

Policy Document Control Page

Title

Title: Dignity at Work (Managing Bullying and Harassment at Work)

Version: 7

Reference Number: HR4

Supersedes

Supersedes: Version 6

Description of Amendment(s):

- **Policy Harmonisation**

Originator

Originated By: Workforce & OD

Designation: Director of Workforce & OD

Equality Impact Assessment (EIA) Process

Equality Relevance Assessment Undertaken by: Petra Bryan

ERA Undertaken on: 25.06.15

ERA approved by EIA Work group on :

Where policy deemed relevant to equality-

EIA undertaken by:

EIA undertaken on:

EIA approved by EIA work group on: June 2015

Approval and Ratification

Referred for approval by: JNCC

Date of Referral: 18th June 2015

Approved by: JNCC

Approval Date: 25th June 2015

Date ratified by Executive Directors: 20th July 2015

Executive Director Lead: Director of Operations

Circulation

Issue Date: 21st July 2015

Circulated by: Performance and Information

Issued to: An e-copy of this policy is sent to all wards and departments

Policy to be uploaded to the Trust's External Website? Yes

Review

Review Date: June 2018

Responsibility of: Workforce & OD

Designation: Director of Workforce & OD

This policy is to be disseminated to all relevant staff.

This policy must be posted on the intranet.

Date Posted: 21st July 2015

CONTENTS

Section	Contents	Page
1	Introduction	4
2	Definition	5
3	Forms of Bullying and Harassment	6
4	Effects of Bullying and Harassment	6
5	Responsibilities and Duties	6
6	Initial Steps for Raising Concerns	9
7	Procedures for Raising Concerns	10
8	Disciplinary	13
9	Grievance	13
10	Proceeding Without an Individuals Consent	13
11	Support	13
12	Training	13
13	Monitoring	14
14	Review	14
List of Appendices		
Appendix 1	Types of Harassment covered by legislation	15
Appendix 2	Forms of Bullying & Harassment	20
Appendix 3	Informal Process Flowchart	22
Appendix 4	Formal Process Flow chart	23

DIGNITY AT WORK POLICY (MANAGING BULLYING AND HARASSMENT AT WORK)

1. INTRODUCTION

- 1.1 Pennine Care is an equal opportunities employer and in line with its equal opportunities policy is committed to treating all staff fairly and equitably and will strive to create a working environment where all staff have the right to be treated with consideration, dignity and respect.
- 1.2 Pennine Care NHS Foundation Trust recognises that harassment and bullying at work is unacceptable and is committed to providing a working environment, which is free from harassment, intimidation and forms of behaviour, which are unacceptable and offensive.
- 1.3 The Trust views harassment or bullying as a disciplinary offence which may amount to gross misconduct and where found may lead to disciplinary action up to and including summary dismissal.
- 1.4 The purpose of this policy is to:
 - Protect the rights of employees and seek to protect any person who is subject to harassment
 - Eliminate harassment and the fear of harassment in the Trust,
 - Work towards an environment which is free from hostility
 - Provide a mechanism to resolve complaints without fear of reprisal
- 1.5 The policy applies to all employees, ex-employees, applicants, contractors, patients, students, volunteers and individuals who are self employed. All have the right to raise a complaint about bullying and harassment through the procedure outlines within this policy and the Trust would encourage employees to do so.
- 1.6 A complainant may be described as someone to whom harassment has happened, or someone who has witnessed an incident, or someone who feels an alleged incident should be investigated.
- 1.7 Employees can complain of harassment even if they themselves do not possess the protected characteristic or if the harassment is not aimed directly at them. Protected characteristics covered are age, disability, gender reassignment, race, religion or belief, sex, sexual orientation.
- 1.8 All employees have the right to complaint about bullying and harassment through the procedure outlined within this policy and the Trust would encourage employees to do so.

- 1.9 All parties will work in support of the individual directly affected being able to make decisions about the course of action taken, however in certain circumstances where the complaint is considered to be sufficiently serious, a decision may need to be taken to pursue the complaint of bullying or harassment without the consent of the individual directly affected.
- 1.10 Patients and Service Users are expected to be treated with Dignity and Respect, issues or concerns around treatment of patients or service users that is not considered to be appropriate will be managed in accordance with the appropriate policies.

2. DEFINITION

- 2.1 Harassment takes many forms, occurs on a variety of grounds and may be directed at one person or many people. It is unwanted behaviour, which the recipient finds intimidating, upsetting, embarrassing, humiliating or offensive. It is the impact of the conduct and not the intent of the perpetrator this is the determinant.

Harassment is a form of discrimination. It is the behaviour of one person or a group of people which another person or group finds unacceptable or unwelcome and can generally be regarded as being detrimental to a person's well-being, development and peace of mind.

Harassment is behaviour, which is unwanted, unreciprocated and offensive to another. Harassment takes many forms and includes physical, verbal or non-verbal conduct. It can include comments, actions, jokes or can be for any other reason: such as someone simply taking a personal dislike to a colleague; or making comments on the grounds of a colleague's sexual orientation; or derogatory comments about a colleague's disability, religion or age. It can be related to a colleague's position in the organisation – for example a person in a position of authority abusing that power and displaying an intimidating management style. Harassment may be an isolated incident or repeated action.

Bullying can be defined as:

“Offensive, abusive, intimidating, malicious or insulting behaviour, usually of a persistent nature, abuse/misuse of power or unfair penal sanctions, which makes the recipient feel upset, threatened, humiliated or vulnerable, which undermines their self-confidence and which may cause them to suffer stress.” Bullying can occur inside or outside of the workplace, including but not exclusive to organised workplace social events, and could be conducted via such mechanisms as social media, for example, Facebook or Twitter.

It should be noted that it is not solely the intention of the act but also the perception of the member of staff who is subject to harassment and bullying that needs to be considered as this will affect their dignity.

3. FORMS OF BULLYING AND HARASSMENT

Harassment may range from extreme forms such as violence and bullying to less obvious forms like ignoring someone.

Forms of harassment include:

Physical conduct:

Verbal conduct:

Non-verbal conduct.

Unacceptable conduct that disparages or ridicules, or which is intimidatory or physical abusive to an employee.

See appendix 2 for details of the above and examples of bullying..

4. EFFECTS OF BULLYING AND HARASSMENT

4.1 The Trust recognises the damaging effects of bullying and harassment on both the individual, their colleagues and organisational effectiveness. Effects may include:

- Employees subject to fear, stress and anxiety, can put great strains on personal and family life
- Harassment can lead to illness, absenteeism, poor performance and resignation
- Employees subject to harassment are vulnerable and reluctant to complain. People often suffer Harassment in silence as they are reluctant to draw attention to the situation, just wanting to see an end to the unwelcome behaviour

5. RESPONSIBILITIES AND DUTIES

5.1 Responsibilities and duties of employees

5.1.1 Every employee of the Trust carries the responsibility for his or her own behaviour in accordance with this Trust Policy in any interaction with or about colleagues both in and outside of the workplace.

5.1.2 Every employee has a responsibility to report any concerns of bullying or harassment that they personally experience or witness.

5.1.3 Every employee is expected to:

- treat all colleagues with dignity and respect
- ensure that their conduct does not cause offence of misunderstanding by routinely seeking feedback from their manager and peers as to the effect of their behaviour
- comply with the Trust Policy
- complain via the proper procedure
- be encouraged to report incidents of harassment/bullying they have witnessed including incidents around involving third parties, the general public, patients, service users and relatives

5.2 Responsibilities and duties of managers

5.2.1 It is the responsibility of managers to act as role models and ensure their own behaviour does not equate to bullying and harassment

5.2.2 It is the responsibility of supervisors and managers to implement the policy and to ensure that it is understood by their employees.

5.2.3 Managers should take prompt action to stop bullying and harassment if it is brought to their attention or if they are personally aware of it.

5.2.4 Managers should ensure that they have taken all practicable steps to prevent harassment and act on reported incidents. Failure to act on reported incidents of bullying and harassment will be subject to the Trust's Conduct and Disciplinary Procedure and will be considered as a failure to fulfil all responsibilities of the position.

5.2.5 In each individual case, the complainant's line manager (or their line manager) will, after an agreed period of time, check with the complainant that harassment has not re-occurred and they have not suffered any form of victimisation as a result of raising the issue.

5.2.6 It is the responsibility of the managers to ensure they attend relevant training in this area.

5.3 Responsibilities and duties of the Workforce and OD Directorate

5.3.1 When a concern/allegation of bullying and harassment is raised with the Workforce and OD Department, it will be responsible for ensuring the appointment of an independent trained investigation officer who has had no previous involvement with the concerns highlighted.

- 5.3.2 The Workforce and OD Department will provide advice and support to the investigation officer and to the employees involved in the informal and formal stages of the policy.
- 5.3.3 The Workforce & OD Department will ensure that the individuals involved in the informal and formal stages of the policy are signposted to the most appropriate areas of support that they may require e.g. the Trusts Health & Wellbeing Services, Occupational Health (People Asset Management) and Trade Union.
- 5.3.4 The Workforce & OD Department will keep a record of any informal and formal bullying and harassment cases that are brought to their attention.
- 5.3.5 The Workforce & OD Department reports any disciplinary cases to the Trust Board on a monthly basis, this includes any cases involving bullying and harassment.
- 5.3.6 The Workforce & OD Department will work with staff side representatives in order to create and deliver Bullying & Harassment training for managers/Investigating Officer.

5.4 Responsibilities of the investigation officer

- 5.4.1 To act quickly and maintain confidentiality
- 5.4.2 To ensure investigations into bullying and harassment incidents are conducted in a fair manner.
- 5.4.3 To ensure that employees involved in any investigation process are kept informed about the process and receive updates about the expected timescale for completion of the investigation.
- 5.4.4 Upon completion of the investigation, the investigation officer must provide feedback to the employee raising the concern/allegation as well as to the employee who is the subject of the concern/allegation.
- 5.4.5 To ensure that the appropriate action is taken where there is evidence warranting an escalation from the informal to the formal stage.
- 5.4.6 To ensure that all parties are signposted and aware of available support mechanisms.

5.5 Responsibilities and duties of the Trust

The Trust will not accept any form of bullying or harassment and all incidents will be taken seriously, thoroughly investigated and treated with sensitivity and confidentiality by the Trust.

- 5.5.1 The Trust will ensure that this policy is applied fairly and equitably to all grades and levels of employees irrespective of age, gender, marital status, race, religion, creed, sexual orientation, colour, disability, membership or non-membership of a trade union, trade union activities or health status – These are examples and not an exhaustive list
- 5.5.2 In an effort to ensure fairness in application of this policy, the Trust will ensure that all investigations are carried out fully, independently with appropriate people appointed to conduct and support the investigation, which may ‘where appropriate’ include an external investigator.
- 5.5.3 It is the Trusts responsibility to ensure that this policy will be made known to all employees – at induction, through reminders and by a series of training sessions for managers and employees.
- 5.5.4 The Trust has an expectation of management to have a duty to implement this policy and they will be provided with appropriate training to help them to do so effectively. Management and organisational leads are expected to act as role models and conduct themselves in accordance with the standards set out within this policy.
- 5.5.5 The Trust will encourage and enable staff to seek advice from appropriate bodies such their Trade Union or professional body.

6. INITIAL STEPS FOR RAISING CONCERNS

- 6.1 In the first instance it may be appropriate for the individual to raise the problem with the person causing the offence, pointing out that their behaviour is unacceptable, unwanted, causing offence or interfering with work. This decision rests with the individual to decide if this is an appropriate course of action for them.
- 6.2 If an employee finds it too difficult or embarrassing to raise the problem directly with the person involved, support from a colleague, an appropriate manager, Trade Union representative can be arranged in accordance with the procedure below in Section 7.
- 6.3 If an employee seeks support or advice informally from a manager but informs the line manager that they will deal with the matter informally and directly themselves, the manager must make a note of the date of informal support and follow up with the complainant to ensure it has been resolved to their satisfaction.
- 6.4 However managers have overall responsibility to ensure that the work environment is safe to work in. There may therefore be certain circumstances in which it may be appropriate for a manager in consultation with HRBP, to pursue a complaint of harassment without the consent of the individual directly affected.

7. PROCEDURE FOR RAISING CONCERNS

- 7.1 The Trust would encourage any employee who feels they have been subjected to treatment in breach of this policy to report the alleged incident so that it can be investigated either formally or informally and appropriate action taken
- 7.2 Allegations of bullying and harassment **will be taken seriously** and dealt with in a timely and confidential manner in accordance with the sensitivity of the issue
- 7.3 It will not be tolerated if any of the following are victimised during the process:
- any employee making a complaint,
 - someone helping to make a complaint
 - the alleged harasser
 - any employees assisting in an investigation
- 7.4 At all stages an employee may be represented by a Trade Union Representative or workplace colleague.
- 7.5 In no case may the representation of either party be acting in a legal capacity.
- 7.6 It is recognised that the person accused of bullying and harassment may also require advice or support during an investigation, which arises. Such advice or support may also be provided by a Trade Union Representative or by a colleague or member of the Workforce & OD department, or from their professional body/organisation where applicable.
- ### **7.7 Informal Procedure**
- 7.7.1 Where possible and where appropriate complaints should be dealt with internally and informally. This does not undermine the serious nature of bullying and harassment.
- 7.7.2 Following consideration of the steps outlined in section 6 of this policy, concerns about bullying and harassment should then be raised with the employee's line manager, with the Workforce & OD department or a trade union representative either verbally or in writing. The confidential staff counselling service is available to provide additional support if required.
- 7.7.3 If the concern is with regards to the individuals line manager they should approach the next line manager in the structure, or the Workforce & OD Department or their trade union representative.

- 7.7.4 Informal advice will be given by line manager, or Workforce & OD Department or their trade union representative, in the strictest of confidence and without any pressure to help the complainant to decide what course of action to take by reviewing options. Unless the circumstances are considered serious enough, for a decision to be taken to proceed with further investigation of the complaint without the agreement of the complainant.
- 7.7.5 Where appropriate a mediation approach can be considered between the parties if both parties are happy to pursue this approach

7.8 Formal Procedure

- 7.8.1 If the informal procedure is not considered to be appropriate or has failed, a formal approach may be required to be followed.
- 7.8.2 When a formal written complaint is received by a manager or member of the Workforce team, along with a request to review formal action, the Workforce & OD Department will arrange for this to be investigated and consult on the appointment of an independent investigation officer.
- 7.8.3 This investigation should involve separate interviews with the complainant and the person being complained about. Witnesses will be identified and interviewed as part of the investigation process.

For timescales see appendix 3

- 7.8.4 The investigation officer will write to the individuals to invite them to the interviews and will chair the meetings, and where appropriate a member of the HRBP Team will attend to provide advice during the meeting, and if attending will take formal minutes of the meeting. These minutes will be typed up within agreed timescales and checked for accuracy by the investigation officer. The investigation officer will send the minutes out to the individual, either by post or email for them to sign and review for comments, and return to the investigation officer for storage in the investigation file.
- 7.8.5 If the investigation officer considers the allegations to be a potentially serious disciplinary issue in accordance with the Trust's Disciplinary & Conduct Procedure, and Bullying and Harassment procedure, the individual and any witnesses may be asked to write a statement of their evidence and information.
- 7.8.6 If the person that is being complained about is the individual's line manager or close working colleague then it may be necessary to make temporary alternative work arrangements for the duration of the investigation, such as a temporary change in manager or a temporary move to another department/area for either or both parties. If there is a

serious breach of the Disciplinary and Conduct procedure then consideration may need to be given to considering action such as suspension, carried out in accordance with this policy. However the Trust will endeavour to maintain normality for the individuals concerned wherever possible.

7.8.7 Following the investigation, the investigating officer and their HRBP support will review the information gathered and make a decision with regards the following possible outcomes, this decision will be communicated by the investigation officer to the person raising the complaint and the person being complained about, the possible outcomes are:

- No formal action to be taken (refer to 7.8.8)
- Formal disciplinary action is to be taken in accordance with the Trusts Disciplinary & Conduct Policy.

7.8.8 If the decision is taken not to proceed with any formal action, steps will need to be taken in order to try to resolve the differences and repair the working relationship this could take various forms:

- Training
- Informal Advice
- Counselling
- Mediation
- Action Plan
- Coaching
- Team Building

This list is not exhaustive.

7.8.9 If the investigation officer has deemed that there are issues that need to be reviewed as part of a wider team exercise, then it may be necessary to set up a task and finish group, who will be responsible to develop and implement an action plan. The relevant Service Manager would be responsible for this and would make the Service Director aware of the actions.

7.8.10 The Workforce & OD Department will record and monitor the outcome of all formal investigations undertaken, this will include all formal cases of Bullying & Harassment.

8 DISCIPLINARY

8.1 Bullying and Harassment if proven will be treated as a disciplinary offence. The resulting process will follow the Conduct and Disciplinary Procedure.

- 8.2 The victimisation of any employee involved in the complaint, whether the complainant or the employee whose behaviour has been complained about will also be viewed as a disciplinary offence.

9 APPEAL PROCESS

- 9.1 If the complainant is not satisfied with the way their complaint has been handled they may submit an appeal to the Director of Workforce & OD within 10 working days of the receipt of the outcome of the investigation. The right of appeal exist about the processing of a complaint and not the outcome. You should clearly state your reason for appeal based on one or more of the following criteria:

- The procedure was not followed correctly;
- Key information was not taken into account;
- New and essential information, which may affect the outcome of the grievance, is available. (If the employee knew the information at the time of the hearing good reason must be given as to why it was not presented at the hearing);
- Extenuating circumstances were not taken into account;

10 PROCEEDING WITHOUT AN INDIVIDUALS CONSENT

- 10.1 At all times the decision to proceed must rest with the individual except in instances where the seriousness of the complaint may warrant formal action and possibly criminal proceedings.
- 10.2 If an individual decides at any stage to withdraw their complaint the Trust reserves the right to continue with the investigation if the allegation is considered of a serious nature.

11 SUPPORT

- 11.1 The following forms of support are available for individuals involved in or affected by bullying and harassment and the investigation process:
- Advice and support can be obtained for both parties (the complainant and the person being complained about) from the Workforce & OD Department, Occupational Health (People Asset Management) and a trade union representative.
 - Counselling is available through the Trust Health & Wellbeing Service

- The Trust will support a mediation approach to resolving situations either informally or after a formal process wherever applicable and appropriate.

12 TRAINING

- 12.1 The Trust is committed to provide appropriate training to enable this policy to be successfully implemented including: -
- 12.2 Awareness training of all new employees on the terms of the policy statement and their responsibilities under it as part of the Corporate Induction process. The Workforce & OD Department will notify the recruiting manager by email of any non attendance at the Corporate induction for action and for further dates to be arranged.
- 12.3 Bullying and Harassment Training is available for Managers and Supervisors on their role in implementing the policy, and this is delivered by the Workforce & OD Department and they will keep a record of attendance for the courses, and notify the authorising manager by email of any non attendance at this pre booked training. A monthly report of staff attendance will go to Service Line Managers.

13 MONITORING

- 13.1 The operation of the Dignity at Work (Managing Bullying and Harassment at work) Policy and Procedure will be monitored by the Workforce & OD Department, reviewed quarterly and reported back to the Trust Board. This will include numbers of complaints raised, time taken to investigate, and outcomes reached.
- 13.2 The Trust will monitor cases of bullying and harassment by equality data held on the Electronic Staff Record system to ensure that there is no adverse impact upon any particular group
- 13.3 The Workforce & OD Department reports any disciplinary cases to the Trust Board on a monthly basis, this includes any cases involving bullying and harassment. This is the responsibility of the Director of Workforce & OD.
- 13.4 The Workforce & OD Department will review numbers of reported Bullying and Harassment cases and review any trends that can be identified with regards types of allegations made, departments/teams where allegations arise, trends within equality data.

14 REVIEW

- 14.1 The content of this policy will be reviewed after 2 years from the date of agreement.

TYPES OF HARASSMENT COVERED BY LEGISLATION

Harassment on the grounds of age, disability, gender reassignment, race, religion or belief, sex, and sexual orientation is covered by legislation. Both the individual being complained about and the employing organisation may be liable if it fails to take reasonable steps to protect employees.

Protection from Harassment Act 1997

Where the harassment constitutes a criminal offence all individuals have a right to pursue this as such, external to the Trust and to this policy.

This Act relates to the offence of causing harassment. The Act states that a person must not pursue a course of conduct:-

- (a) which amounts to harassment of another and,
- (b) which he/she knows or ought to know amounts to harassment of the other.

The ultimate sanction under this Act is a maximum penalty of 5 years imprisonment. The Court may also make a restraining order.

Other Legal Redress

Harassment can also lead to claims of:

- Constructive/unfair dismissal under the Employment Protection (Consolidation) Act 1978
- Claims under The Human Rights Act 1998
- The Equality Act 2010 and previous equalities legislation

Bullying can also lead to successful claims within:

- Health and safety legislation
- The Employment Protection (Consolidation) Act
- The Human Rights Act
- The Equality Act 2010 and previous equalities legislation

And in appropriate cases, may also be the subject of criminal prosecution under the Crime & Disorder Act.

Racial Harassment (Race Relations Act 1976 and Race Relations Amendments Act 2000, Equality Act 2010)

Racial Harassment exists in many forms and includes abuse and racially explicit derogatory statements, which are found objectionable and offensive and make the employee feel threatened or humiliated. Offensive jokes of a racial nature, or an offensive manner in communication, which is not used with other employees, are likely to constitute racial harassment.

Such action may be considered harassment if: -

- It creates a threatening or intimidating environment
- Impairs job performance
- Adversely affects employees' life or career prospects by deterring or barring them from employment, promotion or training.

Harassment may be deliberate or unconscious, an isolated incident or repeated behaviour. It may also involve behaviour or remarks accepted by the workforce as common place.

In the light of the Stephen Lawrence enquiry and the McPherson report, the definition of a racial incident has now changed to: -

“Any incident perceived to be racist by the victim, or any other person”

This definition relates to criminal and non-criminal behaviour, including employment.

Sexual Harassment (Sex Discrimination Act 1975, Equality Act 2010)

Sexual Harassment includes unwanted verbal or physical sexual advances towards women or man, sexually explicit derogatory statements or sexually discriminating remarks made by someone in the working environment which are offensive to another person or persons.

This may cause other persons to feel threatened, humiliated, patronised or harassed and can create a threatening or intimidating work environment.

Sexual Harassment can take many forms, including: -

- Leering and ridicule, sexual teasing
- Letters, phone calls, emails of a sexual nature
- Persistent unwanted attention
- Deliberate touching, leaning over, or pinching
- Pressure for dates
- Display or distribution of sexually suggestive material including posters and calendars
- Embarrassing jokes or sexual remarks
- Unwelcome or offensive comments about dress or appearance
- The display of pin-ups and pornographic pictures
- Unwelcome physical contact
- Demands for sexual favours
- Physical assaults on employees

Any visual or verbal conduct of a sexual nature constitutes sexual harassment when any of the following apply: -

- It is unsolicited, unwelcome, deliberate or persistent

- When submission to such conduct is implicitly a term and condition of an employee's contract of employment or continued employment.
- When submission to such conduct is implicitly a term or condition for decisions, which would affect promotion, salary or any other job condition.
- When such behaviour creates an intimidating, hostile or offensive work environment for one or more employees.

This definition makes it clear that the essential characteristic of sexual harassment is that it is unwanted by the recipient. It is this, which distinguishes sexual harassment from friendly behaviour, which is welcome and mutual.

It is vital that for each individual to determine what behaviour is acceptable to them and what conduct they regard as offensive. Sexual attention becomes sexual harassment if it is persisting once it has been made clear that it is regarded by the recipient as unwelcome or offensive, however one incident may constitute sexual harassment if sufficiently serious. It matters not that the perpetrator was only flirting, joking or intending to be friendly.

Disability Harassment (Disability Discrimination Act 1995, Equality Act 2010)

Disability Harassment is any behaviour, which leaves a disabled person, or group of disabled people, feeling threatened or compromised and applies to any such behaviour that is unwanted by the recipient.

Examples of disability discrimination include: -

Non-Verbal

- Mimicking the effect of a disability
- Staring
- Ignoring

Verbal

- Making fun of a disability
- Mimicking a speech impairment
- Inappropriate personal questions/comments about a disability
- Belittling or patronising comments/nicknames
- Use of offensive terms to describe a disabled person.

Physical

- Moving a wheelchair without the user's agreement
- Touching a visually impaired person inappropriately
- Unnecessary touching or attention

Religion or Belief (Employment Equality Regulations 2003, Equality Act 2010)

Harassment could be based on an individual's religion or belief. Religion or belief is defined as being any religion, religious belief or similar philosophical belief. This does not include any philosophical or political belief unless it is similar to religious belief.

Sexual Orientation (Employment Equality Regulations 2003, Equality Act 2010)

Within the regulations, sexual orientation is defined as:

- Orientation towards persons of the same sex (lesbians and gay men)
- Orientation towards persons of the opposite sex (heterosexual)
- Orientation towards persons of the same and the opposite sex (bisexual)
- A person who feels they should be/want to be of the opposite gender (gender reassignment)

Harassment on the grounds of sexual orientation includes: -

- Disclosure of a person's sexual orientation
- Embarrassing jokes or remarks
- Unwelcome or offensive comments about a person's sexual orientation

Age (Employment Equality (Age) Regulations 2006 as amended, Equality Act 2010)

Harassment due to an individual's age will also not be tolerated and is in contravention of employment legislation.

Other types of Harassment

- There are also other areas where harassment and bullying may occur, which are not specifically covered by legislation but will not be tolerated by the Trust.

Forms of Harassment:

Physical conduct: for example unwanted physical contact, including unnecessary touching, patting, pinching or brushing against another employee's body, assault, physical threats, insulting or abusive behaviour or gestures

Inappropriate Verbal conduct: for example unwelcome advances, propositions or remarks, innuendo's, lewd comments or abusive language, which refers to a protected characteristic under the Equality Act 2010

Inappropriate Non-verbal conduct: for example the display of pornographic or suggestive pictures, objects or written materials; making abusive or offensive gestures or leering; display of racially offensive written or visual material including graffiti; or other non acceptable non-verbal conduct which denigrates a person for whatever reason. This includes the sending of such material by post, fax, e-mail, text messaging, social media, or other on line mechanisms.

Unacceptable conduct that disparages or ridicules, or which is intimidatory or physical abusive to an employee.

Bullying can be explicit or subtle. Some examples of bullying include:

- Punishing others for being too competent by constant criticism, or by removing responsibilities and being given trivial tasks instead
- Deliberately ignoring or excluding individuals from activities
- Shouting in order to get things done, using threats, abuse and even obscenities
- Subjecting an individual to humiliation or ridicule, belittling their efforts, often in front of others
- Displaced anger or aggressiveness often over trivial matters
- Refusal to delegate
- Withholding information
- Creating a feeling of being undervalued or undermined
- Spreading malicious rumours or insulting someone
- Sharing communications that are critical about someone to others who do not need to know
- Ridiculing or demeaning someone – picking on them or setting them to fail
- Exclusion or victimisation
- Unfair treatment
- Overbearing supervision or other misuse of power or position
- Making threats or comments about job security without foundation

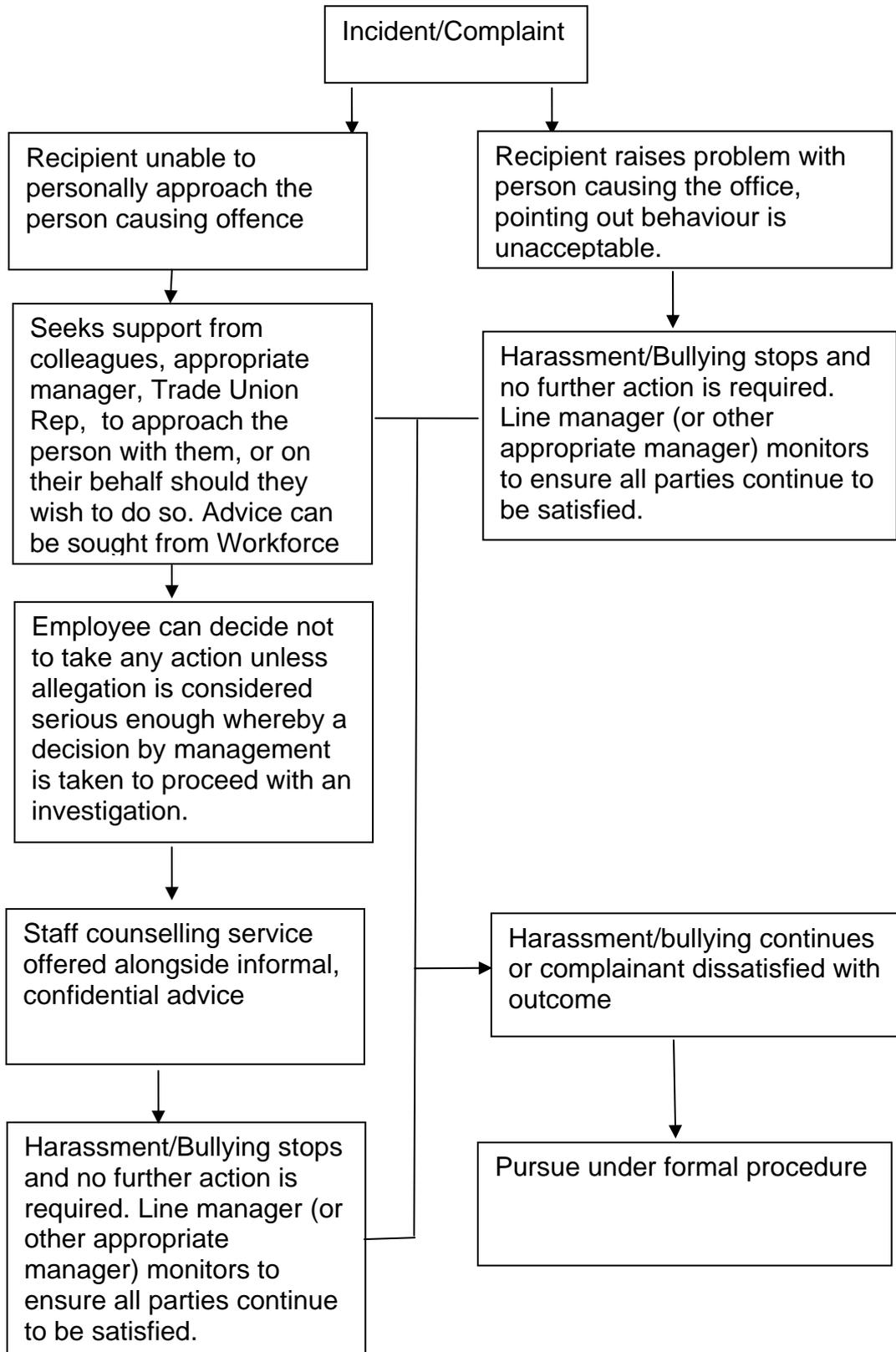
- Deliberately undermining a competent worker by overloading and constant criticism
- Preventing individuals progressing by internally blocking promotion or training opportunities

The Trust views harassment or bullying as a disciplinary offence, and may, depending on the circumstances, be considered gross misconduct, which if found against an employee will warrant disciplinary action up to and including summary dismissal.

Employers can also be held liable for the harassment of their employees by non-employees or a third party (e.g. patients, carers, partnership organisation, contractors, and employees). Liability applies if the harassment has occurred on at least two previous occasions; the employer was aware of this and did not take reasonable steps to prevent it from reoccurring.

All complaints, investigations and subsequent actions must be treated in strict confidence. Breaches in confidentiality may be dealt with using the Conduct & Disciplinary Policy.

Informal Procedure Flowchart



Formal Procedure Flowchart

