

# DIGNITY AT WORK (PREVENTION OF BULLYING AND HARASSMENT) POLICY

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Target audience:	All staff working within or on behalf of NHS Sheffield CCG

To ensure you have the most current version of this policy please access via the NHS Sheffield CCG Intranet Site by following the link below:

<http://www.intranet.sheffieldccg.nhs.uk/policies-procedure-forms-templates.htm>



## POLICY AUDIT TOOL

To be completed and attached to any document which guides practice when submitted to the appropriate committee for consideration and approval.

<b>Please give status of Policy: Revised</b>		
<b>1.</b>	<b>Details of Policy</b>	
1.1	Policy Number	HR004/11/2023
1.2	Title of Policy:	Dignity at Work (Prevention of Bullying and Harassment) Policy
1.3	Sponsor	Deputy Accountable Officer
1.4	Author:	HR and OD Business Partner
1.5	Lead Committee	Governance Sub-committee
1.5	Reason for policy:	Legislative and best employment practice
1.6	Who does the policy affect?	All employees
1.7	Are the National Guidelines/Codes of Practices etc issued?	ACAS Code of Practice, Equality Act 2010, Health and Safety at Work Act 1974
1.8	Has an Equality Impact Assessment been carried out?	Yes
<b>2.</b>	<b>Information Collation</b>	
2.1	Where was Policy information obtained from?	See 1.5
<b>3.</b>	<b>Policy Management</b>	
3.1	Is there a requirement for a new or revised management structure for the implementation of the Policy?	No
3.2	If YES attach a copy to this form.	n/a
3.3	If NO explain why.	Current management structure satisfactory
<b>4.</b>	<b>Consultation Process</b>	
4.1	Was there external/internal consultation?	Yes
4.2	List groups/persons involved	Joint Staff Consultative Forum
4.3	Have external/internal comments been included?	Yes
4.4	If external/internal comments have not been included, state why.	n/a
<b>5.</b>	<b>Implementation</b>	
5.1	How and to whom will the policy be distributed?	All employees via the intranet
5.2	If there are implementation requirements such as training please detail.	Ongoing via mandatory training
5.3	What is the cost of implementation and how will this be funded	No funding required
<b>6.</b>	<b>Monitoring</b>	
6.2	How will this be monitored	Workforce Reports
6.3	Frequency of Monitoring	Quarterly

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## DEFINITIONS

### Term

### Definition

#### **Bullying**

ACAS<sup>1</sup> characterises bullying as “behaviour from a person or group that’s unwanted and makes you feel uncomfortable, including feeling:

- Frightened (‘intimidated’)
- Less respected or put down (‘degraded’)
- You’re made fun of and it makes you feel uncomfortable (‘intimidated’)
- Upset (insulted or ‘offended’).

#### **Harassment**

As defined in the Equality Act 2010, harassment is:

Unwanted conduct, related to a protected characteristic, (other than marriage and civil partnership, and pregnancy and maternity) which has the purpose or effect of violating a person’s dignity; or creating an intimidating, hostile, degrading, humiliating or offensive environment for that individual.

Protected characteristics under the Equality Act 2010 covered by this policy are:

- Age
- Disability
- Gender reassignment
- Race
- Religion and belief
- Sex
- Sexual orientation

#### **Victimisation**

Victimisation can be defined as:

Where an individual is subjected to detriment because they have, in good faith, raised a concern or complained, either formally or informally, that they have been bullied or harassed, or supported someone to raise a concern or complaint or given evidence in relation to a complaint.

Examples and definitions of unacceptable behaviour that are covered by this policy but are not intended to be an exhaustive list are provided at Appendix 1.

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<sup>1</sup> <https://www.acas.org.uk/if-youre-treated-unfairly-at-work/being-bullied>

## **SECTION A – POLICY**

### **1. Policy Statement, Aims and Objectives**

- 1.1** NHS Sheffield Clinical Commissioning Group (CCG) promotes a safe, healthy and fair work environment that is free from bullying and harassment. The organisation firmly believes that it is the right of all employees to be treated with dignity and respect and to be protected from harassment, intimidation and bullying of any form at work.
- 1.2** All allegations of bullying and harassment will be taken seriously whether informal or formal. This will normally include an investigatory process. Where a case for bullying or harassment is established, corrective action will be taken in accordance with the Disciplinary Policy
- 1.3** The organisation will not tolerate victimisation of a person for making an allegation of bullying and harassment in good faith or of an individual supporting someone to make such a complaint.
- 1.4** The organisation's liability may extend to both 'official' and 'unofficial' social activities. These may be deemed to be an extension of the workplace. The organisation may have a duty of care in respect of such matters and will investigate all complaints of inappropriate or improper conduct whether they are alleged to have occurred in or outside of the workplace.
- 1.5** The development of this policy:
- Ensures that all complaints of bullying and harassment are dealt with objectively, quickly, sensitively and confidentially;
  - Ensures the organisation provides a safe working environment in which bullying and harassment will not be tolerated;
  - Enables employees who become the victim of bullying and harassment to use this policy and procedure as a mechanism to protect themselves from further victimisation;
  - Enables appropriate support to victims of bullying and harassment;
  - Is not intended to deal with occasional lapses of good manners, unless a pattern of behaviour emerges that is perceived to be offensive or intimidating.

### **2. Legislation and Guidance**

- 2.1** The following legislation and guidance has been taken into consideration in the development of this policy:
- ACAS (Advisory, Conciliation and Arbitration Service) A Guide for Managers and Employers Bullying and Harassment at Work 2014.
  - Equality Act 2010
  - Health and Safety at Work Act 1974

### 3. Scope

3.1 This policy applies to those members of staff that are directly employed by NHS Sheffield CCG and for whom NHS Sheffield CCG has legal responsibility. Seconded staff are covered by the policy of their employing organisation. For those staff covered by a letter of authority / honorary contract or work experience, this policy is also applicable whilst undertaking duties on behalf of NHS Sheffield CCG or working on NHS Sheffield CCG premises and forms part of their arrangements with NHS Sheffield CCG. As part of good employment practice, agency workers are also required to abide by NHS Sheffield CCG policies and procedures, as appropriate, to ensure their health, safety and welfare whilst undertaking work for NHS Sheffield CCG.

### 4. Accountabilities and Responsibilities

4.1 Overall accountability for ensuring that there are systems and processes to effectively manage allegations of bullying and harassment lies with the Accountable Officer. Responsibility is delegated to the following:

<p><b><i>Deputy Accountable Officer</i></b></p>	<ul style="list-style-type: none"><li>• Maintaining an overview of the corporate ratification and governance process associated with the policy.</li><li>• Ensuring that the policy is applied fairly, consistently and in a non-discriminatory manner.</li></ul>
<p><b><i>Human Resources</i></b></p>	<ul style="list-style-type: none"><li>• Leading the development, implementation and review of the policy.</li><li>• Advise and train managers on all aspects of dealing with an allegation of bullying/ harassment in accordance with employment legislation and best practice.</li><li>• Supporting managers and employees with queries relating to the policy and procedure</li><li>• Support the informal and formal processes of this policy.</li><li>• Ensuring all complaints of bullying/ harassment are treated sensitively and in confidence as far as practicable to ensure a thorough investigation of each case.</li><li>• Sourcing and delivering where appropriate of relevant training in relation to the prevention of bullying and harassment</li><li>• Facilitating access to relevant support systems such as occupational health, counselling and mediation.</li></ul>

***Appointing  
Officers/ Line  
Managers***

- Ensuring they understand and adhere to their obligations in relation to this policy.
- Ensuring their own behaviour cannot be construed as bullying or harassment by acting with dignity, fairness and respect.
- Ensuring third parties are made aware that bullying or harassment of employees will not be tolerated and take appropriate action where necessary.
- Promoting a culture that positively emphasises model behaviour and respects the personal dignity of employees.
- Ensuring that offensive or potentially offensive language and material is not displayed in the workplace
- Ensuring all employees are aware of the CCG's values and behaviours
- Ensuring that any employee who has raised or intends to raise an allegation of bullying or harassment is not victimised.
- Maintaining the confidentiality of any information concerning cases of alleged bullying or harassment.
- Acting as soon as possible when becoming aware of any concerns about bullying or harassment and before a formal complaint is raised where possible.
- Actively challenging behaviour that may constitute bullying or harassment and taking prompt action to stop harassment and bullying. By pointing out that the behaviour is unacceptable, managers may be able effectively to put a stop to the problem without the need for further formal action.
- Ensure employees are aware of this policy including referring new employees to the policy as part of their induction process.

<p><b>All Employees</b></p>	<ul style="list-style-type: none"> <li>• Ensuring they understand their responsibilities in relation to this policy.</li> <li>• Being responsible for their own behaviour and how that affects others.</li> <li>• Respecting the personal dignity of all colleagues.</li> <li>• Ensuring they understand the appropriate mechanism to raise grievances and their responsibilities in relation to this policy.</li> <li>• Reporting any concerns about bullying or harassment to an appropriate person as soon as they become aware.</li> <li>• Undertaking training required by the organisation on the prevention of bullying and harassment.</li> <li>• Ensure they are supportive to individuals who state they have been bullied or harassed and take full account of their feelings and perceptions of the situation</li> <li>• Encourage those individuals to seek help from an appropriate source</li> <li>• Refrain from participating in, encouraging or condoning gossip related to cases of alleged or actual bullying or harassment;</li> </ul>
<p><b>Staff Side</b></p>	<ul style="list-style-type: none"> <li>• Ensuring they are familiar with the policy and procedure.</li> <li>• Advising and representing employees who are members of a recognised Trade Union and to be committed to resolve any complaints of bullying and harassment informally where possible</li> <li>• Assisting employees in the preparation of a written statement and encourage employees to provide a clear explanation of the allegations with supporting evidence, where possible.</li> <li>•</li> </ul>
<p><b>Freedom to Speak Up Guardians</b></p>	<ul style="list-style-type: none"> <li>• Act in an independent and impartial capacity, listening to employees and supporting them by signposting on how to raise concerns they may have by using the available structures and the Dignity at Work Policy, should there be concerns of bullying and harassment.</li> </ul>

<b><i>Local Counter Fraud Specialist (LCFS)</i></b>	<ul style="list-style-type: none"> <li>• Provide advice and support on issues which may involve fraudulent activities.</li> </ul>
<b><i>Safeguarding Specialist</i></b>	<ul style="list-style-type: none"> <li>• Provide advice and support on issues which may involve abuse or other inappropriate behaviour towards a child or vulnerable adult.</li> </ul>
<b><i>Mediators</i></b>	<ul style="list-style-type: none"> <li>• Formally trained as a workplace mediator who will attempt to facilitate those involved in any concerns about dignity at work to work together to come to an agreement</li> </ul>

## **5. Dissemination, Training and Review**

### **5.1 Dissemination**

The effective implementation of this policy will support openness and transparency. NHS Sheffield CCG will:

- Ensure all employees and stakeholders have access to a copy of this policy via the organisation's website.
- Ensure employees are notified by email of new or updated policies.

### **5.2 Training**

All employees will be offered relevant training commensurate with their duties and responsibilities. All CCG staff are required to undertake bullying and harassment prevention training as stipulated in the Mandatory and Statutory Training Matrix and in accordance with the Induction and MAST Policy

Employees requiring support should speak to their line manager in the first instance. Support may also be obtained through Human Resources. The Policy should be read in conjunction with:

- Grievance Policy
- Disciplinary Policy
- Performance Policy
- Sickness Absence Policy
- Whistleblowing Policy

### **5.3 Review**

- 5.3.1** As part of its development, this policy and its impact on staff, patients and the public has been reviewed in line with NHS Sheffield CCG's Equality Duties. The purpose of the assessment is to identify and if possible remove any
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disproportionate adverse impact on employees, patients and the public on the grounds of the protected characteristics under the Equality Act.

**5.3.2** The policy will be reviewed every three years, and in accordance with the following on an as and when required basis:

- Legislatives changes
- Good practice guidelines
- Case law
- Significant incidents reported
- New vulnerabilities identified
- Changes to organisational infrastructure
- Changes in practice

**5.3.3** Policy management will be performance monitored to ensure that procedural documents are in-date and relevant to the core business of the organisation. The results will be published in the regular Governance Sub Committee Reports.

## **SECTION B – PROCEDURE**

### **1. Principles**

- 1.1** If an employee feels they are being bullied and/or harassed they should approach the alleged bully/harasser in order to tell them that they are offended by their behaviour, how their behaviour offends them and to ask them to stop.

If the employee feels unable to approach the alleged bully/harasser, the employee should raise their concerns informally with their line manager/ other appropriate manager/ Human Resources, providing they feel able to do so. Employees may wish to seek advice from their Trade Union Representative.

If the problems/issues is about the employee's line manager, the individual may raise these with the next level of management.

- 1.2** Managers are required to act promptly and in line with this policy upon any complaint of bullying or harassment whether informal or formal. See sections 5 and 6 of this procedure.
- 1.3** Failure to act upon any complaint of bullying or harassment whether informal or formal will be regarded as misconduct, which if proven, will result in disciplinary action. Details of all complaints should be notified to Human Resources for recording in compliance with legislation and good practice.
- 1.4** An employee will not be victimised for making a complaint of bullying or harassment. A line manager shall not threaten either explicitly or implicitly that an employee's complaint of bullying and harassment will be used as a basis for decisions affecting that employee.
- 1.5** If it is considered that one of the parties concerned in a bullying or harassment case should be moved from the workplace, then as a matter of principle, the organisation will normally remove the alleged harasser rather than the complainant. However, this will depend on the nature of the complaint and the circumstances at the time as in some cases it may be more appropriate to remove the complainant. There is no implied guilt on moving either party and this will not have a detrimental effect of the investigation.

### **2. Confidentiality**

- 2.1** An employee who raises concerns regarding bullying and harassment has the same right to confidentiality as any other employee. Wherever possible, actions should be taken to protect the confidentiality of the employee where this has been expressly requested and also that of the alleged bully or harasser. A breach of confidentiality will normally constitute a disciplinary offence and will be dealt with in accordance with the Disciplinary Policy.
- 2.2** Information about concerns raised and the process being followed should not normally be disclosed to others unless the employee or the alleged bully or

harasser is presenting a risk to themselves or others or where the matter is deemed to be so serious that it would be unacceptable not to investigate the matter further. For these reasons, at the commencement of any discussion with the employee, they must be advised that confidentiality will be, as far as reasonably possible, maintained, dependent upon the seriousness of the matter.

- 2.3** A decision to disclose information without consent must be justified. Where information is to be disclosed, the employee and the alleged bully or harasser must be advised of this intention and advised of the reasons for this.
- 2.4** Where an employee believes that a breach of confidentiality has occurred which the employee feels is unjustified, they have the right to challenge this via the Grievance Policy.

### **3. Records**

- 3.1** Human Resources will be responsible for maintaining records of all reported cases of bullying and harassment and will be responsible for the creation, storage and subsequent archiving of case files.
- 3.2** Employees are encouraged to keep notes of any instances of bullying or harassment which may assist them should they wish to pursue a formal course of action.
- 3.3** Line managers should maintain accurate records of any discussions, either on an ad hoc basis or via 1:1 meetings that raise concerns regarding bullying or harassment.
- 3.4** Where a formal complaint is unsubstantiated no records will be held on personal files however details of the complaint will be held centrally in Human Resources.
- 3.5** Where a complaint is substantiated or partially substantiated but does not result in a disciplinary sanction, a letter confirming the outcome will be retained on the personal file for a period of 12 months.
- 3.6** Where a case of bullying or harassment results in a disciplinary hearing the records will be stored in accordance with the Disciplinary Policy.

### **4. Support Services**

#### **4.1 Workplace Mediation**

- 4.1.1** Mediation is a voluntary, informal process and may be considered at any stage of this procedure to help resolve issues between individuals. It may be used in situations such as:

- Dealing with conflict between colleagues or between a line manager and

staff;

- Rebuilding relationships after a formal dispute has been resolved;
- Addressing a range of issues including relationship breakdown, personality clashes, communication problems etc.

**4.1.2** It should be noted that not all cases will be suitable for mediation and that both parties must be in agreement for it to proceed.

**4.1.3** The mediator is responsible for the process of seeking to resolve the issue but not the outcome, which will be agreed between the individuals.

**4.1.4** Mediators are trained in mediation and can either be an internal employee or an external individual such as an ACAS facilitator. A decision as to whether an internal or external mediator will be used will be decided on a case by case basis.

## **4.2 Trade Union/ Staff Side Representatives**

**4.2.1** Employees are encouraged to seek advice from their Trade Union/ Staff Side representative in relation to concerns regarding bullying and harassment and facilitation of a meeting between the complainant and the alleged bully/ harasser if required.

## **4.3 Human Resources**

**4.3.1** Human Resources will provide support and advice in the instigation of this policy and procedure. A Human Resources representative will be appointed as joint investigating officer for any formal cases of bullying or harassment. Human Resources may also signpost employees to other support services and/or act as mediator if formally trained.

## **4.4 Occupational Health**

**4.4.1** Employees who experience symptoms of ill health as a result of bullying and/or harassment may be referred via their line manager or Human Resources to Occupational Health for assessment and advice on the management of their symptoms and impact on their ability to undertake their duties safely. For further information, employees should refer to the Management of Stress Policy or contact Human Resources.

## **4.5 Counselling Service**

**4.5.1** Employees may access the Staff Counselling Service either directly or via their line manager or Human Resources. A counsellor may also be able to assist the employee in discussing the matter and offering appropriate support. For further information, employees should refer to the intranet or Human Resources.

## **5. Informal Resolution**

- 5.1** Often individuals are unaware that their behaviour is unwelcome or perceived as offensive and an informal discussion can lead to greater understanding and agreement that the behaviour will cease.
- 5.2** Employees are advised, where they feel able, to deal with bullying and harassment in the first instance informally, making it clear to the alleged harasser that their actions are unwanted and should not be repeated. This may be done verbally or in writing.
- 5.3** It is recommended that employees keep a record of any incident(s) including dates, times, witnesses, and written documentation.
- 5.4** If the employee feels unable to approach the alleged bully/harasser, the employee should raise their concerns informally with their line manager/ other appropriate manager/ Human Resources/Trade Union Representative. Individual circumstances will determine the exact nature of informal intervention. The individual may resolve their informal complaint by taking the following action:
- Taking a direct approach and stating to the individual undertaking the unwanted conduct that they find their behaviour is offensive, unwelcome and/ or that it interferes with the complainant's work. The complainant should make it clear that if the bullying/ harassing continues then they will make a formal complaint. This approach can only be taken if the complainant feels able to approach the alleged bully/ harasser. It is advisable for the employee to also inform their line manager that they are taking this approach so the manager can support them if required.
  - Taking a direct approach to the individual carrying out the unwanted conduct via the immediate line manager. The line manager facilitates a conversation and discusses the issues/situation with both parties. The manager will meet with the employee to discuss the issue(s) that have been raised and the desired outcome/resolution to be achieved from the informal process. The manager will do some initial fact finding in order to resolve the matter promptly and fairly. This will involve discussing the concerns with the employee who the concerns have been raised against as that individual must be given the opportunity to answer the concerns and put their side of the case to the manager. It may be appropriate at this point for the manager to arrange a facilitated discussion between the two parties with a view to resolving the issue and agreeing a way forward which may include workplace mediation.
  - Requesting mediation. This may be helpful if both parties are willing to discuss the situation openly with one another and should be facilitated by a trained mediator (see Section 4.1 – Workplace Mediation).
- 5.5** If the employee's own immediate line manager is the source of the alleged

bullying/harassment, then the matter may be raised with the next highest level of manager within the team. They should take appropriate action to resolve the matter informally between the two parties, as above, and if successful, no further action will be necessary.

**5.6** An individual who is made aware that their behaviour is unacceptable should:

- Listen carefully to the complaints and the particular concerns raised;
- Respect the other persons point of view and that they have a right to work in an environment that is free from bullying, harassment or intimidation;
- Remember that it is the other person's reaction/perception to their behaviour that is important;
- Agree the aspects of the behaviour that they will change;
- Review their general conduct/ behaviour at work and with other workplace colleagues.

**5.7** Notes should be made of any meeting between the complainant, the alleged bully/ harasser and any independent party and should be signed as an accurate record by all parties. The notes should be retained for future use should formal action be taken if the matter is not resolved.

**5.8** In all cases, if the matter is unable to be resolved informally the complainant should be advised of the right to make a formal complaint.

**5.9** In ensuring that the CCG exercises its duty of care to all staff in taking all reasonable steps to prevent and address bullying and harassment, in some cases, where allegations are serious and likely to warrant disciplinary action, the decision may need to be taken by a Director or Deputy Director in consultation with HR, to commission a formal investigation, even if a formal complaint has not been made. Where this is the case, it is important that individuals who have raised the concerns about bullying and/or harassment behaviour are given every opportunity to contribute to the decision making process and are kept fully informed of the decisions made and the reasons why.

## **6. Making a Formal Complaint**

**6.1** Formal procedures may be invoked when the informal stages of the Dignity at Work Policy have been exhausted or unsuccessful.. The formal process can also be instigated following the investigation of the facts when the outcome from the investigation finds that the nature and particulars of the complaint are sufficiently serious to warrant formal investigation.

**6.2** Formal complaints should be made in writing at the earliest opportunity to the

complainant's line manager or next highest level of manager if appropriate or to Human Resources. Whoever receives the complaint should inform the complainant of all options and possible outcomes and the implications of the organisation taking disciplinary action against the alleged bully/ harasser.

**6.3** The complainant must put their complaint in writing and submit it within 5 working days of the informal discussions taking place. The written complaint will serve as a formal statement and must be signed by the complainant. If longer than 5 working days is required due to the amount of evidence the complainant wishes to raise, a revised timeline should be agreed with the line manager. The statement should include:

- Name and job title of the alleged bully/harasser;
- The nature of the bullying/harassment e.g. treatment resulting in loss of dignity or respect, harassment, bullying etc;
- Dates, times and places where the incidents occurred;
- Names of any witnesses to incidents of bullying/harassment;
- Any action previously taken to stop the bullying/harassment. If no informal action has been taken, the employee must state why they have been unable to do so;
- The impact of the bullying/harassment on the complainant
- The outcome sought.

**6.4** If not already aware, the alleged bully/ harasser's line manager will be informed of the formal complaint and the alleged bully/ harasser will be informed verbally and then in writing of the complaint. Both will take place upon receipt of the formal statement. The information stated at section 6.3 will be shared with the person the complaint is being made against.

**6.5** Exclusion from work, temporary redeployment or relocation are actions that may be considered to protect either party. In the circumstances of an exclusion, the exclusion is not a disciplinary measure but will be undertaken in accordance with the Disciplinary Procedure.

## **7. Investigation**

**7.1** A thorough and impartial investigation should be commissioned by an appropriate senior manager and commence within 5 working days of receiving the complete signed complaint/ statement. A Human Resources representative will be assigned to undertake the investigation with either the line manager or another appropriate manager and it will be conducted in accordance with the principles set out in the Disciplinary Policy.

**7.2** The investigation will seek to establish the facts of the case and will include interviewing the complainant, the alleged bully/ harasser and any witnesses identified by either party. All parties will have the right to be accompanied by a Trade Union/ Staff Side representative or work colleague during the interview.

**7.3** Detailed statements will be taken and any other evidence will be collated.

**7.4** The investigation will be completed in a timely manner and the investigating officer will be responsible for keeping the complainant and the alleged bully/harasser informed of the progress of the investigation, in writing, on a regular basis (usually every 2 or 4 weeks as agreed at the start of the investigation). This communication should include an approximate timeline of when the investigation is likely to conclude.

**7.5** Upon conclusion of the investigation, the investigating officers will produce a full written report which will be submitted to the manager who commissioned the investigation.

## **8. Consideration of the Investigation Report**

**8.1** Upon receipt of the investigatory report, the manager who commissioned the investigation should form a view as to whether there is a case to answer under the CCG's Disciplinary Policy.

The conclusion may be that:

- there is no case to answer;
- some level of inappropriate behaviour has occurred but it is insufficient to initiate the formal disciplinary procedures and an alternative resolution must be found;
- the offence is of a serious enough nature to warrant a disciplinary hearing under the CCG's Disciplinary Policy.

**8.2** If a disciplinary hearing is warranted, the formal hearing will be conducted in line with the procedure and Scheme of Delegation outlined in the Disciplinary Policy.

**8.3** Following a hearing, where a formal warning has been issued or if an employee has been dismissed, they will have the right to appeal against the decision made as outlined in the Disciplinary Policy.

## **9. Conclusion of process**

**9.1** Following the process it may be necessary to consider relocation, redeployment, team building and other transitional arrangements. Therefore, following the completion of the process, the appropriate Manager and Human Resources need to meet with relevant members of staff, including the initial complainant, and discuss issues in relation to any of the following as soon as practically possible:

- Return to work/relocation
- Support structures

- Team building/conciliation
- External support
- Training issues
- Whether there is a need for future review

## **9.2**

- On completion of a case, whatever the outcome, management is responsible for maintaining dignity and respect at work including ensuring that victimisation does not take place. Victimisation occurs where a person is treated less favourably than another person because s/he has referred to or has asserted their rights under the relevant statutory provision, e.g. the Equality Act 2010 or raised a complaint under CCG policies. This would cover those bringing cases under this policy or acting as witnesses in any investigations or complaint.

## NHS SHEFFIELD CLINICAL COMMISSIONING GROUP – BULLYING AND HARASSMENT

### Bullying and Harassment – Key Points

- Bullying and harassment is behaviour that is unwanted by the individual to whom it is directed. It is the impact of the conduct and not the intent of the perpetrator that is the determinant.
- Bullying and harassment may be an isolated occurrence or repetitive and may occur against one or more individuals.
- Employees can complain of behaviour that they find offensive even if it is not directed at them.
- A complainant need not possess the relevant protected characteristic personally and can be because of their association with a person who has a protected characteristic or because they are wrongly perceived to have one, or are treated as if they do.
- An employee can make a complaint where they are harassed or bullied by an individual who does not work for the organisation.
- Bullying and harassment can take a number of forms including verbal, written, physical contact, visual images, email, telephone or social media.

### Examples of Unacceptable Behaviour

An individual making a complaint will usually define what they consider to be bullying and/ or harassment – something that has happened to them that is unwelcome, unwarranted and causes a detrimental effect.

The following is a non exhaustive list that the organisation deems unacceptable behaviour;

- Intrusion by pestering, spying, stalking
- Unnecessary or unwanted physical contact or invasion of personal space
- Sexually suggestive behaviour or compromising sexual invitation or demands
- Racial harassment including racist jokes or graffiti
- Displaying offensive material
- Unwarranted or suggestive remarks
- Verbal or written abuse including non-communication and deliberate and/ or inappropriate exclusion from social events
- Derogatory name calling and insults
- Threats of a physical or psychological nature
- Overbearing behaviour or language that causes fear or distress to others

- Abuse of power by someone in authority, or intimidation by junior staff towards a member of senior staff
- Incitement of others to commit harassment
- Electronic messages or electronic displays of sexually suggestive pictures or literature (including email and text message)
- Inappropriate or derogatory remarks in connection with performance or appraisal
- Inappropriate literature, pictures, books, etc.
- Unfair treatment
- Exclusion or victimisation

## NHS Sheffield CCG Equality Impact Assessment

<b>Title of policy or service</b>	Dignity at Work Policy	
<b>Name and role of officers completing the assessment</b>	HR & OD Business Partner	
<b>Date assessment started/completed</b>	October 2020	

1. Outline	
<p><b>Give a brief summary of your policy or service</b></p> <ul style="list-style-type: none"> <li>• Aims</li> <li>• Objectives</li> <li>• Links to other policies, including partners, national or regional</li> </ul>	<p>This policy aims to provide an agreed means for employees, to raise concerns regarding bullying and/ or harassment. NHS Sheffield CCG promotes a safe, healthy and fair work environment that is free from bullying and harassment. The organisation firmly believes that it is the right of all employees to be treated with dignity and respect and to be protected from harassment, intimidation and bullying of any form at work.</p>

## 2. Gathering of Information

This is the core of the analysis; what information do you have that indicates the policy or service might *impact on protected groups, with consideration of the General Equality Duty*.

	What key impact have you identified?			What action do you need to take to address these issues?	What difference will this make?
	Positive Impact	Neutral impact	Negative impact		
Human rights		✓			
Age		✓			
Carers		✓			
Disability		✓			
Sex		✓			
Race		✓			
Religion or belief		✓			
Sexual orientation		✓			
Gender reassignment		✓			
Pregnancy and maternity		✓			
Marriage and civil partnership (only eliminating discrimination)		✓			
Other relevant group					

Please provide details on the actions you need to take below.

<b>3. Action plan</b>				
<b>Issues identified</b>	<b>Actions required</b>	<b>How will you measure impact/progress</b>	<b>Timescale</b>	<b>Officer responsible</b>
None				

<b>4. Monitoring, Review and Publication</b>			
<b>When will the proposal be reviewed and by whom?</b>	Every 3 years on policy review		
<b>Lead Officer</b>	HR & OD Business Partner	<b>Review date:</b>	November 2023