**Maidstone and NHS
Tunbridge Wells**
NHS Trust

Ref: FOI/GS/ID 4965

Please reply to:
FOI Administrator
Trust Management
Maidstone Hospital
Hermitage Lane
Maidstone
Kent
ME16 9QQ
Email: mtw-tr.foiadmin@nhs.net

21 September 2018

Freedom of Information Act 2000

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to Bullying and harassment in the NHS.

You asked:
1. Have you got a specific strategy, policy or action plan in place to address the issue of bulling and harassment at your trust which was highlighted through the staff survey results over the past few years?
2. Did you take any specific actions at your Trust in the last 3 years to identify the main causes of harassment or bullying at work?
3. Do you encourage any preventive measures at your Trust to reduce occurrences of workplace bullying and harassment?
If yes, please outline what preventative measures are taken.
4. Do you have any specific procedures in place for reporting an incident when the alleged harasser or bully is a senior leader, supervisor or someone acting on behalf of the employer?
If yes, please outline what reporting procedures they are.
5. Do you have a freedom to speak up guardian?
If yes, who are they, please provide their title and contact details.
Also, is there an executive lead outside of the HR team?
6. Does your Trust examine the leadership styles most often used in your workplace, and how that can affect the prevalence of bullying and harassment?
7. Please quantify how many staff have been funded by your trust in the past 3 years to attend any Leadership and/or Management course to strengthen the leadership at the trust?
If any, please indicate the length of the course, for example: a few days course, Mary Seacole 6-month leadership development programme, under/post graduate studies.
8. Do you also know how many management/ leadership courses were funded as a result of supportive, remedial measures following an investigation into bulling and/or harassment?
9. Do you proactively assess managers' and workers' competencies and skills to combat workplace bullying and harassment?
If so, what type of assessment do you undertake, how often and what staff groups does this
cover?

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10. Are you actively promoting awareness and recognition of bullying in your workplace?

If yes, what initiatives have you put in place in the last 3 years? (interested not so much in targeting and focusing upon bullies but about creating a culture that makes the actions of bullying and harassment very unwelcome).

11. Do you have any operational frameworks in place that support the culture, values and behaviours of the Trust and what will not be accepted?

12. What specific actions have been taken in the last 3 years to build a culture of respect in your trust?

13. Have you made available any tools for staff to use to report bullying (anonymously or not). This does not include reporting it through the normal channels e.g. through a line manager.

If yes, please outline what tools they are.

14. What policies do you have in place related to managing bullying and harassment? Please provide copies.

Also have those policies been updated in the last 3 years with any substantial changes to strengthen it in view of the recent survey results?

15. Do your Trust use selection tools, such as written tests, performance tests and/or psychological tests to identify the right individuals for the job at your trust? This does not include the standard face to face interviews.

If yes, please outline what tools you have in place and how they are applied.

16. Does your recruitment process and appraisal processes link to the behavioural framework for managers and how is this monitored?

17. Is your Occupational Health team involved in the proactive prevention of bullying and harassment in the workplace seeing this as part of promoting and maintaining the health and wellbeing of staff?

If yes, in what way are they involved in preventing bulling ad harassment in a proactive manner?

18. Do you review and check the effectiveness of preventive measures taken? (If any).

19. Do you have a system through which employees can provide regular feedback to make it relevant and effective?

If yes, what system do you use?

20. Is your mandatory training on Equality and Diversity face to face led or e-learning? Please advise.

If face to face, what content is included specifically in respect of bulling and harassment? (Headings only)

If e-learning, have you assessed your training package and content specifically to bulling and harassment in light of recent staff survey results and did you find it effective/ fit for purpose?

21. Does your Trust Clinical and Corporate Induction programme include Equality and Diversity?

If yes, what information specific to bulling and harassment is given to new staff? (Headings only)

22. Do you have any Non-Executive Directors who act in the capacity of 'Bullying and Harassment Advisors', or any similar roles that offer an independent support to staff feeling bullied/harassed?

If yes, please explain the roles of those individuals.

23. Do you Trust undertake a regular risk assessment in relation to work-related stress?

If yes, which department is responsible for completing it and how are the findings acted on?

When was the last time this was undertaken?

24. What was your training compliance with regards to the Equality and Diversity training in 17-18 (by staff group) please?

25. What percentage of staff completed an exit interview in 2017-18?

Do you know how many staff left your trust in 2017-18 due to bullying and harassment being the main reason?

26. Sharing Lessons Learnt:

Do you believe your acute Trust has taken any unique steps to combat bulling and harassment that have proved successful and that you would be happy to share with other acute NHS trusts?

If yes, please outline what they are.

Trust response:

1. Yes
2. Yes
3. Yes

If yes, please outline what preventative measures are taken.

Staff networks (Disability, LGBT+ and Cultural Diversity Networks) provide a medium to talk through issues which may escalate.

Bullying and Harassment workshops are scheduled giving both staff and managers an understanding of how to deal with B&H in the workplace including preventative and resolution measures.

Poster campaign for zero tolerance directed at patients and staff.

4. Yes

If yes, please outline what reporting procedures they are.

IR1 and Management Senior

5. Yes

If yes, who are they, please provide their title and contact details.

Interim Guardian- Ruth Bailey (Head of Employee Relations)

Christian Lippiatt appointed to role with effect from 1st October 2018

Also, is there an executive lead outside of the HR team?

No

6. No

7. Over 60 staff to date have undertaken ongoing in house leadership course, with specific content on tackling bullying and harassment.

In-house programme 6 x 0.5 day sessions

In-house delivery of above programme cost neutral

8. Unknown

9. No

10. Yes

Staff networks (Disability, LGBT+ and Cultural Diversity Networks) provide a medium to talk through issues which may escalate.

Bullying and Harassment workshops are scheduled giving both staff and managers an understanding of how to deal with B&H in the workplace including preventative and resolution measures.

Poster campaign for zero tolerance directed at patients and staff.

11. Yes

Standards of conduct at Work P&P

12. Living our Values Working with PRIDE (R = Respect) workshops delivered, bespoke workshops to explore how our behaviours meet our values and to challenge poor behaviour
13. Yes
If yes, please outline what tools they are.
Freedom to Speak up Guardian and P&P
14.

Bullying and Harassment Policy and Procedure

Requested/
Required by: Workforce Committee

Main author: HR Business Partner

Other contributors: Staff Side

Document lead: HR Business Partner
                    Contact Details:

Directorate: Corporate

Specialty: Workforce

Supersedes: Bullying and Harassment Policy and Procedure (Version 4.2, March 2012)

Approved by: Workforce Directorate Committee, 7th May 2013

Ratified by: Workforce Committee, 7th May 2013

Review date: May 2018 or at times of significant change

Document history

Requirement for document:	The purpose of this policy is to set out the Trust's position and procedures on dealing with issues of bullying and harassment in the workplace. As well as to comply with national legislation, recommendations and good practice: • The Equality Act 2010 • Employment Rights Act 1996 • Health and Safety at Work Act 1974 • Trade Union and Labour Relations (Consolidation) act 1992 • Protection from Harassment Act 1997 • Human Rights Act 1998 • Agenda for Change Terms and Conditions • National Terms and Conditions for Medical Staff • NHSLA Standard Risk Management Standards (2012/13) 3.8 Bullying and Harassment
Cross references:	1. NHS Employers (April 2006) *NHS Employers Guidance – Bullying and harassment www.nhsemployers.org* 2. GOV UK *Workplace bullying and harassment www.gov.uk/workplace-bullying-and-harassment* 3. ACAS (October 2010) *Bullying and harassment at work: guide for managers and employers www.acas.org.uk* 4. ACAS (October 2010) *Bullying and harassment at work: advice for employees www.acas.org.uk* 5. Health and Safety Executive *Bullying and harassment* www.hse.gov.uk/stress/furtheradvice/bullyingharassment.htm 6. Chartered Institute of Personnel and Development (CIPD) (January 2008) *Managing conflict at work: a guide for line managers www.cipd.co.uk* 7. CIPD (April 2005) *Bullying at Work: beyond policies to a culture of respect www.cipd.co.uk* 8. CIPD (December 2012) *Harassment and bullying at work www.cipd.co.uk* 9. British Medical Association (BMA) *Stopping bullying and harassment at work www.bma.org.uk* 10. Medical Association (BMA). (2006). *Bullying and Harassment of Doctors in the Workplace*

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	11. Department of Health (October 2002) *Code of Conduct for NHS Managers* www.dh.gov.uk
	12. Department of Health (2010) *The NHS Constitution: the NHS belongs to us all* www.dh.gov.uk
	13. Department of Health. (2000). *Improving Working Lives Standard*
	14. NHS Employers. (2010). *'Health and Safety Essential Guide'. NHS* www.nhsemployers.org
	15. Royal College of Nursing. (2005). *Bullying and Harassment at Work: A Good Practice Guide for RCN Negotiators and Healthcare Managers*
Associated documents:	• Maidstone and Tunbridge Wells NHS Trust. *Induction Policy and Procedure* [RWF-OPPPCS-NC-WF19] • Maidstone and Tunbridge Wells NHS Trust. *Statutory and Mandatory Policy and Procedure* [RWF-OPPPCS-NC-WF22] • Maidstone and Tunbridge Wells NHS Trust. *Disciplinary Policy and Procedure* [RWF-OPPPCS-NC-WF10] • Maidstone and Tunbridge Wells NHS Trust. *Grievance and Disputes Policy and Procedure* [RWF-OPPPCS-NC-WF27] • Maidstone and Tunbridge Wells NHS Trust. *Performance Management (Capability) Policy and Procedure* [RWF-OPPPCS-NC-WF53] • Maidstone and Tunbridge Wells NHS Trust. *Concerns about Performance of Doctors and Dentists Policy and Procedure, Management of* [RWF-OPPPCS-NC-WF8] • Maidstone and Tunbridge Wells NHS Trust. *Traumatic and Stressful Incidents at Work, Supporting Staff involved in* [RWF-OPPPCS-NC-WF59] • Maidstone and Tunbridge Wells NHS Trust. *Whistle Blowing Policy and Procedure* [RWF-OPPPCS-NC-WF33] • Maidstone and Tunbridge Wells NHS Trust. *Stress at Work Policy and Procedure, Management of* [RWF-OPPPCS-NC-WF3]

Version Control:		
Issue:	**Description of changes:**	**Date:**
1.0	Initial document	July 2002
2.0		
3.0		November 2007
4.0	Reformatted to Trust template and amended for NHSLA standard 3.8 requirements	January 2009
4.1	Minor amendments to headings and for NHSLA requirements	November 2009
4.2	Minor amendment to ensure monitoring and audit is aligned with the Mandatory and Statutory Policy and Procedure.	September 2011
5.0	Complete full policy review	May 2013
5.1	Removal of erroneous paragraphs regarding the right of appeal which is not possible under this policy. Removal of appeals	October 2017

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	procedure appendix.	

Policy statement for

Bullying and Harassment Policy

The Trust recognises that all employees have a right to work in an environment in which the dignity of individuals is respected and is free from harassment and bullying.

The Trust is committed to encouraging and maintaining good employee relations within a working environment which fosters team working and encourages employees to give their best.

Everyone in the Trust and those who have dealings with the Trust have a duty to behave and conduct themselves so as to respect the rights of employers and other employees to dignity, courtesy and respect at work, and to maintain good working relations and not use words or deeds that may harm the wellbeing of others.

In addition to the obligations placed upon both employers and employees by The Equality Act and Human Rights legislation, everyone has the right to be treated with consideration, fairness, dignity and respect, and not to have their safety, health and welfare at work put at risk through bullying and harassment by the employer, other employees or other persons.

The policy applies to all staff working within the Trust and to all employees working off the premises. It extends to include non-permanent workers such as seconded staff, contractors, agency, temporary staff, consultants and other workers. The policy, in addition, covers the behaviour of staff outside working hours which may impact upon work and working relationships.

The Trust has a 'zero tolerance' policy and will investigate vigorously any allegations of bullying and harassment, regardless of whether the matter has been raised formally or informally. This contributes to a workplace environment in which individuals feel safe and can work effectively, competently and confidently.
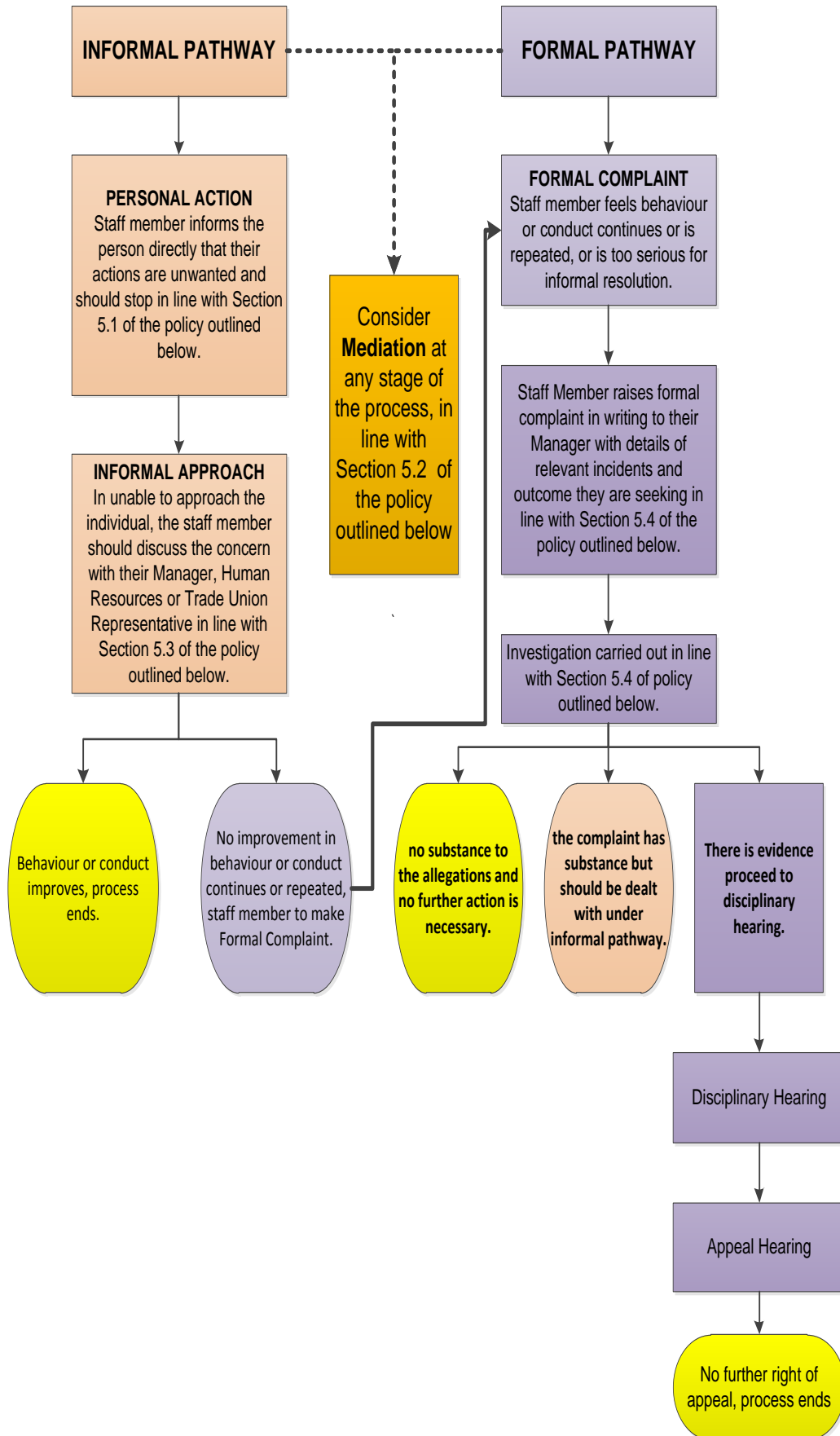
Bullying and harassment will not be tolerated by the Trust in any form.

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Bullying and Harassment Procedure

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No.	Title
4	Examples of bullying and harassment in the workplace
5	Investigation guideline
6	Appeals procedure

BULLING AND HARASSMENT FLOWCHART

INFORMAL PATHWAY

FORMAL PATHWAY

PERSONAL ACTION
Staff member informs the person directly that their actions are unwanted and should stop in line with Section 5.1 of the policy outlined below.

Consider **Mediation** at any stage of the process, in line with Section 5.2 of the policy outlined below

FORMAL COMPLAINT
Staff member feels behaviour or conduct continues or is repeated, or is too serious for informal resolution.

INFORMAL APPROACH
In unable to approach the individual, the staff member should discuss the concern with their Manager, Human Resources or Trade Union Representative in line with Section 5.3 of the policy outlined below.

Staff Member raises formal complaint in writing to their Manager with details of relevant incidents and outcome they are seeking in line with Section 5.4 of the policy outlined below.

Investigation carried out in line with Section 5.4 of policy outlined below.

Behaviour or conduct improves, process ends.

No improvement in behaviour or conduct continues or repeated, staff member to make Formal Complaint.

no substance to the allegations and no further action is necessary.

the complaint has substance but should be dealt with under informal pathway.

There is evidence proceed to disciplinary hearing.

Disciplinary Hearing

Appeal Hearing

No further right of appeal, process ends

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Introduction and scope

1.1 As an equal opportunities employer, the Trust supports a working environment for individuals in which their dignity at work is paramount. The Trust has a rich diversity of staff which is both welcomed and valued. The purpose of this document is to support a working environment and culture in which bullying and harassment is unacceptable in any form.

1.2 This document applies to all staff working within the Trust, employees, contractors or agency, volunteers and staff from other organisations working on the Trust premises or associated premises. Where bullying and harassment cases involve staff employed by other organisations the Trust will work with their employer to determine the most appropriate course of action. For those staff employed as a contractor, agency or volunteer where bullying and harassment has been founded may have their contract terminated.

1.3 The Trust recognises that all employees have the right to be treated with consideration, dignity and respect. The Trust seeks to support all employees in their professional development and aims to provide a happy and fulfilling environment in which to work. The document promotes the respectful treatment of staff within the Trust and the protection of employees from bullying and harassment at work. Bullying and harassment will not be tolerated by the Trust in any form.

1.4 Each member of staff carries a personal responsibility for their own behavior in relation to this policy/procedure and is responsible for ensuring that their conduct is in line with the standards set out in this document. Staff should report to the appropriate manager, trade union representative, Workforce Department any incidents of bullying and harassment which come to their attention. All staff must also co-operate by providing any relevant information when an allegation of bullying and harassment at work is being looked into.

1.5 Allegations raised regarding bullying and harassment will be taken seriously and treated confidentially. The organisation gives an assurance that there will be no victimisation against an employee making a complaint under this document or against employees who assist or support a colleague in making a complaint.

1.6 Bullying and harassment may be treated as a disciplinary offence and, where allegations are founded, may lead to summary dismissal. Disciplinary action may also be taken if a complaint is found to have been submitted maliciously or in bad faith.

1.7 Bullying and harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or subtle. Whatever form it takes, it is unwarranted and unwelcome to the individual.

Definitions

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It is important to clarify the distinction between the terms bullying and harassment as this is an area that causes much confusion. **Appendix Four** gives examples of unacceptable behaviour that can be considered to constitute bullying and harassment. The Advisory, Conciliation and Arbitration Service (ACAS) definitions clarify the terms:

2.1 **Bullying** - bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, or abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.

2.2 **Harassment** - in general terms harassment is unwanted conduct related to a relevant protected characteristic, affecting the dignity of men and women 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 event. The key is that it has the purpose or effective of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for the recipient.

2.3 **At work** - includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to that employment.

Duties

3.1 Staff member

All staff have a personal responsibility for their own behaviour and for ensuring that they comply with this policy/procedure. There are a number of things that staff can do to help prevent bullying and harassment such as:

- set a positive example by treating others with respect;

- be aware of the Trust's policy/procedure and comply with it;

- do not make personal comments;

- do not accept behaviour that may be offensive when directed against you or others, and take positive action to ensure that it is challenged and/or reported;

- be aware of how your behaviour can affect other people;

- be supportive of colleagues who may be subject to bullying and harassment.

If employees are subject to bullying and harassment but do not feel able to talk about it yet, they should make notes including dates and details which will help them recall events clearly at a later date. Staff can also contact their Workforce Department or union representative for advice and support.

3.2 Line manager

All managers have a responsibility to implement this policy/procedure and to bring it to the attention of staff in their work area. In order to establish and maintain a work environment free of bullying and harassment they must:

- ensure good communications and trust with and between staff;

- set a positive example by treating others with respect and setting standards of acceptable behaviour;

- promote a working environment where bullying and harassment is unacceptable and not tolerated;

- treat a complaint seriously and deal with it promptly, sensitively and confidentially, giving the employee and the alleged perpetrator full support during the whole process;

- recognise, tackle, and where possible, resolve incidents of bullying and harassment;

- ensure there is no retaliation against the complainant or alleged perpetrator, and take action to resolve

- consult with Workforce as required for advice and support.

3.3 Human Resources Department

The HR Department has a responsibility to ensure that the policy/procedure is followed, fairly and consistently, including:

- advising managers on the application of the 'bullying and harassment' policy and procedure;

- advising managers and staff where individuals feel that they are being bullied or harassed in the course of their employment;

- ensuring the effective implementation of the 'bullying and harassment' policy/procedure;

- monitoring incidence of bullying and harassment and initiating appropriate action;

- reviewing and amending the 'bullying and harassment' policy/procedure as appropriate.

3.4 Occupational Health

Any member of staff who is involved in a claim 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.

3.5 Independent mediators

It may be appropriate for the matter to be dealt with by way of mediation, depending on the nature of the complaint. This involves the appointment of an independent mediator via the Workforce Team. Mediation must:

- have received training and are accredited mediators

- operate independently

- be arranged and concluded within a reasonable timeframe

- maintain impartiality and confidentiality

- be voluntary and without any repercussions

- clearly explain the process of mediation and individual rights

3.6 Trust Board

The Trust Board will ensure this policy/procedure is applied fairly and equitably across all groups of staff, including ensuring that:

- all managers and groups of staff are informed and made aware of their personal responsibilities under this policy/procedure.

- formal training is provided to managers and staff who are involved in implementing this policy/procedure;

- the policy/procedure is monitored and audited to assess its effectiveness and equal and consistent application.

Training / competency requirements

4.1   All new staff will be made aware of this policy during their corporate induction.

4.2   Managers will be provided training on the handling of issues raised under this policy in the New Manager HR Workshop.

Procedure

5.1   Personal action

5.1.1 Where a member of staff believes they are being bullied and harassed it is possible for the concern to be resolved quickly by taking personal action themselves:

- the person may not know that their behaviour is unwelcome or upsetting and by explaining directly to the person the effect their behaviour is having and that you want it to stop it may help the person understand and agree to change it. This is often the most effective means of dealing with concerns.

- arrange a discussion in a private location with the person concerned, as it would not be appropriate to raise such matters in a public environment.

- be prepared to listen to and understand any explanation from the person, to facilitate a better understanding of what has caused the problem and how it can be resolved.

- if the behaviour of a person is aggressive it may be necessary to walk away, making it clear that it is unacceptable.

- the employee should make it clear to the person that if their behaviour continues a formal complaint will be made.

- keep a diary of all incidents; record dates, times, any witnesses, feelings etc.

- keep copies of any correspondence that may be relevant, for example: reports, letters, memos, notes of any meetings that relate to the concern.

- keep a record of any agreements reached, and if no agreement is reached, a record of the discussion.

- if the employee does not feel able to raise their concerns with the person directly, they could write to them stating that they feel bullied and harassed, where and when this occurred and how they wish to be treated, retaining a copy of the letter.

5.1.2 Personal action does not require a report to be made, although the employee who believes they are being subjected to bullying and harassment may wish to seek guidance on how to take personal action from their manager, Workforce Department or trade union representative.

5.1.3 It is recognised that personal action may not be appropriate for all situations. This may be because the employee does not feel comfortable in dealing directly

with the person who is causing them concern or it may be that the behaviour is too serious to be dealt with in this way. In such situations employees should consider the options below.

5.1.4 Employees are encouraged to discuss any concerns about bullying and harassment with their manager, Workforce Department, a trade union representative or Occupational Health Department.

5.2 Mediation

5.2.1 The employee may wish to consider mediation as an alternative method of resolution. Mediation can be considered at any stage of the process whether personal action, informal or formal.

5.2.2 Mediation is a process which brings people together in the presence of an impartial third party who facilitates a resolution. The mediator will normally meet with the parties individually before advising on the next steps of the mediation process. A possible option would include a further meeting between the parties, facilitated by the mediator. At this meeting the employee would be given an opportunity to explain to the individual the reasons why they consider their behaviour to constitute bullying and harassment and the person would have the opportunity to respond. The participants to the process (not the mediator) decided on the terms of any resolution to help improve working relationships.

5.2.3 Mediation is a voluntary, sensitive and confidential process that encourages feelings to be aired and empowers those involved. It is most effective when all parties are willing to resolve matters and reach a solution. Participants can withdraw from the process at any stage and this does not affect the right of the employee to make a formal complaint.

5.2.4 Mediation can be accessed through the Workforce Department.

5.3 Stage 1 - Informal approach

5.3.1 Where personal action is not effective and the concern persists or where the employee is not comfortable with taking personal action then the employee should raise the concern informally with their manager in the first instance. Where the manager's behaviour is causing the concern, then the concern should be raised with their manager.

5.3.2 In addition, managers may decide that informal action is necessary after receiving notification about the behaviour of one of their employees from another manager or member of staff.

5.3.3 In most cases, the manager should seek advice and guidance from the Workforce Department before taking informal action.

5.3.4 The purpose of taking informal action is to address the concern without recourse to formal procedures such as investigations or disciplinary hearings. Informal action is much more likely to provide a successful and long term solution and allows for a quicker process, minimises disruption at work and minimises any impact on those employees involved.

5.3.5 Examples of informal action are listed below.

- The manager or another staff member could discuss the issues directly with the alleged bully. The aim of the meeting will be to make the alleged bully or aware of the problem, giving them an opportunity to respond and agree how the problem can be resolved to improve working relationships.

- The manager or another member of staff can facilitate discussions between the individuals with the aim of reaching agreement on how to resolve the problems.

- Mediation as outlined 5.2 above.

5.3.6 The outcome of informal action to resolve problems will depend on the circumstances but could include a verbal or written agreement between those involved, training and development opportunities to address specific concerns, greater senior management support or different working and reporting arrangements.

5.3.7 The manager will monitor the situation over a period to time to check that the matter has been fully resolved and that the behaviour or conduct has ceased.

5.3.8 If the employee believes that matter is too serious to be dealt with or informal action has not succeeded in resolving the concern then this employee should make a formal complaint in writing.

5.4 Stage 2 - Formal complaint

5.4.1 If the bullying and harassment continues, the employee feels unable or unwilling to deal with the matter informally, informal resolutions have been unsuccessful or the allegation is so serious as to prevent use of the informal procedure, a complaint should be raised formally.

5.4.2 The employee requesting formal action is taken to address the concern should set this out in writing and include details of the behaviours they have experienced, the dates of incidents, the impact the behaviour or conduct has had, any attempts to try to resolve the concern, and any witnesses.

5.4.3 The manager and a representative from Workforce will ensure that a preliminary investigation is undertaken to determine the seriousness and substance of the bullying and harassment concern, from which they will decide on appropriate next steps and means of resolution. The possible outcomes are:

- there is no substance to the allegations and no further action is necessary;

- the complaint has substance but should be dealt with informally;

- the complaint has substance, is serious and a more detailed and independent investigation is required.

5.4.4 Where formal action is appropriate a full investigation will take place. The investigation process is set at **Appendix Five**.

5.4.5 The possible outcomes of the investigation are:

- there is no substance to the allegations and no further action is necessary

- the complaint has substance but should be dealt with informally as per section 5.3 above

- A disciplinary hearing under the provisions of the Trust *Disciplinary Policy and Procedure* is required to determine the appropriate action to take. There is no requirement for a further investigation under the Trust *Disciplinary Policy and Procedure* in such circumstances.

5.4.6 The Trust will aim to complete formal investigations as soon as possible, usually within three months. However, given the complexity of some issues, this may

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not always be achievable. Updates on the progress and likely timescales of each investigation will be communicated to all parties involved during the investigation process.

5.4.7 Investigatory meetings may be digitally recorded to increase the accuracy and efficiency of meeting notes. Meetings that are recorded will be stored electronically in a secure location and produced in hard copy when/if the investigation concludes that a formal disciplinary hearing will be required (transcripts will be available at this stage). Where meetings/hearings are not recorded, a handwritten summary note will be taken as accurately as possible. If digital recording is proposed this will be discussed and agreed with the individual at the beginning of the meeting.

5.5 Action if accused of bullying and harassment

5.5.1 If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the employee is being too sensitive. Remember that different people find different things acceptable and everyone has the right to have their feelings respected by others.

5.5.2 You may have offended someone without intending to. If that is the case the employee concerns may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour which has caused offence, this may be enough to resolve the matter.

5.5.3 If a formal complaint is made about your behaviour, this will be fully investigated, and if well founded may result in disciplinary action. The Trust's *Disciplinary Policy and Procedure* will be followed.

5.5.4 You have the right to be informed of the allegations against you, to put your side of the story and to be accompanied at formal meetings by a Trust work colleague or trade union representative.

5.6 Right to representation

Employees are entitled to be accompanied to meetings, supported and advised by a work colleague from the Trust or a trade union official throughout the formal process including appeal. Relatives (even if employed by the Trust) are not deemed as suitable workplace colleagues.

5.7 Feedback

Employees who have reported bullying and harassment or are the subject of an investigation should be regularly kept informed of the progress of investigations, and any possible next steps.

5.8 Confidentiality

5.8.1 The Trust will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a 'need to know' basis. For example, the employee's identity and nature of the allegations must be revealed to the person being complained about, so they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentially will be emphasised to them.

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

5.8.3 All complaints, associated correspondence and interviews will be treated in strict confidence.

5.8.4 Breaches in confidentiality may be subject to disciplinary action.

5.9 Support

Employees are entitled to support from the Trust before, during and after the process whether they are the employee making the complaint, the alleged bully or witnesses. Guidance on the support available is contained in the Trust's *Supporting Staff Involved in Traumatic and Stressful Incidents at Work* policy and procedure.

Monitoring and audit

The Workforce Department will be responsible for monitoring compliance with this policy/procedure on behalf of the Trust, as follows:

Bullying and Harassment Policy and Procedure
Written by: HR Business Partner
Review date: May 2018
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What needs monitoring	Lead	Tool	Frequency	Reporting Arrangements	Action Lead(s)	Change in practice and lessons to be shared
Duties	Workforce	Audit	Annual	Workforce	Workforce	Areas of concern to be reported and action plans agreed, monitored through performance reporting.
Statement by the organisation that bullying and harassment are not acceptable	Workforce	Audit	Annual	Workforce	Workforce	Areas of concern to be reported and action plans agreed, monitored through performance reporting.
How concerns about harassment or bullying can be raised What should be done once a concern has been raised						
NHS Staff Survey	Directorates supported by Workforce	Staff Survey Results	Annual	Directorates and Workforce	Directorates	Areas of concern to be reported and action plans agreed, monitored through performance reporting.
Employee relations case reporting	Workforce	ER Case Report	Quarterly	Updates or areas of concerns highlight at Workforce Monthly Meetings	Workforce	Areas of concern to be reported and action plans agreed, monitored through performance reporting.
How the organisation trains staff, in line with the training needs analysis						
New starter awareness training	Workforce	Induction	Once only on induction	Workforce	Workforce	Information on attendance and DNA's reported.
Awareness training for Managers	Directorates supported by Workforce	New Managers HR Workshop	If identified	Updates or areas of concerns highlight at Workforce Monthly Meetings	Directorates supported by Workforce	Areas of concern and action plans agreed, monitored through performance reporting.

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<u>**Process requirements**</u>

1.0   Implementation and awareness

- Once approved the document lead or author will submit this policy / procedural document to the Clinical Governance Assistant who will activate it on the Trust approved document management database.

- A monthly table of Trust publications will be produced by the Clinical Governance Assistant; this will be published on the Bulletin Board (Trust intranet) under "Trust Publications", and a notification email circulated Trust wide by the Communications team.

- On receipt of the Trust wide Bulletin Board notification all managers should ensure that their staff members are aware of the new publications.

- This policy will be included on the Trust's intranet (approved document management database) with other employment policies. It will also be publicised in updates on policies and form an integral component at Staff Induction and orientation.

- All Workforce staff briefed by their respective managers on the main aspects of this policy.

- Further promotion via Trust communication vehicles, e.g. team brief, trust news and trust e-mail bulletin.

2.0   Review

To be reviewed five years after approval/ratification or sooner if monitoring highlights the need and/or changes in legislation.

3.0   Archiving

The Trust intranet (approved document management database) retains all superseded files in an archive directory [obsolete register] in order to maintain document history.

CONSULTATION ON: Bullying and Harassment Policy and Procedure

Consultation process – Use this form to ensure your consultation has been adequate for the purpose.

Please return comments to: HR Business Partner

By date: 12 April 2012

Name:	Date sent dd/mm/yy	Date reply received	Modification suggested? Y/N	Modification made? Y/N
The following staff MUST be included in ALL consultations:				
Local Counter Fraud Specialist	15.03.13			
Clinical Governance Assistant	11.02.13	25.02.13	Y	Y
Please list key staff whose reply is compulsory before approval can be granted:				
Staff-side Chair	15.03.13			
Medical Staff-side Chair	15.03.13			
Director of Workforce and Strategy	15.03.13			
Associate Director of Workforce	15.03.13			
L&D Manager	11.02.13	20.02.13	Y	Y
Please list other staff to be included in the consultation but whose reply is not compulsory:				
Chief Executive and Directors	15.03.13	29.03.13	N	N
Associate Director of Operations	15.03.13			
Directorate Directors	15.03.13			
Deputy Director of Nursing	15.03.13			
Head of Functions	15.03.13			
Head of Information Governance	15.03.13	15.03.13	Y	Y
Directorate Risk Lead	15.03.13			
Clinical Governance Lead	15.03.13			
Health and Safety Lead	15.03.13			
Head of Quality and Governance	15.03.13			
HR Business Partnering Team	07.02.13 15.03.13			
JCF Members	15.03.13			
JMNC Members	15.03.13			
ADO's, ADNS's	15.03.13			
GM's, Matron's, Senior Nurses	15.03.13			
The role of those staff being consulted upon as above is to ensure that they have shared the policy for comments with all staff within their sphere of responsibility who would be able to contribute to the development of the policy.				

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Equality Impact Assessment

In line with race, disability and gender equalities legislation, public bodies like MTW are required to assess and consult on how their policies and practices affect different groups, and to monitor any possible negative impact on equality. The completion of the following grid is therefore mandatory and should be undertaken as part of the policy development and approval process. Please consult the Equality and Human Rights Policy on the Trust intranet, for details on how to complete the grid. **Please note that completion is mandatory for all policy development exercises. A copy of each Equality Impact Assessment must also be placed on the Trust's intranet.**

Title of Policy or Practice	Bullying and Harassment Policy and Procedure
What are the aims of the policy or practice?	This policy promotes the respectful treatment of staff and supports a working environment and culture in which bullying and harassment is unacceptable in any form.
Identify the data and research used to assist the analysis and assessment	Consultation process as per Appendix Two of this policy and procedure.
Analyse and assess the likely impact on equality or potential discrimination with each of the following groups.	**Is there an adverse impact or potential discrimination (yes/no). If yes give details.**
Males or Females	No
People of different ages	No
People of different ethnic groups	No
People of different religious beliefs	No
People who do not speak English as a first language	Yes as they may have difficulty reading the policy but an interpreter can be sourced / provided.
People who have a physical disability	Yes – this policy can also be produced in Braille should this be required for the sight impaired.
People who have a mental disability	Yes as they may have difficulty understanding the policy but assistance can be sourced to aid understanding if necessary.
Women who are pregnant or on maternity leave	No
Single parent families	No
People with different sexual orientations	No
People with different work patterns (part time, full time, job share, short term contractors, employed, unemployed)	No
People in deprived areas and people from different socio-economic groups	No
Asylum seekers and refugees	No
Prisoners and people confined to closed institutions, community offenders	No
Carers	No
If you identified potential discrimination is it minimal and justifiable and therefore does not require a stage 2 assessment?	
When will you monitor and review your EqIA?	Alongside this policy/procedure when it is reviewed.
Where do you plan to publish the results of your Equality Impact	As Appendix Three of this policy/procedure on the Trust Intranet (approved document

| Assessment? | management database). |

FURTHER APPENDICES

The following appendices are published on the Trust Intranet (approved document management database), as related documents, under the main entry for this policy/procedure:

No.	Title	Unique ID
4	Examples of bullying and harassment in the workplace	RWF-OWP-APP529
5	Investigation guideline	RWF-OWP-APP530

Also have those policies been updated in the last 3 years with any substantial changes to strengthen it in view of the recent survey results?
No
15. Yes
If yes, please outline what tools you have in place and how they are applied.
Varies with different position usually written tests for example excel or word
16. Yes
17. Yes
If yes, in what way are they involved in preventing bulling ad harassment in a proactive manner?
They promote our Employee Assistance Programme (EAP) to help employees
18. Yes
19. Yes
If yes, what system do you use?
SurveyMonkey for Staff Friends and Family test each quarter.
Listening into Action Pulse Check Surveys.
Focussed action groups and LiA CrowdFixing events.
20. e-learning, but integrated into all relevant face to face e.g. leadership, communication
If e-learning, have you assessed your training package and content specifically to bulling and harassment in light of recent staff survey results and did you find it effective/ fit for purpose?
Yes
The National NHS E&D eLearning is used
21. Yes
If yes, what information specific to bulling and harassment is given to new staff? (Headings only)
Policy and Procedure
Contact details for escalating
22. No
23. Yes
If yes, which department is responsible for completing it and how are the findings acted on?
When was the last time this was undertaken?
Risk assessments are done via our departments and are acted on accordingly with occupational health referrals etc.
Unable to comment on the when the last stress risk assessment was taken

24. Not available by staff group, but compliance consistently at 94% throughout the year

25. A small percentage.

Do you know how many staff left your trust in 2017-18 due to bullying and harassment being the main reason?

None recorded.

26. No