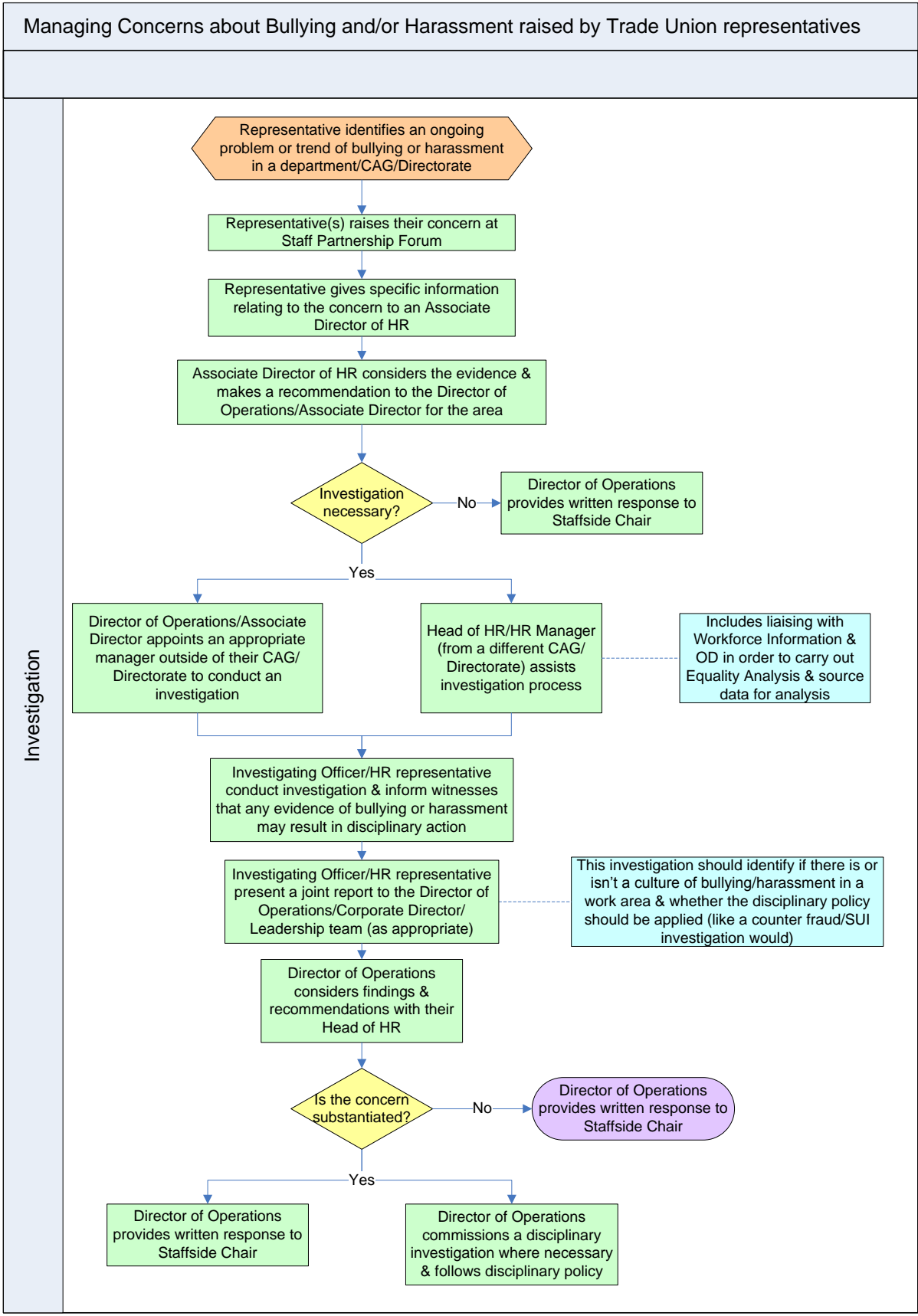


5.2 Formal Stage

Managing Complaints of Bullying and/or Harassment

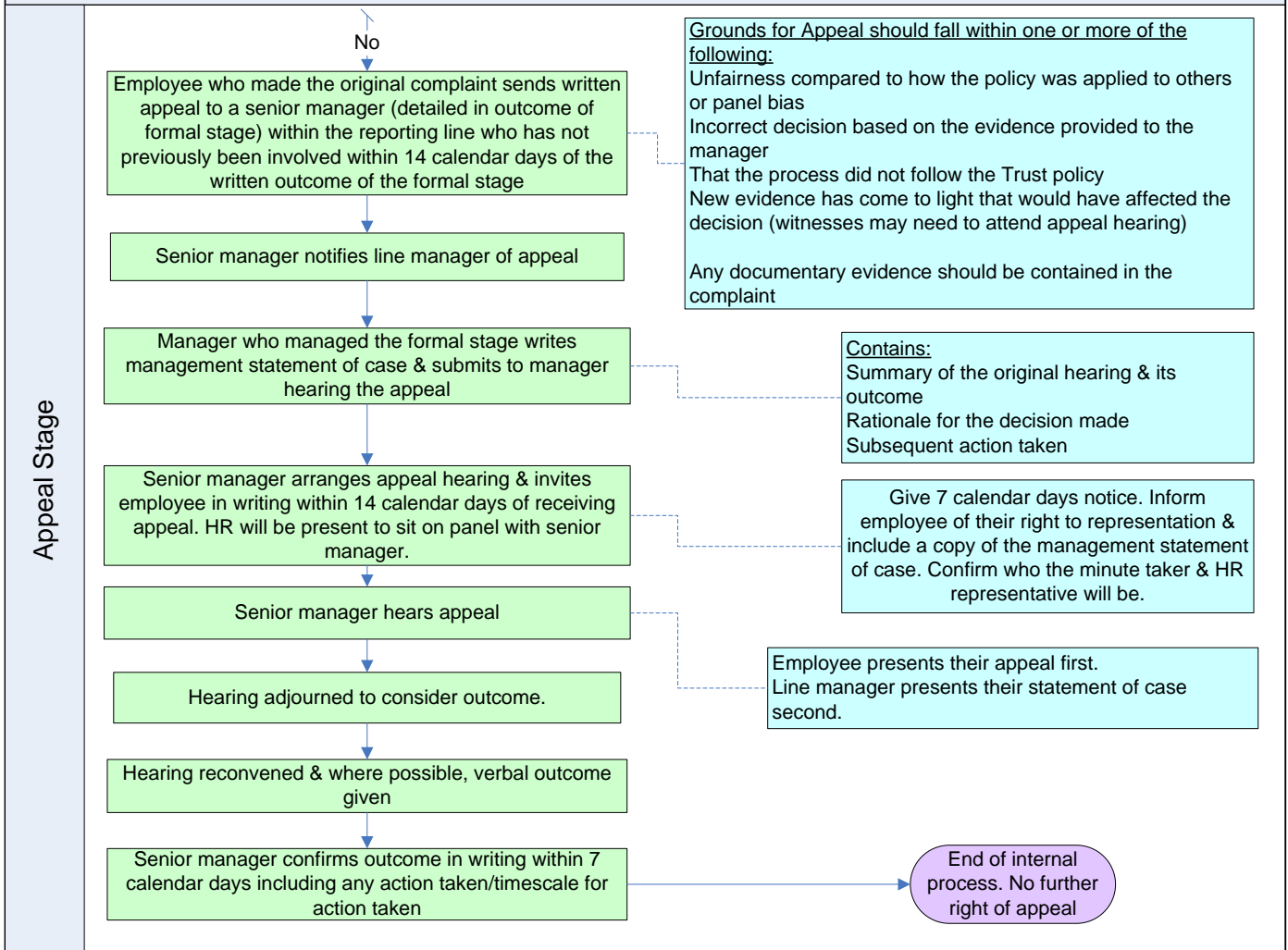


**5.3 Managing concerns about bullying and/or harassment raise by Trade Union representatives**



## 5.4 Appeal Stage

### Managing Complaints of Bullying and/or Harassment - Appeal



## 5.5 Miscellaneous

- 5.5.1 Where the complaint is raised against an employee's line manager, the complaint should be submitted to the manager of the line manager or a more senior manager within the reporting line. They should not have been involved in the issue causing the complaint and references to 'Line Manager' in the flow chart should be read as such.
- 5.5.2 Where complaints are raised during the application of another Trust policy (e.g. Disciplinary Policy), that process may be paused whilst the complaint is being resolved and considered on a case by case basis. However, if the complaint and the other process are related it may be appropriate to manage both processes concurrently (e.g. broaden the terms of reference for an investigation to investigate both issues but the outcomes to be considered separately). Where this is the case, HR advice should be sought.
- 5.5.3 Any investigation will need to be managed in line with the process and timescales stipulated in the Trust [\[Disciplinary Policy\]](#).
- 5.5.4 Where an investigation takes place as part of the bullying and harassment process, it is normal for the employee who raised the complaint to not receive a full copy of the investigation report and only receive appropriate feedback in the form of a summary of the conclusions reached (i.e. the

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investigation report minus [sensitive information]) and the outcome from the commissioning manager (i.e. that their complaint has or has not been upheld).

- 5.5.5 If an investigation finds that another Trust policy needs to be applied, then the outcome of the complaint will be that the issue needs to be managed under that other policy (e.g. the outcome may be that the Trust Disciplinary Policy needs to be applied to decide appropriate action). The person who raised the complaint may become a witness in that subsequent process.
- 5.5.6 Where complaints against an employee result in that employee being managed under the Disciplinary Policy, the employee raising the complaint will only be informed that their complaint has been upheld and not the outcome of the subsequent disciplinary as it is a confidential matter for the employee. The first employee will be instructed in this regard formally by their Line Manager.
- 5.5.7 Where an anonymous complaint is made, the manager will need to assess whether it is possible to investigate the issue raised and manage that appropriately. They should seek advice from HR where necessary.
- 5.5.8 If an investigation finds evidence of misconduct (including vexatious or malicious complaints), then that individual responsible will need to be managed in line with the Trust Disciplinary Policy.
- 5.5.9 At any point during the management of the case, if the Trade Unions or HR have concerns about the case's management and any delays that are occurring, it may be appropriate for the representative and the HR lead who is supporting the case to meet and review the case. They will discuss their concerns and agree an action plan to address them.

## 6 TRAINING AND EDUCATION

- 6.1 Staff training will be carried out as identified in the Training Needs Analysis. See Trust policy, Risk Management Training for all Staff.

## 7 IMPACT AND EQUALITIES ANALYSIS

- 7.1 An Equality Analysis has been carried out for this policy and has concluded that there are no detrimental effects and some positive effects of this policy. The analysis has been included here:

## 8 MONITORING THE EFFECTIVENESS OF THIS POLICY

Issue being monitored	Monitoring method	Responsibility	Frequency	Reviewed and followed up by
Compliance with duties within Equality Act	Report demographics of people raising bullying and/or harassment complaints	Human Resources	Bi-annual (every 6 months)	Partnership Group and Trust Management Board
Complaint levels and areas	Reporting of bullying and/or harassment complaints – broken down by CAG and number of complaints.	Human Resources	Bi-annual (every 6 months)	Partnership Group and Trust Management Board
Bullying and Harassment levels	Report on outcome by CAG	Human Resources	Annually	Partnership Group and Trust Management Board

END



**APPENDIX 1: GLOSSARY OF TERMS**

<b>ACAS</b>	Advisory, Conciliation and Arbitration Service
<b>ACAS Code of Practice on Disciplinary and Grievance Procedures 2009 and The Employment Act 2008</b>	Before The Employment Act 2008 there was statutory guidance in The Employment Act 2002 that gave a process for managing employee complaints. This has now been repealed ( <i>made null and void</i> ) and replaced by The Employment Act 2008, which directs employers to the ACAS Code of Practice on Disciplinary and Grievance Procedures 2009. This code of practice has been used to structure this policy.
<b>Equality Act 2010</b>	Replaces previous discrimination law (e.g. Disability Discrimination Act 1995) and includes the following: <ul style="list-style-type: none"> <li>• Extends the groups protected (protected characteristics)</li> <li>• Removal of health questionnaires</li> <li>• Bans discrimination by association</li> <li>• Bans direct and indirect discrimination</li> <li>• Bans harassment, victimisation and failure to make reasonable adjustments</li> <li>• Replaces all previous discrimination law</li> <li>• Introduces harassment by third parties</li> <li>• Also relates to provision of services to patients, not just employment</li> </ul>
<b>Protected Characteristics (part of the Equality Act 2010)</b>	<ul style="list-style-type: none"> <li>• Age</li> <li>• Disability</li> <li>• Gender Reassignment</li> <li>• Marriage and Civil Partnership</li> <li>• Race</li> <li>• Religion or Belief</li> <li>• Sex</li> <li>• Sexual Orientation</li> <li>• (Pregnancy and Maternity – only some elements apply)</li> </ul>
<b>Reasonable Adjustments (part of the Equality Act 2010)</b>	<p>An 'adjustment' is a change. This can be a physical change or a change in the way something is done.</p> <p>'Reasonable' will depend on a number of circumstances but the tests include:</p> <ul style="list-style-type: none"> <li>• How much will a reasonable adjustment reduce the disadvantage?</li> <li>• The practicality of the change.</li> <li>• The financial &amp; other costs &amp; the extent of any disruption caused.</li> <li>• The extent of the Trust's financial &amp; other resources.</li> </ul> <p>Although the Trust must consider reasonable adjustments for employees who have a disability or are pregnant, it is best practice for them to be considered for all employees to facilitate attendance &amp; implemented where service delivery allows.</p>
<b>Protection from Harassment Act 1997</b>	Criminalises and provides legal protection against harassment. The behaviour needs to have taken place on at least two occasions.
<b>Examples of Bullying or Harassing Behaviour</b>	<p>The list below contains examples and is not exhaustive:</p> <ul style="list-style-type: none"> <li>• unwanted physical contact</li> <li>• unwelcome remarks about a person's age, dress, appearance, race or marital status, jokes at personal expense, offensive language, gossip, slander, sectarian songs and letters</li> <li>• posters, graffiti, obscene gestures, flags, bunting and emblems</li> <li>• isolation or non-cooperation and exclusion from social activities</li> </ul>

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	<ul style="list-style-type: none"> <li>• coercion for sexual favours</li> <li>• pressure to participate in political/religious groups</li> <li>• personal intrusion from pestering, spying and stalking</li> <li>• failure to safeguard confidential information</li> <li>• shouting and bawling</li> <li>• setting impossible deadlines</li> <li>• persistent unwarranted criticism</li> <li>• personal insults.</li> </ul>
<p><b>Flowchart Colour Key</b></p>	<p>In order to assist reading the flowcharts, please note that specific information has been colour coded.</p> <p>Orange hexagons = Start of process/specific milestones</p> <p>Green rectangles = the process to be followed</p> <p>Yellow diamonds = a decision to indicate which part of the process to follow</p> <p>Blue rectangles = provide further information (e.g. topics to be discussed, required information in written correspondence etc)</p> <p>Purple oval = end of process</p> <p>Orange rectangles = possible outcomes</p>



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**APPENDIX 2: OTHER LINKED TRUST POLICIES AND GUIDELINES**

	Title differences where policies have not been amalgamated		
	Barts and The London (& CHS)	Newham University	Whipps Cross University
<b>Stress Management</b>	Managing Work Related Stress Policy and Guidance	Policy for the Prevention and Management of Stress at Work	Stress Management Policy
<u><a href="#">Disciplinary Policy</a></u>	n/a	n/a	n/a
<u><a href="#">Whistleblowing Policy (Raising Concerns in the Workplace)</a></u>	n/a	n/a	n/a
<b>Recognition Agreement</b>	n/a	n/a	n/a

**APPENDIX 3: EXTRA SOURCES OF INFORMATION AND SUPPORT**

<p><b>Employee Assistance Programme</b> <i>provided by CiC</i></p>	<p>A free service to all employees provided 24 hours 7 days a week which includes advice on debt, legal issues, caring and childcare and offers face to face counselling services.  <b>Tel. 0800 085 1376</b>  Or access them via <a href="http://www.well-online.co.uk">www.well-online.co.uk</a></p>
<p><b>ACAS</b></p>	<p><a href="http://www.acas.org.uk">www.acas.org.uk</a></p> <p>The Acas Helpline is the place to go for both employers and employees who are involved in an employment dispute or are seeking information on employment rights and rules. The Helpline provides clear, confidential, independent and impartial advice to assist the caller in resolving issues in the workplace. ACAS also provides information on rights and responsibilities under the Equality Act 2010</p> <p><b>Call the Helpline on 08457 47 47 47. Monday-Friday, 8am-8pm and Saturday, 9am-1pm</b></p>
<p><b>Trade Unions</b></p>	<p>The Trust recognises a number of Trade Union organisations. For further information about these, please visit the Trade Union page on the Trust Intranet:  <a href="http://bartshealthintranet/People/Staff-side/Staff-side-representatives.aspx">http://bartshealthintranet/People/Staff-side/Staff-side-representatives.aspx</a></p>
<p><b>Chaplaincy</b></p>	<p>The local chaplaincy service is there to support staff of all religions or beliefs including staff with no religion or belief.</p> <ul style="list-style-type: none"> <li>• The Royal London, The London Chest &amp; Mile End - ext 14 42070</li> <li>• Barts: ext 15 57220</li> <li>• Newham: 020 7363 8467</li> <li>• Whipps Cross: ext 5005 or 5244</li> </ul>

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#### APPENDIX 4: TEMPLATE FORMAL COMPLAINT LETTER

Dear [Line Manager/Line Manager's Manager],

I wish to formally notify you of a complaint that I have regarding [insert what is causing you concern]. I would like this to be managed as a formal bullying and harassment complaint.

[Insert a summary of the facts as you see them here including dates, times and locations where possible]

[Insert a summary of any action that you have taken to try and resolve the issue already and whether this had an effect or not]

I believe the following individuals are involved with or may have witnessed the issues detailed above:

[list names and roles – stipulate whether they are involved or are witnesses]

My line manager is [insert name].

I have attached the documentary evidence which supports my complaint to this letter/I do not have any documentary evidence to support my complaint.

The outcome that would resolve my complaint for me would be:

[Insert desired outcome].

Yours sincerely,