



Bolton Clinical Commissioning Group

Dignity at Work Policy

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The CCG is committed to an environment that promotes equality, embraces diversity and respects human rights both within our workforce and in service delivery. This document should be implemented with due regard to this commitment.

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Version Control Sheet

Version	Date	Reviewed By	Comment
Draft v0.1	5/2/14	Staff Forum	To submit for Executive Approval
0.2 Final	9/4/14	Executive	Typos No requirement for Harassment Support Officer 3.16 amendments to text
Final v1.0	July 16	GMSS People Services/ CCG CO	Changes discussed and agreed with CCG CO

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1. Policy Statement

- 1.1 The CCG takes seriously its policy on Equality & Diversity and will strive to ensure that its workforce reflects local communities.
- 1.2 Bullying, Harassment and Discrimination (whether direct or indirect by nature), act as barriers to achieving this goal and will not be tolerated.
- 1.3 Bullying and Harassment can take many forms, may be directed at an individual or groups of individuals, it is insulting and demeaning to the recipient(s), and as such is unacceptable behaviour at work and a matter of misconduct.
- 1.4 Harassment can occur on a variety of grounds. It can be unlawful behaviour contrary to the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995 and the Protection from Harassment Act 1997 or the Human Rights Act 1998, and the Public Interest Disclosure Act. Harassment is a serious issue which lowers morale, affects personal dignity and interferes with employees' job performance. Harassment undermines any attempt to achieve fairness for all employees within the workforce.
- 1.5 This policy will apply to all employees and is designed to protect the dignity and respect that all employees have a right to expect within the workplace.
- 1.6 All complaints will be dealt with in a confidential, positive and sensitive manner and employees are assured that they will be protected against victimisation when bringing a complaint under this procedure.
- 1.7 The procedure includes the exploration of mediation where this option provides the best means of resolving the complaint and restoring harmonious working relationships and working environment.
- 1.8 Support and guidance will be made available to both parties to a complaint via access to trained personnel who have specific responsibilities for implementing this policy.
- 1.9 All employees have a key role to play and this policy cannot be effective without full co-operation and commitment.
- 1.10 If a complaint of harassment is made by a child, adult or a parent/carer or a customer makes a complaint about harassment by CCG employees, the CCG's Child/Adult Protection Procedure or the CCG's Complaints Procedure will be used as appropriate
- 1.11 If an employee complains that they have experienced harassment from third parties such as clients or visitors, the CCG recognises its duty to protect its' employees in such cases and will take all reasonable steps to prevent it from happening again.
- 1.12 Any deliberate abuse in the operation of this Policy will be viewed as serious misconduct and will be considered under the CCG's Disciplinary Policy.

2. Principles

- 2.1 The overall objective of the procedure is to provide a framework around which employees can be confident that any incident of bullying or harassment will be taken seriously and dealt with in line with the CCG's grievance and/or disciplinary procedures.
- 2.2 Employees carry a personal responsibility for their own behaviour and should act at all times in accordance with the CCG's values and Equality and Diversity Policy. Staff must treat each other with respect and ensure their own behaviour does not cause offence and not accept behaviour that may be offensive when directed at themselves or others.
- 2.3 Employees should note that the CCG's liability may extend to both official and unofficial social activities as these could be deemed to be an extension of the workplace. Any such issues would need to be considered on a case by case basis.
- 2.4 This policy is not intended to be used to deal with occasional minor lapses in good manners. On these type of occasions, all employees are encouraged to raise the matter informally and promptly with the individual concerned.
- 2.5 What is bullying and harassment?

Bullying – ACAS define bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient.

Harassment – The Equity Act 2010 defines harassment as unwanted conduct relating to a 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. Employees can complain even if that behaviour is not directed at them.

- 2.5 Examples of bullying and harassment can be found in Appendix 1.

3. Procedure

- 3.1 This procedure is detailed at PART B

4. Scheme of Delegation (if appropriate)

- 4.1 Each CCG policy will contain a scheme of delegation specific to the stages and actions associated to the policy. All Schemes will adopt the levels as outlined below therefore ensuring consistency throughout all policies and clarity within the CCG.

Informal procedure	Line Manager or equivalent level manager from elsewhere within the CCG.
Formal procedure	Line Manager or equivalent level manager from elsewhere within the CCG or the line managers direct manager if the line manager has been previously involved or implicated.

5. Equality Statement

- 5.1 In applying this policy, the CCG will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 5.2 An Equality Analysis has been carried out on this Policy and can be viewed in Human Resources.

6. Monitoring and Review

- 6.1 The policy and procedure will be reviewed periodically by HR in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

Part B - PROCEDURE

1. If an employee feels that they have been or are being bullied or harassed, they should follow the informal or the formal stage of this policy. (See Appendix 4).

2. INFORMAL STAGE

2.1 Any employee who feels that they are being bullied/harassed is advised to make notes of the incident(s).

These notes should include, where possible:

- date of incident(s);
- time of incident(s);
- place of incident(s);
- if known, the name of the alleged harasser(s)
- what actually happened
- how you felt at the time
- the name of anyone else present at the time
- action taken, if any.

2.2 If the employee feels that they are able to, they should speak to the alleged bully/harasser and ask them to stop.

If the employee feels that they are unable to speak to the individual concerned then they should consider approaching one of the following:

- their line manager/appropriate manager
- their trade union representative,
- their People Services contact

2.3 All of these have defined responsibilities and will have received appropriate training, under the scope of this policy as set out in Appendix 2, and will support an employee in making a written record of what has happened and a mediation approach will be recommended in most cases.

2.4 The written record will include an agreement to monitor the situation and an agreed date to review progress.

2.5 It is important to note that any line manager/member of the senior management team who has been approached has a responsibility to ensure a work environment which is free from harassment.

2.6 If an employee feels that they are experiencing harassment which is not personally directed at them individually, (e.g. generalised sexist/racist language), the matter can be raised with the Appropriate Manager, or a trade union representative.

2.7 If the harassment does not cease then an employee can request action under this policy by completing a Dignity at Work Complaint Form (see Appendix 3).

Forms are available from:

- the CCG;
- Trade Union Office.

3. FORMAL STAGE

- 3.1 An employee should submit a Dignity at Work complaint form to the appropriate manager (see Appendix 3) dependent on the circumstances, e.g. if the complaint is related to the line manager.
- 3.2 The investigation into the complaint will follow the CCG's Disciplinary Procedure and confidentiality will be maintained.
- 3.3 On receipt of the Dignity at Work complaint form, the appropriate manager will:
 - acknowledge the complaint, (in confidence), at the earliest opportunity and within 5 working days;
 - inform the alleged harasser, both orally and in writing, of the alleged complaint. The written correspondence will include clear details of the complaint made.
- 3.4 Wherever possible, or appropriate, attempts to resolve the matter by means of mediation will be explored.
- 3.5 This will involve seeking a mutually acceptable outcome e.g.: where relevant an undertaking that the offending behaviour will cease and not be repeated and/or an acknowledgement by the harasser that the behaviour is unacceptable.
- 3.6 This approach can only succeed if agreed by both parties.
- 3.7 Employees will be informed that experience has shown that mediation can be highly effective as it brings the parties together, ensures recognition of the issue(s) and seeks to avoid polarisation of views as well as identify an agreed way forward.
- 3.8 If, however, both parties do not agree to this approach and the issue(s) is not resolved then the matter would need to be addressed in accordance with the CCG's Disciplinary Procedure.
- 3.9 It is recognised there may be incident(s) which are of such a serious nature that it will be necessary for the CCG's Disciplinary Procedure to be invoked immediately without any recourse or reference to mediation.
- 3.10 The Investigatory Panel will, wherever possible, be made up of a neutral manager and HR representative, who will carry out the investigation promptly and thoroughly and will keep all parties informed of progress and anticipated timescales. The CCG may if appropriate decide to appoint an investigating officer that is external to the CCG.
- 3.11 The investigation will be based on the information contained in the Dignity at Work complaint form and its purpose will be to gather evidence concerning the alleged incident(s).
- 3.12 At an investigatory interview the complainant and alleged harasser can be supported by one of the following:
 - a fellow employee;
 - a trade union representative.
- 3.13 At any stage where contact between the complainant and the alleged harasser is a barrier to addressing the issue, alternative work/relocation will be discussed and, if reasonably practicable, will be arranged in the interim pending the outcome of the complaint. It should be noted that the CCG would normally move the alleged harasser rather than the complainant if a move was considered appropriate although this will depend on the circumstances. It should be noted that a decision to move either party does not imply guilt nor should have any detriment on the investigation.
- 3.14 Any alternative work/relocation, for either or both parties, will be discussed with those concerned and their chosen source of advice and support (if appropriate).

- 3.15 Having obtained all the necessary and available information and evidence, the Investigatory Panel will summarise their findings (including the names and key evidence of witnesses) and make recommendations to the Chief Officer as to whether a formal disciplinary hearing is appropriate.
In the event of the concern being related to one of the Chief Officer, the issue if not raised with the Chief Finance Officer can be raised with the Chair or another member of the Governing Body.
- 3.17 If a formal disciplinary hearing is appropriate then the hearing will be conducted in accordance with the CCG's Disciplinary procedure. The findings of the disciplinary hearing will be conveyed to both the complainant and alleged harasser.
- 3.18 The alleged harasser will, if appropriate, have the right of appeal in accordance with the CCG's disciplinary appeals panel.
- 3.19 The CCG reserves the right to investigate inappropriate behaviour without the submission of a written allegation, eg. when incidents are brought forward by a third party.

APPENDIX 1 – EXAMPLES OF HARASSMENT

(Please note this is not an exhaustive list)

A. Sexual Harassment

Examples of this could be:

- unnecessary touching, patting, pinching or brushing against a person's body;
- physical assault;
- demands for sexual favours, propositions or pressure for sexual activity;
- continued unwelcome invitations to social activity outside the workplace;
- leering, rude gestures, whistling, catcalls;
- pornographic pin-ups or other offensive visual material;
- unwanted personal comments about appearance, body size, clothes etc;
- suggestive remarks and innuendoes;
- other verbal abuse.

B. Sexuality Harassment

Examples of this could be:

- verbal abuse and innuendo;
- **use** of inappropriate language and gestures;
- homophobic comments etc which may imply that Lesbians, Gay Men and Bisexuals “can be cured” or “haven't met the right partner of the opposite sex yet”;
- suggestions, comments, etc which may imply that Lesbians, Gay Men and Bisexuals are somehow “second class” i.e. that Gay Men aren't real or proper men;
- making judgments about a person's character or lifestyle based on inappropriate stereotypes of Lesbians, Gay Men and Bisexuals;
- threatening to make public (outing) the fact that a colleague is lesbian, gay or bisexual;
- jokes, comments relating to perceived sexuality;
- excluding lesbian, gay or bisexual colleagues from workplace, socialisation e.g. office talk, social events;
- preventing lesbian, gay or bisexual employees' access to peer support and networking.

C. Racial Harassment

Examples of this could include:

- racist 'jokes';
- racial abuse and stereotyping;
- racist graffiti or other visual materials;
- excluding black and/or ethnic minority colleagues from workplace talk and activities;
- an offensive manner in communication, which is not used with other white employees;
- physical assault.

D. Harassment of People with Disabilities

Examples of this could include:

- 'jokes' about disabled people;
- unwanted or patronising comments which repeatedly draw attention to the employee's impairment, or any employment aids or equipment they may use;
- stereotyping and/or commenting about disabled behaviour;
- excluding a disabled colleague from workplace talk and activities.

E. Age Harassment

Can include:

- displaying misconceptions and prejudices about age rather than judging solely on talent and skills;
- placing unjustifiable age related criteria on employment practices;
- providing training on the basis of age rather than need;
- stereotyping youth as inexperienced for promotion;
- side-stepping people or excluding people based on the assumption that they are too old to take part or be promoted.

F. Religious Harassment

Can include:

- behaviour which fails to tolerate or acknowledge the rights or needs of people with different beliefs and practices;
- purposely mocking people who respect/practice their religion;
- making fun of people because of their religious beliefs;
- misusing or defacing a person's religious artifacts.

G. Bullying

Bullying can be the outcome or form of harassment detailed above.

Examples of this could include:

- demonstrating excluding behaviour;
- constantly using foul language and/or aggressive language;
- persistently picking on or ridiculing a person or person in public or private;
- purposely giving a variety of mixed messages to disrupt a team's functioning;
- singling out person(s), treating them less favourably than the rest of the group
- physical contact – ranging from unwanted touching to serious assault, gestures and intimidation.

H. Environmental Harassment

An individual can feel oppressed, victimised or harassed by actions or situations that while not directed specifically at them, can still cause offence or distress.

Examples of this could include:

- sexist or racist graffiti;
- conversations in the workplace which exclude members of particular groups.

APPENDIX 2 - RESPONSIBILITIES UNDER THE DIGNITY AT WORK POLICY

The CCG Board take all complaints of harassment seriously and, therefore, has a joint responsibility to investigate any complaints with sensitivity and confidentiality, using established procedures.

The Board, through its management, shall also ensure all its employees are made aware of existing and revised policies and procedures by providing appropriate training for all those involved in the administration and application of this procedure.

The Board, through its management, shall ensure recommendations are acted upon and followed through.

Harassment on the grounds of disability protected characteristics are against the law and are in breach of the Public Order Act 1994 and may be in breach of the Sex Discrimination Acts 1975, The Race Relations Acts 1976, the Disability Discrimination Act 1995 and the Protection From Harassment Act 1997.

Senior Management

Line Managers have a responsibility to provide a safe and non-threatening work environment for their employees. This will be achieved by:

- Introducing and promoting the Dignity at Work Policy.
- Providing employees with access to the Policy and access to the appropriate training.
- Supporting, discussing and pursuing an issue of harassment, when observed or when approached by an employee.
- Ensuring that there are no blockages in the Policy.
- Ensuring that no victimisation occurs as a result of an investigation of a harassment claim.
- Ensuring action is taken if a risk assessment identifies potential development of harassment.
- Ensuring that the harassment has ceased where disciplinary action has been taken which falls short of dismissal and where the accused has not been reassigned to a different work location.

People Services

People Services has a responsibility to provide support and guidance to complainants and alleged harassers.

They are also the key contact in the event of an investigation and may assist the CCG with the processing of a complaint if requested to do so.

They will discuss the option of mediation with both parties and arrange this if appropriate. A senior manager will inform alleged harassers orally and in writing of any formal complaints received.

They will assist the CCG in processing complaints and attending Investigatory Panels where appropriate in an advisory capacity only.

Investigatory Panel

Where a decision has been made to proceed with a formal investigation an independent manager will be appointed as the investigating officer.

Investigating officers have a responsibility to ensure that an investigation is conducted in line with the CCG's Disciplinary Procedure. They will:

- Consider separating the accused from the complainant. This may involve temporary transfer of the accused to another department or, if sufficiently serious suspension (as a neutral act) with pay. This would be undertaken in line with the CCG's Disciplinary Policy.
- To conduct interviews with the complainant and then the accused, followed by any potential witnesses.
- Ensure that notes of the interviews will be sent out within 5 working days of the interview and received back within a further 5 day period.
- Receive a written statement from a witness where geography or case work prevents attendance at an interview.
- Will determine the relevance of any potential witnesses and elicit further information to either party should this be considered appropriate.
- Will complete a report and arrange an outcome meeting with recommendations to both parties individually. The complainant will receive a copy of the investigation report during the outcome meeting.
- Will send a letter to the complainant and the accused with the outcome.

Employees

All employees are obliged to respect the rights and feelings of their colleagues. Employees are also obliged to familiarise themselves with this Policy and its objectives for preventing and eliminating harassment at work.

Counsellors

The CCG recognises that counselling can play a vital role in complaints about bullying and harassment, by providing a confidential avenue for an informal approach, and perhaps the opportunity to resolve the complaint without need for any further or formal action.

The CCG may be able to help in providing advice on accessing good counselling services via Occupational Health.

Counselling can be particularly useful where investigation shows no cause for disciplinary action, or where doubt is cast on the validity of the complaint. Counselling may resolve the issue or help support the person accused as well as the complainant.

Mediators

Are independent, non-judgemental brokers who have the skills to assist the parties to a dispute to mediate in order to find a resolution.

APPENDIX 3

PRIVATE AND CONFIDENTIAL

**DIGNITY AT WORK
COMPLAINT
FORM**

**This form has been designed to assist you
complaining about harassment. If you have any difficulty in completing this form,
contact your or Trade Union Representative, People Services or your Line Manager.**

DIGNITY AT WORK COMPLAINT FORM

Name

Date of Complaint (Today's date)

CCG

Dept

Your Post Title

What sort of harassment are you complaining of? (You can tick more than one box.)

Racial	Sexual	Disability	Age	Religious	Caring Status	Other

What are the name(s) of the alleged harasser(s)?

.....
.....

Who do you hold responsible for the incident(s)?

.....
.....

Was anyone else present at the time of the incident(s)?

.....
.....

Have you discussed this incident(s) with anyone else? If so who?

.....
.....

What happened as a result?

.....
.....
.....
.....

(Please continue on a separate sheet if necessary)

APPENDIX 4 - STAGES IN THE DIGNITY AT WORK POLICY

INFORMAL STAGE

Harassment experienced and note(s) of incident(s) made.

Alleged harasser asked to stop or the employee raises the issue with an appropriate line manager, People Services or Trade Union Representative

Written record made of incident(s).

Mediation recommended.

Mediation successful and situation monitored.

Unwanted behaviour ceases.

Mediation unsuccessful/complaint considered too serious for informal resolution

FORMAL STAGE

Harassment continues.

Dignity a Work Complaint Form Completed.

Dignity a Work Complaint Form acknowledged by the Appropriate Manager within 5 working days.

Alleged harasser notified orally and in writing of the alleged complaint.

If not already carried out and considered appropriate, Mediation recommended and accepted by the parties involved.

Matter resolved/offending behaviour ceases/acknowledgement by the alleged harasser that the behaviour is unacceptable.

Situation monitored.

Mediation not accepted as a way forward or the incident is so serious mediation is not appropriate.

Formal investigation under the CCG's Disciplinary Procedure commences.

Investigatory Panel make recommendations to Chief Officer/appropriate Board Member Disciplinary Hearing in accordance with the CCG's Disciplinary Procedure convened if appropriate.

Outcome of the Disciplinary Hearing conveyed to both the complainant and the alleged harasser.

If appropriate the alleged harasser will have the right of appeal in accordance with the CCG Disciplinary Appeals Panel.

Appendix 5 – Letter to Complainant

Date:

Your

Our Ref:

Dear Name

Re: Dignity at Work Claim

I acknowledge receipt on date of your Dignity at Work complaint form

I appreciate that this is a very difficult time for you, and that submitting a claim takes a lot of courage and thought. I will be arranging to meet with you in the very near future to discuss the information you have provided in more detail, but in the meantime a referral to the Occupational Health provider can be arranged for additional support such as counselling, should you feel this appropriate. If you wish for a referral to be made, please do not hesitate to contact me.

The first stage of our investigation is to ensure that all avenues available to resolve the complaint have been examined. Therefore, and in line with the procedure, we would urge you to consider external mediation. Experience has shown that mediation and conciliation can be highly effective as it brings both parties together to discuss the issues which led up to the complaint being made. We will discuss this with you further when we meet.

Your complaint will now be investigated in accordance with the CCG's Dignity at Work Policy and I will of course keep you fully updated at all times.

Yours sincerely

Appendix 6– Letter to Alleged Harasser

Date:

Your

Our Ref:

Dear Name

Re: Dignity at Work Complaint

I write to inform you that allegations have been made by Name that you have subjected him / her to type of harassment i.e. bullying, sexual etc.

Name and Name will be investigating the allegations and we would like to meet with you to discuss the matter further on Date at Time at Venue. If you are unable to make this date or time, please contact me on the above number.

The first stage of our investigation is to ensure that all avenues available to resolve the complaint have been examined. Therefore, and in line with the procedure, we would urge you to consider external mediation. Experience has shown that mediation and conciliation can be highly effective as it brings both parties together to discuss the issues which led up to the complaint being made. We will discuss this with you further when we meet.

At the meeting, you have the right to be accompanied by a Trade Union representative or a work colleague.

Yours sincerely

Appendix 7 – Letter to Witness

Date:

Your

Our Ref:

Dear Name

Re: Dignity at Work Complaint

As you may be aware, Name has submitted a complaint alleging harassment towards him/her by Name of alleged harasser. You have been named as a witness to all or some of the alleged incidents.

The matter is now subject to the CCG's Disciplinary Procedure and as a consequence it will be necessary for Name and myself to interview you as part of the formal procedure.

In accordance with the CCG's Dignity at Work Policy, I would be grateful if you could attend an investigatory interview at time on date. The meeting will be held at Venue.

If you wish, a Trade Union Representative or a work colleague may accompany you.

If you have any queries please do not hesitate to contact me on the above number.

Yours sincerely

Appendix 8 - Outcome Letter

Dear Name

Re: Dignity at Work Claim

You will no doubt be pleased to know that the Panel have concluded their investigation and have submitted a formal report of our findings to Name, [insert title].

May I take this opportunity to thank you for providing the Panel with a full and frank account of the matters under investigation, which enabled us to make a number of recommendations in the report.

The [insert name] will be contacting you in due course to let you know the outcome of the investigation.

Yours sincerely

Appendix 9 Equality Analysis Initial Assessment**Title of the change proposal or policy:****Dignity at Work****Brief description of the proposal:****To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHS LA Standards and takes account of best practice.****Name(s) and role(s) of staff completing this assessment:****Date of assessment:****Please answer the following questions in relation to the proposed change:****Will it affect employees, customers, and/or the public? Please state which.****Yes it will affect all employees.****Is it a major change affecting how a service or policy is delivered or accessed?****No****Will it have an effect on how other organisations operate in terms of equality?****No****If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:****No anticipated detrimental impact on any equality group. The policy adheres to the NHS Standards and best practice.****Makes all reasonable provision to ensure equity of access to all staff.****There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.**