

Dealing with Bullying and Harassment Standard Operating Procedure

Date	Version	
September 2016	7	
Purpose		
The aim of this procedure is to provide a framework for employees who believe they are being harassed, bullied, victimised or discriminated against to raise a complaint.		
Who should read this document?		
All Trust staff.		
Key messages		
The Trust will not tolerate bullying and harassment in the workplace. When instances arise, the Trust expects:		
<ul style="list-style-type: none"> - managers and staff to adopt the Trust's zero tolerance position in their behaviour and in their response to witnessed harassment - managers to investigate incidents and complaints promptly and thoroughly - managers to deliver equitable solutions on the outcome of investigations 		
In the worst cases, the Trust will dismiss individuals.		
Accountabilities		
Production	Lisa White, HR Business Partner	
Review and approval	Director of People	
Ratification	Director of People	
Dissemination	Lisa White, HR Business Partner	
Compliance	Workforce & OD Committee	
Links to other policies and procedures		
Supporting Staff Policy Performance and Conduct Policy Policy and procedure for individuals who are violent or aggressive Respecting religion at work Policy Raising Concerns Policy Workforce Induction & Training Policy and Training Needs Analysis		
Version History		
V2.1	8/10/08	Approved by Policy Sub group 9/7/08 and approved by JSNC 8/10/08
V3.1	10/2/10	Approved by JSNC
V4.1	24/11/10	Amended in line with Equality Act 2010
V5	July 2012	Draft – Amended from a Policy to Standard Operating Procedure and to reflect NHSLA expectations.

V6	May 2013	Removing Third Party Harassment references due to a change in employment law and increase of accountability for protection of staff who make complaints.
V7	November 2016	Minor amendments
Last Approval		Due for Review
November 2016		November 2021

PHNT is committed to creating a fully inclusive and accessible service.

Making equality and diversity an integral part of the business will enable us to enhance the services we deliver and better meet the needs of patients and staff.

We will treat people with dignity and respect, actively promote equality and diversity, and eliminate all forms of discrimination regardless of (but not limited to) age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage/civil partnership and pregnancy/ maternity.

An electronic version of this document is available on the Trust Documents Network Share Folder (G:\TrustDocuments). Larger text, Braille and Audio versions can be made available upon request.

Standard Operating Procedures are designed to promote consistency in delivery, to the required quality standards, across the Trust. They should be regarded as a key element of the training provision for staff to help them to deliver their roles and responsibilities.

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Standard Operating Procedure (SOP)

Bullying and Harassment

1 Purpose and Scope

Plymouth Hospitals NHS Trust is committed to providing a safe and healthy working environment for its employees, which includes an environment that is free from harassment, bullying and victimisation, where every employee is treated with respect and dignity and in which no employee feels threatened or intimidated for any reason.

Harassment and bullying are not acceptable. This SOP provides a framework for all Trust employees who believe they are being harassed, bullied, victimised or discriminated against to raise a complaint. This includes where an employee is subject to repeated harassment from a third party, such as a customer, client, patient or contractor. It also provides managers with a fair and consistent process to follow when they receive a complaint from an employee.

For the purpose of this procedure the term 'harassment' will be used throughout to cover 'harassment, bullying, victimisation and discrimination' from this point forward.

Complaints will be dealt with sensitively, discretely and as quickly as possible. Employees making a complaint or assisting in an investigation about alleged harassment can do so in line with this process without fear of reprisal.

The Trust will not tolerate bullying or harassment from co-workers as a result of staff reporting their concerns.

Whilst allegations of harassment will be taken very seriously, every effort will be made to resolve issues informally. However, those incidents which are more serious in nature, will be dealt with immediately under the formal procedure. Harassment at work is inappropriate behaviour. It will not be permitted or condoned and will be treated by the Trust as misconduct, which may be deemed as gross misconduct, warranting dismissal.

It should be noted that:

- It does not constitute harassment where a manager or other employee is carrying out their job properly and fairly within Trust Policies or Procedures.
- Appropriate use of the Trust's Performance and Conduct Policy does not constitute harassment.

Disciplinary action may be taken if there is found to be substance to any allegation and in cases where allegations made by an employee are deliberately false, vexatious or malicious, in the absence of mitigating factors.

Employees who have raised a complaint with their manager or who have witnessed harassment and feel that it is not being dealt with in line with this procedure may wish to follow the Trust's Grievance and Dispute Policy or the Raising Concerns Policy which can be found in the Human Resources folder on the Trust Documents Drive: [G:\TrustDocumentsDefinitions](#)

Harassment

The Equality Act (2010) defines harassment 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, humiliating or offensive environment for that individual”.

The protected characteristics covered by the Equality Act (2010) are: age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

Under the Act, employees are also protected from harassment because of perception and association. Employees are able to complain of behaviour that they find offensive even if it is not directed at them, and the complainant need not possess the relevant characteristic themselves.

Harassment can involve a single incident or be persistent and it may be directed at one or more individuals.

Unwanted physical contact includes unnecessary touching, patting, pinching, brushing against another individual's body, insulting or abusive behaviour or gestures, physical threats, assault or sexual assault.

Unwanted verbal conduct includes unwelcome advances, such as repeated requests for 'dates', patronising titles or nicknames, propositions or remarks, innuendo, lewd comments, jokes, banter or abusive language which refer to an individual's or group's race, sex, disability, religion, belief or non-belief, age, or sexual orientation etc.

Unwanted non-verbal conduct for example, graffiti referring to individual characteristics or private life, abusive or offensive gestures, leering, whistling at someone i.e. 'wolf whistles', displaying pornographic or suggestive literature, pictures, or films/videos or inappropriate use of computers including email for this purpose.

Bullying

Bullying is defined as “the unwanted behaviour, one to another, which is based upon the unwarranted use of authority or power”.

Bullying includes persistent criticism and personal abuse and/or ridicule, either in public or private, which is humiliating or demeaning. Bullying behaviour can also include berating or belittling employees, unreasonably changing an employee's workload, hours, or place of work without their knowledge/agreement, or misuse of capability or disciplinary procedures.

Victimisation

Victimisation occurs when an employee is treated badly because they have made or supported a complaint or raised a grievance under the Equality Act (2010), or because they are suspected of doing so. An employee is not protected from victimisation if they have maliciously made or supported an untrue complaint.

There is no longer a need to compare treatment of a complainant with that of a person who has not made or supported a complaint under the Equality Act (2010).

In all cases it will be for the recipient to define what inappropriate behaviour is.

“At work” includes any place where the occasion can be identified with either the requirements of the employer, or with social events linked to the same employment. It includes any place where NHS care is delivered.

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Regulatory background

The Equality Act (2010)

The Equality Act (2010) gives the UK a single Act of Parliament, requiring equal treatment in access to employment as well as private and public services, regardless of any of the following protected characteristics: age, disability, gender reassignment, marriage or civil partnership, maternity or pregnancy, race, religion or belief, sex and sexual orientation.

Some forms of harassment, as covered by the Equality Act (2010), can amount to unlawful discrimination and could result in criminal and/or civil prosecution.

Human Rights Act (1998)

The Human Rights Act (1998) applies to all public authorities, including the NHS, and makes it unlawful to violate the rights contained in the European Convention on Human Rights.

Human Rights are defined as those ascribed to individuals by the Human Rights Act, (1998), including (but not limited to) the right to:

- Life.
- Liberty and security.
- Respect for private and family life.
- Freedom of expression.
- Freedom of thought, conscience and religion.

This Act protects the right to enjoy these freedoms without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. The issue of human rights is one which covers both employment and service delivery.

Discrimination

Direct Discrimination: occurs when someone is treated less favourably than another person because of a protected characteristic they have or are thought to have (see perception discrimination), or because they associate with someone who has a protected characteristic (see discrimination by association).

Discrimination by association: is direct discrimination against someone because they associate with another person who possesses a protected characteristic.

Perception Discrimination: is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic.

Indirect Discrimination: can occur if the Trust has a condition, rule, policy or even a practice that applies to everyone but particularly disadvantages people who share a protected characteristic. Indirect discrimination can be justified if it can be shown that the Trust acted reasonably in managing its business, i.e. that it is 'a proportionate means of achieving a legitimate aim'.

- **Legitimate aim** – any lawful decision made in running the Trust, but if there is a discriminatory effect, the sole aim of reducing costs is likely to be unlawful.
- **Proportionate** - fair and reasonable, including showing that 'less discriminatory' alternatives to any decision made have been considered.

Key Duties

Trust Board and Chief Executive

The Trust Board recognises its responsibilities under the Equality Act, (2010), the Human Rights Act (1998) and related legislation and regulations for safeguarding the rights of its employees, to expect to enjoy a working environment that is free from harassment. Direct responsibility for gaining assurance that these statutory responsibilities are delivered is delegated to the Director of HR and Organisational Development.

The Chief Executive is ultimately responsible for ensuring that the Trust maintains adequate procedures for ensuring that, as far as possible, employees are protected from harassment at work.

HR and Organisational Development Committee

Under delegated authorities, the Committee is responsible for seeking assurance that:

- The Trust's working practices and customs promote a no tolerance response to harassment.
- Instances and allegations of harassment are investigated promptly and concluded fairly.

Director of People

Under delegated authorities, the Director of People is responsible for ensuring that adequate arrangements are in place to promote this SOP and to gain assurance that it is being adhered to across the Trust.

The Director is responsible for:

- Ensuring that an adequate framework exists for resolving employees' concerns regarding harassment.
- Ensuring that compliance with this SOP is monitored and reported upon, to the required extent.
- Escalating serious concerns to the Trust Board, when necessary.

Line managers (*and managers designated to act in their place*)

As part of their overall management duties, line managers will:

- Ensure that employees are aware of the Trust's procedures on harassment.
- Be proactive in promoting a culture of respect for fellow staff, for instance by leading by example, and by giving informal guidance and warnings when behaviours start to veer away from what is expected.
- Not allow harassment to happen; and take appropriate action when they witness instances of harassment, regardless of whether a complaint is made.

In specific instances of complaints of alleged harassment, the designated manager is responsible for:

- Supporting employees who feel that they are being harassed via the Supporting Staff Policy.
- Informing the alleged harasser of the complaint made against them.
- Determining any changes to working arrangements that might be required during the investigation of the complaint and when it has been concluded.
- Investigating the alleged incident(s), within the timeframes set, including interviewing witnesses.
- Keeping comprehensive records, including interview notes, of each step of investigation of a formal complaint, or incident, and

- Evaluation records at the end of the process. The designated manager should not keep a record of incidents that are addressed informally.
- Liaising with the Workforce team and Staff Health and Wellbeing team to identify an equitable solution to the investigation, including decision on what sanctions, if any, to raise.
- Identifying appropriate training needs.

Where an employee requests to speak to a manager 'in confidence', the manager must first inform the employee that the manager may be obliged to act on the information that is given, regardless of the wishes of the employee. The employee can then choose whether to continue the conversation.

HR team and representatives

The HR Team will provide members of staff who will maintain an up to date knowledge of relevant legislation and will advise and support the line managers, as necessary. The HR Team representative(s) will:

- Attend, as an observer, all investigation interviews completed by the designated line manager.
- Provide guidance to the line manager during the investigation and after the results are known.
- Guide the line manager in determining equitable and proportionate disciplinary actions.
- Liaise with the Occupational Health and Wellbeing team, as required.
- Act appropriately on the outcome of monitoring of trends in complaints and timeliness of the investigation process, by providing guidance and training to managers, when the need is indicated.

Occupational Health and Wellbeing team and representatives

The Occupational Health and Wellbeing team will liaise with the designated manager and Workforce team, as required.

All employees

All employees are required to keep an up to date understanding of the Trust's procedures with regard to bullying and harassment. Employees will:

- Treat everyone with dignity and respect.
- Set an example of acceptable behaviour to help to create an environment that is free from discrimination, bullying and harassment.
- Support colleagues being harassed and challenge unacceptable behaviour.
- Report any incidents of harassment that cannot be resolved directly, to their own manager, or the manager of the employee who is being harassed, as soon as possible.
- Attend appropriate awareness training.

Employees who have raised a complaint with their manager or who have witnessed harassment and feel that it is not being dealt with in line with this procedure may wish to follow the Trust's Grievance and Dispute Policy and the Raising Concerns Policy which can be found in the **Human Resources folder on the Trust Documents Drive: [G:\TrustDocuments](#)**

Trades Unions and other staff representative bodies

Staff group representatives are there to help promote an anti-harassment culture, by:

- Promoting the Trust's Bullying & Harassment procedures providing support to staff, if asked to do so.
- Supporting the Trust in any initiatives to strengthen its stance against harassment.

Training

Bullying and harassment training is included within the Trust mandatory update training which must be completed on an annual basis through e-learning or the distance learning programme. This is provided in accordance with the training needs analysis documented within the Workforce Induction and Training Policy.

Monitoring and assurance

The Director of People is responsible for ensuring that adequate monitoring and review of compliance with this procedure is carried out and that the results of these reviews are recorded and reported appropriately.

The HR Team will carry out, directly, or indirectly, the following monitoring, analysis and reporting of results to the Health and Safety Committee:

- Annual audit and monitoring:
 - Completion of mandatory training related to bullying and harassment.
 - Staff survey and other relevant survey results which might be relevant to the Trust's culture and attitude towards harassment.
- Quarterly monitoring and analysis;
 - Numbers and trends in formal complaints and investigations, including analysis of 'hot-spots'.
 - Analysis of outcomes of investigations.
 - Statistical analysis of compliance with the investigation time-line targets and compliance with the formal complaint process set out in this SOP. The completed Process and Timescale proforma (Appendix 2) submitted by managers on conclusion of an investigation will be used to inform this analysis.
 - Monitoring and review of incidents reported in the Trust's (Datix) risk management database.

The results of the monitoring process will be reported to the Health and Safety Committee on an annual basis. The results may be reported separately or as part of a wider process of monitoring of delivery of the human resources function.

Ongoing review and implementation of recommendations and actions will be overseen by the HR&OD Committee and will be managed in accordance with the severity and priority of the issue arising.

Reporting to the Trust Board will be by exception.

2 Procedure to Follow

Informal action

This stage is outside of the formal process and applies where the harassment is relatively minor and does not warrant immediate formal action or has not been repeated.

Employees who feel able to, can seek to resolve the situation informally by:

- Approaching, or writing to the alleged harasser directly and making it clear that the behaviour in question is offensive, is unwelcome and must be stopped.
- Approaching the alleged harasser with the support of a colleague, HR representative or Trade Union (TU) representative.

If it is too difficult for the employee to do this personally, a designated representative, for example HR representative or TU representative may approach the alleged harasser on the employee's behalf.

The employee, or their designated representative, should make a note of the conversation, or keep a copy of the letter sent to the alleged harasser, and any response, which will be used in formal procedures if necessary. However, it is the employee's responsibility to determine what evidence they should retain.

A formal investigation and potential disciplinary action will only take place if the complaint is investigated under the formal procedure by an appropriate manager.

Mediation

Mediation is an informal and confidential process whereby impartial trained mediators can help employees who are in dispute to work out a mutually acceptable agreement.

Mediation is normally appropriate where two employees are in dispute but could also be appropriate where an employee feels unable to speak to their manager about an issue, and where employees wish to avoid formal procedures. If an employee thinks that mediation is appropriate to their situation they should contact a HR representative who will contact appropriate mediators.

Mediation is not appropriate where there is formal or other action taking place that would run counter to the mediation process.

The Trust's Mediation Policy can be found in the **Human Resources folder on the Trust Documents Drive: <G:\TrustDocuments>**

Formal action

Where the nature of the harassment is such that the Trust has no alternative but to deal with the matter formally, where the employee would prefer to go through the formal stage, or if the harassment continues, the formal procedures should be used.

Employees can raise their complaint with their manager, or where it would be more appropriate, another member of the Management team. For example, where the employee's manager is the alleged harasser, the complaint would be raised with the manager's line manager.

Alternatively, the employee may approach a HR representative, who can provide advice about who is best placed to deal with the complaint.

The manager to whom the complaint is made is responsible for proceedings at this stage, and will be advised and supported by a HR representative.

It is the manager's responsibility to ensure that this Procedure is followed, accurate notes are made and retained relating to any meetings, and copies of letters and emails are retained. The manager is also responsible for completing the Process and Timescale proforma at Appendix 2. This document will assist the manager in following the procedure correctly and a completed copy of which should be sent to the HR Team.

Confidentiality

It is important that anything discussed throughout this process, including during investigations and at hearings, is treated in the strictest confidence. Breaches of confidence may result in disciplinary action.

Making a formal complaint

Employees must raise their complaint of alleged harassment with their manager, or other appropriate person, as soon as possible following the alleged act, so that the matter can be dealt with quickly.

The employee may request a manager of the same sex to prevent embarrassment, where appropriate.

The complaint should be made in writing to the manager (or other appropriate manager). However a complaint that is made verbally does not mean managers should not take action. If the complaint is made verbally then the manager should make a written record of the complaint and the date that it was made. The manager should contact the HR team to gain advice and support for dealing with the complaint.

The manager will, within 10 working days, acknowledge receipt of the complaint in writing and will agree the timescale for dealing with the complaint with the complainant. During the formal process, where the timescale cannot be achieved for any reason, then a revised timescale must be agreed with the complainant. Upon completion of the investigation process and once the

outcome has been determined, the line manager will inform the complainant and alleged aggressor of the outcome in writing, within 5 working days.

Where the manager decides to take formal disciplinary action against the alleged harasser, the Trust's Performance and Conduct Policy must be followed.

The complainant will be informed in writing whether their case has been upheld or not and that appropriate action has been taken in line with Trust policies. However the manager must not reveal any further sanction details as these are confidential.

Process to be followed once a complaint has been made

Initial meeting with the complainant:

The line manager must inform all employees of support available to them when they are involved in formal proceedings through the Supporting Staff Policy.

At the meeting with the complainant the manager will clarify and record the following:

- The nature of the complaint and confirm that it is being dealt with under the formal Bullying & Harassment Procedures.
- Advise the employee that they have the right to be represented at any investigatory meetings by a work colleague, or trade union representative, and that the meetings will be carried out sensitively and discretely.
- Inform the employee of the stages in the procedure.

This meeting also provides the manager with the opportunity to obtain the names of any potential witnesses. A file note of this meeting will be made by the line manager.

If it is appropriate, the employee may be referred to the Occupational Health and Wellbeing Department who can arrange counselling.

Informing the alleged harasser:

Informing the alleged harasser must be done sensitively and in private.

The manager will arrange to meet the alleged harasser to:

- Outline the nature of the complaint.
- Confirm that it is being handled under the formal procedure, and that all meetings will be confidential, and discussed only between those involved in the procedure.
- Ensure that the individual is aware of the stages in the procedure.
- Inform the individual about their right to be represented at the next stage of the procedure.
- Advise the employee of support that is available to them through the Supporting Staff Policy.

If suspension, pending further investigation is appropriate, the employee must be informed at this meeting. Suspension does not imply that the individual is guilty of the alleged harassment and this must be made clear. If an employee is suspended they will not be permitted to re-enter the hospital unless they have the explicit consent of the manager who suspended them or they are required to attend the hospital for medical treatment.

The procedure for suspending employees can be found in the Performance and Conduct Policy. Further guidance can be sought from the HR representative.

Following this meeting the manager must inform the alleged harasser, in writing, of the issues discussed and action taken.

At the next stage (the formal investigation meeting) the alleged harasser has the right to be represented by a work colleague or trade union representative, who is not a relative and is not acting in a legal capacity. At this meeting the manager should also ask if there are any potential witnesses.

Informing the alleged harasser when they are not at work

Employees must always, as far as possible, be told verbally by the line manager that an allegation has been made against them before anything is put in writing as a matter of courtesy.

Avoiding contact between the complainant and alleged harasser

If there is an issue about the complainant and the alleged harasser continuing to work together the line manager may consider:

- Seeking guidance from an HR representative regarding the option to suspend both parties on full pay.
- Seeking guidance from an HR representative regarding the option to suspend the alleged harasser on full pay (suspension does not imply that the employee is guilty of the allegations made against them).
- Transferring the alleged harasser to a different department or team.

The Trust takes its duty of care to employees very seriously and on some occasions it may be necessary to make appropriate adjustments to an employee's work location and/or hours/days of work to prevent further allegations or harassment.

All parties (including witnesses) must be informed that during the formal procedures there should be no communication between them, either directly or indirectly, in relation to any allegations. Disciplinary action may be taken in the event that contact takes place.

Investigating complaints

General issues

The manager, with assistance from the HR representative, will undertake a full investigation into the allegations made.

The purpose of the investigatory interviews is to establish the facts, which will allow the manager to decide what action, if any, is appropriate.

The investigatory interviews will take place in private, will be carried out in confidence, discussed with those involved in the procedure, and a record of each meeting kept.

Each individual is entitled to be represented at the formal stage. In exceptional cases, for example where a trade union representative or colleague is unable to attend the proposed date, the meeting may be postponed by agreement.

Investigations and sickness absence

Investigations should not be delayed because an individual is away from work because of sickness – unless they have been signed off work by the GP for 'work related stress' or where Occupational Health and Wellbeing Report states that continuing with an investigation would be detrimental to the employee's health.

If you are concerned about how an employee's health is going to be affected by the investigation you must refer them to the Occupational Health and Wellbeing Department.

Process for undertaking investigatory interviews

The manager and HR representative will arrange to meet individually with the complainant, the alleged harasser and any witnesses to ask any questions or to clarify any queries they may have.

At the end of the investigation the manager, with advice from their HR representative must decide what action, if any, to take considering all of the evidence heard.

The following are possible outcomes and actions that might be considered:

- **If a complaint is not upheld or the evidence is inconclusive** – mediation sessions could be offered with both parties or voluntary transfers could be considered;
- **If there is sufficient evidence of harassment** – formal disciplinary action must be taken in line with the Performance and Conduct Policy which could include (depending on mitigating circumstances) a disciplinary warning as appropriate, a transfer or dismissal;
- **If a complaint is upheld and the behaviour was unintentional and the actions regretted, or where the behaviour was a result of a lack of training** - counselling or mediation could be offered to both parties to repair any damage done to the working relationship, awareness training provided for the perpetrator, or where appropriate, consideration may be given to using the Trust's Performance and Conduct Policy;
- **If a complaint is upheld, consideration may need to be given to separating the parties involved although this may not always be possible** – however the complainant will not be adversely affected by the action taken. A check will also be made that the harassment has stopped and that there has been no victimisation;

- **If a complaint is not upheld** – there may still be the need to separate the parties involved in the interests of harmonious staff relations.

If formal disciplinary action is appropriate, the Performance and Conduct Policy will be invoked. It should be noted that the investigation under the Bullying and Harassment procedure will constitute the formal investigation process outlined within the Performance and Conduct Policy. Therefore, following the bullying and harassment investigation the investigation manager is able to progress to a disciplinary panel or disciplinary outcome outside of a panel, in line with the Performance and Conduct Policy.

Mediation sessions could be considered for both parties, if appropriate, following the formal process.

Appeals

The complainant's right of appeal

The complainant has the right to appeal where they feel that the investigation process has been unfairly or poorly carried out. If the complainant wishes to appeal they must do so in writing to the Director of People within five working days of the date of receiving the outcome of the investigation/hearing. The complainant may not appeal against the disciplinary sanction given to the perpetrator.

The alleged harasser's right of appeal

The alleged harasser has the right to appeal where they feel that the investigation process has been unfairly or poorly carried out. If the alleged harasser wishes to appeal they must do so in writing to the Director of People within five working days of the date of receiving the outcome of the investigation/hearing.

The alleged harasser also has the right to appeal against any formal disciplinary sanction issued in line with the Trust's Performance and Conduct Policy.

Harassment of an employee by a patient or member of the public

An employee who perceives that they are being harassed by a patient or member of the public or other third party should immediately raise their concerns with their line manager who will take prompt action to deal with the situation.

In this situation the line manager must ensure that the complainant is not placed in a position where further incidents may take place. Please refer to the Trust's Policy & Procedure for Individuals who are Violent or Aggressive available from in the **Human Resources folder on the Trust Documents Drive: [G:\TrustDocuments](#)**

Support Available for Employees

Employees involved in formal proceedings should be directed, by their line manager, to the support available for them through the Supporting Staff Policy. This can be found in the **Human Resources folder on the Trust Documents Drive: [G:\TrustDocuments](#)**.

Employees who are Trade Union members may wish to contact their Trade Union Representative for support if they feel they are being bullied and/or harassed.

Employees requiring support from an external agency, such as the Disability Information and Advice Centre, can find a list of contacts in [Appendix 1](#).

All employees, in any circumstances, are able to access the Supporting Staff Policy and obtain Occupational Health and Wellbeing support directly, if they wish.

3 Document Ratification Process

The design and process of review and revision of this procedural document will comply with The Development and Management of Trust Wide Documents.

The review period for this document is set as five years from the date it was last ratified, or earlier if developments within or external to the Trust indicate the need for a significant revision to the procedures described.

This document will be approved by the JSNC and the HR and Organisational Development Committee and ratified by the Director of HR and OD.

Non-significant amendments to this document may be made, under delegated authority from the Director of People, by the nominated author. These must be ratified by the Director of HR & OD and should be reported, retrospectively, to the HR and Organisational Development Committee.

Significant reviews and revisions to this document will include a consultation with the Senior Management Team and JSNC representatives across the Trust. For non-significant amendments, informal consultation will be restricted to directors and managers who are directly affected by the proposed changes, together with JSNC representatives.

Dissemination and implementation

Following approval and ratification, this procedural document will be published in the Trust's formal documents library and all staff will be notified through the Trust's normal notification process, currently the 'Vital Signs' electronic newsletter.

Document control arrangements will be in accordance with The Development and Management of Trust Wide Documents.

The document author(s) will be responsible for agreeing the training requirements associated with the newly ratified document with the Director of People and for working with the Trust's training function, if required, to arrange for the required training to be delivered.

The following documents are referred to in this SOP, or provide additional sources of reference material:

Guidance about compliance. Essential standards of quality and safety. **Care Quality Commission**, March 2010

NHSLA Risk Management Handbook, 2011/12. **NHS Litigation Authority**, February 2011.

NHSLA Risk Management Standards for NHS Trusts providing Acute, Community or Mental Health & Learning Disability Services and Independent Sector Providers of NHS Care, 2011/12. **NHS Litigation Authority**, January 2011.

Appendix 1 - List of External & Support Agencies

Black and Minority Ethnic (BME) Counselling Service (based at Plymouth & District Racial Equality Council), Tel: 01752 224555

Website: <http://plymouthanddevonrec.org.uk/contact-us/contact-us.html>

Disability Information and Advice Centre (DIAC)

Mon 10-1pm, Tues-Fri 10am -1pm then 2pm – 4pm

Tel: 01752 201065, Textphone: 01752 201766

Email: diac@plymouthguild.org.uk

Plymouth Pride Forum (links to support groups on website)

Website: www.plymouthprideforum.org.uk/links

Email: info@plymouthprideforum.org.uk

Derriford Hospital Department of Pastoral and Spiritual Care (**can signpost to local faith groups/leaders**)

Contact: via Switchboard - available 24 hours a day for support

Plymouth Centre for Faiths and Cultural Diversity (PCFCD)

9am – 4pm

Tel: 01752 254438

Website: www.plymouthcfcd.co.uk Email: pcfcd@plymouth.gov.uk

Plymouth Voluntary Guild

Tel: 01752 201766

Simply Counselling

Tel: 01752 605504

Staff Counselling service at Plymouth Hospitals (located in the Occupational Health and Wellbeing Department, Kingstor House)

Tel: 01752 437212 Email: [PLH-TR.OccHealth-DutyNurse @nhs.net](mailto:PLH-TR.OccHealth-DutyNurse@nhs.net)

TRW.HUM.SOP.99.7 Bullying and Harassment Standard Operating Procedure

Formal Process - Bullying and Harassment Process and Timescale

Complainant:

Alleged Aggressor

HR contact

Manager

Anticipated date of completion of formal process agreed with complainant.....

Action to be taken	Date/Completed
Manager receives complaint	
Manager contacts HR for support and advice	
The manager will, within 10 working days, acknowledge receipt of the complaint in writing and will agree the timescale for dealing with the complaint with the complainant	
Initial meeting with complainant Discuss: <ul style="list-style-type: none"> • Support available to them through the Supporting Staff Policy/Staff Health and Wellbeing. • The nature of the complaint and confirm that it is being dealt with under the formal Bullying & Harassment Procedures. • Advise the employee that they have the right to be represented at any investigatory meetings by a work colleague, or trade union representative, and that the meetings will be carried out sensitively and discretely. • Inform the employee of the stages in the procedure. A file note of this meeting will be made by the line manager.	

<p>Informing the alleged harasser:</p> <p>Discuss:</p> <ul style="list-style-type: none"> • The nature of the complaint. • Confirm that it is being handled under the formal procedure, and that all meetings will be confidential, and discussed only between those involved in the procedure. • Ensure that the individual is aware of the stages in the procedure. • Inform the individual about their right to be represented at the next stage of the procedure. • Advise the employee of support that is available to them through the Supporting Staff Policy/Occupational Health and Wellbeing. 	
<p>Consideration of suspension with HR. If Suspension applicable, refer to Conduct and Performance Policy.</p>	
<p>Inform the alleged harasser, in writing, of the issues discussed at the meeting and action taken.</p>	
<p>Identification of witnesses to be interviewed. Advise them of support that is available to them through the Supporting Staff Policy/Staff Health and Wellbeing.</p>	
<p>Formal investigation meetings (to include complainant, alleged aggressor and witnesses). Notes to be taken.</p>	
<p>Confirmation from complainant, alleged aggressor and witnesses that notes are accurate (statements/notes to be signed by individuals)</p>	
<p>Inform complainant of outcome and right of appeal upon completion of the investigation process and once the outcome has been determined, within 5 working days.</p>	
<p>Inform alleged harasser of outcome and right of appeal upon completion of the investigation process and once the outcome has been determined, within 5 working days.</p>	
<p>Manager sends Supporting Staff Evaluation Form (available in the Staff Support Policy) to staff involved in the process for them to complete and return to the HR Team</p>	

Core Information	
Manager	Lisa White
Directorate	HR and OD
Date	July 2012 (reviewed in September 2016)
Title	Bullying and Harassment Policy
What are the aims, objectives & projected outcomes?	This Policy provides a framework for all Trust employees who believe they are being harassed, bullied, victimised or discriminated against to raise a complaint. This includes where an employee is subject to repeated harassment from a third party, such as a customer, client, patient or contractor. It also provides managers with a fair and consistent process to follow when they receive a complaint from an employee.
Scope of the assessment	
Collecting data	
Race	<p>There could potentially be an impact on staff whose first language isn't English. Special attention must be paid to ensuring that employees for whom English is not their first language are supported through the process.</p> <p>This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions</p>
Religion	This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions
Disability	<p>There is potentially an impact on people with a disability. Those who are disabled in any way should be supported through the process and reasonable adjustments should be put in place as appropriate.</p> <p>This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions</p>
Sex	This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions
Gender Identity	There is currently no data collected to show the impact in this area, however, this will be monitored via feedback from line managers/trade unions
Sexual Orientation	This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions
Age	This area, will continue to be monitored through workforce data reporting and analysis and any feedback from line managers/trade unions

Socio-Economic	There is currently no data collected to show the impact in this area, however, this will be monitored via feedback and incident reporting as appropriate.			
Human Rights	Staff have the right to representation within this process.			
What are the overall trends/patterns in the above data?	No trends or patterns have been identified at this stage. However, workforce data will be continued to be monitored and any trends or patterns will be identified and appropriate actions will be put in place.			
Specific issues and data gaps that may need to be addressed through consultation or further research	There is currently no data to monitor the impact on gender identity, socio-economic and human rights.			
Involving and consulting stakeholders				
Internal involvement and consultation	HR Business Partners, Senior Management & JSNC			
External involvement and consultation	None.			
Impact Assessment				
Overall assessment and analysis of the evidence	<p>There could potentially be an impact on staff whose first language isn't English. Special attention must be paid to ensuring that employees for whom English is not their first language are supported through the process.</p> <p>There is potentially an impact on people with a disability. Those who are disabled in any way should be supported through the process and reasonable adjustments should be put in place as appropriate.</p>			
Action Plan				
Action	Owner	Risks	Completion Date	Progress update
Monitoring of workforce data on a regular basis	Martin Bamber		On-going	Action will be taken as and when required.