



Dignity at work

Policy and Procedure

Notice to employees using a paper copy of this policy
The company Policies folder on the shared drive holds the most recent version of this document and all employees must ensure that they are using the most recent guidance.

Document Control

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Author	Karen Hodgkinson
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Introduction

The purpose of this policy is to support a working environment and culture in which bullying, harassment, victimisation and illegal discrimination are unacceptable and to provide a proper framework in which complaints about these matters can be dealt with.

Libertatem Healthcare is committed to working towards creating a working climate in which all employees are treated fairly and with dignity and respect.

Scope

This policy applies to all employees of Libertatem Healthcare Group and covers bullying and harassment in the workplace and in any work-related setting outside the workplace, e.g. business trips and work-related social events

Aims

To ensure that all employees are aware of the types of behaviour that may constitute harassment or bullying and their responsibilities for preventing such behaviour.

To ensure that all employees understand that harassment and bullying are intolerable and unacceptable and that disciplinary action may be taken against offenders.

To provide arrangements whereby complaints can be investigated in a manner that recognises the sensitivity of the issues raised and the rights of both parties involved.

To ensure that all allegations of harassment and bullying are responded to positively and with the complainant's confidentiality protected as far as possible.

To promote a climate in which employees feel able to raise complaints of harassment and bullying without fear of victimisation.

Principles

The following general principles will underpin the way in which the company responds to complaints of harassment or bullying:

- Complaints will be dealt with promptly and fairly
- Allegations of harassment and bullying will be taken seriously and be properly addressed
- Complaints that are subsequently found to have been made maliciously will be investigated and disciplinary action may result
- All efforts will be made to guard against victimisation of the complainant.
- Appropriate records of formal complaints will be kept
- Where appropriate a reasonable attempt will be made to resolve the matter informally, without recourse to formal action.
- Where the allegation warrants it, formal procedures will be instigated and disciplinary sanctions applied in accordance with the Company's Disciplinary Policy.
- The Company recognises the stress, anxiety and distress that harassment and bullying can cause and support will be made available to the victims of harassment and those accused of harassment at all stages of the procedure.

All employees will be protected against victimisation as a result of making or being involved in a complaint about bullying or harassment.

Definitions

Harassment

In the Equality Act 2010 harassment is defined as 'unwanted conduct related to a relevant protected characteristic, which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual'.

The protected characteristics are:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race
- Religion or Belief
- Sex
- Sexual Orientation

Harassment means unwanted conduct that is offensive to the recipient. Harassment does not refer to behaviour of a mutually acceptable nature; it refers to behaviour that is unsolicited, that is personally offensive and that fails to respect the rights of others or fails to recognise the impact that such behaviour might have.

The following are examples of the type of inappropriate behaviour covered by the policy:

- **Physical Conduct:** unwanted physical conduct, including unnecessary touching or brushing against another employee's body, assault, coercing sexual intercourse, insulting or abusive behaviour and gestures.
- **Verbal Conduct:** physical threats, unwelcome advances, propositions or remarks, innuendoes, lewd comments or abusive language, which is sex based or race based or which refers to a person's age, disability, sexual orientation, religious beliefs or any personal characteristic of the individual.
- **Non-Verbal Conduct:** the display of pornographic or suggestive pictures, objects or written materials; making offensive or abusive gestures; display of offensive written or visual material, including graffiti, or other unacceptable nonverbal conduct which denigrates a person for whatever reason.

Bullying

Bullying is not specifically defined in law, but in their advice leaflet for employees, Acas give the following definition: 'Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient'.

Bullying is a form of harassment, which may occur for reasons other than a protected characteristic. Bullying at work involves repeated negative actions and practices that are directed at one or more workers. The behaviours are unwelcome to the victim and

undertaken in circumstances where the victims have difficulty in defending themselves. The behaviours may be carried out as a deliberate act or unconsciously. These behaviours cause humiliation, offence and distress to the victim. Negative behaviours most frequently identified with bullying fall into four main groups:

- Personal insults: e.g. humiliation, personal criticism, ridiculing or demeaning comments
- Intimidation e.g. threats of physical violence or psychological intimidation, misuse of power or position, shouting/raising voice inappropriately
- Work related harassment e.g. withholding information, having one's responsibilities removed, work overload, misrepresenting your work as their own
- Social exclusion e.g. isolation, scapegoat, victimisation

Bullying normally relates to negative behaviours that are repeated and persistent. While it is unpleasant to be the target of someone's occasional aggressive behaviour, occasional behaviours are not normally defined as bullying.

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

Duties

Managers

All managers have a responsibility to implement this policy. In order to establish and maintain a work environment free of harassment. They must:

- Treat a complaint seriously and deal with it promptly and confidentially, giving the employee and the alleged perpetrator full support during the whole process;
- Set a positive example by treating others with respect and setting standards of acceptable behaviour;
- Promote a working environment where harassment is unacceptable and not tolerated;
- Tackle, and where possible, resolve incidents of harassment quickly.

Employees

Each employee has a responsibility for their own behaviour and is responsible for ensuring that their conduct is in line with the standards set out in this policy. Employees are encouraged to report incidents of bullying and harassment to a senior manager, even if they are not the victim.

There are several things individual employees can do:

- Set a positive example by treating others with respect
- Be aware of the policy 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 supportive of colleagues who may be subject to bullying and/or harassment.

Procedure

Informal Procedure

Many incidents of harassment or bullying can be dealt with effectively in an informal way. Often a person is unaware of the effect of their behaviour on others, and once made aware of the distress caused by their actions, the offensive behaviour ceases. Therefore, before the formal procedure is invoked, every effort should be made to use the informal procedure and to resolve issues as soon as possible after they arise.

Actions you can take yourself:

- Keep a diary of all incidents - records of dates, times, any witnesses, your feelings etc. Keep copies of any correspondence that may be relevant, for example reports, letters, memos, notes of any meetings that relate to you.
- In many instances it is possible for the matter to be resolved quickly by explaining directly to the harasser the effect their behaviour is having and that you want it to stop.
- You should always make it clear that if the behaviour continues you will make a formal complaint.

If the behaviour of a person is aggressive when you speak to them it may be necessary to walk away making it clear you do not wish to be spoken to in that way.

Seek advice, help and support from their line manager to address the matter.

Should the unwanted conduct persist or the informal approach is not considered appropriate for any reason, the formal procedure should be followed.

Formal procedure

An employee who feels they are being subjected to harassment, bullying or victimisation and wishes to raise a formal complaint should do so in writing to their manager in the first instance, outlining the nature of the offensive behaviour. In cases where the alleged perpetrator is the line manager, the complaint should be made in writing to one of the company Directors. The manager receiving the complaint will complete a fact-finding exercise to understand the concerns, the strength of allegations and the steps taken to resolve the matter so far. The manager will determine the appropriate outcome, which may include:

A) No evidence to support the allegations. In this case, the individuals may require some continued support and mediation to address and resolve issues raised. Both parties should be reminded of their personal responsibility to act professionally and civilly.

B) Initial fact-finding identifies evidence that the allegations warrant further formal investigation. This should be dealt with through the Company's Disciplinary Policy and Procedure. This approach may be appropriate where previous stages have been exhausted and inappropriate behaviours continue, or when the alleged perpetrator is unwilling to engage with earlier stages of this process.

C) The investigation may conclude that there is a capability rather than a conduct issue to be addressed. In such cases action will be taken under the Company's Performance Management Policy

D) Evidence of false or malicious claims made by the complainant. False or malicious claims should be dealt with through the Company's Disciplinary Policy and Procedure. In determining whether claims may be malicious, it should be remembered that, in cases where there is no evidence to support the claim, the individual may still genuinely feel

bullied or harassed. That does not constitute a malicious claim, and such individuals should be treated sensitively and with ongoing support.

Employee Representation

An employee has the right to be represented, if they wish, at any formal stage of the proceedings by either recognised trade union representative or a Libertatem Healthcare Group employed work colleague.

It is the employee's responsibility to liaise with their representative to arrange support.

Harassment and Bullying involving external parties

Where the alleged harassment or bullying involves an external party, managers will take all reasonable steps to address the complaint in line with the principles of this policy, in consultation with the employee making the complaint.

Training

All staff will complete mandatory training which covers dignity in the workplace.

Guidance on raising a bullying and harassment complaint

1. Type or write clearly in black ink - your document will need to be copied and read by several people.
2. Make it clear whether or not you are making a formal complaint.
3. Discuss your document with a friend or colleague or a representative of a trade union or professional association if you are a member.
4. Keep your comments focussed on the specific issues you wish to raise - if you raise too many issues, you may hide the crucial ones.
5. Don't use your submission as a chance to complain about other issues, which are less important than the complaint itself.
6. If there is one key issue, identify it as such.
7. Try and keep the document to one or two sides of A4.
8. Don't exaggerate the issues - it makes for a much more effective investigation if the issues are outlined in a clear and straightforward manner.
9. Describe what happened and provide specific details of dates, names and circumstances.
10. Explain any steps, if any, you have taken to address the issues informally.
11. Outline what outcome you would like to see - but remember to be reasonable and realistic in your expectations, even if you don't think that the other parties have been.
12. Remember to sign and date your statement.

If You Are Accused Of Harassment or Bullying

Many cases of alleged harassment are seen by the perpetrator as 'just a bit of fun' or 'not meant to be taken seriously'. However, the Company believes that someone experiencing such incidents is often far more adversely affected by them than the alleged harasser thinks. Their work and their health may both be suffering. This policy is intended to stop any form of behaviour, which is felt by the individual involved to be unacceptable. What is acceptable to one person might not be so to another. If someone believes you are harassing or bullying them, informal action or formal action may be taken against you

Informal action:

If a colleague or your manager speaks to you informally about your behaviour at work, it may be because you are unaware of its effect. Even if you think your intentions are well meaning, if someone is hurt by your actions they have the right to communicate that to you and ask you to stop.

If you are approached to have a meeting to discuss claims that you have harassed or bullied someone then you will be expected to: -

- Listen carefully to what is being said
- Consider the complainant's perception of what has happened
- Try not to be defensive and make counter-accusations
- Try to consider how you have behaved and how that might have affected the other person
- Aim to arrive at a mutual agreement on the way forward
- Fully cooperate with the Company's process and procedures for handling harassment and bullying

Often a simple discussion at this stage can resolve the problem, and identify more effective ways of communicating that is not threatening.

Formal Action:

If the informal stage has been unsuccessful or is deemed inappropriate allegations of harassment and/or bullying would be dealt with under the formal stage of the Company's Dignity at work Policy and Procedure.

- Formal complaints are serious. You are advised to ensure you have the support of a trade union representative or colleague.
- The process will be fully explained to you and you will be given support
- Should any allegations against you be deemed false or malicious then the complainant will be dealt with under Company procedures

Support:

The Company recognises that people accused of harassment and/or bullying will also feel vulnerable. Support will be offered through:

- Your manager (where appropriate) or a member of the Board of Directors.