



Bullying and Harassment Policy

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Manager Responsible

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Contents

1	Introduction	5
2	Aims and Objectives	5
3	Definitions.....	5
4	Policy Statement	7
5	Arrangements	7
6	Responsibilities.....	8
7	Competence.....	9
8	Monitoring.....	10
9	Audit and Review	10
10	Equality Impact Appraisal	11
11	Associated Documentation	11
12	References	11

1 Introduction

- 1.1. This Policy describes how South East Coast Ambulance Service NHS Foundation Trust (the “Trust”) will deal with complaints of bullying and harassment at work.
- 1.2. The Trust has consulted its Staff Partnership Forum in preparing this Policy.
- 1.3. This Policy does not form part of any employee’s contract of employment and it may be amended at any time.
- 1.4. This Policy applies to employees of the Trust, and Trust voluntary workers.

2 Aims and Objectives

- 2.1. The aims and objectives of this Policy document are
 - to set the standard of acceptable conduct
 - to explain the responsibilities of all staff under the Policy; and
 - to summarise the arrangements in the Bullying and Harassment Procedure for dealing with complaints of bullying and harassment.

3 Definitions

- 3.1. In this Policy the terms have the following meanings.
- 3.2. **Bullying** means the misuse of power or position that undermines a person’s ability or self-esteem or leaves them feeling hurt, frightened, angry or powerless. Bullying can take the form of physical, verbal or non verbal conduct. Examples of bullying behaviour include:
 - intimidating or aggressive behaviour (including shouting or making physical or psychological threats)
 - unjustifiable exclusion from meetings or communications or withholding of information
 - humiliating, ridiculing or demeaning someone
 - criticism in public that is designed to humiliate
 - persistent, unwarranted criticism in public or private
 - overbearing or intimidating levels of supervision
 - blocking leave or training applications without reason

- constantly and unjustifiably changing work deadlines or work guidelines

This list of examples is not exhaustive.

- 3.3. An occasional raised voice or argument is unlikely to constitute bullying.
- 3.4. **Harassment** means any unwanted physical, verbal or non-verbal conduct which has the purpose or effect of violating the victim's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for them. Harassment often (but not always) targets the victim's age, disability, sex, sexual orientation, gender reassignment, marital or civil partnership status, race, nationality, colour, language, national or ethnic origin, religion or beliefs. Harassment may not be intentional and a single incident of unwanted or offensive behaviour can amount to harassment. Harassment can take many different forms:
- unwanted physical contact, ranging from the invasion of an individual's personal space to more serious forms of physical or sexual assault.
 - verbal abuse such as anonymous answer phone messages, threats, shouting, offensive language or innuendo, telling offensive jokes, name calling or spreading malicious rumours
 - written abuse such as letters, faxes, e-mails, text messages or graffiti (these may be anonymous) or displaying offensive pictures or posters
 - explicit behaviour such as mimicking the effect of a disability
 - covert or disguised behaviour such as social isolation and non-co-operation, implicit threats, and pressure for sexual favours
- 3.5. Legitimate and constructive fair criticism of an employee's performance or behaviour at work is not harassment.
- 3.6. It should be noted that **bullying** and **harassment** are not determined by the intention of the person who has caused the offence, but by the effect it has on the recipient.
- 3.7. **Bullying** or **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 it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual.
- 3.8. The Trust is committed to eliminating all forms of harassment and bullying at work which will not be tolerated. In this Policy, **at work** means any time and place when an individual is on duty and any

formal or informal social events out of working hours which are linked to an individual's employment at the Trust.

- 3.9. **Victimisation** means the unfair treatment of an employee as a direct consequence of raising a complaint of bullying or harassment.

4 Policy Statement

- 4.1. The Trust is committed to ensuring that:

- its employees and volunteers are treated with dignity and respect at work
- it provides a working environment free from bullying and harassment
- its managers adopt high standards of staff management, in which bullying and harassment have no place
- it provides fair and effective arrangements to deal with complaints.

- 4.2. The Trust will adopt the following principles for handling any complaints of bullying and harassment:

- *Investigation*
All formal complaints of bullying and harassment will be investigated thoroughly and fairly in accordance with this procedure and appropriate action will be taken as a result of such investigation
- *Fair Treatment*
Both parties to a complaint will be treated fairly. They will both be offered support and guidance throughout the investigation procedures (see further below).
- *Non-victimisation*
Employees will be protected from any victimisation for making or being involved in a complaint.
- *Confidentiality*
Confidentiality of all complaints and their investigation will be maintained to the fullest extent possible.

5 Arrangements

- 5.1. Support Staff have the right to seek advice and support through all stages of this Policy.

- 5.2. The Trust's Bullying and Harassment Procedure describes, in detail, three different approaches to handling a complaint of bullying and harassment:
- *Personal action*
where the individual who believes they have been bullied or harassed (the "complainant") talks directly with the person who is causing the bullying or harassment problem. The Trust will give support and advice to complainants who decide to take personal action.
 - *Informal action*
where a line manager interviews the complainant and alleged bully/harasser, they should provide feedback to both parties and may arrange conciliation and/or mediation, with their agreement.
 - *Formal action*
where a Bullying and Harassment Investigator is commissioned to make a formal investigation of the complaint and report their findings. If evidence of bullying and harassment is found disciplinary action will be taken.
- 5.3. The Trust's Bullying and Harassment Procedure also describes the wide range of support available to both the complainant and alleged bully/harasser, including support from the Trust's Bullying and Harassment Advisers.
- 5.4. The Procedure also provides for temporary changes in working arrangements to prevent bullying and harassment while informal or formal action is being taken. For example, it provides for the redeployment or suspension of an alleged bully/harasser, where appropriate.
- 5.5. False or malicious complaints of bullying and harassment are a serious matter and the Procedure provides for disciplinary action where a complaint is found not to be genuine.

6 Responsibilities

- 6.1. **The Board** has overall responsibility for the effective operation of this Policy.
- 6.2. The **Director of Workforce Development** will be accountable for
- ensuring that this Policy is implemented in the Trust
 - monitoring, audit and review of this Policy
 - providing appropriate training in accordance with paragraph 7.1 below.

- 6.3. **All managers** have a responsibility to implement this Policy in their work areas. They must
- make sure that everyone in their work area is aware of and observes the required standards of behaviour
 - treat seriously any complaint about bullying and harassment and deal with it promptly and confidentially
 - give support (or ensure that it is given by others) to both a complainant and an alleged bully/harasser
 - take appropriate action after an investigation.
- 6.4. **All staff** have personal responsibility for ensuring that their own behaviour complies with the standards set out in the Policy. Staff should disclose any concerns regarding bullying and harassment promptly to their line manager or HR Business Partner.
- 6.5. **Bullying and Harassment Investigators** are employees who have been specially trained to investigate formal complaints of bullying and harassment. They have responsibility for conducting formal investigations into bullying and harassment complaints thoroughly, objectively and without prejudgement or bias.
- 6.6. **Bullying and Harassment Advisors** have been trained to support
- staff who feel that they may be the target of bullying or harassment. Their role is to listen and talk through the problem with the person, explain the Trust's procedure, discuss the options, and provide ongoing support.
 - those accused of bullying or harassment.
- 6.7. **Occupational Health** will offer support and advice to any member of staff who is involved in a claim of bullying and harassment.
- 6.8. The Trust's **independent counselling service** will also offer support and advice to any member of staff who is involved in a claim of bullying and harassment.

7 Competence

- 7.1. The Director of Workforce Development will ensure that the following training is provided to enable the effective implementation and operation of this Policy:
- new staff will be made aware of the Policy during the induction process.
 - existing staff will receive bullying and harassment awareness training.

- managers will be trained to handle complaints effectively.
 - training will be provided for Bullying and Harassment Advisors and Investigators, and staff involved in mediation and conciliation.
- 7.2. Whilst training is provided regularly to all staff as a matter of course, requests for training can be made to the HR Department at any time.

8 Monitoring

- 8.1. The Director of Workforce Development, or their nominee, will
- keep a register of all formal complaints made about bullying and harassment. The register will note the date of the complaint, the date the investigation was completed, and the outcome
 - report bullying and harassment cases to the HR Working Group with a view to identifying and dealing with any significant trends or issues, monitoring and improving the operation of this Policy
 - report the number of bullying and harassment complaints to every Workforce Development Committee

9 Audit and Review

- 9.1. Without breaching confidentiality, the Bullying and Harassment Advisors will review, each quarter, the cases they have been involved in, to audit the effectiveness of the process, and to develop their personal skills.
- 9.2. The Director of Workforce Development, or their nominee, will review this Policy every three years. They will take account of the views of Bullying and Harassment Advisors, the Bullying and Harassment Investigators, Staff Side, Patient Representative and HR Business Partners.
- 9.3. If the review indicates that changes are required to be made to the Policy these will be implemented subject to full consultation with the Joint Partnership Forum.
- 9.4. If it comes to light through the review, or through any other source of information, that there is non compliance with any aspect of this Policy, the Director of Workforce Development, or their nominee, will give feedback the appropriate person, and make recommendations to achieve compliance.

10 Equality Impact Appraisal

- 10.1. The Trust has undertaken an Equality Impact Appraisal with regard to this Policy and has not identified that it will adversely affect any particular group or individuals.

11 Associated Documentation

- 11.1. The following documents are associated with this Policy
- **The Bullying and Harassment Procedure** which describes the arrangements for handling complaints of bullying and harassment and the support available for a complainant and an alleged bully/harasser
 - **Codes of Conduct (NHS and SECamb)** which set out acceptable behaviour at work

12 References

- 12.1. The following legislation and national guidance are relevant to this Policy
- Employment Rights Act 1996
 - Health and Safety at Work Act 1974
 - Management of Health and Safety at Work Regulations 1992
 - Equalities Act 2010
 - Protection from Harassment Act 1997
 - Criminal Justice and Public Order Act 1994
 - Article 3 of the Human Rights Act of 1998
 - Malicious Communications Act 1998
 - Equality Act 2008, and the Disability Equality Duty
 - Bullying and Harassment at Work (Advisory, Conciliation and Arbitration Service, April 2009)